

# Agenda – Children, Young People, and Education Committee

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Meeting Venue:	For further information contact:
Video Conference via Zoom	Naomi Stocks
Meeting date: 24 March 2022	Committee Clerk
Meeting time: 09.15	0300 200 6565
	<a href="mailto:SeneddChildren@senedd.wales">SeneddChildren@senedd.wales</a>

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## Private pre-meeting

(08.45 – 09.15)

### 1 Introductions, apologies, substitutions and declarations of interest

(09.15)

### 2 Peer on peer sexual harassment among learners – evidence session 6

(09.15 – 10.15)

(Pages 1 – 31)

Laura Doel, Director, National Association of Head Teachers (NAHT) Cymru

Chris Parry, National Association of Head Teachers (NAHT) Cymru

Eithne Hughes, Director of the Association of School and College Leaders (ASCL) Cymru

Attached Documents:

Research Brief

Paper 1 – Association of School and College Leaders (ASCL) Cymru

## Break

(10.15 – 10.25)



### **3 Peer on peer sexual harassment among learners – evidence session 7**

(10.25 – 11.25)

(Pages 32 – 39)

Mary van den Heuvel, Senior Policy Officer, National Education Union (NEU)

Mairead Canavan, NEU District Secretary for the Vale of Glamorgan, and NEU Executive member

Rebecca Williams, Deputy General Secretary and Policy Officer, Undeb Cenedlaethol Athrawon Cymru (UCAC)

Attached Documents:

Paper 2 – Undeb Cenedlaethol Athrawon Cymru (UCAC) (Welsh only)

Paper 2 – Undeb Cenedlaethol Athrawon Cymru (UCAC) (Translation)

### **Break**

(11.25 – 11.35)

### **4 Peer on peer sexual harassment among learners – evidence session 8**

(11.35 – 12.35)

Kelly Harris, Business Development and Participation Lead, Brook Cymru

Iestyn Wyn, Campaigns, Policy and Research Manager

Sophie Weeks, Head of Public Affairs and Communications, Welsh Women's Aid

### **Lunch Break**

(12.35 – 13.00)

### **5 Peer on peer sexual harassment among learners – evidence session 9**

(13.00 – 13.30)

(Pages 40 – 47)

Professor EJ Renold, Cardiff University

Attached Documents:

Paper 3 – Professor EJ Renold

## **Break**

(13.30 – 13.40)

## **6 Peer on peer sexual harassment among learners – evidence session 10**

(13.40 – 14.10)

Kerry Packman, Executive Director of Programmes, Membership and Charitable Services, ParentKind

Ceri Reed, Director, Parents Voices in Wales

## **Break**

(14.10 – 14.20)

## **7 Peer on peer sexual harassment among learners – evidence session 11**

(14.20 – 14.50)

Lowri Jones, Director at Gwersyll Llangrannog, Urdd Residential Centre

Sally Thomas, UK Girls' Rights Policy & Advocacy Manager, Plan UK International

Siobhan Parry, Head of Young People's Services, Platfform

## **8 Papers to note**

(14.50)

## **8.1 Forward work programme**

(Pages 48 – 49)

Attached Documents:

Letter from the Chief Executive of Powys Teaching Health Board – CYPE(6)–07–22 – Paper to note 1

## **8.2 Welsh Government Draft Budget 2022–23**

(Pages 50 – 78)

Attached Documents:

Welsh Government response to the recommendations from the Children, Young People and Education Committee report – CYPE(6)–07–22 – Paper to note 2

## **8.3 Scrutiny of the Children's Commissioner for Wales Annual Report**

(Pages 79 – 87)

Attached Documents:

Paper on the Children's Commissioner for Wales' legal powers and remit – CYPE(6)–07–22 – Paper to note 3

## **8.4 Committee Timetable**

(Page 88)

Attached Documents:

Letter from the Chair of the Children, Young People and Education Committee to the Llywydd – CYPE(6)–07–22 – Paper to note 4

## **8.5 Priorities for the Children, Young People and Education Committee**

(Pages 89 – 118)

Attached Documents:

Letter from the Chair of the Children, Young People and Education Committee to the Welsh Government – CYPE(6)–07–22 – Paper to note 5

## **8.6 Tertiary Education and Research (Wales) Bill**

(Pages 119 – 121)

Attached Documents:

Letter from Natspec – CYPE(6)–07–22 – Paper to note 6

## **8.7 Tertiary Education and Research (Wales) Bill**

(Pages 122 – 123)

Attached Documents:

Letter from the Minister for Education and Welsh Language – CYPE(6)–07–22  
– Paper to note 7

## **8.8 Tertiary Education and Research (Wales) Bill**

(Pages 124 – 130)

Attached Documents:

Letter from the Minister for Education and Welsh Language to the Chair of  
the Legislation, Justice and Constitution Committee – CYPE(6)–07–22 – Paper  
to note 8

## **9 Motion under Standing Order 17.42(ix) to resolve to exclude the public from the remainder of this meeting and for the whole of the meeting on 31 March**

(14.50)

## **10 Peer on peer sexual harassment among learners – consideration of the evidence**

(14.50 – 15.00)

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## **CYPE(6)-07-22 – Paper 1**

ASCL's submission ahead of the meeting – paper which was written with the involvement of ASCL UK

<https://www.ascl.org.uk/ASCL/media/ASCL/Our%20view/Campaigns/Understanding-and-combatting-youth-experiences-of-image-based-sexual-harassment-and-abuse-full-report.pdf>

# Agenda Item 3

CYPE(6)-07-22 - Paper 2



www.ucac.cymru

Mis Mawrth 2022

## Aflonyddu rhywiol rhwng cyfoedion ymhlith dysgwyr

Mae UCAC yn cyflwyno'r papur hwn i'r Pwyllgor Plant, Pobl Ifanc ac Addysg cyn rhoi tystiolaeth lafar ar ddydd Iau, 24 Mawrth. Yn ogystal, rydym yn bwriadu cyflwyno tystiolaeth ysgrifenedig i'r ymgynghoriad erbyn y dyddiad cau ar 1 Ebrill.

### 1. Problem ddifrifol

- 1.1. Cytunwn yn llwyr gyda dadansoddiad Estyn yn ei adroddiad thematig "Dydyn ni ddim yn dweud wrth ein hathrawon": Profiadau o aflonyddu rhywiol rhwng cyfoedion ymhlith disgyblion ysgolion uwchradd yng Nghymru' (Rhagfyr 2021) fod hon yn broblem sylweddol iawn ei maint ac yn un y mae'n rhaid ei gymryd o ddifrif. Mae aflonyddu rhywiol yn effeithio'n uniongyrchol ar les dysgwyr ac yn naturiol felly ar eu gallu i ddysgu a datblygu. Mewn amrywiol ffyrdd, mae'n effeithio mewn modd dinistriol ar y gymuned ysgol gyfan.
- 1.2. Nodwn fod llawer o'r elfennau sydd wrth wraidd yr aflonyddu sy'n digwydd rhwng cyfoedion mewn ysgolion (oddi fewn a thu hwnt i leoliadau ac oriau ysgol) â'u gwreiddiau yn y gymdeithas ehangach. Mae'r mathau o ymddygiad y mae Estyn wedi'u nodi yn seiliedig ar agweddau ac ymddygiad y mae'r dysgwyr wedi'u gweld a'u clywed yn eu cartrefi a'u cymunedau, a/neu ar y cyfryngau, gan gynnwys y cyfryngau cymdeithasol yn arbennig.
- 1.3. Felly nid problem ysgolion yn unig yw hon, ac nid yw ysgolion ar eu pennau eu hunain yn mynd i ddatrys y broblem. Fodd bynnag, yn yr un modd â heriau cymdeithasol ehangach eraill, mae rôl bwysig gan ysgolion i'w chwarae – rôl warchodol, wareiddiol a thrawsnewidiol. Yn ogystal, mae gan ysgolion ddyletswydd gofal i'w dysgwyr ac i'w staff.
- 1.4. Am y rhesymau hynny, rydym yn croesawu adroddiad Estyn ac ymchwiliad y Pwyllgor i'r mater, gyda phwyslais ar adnabod maint a natur yr her, ac ar argymhell camau cadarnhaol penodol i geisio creu cymunedau ysgol mwy diogel, gyda'r bwriad o gyfrannu at greu cymdeithas fwy diogel dros amser.

### 2. Ymagwedd ysgol gyfan: Ethos a diwylliant

- 2.1. Yn union fel y gwaith ar les a iechyd meddwl, dim ond ymagwedd ysgol gyfan fydd yn llwyddo wrth fynd i'r afael â'r heriau hyn. Nid yw'n fater i arweinwyr, nac i staff bugeiliol, yn unig. Mae'n fater perthnasol, ac yn wir, yn fater o flaenoriaeth, i bob aelod o staff a phob dysgwr, yn ogystal â theuluoedd.
- 2.2. Mae'n ymwneud â chreu a chynnal ethos a diwylliant positif sy'n seiliedig ar barch at bawb, ac sy'n hyrwyddo cydraddoldeb yn rhagweithiol ym mhob agwedd o weithgarwch yr ysgol. Mae angen i bob aelod o gymuned yr ysgol ddeall nad oes unrhyw le yn niwylliant yr ysgol i fwlio nac aflonyddu o unrhyw fath, ac y caiff pob achos ei drin â'r difrifoldeb priodol. Mae angen i'r ethos a'r diwylliant anelu at sicrhau bod yr ysgol yn ofod diogel i bawb, ble all pawb fod yn hyderus yn eu hunaniaeth.

2.3. Bydd angen cefnogaeth ar ysgolion i ysgogi a chefnogi'r gwaith o sefydlu'r ethos. Mewn llawer o achosion, bydd cefnogaeth 'gyffredinol' (e.e. adnoddau, datblygiad proffesiynol) yn ddigonol. Mewn achosion eraill, ble mae angen newid diwylliant sydd wedi mynd yn broblematic, dylai bod cefnogaeth arbenigol wedi'i deilwra i'r ysgol a'r sefyllfa benodol ar gael, a hynny dros gyfnod o amser.

### 3. Addysg 'ffurfiol'

3.1. Yn ogystal â'r diwylliant ac ethos cyffredinol, mae angen i ysgolion sicrhau lle priodol ar draws y cwricwlwm ar gyfer ymwneud â materion perthnasol, a hynny mewn dull sensitif.

3.2. Unwaith eto, byddai cefnogaeth o ran adnoddau a datblygiad proffesiynol yn y maes hwn yn hynod o fuddiol. Ble mae'r cyfleoedd ar draws y cwricwlwm? Pa ddulliau ellir eu defnyddio (e.e. siaradwyr allanol, theatr mewn addysg, grwpiau trafod)? Sut i sicrhau bod yr ymdriniaeth yn addas a phriodol? Sut i ragweld ac osgoi peryglon, a delio gyda sefyllfaoedd anodd all godi wrth ymdrin â materion sensitif; hynny yw, sut i sicrhau gofod diogel.

3.3. Wrth reswm, rhaid i'r ymdriniaeth fod yn addas at oedran y dysgwyr, ond mae angen sylw yn ogystal at aeddfedrwydd, waeth beth yw'r oedran cronolegol. Efallai y bydd yn briodol ar adegau i gynnal sesiynau i grwpiau ar wahân e.e. bechgyn a merched, dysgwyr LGBTQ+ (neu grwpiau penodol oddi fewn i'r categori eang ac amrywiol hwn), dysgwyr sy'n newid eu rhyw neu sy'n drawsryweddol.

3.4. Mae llawer o waith da wedi digwydd mewn ysgolion dros y blynyddoedd diwethaf mewn perthynas â chodi ymwybyddiaeth ynghylch trawma, gan gynnwys trawma plentyndod cynnar. Mae hyn yn uniongyrchol berthnasol i unrhyw ymdriniaeth gwricwlaidd â materion allai fod yn 'triggers' ar gyfer profiadau mae dysgwyr (neu staff) wedi'u cael, ac efallai nad yw'r ysgol yn ymwybodol ohonyn nhw. Nid ar chwarae bach yr ymdrinnir â'r materion hyn, a dyna pam bod angen y gefnogaeth arbenigol, gref ar ysgolion i sicrhau eu bod yn barod i wynebu'r her.

### 4. Sut i ymateb i ddigwyddiadau ac achosion

4.1. Mae dwy agwedd, o leiaf, i sicrhau ymateb priodol i achosion o aflonyddu. Un yw sicrhau lefel o **ymwybyddiaeth** ymhlith staff a dysgwyr, a'r llall yw sicrhau bod **polisiau a phrosesau priodol** yn eu lle, ac yn cael eu gweithredu'n gywir.

#### 4.2. Ymwybyddiaeth

- Bydd y gwaith o sefydlu a chynnal diwylliant ac ethos o barch yn rhan o'r gwaith o godi ymwybyddiaeth. Mae angen dealltwriaeth ar y cyd, ar draws y gymuned ysgol, o'r mathau o ymddygiad sy'n dod dan bennawd aflonyddu – yr hyn nad yw'n dderbyniol yng nghymuned yr ysgol, na thu hwnt, yn y gymdeithas ehangach.
- Bydd angen i bawb, yn staff ac yn ddisgwyr, wybod sut orau i ymateb os fyddant yn dyst i aflonyddu, neu'n destun aflonyddu eu hunain, er mwyn cadw'n ddiogel, osgoi gwaethygu'r sefyllfa, a sicrhau yr ymdrinnir yn briodol â'r mater.

- Er mwyn sicrhau'r uchod, bydd datblygiad proffesiynol i holl staff yr ysgol yn hanfodol, a bydd angen sicrhau bod y negeseuon priodol yn cael eu trosglwyddo'n briodol, ac yn gyson i ddysgwyr

#### 4.3. Polisiâu a phrosesau

- Bydd cael polisi neu bolisiâu clir a chadarn yn y maes hwn yn greiddiol ar gyfer gweithredu. Fel gydag unrhyw bolisiâu a phrosesau bydd angen sicrhau ymwybyddiaeth briodol ohonynt, a sicrhau y cânt eu gweithredu'n gyson ac yn effeithiol. Byddai angen i'r polisiâu hyn gynnwys adrannau ynghylch adrodd, cofnodi, dadansoddi, a'r cydberthynas gyda pholisiâu eraill megis Polisi Diogelu/Amddiffyn Plant, Polisi Diogelwch Arlein.
- Agweddau pwysig eraill o bolisiâu a phrosesau'r ysgol yw:
  - sut i ymdrin â'r sawl sydd wedi gwneud yr aflonyddu; mae'n debygol mai ymagwedd adferol (*restorative*) fyddai ei angen, yn sicr yn y lle cyntaf
  - sut i gefnogi'r sawl sydd wedi dioddef yr aflonyddu
  - sut i gefnogi staff, neu ddysgwyr eraill, sydd wedi ymwneud â'r digwyddiad/au
- Mae rôl gan Awdurdodau Lleol a/neu Lywodraeth Cymru i sicrhau polisiâu enghreifftiol priodol, ac i sicrhau y cânt eu diweddarau'n gyson i adlewyrchu newidiadau yn y maes.
- Yn sicr bydd rôl i wasanaethau ehangach wrth ymdrin â'r camau yn 4.1.5. Trafodwn hynny isod.

#### 5. Isadeiledd a gwasanaethau allanol

- 5.1.** Rhaid cydnabod sensitifrwydd a chymhlethdod sefyllfaoedd sy'n codi mewn perthynas ag aflonyddu rhywiol. Tra bod modd i ysgolion ddelio gyda rhai agweddau o'r materion hyn, gyda'r cymorth a'r gefnogaeth briodol a amlinellir uchod, nid oes modd disgwyl i ysgolion ddelio â phob agwedd eu hunain. Mae rôl greiddiol i wasanaethau arbenigol allanol.
- 5.2.** Mae angen i ysgolion wybod beth yw'r gwasanaethau sydd ar gael, a phryd/sut i gyfeirio aelodau o gymuned yr ysgol atynt.
- 5.3.** Gall y rhain fod yn wasanaethau sy'n:
- helpu'r ysgol fel gymuned gyfan i sefydlu neu newid diwylliant ac ethos
  - camu mewn i weithio gydag unigolion neu grwpiau penodol o ddysgwyr, ac o bosib eu teuluoedd, os yw eu hymddygiad annerbyniol yn parhau er gwaethaf ymdrechion yr ysgol
  - rhoi cefnogaeth arbenigol i'r sawl sydd wedi dioddef aflonyddu rhywiol
  - rhoi cefnogaeth i'r sawl sydd wedi bod yn dyst i aflonyddu, neu sydd wedi bod yn rhoi cefnogaeth i ddioddefwr/wyr

**5.4.** Mae trafodaethau diweddar ynghylch ysgolion cymunedol, a dulliau o ganoli gwasanaethau ehangach o gwmpas ysgolion yn hynod o berthnasol yn y cyd-destun hwn, gan gynnwys y potensial fyddai ganddynt i gydweithio gyda theuluoedd a'r gymuned ehangach all fod mor ddylanwadol ar ddysgwyr

## **6. I gloi**

**6.1.** Nid oes unrhyw amheuaeth bod aflonyddu rhywiol ymhlith cyfoedion yn broblem ddifrifol yn ein hysgolion.

**6.2.** Mae cyfrifoldeb ar ysgolion i gydnabod y sefyllfa ac i'w chymryd o ddifrif.

**6.3.** Mae cyfrifoldeb ar y system addysg (gan gynnwys Llywodraeth Cymru, awdurdodau lleol a sefydliadau eraill), a gwasanaethau ehangach i ymateb mewn ffordd gydlynus i gefnogi ysgolion yn eu hymdrechion i fynd i'r afael â materion sydd, o reidrwydd, yn sensitif ac yn gymhleth, ac sydd yn aml y tu hwnt i arbenigedd a chapasiti arferol ysgolion i ddelio â nhw.

### **6.4. Dylai:**

- **creu cymunedau ysgol sy'n ofodau mor ddiogel a chynhaliol â phosib**
- **siapio dysgwyr fydd yn mynd allan i'r byd gydag agweddau'n seiliedig ar barch a chydraddoldeb**

**fod yn nodau system-gyfan. Bydd angen llawer o gydweithio i sicrhau hynny.**

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# Agenda Item 5

## CYPE(6)-07-22 – Paper 3

Cyflwynwyd yr ymateb hwn i ymchwiliad y [Pwyllgor Plant, Pobl Ifanc ac Addysg ynghylch aflonyddu rhywiol rhwng cyfoedion ymysg dysgwyr](#)

This response was submitted to the [Children, Young People and Education Committee inquiry into Peer on peer sexual harassment among learners](#)

Ymateb gan: Yr Athro EJ Renold

Response from: Professor EJ Renold

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### 5. Your views

Record your views against the inquiry's terms of reference, which have been grouped into 5 themes:

1. Scale
2. Impact
3. Effectiveness of interventions
4. Wider context
5. Other

#### 5.1 Scale

- The scale and nature of the issue in education settings and how many learners are affected.
- The extent to which this issue also occurs outside the formal education setting, including online.
- Schools, colleges and local authorities' collection and use of bullying and harassment data.

There are over two decades of [research](#) into sexual bullying and harassment between children and young people within and beyond educational settings. There have also been some high profile government inquiries on sexual harassment in schools (Women and Equalities Committee 2016) and public spaces (Women and Equalities Committee 2018). In Wales, we have seen a range of guidance published by Welsh Government, from the statutory 2019 "Challenging Bullying: rights, respect and equality" guidance (which includes sexual, sexist, and homophobic, biphobic and transphobic bullying), and the more recent [2020 Peer sexual abuse, exploitation and harmful sexual behaviour](#). However, concerns have resurfaced since Soma Sara launched the Everyone's Invited movement in 2022 (Charnock [2021](#); Firmin [2020](#)), and both Ofsted and Estyn carried out their own inquiries.



The overwhelming key messages from research in this field confirm many of the findings in Estyn's own review into sexual harassment between young people. They include:

- 1) Verbal and non-contact sexual harassment between young people is widespread in schools and increasingly prevalent online ([Ringrose et al. 2021](#)) and in public spaces ([Renold et al. 2016](#)). 50% of secondary school students in Wales reported being called sexually offensive names by boys, and this increases with age (SHRN 2019).
- 2) Sexual harassment between young people disproportionately affects girls/women, gender and sexuality non-conforming young people and LGBTQ+ young people ([Renold et al. 2016](#), SHRN 2019).
- 3) Sexual harassment needs to be understood in the context of how harmful gender and sexual norms routinely regulate young people's identities, experiences of their body and appearance, their social activities (offline/online), and friendship and relationship cultures. These norms also underpin and are used to justify a range of harmful sexual behaviours.
- 4) Recent research into image-based harassment has shown that 66% of the requests for nude images that girls received came from people under the age of 18. Of those teenagers who requested girls' nudes, 39% came from a romantic or sexual partner, 36% came from a friend or acquaintance, and 21% came from a stranger. A key finding of this research was how masculinity norms motivate boys to solicit and/or forward nude images from girls ([Ringrose et al. 2021](#))
- 5) Sexual harassment is not confined to the secondary school or older teens. but is happening in the everyday lives of pre-teen children and in primary school. This includes heteronormative, homophobic, biphobic and transphobic harassment (see [Renold 2013](#); [Renold and Huuki 2015](#); [Renold et al. 2019](#)). However, little is known about image-based harassment amongst primary school aged children.
- 6) A growing number of young people are beginning to speak out about their experiences, particularly vis a vis social media, but also through gender equality or feminist youth clubs, and LGBTQ+ youth groups ([Mendez et al. 2018](#))
- 7) There is a rapidly expanding vocabulary that is providing young people with a language to describe not just types of sexual harassment (e.g. cyber-flashing, up-skirting, revenge porn, gaslighting etc) but concepts that are helping us understand the wider conducive cultures that enable sexual harassment in all its formations to thrive (e.g. rape culture, lad culture, toxic masculinity etc. ([Renold 2016](#)))
- 8) We are witnessing a wider range of collective movements, particularly online movements, which young people have access to, and participate in. Some of these are affirmative and focused on supporting and understanding victims' experiences of sexual harassment (e.g. 'Everyday Sexism' and 'Everyone's Invited'). Other movements are creating and inciting a complex culture of hate that perpetuates and discriminates against girls, women and gender and sexual minorities (e.g. Alt right groups and Incels, see [Ging 2018](#) ).

**NB. Terminology: the shift from sexual bullying to sexual harassment**

The concept of sexual harassment, rather than sexual bullying, is a welcome shift in terminology. The individualising logic of 'bullying', with its psychological categories of victim, perpetrator and bystander, struggle to address the social and cultural power relations that children are caught up in and negotiate on a daily basis.

'Harassment' can better capture the textual, verbal, physical, material, emotional and psychological sexual and gendered abuses of power in children's everyday peer cultures, relationships and social and cultural worlds more widely, including the routine and normalised



everyday sexism and rape culture circulating across their 'online' and 'offline' worlds and in wider media representations.

However, the ways in which both learners and schools understand what constitutes sexual harassment and/or sexual bullying informs what is reported. Moreover, the focus on defining the phenomenon through the available categories and reporting procedures, and not on the wider conducive social and cultural contexts within which sexual harassment thrives, often means that prevention programmes and pedagogy in this field are limited in scope at best, and driven by a shame and blame pedagogy at worst.

## 5.2 Impact

- The impact on pupils' learning, mental health and well-being.
- The impact on education settings and staff, for example in terms of discipline and the extent to which harassment among learners has become 'normalised'.
- The specific impacts on particular groups of learners (e.g., older pupils, girls, LGBTQ+ pupils, etc.).

*"Most of the girls, when something happens to them, like they get sexually assaulted or something they don't tell the teachers"* (age 14, [Renold and Timperley 2021](#), *Unboxing Relationships and Sexuality Education*).

As outlined above, sexual harassment, the normalisation of sexual harassment (offline and online) and the subtle and explicit ways in which sexual harassment is steeped in and consolidates gender and sexual norms is widespread in secondary schools, but begins in children's formative years. As the quote above illustrates, however, children and young people "don't tell the teachers". This is often due to a number of reasons including; feelings of discomfort, embarrassment and shame; a wider victim-blaming culture that is steeped in harmful gender and sexual norms; peer group dynamics and reporting on 'friends'; its normalisation and thus the futility of the reporting process.

Research on gender and sexual harassment has conclusively demonstrated that girls/young women, LGBTQ+ young people and those young people who are perceived not to conform to the normative categories of 'femininity', 'masculinity' and 'heterosexuality' are most at risk of discrimination, exclusion and abuse ([Mayo and Blackburn 2019](#); [Meyer, 2018](#); [Ging and Neary, 2019](#); [Renold et al. 2016](#)).

For example in relation to our research with young people aged 12-14 ([Renold, Bragg, Ringrose and Jackson 2016](#); 2018):

- Girls, gender/sexuality non-conforming youth and LGBTQ+ youth in particular reported feeling at risk of judgement based on norms around the body and appearance; pressures around heterosexual relationship cultures and heterosexual double standards.
- Just over one third (35%) of survey respondents agreed or strongly agreed that they had experienced sexual harassment because of their gender. Indeed, when young people did



not conform to heteronormative identity constructions or normative ideas about gender they could be subject to various forms of harassment, attacks or unwelcome regulatory sexual banter, especially in public places.

- While reporting was rare, those young people who did report experiencing sexual harassment in school, online and in public spaces, felt unsupported by schools or parents in dealing with these issues.

In research into the gender and sexual cultures of pre-teen children ([Renold 2013](#)) **most children age 10-12 reported either witnessing or experiencing direct or indirect incidents of sexual harassment, particularly slut-shaming and anti-gay talk** (at school, in the street, and online), with gender and sexual stereotypes used by children and some staff to justify these forms of harassment. Much of this occurred in and across the gendered and sexual dynamics of children's everyday peer cultures, and the severity and impact were context and locality specific. Moreover, young boyfriend-girlfriend cultures were a volatile mix of anxiety, pain, pleasure and power. Indeed, many children talked about group coercive sexual practices, such as being 'forced to kiss' in the playground by their peers, which urges us to shift our understandings from consent as a process between two individuals to consent as a social process negotiated in peer group cultures.

**\*Intersectionality matters** Central to understanding the impact of sexual harassment upon different groups of learners is paying attention to how sexism, heterosexism, racism, classism, ableism, homophobia, biphobia and transphobia work *together* in how sexual harassment is experienced and normalised (Pasco, 2011; Payne and Smith, 2012, 2018; Ringrose and Renold, 2010). Indeed the way that teachers and other educators (struggle to) understand the diverse ways in which intersectional gender norms impact upon young people's experiences of sexual harassment, informs the approach and effectiveness of school-based interventions and pedagogies.

### 5.3 Effectiveness of interventions

- The effectiveness of existing policies and guidance, and the identification of potential solutions and improvements.
- The effectiveness of the roles of a wide range of statutory bodies (including the police, social services, local authority education departments, pupil referral units and schools themselves) and the extent to which a multi-agency approach is being taken where appropriate.
- The effectiveness of the Welsh Government's response across all its relevant departments with a focus on education, social services and community safety and its inclusion of non-devolved services such as the police and the criminal justice system.



This section focuses specifically upon school-based interventions with an understanding that schools are key sites for prevention, protection and change.

International research shows that promising interventions in educational settings to address sexual harassment do so when they are proactive, not reactive (e.g. in response to a disclosure or incident); addressed within the full spectrum of gender-based and sexual violence; and situated within a rights and gender-equity based, trauma-informed, whole school approach. Some of these elements are summarised below:

**Cross-curricular:** A holistic, cross-curricular approach to sexual harassment, will include but does not stop and start with knowing the law, knowing how to report, or knowing where to seek advice. Rather, it uses the full curriculum, and within a whole school approach, to progressively explore how and why sexual harassment happens. For example, a upper secondary school project exploring the regulation of gendered clothing or gendered bodies through history and across different cultures (e.g. a project on 'skirts' or 'public toilets') could enable a rich exploration of how girls' and women's bodies have been objectified, sexualised and commodified, as public property and always under surveillance. This could be complimented by a fact-finding project on organisations and movements which have addressed 'street harassment' (e.g. [Hollaback](#), see Mendes, Ringrose and Keller, 2018) and 'cyber-flashing' (Ringrose et al. 2021). External providers with specific expertise could be drawn upon to support key topics/areas.

**Rights and Gender Equity:** Schools need to proactively find ways to address and advance a rights-based approach to gender *and* sexual equalities and equity. This could include, for example, providing resources and commitment to youth led feminist and LGBTQ+groups and using existing or co-creating new resources and curricula with young people that situates sexual harassment in a range of sites and spaces (from social media, to public places) and within a wide range of gender-based and sexual violence.

**Intersectional and global:** An intersectional and local and global understanding of power relations around girls and women's bodies, and understanding the nature and impact of sexual harassment across public, institutional *and* private spaces need to be prioritized in teacher training, curricula materials and dedicated RSE lessons.

**Pupil Voice:** Children and Young People's own understandings and experiences must be prioritized in the design and delivery of resources, strategies and prevention programmes in order to be relevant, responsive and developmentally appropriate. They must be affirmative in their approach, and mitigate against potential binary victim-blaming or perpetrator-shaming and in ways that are inclusive of all gender and sexual identity and expression. See the following two examples from a recent research project in Wales with young people, aged 13-17 (Renold and Timperley 2021) which highlights the limits to drop-down days and external providers:

*Rosa and Lissy (age 14) describe annual visits from a school community police officer in Year's 7 and 8. As part of the lesson the policeman shows the class a video on 'sexting'.*  
*Lissy: We were just sitting there for, like, two hours just talking to this police officer, who was talking at us, not with us, in terms of what to do and what not to do.*  
*Rosa: We learned about it, but all we really do is... like, they just tell us it's wrong and then show us a video, that's just kind of it.*



*Lissy: Yeah! I was just about to say about the video, it's the same video every year and it's still boring.*

*Rosa: It just looks really staged, it's not very... it's not very accurate, I don't think.*

*Lissy: Really stereotypical as well.*

*When asked about the kind of video they would create ...*

*Lissy: I would probably show, like, how you would actually deal with it, because at the end it just says, like, "Don't send nudes," not ... it doesn't talk about the, like, pressure, and how to, like, actually say no, it just says, "Don't do it," at the end.*

*Rosa: Like, it doesn't go into any, like, detail and also, it doesn't talk about how you shouldn't shame people when they get that kind of thing, like ... because people just shame them automatically and call them a slut. Or they, like, stereotype it, it's always the girl doing it to ... like, it's always the boy asking for it or something.*

*Lissy: Yeah... yeah, yeah, yeah. Yeah, it is'!*

*Rosa: I don't think there should be a video at all.*

**Trauma-informed:** All of the above, is part of what is being conceptualised as a trauma-informed approach to sexual harassment. A trauma-informed approach focuses on affirmative, empowering and transformative practices to address harmful sexual behaviours ([Renold, 2019](#); [Biglia and Alldred, 2015](#), [Jones et al., 2016](#)) and interventions that focus on collective (rather than individual) understandings, actions and solutions ([Fava and Bay-Cheng 2013](#)). Central here is knowing how to create a safe, non-judgemental and inclusive learning environment, across the whole school.

**Over 28 case studies that take a rights and equity based approach address gender-based and sexual harassment and violence in schools can be found in the AGENDA resource ([www.agendaonline.co.uk](http://www.agendaonline.co.uk), Renold 2019)**

#### 5.4 The wider context

- The impact of online content and influences on young people's attitudes, and the wider context of online safety and potential legislation at Westminster.
- The role of families, parents, and carers.
- The role of the new Curriculum for Wales in developing healthier attitudes towards relationships and sexuality issues.



## Image-based abuse and online safety

Space precludes an extensive response here, but the recent research by Ringrose et al. (2022) into understanding and combatting young people's experiences of image based sexual harassment includes a range of recommendations for schools, families, parents and carers. <https://www.ascl.org.uk/ASCL/media/ASCL/Our%20view/Campaigns/Understanding-and-combatting-youth-experiences-of-image-based-sexual-harassment-and-abuse-full-report.pdf>

As outlined above, it is vital that our understanding and interventions to address sexual harassment and image-based abuse in the context of young people's online learning and experience is not viewed in isolation from their 'off-line' worlds. They are part of the same social and cultural landscape.

While new laws and legislation, such as the new offence of 'cyber-flashing' in the Online Safety bill are crucial and welcome, they must be accompanied with an educational response that both joins-up and goes beyond the existing policy-focused guidance that is rarely accompanied by a fully resourced and evidence based robust professional learning framework.

## Wales' forthcoming RSE and the need for specialist RSE professional learning

Wales' new forthcoming cross-curricular statutory [Relationships and Sexuality Education](#), has rights, equity, empowerment, and a whole school approach as key principles for RSE provision.

The [RSE code](#) enables schools to begin creating safe, inclusive and empowering learning environments to explore the fundamentals of rights, consent and gender equity from the early years. And while the third strand in the RSE code, "Empowerment, Safety and Respect" focuses on how "*Learners need to develop an understanding of the social, emotional, physical and legal nature and impact of harmful behaviours, including all bullying, and LGBTQ+ based bullying, sexual violence and gender-based violence in a range of contexts, including online*". This focus on understanding harm is embedded in a range of rights and equity 'what matters' statements that support learners to understand the role of harmful gender and sexual norms in influencing social interactions, behaviours and relationships, and how sex, gender and sexuality rights have changed over time and around the world. The code thus provides schools to develop a holistic approach and a progressive scaffolding, that if realised, can enable schools to address sexual harassment across the curriculum and as part of a whole school approach.

However, as I have repeatedly outlined in previous inquiries and consultations one of the biggest challenges facing schools is the time, resources and access to research-informed professional learning and training. Of the 150+ primary, secondary and special school teachers that have participated in our own ([Renold et al. 2021](#)) professional learning workshops designed to prepare them for the new RSE (2019-2022), very few have had any RSE training, and gender, sexuality and violence are often identified as one of their curriculum panic zones.

Key to any future professional learning, training and interventions in this area will mean reviewing how existing programmes or interventions are specifically challenging the shame and blame, risk-based approaches to 'healthy/unhealthy' relationships education' and supporting those that advance a much wider understanding that foregrounds the complex and intersectional abuses of power in all inter-personal relationships – relationships that include, but also go beyond, peer relationships (i.e. relationships that young people don't have control over). Such interventions might depart from what is expected from a conventional 'healthy relationships', 'anti-bullying' or 'sexual harassment' resource. Some of these interventions and resources may be targeted to supporting particular at-risk groups such as girls/women, LGBTQ+ young people or



specific issues such as ‘toxic masculinity’. The AGENDA resource is one such example ([www.agendaonline.co.uk](http://www.agendaonline.co.uk)).

The DfE (England) has recently commissioned a piece of work to explore a range of interventions that can support schools to better understand the impact of sexual harassment and address the wider conducive context and culture. This could be something that Welsh Government undertake and/or learn from.

#### **The need for a national RSE Network**

There are many interventions and resources currently available that collectively could provide educational settings to develop a holistic, affirmative and rights and equity based approaches to address sexual harassment in schools, and beyond.

However, many of these resources are not bilingual, some have not been revised to meet the requirements and principles of the new RSE curriculum in Wales, and most teachers, and in some cases, external providers are unaware that they exist, because there is still no national policy/practice/research RSE network or hub through which Government approved and endorsed resources can be shared and developed.

The new RSE for Wales carries the potential for schools to develop a preventative pedagogy and spark the culture shift that is needed to enact change. However, schools need to be fully supported on that journey, and the role of external providers and specialists cannot be underestimated. If Wales is committed to addressing the prevalence and normalisation of sexual harassment in the lives of young people, then a fully resourced, research informed, multi-agency response which supports schools to know how to develop a whole school approach to the issue within (and not in isolation to) a wider programme of RSE, is certainly a step in the right direction.

### **5.5 Other**

Please record any views you have below that do not fit into the themes above.



# Agenda Item 8.1

## CYPE(6)-07-22 - Paper to note 1

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CS/LT/PW

Jayne Bryant MS  
Chair of the Children, Young People and Education  
Committee Welsh Parliament  
Cardiff Bay  
Cardiff  
CF99 1SN

1 March 2022

Dear Ms Bryant

### Health Visitor Visits

Thank you for your letter dated 17<sup>th</sup> December 2021 regarding information in relation to the proportion of standard contacts Health Visiting visits that have been carried out. The Health Board routinely provides the Welsh Government with statistical data in relation to the Health Child Wales Programme; the latest statistical data return covered Quarter 1 of this financial year (April/May/June 2021) and it is understood that Quarter 2 data is due for publication shortly.

The Health Board is committed to delivering the Healthy Child Wales Programme and the health visiting service is aligned to this. More recently period, Health Visiting teams are reporting an increased need for additional visits and support for those families who are presenting with greater need. This is leading to the need to prioritise specific contacts with families. This is guided by using the All-Wales Guidance for Managing Caseloads in terms of priority planning. This is regularly reviewed, and parents and families are made aware of how to contact the service. This approach is also used where there are instances of staff vacancies or prolonged absence.

The Health Board is currently undertaking an internal review of systems and processes focusing on accuracy, timeliness of data entry and analysis; as well as working with colleagues in Welsh Government to optimise the data available in the published return.

The latest data available from our internal data collection systems is as follows:

Pencadlys  
Tŷ Glasbury, Ysbyty Bronllys,  
Aberhonddu, Powys LD3 0LY  
Ffôn: 01874 711661



Headquarters  
Glasbury House, Bronllys Hospital  
Brecon, Powys LD3 0LY  
Tel: 01874 711661

	Q4 2020- 2021  (WG data)	Q1  2021- 2022 (WG data)	Quarter change	Q2  (PTHB data)	Quarter Change	Q3  (PTHB data)	Quarter Change
<b>10-14 Day</b>	87.8	89.7	↑	91.72	↑	90.54	↓
<b>8 weeks</b>	71.4	85.4	↑	78.23	↓	85.71	↑
<b>12 weeks</b>	71.7	77.9	↑	73.28	↓	78.50	↑
<b>16 weeks</b>	64.6	79.5	↑	74.48	↓	83.45	↑
<b>6 months</b>	76.7	79.8	↑	89.17	↑	83.97	↓
<b>15 months</b>	75.4	75.8	↑	82.08	↑	76.26	↓
<b>27 months</b>	75.6	79.4	↑	79.73	↑	77.13	↓
<b>3.5 Years</b>	74.8	75.3	↑	78.62	↑	79.01	↑

Please note that the number is the % of completed contacts against the number of eligible children within that category registered on the Child Health System. These figures are taken from internal data systems and may vary from the published return.

I hope this information is helpful to the Committee. Should the Committee feel that further detail would be useful or if I can be of any further assistance, please do not hesitate to contact me.

Yours sincerely,



**Carol Shillabeer**  
**Prif Weithredwr**  
**Chief Executive**

# Agenda Item 8.2

CYPE(6)-07-22 - Paper to note 2

## WELSH GOVERNMENT RESPONSE TO THE RECOMMENDATIONS FROM THE CHILDREN, YOUNG PEOPLE AND EDUCATION COMMITTEE REPORT: THE 2022-23 WELSH GOVERNMENT DRAFT BUDGET

MARCH 2022

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We thank the Committee for their work undertaken on the scrutiny of the 2022-23 Draft Budget. This report sets out the Welsh Government response to the 24 recommendations outlined in the Committee's report.

### **Recommendation 1**

The Committee recommends that:

Every year, when it publishes its Draft Budget and supporting documentation, the Welsh Government must also publish the Children's Rights Impact Assessment(s) that it undertakes as part of the budgeting process, and clearly set out how they feed into the overarching Strategic Integrated Impact Assessment and decisions on funding allocations.

### **Response: Accept in Principle**

While we already provide a significant amount of information, published as part of our Draft Budget we are open to exploring what more can be done. The impact of spending decisions are outlined as part of the main narratives in chapters four and six, complemented by the Strategic Integrated Impact Assessment (SIIA) at Annex D. This SIIA sets out the contextual evidence that has supported our spending decisions, including more detailed case studies on the impacts of specific spending decisions which covers the impact on children and young people. We have also published the Chief Economist's Report, a distributional analysis of devolved public spending and a new Infrastructure Finance Plan under our new Wales Infrastructure Investment Strategy.

The approach we have adopted through our SIIA recognises the importance of an integrated approach to better ensure unintended consequences, such as a negative impact in one area driven by a positive effect in another, are more effectively considered. We believe this integrated approach enables us to more effectively give balanced and due regard to the rights set out in the United Nations Convention on the Rights of the Child.

This approach draws from a range of evidence and information including detailed policy impact assessments, including Children's Rights Impact Assessments (CRIAs) undertaken as part of our ongoing policy development and review. Further details of this are contained within detailed Ministers' written evidence papers to Senedd scrutiny committees which we have also published as part of the 2022-23 Draft Budget package.

We remain committed to continually reviewing our approach as part of the annual Budget Improvement Plan (BIP) and, as part of that, are committed to exploring how we can better reflect children's rights as part of an integrated approach to impact assessment. This includes work we are undertaking on how we can build on the engagement we already undertake with children and young people on the budget, alongside improving the budget leaflet that was originally designed for children and young people and our wider work to evolve how we can better assess the impacts of budget decisions.

## **Recommendation 2**

The Committee recommends that:

Every year, when it publishes its Draft Budget and supporting documentation, the Welsh Government must also publish any data it holds that sets out the extent to which funding in the Health and Social Services MEG and all other relevant MEGs has been allocated to children and young people.

**Response: Accept**

As part of this year's Draft Budget a suite of documents was published to support and provide additional evidence in respect of how funding is being allocated.

The Strategic Integrated Impact Assessment (SIIA) is published each year to provide a detailed account of how budget decisions impact on different groups. In addition to the SIIA (Annex D), which provided the contextual evidence that helped to inform strategic spending decisions, the Draft Budget included details of the impacts of specific spending decisions as part of the main narrative in chapters four and six. We also presented more detailed case studies on the impacts of specific spending decisions to better demonstrate how assessment is undertaken in more detail.

Ministers' written evidence papers to Senedd scrutiny committees were also published as part of the 2022-23 Draft Budget package, which include further information about how impact considerations have informed budget allocations within each MEG.

We are committed to exploring how we can better improve our approach to assessing the impact of budget decisions as part of the Budget Improvement Plan (BIP) published annually alongside the Draft Budget.

**Recommendation 3**

The Committee recommends that:

The Welsh Government must put in place a framework to monitor and evaluate the value for money of 3rd sector mental health support schemes that are funded by the public sector. The framework should be consistent, focused on delivering measurable outcomes for children and young people, and proportionate to avoid placing overly-burdensome reporting requirements on 3rd sector organisations.

**Response: Reject.**

It is not felt that a separate framework would be helpful as this could add complexity and inhibit the ability to be responsive to emerging trends.

However we accept the principles of ensuring that funding mechanisms are consistent, focused on delivering measurable outcomes and proportionate in respect to reporting requirements. Our Third Sector Scheme encourages officials to engage with organisations in the early stages of policy development, as well as funding mechanisms, to ensure WG programmes are accessible and straightforward. We can confirm we will consider these principles as part of the release of new funding planned from mental health budgets. In addition, and with a focus on evaluating outcomes, we are currently finalising an integrated Health and Social Care Outcomes Framework which will be used to evidence how a number of interventions and schemes, including third sector support schemes, are making an impact across systems, including specifically on mental health.

#### **Recommendation 4**

The Committee recommends that:

In relation to the proposed perinatal mental health service in England to support families in north and mid Wales, the Welsh Government must set out:

- a timetable for when the Welsh Government expects that the unit in England will start accepting referrals for families;
- clarification about what provision will be available to Welsh families, including capacity, staffing and Welsh-language provision;
- the extent to which working with NHS England will affect provision for patients; accountability for service delivery; and the extent to which support for Welsh families will be provided within the framework of Wales-specific legislation (e.g. the Well-being of Future Generations (Wales) Act 2015) and the Welsh Government's wider policy objectives.

**Response: Accept** bullet points one and two and we will provide this detail when available. Third bullet point is **accepted in principle**.

We are working to adhere to the principles of Welsh policy and legislation in relation to mother and baby unit provision for patients in North Wales that will be provided by NHS England. I can also confirm that there continues to be significant engagement

between Betsi Cadwaladr University Health Board, the Welsh Health Specialised Services Committee and NHS England regarding the development of this new unit.

### **Recommendation 5**

The Committee recommends that:

As part of its 'daily active group' workstream and of any relevant evaluation or monitoring activities that it undertakes, the Welsh Government must consider how it can ensure that all schools offer their pupils a range of high-quality sport and physical exercise opportunities as part of its wider childhood obesity prevention strategies.

#### **Response: Accept**

The Welsh Government continues to work hard to ensure that all schools offer pupils a **range of high quality sport and physical activity opportunities**. This is why the Minister for Mental Health and Wellbeing agreed to the development of a new Daily Active offer for schools in March 2021, as part of its strategic approach to drive obesity prevention at scale and pace through the **Healthy Weight: Healthy Wales strategy**.

The Welsh Government's Healthy Weight: Healthy Wales strategy requires government to **enable our children and young people to have access to education settings where physical and mental health remains a priority** by promoting health and wellbeing at every opportunity. This is why our **Healthy Weight Healthy Wales Delivery Plan for 2022 to 2024 commits us to:**

- Support the role out of Curriculum for Wales, including:
  - Implementing a revised outcomes-focused programme through the Welsh Network of Healthy Schools Scheme, which aligns with the new curriculum and strengthens a focus on healthy weight, encompassing the whole school day.
- Focus on the health benefits of regular physical activity within the school day, including:

- Developing and implementing a **Daily Active Offer** for schools, which encompasses the whole school day and links with work on school day reformulation.
- Working with Sport Wales to ensure every child has access to **sport and physical activity opportunities beyond the school day**, maximising the use of schools facilities for the benefit of their local communities.

The offer will adopt an age specific whole school approach, underpinned by a model of behaviour change and range of adaptable approaches, to complement the new curriculum. This will be responsive to evidence, provide flexibility and **build in evaluation** from the start **to assess health outcomes**.

In 2021-22, a £6.4m Winter of Wellbeing package has been shared across all schools in Wales to provide more sessions around the school day to promote physical, mental and emotional wellbeing through increased access to creative, sporting, play and cultural activities in English and Welsh.

Research shows that programmes which provide enriching and stimulating additional sessions and support learners to re-engage with learning, can have a greater impact on attainment than those that are solely academic in focus. We are also currently developing the evidence base and gathering views, perspectives and experiences on the structure of the school day and year in order to see how we might better maximise opportunities to Support Learners in Wales.

### **Recommendation 6**

The Committee recommends that:

The Welsh Government must set out a clear and detailed timetable for its plans to reform services for looked after children as set out in the Programme for Government and response to the Children's Commissioner for Wales' Annual Report. The timetable must include key implementation milestones and associated funding requirements.

**Response: Accept**

We are currently working through plans, including funding and timetabling to take forward our Programme for Government commitments which we can provide at a future date.

Our recently established Oversight Board with representation from key stakeholders, including the Children’s Commissioner for Wales, will play a lead strategic role in developing how we take forward and implement this work. The Board will also consider the impacts and outcomes of our plans to ensure that, with our partners, we are able to deliver our vision for Children’s services in Wales.

The Deputy Minister for Social Services is committed to taking forward this work in collaboration with our partners, including care experienced young people, and will provide regular updates to the Senedd and to the Committee on progress.

**Recommendation 7**

The Committee recommends that:

The Welsh Government must ensure that there is sufficient funding side aside to resolve capacity issues within the childcare workforce to enable it to successfully expand childcare as set out in the Programme for Government.

**Response: Accept in Principle**

We published our 10 year plan to support the childcare, playwork and early years workforce in 2017, setting out our priorities to support the sector. This included actions to support recruitment and retention, as well as to support training and development. We remain committed to delivering against the actions within that plan, and to driving forward additional activity as required to meet the plans for expanding the provision of funded childcare set out within the Programme for Government.

Welsh Government currently funds Social Care Wales (SCW) to undertake a national recruitment and retention campaign: [WeCare Wales](#). In light of the pandemic, SCW are taking forward an always “on” campaign which allows for responsive action in

relation to any attraction, recruitment and retention issues. In addition SCW support childcare and play settings seeking to recruit and have a dedicated portal to advertise childcare and play job vacancies.

Alongside this, and to ensure enough practitioners are qualified to the appropriate level, the Welsh Government Progress for Success (PfS) scheme supports practitioners in the childcare and play sector to upskill. PfS is a European funded scheme which will come to an end in March 2023. The Welsh Government is looking to develop a successor scheme, with funding earmarked for this within the budget allocations for 2023 onwards. The successor to PfS will continue to support recruitment and training within the childcare and play sector.

In addition to the support for recruitment to the sector and training opportunities, the Welsh Government provides sustainability support for settings such as the 100% business rates relief for registered childcare settings to ensure they can maximise growth opportunities such as the extension to two year olds. To develop new provision Welsh Government is also investing £20m capital funding in 2022-23 to support capacity building in the childcare and play sector.

While Welsh Government funding is aimed at all childcare and play settings, the Welsh Government has allocated specific funding to build capacity within Welsh medium provision. We have provided £3m to Mudiad Meithrin to lead the expansion of Welsh-medium childcare provision across Wales as well as planning the workforce needed to support it. An additional £0.190m has been recently announced to support the resumption of Welsh medium play groups as well as support and expand the Cam wrth Gam programme, which provides childcare courses for year 10-13 pupils in secondary schools. This funding supports Welsh Government's PfG commitment to expand Welsh language early years provision, by contributing to the development of qualified staff for Welsh-medium childcare.

It is, however, important to note that other organisations across the public, private and third sectors also play key roles in supporting the childcare and play sector, and the workforce. These include local authorities, umbrella bodies and individual employers,

all of whom offer training and support programmes and invest in the sector and the workforce locally.

### **Recommendation 8**

The Committee recommends that:

The Welsh Government must provide this Committee with 6- monthly updates on COVID recovery as it relates to children and young people, including any available data on COVID recovery health services and the impact of COVID recovery on educational provision (educational progress, attainment, inequalities, etc.).

### **Response: Accept**

The Renew and Reform programme was established to oversee the funding and support for schools/colleges and learners to promote wellbeing and progression, to address the challenges of the COVID-19 pandemic on learners. The programme was co-developed with partners, and seeks to provide funding to partners which is flexible and enables bespoke support for children and young people. The Recruit, Recover and Raise Standards programme is an ongoing commitment in the Programme for Government for this term. The key areas of focus – early years’ learners, post-16 learners, and vulnerable and disadvantaged learners – remain our priority and emerging and ongoing research supports both this focus and the emphasis on wellbeing as a platform for enabling learning. The Renew and Reform programme is consistent and aligned with the Curriculum for Wales which will be rolled out from 2022. We anticipate reporting annually on how the Curriculum for Wales promotes and enables learner progress and attainment and will update the Committee on the specific issues around COVID recovery and educational progress at the interim six month mark.

The Post-16 and Transitions Project will continue to work collaboratively with learning providers to ensure learners continue to get the support they need as they progress in the future pathways through education, training or into employment. The team will be evaluating the funding to date and future funding made available through the project. We accept the recommendation that we should report to the Committee on progress.

We will be able to provide a six monthly progress of planned care waits for children 0-16 and 17-18yrs against the national recovery targets due April 2022. We expect health boards to ensure through their local plans that children's waiting times follow the national recovery targets.

### **Recommendation 9**

The Committee recommends that:

The Welsh Government must publish its response to the Sibieta review of school funding and set out how it will take forward the recommendations.

### **Response: Accept**

The Review of School Spending in Wales, has been valuable in providing an in-depth analysis and recommendations of how the school funding system can be adapted to best support policy goals and ambitions to improve the school system in Wales.

The review highlights the complexities in the system, but also how these complexities reflect local authorities' ability to target funds where there are higher needs and where extra funding can have the best effects.

The Welsh Government will shortly provide an update on its response to the review and how it is taking the recommendations forward.

### **Recommendation 10**

The Committee recommends that:

The Welsh Government must clarify how the Minister for Education and Welsh Language works alongside the Minister for Finance and Local Government and local authorities to ensure that schools receive sufficient funding to deliver on the Welsh Government's policy commitments.

**Response: Accept**

Providing local government with the best possible settlement, which delivers the majority of local authorities' core funding for education, has been central to our budget preparations. The Minister for Education and Welsh Language continues to have discussions with the Minister for Finance and Local Government to ensure the budget settlement for education is sufficient to support delivery of our priorities.

Our priorities are clear and are shared across Government: raising standards for all, reducing the attainment gap and delivering an education system that is a source of national pride and public confidence.

The Welsh Government discusses and agrees the overall level of funding to local government through the local government settlement and specific grants. As part of these discussions the Minister for Finance and Local Government meets with the Minister for Education and Welsh Language and all other Ministers to discuss priorities.

The Minister for Finance and Local Government regularly meets with local Government elected representation through the Finance Sub Group of the Partnership Council for Wales. The Minister for Education and Welsh language also attended the Finance Sub Group specifically to discuss and engage with local government on schools funding as part of our annual discussions on the budget. Consideration was given to funding from Welsh Government through both un-hypothecated and specific grants, so that the pressures on local authorities across a range of services including schools can be evidenced. The minutes for this group are published on the Welsh Government website.

The Minister for Education and Welsh Language is engaged in regular discussions with local authorities and other education stakeholders. The Minister does and will continue to emphasise the importance of ensuring funding reaches front line schools.

As the local government settlement is un-hypothecated, it is up to authorities how they spend this funding according to local needs and priorities. The settlement funding formula takes account of the relative need for authorities to spend across all services,

given the amount of funding available for distribution and the relative ability of authorities to raise income locally, through council tax.

Whilst local authorities are responsible for setting school budgets and this accounts for the vast majority of the funding schools receive, we continue to provide significant additional grant funding over and above the core funding for all schools through local authorities. Our overall investment in specific grants to local authorities across our Education and Welsh Language budget to support improved outcomes for learners in Wales totals over £500m revenue from 2022-23. This includes funding through the Local Authority Education Grant, the Regional Consortia School Improvement Grant, Pupil Development Grant (PDG), Sixth form provision, and Youth Support Grant.

### **Recommendation 11**

The Committee recommends that:

The Welsh Government must ensure that the Pupil Development Grant continues to be used to develop and deliver targeted interventions that benefit children from low income families and care experienced and adopted children.

### **Response: Accept**

The Welsh Government has mechanisms in place for regular in-year monitoring. This includes:

- termly Challenge and Review meetings whereby consortia report to the Welsh Government and are held to account for the management of PDG and delivery of results; and
- half termly meetings between officials and the consortia PDG strategic advisers, which focus on implementation included targeted interventions, impact monitoring and peer mentoring.

The appointment of PDG strategic advisers has enhanced the role of the consortia. Their focus on the needs of disadvantaged learners strengthen the support provided to schools. Our aim is to ensure the advisers have access to the necessary tools, including best practice, research, and data to raise the educational attainment of our

most vulnerable learners. Importantly, they will also be required to strengthen collaboration across Wales to ensure that good practice is shared and built upon.

Evidence from PDG Leads indicates the way schools spend PDG has evolved from inception, to more evidence based, whole school interventions. Therefore, whilst the grant is aimed at providing targeted interventions for eligibility for free school meals (eFSM) and looked after children (LAC) the grant may also be used for whole-school strategies which can benefit all learners. These strategies will disproportionately benefit eFSM and LAC learners, but will also benefit other learners living in poverty, but that are not eFSM, along with the wider school population.

The development of an equity strategy is underway, aimed at progressively reducing inequalities in educational outcomes associated with socio-economic disadvantage. As part of this, we will consider how funding through the PDG can be used most effectively to support this aim. This review will consider existing requirements, for regions/LAs to evidence how they support schools to adopt evidence-based know to work in reducing the impact of poverty on educational outcomes, such as:

- up-skilling staff so they use pedagogical approaches known to be most effective for learners from disadvantaged backgrounds, including in a blended learning context;
- using effective diagnostic and tracking systems to tailor support; and
- using research and evidence to make informed decisions including using the Education Endowment Foundation's Teaching and Learning Toolkit which provides analysis of current interventions and approaches in an accessible way for practitioners based on cost and impact.

We continue to support looked after children and formerly looked after children, including those adopted from care, annually through the Pupil Development Grant for Looked after children (PDG-LAC). The Regional Education Consortia administer this grant in collaboration with local authorities and schools.

As well as direct funding to support care experienced children, the funding includes provision for Regional Lead Coordinators for looked after children. The Coordinators

work closely together and with Welsh Government to ensure the impact and value for money of PDG-LAC is maximised.

PDG-LAC funding is based on £1,150 per looked after child; however the funding is not ring-fenced for each child. This approach enables Consortia, working with partners, to determine the most effective, strategic interventions to support care experienced young people regardless of care or school placement changes.

In order to ensure the maximum effectiveness of the grant, build capacity and facilitate sustainability there continues to be a strong focus on cluster working. This approach enables a more strategic sharing of resource and practice and can also bring about economies of scale to allow the grant to go even further to support these learners.

### **Recommendation 12**

The Committee recommends that:

The Welsh Government must clarify details about the expansion of the Pupil Development Grant Access scheme, including any changes to eligibility criteria (including to year groups), how much funding will be available to eligible pupils, when the changes will take effect and the likely cost impact.

### **Response: Accept**

The PDG Access grant has made a huge difference for many disadvantaged families across Wales, removing the worry surrounding the purchase of school uniform and equipment, allowing children to attend school and take part in activities at the same level as their peers. All those learners currently eligible for PDG Access, will continue to be eligible, as if they were still applying for FSM and we will ensure this is clearly communicated to families.

In 2021-22 we secured additional funding from the COVID-19 Reserve to support families with the cost of the school day. This funding has allowed us to fund eligible pupils in every school year in primary and secondary schools, increasing funding for PDG-Access to nearly £13m.

The grant is now available to learners eligible for Free School meals or Looked After in every compulsory school year (Reception – Year 11). It is paid through local authorities at a rate of £200 for learners starting secondary school (year 7) and £125 for all other years. We are continuing that support for all year groups into 2022-23, but are going further by providing a one-off top up payment of £100 for every eligible learner in recognition of the extreme pressures facing many families along with the looming cost of living crisis. The additional funding was allocated in the 2022-23 Final Budget published on 1 March, enabling us to support more families affected by the pandemic.

### **Recommendation 13**

The Committee recommends that:

As soon as it is able to do so, the Welsh Government must clarify the following in relation to the Programme for Government commitment to extend eligibility for free school meals in primary schools:

- Whether there will be any changes to the eligibility criteria for the Pupil Development Grant or Pupil Development Grant Access
- What changes schools, local authorities and the Welsh Government will need to make to their administrative processes to ensure that schools receive Pupil Development Grant funding for all eligible children on roll, and how schools will be supported to make those changes during the transition period
- How the Welsh Government will ensure that all families eligible to receive Pupil Development Grant Access will continue to be able to claim that funding
- Details of what indicator(s) the Welsh Government intends to use instead of eligibility for Free School Meals for the purposes of data reporting, tracking pupil outcomes and the basis of its policies aimed at supporting the education of children from deprived backgrounds.

### **Response: Accept**

Currently, there are no changes proposed to the eligibility criteria for the PDG or PDG Access, but as outlined above, the grant has been extended to further year groups. Eligible pupils in all compulsory school years in primary and secondary schools are now able to benefit from the grant.

Future changes to how these grants are administered will be considered carefully as we roll out the Co-operation Agreement commitment to extend eligibility for free school meals in primary schools. In doing so, and where amendments may be required, families, schools, and local authorities will be supported to implement any changes and continue accessing their entitlements.

We know that free school meal eligibility goes on to inform a number of entitlements and the provision of support at both a national and local level. A number of actions are being taken to reduce turbulence to these as a result of any potential changes to the way in which eligibility for a free school meal is recorded.

At a national level, with programmes like PDG for example, while funding is allocated based on the number of learners eligible, the intervention is at a cohort level (and not associated with the provision of an individual entitlement). Further, each year's allocation is based on the preceding year's figures, so we anticipate that funding allocations can continue to be informed by eFSM figures (as currently defined and recorded) up to and including 2023-24. This will provide a period of stability in which we will work through options for either developing new indicators associated with disadvantage **or** continuing to use the current eligibility checking mechanisms in a different way.

However, with regard to PDG Access, the situation is not as straightforward. The funding allocations work in the same way as PDG so funding allocations can be calculated up to and including 2023-24 as with the PDG. However, PDG Access does represent an individual entitlement, so schools need a mechanism of identifying those who are able to claim. This situation is similar to other entitlements delivered locally that also use the eFSM identifier to confer an entitlement.

Welsh Government officials are in the process of exploring workarounds to this situation in partnership with local stakeholders. As set out, this might include the development of new indicators to replace eFSM at primary level or the continued use of the eFSM eligibility checking system.

All those learners currently eligible for PDG Access, will continue to be eligible, as if they were still applying for FSM and we will ensure this is clearly communicated to families. We will ensure that these issues are resolved and an interim solution is agreed prior to September roll out, so that we can be clear with stakeholders and families about what support they are entitled to.

At a local level we have provided £1.48m to local authorities in 2021-22 to begin the process of planning for rolling out the commitment. This includes giving consideration to how local arrangements or entitlements may need to change to reflect potential changes to the eFSM indicator.

#### **Recommendation 14**

The Committee recommends that:

The Welsh Government must confirm the anticipated cost of the expanded Free School Meals scheme, what its policy objectives are, and the policy rationale for prioritising this funding over other initiatives that target low income or care experienced children.

#### **Response: Accept**

Revenue funding of up to £200m over three years has been set aside within the Education and Welsh Language MEG budget for local authorities to manage the roll out of the universal primary free school meal commitment. This consists of £40m in 2022-23, £70m in 2023-24 and £90m in 2024-25 to support a staged approach to implementation. In addition, financial support of £1.482m has already been provided by Welsh Government in 2021-22 for local authorities to begin engaging with partners, auditing their workforce and infrastructure, and working out any other practical implications related to changes in free school meal eligibility. Further detailed analysis of costs associated with the universal primary free school meals commitment is underway in partnership with local authorities and is being informed by the detailed survey and audit work taking place at a local level. This will include giving further consideration to any associated capital funding requirements.

Our goals are informed by our understanding that younger children are more likely to be living in relative income poverty and our commitment therefore represents a transformational intervention in terms of tackling poverty and child hunger. However, evidence also points toward the wider benefits of free school meals, including raising the profile of healthy eating, increasing the range of food pupils eat and improve their social skills at meal times as well as improvements to behaviour and attainment.

More widely, and as set out in our Programme for Government and the Co-operation Agreement, in delivering this commitment we explicitly acknowledge the importance of increasing the supply of Welsh food onto the school plate to shorten supply chains and reduce carbon emissions, support local food producers and distributors and strengthen the Foundational Economy – building on the work already underway in this regard.

The decision to rollout universal primary free school meals was carefully considered and informed by our understanding of the pressures faced by children and families in this age range, as well as the longer term benefits that might be achieved through early intervention. In taking this action, an additional 196,000 younger children will become eligible to take up the offer of a Free School Meal in Wales.

However, this commitment was also developed in the context of our wider national effort to maximise fairness for all and eliminate inequality at every level of society. This includes significant additional investment, including through the Education portfolio, aimed at tackling deprivation and the impact it has on the life chances of all children and young people in Wales. Delivering the Co-operation Agreement commitment, therefore, does not come at the expense of providing other targeted and intensive support for those whose life chances are impacted on as a result of their socio-economic status. By way of example, funding for the PDG has increased year on year, in particular this financial year due to the pandemic and rising numbers of learners eligible for Free School Meals.

We will of course continue to consider our approaches and reflect on new evidence emerges or as budgets or delivery contexts change. I remain committed to keeping eligibility criteria for free school meals under review as we roll out this commitment

and will continue to look for opportunities for ensuring support reaches those most in need. We will continue to work closely with PDG regional representatives to identify those areas where funding can have most impact.

### **Recommendation 15**

The Committee recommends that:

The Welsh Government must clarify why it believes that the 'Curriculum and Assessment' and 'Teaching and Leadership' actions require less funding in 2022-23 than they do in 2021-22.

### **Response: Accept**

The Draft Budget 2022-23 was presented alongside the 2021-22 Final Budget. The 2021-22 first and second supplementary budgets included significant non-recurrent COVID-19 allocations in response to the pandemic and therefore is not a meaningful baseline comparison.

For the Curriculum Action, additional non-recurrent COVID-19 funding in 2021-22 included £9m to support learners in qualifications years, to support learning recovery and delivery of the alternative arrangements for qualifications undertaken in 2021. For the Teaching and Leadership Action, additional one-off COVID-19 allocations in 2021-22 included over £11m to support newly-qualified teachers' (NQTs) transition into teaching, given many trainee teachers across Wales missed the opportunity to gain experience as a result of schooling disrupted by the pandemic.

As we continue to respond to the pandemic and address the climate emergency we have prioritised resources in this budget to support the delivery of our ambitious Programme for Government. When compared to the 2021-22 baseline, used for comparative purposes in Draft Budget 2022-23, the Curriculum Action increases by £8.4m and the Teaching and Leadership Action by £15.7m in 2022-23.

Within the Curriculum Action, this includes an additional £3m from 2022-23 to support the implementation of our Programme for Government commitment to establish a

national music service. An extra £5.3m in 2022-23, tapering down in future years, will continue to take forward the commitment set out in our Programme for Government to support schools and settings to realise our world-leading Curriculum for Wales, while also addressing well-being and learner progression needs. Within the Teaching and Leadership Action the funding for 2022-23 that will support initial teacher education, professional learning and leadership will remain the same, with an additional £1m being allocated to support our aim to increase the number of Welsh-medium teachers, with further increases of £0.5m in 2023-24 and £2m in 2024-25.

### **Recommendation 16**

The Committee recommends that:

The Welsh Government must clarify how much of the funding it has allocated for Additional Learning Needs is earmarked to meet existing pressures, and how much is reserved to implementing the Additional Learning Needs and Educational Tribunal (Wales) Act 2018.

### **Response: Accept**

Within the Additional Learning Needs BEL of the Education and Welsh Language MEG, we are investing an additional £7m from 2022-23, taking total funding to support children and young people with ALN to over £21m per annum from 2022-23.

The additional £7m per annum will be allocated to local authorities and education settings, specifically intended to ensure that children and young people with ALN get the provision they require. Taken together with the existing budget, it will mean a total of £14m to support our delivery partners to identify and meet the needs of children and young people with additional learning needs, therefore successfully implementing the Additional Learning Needs and Educational Tribunal (Wales) Act 2018 from 2022-23.

The remaining £7m budget will deliver upon a national implementation programme which includes national implementation leads, professional learning and research. This builds upon the previous transformation programme and will provide national strategic leadership to deliver upon the ambitions of the ALN reform.

## **Recommendation 17**

The Committee recommends that:

The Welsh Government must:

- provide this Committee with updates on the progress of its work focusing on overcoming challenges to delivering one million Welsh speakers by 2050; and
- publish an assessment of the current capacity of the workforce to support the Welsh Government to deliver one million Welsh speakers by 2050.

### **Response: Accept**

Progress against the [Cymraeg 2050 Work Programme for 2021 to 2026](#) is monitored annually through a process which includes the publication of an annual Action Plan at the beginning of the financial year, followed by an Annual Report at the year end to report back on the actions detailed in the Action Plan. The Action Plan for 2022-23 financial year is due to be published later in March. Regular reviews to monitor expenditure and outcomes are undertaken to ensure that any available resources are reprioritised to deliver the strategy.

Welsh Government is currently working with stakeholders to develop a 10-year plan for the Welsh in Education workforce. This plan will align with the local authority Welsh in Education Strategic Plans and will include an analysis of the current capacity of the workforce as well as future capacity needs in order to respond to local authority plans for expanding Welsh-medium education.

## **Recommendation 18**

The Committee recommends that:

The Welsh Government must clarify how much of the additional £11m allocated to the Post-16 Provision BEL when compared to the 1st Supplementary Budget is to enable FE providers to accommodate additional learners during 2022-23, and how much is for other purposes.

### **Response: Accept in Principle**

The Draft Budget 2022-23 was presented alongside the 2021-22 Final Budget. The 2021-22 First Supplementary Budget included significant non-recurrent allocations in response to the pandemic and therefore is not a meaningful baseline comparison. The Draft Budget plan reflects the ambitions in the Programme for Government and is responsive to the current priorities for the sector. It includes an additional allocation of £52m in 2022-23, compared to 2021-22 Final Budget, to support further post-16 learners' provision. This includes: £3.2m as a commitment to the 2021/22 academic year transition funding; £21.4m for renew and reform activity; £26.9m to reflect post-16 demographic changes (including funding for a potential 2022/23 pay award); and £0.5m to increase funding for Personal Learning Accounts.

### **Recommendation 19**

The Committee recommends that:

The Welsh Government must carry out a review of both the EMA award and the income eligibility threshold to establish appropriate rates that provide the same benefits for the same proportion of learners and their families as they did when the EMA was introduced in 2004.

### **Response: Accept in Principle**

Officials have carried out initial scoping work to ascertain the budget required to increase the allowance rate to £45 per week and to increase the household income thresholds to align with those published in the [Bevan Foundation report](#)<sup>1</sup> in February 2020. Based on the current number of learners going through the system (20/21 figures), this increase alone would require around an additional £15m per year (the current EMA budget is £16m).

The evaluation of EMA in 2014 confirmed that EMA was a welcome allowance and more than half of FE students at the time were benefitting from EMA, however, it also concluded that the majority of students who contributed to the review (80%) stated

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<sup>1</sup> £25,161 for households with one dependent child and £27,892 for households with more than one dependent child.

that they would have enrolled on their course without EMA and that EMA is an essential source of financial support for only the minority of students. They found no evidence to suggest receipt of EMA increased the rate of those going on to study at HE level, although this was balanced by practitioners reporting better attendance of those in receipt of EMA.

The recommendations of the evaluation concluded that EMA be maintained at £30 but should be better targeted at those students who are most in need, potentially by reducing the income assessment thresholds. No change was made to policy to reflect this recommendation although it can be said that the static nature of the thresholds since the evaluation have provided for this.

Officials in KAS will continue the work to understand what the allowance rate and income thresholds would look like today, for the same proportion of learners when compared to 2004, and how much additional budget that would require. This will be scoping work and does not demonstrate a commitment to implement changes.

### **Recommendation 20**

The Committee recommends that:

The Welsh Government must clarify:

- the policy rationale for not increasing the EMA rate of £30 per week since 2004, which has resulted in a significant depreciation of the value of the award; and
- the impact of changes (or lack thereof) to the EMA income threshold on the proportion of learners able to claim the EMA since 2011-12 (i.e., data setting out the number of learners claiming the EMA against the total number of learners and the income threshold for each year).

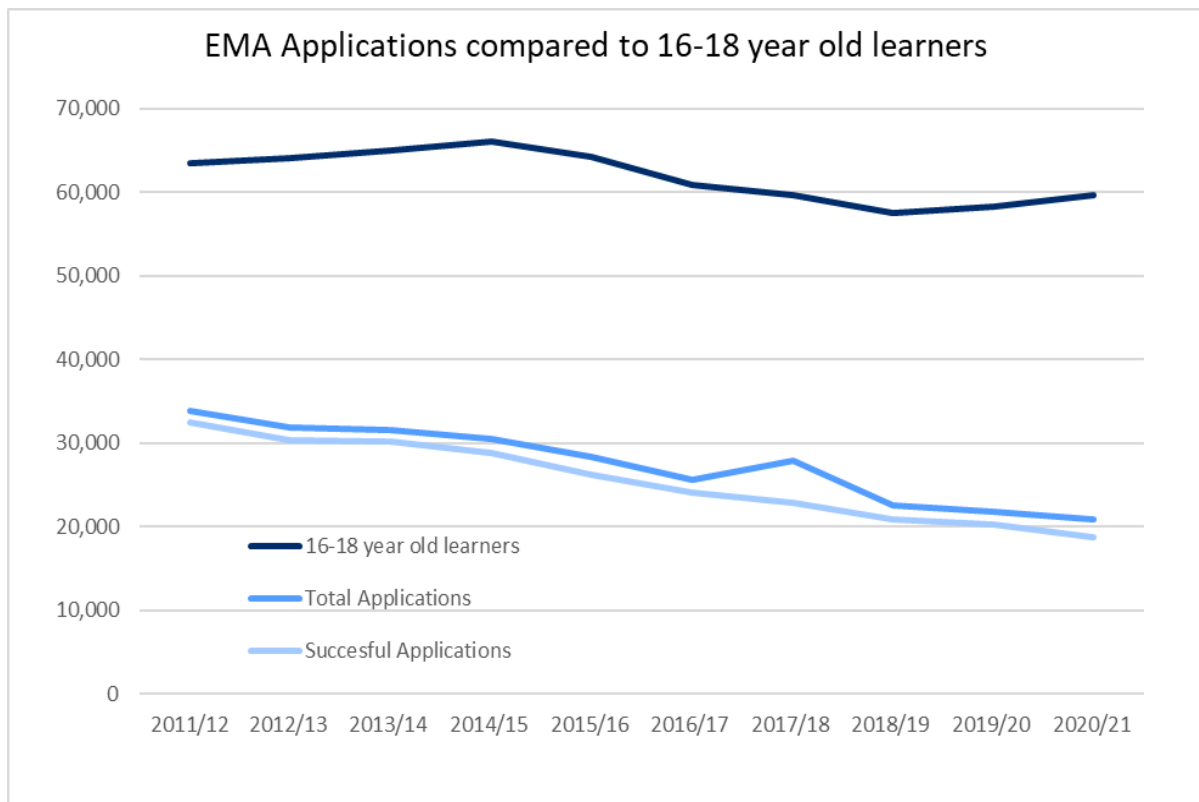
### **Response: Accept**

There has been no active policy decision to not increase EMA. The constraints around increasing the rate of allowance and the thresholds of household income assessment rest with the budget available.

When responding to questions in December 2021, the First Minister made it clear that, with the new commitments as a result of the Co-operation agreement alongside existing commitments within the education sector, new money would have to be made available to cover the cost of increasing EMA and the income thresholds. This money is not currently available without cutting funding elsewhere.

We are not able to determine the exact impact of the unchanged income thresholds as detailed income data is not readily available. However, we have estimated that earnings have increased by 26% since 2011 so it is likely that the unchanged threshold has contributed to a reduction in the number of learners eligible for, and claiming EMA.

Whilst we do not have data on the number of eligible households, the chart below shows the number of 16-18 year old learners against the number of EMA applications. The chart shows that the number of 16-18 year old learners has decreased by 6% since 2011 but the number of EMA applications has decreased by 39%.



Note: In 2017/18, a number of candidates were incorrectly included in the total EMA applications figure.

## **Recommendation 21**

The Committee recommends that:

The Welsh Government must clarify why the demographic changes that are likely to lead to more learners in Further Education from 2022-23 onwards have not resulted in an increased budget for the EMA.

### **Response: Accept**

The EMA budget is not forecast to increase despite the forecast increases for the FE population. The budget forecast model does not rely heavily on the FE population data because population has previously been a poor predictor of EMA payments. The chart under our response to recommendation shows that EMA applications do not closely follow the demographic trend. However this could be as a result of the unchanged income thresholds so the forecast model will be reviewed in line with any changes to the EMA scheme.

## **Recommendation 22**

The Committee recommends that:

The Economy, Trade and Rural Affairs Committee and the Children, Young People and Education Committee jointly recommend that the Welsh Government should set out a breakdown of the contributions from each Main Expenditure Group, at Budget Expenditure Line level, that combine to make the total £500m estimated funding required to deliver the Young Person's Guarantee. This breakdown should make it clear what is new funding and what is a continuation of existing programmes.

### **Response: Accept**

We are investing over £500m in the Young Person's Guarantee in 2022-23. This will be made up of:

- £20m in new funding that has been allocated in the Economy MEG to the Employability including Young Peoples Guarantee BEL to support the expected

new Young People Not in Education, Employment or Training (NEET) cohort in 2022-23.

- £513.8m in existing funding will continue to support those 16-24 NEETS through numerous interventions, and underpinned by the Working Wales advice service, delivered by Careers Wales. The estimated contribution by MEG is:
  - £463.5m in the Education and the Welsh Language MEG;
  - £47.9m in the Economy MEG; and
  - £2.4m in the Finance and Local Government MEG.

Details of the funding by Budget Expenditure Line (BEL) level is shown in the table below:

BEL	Education & Welsh Language MEG £000	Economy MEG £000	Finance & Local Government MEG £000	Total £000
Post-16 Provision	463,500			463,500
Employability including YPG		44,000		44,000
Communities for Work		790		790
Children & Communities Grant			2,400	2,400
Parents Childcare & Employment		600		600
Business Wales		2,500		2,500
<b>Existing budget</b>	<b>463,500</b>	<b>47,890</b>	<b>2,400</b>	<b>513,790</b>
Employability including YPG		20,000		20,000
<b>New budget</b>	<b>-</b>	<b>20,000</b>	<b>-</b>	<b>20,000</b>
<b>Total budget</b>	<b>463,500</b>	<b>67,890</b>	<b>2,400</b>	<b>533,790</b>

### **Recommendation 23**

The Committee recommends that:

The Welsh Government must set out clearly how it plans to work alongside stakeholders, learners and employers to stimulate demand for, and uptake of, Degree Apprenticeships across a range of sectors.

### **Response: Accept**

We intend to work closely with the Higher Education Funding Council for Wales (HEFCW) and other stakeholders to scope the expansion of the degree apprenticeship programme. Expansion is expected to be focussed on existing programmes in Digital/ICT and Advanced Manufacturing as well as the development of new pathways informed by Regional Skills Partnership's employment and skills plans, the outcomes

of the programme evaluation, investment priorities and budget. The evaluation includes gathering views of learners. We are already working with HEFCW to improve the marketing of degree apprenticeships to stimulate both learner and employer demand, with a particular focus on programme reach.

#### **Recommendation 24**

The Committee recommends that:

The Welsh Government must provide the Committee with 6 monthly updates on the progress of the implementation of the ILE programme, including information on how the Welsh Government is promoting the programme to learners in Further Education.

#### **Response: Accept**

At six monthly intervals, the Welsh Government will update the Committee on progress and promotion of the recently renamed Taith programme for each year of its duration.

In preparation of applications opening on 4 March, Welsh Government is working with ILEP Ltd (the delivery organisation and subsidiary of Cardiff University) to coordinate respective communication and marketing strategies, to ensure that the benefits and opportunities available through Taith are promoted to learners and staff across all education sectors, including FE.

## CYPE(6)-07-22 - Paper to note 3



### Paper on the Children's Commissioner for Wales' legal powers and remit

November 2021

In 2021, the Children's Commissioner for Wales (CCfW) undertook a formal review of the Welsh Government Ministers' exercise of their functions in respect of two education policy matters, using the power in section 72B of the Care Standards Act 2000. The [report](#) of that Review sets out a number of areas in which we identified difficulties or deficiencies in the exercise of our formal powers. This paper develops those points further, and should be read in conjunction with the published report of the Review.

In response to that Review, the Welsh Government rejected the Commissioner's calls in respect of her legal powers, but, following further discussion with the Children and Families Branch of Welsh Government, the CCfW was asked to submit reflections on areas for potential change or enhancement to the Commissioner's legal powers.

By way of background, there is a published summary of our existing powers on our website [here](#)

#### Relevant legislation

[Care Standards Act 2000, Part V](#) and associated Schedules to the Act

[The Children's Commissioner for Wales Act 2001](#)

[The Children's Commissioner for Wales Regulations 2001](#)

[The Social Services and Well-being \(Wales\) Act 2014](#) and the [Part 6 Code of Practice](#)

#### Background / Context

The CCfW was the first Commissioner post created in Wales, and the first Children's Commissioner role in the UK. It was also the first 'Wales only' piece of primary legislation passed since devolution for Wales. As such, the role is underpinned with what was then pioneering legislation.

In the two subsequent decades, there is much that can be learnt from other legislation that has since been developed in relation to the other UK Children's Commissioners, and Wales' other statutory Commissioners. The CCfW legislation has at times been used as a blueprint or starting point for other Commissioners' offices. So why the need to take another look at the extent and reach of the Commissioner's legal remit and powers now?

It is vital that Wales keeps pace with developments in other UK nations. It is right to be proud of being the first UK nation to create such a post but other nations have since stepped beyond the role and powers that were created in Wales.

The legislation in other UK nations and in Jersey for the appointment of a Children's Commissioner drew on, but has enhanced and strengthened, aspects of the CCfW legislation in order to create a more effective basis for Commissioners to fulfil their remit. The omissions identified in the legal basis for CCfW highlight that a review of legislation should be undertaken, with a view to

strengthening the safeguards that the Commissioner provides to the rights and welfare of children and young people in Wales.

Recent cases have also highlighted clear deficiencies in the powers or barriers as to how the Commissioner may intervene to safeguard and protect the rights of all children in Wales, in any setting. The Covid-19 pandemic has also brought into stark view the inequalities and disadvantages children in a wide range of settings have experienced and the importance of an independent champion to help them access their rights where these have been curtailed or overlooked.

This paper is not intended to be exhaustive, but it considers how the process of change might be advanced, suggesting also that the legislation should be developed by the Senedd, rather than the Welsh Government.

#### Strengths of the current CCfW legislation

- Historic legislation that has led the way for other nations to follow;
- Responded directly to the Waterhouse Inquiry and as such the powers have a particular focus on children in receipt of services from local authority social services;
- Strong legal powers in some scenarios to undertake formal case examinations such as the Clywch Inquiry;
- Jurisdiction covering a broad range of devolved public services;
- The ability to support individuals to progress their cases or complaints at the lowest level possible, without always having to resort to legal routes of resolution, thus improving and speeding up the outcomes for the benefit of children and their families;
- Grounded in international human rights, with a requirement for regard to the United Nations Convention on the Rights of the Child in exercising all functions.

#### Apparent gaps or anomalies – *these are explored further within this paper*

- Appointment is by the Executive and not the Legislature; this is not the recommended practice for independent human rights institutions;
- A mixed picture on how the different powers can be exercised, with some lacking the operational or practical details needed to make them viable;
- Changes to organisations' roles and remits and new organisations created since the post was enacted, that do not fall within the Commissioner's existing remit;
- Lack of information on how the Commissioner can require access to documentation and settings in discharging their functions;
- Inability to intervene in certain settings due to the current devolution settlement.

These gaps inhibit the Commissioner's ability to discharge their statutory remit in full, as the protection of children's rights requires access to institutions and documentation in order to understand how due regard has been paid to children's rights in Wales. This, therefore, means that for some children, the Commissioner is unable to support them or investigate their concerns, because of the type of setting in which they have occurred or because the legislation doesn't give the power to receive papers or enter premises.

### Commentary during the passage of the original legislation

It is notable that discussion of the Children's Commissioner for Wales Bill 2001, in the House of Lords, as recorded in Hansard<sup>1</sup>, highlighted how there was a determination to pass the Bill without delay and prior to the next election. Baroness Gale summarised that the Bill "may not contain everything that everyone wants, but I am sure that all the organisations and those concerned about the well-being and rights of children would prefer it rather than the alternative." Lord Hoosan also observed that "The worst thing that we could have is an ineffective commissioner, because that would bring the whole system into disrepute."

The decision to curtail the Commissioner's remit to devolved services only was noted on behalf of the Government by Baroness Farrington of Ribbleton to be "one of policy rather than constitution". It was also a Government decision in relation to rights of access, which a number of Lords raised in their contributions to the Bill's passage. The Government response was that "they want to ensure that the commissioner has all the powers necessary to be effective but do not believe that right of access is necessary." The original legislation pre-dated the extension of the devolution settlement in Wales, but the parallel post for England, enacted subsequently, does confer a power of entry, in Section 2E of the Children Act 2004 (as inserted by the Children and Families Act 2014). It is notable that the powers of the post holder in England were reviewed and revised 10 years following the creation of the office; it has been over 20 years since the post was created in Wales, with no substantive amendments made to the legislation beyond consequential amendments.

In the House of Commons, the then Secretary of State for Wales, in response to questions from members, affirmed that "the commissioner will have oversight of all public bodies in Wales, especially those that are dealt with by the National Assembly".<sup>2</sup> (At this point there was no separate Welsh Government). Whilst this may have been the original intention, it is unfortunately not the case that the Commissioner's powers extend to all public bodies in Wales.

An amendment tabled in the National Assembly for Wales at this time also stated: "the Assembly affirms its beliefs that the Children's Commissioner for Wales should have statutory powers across all areas affecting all children in Wales, and that his or her powers should include:

- Power to require inquiries
- Powers to order disclosure of information
- Powers to require action to be taken by public authorities and bodies, in accordance with their own duties."

The amendment was passed unanimously by all four parties in the Assembly. It is timely to reflect on that intent and to ensure that the legislation supports the Commissioner to undertake their duties to the fullest of their ability.

Set out below is more detail on these individual anomalies or gaps, as well as the case for change.

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<sup>1</sup> [https://api.parliament.uk/historic-hansard/lords/2001/feb/19/childrens-commissioner-for-wales-bill#S5LV0622P0\\_20010219\\_HOL\\_229](https://api.parliament.uk/historic-hansard/lords/2001/feb/19/childrens-commissioner-for-wales-bill#S5LV0622P0_20010219_HOL_229)

<sup>2</sup> [https://api.parliament.uk/historic-hansard/commons/2000/dec/13/childrens-commissioner#S6CV0359P0\\_20001213\\_HOC\\_15](https://api.parliament.uk/historic-hansard/commons/2000/dec/13/childrens-commissioner#S6CV0359P0_20001213_HOC_15)

## Proposed changes to the CCfW legislation

### Operational matters:

- Each of the different powers in the Commissioner's legislation comes with a differing level of detail in relation to how that power is exercised.
  - In relation to case examinations (s.74 Care Standards Act 2000), there is extensive detail in the Regulations as to the relevant procedure, and the process for gathering evidence, including the assumption of quasi High Court powers in respect of witnesses.
  - In relation to reviewing the arrangements for whistleblowing, advocacy and complaints (section 73 Care Standards Act 2000), there is procedural detail, which includes the setting of Terms of Reference and requiring organisations to submit evidence within set timescales.
  - The power under section 72B Care Standards Act 2000 (review of exercise of functions of designated bodies) is not expanded upon; the legislation is silent as to how this power is exercised.

It could be considered that this was intended to be a strength at the time of drafting, so as not to curtail the Commissioner in how the s.72B power would be exercised. However, through our use of this particular power in the recent Review, it became apparent that this presented a barrier to the safe sharing of relevant papers in order to complete the review of how Welsh Government's functions had been exercised. Children and young people's rights cannot be fully protected by the Commissioner's office without access to all relevant documentation to understand the processes undertaken and the decision making history. The Government will not be able to hold up the Commissioner's office as an example of detailed scrutiny of them, if the legislation remains as drafted, thus allowing requested documentation to be withheld.

The s. 72B power enables the Commissioner to review the functions of the Welsh Government, amongst other bodies. However, the Government also appoints the Commissioner and provides annual funding for their office. The s.72B power does not include the power to review the functions of the Senedd.

**This is why there should also be a central role for the Senedd in the appointment and funding of the Commissioner's office.** There is an inherent conflict of interest in the body that is being scrutinised and held to account (WG) being the holder of the purse strings and in control of how the Commissioner may exercise their full powers. Moving the appointment process to the legislature and not the executive would provide a clear separation between operational and financial matters, and the scrutiny role.

In the case of the s.72B Review, officials had suggested use of the Freedom of Information framework as a potential compromise in this regard. Whilst the suggestion of alternative arrangements was welcome in terms of pragmatism, this in practice would not have allowed for any additional papers/content of papers to be disclosed to the office. In addition, as documented in the Review report, this does not give the Commissioner any greater access to papers than that which a

member of the public could obtain. We do not think that that is the aim or spirit of this power in the Commissioner's legislation.

The Paris Principles<sup>3</sup> require that National Human Rights Institutions have 'adequate powers', so that they can initiate inquiries and investigations, gather the evidence and documents they need, consult with NGOs and State institutions and publicise their reports, findings and recommendations. It cannot be said at present that the Commissioner's office and remit fulfils that important principle, while access to institutions and documentation is in effect curtailed through the absence of clarity in the legislation.

**The Commissioner should be appointed by the Legislature (Senedd) and not the Executive (Government) in order to maintain separation from those who fall within the Commissioner's scrutiny and powers.**

**We also recommend, as a minimum, that the CCfW Regulations aligned to the exercise of the S.72B power are reviewed and revisited, to create a process for sharing documentation in a transparent and legal way.**

**In addition we recommend consideration of the issues below to enable the Children's Commissioner to exercise their powers fully, for the benefit of children in Wales.**

#### Policy areas:

- **Private provision for children:** The Commissioner does not have legal powers to enquire or investigate in relation to all schools in Wales despite education being devolved. As the 2019 case in north Wales illustrated, we were limited in our powers in relation to independent schools. We identified through legal advice that we would have some powers in relation to regulated services provided in Wales, namely boarding accommodation being provided as part of a school. By virtue of this being a boarding school, the school in question *did* fall within our remit, and the intervention of CCfW was a key factor in safeguarding children in this setting, but an independent day school currently would not fall within our remit.

Similarly, private children's homes (which make up the majority of children's homes provision in Wales) and private children's mental health settings do not fall within our remit. We have concerns currently about specific provision in each of those categories.

**We recommend widening the categories of services and organisations in Wales over which the Commissioner has remit under Schedules 2A and 2B of the Care Standards Act 2000, in recognition of the needs and rights of children in all settings in Wales to be kept safe and supported.**

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<sup>3</sup> <https://ganhri.org/paris-principles/>

- Related to this, the Older Person's Commissioner has a power of entry<sup>4</sup> into any premises other than a private dwelling at any reasonable time, for the purposes of interviewing an older person in relation to their powers to review organisations' discharge of their functions. The Children's Commissioner for England has powers of entry to settings<sup>5</sup> also, and in fact would have more powers of entry to visit children in secure settings in Wales than the CCfW. A similar power for CCfW could be an alternative way to alter the Children's Commissioner's powers in respect of independent schools, but also this would bring in other closed settings such as youth justice/custody provision which currently sits outside of the Commissioner's remit. Whilst we enjoy productive working relationships with the two custody settings in Wales (HMP Parc YOI and Hillside Secure Children's Homes), they are not required to co-operate with the office and could not be compelled to do so should a serious incident be suspected or alleged. With work taking place currently on new safe therapeutic accommodation and new accommodation settings under the Youth Justice Blueprint for Wales, it is timely to consider how children's rights in such settings will be protected and underpinned.

Powers of entry and access to records would be the key elements to consider, in our view.

**We recommend consideration of how the CCfW remit may be extended to include power of entry into any premises other than a private dwelling at any reasonable time, for the purposes of speaking with a child or young person in relation to their powers to review organisations' discharge of their functions.**

- The CCfW office was set up in response to findings of the Waterhouse inquiry, and due to the context of that particular inquiry we have enhanced powers in respect of children that are owed continuing duties by social services beyond the age of 18. This highlights two relevant issues when considering the Commissioner's powers at the present time:
  - The wording of this power in our legislation is linked back to the Social Services and Well-being (Wales) Act 2014 and the associated duties to support care leavers post 18. For some young people this goes up to the age of 25 but for others the official position in the legislation is that that support ends at age 21. Whilst we've welcomed and supported Welsh Government's direction to social services that they should now be funding Personal Advisers for all care leavers up to the age of 25<sup>6</sup>, until the relevant legislation is amended to reflect this, it affects the interpretation of this power in the Commissioner's legislation. We have taken a purposive interpretation to this; continuing to support care leavers up to the age of 25 and challenging local authorities who are not complying with the WG direction, but in the event of a complaint the formal position of the legislation does not currently back this up. We are aware of plans to bring forward legislation to correct this, but we simply make this point here to highlight our existing calls from successive annual reports in this regard.

<sup>4</sup> <https://www.legislation.gov.uk/ukpga/2006/30/section/13>

<sup>5</sup> [https://www.legislation.gov.uk/ukpga/2004/31/pdfs/ukpga\\_20040031\\_en.pdf](https://www.legislation.gov.uk/ukpga/2004/31/pdfs/ukpga_20040031_en.pdf) section 2(8) Children Act 2004

<sup>6</sup> In response to our [Hidden Ambitions](#) report

- In addition, there may be the need for consequential amendments to be made to our legislation, in light of the new Additional Learning Needs legislation which extends duties up to the age of 25. Currently we are unable to support children and families once their child attains the age of 18; whereas formal education continues for many with additional learning needs up to at least the age of 19. It should be noted that support for children with SEN/ALN has been a consistently high area of our office's casework year on year.
- Developing and implementing a Youth Work Strategy for Wales which extends to age 25 may also be of interest when considering the limits of the Commissioner's remit, in order to ensure that the office can support young people receiving youth work services where there are problems or difficulties arising, and hold relevant organisations to account in doing so.

**We would be open to discussions in relation to the age related restrictions of our remit, in the context of specific pieces of legislation or strategies. It is noted that this may require amendments beyond the Commissioner's Regulations themselves, and also would inevitably increase the resource requirements of the office.**

#### Wider issues:

The Public Services Ombudsman for Wales (PSOW) legislation was amended in 2019, to create new powers for the Ombudsman to:

- accept oral complaints;
- undertake own initiative investigations;
- investigate private medical treatment including nursing care in a public/private health pathway;
- undertake a role in relation to complaints handling standards and procedures.

The Ombudsman's previous legislation that was amended dated from 2005. By contrast, the CCfW legislation has not been revisited since it was enacted in 2000 and 2001.

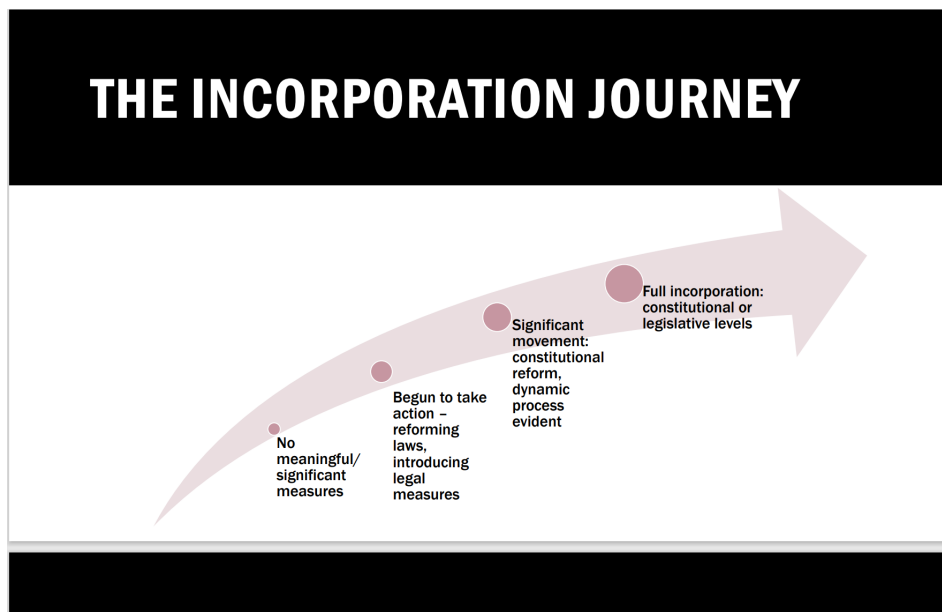
It took several years for the PSOW's amendment legislation to be passed; we therefore believe that there is a need for swift action in this regard. We believe that this paper and our Statutory Review report provide a compelling case for change, to ensure that all children in Wales are protected and in receipt of their rights, wherever they may live or receive services. That was the originating intention of the legislation when introduced and it is right that, twenty years on, the provisions are reviewed to ensure they give the greatest possible effect to the operation of the legal powers designed to protect those children's rights.

In 2021, the Scottish Parliament unanimously passed a Bill to fully incorporate the UNCRC into their domestic law. The Bill was challenged by the UK Government in the Supreme Court on constitutional grounds; the judgment in September remitted the Bill back to the Scottish Parliament but on the grounds that certain sections sought to restrict the UK Government's legislative powers. Such a provision was not compatible with the devolution settlement, in which the UK Government's did **not** take issue with the Scottish Parliament's decision to incorporate the UNCRC and this was

“recognised to be a matter for the Scottish Parliament”<sup>7</sup>. Any changes required to the Bill do not relate to full incorporation of the UNCRC and the implementation of the UNCRC within Scotland and by devolved public bodies.

The Scottish Bill would further advance the protections for children’s human rights in Scotland, going beyond the arrangements here in Wales under the Rights of Children and Young Persons (Wales) Measure 2011, which amounts to partial incorporation only. There remains a compelling argument for further incorporation of the UNCRC here in Wales.

At a webinar event in October 2021<sup>8</sup>, Professor Kilkelly presented the findings of her recently published book 'Incorporating the UN Convention on the Rights of the Child', the first comprehensive analysis of progress across the world towards giving legal effect to the CRC. Professor Kilkelly shared insights about the challenges and successes different countries have faced when incorporating the Convention in their own unique contexts. In this international event, she highlighted how Wales is only at the second stage of the incorporation journey, as illustrated on the following diagram:



The powers of the Commissioner in relation to public bodies in Wales are only as strong as the other legislative provisions underpinning how they work. Although the Commissioner can review public bodies’ exercise of their functions, there is not currently a duty on bodies such as health boards and local authorities to act compatibly with children’s rights or to demonstrate how they have done so. Examples during the pandemic such as the continued closure of parks and leisure centres in some

<sup>7</sup> REFERENCES (Bills) by the Attorney General and the Advocate General for Scotland - United Nations Convention on the Rights of the Child and European Charter of Local Self-Government (Incorporation) (Scotland) [2021] UKSC 42 (06 October 2021) (bailii.org) paragraph 4 of the judgment

<sup>8</sup> <http://www.crae.org.uk/news/rock-event-on-incorporating-the-un-convention-on-the-rights-of-the-child-into-national-law-with-ursula-kilkelly/>

local authority areas demonstrate how, provided LAs have *considered* children's rights in reaching their decisions, there is little that the Commissioner can challenge even if the ultimate decision does not uphold children's rights. The same can be said of the 'due regard' model that applies to Welsh Ministers under the 2011 Measure; regard to rights is not the same as acting compatibly with them.

It is only full and direct incorporation of the UNCRC into Welsh domestic law that will ensure a shift in public bodies' practices, including those of the Welsh Government. This will also allow the Commissioner, but also members of the public, to hold those bodies to account more effectively where they have not acted compatibly with children's rights. But more importantly, it will shift how public bodies think about and apply rights in their decision making, thus ensuring a better experiences for children and their families.

**We recommend a review of incorporation of the UNCRC in Wales to date, and for further incorporation of the UNCRC to be taken forward in conjunction with changes to the Commissioners' remit and legislation. This would fundamentally improve children and families' direct experiences when in receipt of services from public bodies in Wales, and/or their ability to effectively challenge where this experience is not compatible with their rights.**

# Agenda Item 8.4

**CYPE(6)-07-22 - Paper to note 4**

Y Pwyllgor Plant, Pobl Ifanc  
ac Addysg

—  
Children, Young People  
and Education Committee

Elin Jones MS

Llywydd

**Senedd Cymru**

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**Welsh Parliament**

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Date: 10 March 2022

Subject: Request for additional meeting

Dear Elin,

We would like to request an additional meeting in the final week of the Spring term (week commencing 28 March.) This is our first request this half term. It would be a short, private, formal meeting to enable us to discuss and consider our forward work programme. We had initially intended to do this as part of our scheduled meeting on 24 March, but the agenda for that meeting is now full and would not provide us with sufficient time. We would arrange the meeting for a time which does not clash with other Senedd business.

Yours sincerely,



Jayne Bryant, MS

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



## CYPE(6)-07-22 - Paper to note 5

**Y Pwyllgor Plant, Pobl Ifanc  
ac Addysg**

**Children, Young People  
and Education Committee**

Minister for Education and Welsh Language  
Jeremy Miles MS

Minister for Health and Social Services  
Eluned Morgan MS

Deputy Minister for Social Services  
Julie Morgan MS

Deputy Minister for Mental Health and Wellbeing  
Lynne Neagle MS

14 March 2022

### **Findings of our 6<sup>th</sup> Senedd priorities engagement with children and young people**

Dear colleagues,

As part of the consultation that we carried out to inform our priorities for the 6<sup>th</sup> Senedd, the Senedd's citizen engagement team undertook a series of engagement activities with children and young people on our behalf. The purpose of that engagement was to find out more about what matters most to children and young people.

The citizen engagement team heard directly from 127 children across seven sessions. They engaged with children and young people across Wales, in a diverse range of locations and settings. They targeted children that we as a Committee find difficult to reach, such as children under 12 and children from low income families. The team reported their findings back to us during our meeting on 27 January.

We were struck by the clarity with which the children and young people communicated their concerns and priorities. Clear themes emerged from the engagement work, with nuances that reflect the diversity of the children who contributed and their different experiences of the world around them. They spoke about deforestation, littering, social isolation, mental health, poverty, hospital waiting

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times, infrastructure, diversity, social media and much more. They shared their views - and their visions for a better Wales – clearly and articulately.

After considering the report, I feel that it would be useful to share it with you. It gives some indication of what matters most to some children and young people in Wales. Not everything that they told us is directly relevant to your portfolios. But, as the Well-being of Future Generations (Wales) Act 2015 reminds us, even issues that at first glance do not appear to directly impact children and young people are often critically important for their education and physical and mental well-being.

I have therefore attached the citizen engagement team's report to this letter. I hope that you are able to find the time to consider it, reflect on what matters most to those children and young people, and incorporate it into your work and the work of your cabinet colleagues accordingly.

Yours,



Jayne Bryant MS

Chair of the Children, Young People and Education Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

# Young People's Priorities for the Committee in the 6th Senedd

Children, Young People and Education Committee

January 2022

Over the summer of 2021 the Children, Young People and Education Committee (*Committee* hereafter) conducted an open consultation aiming to understand stakeholders priorities for the Committee during the length of 6th Senedd term. A summary of the responses was prepared by Senedd Research.

In October 2021, the committee agreed to seek the views of children and young people to further understand the issues that they care about and to inform the Committee's strategic plan.

Due to a breadth of consultation data available in the public domain from engagement conducted with 12 year olds and older (*young people* hereafter), a focused consultation was conducted with 11 year olds and under (*children* hereafter) to fulfil a knowledge gap and therefore have the biggest impact on informing the committee.

To ensure the voices of all ages were heard, the Committee also agreed to speak with one group of young people.



## Methodology

The approach conducted for this piece of work facilitated conversations to enable the gathering of information about children's lives and their perspectives. It was primarily a qualitative approach. Using the following principles from participatory frameworks, engagement was designed to:

- **Ensure a safe and communicative space**, where participants didn't feel there was a 'right' or 'wrong' answer to the questions they were being asked as they might be used to this from within a school setting.
- **Include groups that were less visible either generally within Committee consultation or from the research already undertaken**. This was achieved by targeting an under 12 age group and only involving one group of young people. Also, all three schools groups were from schools offering Free School Meals to over 40% of their pupils.
- **Offer a range of options for engagement** that suited individual participants, for example, this approach allowed participants to contribute visually, verbally, in writing or by drawing.

## Sample

**Seven** sessions were held with **127** children and young people. Audiences included:

- **Home Educated children and young people**. A drop-in session was held in the National Botanical Garden of Wales and facilitated by Senedd staff.
- **Primary school educated children**. Three classroom based environment led sessions were conducted by Senedd staff or school staff. Participants came from the following schools; Ysgol Ffordd Dyffryn, Llandudno; Trinant Primary School, Caerphilly and; Ringland Primary, Newport.
- **Nursery school children**. Two nursery based sessions were conducted by nursery staff within the setting and in their local area. Participants came from Thornhill Playgroup, Cwmbran.
- **Young people**. A virtual session was conducted by two Members of the Senedd and supported by Senedd staff. Participants came from The Wales Federation of Young Farmers Clubs (YFC hereafter).

For the style of this approach this sample size should provide enough data to address the aims of this work and complement existing all Wales based research.

## Approach

Each group was invited to take part face to face. In total three sessions were delivered by Senedd staff face to face. Two were delivered digitally by Senedd staff and two were delivered by the setting. The two sessions delivered by the setting occurred in the

nursery setting, an approach recommended for this age group as introducing a new person to very young participants can be distracting and affect the collection of genuine results.

Each group session plan was developed around the following overarching questions:

1. If you could make a “perfect vision of Wales” what would you include?
2. What are your favourite things about Wales? And why do you like them?
3. What don't you like about Wales and why would you want to see less of this?
4. What would you change about Wales if you could?

In advance of the session, each group was invited to answer these questions with photography. At each session, other than the virtual event with YFC, A0 maps of Wales and paper people were used as a resource to promote the sharing of their thoughts on these questions. You can see images of some of the maps in Appendix A.

During each session staff would explore the reasoning around what the young people were creating asking non-leading questions. Verbatim quotes were collected to add context to their picture making, mark marking and map making. This allowed the young people to analyse their thoughts and opinions and then verbalise them.

**Member involvement** and attendance at face to face sessions was limited by the ongoing Covid regulations. However, Jayne Brant MS (Chair of the Committee) and James Evans MS (A member of the Committee) were able to attend the virtual session held with YFC.

## Key Findings

The data collected at each session has been analysed and the key findings illustrated below. Key themes were identified as most prevalent themes emerging from the data. Several of the themes link with Articles from the United Nations Convention on the Rights of the Child. Verbatim quotes are highlighted in grey boxes. Themes are displayed in order of the highest prevalence first:

### Environmental Concerns

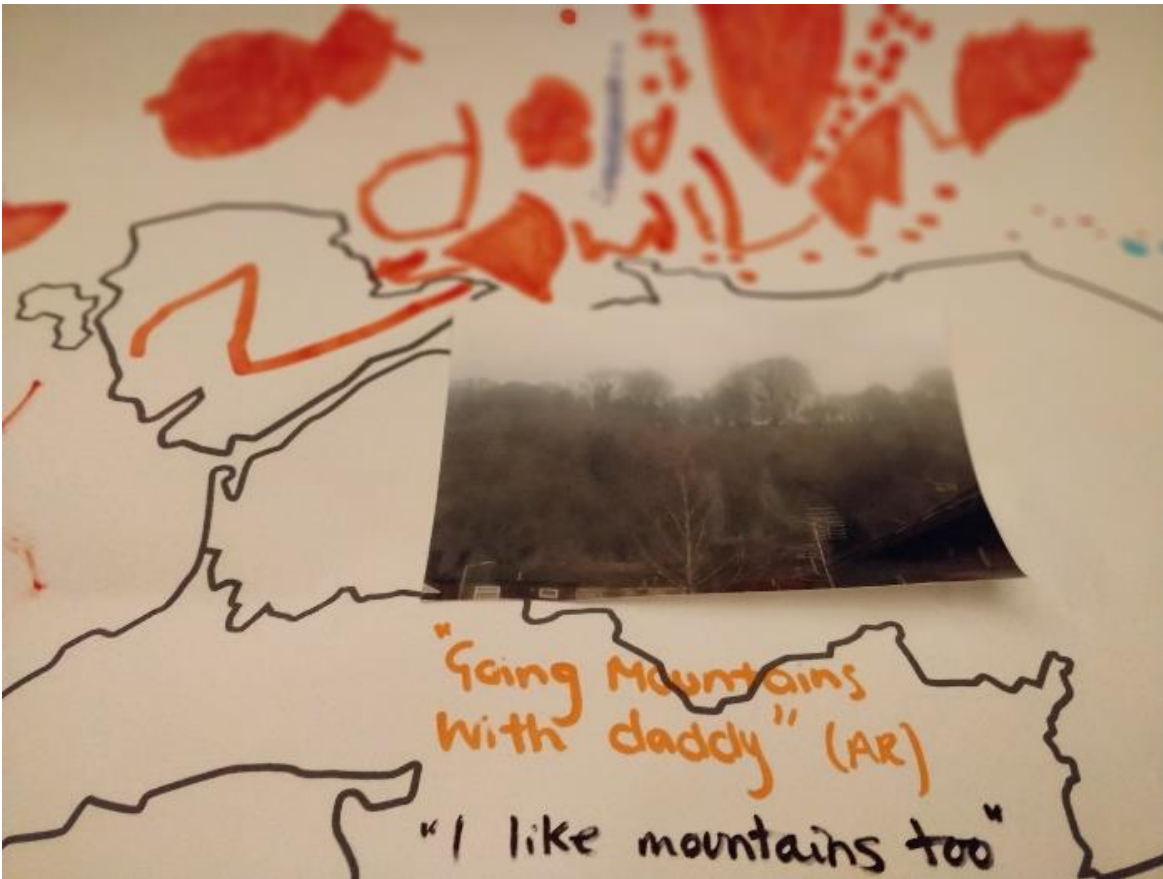
**Article 12: Your right to say what you think should happen and be listened to.**

**Environmental concerns were the primary focus** on almost all of the maps as well as raised at the virtual session with YFC and illustrated with photographic images.

Comments could be divided into:

- a) those that demonstrated awareness and appreciation of the environment, nature and wildlife;

Within the nursery setting two children liked the mountains nearby and commented 'going mountains with daddy' and 'I like mountains too'.



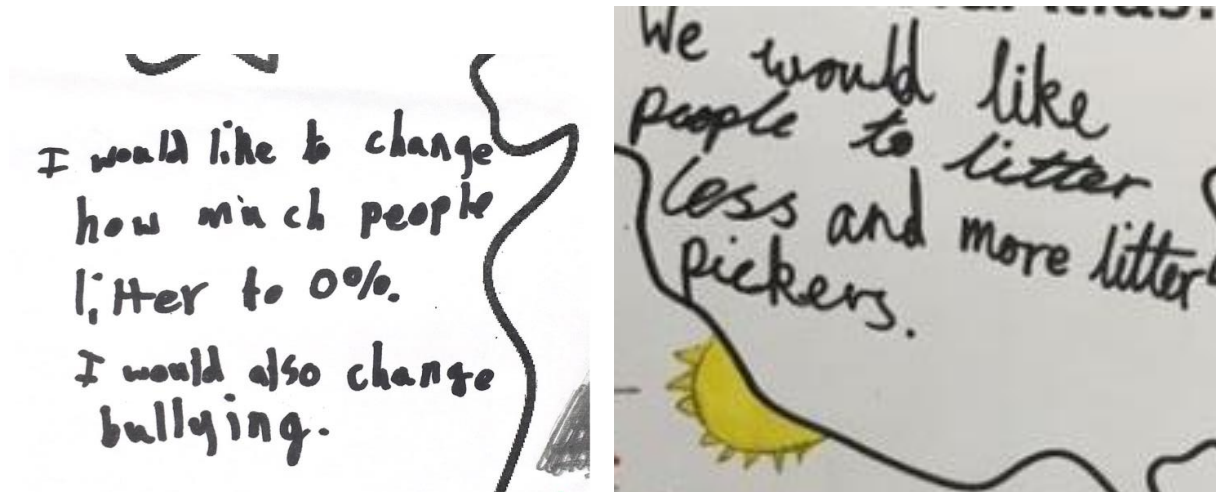
Participants from the schools took pictures in their local areas of natural beauty and mentioned beauty spots they liked to visit.



Wild and captive animals also featured within the images:



b) appeals for improvements to cleanliness in their local area;



Participants in the school drew pictures of litter and shared concerns about the amount in their areas. There was a particular focus on plastics.

Within the nursery setting several children were in agreement that they did not like rubbish and one child said 'rubbish go in bin'.

Dog waste was verbally mentioned several times and photographed once by the children. Only one photo was added to the map (nursery staff commented that 'the map would be covered in poo photos otherwise!') One child commented 'yuck poo!' 'Rubbish go in bin', 'rubbish don't go in there' and 'might tread in it' in reference to dog waste.



Comments to support concerns to the local environment from other children and young people were:

*There's litter everywhere and we need more bins. – child aged 9-11*

*We went out to pick up litter on a litter hunt and picked up so many bags full of plastic. – child aged 9-11*

*Keep Seas / Beaches clean - Home schooled participant*

*(Facilitator asked: What don't you like about Wales?) The rubbish because it's effecting all the animals. – child aged 9-11*

*(Facilitator asked: What don't you like about Wales?) Firstly we have litter, if it goes into the sea it can make our planet more polluted. It can cause more fires, cause more storms that affect us. (Facilitator asked: Where is the litter?) We are one of the best for not littering but I do see when people come out of the shop they just drop their papers on the floor from their things. (Facilitator asked: What can we do about this, what are your ideas?) Maybe add a little bit less plastic to things so some things can come in cardboard or other things because there are lots of plastic things in the shops when you walk in. – child aged 9-11*

*Stop using plastic, give people a fine for littering and there could be cameras everywhere on every street. – child aged 9-11*

*We can't ban plastic, we probably still need to use it for different things don't we, but you can get rid of some of it but don't think all of it. We need to be first*

*in the world for recycling so there is like no litter in the streets anymore. – child aged 9-11*

**C) And; appeals for action against things that children and young people felt were damaging to the environment.**

Comments collected from the maps or shared verbally included:

*Stop killing animals and stop using plastic straws – child aged 9-11*

*Get rid of some plastics – child aged 9-11*

*Easier ways to recycle and less plastic packaging in Welsh supermarkets - Home school participant*

*More trees, we shouldn't cut down all the trees. – child aged 9-11*

*(Facilitator asked: What don't you like about Wales?) Deforestation (Facilitator asked: In Wales or in the world?) In the world (Facilitator asked: Does it affect us here in Wales?) Yes (Facilitator asked: What should we be doing?) Instead of cutting down trees we should be planting – child aged 9-11*

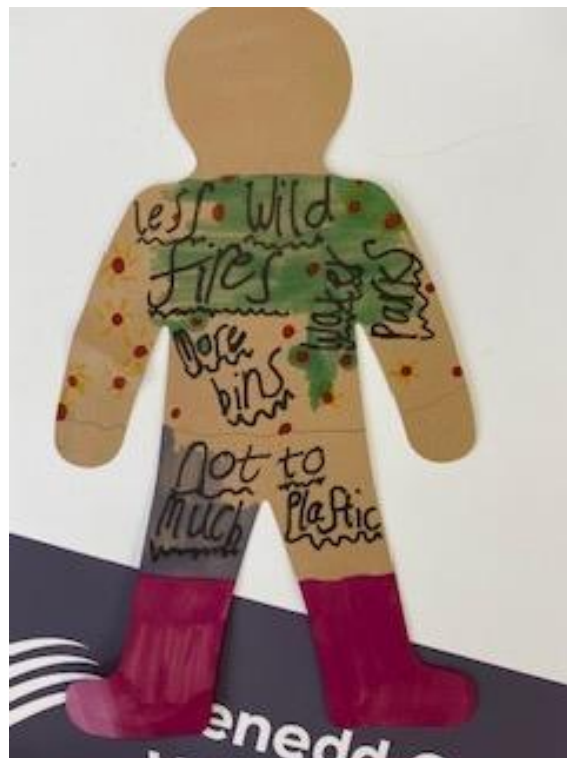
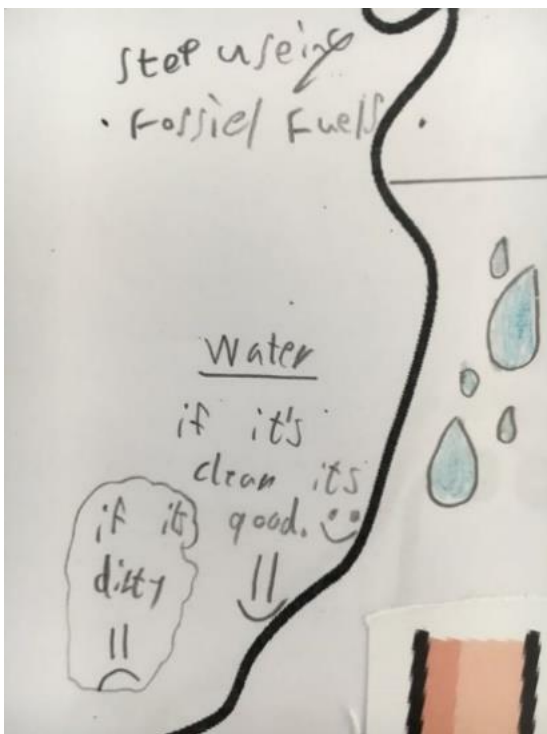
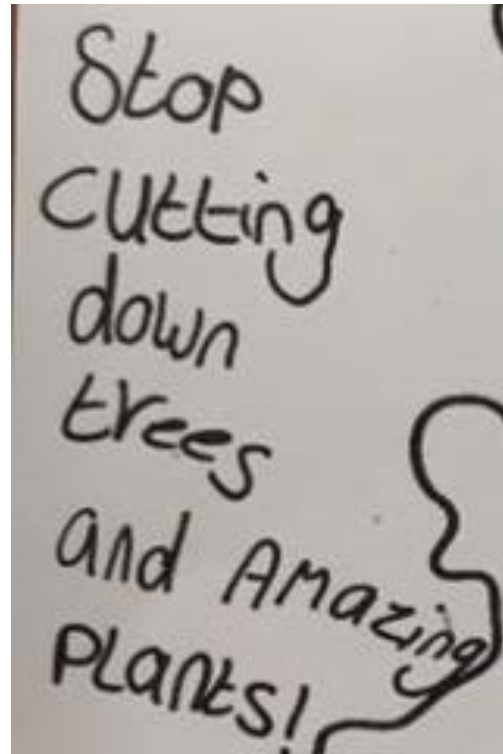
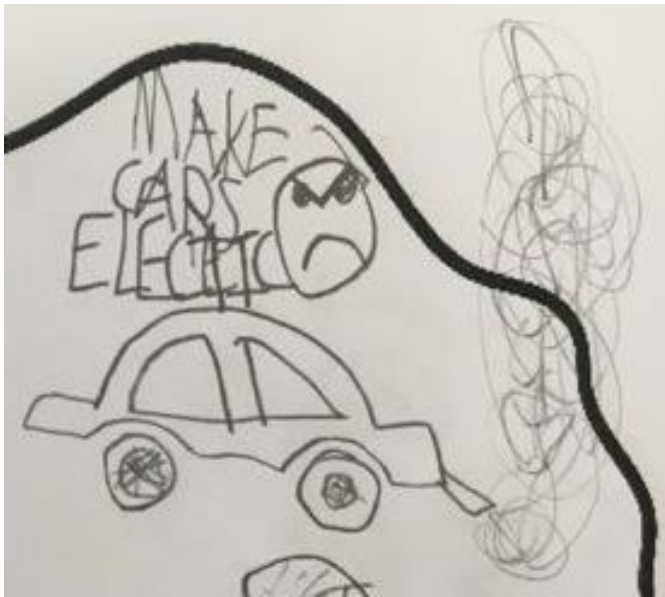
*Less wildfires because we have lots of wildfires up on the mountain. They kill the animals and are dangerous for all the people. – child aged 9-11*

*(Facilitator asked: What don't you like about Wales?) Cars, I don't like them because they cause pollution. More cycling and walking to School, electric cars not gas or fossil fuel. – child aged 9-11*

*Green Cars only – less building roads - Home schooled participant*

*I think things like the 5p bag tax does make a lot of difference because before that was in place I can remember going on holiday in England and there was just so much plastic waste compared to Wales. I think it's important we think more about the environment as much now as we did when the 5p bag tax came in. We've got so such a nice environment and landscapes in Wales. I think we do do quite a bit too. But I think there's more we can do. – Participant from YFC*

These images were collected from the school sessions:



Participants from schools shared images they'd taken of litter in their area and the presence of renewable energy sources in their local area:



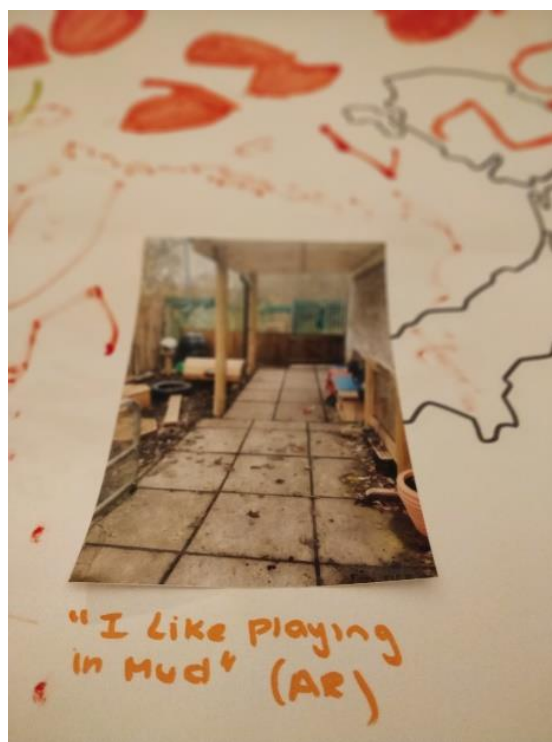
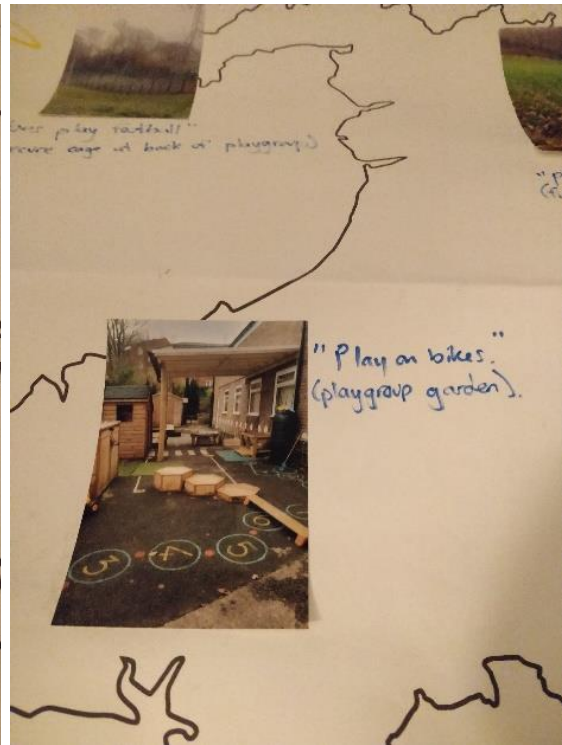
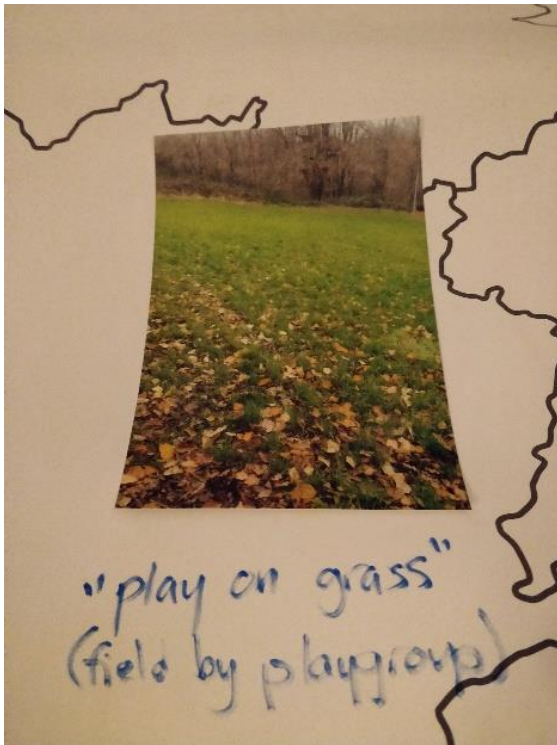
## Security in the context of relaxing and playing

Article 31: Your right to relax and play.

Children and young people across many groups expressed how important play was to them.

*Words that sum up my best of Wales – freedom, creativity, resilience - Home school participant*

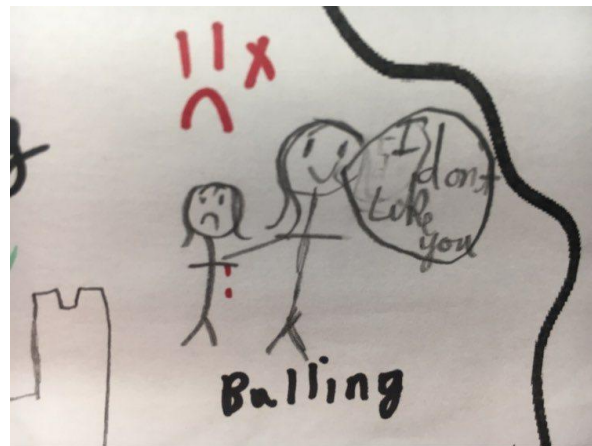
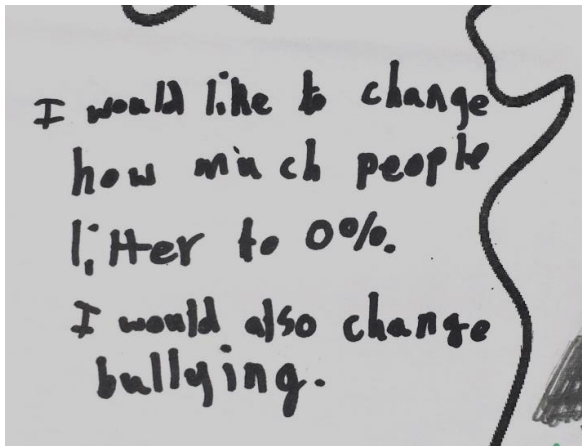
In the nursery sessions there was a clear theme of play and enjoyment at the nursery and in their local area.. The children wanted to take a photo of the playgroup garden saying 'I play in mud'. One of the older children wanted a picture in front of the 'big butterfly' and the other children joined in saying 'play with toys', 'do pictures' and 'stickers'.



However some participants struggled to find places to play for various reasons:

*I don't really go out because there's not much to do and my Mam might be moving again. I have three friends, I did have friends before I moved. I moved a lot of times (over 5). I want to make more friends and I'd like to talk to my old friends too. I don't really want to move again. – child aged 9-11*

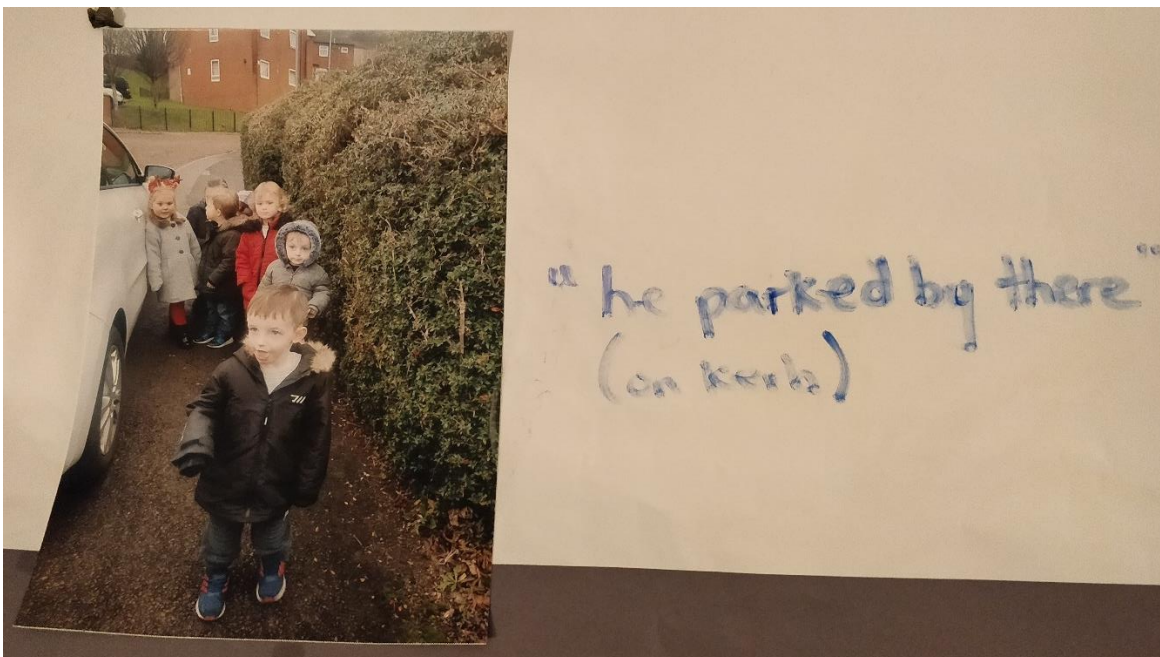
The participants in schools shared experiences and perspectives on when those spaces or their personal safety felt under threat:



*There's lots of fighting around here. It's like the Hood up here. It's all the naughty teenagers. They spray spray-paint all over the place and they ruined our swings and jumped all over them. They tell us to get off the swings. They can go far away and not destroy the children's parks. – child aged 9-11*

*I want a skatepark that doesn't get wrecked by the teenagers, they keep digging it up and trying to set fire to it. – child aged 9-11*

Within the nursery session, one child said 'he parked there' pointing out that there was very little space for staff and children to pass by safely on the path:





Other children pointed out overgrown bushes meaning children were unable to walk down a path without moving onto the grass (when holding hands in pairs) 'didn't like the prickles'.

Many children and young people requested an increase in the number, variety and quality of spaces to spend time with family, with particular reference to outside spaces and local parks:



*I want more places to go to like places to go on walks with my family. Like Pen y Fan Pond because it's not next to the road. – child aged 9-11*

*I like indoor places like a museum and trampoline parks. I like going places with my family. – child aged 9-11*

*Culture 😊 – Better access please but love the opportunities in Wales, castles, theatres, dancing – Home school participant*

## Health – including access to good physical and mental health

**Article 6: You have the right to life and to grow up to be healthy.**

At the virtual session with YFC, mental health was discussed in detail. **Isolation as a result of the pandemic, social media and child poverty were identified by young people as instigators for poor mental health.** (Please see the “Diversity and Inclusion” section for data on child poverty):

*Mental health support is something I'm really passionate about. In my undergraduate dissertation I wrote about how in general we [society] think it's older people that don't want to come forward and talk about it – perhaps because of a stiff upper lip attitude. However my research actually found it was young people who had more stigma towards it despite being educated on it so much more. – Participant from YFC*

*COVID has affected levels of mental health. Mental health has been heightened because of isolation. We've been behind computers and the isolation of being away from family and so forth has exacerbated the problem. – Participant from YFC*

*Social media plays a huge role in young people's mental health – but unfortunately I don't see how we can really police it easily. There are some obvious approaches out there. Like encouraging the young people to unfollow people who don't make them feel happy. But at the end of the day who's actually gone through their social media and taken out the people who don't make them feel good. It's such a big thing in our lives and it's going to be our lives now forever. – Participant from YFC*

*Unfortunately, we're seeing much more of this issue [poor mental health] than we are seeing the positive sides of social media. – Participant from YFC*

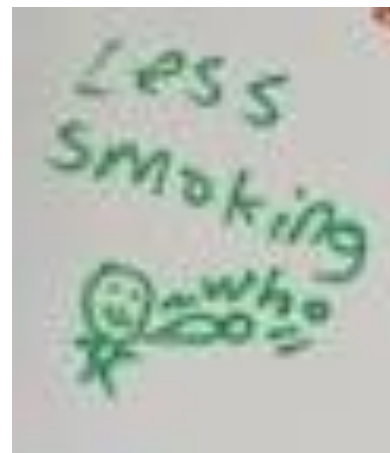
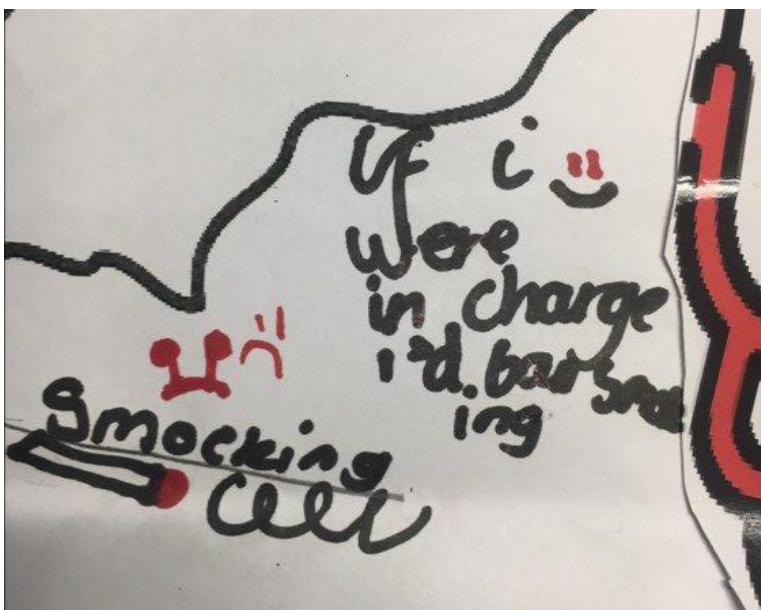
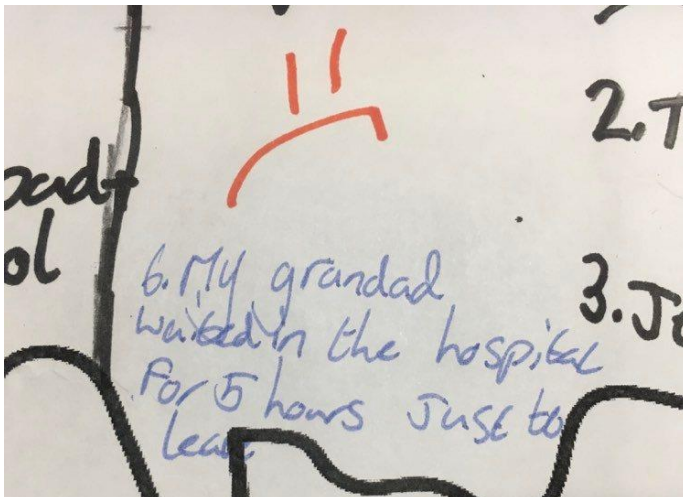
One thing that I would change if I could, if I had a magic power, is that people can only post their real life rather than their ideal vision [...] we [social media users] end up comparing ourselves and feeling hopeless. – Participant from YFC

Participants suggested nature could help mitigate poor mental health:

I love the countryside and beaches – more people should spend more time outside in my opinion – makes people happy! – Home school participant

People can go out to nature they hear the birds singing it helps them calm. – child aged 9-11

References were made by school participants about **waiting times and their dislike of smoking** and under the map titled “what would you change in Wales?” one home schooled participant said “More Carers” and “More Male Carers!”:



*Smoking can affect your health, I know it's addictive but it shouldn't be if it affects your health. Why should it be there at all because it's affecting your lungs. – child aged 9-11*

*(Facilitator asked: What would you like to change?) When you go to into hospital there are gigantic ques. – child aged 9-11*

## Access to services

**Article 29: Your right to become the best that you can be.**

**Closures of services and centralisation of facilities, lack of affordable homes and poor internet connection** were among a range of things that young people felt held them back from being the best they could.

Participants from the YFC group felt that **the future of Wales should focus on children and young people primarily**. Ensuring this group has the security and support to be able to grow up and live in their local area as they felt a lot of services are being centralised or closed. This was echoed by some younger participants who were aware of hospital closures or the need to have services more locally:

*I think young farmers have a vision of a better Wales for the future of young people [...] We need to make sure that the future is safe and secure for them in regards to being able to work in agriculture. A lot of young people are moving away from agriculture and moving away from rural areas because they're not able to afford to live in rural areas [...] We've heard of local small schools closing, and we are losing those communities in those areas. I know my local school here has closed and it does feel that you lose the community. –*

Participant from YFC

*I think that it's important to have something to still bring those young people back into those areas. – Participant from YFC*

*I put a school on the map too so I can walk to it and my dad has to get up really early in the morning to travel to work. I'd like it if we had everything so we could walk there like a local school and jobs. - child aged 9-11*

There was a sense that **participants were grateful for their rural surroundings** but also that they **wanted a good balance with sharing it with people who come from outside the area**. Their reasons for this were to ensure respect for the area and the safety of local people and the economy.

*I'm lucky in the area I live in. I live in a rural area of Wales and we've been very very lucky throughout COVID. That's made me appreciate much more of what I have around me. – Participant from YFC*

*(Facilitator asked: How do you feel living here in the summer?) The summer has loads of great things but way too many tourists. – child aged 9-11*

*We want our town not to be so messy. Tourists come and leave their rubbish - child aged 9-11*

The group shared **dismay at the infrastructure around internet access in rural areas**. They explained how this is prohibiting their lives and ability to stay in these rural areas due to the lack of being able to work successfully from home, something they have observed is more of a norm these days. They also raised concerns of personal safety when they had a lack of signal in rural areas:

*Internet access will be something that affects young people's decision to stay in rural areas. Unless we can get that sorted, people are really going to have to move away from those areas due to not being able to work from home as well as someone in urban areas. – Participant from YFC*

*What I don't like about Wales is the whole Internet and phone signal thing. As someone who works from home at the moment, it's a pain in my bum sometimes. But also, it made me feel less safe going on walks in my area [...] Sometimes this stopped me from going on those walks. – Participant from YFC*

**Issues around affordable housing were raised** with concerns about young people having to leave the areas that they have grown up in:

*I think that's very important during the next five years in the Senedd that Members make sure that young people are looked after and young people that have been in those areas over the years are able to stay in those areas. Or rural Wales is going to be more like an old age pensioners area. There is room for both age groups in every area, but I think the priority for support needs to be the younger generation for the future of Wales going forward. – Participant from YFC*

*Being 22 years old now I'm in the typical age group to look to buy a house but with rising house prices and so forth it is proving very difficult. I know this issue may be difficult to sort out over five years because that's a big job, but I can see it's only getting harder and harder, with holidaymakers coming in all the time. Boosted prices with second homes. It's a hard thing to balance in Wales*

*because we don't want to segregated ourselves away from the rest of the country. We want people to come in. We want that economic support and money from those holidaymakers. But we don't want those people taking our houses. – Participant from YFC*

One participant explained they felt they were at a disadvantage due to becoming a professional even though this was what society needs. This meant they have **'lost their independence'**:

*As someone who went to university and therefore didn't have a wage from 16 straight through to what am I now (22) it makes it even harder to buy a house. My brother is hardly 20 years old, and he's buying a house at the moment but it's only because he worked straight from coming out of school. Because I went to university I'm at a disadvantage even though I've got a professional job. I've lost out on my independence because I'm still at home. Perhaps this is a reflection on current wages too. As I'm doing jobs that are stuck on minimum wage. We [society] make it hard for people who go to university to come out the other end financially successful but we [society] need people to go to university to come out with these degrees and training skills because these people are then the future for tomorrow. They will be those teachers teaching children. – Participant from YFC*

## Education and Welsh language

**Article 28: Your right to learn and go to school.**

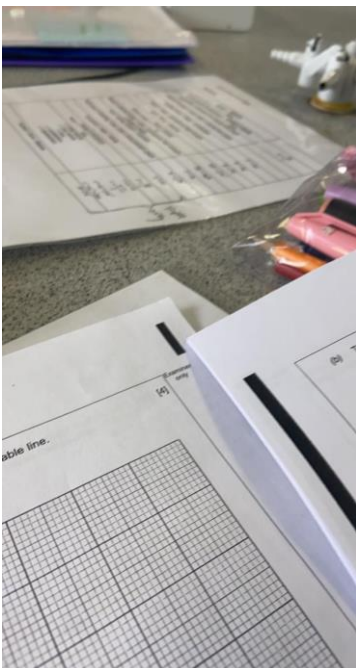
In general young people expressed their satisfaction with their education.

*Our school has a lot of energy, it's nice and positive, they are nice when people are sad – child aged 9-11*

Below is a reversible paper person that one participant created of their 'superhero teacher':



A YFC member submitted this photograph saying schools are something that they like about Wales:



Home school educated participants wanted to see **more long term funding for home education** and they requested **free exams** and **free Welsh language lessons**.

**Apprenticeships** were discussed at the YFC session. Participants felt although they are necessary they need more structure and **should be assessed by demand from the perspective of the employer and apprentice**:

*I think apprenticeships are a vital part of rural areas to be honest. With apprenticeships, it's getting the correct apprenticeships in the correct places. Because we're seeing a lot of people that are going for apprenticeships but they might not be old enough to drive. They might be old enough to drive but can't. Catching a bus at the correct time to the correct place is, well, completely impossible in our area anyway. They usually don't turn it or they turn up two hours too late. - Participant from YFC*

**Social media** was also discussed with the emphasis to **include it in the curriculum** in order to mitigate poor mental health:

*I definitely think it's important for social media to be part of the curriculum, but I have I worked in a school where time was set aside for talking about this topic, but their form tutor was an old man who clearly didn't understand social media and it's affects. So it's important to get the balance of how to get that message across right and getting the children to actually take notice of it. – Participant from YFC*

Young people were positive about Welsh language education:

*We want more Welsh language to be included in the world. – child aged 9-11*

*Love the language!!! More Welsh activities. – Home school participant*

## Diversity and Inclusion

**Article 3:** Everyone who works with children should always do what is best for each child.

The topics of **racism** and **gender balance** occurred in several groups, mainly with requests to **'stop racism'** or where participants wanted to highlight that they **felt these topics are 'still' a problem**. Occurrences were verbal and visual:



*I want more inclusivity for gender and races – Home schooled YP*

*I said black lives matter because it's important. – child aged 9-11*

*I think in schools they [poorer families and children] can be treated differently. From my experience, maybe the school isn't looking out for them as much as other pupils because they've got special education needs and so forth, they then end up with adverse situations when they're older and then unfortunately cost Wales extra money because society should have intervened earlier rather than intervening at crisis point. – Participant from YFC*

*Inclusivity is not just about in schools. It includes the community. It includes us as a younger generation and the older generations living in rural communities. -Participant from YFC*

*I've seen a big change in women in agriculture during the last five to 10 years. I think the appreciation of the work women do within agriculture is getting closer to being level with men. [...] We've seen the unions doing a lot of work showing what women do in agriculture. However in my opinion we shouldn't*

*have to be doing that, we should be on level playing fields by now and it doesn't matter what sex you are because at the end of the day we can all do the work. I'm glad to say that it is going in the right direction. -Participant from YFC*

Also, in reference to **Article 27: Your right to a good standard of living**, child poverty was discussed. Children were **concerned child poverty is still prevalent** and they expressed how they felt it was affecting children and young people today:

*I think it's bad that some children don't have money for a bike. – child aged 9-11*

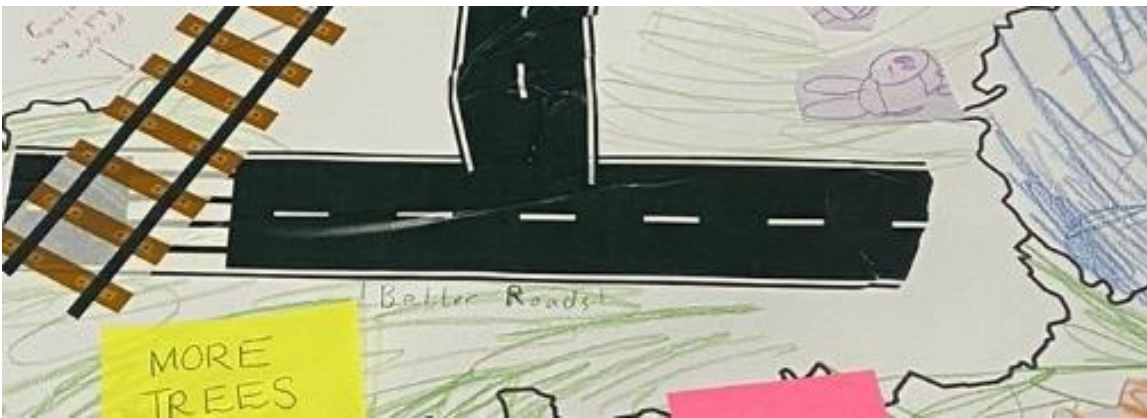
*I have to cycle to get to school, it's ok the traffic isn't bad. More should cycle to school but not everyone can afford a bike, we should do something about that. – child aged 9-11*

*Make more jobs and give more money (Facilitator asked: What do you mean more and better paid jobs?) Yes, so that people don't get homeless so that they can afford what they need. – child aged 9-11*

*I feel like COVID has segregated people from being people who can afford a laptop, and people who can't, especially for young people. When they don't have a laptop they can't pick up their school work so easily making it more difficult when they go back to school. I work in a school and I have seen how far behind some children have been because of not being able to afford a laptop and that really affects their mental health, not just because they can see they are behind, but because they can see, that they can't afford one like other people. They know they have missed out on two months of education and are asking themselves "Where am I going to be in the future? What's the point in trying for my future?" And this attitude can spiral. – Participant from YFC*

## Transport and Connectivity

Participants wanted improved public transport, with particular reference given to **better train infrastructure, public transport and increased electric cars** (see comments above):





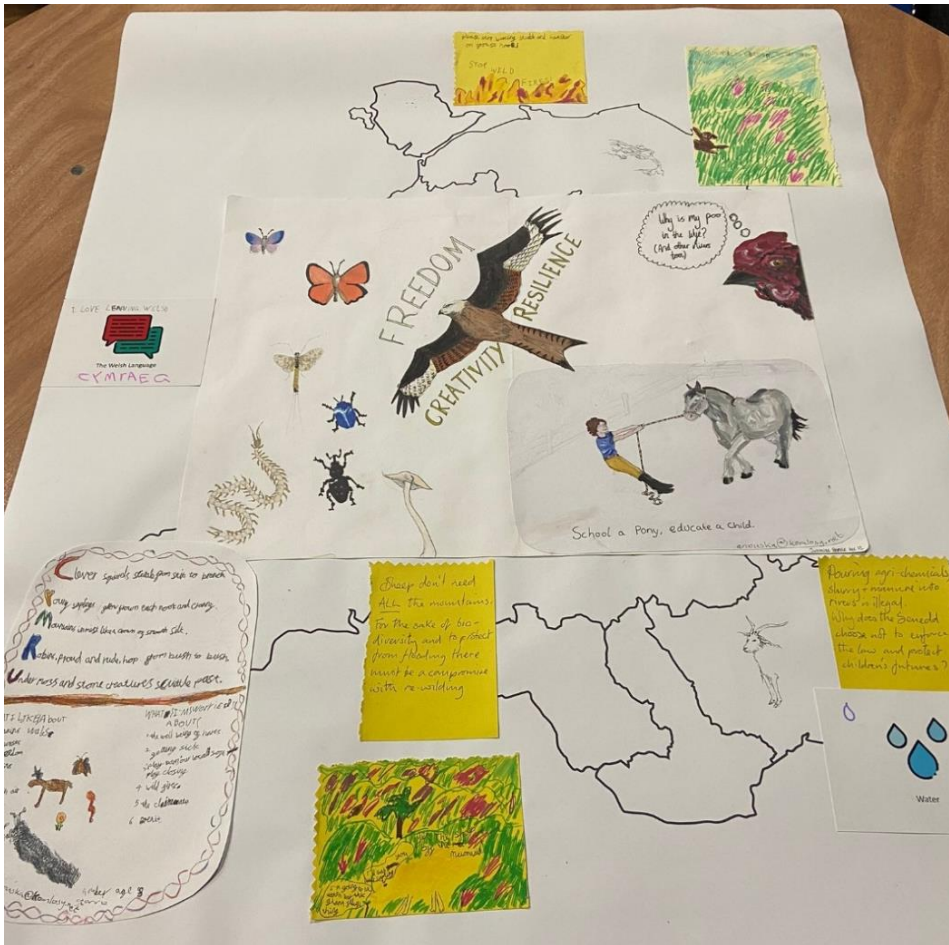
This quote related to the map above on the left:

*We need better trains and roads. We put more train places on our map so people can get the train instead of driving. We made it so all the tracks all over Wales connect up. – child aged 9-11*

There were also references to north and south road connections (see map above and on the right):

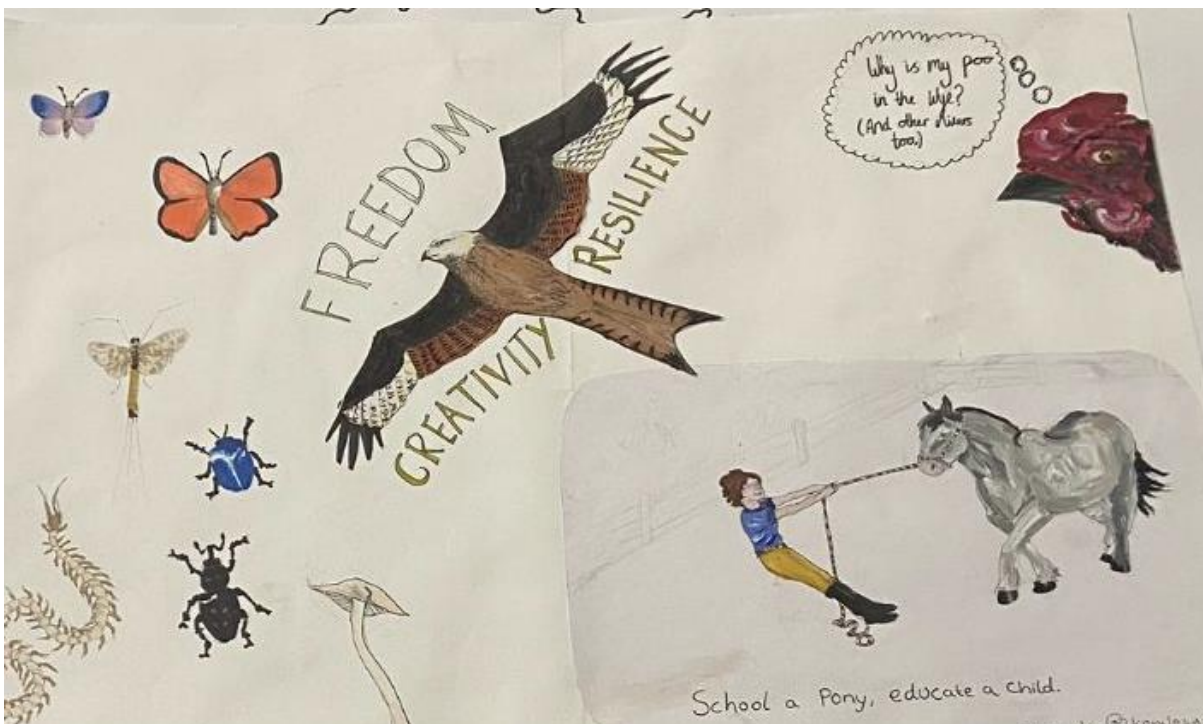
*I went up to North Wales for a big bike ride. It took forever and the road was really bad to get there. – child aged 9-11*

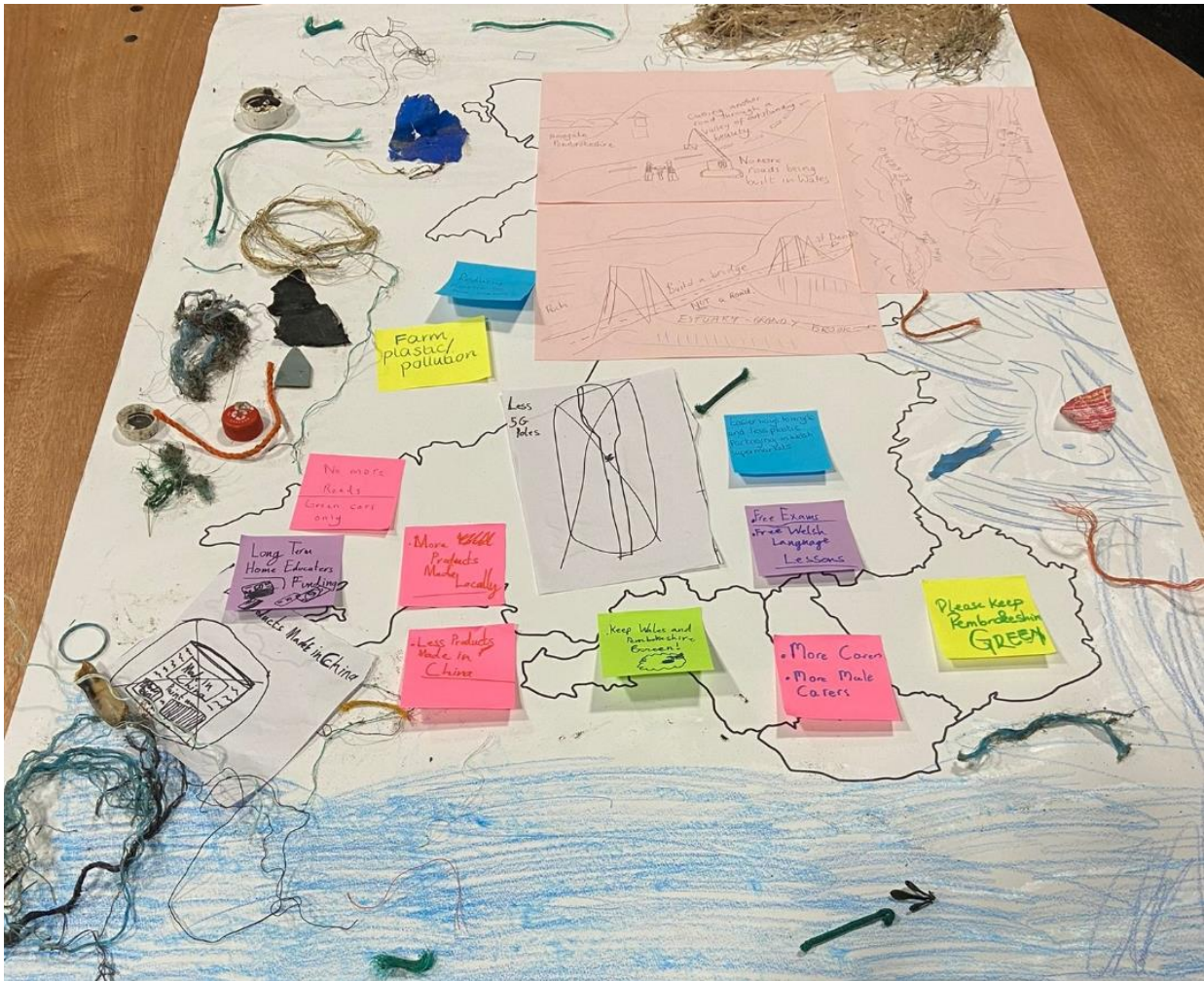
Appendix A:



Above: Map making example from home school group

Below: Detailed shot of map making example with home school group





Above: Map making example from home school group

Below: Above: Map making example from nursery setting





Above and Below: Map making examples from school groups



## CYPE(6)-07-22 - Paper to note 6

Kirsten Jones  
Natspec Policy Officer (Wales)  
[Kirsten.jones@natspec.org.uk](mailto:Kirsten.jones@natspec.org.uk)



10 March 2022

Dear Children, Young People and Education Committee,

I make contact in relation to the Tertiary Education and Research Bill and the forthcoming debate in the Senedd on 15 March 2022.

We welcome the [Children, Young People and Education Committee's Stage 1 report](#) and in particular, the references to young people with additional learning needs (p.137) and the issues raised by Natspec, Estyn and the Third Sector Additional Needs Alliance (TSANA) as part of your consultation.

As previously raised, we are concerned that the proposed Commission for Tertiary Education and Research will not include responsibilities for the further education for young people with complex additional learning needs or for data and research on these learners. We believe the Commission should have responsibility for the oversight and funding of specialist further education colleges.

We bring to your attention paragraph 499 of your report and the reference to the Minister's response to concerns raised about how providers will be accountable for needs of students with ALN. That is:

*'The responsibility for securing "specialist ALN provision for individual young people aged 16-25 with complex needs in private specialist colleges where they are required to maintain Individual Development Plans for them" will sit with local authorities. He said local authorities were "best placed" to make arrangements that met individual learners' needs at a local level'.*

We take no issue with the premise that local authorities are 'best-placed' to make arrangements that meet individuals' learners' needs at a local level. However, we are deeply concerned that differences in funding and decision-making processes will result in inequitable access to further education and training for young people with learning difficulties and disabilities in Wales. Access to further education is problematised by the proposed devolution of funding (2018 ALN Act) to local authorities for young people whose additional learning provision (ALP) is a specialist college. Along with a breadth of other stakeholders including the Third Sector Additional Needs Alliance (TSANA), and Estyn (paragraph 494 of the Stage 1 report), concerns have been raised that this will result in postcode lotteries of inequitable access to further education across Wales. Local authorities are compromised as assessors, commissioners and funders for Welsh learners whose additional learning provision is not a mainstream further education college. Furthermore, the reference to 'private specialist colleges' in the Children, Young People and Education Committee's report is misleading. In many cases, specialist colleges are non-profit making charitable organisations. All young people in specialist colleges in Wales are funded entirely by the state, whether that be by Welsh Government or by English Local Authorities. Specialist colleges provide

education and training for young people whose needs cannot be met in mainstream further education colleges. Welsh Government delegates tertiary education for this group of young people to specialist further education colleges. It is thus disingenuous to use the label 'private specialist colleges' as this brings with it, connotations of privately funded and elite organisations only accessible to a privileged few as matters of choice and financial circumstance.

In terms of equitable access to further education and training for young people with complex additional learning needs, it is vital that these perceptions are challenged and not promulgated. Young people attend specialist colleges because that is where their specific needs can meet. For a minority of young people with ALN in Wales, specialist further education providers, whether day or residential, are sometimes the only organisations able to offer provision that meets their specific needs. Given the small numbers of young people in scope, it would not be practicable for such provision to be made available in every local area. For this reason, we should guard against definitions of inclusive education as being wholly 'place-based' and recognise the importance for young people with complex learning difficulties and disabilities that it should be 'needs-led'.

Different funding mechanisms for further education for these young people in comparison to their less-disabled peers undoubtedly compromises decision making. Concerns are compounded by the pandemic and the resulting additional financial pressures on local authorities. We are already seeing evidence in regional ALN plans of local authorities preparing for young people unable to attend mainstream colleges, to move straight from school to social care day services. This is wholly incompatible with an inclusive education system where all young people in Wales should be able to access the further education and training they require. It is also counter to the aspirations of a more equal Wales espoused in the Wellbeing of Future Generations (Wales) Act 2015.

To discharge its duties in respect of further education and training, the Commission for Tertiary Education and Research has the power to fund providers of post-16 education and training and we believe it is in the public interest that specialist further education colleges come under the auspices of the Tertiary Education and Research Bill. The Bill provides an ideal opportunity to transfer the funding for young people requiring specialist colleges to the Commission. By doing so, the Commission would have strategic oversight of national costs and be well positioned to undertake the demographic planning necessary to make sure the needs of young people with low incidence and complex needs can be met equitably across Wales. It would reduce pressure on local authorities and provide a vehicle for monitoring expenditure and outcomes associated with these learners.

Young people with complex ALN who require placements at specialist further education colleges often rely on multi-agency collaboration and agreements to fund their placements. Currently, applications to colleges are progressed by Careers Wales Advisors and Welsh Government's Support for Learners Division, effectively serve as the lead commissioner funding young people whose ALP is a specialist FE college. For example, Welsh Government officials will liaise with social services departments and health professionals to ensure young people with complex ALN can access the ALP they require to meet their education and training needs.

Without appropriate interventions, the loss of the lead commissioning role (2018 ALN Act) presents the very real danger of internecine disagreements over what or who will be funded. The ramifications of this for young people with complex ALN whose ALP is a specialist college is late decision making, resulting in poor, or no, transition planning. The resulting uncertainty placing inordinate stress on learners and their families. This is particularly detrimental to young people with complex needs including autism and challenging behaviour where certainty is crucial to health and well-being.

Under the new legislative arrangements (2018 ALN Act), young people in Wales whose complex additional learning needs can be met by a mainstream further education college have an uncontested route onto 'Independent Living Skills' courses. However, for those who need a specialist college, the compromised position of local authorities is likely to result in decisions being made that individuals' needs for education and training are 'unmeetable' rather than a specialist placement secured. It should not be the case that the type of provider the young person requires, determines whether they are able to access further education and training. It cannot be right that some young people miss out on further education, resulting in a significant reduction in their life chances, simply because of the complexity of their ALN.

The Tertiary Education and Research Bill provides the opportunity to mandate equitable access to post-school education and training. To not do so perpetuates the notion of young people with complex additional learning needs as 'other' for whom regulation, quality assurance, research and data collection are not deemed relevant.

Welsh Government should demonstrate a clear commitment to an inclusive and person-centred education system able to respond to individual's needs and avoid the pitfalls of SEND reform in England.

While recognising the far reaching nature of the reforms we urge you to consider the following points in relation to the debate on 15 March:

- Young people with complex ALN should not be excluded from the Commission's responsibilities for data and research and they should have equitable access to further education and training.
- This can be achieved through specialist colleges being included under the auspices of the Commission and the Commission having responsibility for funding for young people requiring specialist colleges.

Yours sincerely

*Kirsten Jones*

Kirsten Jones

Policy Officer (Wales)

**Jeremy Miles AS/MS**  
Gweinidog y Gymraeg ac Addysg  
Minister for Education and Welsh Language



Llywodraeth Cymru  
Welsh Government

Jayne Bryant MS  
Chair  
Children, Young People and Education Committee  
Senedd Cymru  
Ty Hywel  
Cardiff Bay  
Cardiff  
CF99 1NA

14 March 2022

Dear Jayne

### **Tertiary Education and Research (Wales) Bill**

I would like to thank the Children, Young People and Education Committee for their scrutiny of the Tertiary Education and Research (Wales) Bill during Stage 1 and for the report which was published on 4 March 2022.

In the report there was a recommendation which sought further information ahead of the general principles debate, for the ease of the Committee I have set out my response to this recommendation below.

In recommendation 23, the Committee requested that I outline how the Welsh Government would manage any changes to the role and function of Estyn in relation to the Bill's provisions.

The roles and functions of Her Majesty's Chief Inspector of Education and Training in Wales (Estyn) are set out in primary legislation, as set out below, and I confirm there are no plans to further amend these roles and functions. Should that become necessary in the future Welsh Ministers would be expected to undertake public consultation and follow due process including the making of the relevant primary legislation.

The Education Act 2005 makes provision for Her Majesty to appoint a person to the office of Her Majesty's Chief Inspector of Education and Training in Wales ("the Chief Inspector"), by way of Order in Council. The Welsh Ministers are responsible for funding the Chief Inspector in accordance with section 104 of the Government of Wales Act 1998.

Under the Education Act 2005 the Chief Inspector has a duty to keep the Welsh Ministers informed about the quality of education in schools in Wales and may also advise on

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[Correspondence.Jeremy.Miles@gov.wales](mailto:Correspondence.Jeremy.Miles@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.

matters connected with schools, or a particular school, in Wales. Similarly, under the Learning and Skills Act 2000 (the “2000 Act”), the Chief Inspector can advise the Welsh Ministers on matters relating to the quality of education or training that they fund for learners aged over 16.

The Bill, which amends the 2000 Act and the Education Act 2005, specifies that the Commission must provide such funding to the Chief Inspector as it considers appropriate for the exercise of the Chief Inspector’s functions, so far as the functions relate to education or training that is funded or otherwise secured by the Commission. This approach ensures that the Commission is able to execute its statutory duties in relation to ensuring post 16 education and training is of a high quality and meet its overarching strategic duty to promote continuous improvement in the quality of tertiary education in Wales.

I will respond to the remaining recommendations at both the general principles debate and through a further letter which I intend to send to the Committee following that debate.

I hope this letter is helpful in providing further information to the Committee on these issue and I look forward to continuing to work with Members as the Bill progresses through the Senedd process.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jeremy Miles', with a stylized, cursive flourish at the end.

**Jeremy Miles AS/MS**  
Gweinidog y Gymraeg ac Addysg  
Minister for Education and Welsh Language

# Agenda Item 8.8

CYPE(6)-07-22 - Paper to note 8

**Jeremy Miles AS/MS**  
Gweinidog y Gymraeg ac Addysg  
Minister for Education and Welsh Language



Llywodraeth Cymru  
Welsh Government

Huw Irranca-Davies MS  
Chair  
Legislation, Justice and Constitution Committee  
Senedd Cymru  
Ty Hywel  
Cardiff Bay  
Cardiff  
CF99 1NA

14 March 2022

Dear Huw

## **Tertiary Education and Research (Wales) Bill**

I would like to thank the Legislation, Justice and Constitution Committee for their scrutiny of the Tertiary Education and Research (Wales) Bill during Stage 1 and for the report which was published on 2 March 2022.

In the report there were some recommendations which sought further information ahead of the general principles debate, for the ease of the Committee I have set out my response to these recommendations below.

In **recommendation 2** the committee queried our consideration of the Bill's provisions, including the rights of entry and inspection provided for in sections 62 and 72, in relation to the Human Rights Act 1988 (the 1988 Act). I can confirm that the human implications of the Bill's provisions have been considered during the development of the Bill and I am content the Bill, including those provisions specifically mentioned by the Committee are compatible with the Convention rights.

**Recommendation 11** and **recommendation 14** relate to subjecting certain Welsh Minister's regulation making powers, specifically section 30 and 77 of the Bill, to a statutory consultation duty.

As I explained when I attended the Committee in December, there is a general expectation that Welsh Government subordinate legislation be subject to consultation. Certain

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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.

regulation making powers in the Bill are subject to a statutory consultation duty in light of their nature or due to consultation with certain persons being of specific relevance. I will consider further whether these powers specifically would benefit from a statutory consultation duty.

My response to **recommendation 4**, regarding a range of regulation making powers in Part 2 and 3 of the Bill is set out in the Annex to this letter.

In relation to **recommendation 17**, which queries whether the direction making power in section 106 of the Bill is derived from section 81(3) of the Further and Higher Education Act 1992 (the 1992 Act) and if so, the rationale for the procedure specified in section 106 in relation to the issuing of a financial support direction to the Commission.

I can confirm that section 106 of the Bill is derived from section 81(3) of the 1992 Act. Currently, section 81(3) of the 1992 Act enables the Welsh Ministers to direct HEFCW about the provision of financial support to an institution in the higher education sector if they consider that the institution's financial affairs have been, or are being, mismanaged.

Section 106 of the Bill, makes similar provision which enables the Welsh Ministers to issue financial support directions to the Commission about the provision or securing of financial resources under specified powers to a relevant person, where it appears to the Welsh Ministers that the financial affairs of that person have been, or are being, mismanaged.

All powers within the Bill have been subject to thorough consideration in respect of the manner in which the power is to be exercised and the appropriate Senedd procedure. In doing so the nature of any existing provision, from which the power has been derived, has been considered, however the historic approach to the original power has not automatically been carried forward if doing so was not necessarily considered appropriate.

The power in section 106 enables the giving of directions to the Commission by the Welsh Ministers in relation to specific matters, as set out in section 106. As such, these directions relate to a single body and specific matters and do not provide for general law-making of a wider nature.

I consider that the requirements set out in the Bill in respect of the requirement on the Welsh Ministers to publish the direction, report to the Senedd that a direction has been given and lay of copy before the Senedd is sufficient to ensure the accessibility and transparency of directions given to the Commission under section 106.

Turning to **recommendation 20** which sought confirmation that bodies affected by section 111 of the Bill, which provides for the specification of requirements in relation to approved Welsh apprenticeship, will be consulted before requirements are prescribed in relation to that section.

I can confirm that section 112 of the Bill requires the Welsh Ministers to first consult the Commission and such other persons as they consider appropriate before specifying, revising or withdrawing any requirements under section 111. I consider that 'such other persons' would capture those bodies affected by any provision made under section 111 however I am content to consider the drafting of section 112 and consider whether an amendment may be necessary to strengthen the requirement.

I can also confirm, in response to **recommendation 21**, that no duty is placed on the Commission in the Bill to respond to a consultation under section 112 of the Bill.

I will respond to the remaining recommendations at the general principles debate and through a further letter which I intend to send to the Committee following that debate.

I hope this letter is helpful in providing further information to the Committee. This letter has been copied to the Children and Young People Committee.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jeremy Miles', with a stylized, cursive flourish at the end.

**Jeremy Miles AS/MS**

Gweinidog y Gymraeg ac Addysg

Minister for Education and Welsh Language

**Recommendation 4. The Minister should, in advance of the Stage 1 debate on the general principles of the Bill, provide further clarity regarding the powers in sections 32, 52(8), 55(1)(f), 59(1), 61(9)(a), 86(1), 95(2) and 101(3) of the Bill and how they are intended to be used by the Welsh Ministers**

Section	Description	Intended purpose
32	Power for the Welsh Ministers to provide for further mandatory ongoing registration conditions	<p>It is intended that this power be used by the Welsh Minister to specify mandatory ongoing registration conditions additional to those specified on the face of the Bill.</p> <p>Whilst there is no immediate intention to exercise this power, as all currently relevant ongoing registration conditions are set out on the face of the Bill, it is anticipated that as the tertiary education sector evolves there may be additional regulatory matters in respect of which it may be appropriate or necessary to make provision.</p> <p>This power enables such regulatory expectations to be clearly specified and subject to Senedd scrutiny.</p> <p>The Bill provides for an equivalent power in relation to providing for additional initial conditions of registration (section 25(3)) and the statement of policy intent published with the Bill sets out the intended use of that power.</p>
52(8)	Power to make provision about the circumstances in which a person is to be treated as responsible for providing a course.	<p>Section 52(8) allows the Welsh Ministers to specify circumstances where an external provider should, or should not, be treated as providing all or part of a course on behalf of a registered provider. The Welsh Ministers currently have an equivalent power under section 17(4)(a) of the Higher Education (Wales) Act 2015.</p> <p>Partnership arrangements between providers, such as franchise arrangements, often take novel forms and are regularly evolving. These can include, for example, arrangements between higher education providers or between universities and colleges where, as stated in section 52(7)(b), a person other than a registered provider</p>

Section	Description	Intended purpose
		<p>may be responsible for providing all or part of a higher education course.</p> <p>In such cases it is critically important for the purposes of quality assurance that, where there may be a risk of confusion over which provider is to be treated as responsible for providing a course, that the law is able to provide clarity on such matters. Providing for all possible current forms of arrangement on such matters in primary legislation risks unwieldy and unduly lengthy legislation which may also become out-dated, and so it is appropriate that such a power to provide clarity exists through secondary legislation.</p>
55(1)(f)	Power to specify education and training which the Chief Inspector of Education and Training (the “Chief Inspector”) must inspect, in addition to education and training set out on the face of the Bill.	<p>The functions of the Chief Inspector adapt over time in line with changes in the post-16 sector.</p> <p>For example, apprenticeship provision, both at lower and higher levels of qualification, is much more widespread today than it was in 2000, when the Chief Inspector’s post-16 functions were last laid in legislation. Higher level apprenticeships in particular are an area where the functions of the Chief Inspector may be less clear under the primary legislative framework, and this has been a subject of discussion and partnership working in recent years between Welsh Government, Estyn and HEFCW.</p>
59(1)	Power to confer further functions on the Chief Inspector in connection with the education and training described in section 55(1).	<p>It is vital that, whatever is agreed on the role of the Chief Inspector in respect of higher apprenticeships or any other emerging forms of post-16 education and training, that such functions are within <i>vires</i>. The rationale for maintaining these powers to further specify in secondary legislation the description of education which Estyn must inspect and its functions in that respect is therefore to ensure that Estyn’s work can continue to reflect future changes in the pattern and delivery of post-16 education and training.</p>

Section	Description	Intended purpose
61(9)(a)	Power to make further provision in relation to the obligations to provide the Chief Inspector with information in connection with an area inspection; and to require area inspection reports to be published before the end of a certain period.	The matters and persons relevant to the conduct of an area inspection may vary depending on the current policy of Estyn, the Commission, or Welsh Ministers. Section 61 provides that in conducting an area inspection Estyn may consider the quality of and financial management of resources for education and training within an area, including value for money. In making such a judgement on the quality of or value for money of education and training, the Chief Inspector may require relevant information from a range of stakeholders wider than those set out in section 61(7), such as Regional Skills Partnerships, Corporate Joint Committees, employer groups and representatives, trade unions, student and learner representatives, or other relevant bodies. This power ensures that provision can be made for, where required, such relevant information to be acquired by the Chief Inspector.
86(1)	Power to specify a particular course of higher education or description of course of higher education in respect of which the Commission can provide financial resources.	<p>It is intended that this power could be used to address gaps in the provision of higher education should the need arise. Gaps in provision may arise due to a lack of specified providers (i.e providers registered in a category specified in regulations made under section 85(3)) being able to fulfil an identified need. For example, a need for a specialist course to be delivered in Wales or to be undertaken by small numbers of students ordinarily resident in Wales, which may not be cost effective for specified providers to deliver.</p> <p>In addition, certain courses below degree level which lead to professional qualifications at levels 4 and 5 on the qualifications framework are currently funded by the Welsh Government and delivered by FE institutions. Such courses may be relevant to improving employment prospects, re-skilling or to meet industry or sector specific standards.</p>

Section	Description	Intended purpose
95(2)	Power to provide that financial support for specified purposes for further education and training can only be secured under section 94(1)(a) or (b) to providers registered in specified categories. Regulations may provide for exceptions for specified courses or specified descriptions of courses to the requirement to be registered.	Whilst it is not government policy to create any registration categories for providers of apprenticeships, further education or training in the short term, the Bill has been drafted in such a way to enable the regulatory arrangements as set out in the Bill to be expanded over time to include other categories without the need for further primary legislation.
101(3)	Power to provide that the Commission can only provide financial resources in respect of expenditure incurred in connection with the provision of an approved Welsh apprenticeship to providers registered in categories specified in the regulations.	