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Agenda - Children, Young People and Education Committee

Meeting Venue:

Hybrid – Committee room 4 Tŷ Hywel and video conference via Zoom \

Meeting date: 5 July 2023

Meeting time: 09.15

For further information contact:

Naomi Stocks Committee Clerk 0300 200 6565

SeneddChildren@senedd.wales

1 Introductions, apologies, substitutions and declarations of interest

(09.15)

2 Papers to note

(09.15)

2.1 Forward work programme

(Pages 1 – 2)

Attached Documents:

Correspondence regarding Elective Home Education – CYPE(6)–20–23 – Paper to note 1

2.2 Implementation of Education reforms

(Pages 3 - 4)

Attached Documents:

Letter from the Minister for Education and Welsh Language - CYPE(6)-20-23 - Paper to note 2

2.3 Pre- appointment hearing of the Chief Executive for the Commission for Tertiary Education and Research

(Pages 5 - 6)

Attached Documents:

Response from the Minister for Education and Welsh Language to the Committee's report - CYPE(6)-20-23 - Paper to note 3



2.4 Do disabled children and young people have equal access to education and childcare?

(Pages 7 - 12)

Attached Documents:

Joint paper from the Welsh Language Commissioner and the Children's Commissioner for Wales CYPE(6)-20-23 - Paper to note 4

2.5 Do disabled children and young people have equal access to education and childcare?

(Pages 13 – 18)

Attached Documents:

Additional information from the Equality and Human Rights Commission – CYPE(6)-20-23 - Paper to note 5

2.6 Tertiary Education and Research (Wales) Act 2022

(Pages 19 – 24)

Attached Documents:

Letter from the Minister for Education and Welsh Language - CYPE(6)-20-23 - Paper to note 6

2.7 General scrutiny of the Minister for Health and Social Services

(Pages 25 - 27)

Attached Documents:

Letter from the Chair of the Children, Young People and Education Committee to the Chair of the Public Accounts and Public Administration Committee - CYPE(6)-20-23 - Paper to note 7

2.8 Welsh Government Draft Budget 2023–24

(Pages 28 - 30)

Attached Documents:

Letter from the Chair of the Finance Committee to the Minister for Finance and Local Government - CYPE(6)-20-23 - Paper to note 8

2.9 Services for care experienced children: exploring radical reform

(Pages 31 - 32)

Attached Documents:

Letter from the Deputy Minister for Social Services – CYPE(6)–20–23 – Paper to note 9

2.10 Do disabled children and young people have equal access to education and childcare?

(Pages 33 - 34)

Attached Documents:

Letter from the Chair of the Children, Young people and Education Committee to the Welsh Language Commissioner – CYPE(6)–20–23 – Paper to note 10

2.11 Do disabled children and young people have equal access to education and childcare?

(Pages 35 - 36)

Attached Documents:

Letter from the Chair of the Children, Young People and Education Committee to the Future Generation's Commissioner for Wales – CYPE(6)–20– 23 – Paper to note 11

2.12 Information from Stakeholders

(Pages 37 - 40)

Attached Documents:

Information from Ethnic Minorities & Youth Support Team Wales - CYPE(6)-20-23 - Paper to note 12

2.13 Implementation of education reforms

(Pages 41 – 42)

Attached Documents:

Letter from the Chief Executive of Qualifications Wales – CYPE(6)–20–23 – Paper to note 13

2.14 Services for care experienced children: exploring radical reform

(Pages 43 - 44)

Attached Documents:

Letter to the Llywydd from the Chair of the Children, Younge People and Education Committee and the Chair of the Petitions Committee – CYPE(6)–20–23 – Paper to note 14

2.15 General scrutiny of the Minister for Education and Welsh Language

(Pages 45 - 46)

Attached Documents:

Letter from the Civil Engineering Contractors Association, CECA – CYPE(6)–20–23 – Paper to note 15

Motion under Standing Order 17.42(ix) to resolve to exclude the public from items 4 – 7, Item 9 of this meeting (09.15)

4 Consideration of the Committee's forward work programme

Attached Documents:

Covering Paper – CYPE(6)–20–23 – Private paper 1 Scoping paper – CYPE(6)–20–23 – Private paper 2

5 Consideration of the approach to the Committee's strategic planning session

Attached Documents:

Strategic Planning Paper - CYPE(6)-20-23 - Private paper 3

6 Implementation of education reforms – consideration of the outcome of the summer 2023 check-in

Attached Documents:

Draft letter - CYPE(6)-20-23 - Private paper 4

7 Update on Committee activities

(10.40 - 10.50)

Break

(10.50 - 11.00)

8 Joint Ministerial scrutiny session on post 16 education and skills

(11.00 – 12.25) (Pages 82 – 93)

Jeremy Miles MS, Minister for Education and Welsh Language

Vaughan Gething MS, Minister for Economy

Jo Salway, Director for Social Partnership, Employability & Fair Work, Welsh Government

James Owen, Director, Commission for Tertiary Education & Research, Welsh Government

Abigail Philips, Head of Innovation, Welsh Government

Attached Documents:

Research Brief

9 Joint Ministerial scrutiny session – consideration of the evidence

(12.25 - 12.30)

CYPE(6)-20-23 – Paper to note 1

Mandatory meeting with LA representative

I am not currently home educating my daughter, but her needs are such that we may need to consider it in the near future. Her anxiety regarding appointments with professionals is extremely high and my experiences talking to other parents and professionals (particularly in the worlds of mental health and trauma informed practise) demonstrate we are not alone in this situation. Apart from the other issues raised in my first email, it is a very great concern to me that, if we were to opt for EHE at some point in the near future, the requirement to meet with a member of of the LA would be a massive source of stress and anxiety for her, even with me present, but to be told she is not allowed to have me present would be even worse, very likely leading to further traumatisation. Advice from trauma specialists is to prioritise felt safety and building relationships with key people. This would not be possible in the scenario which is being proposed by the government. Furthermore, advice from chronic fatigue specialists is that stress is to be avoided where possible, as it can cause flare ups or relapses. (I can provide you with relevant sources on these issues if that would be of help.) Our GP and other adoption specialists also agree that to have multiple different professionals dipping in and out is detrimental to her well-being and her recovery process. There is no provision being made within the current proposals to address this type of problem. If the proposals go ahead I could be forced to make a choice between safeguarding my daughter's mental health and well-being and breaking the law.

Can you see that this is a very frightening situation to be in?

Mental health crisis and attendance policies are exacerbating the situation

I am certain I am not alone in this situation. Levels of anxiety in children are clearly rising and I hear all the time how attendance figures have dropped drastically since the pandemic. Parents are being forced to consider educational alternatives for their children when they would not otherwise have chosen. Even just in my circle of close friends and family, I know of at least 7 children from 5 families who are experiencing anxiety around school - ranging from KS1-4. None of these are families who would previously have considered EHE, but some are coming to the conclusion they may not have much choice because of the detrimental effects they observe school attendance is having on their children. If I am representative of the general population, we are looking at a problem on a massive scale. Increasing the pressure on parents to comply with a system which is not working for their child is not a compassionate or even a pragmatic way forward. Attendance "targets" and rewards/punishments only make the problem worse because they do not address the underlying causes. They put pressure on schools, which is then transferred to parents and children. Increasing pressure is unhealthy for everyone. As a teacher I can speak from personal experience at both ends.

Please understand, I am not referring to parents who are negligent or children who are truanting. These are parents who are deeply concerned for their children's health and well-being and feel stuck between a rock and a hard place. For people like this, EHE sometimes becomes their only option. We may soon be one of those families.

Can you see how this wider context exacerbates the problems posed by the legislation?

A plea for help

Please, please will you, as chair of the Children, Young People and Education Committee, listen to our pleas for a wiser and less heavy handed approach. To make visits with a "stranger" mandatory for a child who is emotionally, physically or mentally fragile is not wise or kind and may not be for those who are more resilient either. To prevent them from having their primary carer present at such a meeting could cause huge distress, even more so because there is the potential for the results of such a meeting being that their parents/carers' provision could be judged as inadequate - and all on the basis of what they say. This is a burden that should not be placed on children. I urge you to rethink this.

These are very real concerns and I don't think it is an exaggeration to say that they constitute safeguarding concerns. I know each case will be different, but that is exactly the reason that a blanket mandatory requirement is inappropriate and potential harmful to many children like my daughter.

Can you see the kind of risks I am describing associated with what the government is proposing?

Are you happy to expose families, such as ours, to those risks?

CYPE(6)-20-23 - Paper to note 2

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

Jayne Bryant MS Chair CYPE Committee



13 June 2023

Dear Jayne,

I welcomed the opportunity to provide evidence at the CYPE Committee session on the Curriculum for Wales (CfW) and Additional Learning Needs (ALN) reforms on 10 May.

Following our previous session in July 2022, I committed to provide you with bi-annual figures on the number of pupils with SEN or ALN, either based on the annual Pupil Level Annual School Census (PLASC) or weekly attendance records. On 25 May, the Welsh Government published the schools census results (headline statistics) as at January 2023. This includes a snapshot on the number of children with SEN/ALN and changes over the last year.

As I anticipated at our session on 10 May, the PLASC headline data shows a continuing downward trend in the number of learners with SEN/ALN. I want to reassure you that our policy intent remains that all children and young people with ALN should have an Individual Development Plan (IDP) (in the case of a young person, if they consent to having an IDP). However, for a couple of reasons, our expectations of how many learners will be determined to have ALN has changed.

Firstly, as previously highlighted, the introduction of the statutory role of the Additional Learning Needs Coordinator (ALNCo), provided the opportunity for schools to review and update their SEN registers. This led to the removal of learners who should have previously been removed, or who should not have been on the register in the first place.

Secondly, the ALN legislation was conceived 10 years ago, and we could not have fully anticipated the opportunities of implementing the dual curriculum and ALN reforms concurrently, and the combined focus on improving equity in education. Feedback received from senior leaders through curriculum early insight research, has referred to the CfW providing more of an opportunity to promote and focus on inclusivity for all learners, including those with Additional Learning Needs. This is encouraging to see, and we expect more learners who were previously at the SEN school action level to be supported as part of differentiated teaching and inclusive education practice.

Bae Caerdydd • Cardiff Bay Caerdydd • Cardiff CF99 1SN Canolfan Cyswllt Cyntaf / First Point of Contact Centre: 0300 0604400

<u>Gohebiaeth.Jeremy.Miles@llyw.cymru</u>

<u>Correspondence.Jeremy.Miles@gov.wales</u>

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.

I wanted to reiterate, as I highlighted in my last letter, that any pupil recently removed from the SEN register has the right to talk to their school to request an IDP if their needs cannot be met without additional learning provision (ALP). Schools and local authorities are under a duty to decide whether a learner has ALN when the matter is brought to their attention.

As we move into the third year of implementation, we will continue to seek feedback from the sector, families and stakeholders. My officials are continuing to work with Estyn to seek further assurances that the needs of learners with ALN are being met. As part of these efforts, Estyn will publish a report of their ongoing thematic review in September 2023.

We have also commissioned a 4-year evaluation of the ALN system. This evaluation will provide key insights and evidence to enable us to monitor and identify emerging impacts of the reformed ALN system on learners with ALN/SEN, and about the impact of curriculum reform upon it. An emphasis on an inclusive education system lies at the core of both the CfW and the ALN act. Through close alignment of our evaluation plans and activities for both the curriculum and ALN reforms we will further enhance our ability to monitor the impact of these parallel reforms on learners with ALN/SEN. The evaluations will ensure we can identify what's working well and share that with the wider system to support learners; it will also be an additional evidence source for when things are not progressing as we would expect, so that we can work with system partners to focus support in the right places.

I look forward to keeping you appraised of evidence, research and insights as they emerge.

Yours sincerely,

Jeremy Miles AS/MS

Gweinidog y Gymraeg ac Addysg Minister for Education and Welsh Language

CYPE(6)-20-23 - Paper to note 3

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



13 June 2023

Dear Jayne

PRE-APPOINTMENT HEARING REPORT ON THE CHIEF EXECUTIVE, COMMISSION FOR TERTIARY EDUCATION & RESEARCH

I would like to thank the Children, Young People and Education Committee for the preappointment hearing report on preferred candidate for the post of Chief Executive, Commission for Tertiary Education and Research. I am pleased the Committee endorsed the appointment of Simon Pirotte OBE following his pre appointment hearing. I have subsequently confirmed Simon's appointment in a Written Statement, and I look forward to him taking up post in September.

The report also considers the process for this appointment and, whilst I note that the Committee's views on the process does not reflect on Simon's suitability for the role, I wanted to respond on certain aspects relating to the process.

I appreciate the Committee have long-standing concerns about the pre-appointment hearing process for public appointments, but as the report acknowledges this was not a public appointment. The first person appointed as Chief Executive to the Commission is a Ministerial appointment as set out in Schedule 1 to the Tertiary Education & Research (Wales) Act 2022. However, in recognition of the significant role that the Committee plays in education and the importance of this appointment, I committed to an introductory hearing during the passage of the Act. This is an important distinction, not least because the appointment process for the Chief Executive is not regulated by the Commissioner for Public Appointments.

I was obviously disappointed when informed that the recruitment panel were unable to recommend a suitable candidate for appointment following an extensive, open and robust recruitment process. I therefore considered professional advice from officials and our appointed executive search company on the merits of repeating the exercise. This advice was clear on the operational risks to establishing the Commission associated with rerunning the exercise and the likelihood of it generating a different outcome so soon after concluding the initial process. In this context, the Committee will wish to note executive

Bae Caerdydd • Cardiff Bay Caerdydd • Cardiff CF99 1SN

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

<u>Gohebiaeth.Jeremy.Miles@llyw.cymru</u>

<u>Correspondence.Jeremy.Miles@gov.wales</u>

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.

search had already contacted 190 potential candidates from across the tertiary education sector in Wales, the United Kingdom and beyond.

I am increasingly seeing recommendations and requests for the Commission to act in particular ways before it has even been established, as we have seen in the Committee's own report on Mental Health in Higher Education. It is essential the Commission can make decisions in areas for which they will have responsibility. The Commission would simply not have been established in September had I not taken the decision to move to a direct appointment, moreover there is absolutely no guarantee the Commission would have been operational by 1 April 2024 had the recruitment exercise been re-run. I considered this an unacceptable outcome for learners in Wales.

I note the Committee's report into the Chief Executive highlights "concerns of stakeholders during our scrutiny of the Bill about protecting the independence of the Commission. It is important that the recruitment process for this critical post does not call that into question in any way." I absolutely agree it is important we protect the independence on the Commission but would highlight Simon's appointment has been widely welcomed across the various post 16 sectors. This is no small feat and, of course, there is no guarantee that re-running an open recruitment exercise would have led to this outcome.

In the Committee's pre-appointment hearing report endorsing the appointment of the Chair and Deputy Chair of the Commission, you referred to your "disappointment that the mix of backgrounds of the two appointments do not give effect to the breadth of the sector". I gave careful thought to addressing this point in the appointment of the Chief Executive and I am confident Simon's skills and experience compliment those of Professor Dame Julie Lydon and Professor David Sweeney, producing a respected leadership team capable of delivering our innovative and ambitious vision for Wales's tertiary education and research sector.

Yours sincerely,

Jeremy Miles AS/MS

Gweinidog y Gymraeg ac Addysg Minister for Education and Welsh Language





19/06/2023

Dear Chair and members,

Please see enclosed a copy of a joint paper on the provision of Additional Learning Needs (ALN) through the medium of Welsh. As new commissioners, we are acutely aware of the need to protect the independence of our institutions, but we also recognise we have a duty to work in collaboration on issues if in so doing will drive positive improvements in the lives of children and young people in Wales. Here's our first joint piece of work on a matter that has been of concern to both institutions recently.

The language medium of ALN provision is integral to the effectiveness and quality of the provision itself. The report concludes that the ALN system in Wales does not currently reflect the needs of a bilingual nation. Whilst the Additional Learning Needs and the Education Tribunal (Wales) Act 2018 establishes the principle that the ALN system in Wales should be bilingual, the report shows that there is a long way to go to realise this vision.

Based on the evidence presented, the report includes a series of recommendations including a call on the Welsh Government to establish a national task force that would be responsible for coordinating efforts to improve Welsh Medium ALN provision at a local, regional, and national level. The report identifies the main issues the task force should prioritise:

- Ensure that local authorities have fully reviewed their Welsh-medium ALN provision in 2023
- Ensure that reviews of local ALN provision are used to formulate and direct strategic plans to strengthen Welsh-medium ALN provision
- Develop the evidence base and contribute to the planning of Welsh Ministers' 5-year review of Welsh-medium ALN provision
- Develop proposals for formalising effective collaboration between local authorities on a regional basis
- Leading the development of national interventions in areas such as workforce planning, resources, and professional learning

We hope you find the report and its recommendations of interest. We know that the Committee is monitoring the implementation of the Additional Learning Needs and the Education Tribunal (Wales) Act 2018 and are collecting stakeholder evidence to this effect. We therefore ask the Committee to consider the report in question as evidence to this inquiry.

Yours sincerely,

Efa Gruffudd Jones Comisiynydd y Gymraeg

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The Welsh Language in the Additional Learning Needs System





The Welsh Language Commissioner was created by the Welsh Language (Wales) Measure 2011 with the aim of promoting and facilitating the use of the Welsh language.

The Children's Commissioner for Wales was created by the Care Standards Act 2000 and its remit is laid down in the Children's Commissioner for Wales Act 2001. The principal aim of the Commissioner is to safeguard and promote the rights and welfare of children.

Whilst we are independent and have distinct statutory powers, we also recognise that where there are shared concerns and ideas for improvement, there is merit in us shining a light on those issues as one. Children and young people and their families in Wales should expect no less from us. We share an ambition to strive for tangible, positive changes in the lives of children and young people in Wales. This briefing highlights the barriers some children and young people face receiving education through the medium of Welsh.

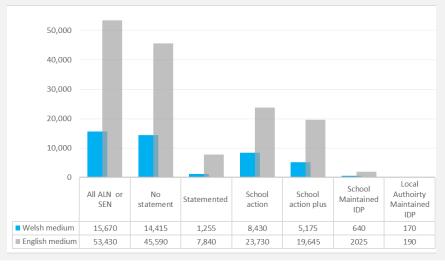
June 1, 2023

Summary

- This paper shares evidence on Additional Learning Needs (ALN) provision through the medium of Welsh. The evidence is based on the Welsh Language Commissioner's role as a statutory consultee on local authorities' Welsh in Education Strategic Plans (WESPS), and on the Commissioners' respective case work.
- ALN provision in Wales should reflect the needs of a bilingual nation, and under the United Nations Convention on the Rights of the Child (UNCRC), children have the right to be educated in their own language.
- The evidence demonstrates that there is a long way to go to realise the vision of an ALN system that is available through the medium of Welsh. There are significant challenges, which we acknowledge will take time and resource to overcome.
- It is essential that the Additional Learning Needs and Education Tribunal (Wales) Act 2018 is fully implemented and stimulates purposeful planning and action to ensure Welsh-medium ALN provision is equal to the English provision.
- To do this effectively, local authorities need to review in full ALN provision through the medium of Welsh, focusing on the needs of Welsh speakers and the extent to which these needs are currently being met. The evidence suggests that this has not happened in all cases, which also raises questions regarding the planning processes of local authorities for improving their Welsh-medium provision.
- We ask the Welsh Government to prioritise its duty to organise a national review of ALN provision through the medium of Welsh. We also call on the Government to start the process of resolving some of the national challenges that exist, including the lack of Welsh-speaking workforce, a lack of Welsh-medium resources and standardised assessments, and inconsistencies in arrangements for regional collaboration.

Key facts

Table 1: Pupils with Additional Learning Needs (ALN) or Special Educational Needs (SEN) in primary, middle and secondary schools by year, Welsh/English Medium and type of ALN/SEN provision, 2021/22 – based on Pupil Level Annual School Census (PLASC) data.



- Around 20% of pupils in Wales have additional learning needs.
- Under the new system, every pupil with ALN, and who require additional learning provision, must receive an Individual Development Plan (IDP). As the data demonstrates, the task of moving pupils to the IDP system is just starting. The intention was to originally do this by August 2024, but this has been delayed and the intention is now to complete this by August 2025.
- A Welsh-medium learner in this data refers to those pupils in Welsh-medium, dual-stream or bilingual schools. It does not necessarily describe the language of ALN provision.

Background

The language medium of Additional Learning Needs (ALN) provision is integral to the effectiveness and quality of the provision itself. Currently the ALN system in Wales does not reflect the needs of a bilingual nation. Passing the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (the Act) was a turning point in this context and established the principle that the ALN system in Wales needs to be bilingual, and therefore that Welsh-medium provision is equitable to the English-medium provision.

The Act includes several important requirements in terms of the Welsh language:

- A requirement for those providing ALN to consider whether support should be given through the medium of Welsh, and if so to take all reasonable steps to ensure such provision
- Powers for Welsh ministers to remove the 'all reasonable steps' clause above, and place an absolute duty to provide through the medium of Welsh
- A requirement for Local Authorities to keep under review the sufficiency of Welsh-medium ALN provision
- A requirement for Welsh ministers to organise a review of the sufficiency of Welsh-medium ALN provision every 5 years

The Act took effect in September 2021, and the focus is now on its implementation.



Children have human rights under the United Nations Convention on the Rights of the Child. Article 30 of this Convention states that children have the right to use the language of their choice. The UN Committee on the Rights of the Child have stated in General Comment no. 11 that 'In order to implement this right, education in the child's own language is essential'. Welsh Government Ministers are under a duty to pay 'due regard' to the Convention when making policy decisions under the Rights of Children and Young Persons (Wales) Measure 2011.

The above rights need to be considered in the context of the Welsh Language (Wales) Measure 2011, which gives the Welsh Language official status in Wales, and establishes the principle that the Welsh language should be treated no less favourably than the English language in Wales.

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Evidence from the Welsh in Education Strategic Plans and the Commissioners' Case Work

As a statutory consultee, during 2021-22 the Welsh Language Commissioner provided feedback on each local authority's Welsh in Education Strategic Plan (WESP). Local authorities in Wales are under statutory duty to produce and publish a WESP, which outlines their targets and plans for improving the provision of education through the medium of Welsh in their area. One key section of the strategic plans is focused on improving and enhancing ALN provision through the medium of Welsh. The points below summarise the evidence that emerged from the Welsh Language Commissioner's scrutiny of the WESPs and draws on both the Welsh Language Commissioner's case work.

- ➤ In general, examples of where the WESPs provide a clear and detailed overview of ALN provision through the medium of Welsh are few and far between. The strategic plans tend to focus on the provision that is available but fail to discuss this in the context of all the provision available in English. As a result, it is very difficult to understand whether the needs of Welsh learners are being met or not.
- Section 63 of the Act requires local authorities to keep ALN provision under review, including the sufficiency of ALN provision through the medium of Welsh. Nonetheless, several local authorities readily admit in their WESPs that they do not have a full understanding of the need for Welsh-medium ALN provision, and thus cannot determine if these needs are being met. Many of the plans include a commitment to conduct a comprehensive review in the future but they have failed to do this as part of the process of forming the WESP.
- > Standardised assessments used to assess ALN are not always available through the medium of Welsh.
- As in the case of assessments, a lack of resources and training opportunities through the medium of Welsh remains a problem across Wales. Whilst there are pockets of good practice, it is not clear that this is shared at a national level.
- ➤ There are some excellent examples of local authorities working in collaboration on a regional basis. Such examples are limited however, and the lack of formal collaboration arrangements is a weakness in most of the WESPs.
- ➤ Whilst some local authorities report that they can provide for all ALN needs through the medium of Welsh, most local authorities report that they cannot provide through the medium of Welsh for many additional needs. The general pattern indicates that most local authorities have some general Welsh-medium provision (whether based within schools or provided by outreach teams). As the needs of pupils become more complex and specialised, it seems that the capacity of most local authorities to provide support through the medium of Welsh diminishes significantly.

Table 2: Reports of ALN or SEN in primary, middle and secondary schools, Welsh/English medium, and type of need, 2021/22, based on PLASC data.

Type of need	Welsh medium	English medium
General learning difficulties	3,545	10,130
Speech, language, and communication difficulties	4,780	15,875
Behavioural, emotional, and social difficulties	4,360	16,230
Moderate learning difficulties	2,980	8,685
Autistic spectrum disorders	1,090	6,455
Physical and medical difficulties	1,005	3,915
Dyslexia	1,345	4,130
Attention deficit hyperactivity disorder	430	2,175
Severe learning difficulties	260	860
Hearing impairment	410	1,635
Visual impairment	230	710
Dyspraxia	215	495
Profound and multiple learning difficulties	110	235
Dyscalculia	80	285
Multi-sensory impairment	30	140
Attention deficit hyperactivity disorder Severe learning difficulties Hearing impairment Visual impairment Dyspraxia Profound and multiple learning difficulties Dyscalculia	430 260 410 230 215 110	2,175 860 1,635 710 495 235

Several local authorities admit that ALN provision through the medium of Welsh does not meet the needs of learners. Either Welsh-medium learners must receive support through the medium of English, do not receive the support required, or, as in the case of some learners with more complex needs, choose English medium education from the outset, as they are already aware of the lack of Welsh-medium ALN support. This evidence from the WESPs confirms some of the evidence we have received from complaints and enquiries from parents and is clearly reflected in the case study below.
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- > It seems that two key challenges exist in providing ALN through the medium of Welsh. The first is the lack of a specialised workforce who have the requisite linguistic skills. The size and capacity of the ALN workforce able to provide through the medium of Welsh is a problem raised by all local authorities, especially in areas such as neurodiversity, and emotional, social, and behavioural difficulties. Even those local authorities who can provide all ALN support through the medium of Welsh raise concerns regarding sufficient expertise in areas such as psychology and sensory impairments. Secondly, offering specialised Welsh-medium provision is difficult when the numbers likely to take advantage of such provision is comparatively low in many local authorities. That is, local authorities may accept that their Welshmedium provision is lacking but fail to see viable solutions considering the clear financial and resource constraints they face, and the need to provide ALN support in a way that meets the needs of the majority. In this respect, it should be emphasised that practitioners with bilingual skills could provide for both Welsh-medium, bilingual and Englishmedium sectors.
- Despite the clear deficiencies in Welsh-medium ALN provision across Wales, the WESPs also include numerous examples of good practice. There are several excellent projects across Wales, for example those focused on arrangements to share resources between local authorities, plans to improve the skills of the ALN workforce, and plans to train teachers and support staff in the Welsh-medium and bilingual sector. Nonetheless, it does not seem that such examples of good practice are shared across all local authorities and on a national basis.

Case Study

A parent contacted the Children's Commissioner for Wales (CCW) office regarding their child, who had been diagnosed with attention deficit hyperactivity disorder (ADHD) and an autistic spectrum disorder (ASD). The child in question attended a mainstream Welsh-medium school but did not have an ALN statement nor an Individual Development Plan (IDP).

The parent expressed concern that the school was unable to cater for their child's needs. The child was often removed from the classroom and their peers, and the parent was frequently asked to collect the child during school hours as the school could not deal with the child's behaviour. The school suggested that the parent should move the child to another school, even though there wasn't another Welsh-medium school in the area. The child could not access a full education to which all children are entitled and require.

CCW contacted the school and local authority to establish their perspectives on the situation, and to discuss how the child could be supported. CCW discussed the situation with the head teacher, who confirmed that the school had asked the parent to collect the child early from school. CCW reminded the head that the practice of informal suspension is illegal, and as a result the head teacher confirmed that any further suspensions would be formal and would lead to an evidence base for the Local Authorities' ALN panel. The head also confirmed that the child had been placed on a restricted timetable, and that they had asked the local authority to develop an IDP for the child as the school did not believe their provision catered for the needs of the child.

CCW challenged the local authority regarding the lack of support available to the child and emphasised that the school had requested further support. CCW was informed that the local authority would contact the school as there were some confusions regarding the evidence shared with the local authority.

In discussions with CCW, the parent remains concerned that any specialist provision for their child will be through the medium of English. The family in question faces a difficult and unacceptable decision: either they keep the child in Welshmedium education and accept a severely compromised timetable and educational experience or they can decide to send the child to English-medium provision, where the child might have a full education, albeit not through the language of choice.

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Key Conclusions and Recommendations

It is important to recognise the fundamental injustice that exists within the current ALN system. There is unequivocal evidence that a significant number of Welsh-medium pupils either receive support through the medium of English, or do not receive the full support they need. This is unacceptable in a bilingual nation.

The Act's provisions have the potential to be a significant turning point in moving towards a fully bilingual ALN system in Wales. Whilst we accept that implementing the Act will take time, the danger with any piece of legislation is the gap that can emerge between the intention and the reality of implementation. The evidence presented in this paper underlines the challenge that exists in attempting to realise the objectives of the Act in relation to the Welsh language. It is two years since the Act took effect, and there is now a need for specific focus on Welsh-medium provision, to ensure that the Act's requirements in terms of the Welsh language are implemented to their full potential.

Considering the above, it is encouraging that the Welsh Government's Welsh in Education Workforce Plan includes several objectives and actions which focus on improving ALN provision through the medium of Welsh. For example, objective 2.3(1) of the plan commits to establishing a subgroup to the National ALN Network which would focus specifically on issues such as workforce skills, professional learning opportunities, recruitment, and learning resources in relation to Welsh-medium and bilingual ALN provision. Objective 2.3(2) of the plan commits to funding a Welsh language national implementation lead to provide advice, support, and challenge to the sector in implementing their responsibilities under the Act in relation to the Welsh language.

We believe that the above commitments should be strengthened further and should form the basis of a centralised and national taskforce responsible for coordinating efforts to improve Welsh-medium ALN provision at local, regional, and national levels. The main issues that ought to be prioritised include:

• In accordance with Section 63 of the Act, ensuring that all local authorities have fully reviewed their Welshmedium ALN provision this year. Although the Act places a duty on local authorities to keep ALN provision under review, evidence suggests that many local authorities do not fully understand the extent to which the needs of Welsh-medium learners are currently being met. Addressing the challenges that exist is only possible based on a full and detailed understanding of the current situation.

- Ensuring that the process of reviewing Welsh-medium ALN provision locally is used as a basis for shaping and directing plans for strengthening Welsh-medium ALN provision, whether it be through the WESPs or wider ALN strategic plans. The Additional Learning Needs Code emphasises that the process of reviewing Welsh-medium ALN provision should feed into the process of formulating the WESPs. In many cases this has not happened, and it undermines the potential of the WESPs as a forum for planning, reviewing, and monitoring progress in Welsh-medium ALN provision. We call on all local authorities, once they have complied with duties from Section 63 of the Act, that they update their WESPs and/or wider ALN strategic plan.
- Developing the evidence base and contributing to the planning of the Welsh Ministers' 5-year review of ALN provision in Welsh. The evidence clearly shows that many of the challenges that exist in providing ALN through the medium of Welsh are national and systemic. The Welsh Ministers' 5-year review of ALN provision in Welsh will form the key evidence base for designing interventions and leading change at a national level. We ask the Government to prioritise its work in relation to this duty, publishing a detailed timetable for the work without delay (at the latest prior to the end of 2023).
- Developing proposals for formalising effective
 collaborative arrangements between local authorities
 on a regional basis. Given that the two most obvious
 challenges for local authorities are a lack of a specialist
 workforce with Welsh language skills as well as a lack of
 dedicated Welsh-medium specialist provision, promoting
 collaborative arrangements and sharing resources is
 crucial. There is a strong case for considering developing
 regional strategic plans for Welsh-medium ALN
 provision, which would sit above local authority plans.
 We call on all local authorities to consider developing
 regional strategic plans.
- Based on local and national reviews of Welsh-medium ALN provision, lead the process of developing national interventions in areas such as workforce planning, resources, and professional learning. Building on objective 2.3(1) of the Welsh in Education Workforce Plan, we ask the Government to establish a timetable for developing national interventions and to publish its plans in areas such as workforce planning, resources, and professional learning.

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CYPE(6)-20-23 – Paper to note 5



Children, Young People and Education Committee seneddchildren@senedd.wales

Tuesday 20 June 2023

Dear Children, Young People and Education Committee,

Subject: Additional information -

I would like to thank the Committee for the invitation to provide oral evidence on the 18th of May 2023 regarding the **inquiry on education access for disabled** children and young people.

We promised the Committee to provide further evidence in relation to

- 1) education access in rural areas, and
- 2) assessments and specialist provision.

We contacted Francesca Wright of SNAP Cymru who kindly provided the following information and examples for the Committee.

SNAP Cymru is a national charity, unique to Wales, founded in 1986. Its main aim is to advance the education of people in Wales and support their inclusion.¹

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¹ https://www.snapcymru.org/



"From events we've done, we know that provision in rural and also coastal areas is much more limited, so children, particularly in mid-Wales often end up having to travel a long way to school, rather than being able to be educated in their local community. Parents from our more rural events recently reported to us "We need specialist schools for neurodiverse children academically average or able but needing smaller class sizes" and "It's a rural area, provision is often a 3 hour round trip from home" and "There is not enough ALN provision between mainstream and Specialist settings, lots of children fall into a black hole". Another example is that Ceredigion and similar counties have a high number of children who are Electively Home Educated, not because the parents really want to home school, they just feel they have no option, as there is very limited specialist provision available and no special schools. We have become aware of an increase in the number of children who are EHE increasing in many areas in Wales incidentally, however, we don't think we have robust enough evidence to show that this is a problem particular to rural areas. We see the example in our casework from towns and cities too.

"Additionally, parents and carers report finding it much harder to get independent information and support when living in a more rural area.

Bydd y Comisiwn yn croesawu gohebiaeth yn y Gymraeg a'r Saesneg.

The Commission welcomes correspondence in Welsh or English.

Ff/T: 029 2044 7710

E: correspondence@equalityhumanrights.com

Tŷ'r Cwmnïau (Llawr 1af),

Ffordd y Goron, Caerdydd, CF14 3UZ

Companies House (1st Floor), Crown Way, Cardiff, CF14 3UZ



"Regarding your second question on the increase in families wanting to access specialist provision, our perspective on this is that it's very possible that schools and LA's are not able to do enough, early enough. Parents and carers would be far happier waiting for assessments if their child's needs were being met in the meantime. Many families come to us at the point where provision has broken down so significantly, their child is on a reduced timetable and the school are persistently reporting they can't meet the needs of the child. Often this is linked to lack of staff, funding etc. If schools were better resourced, to be able to provide highly targeted support to these children initially to meet their needs and keep them in school, then parents wouldn't be pushing for specialist placements. But when they are constantly called to collect their child from school, sometimes on a daily basis their trust in the school being able to meet their child's needs becomes eroded, they can cling onto the idea that a diagnosis is the only thing that will rectify the situation, and then they see specialist provision as the only option to stop the constant exclusions. We've worked with many families where parents have had to give up work as a result, reporting the school can't meet their child's needs and that all specialist provisions are full, or that their child doesn't meet the criteria. We need to get

Bydd y Comisiwn yn croesawu gohebiaeth yn y Gymraeg a'r Saesneg.

The Commission welcomes correspondence in Welsh or English.

Ff/T: 029 2044 7710

E: correspondence@equalityhumanrights.com

Tŷ'r Cwmnïau (Llawr 1af),

Ffordd y Goron, Caerdydd, CF14 3UZ

Companies House (1st Floor), Crown Way, Cardiff, CF14 3UZ



much better at resourcing significant support for these children earlier to avoid situations where their mainstream placement becomes untenable due to failure to meet their needs, for whatever reason.

"We also still hear about a small number of schools telling parents they can't support their child as they don't have a diagnosis, which directly goes against the ethos of the new ALN code and the equality act. This simply isn't the case, and again, without support at the earliest stage, situations tend to escalate when more professionals have to become involved, services like ours are accessed and parents and carers feel that the damage to their child's education has already been done. They then look to specialist provision as they feel they have no other options.

"I can give you a very quick case study that I dealt with last week. An LA asked us to provide disagreement resolution for them as a parent wanted an independent specialist placement for her child and the LA felt that their own LA specialist provision could meet need. On investigation, the parent was dealing with daily calls from their highly specialist behavioural provision to collect her child, there were constant incidents and issues and regular exclusions. Parent reported she felt on edge daily waiting for the phone to ring. Rather than

Bydd y Comisiwn yn croesawu gohebiaeth yn y Gymraeg a'r Saesneg.

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Ff/T: 029 2044 7710

E: correspondence@equalityhumanrights.com

Tŷ'r Cwmnïau (Llawr 1af),

Ffordd y Goron, Caerdydd, CF14 3UZ

Companies House (1st Floor), Crown Way, Cardiff, CF14 3UZ



addressing these issues and supporting parent to work with school to look at why the exclusions were happening, their stance was simple. Parental request wasn't appropriate, and a revised statement issued with the LA placement named was going to be issued. Therefore, this parent is now likely to make an appeal to tribunal for the Independent specialist placement if that goes ahead."

Francesca Wright SNAP Cymru

https://www.snapcymru.org/

If the Committee requires further information in relation to the inquiry from the Commission, please let us know.

Yours sincerely,

Ruth Coombs

Put Con

Head of Wales

Bydd y Comisiwn yn croesawu gohebiaeth yn y Gymraeg a'r Saesneg.

The Commission welcomes correspondence in Welsh or English.

Ff/T: 029 2044 7710

E: correspondence@equalityhumanrights.com

Tŷ'r Cwmnïau (Llawr 1af),

Ffordd y Goron, Caerdydd, CF14 3UZ

Companies House (1st Floor), Crown Way, Cardiff, CF14 3UZ



Direct telephone: 029 2044 7710

Bydd y Comisiwn yn croesawu gohebiaeth yn y Gymraeg a'r Saesneg.

The Commission welcomes correspondence in Welsh or English.

Ff/T: 029 2044 7710

E: correspondence@equalityhumanrights.com

Tŷ'r Cwmnïau (Llawr 1af), Ffordd y Goron, Caerdydd, CF14 3UZ

Companies House (1st Floor), Crown Way, Cardiff, CF14 3UZ

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CYPE(6)-20-23 – Paper to note 6

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

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



Llywodraeth Cymru Welsh Government

21 June 2023

Dear Jayne

Tertiary Education and Research (Wales) Act 2022

Following my statement to the Senedd yesterday I wanted to take the opportunity to provide the Committee with further details of the steps being taken to support the implementation of the Tertiary Education and Research (Wales) Act 2022 ('TERA') and the resultant establishment of the Commission for Tertiary Education and Research ("the Commission').

As I stated when I previously wrote to the Committee, I am adopting a phased approach to the implementation of the Act on the basis of the following principles:

- Ensuring continuity of provision for the sector with no discernible disruption for providers or learners during the establishment of the Commission,
- Avoiding undue burden on providers during the implementation phase, for example managing and synchronising the volume and timing of engagement and formal consultation.
- The strategic duties, as set out in Part 1 of the Act, to form the core foundation for the Commission's work from the outset, including the preparation and publication of the Welsh Ministers' statement of priorities.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:

0300 0604400

Gohebiaeth.Jeremy.Miles@llyw.cymru 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.

CF99 1SN

Caerdydd • Cardiff

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Establishment of the Commission

In line with the high level implementation timeline I set out in my previous letter, the Commission will be established in September following Simon Pirotte taking up his post as CEO and the ordinary Board members taking up their posts.

During the summer recess period I shall be making the second commencement Order in respect of the Act, which will enable the Commission to exercise certain functions between September 2023 and April 2024, we are referring to this period as the establishment period.

The functions the Commission will be able to exercise during this time will be either corporate or operational in nature, such as those in Schedule 1 to the Act in relation to, for example, the appointment of staff or the establishment of committees, or be functions partially commenced for the purpose of enabling the Commission to start developing certain deliverables required to support the implementation of key reforms.

I will write to the Committee once the commencement Order is made setting out the provisions of TERA I am bringing into force and how the Commission may choose to exercise those functions during the establishment period.

During this time HEFCW will retain responsibility for the funding, quality and regulation of higher education, whilst the Welsh Government will retain responsibility for further education, apprenticeships, sixth forms etc. The Commission is then intended to become operational in April 2024 following the dissolution of HEFCW.

Subordinate legislation

As I stated during scrutiny, the implementation of TERA will require the making of a range of subordinate legislation; the first of which, the Equality Act 2010 (Relevant Welsh Authorities) (Amendment) Regulations 2023, I laid before the Senedd earlier this month.

Annex A sets out the statutory instruments I intend to consult on, and subsequently make, over the coming months, with the policy intention in respect of these largely remaining as set out in the statement of policy intent, which was published alongside the Act when it was introduced to the Senedd.

Annex A also summarises the intended purpose of each statutory instrument, although this is of course subject to our consideration of any responses received to the relevant consultations.

In addition to the substantive subordinate legislation set out in Annex A, it will also be necessary to make Regulations to reflect the required consequential amendments to existing legislation, alongside the making of the necessary commencement Orders.

The implementation of TERA is a significant undertaking, which, in line with the principle of avoiding undue burden on providers, I anticipate will continue through to the end of this Senedd term; I will continue to provide updates to the Commission as the work progresses.

If you, or the members of your Committee have any specific questions in the meantime I will be pleased to provide additional information where possible.

I have copied this letter to the Legislation, Justice and Constitution Committee and will be sharing with our stakeholders for information.

Jeremy Miles AS/MS

Gweinidog y Gymraeg ac Addysg Minister for Education and Welsh Language

Annex A – TERA Implementation – Subordinate Legislation

	Statutory Instrument	Purpose	Anticipated timeframe for consulting on the draft SI	Anticipated timeframe for making the SI
	Commission for Tertiary Education and Research (Registration of Tertiary Education Providers in Wales) Regulations	Intended to make provision in respect of the registration of tertiary education providers in Wales, in relation to:		
		 Categories of registration Specifying the category to which the fee limit condition applies A limited number of additional initial and ongoing conditions of registration Specifying which category a provider must be registered in to be eligible for funding for higher education or research & innovation 	Autumn 2023 A combined consultation on each of these SIs and the policy intention in respect of the future SIs necessary to complete the implementation of the registration system	Spring 2024
	Commission for Tertiary Education and Research (Designation of Providers) (Wales) Regulations	Intended to make provision about the Welsh Ministers' power to designate a provider of tertiary education as an institution under section 83(4) of TERA		
	Commission for Tertiary Education and Research (Decision Review) (Wales) Regulations	Intended to make provision in relation to reviews of decisions made by the Commission under sections 45 and 78 of TERA		
	Regulations to be made under section 56 of the Digital Economy Act to amend Schedule 8 to that Act	Intended to provide for the removal of HEFCW and addition of the Commission to the list of persons who may share information for the purposes of taking action to combat fraud against the public sector	Autumn 2023	February 2024

	Statutory Instrument	Purpose	Anticipated timeframe for consulting on the draft SI	Anticipated timeframe for making the SI
Dook Doop 23	Regulations to be made under section 57(4) of TERA	Intended to replace the Inspection of Education and Training (Wales) Regulations 2001 (as amended), as the enabling power under which those Regulations were made is being repealed as part of the implementation of the TER Act.	Autumn / Winter 2023	February 2024
	Official Statistics (Wales) (Amendment) Order	Provides for the Commission to be an official statistical body	It is not intended to issue the draft SI for formal consultation as the proposal the Commission be designated an official statistical body was set out in the EM-RIA which accompanied the Bill. However, the intention is to consult the UK Statistics Authority prior to making the Amendment Order.	March 2024
	Regulations to be made under section 94 of TERA	Intended to specify 'relevant education and training' for the purpose of the Commission's duty to secure the provision of proper facilities in Wales for relevant education and training for eligible persons over 19	Early 2024	Late summer 2024

CYPE(6)-20-23 – Paper to note 7

Senedd Cymru

Bae Caerdydd, Caerdydd, CF99 1SN SeneddPlant@senedd.cymru senedd.cymru/SeneddPlant 0300 200 6565

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Y Pwyllgor Plant, Pobl Ifanc ac Addysg

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Children, Young People and Education Committee

Welsh Parliament

Cardiff Bay, Cardiff, CF99 1SN SeneddChildren@senedd.wales senedd.wales/SeneddChildren 0300 200 6565

Mark Isherwood MS
Chair of the Public Accounts and Public Administration Committee

22 June 2023

Civil service capacity

Dear Mark,

We have recently carried out a series of pieces of work that fall under the portfolio of the Minister for Health and Social Services and her deputies. Each of those pieces of work has highlighted concerns about the capacity of the civil service within that particularly Welsh Government department, as set out below.

Scrutiny of the Welsh Government 2023-24 Draft Budget

We believe that civil service capacity within the Minister for Health and Social Services' department may be making it challenging for the Minister and her deputies to provide us with the detail and quality of written evidence that we need to undertake effective scrutiny within tight budget timetables. We set out our concerns in more detail in our <u>letter to the Finance Committee dated 25 May 2023</u>.

Inquiry into radical reform of services for care experienced children and young people

In its Programme for Government, the Welsh Government has committed to "Explore radical reform of current services for children looked after and care leavers." However, we launched our inquiry in July 2022 because at that point in the Senedd term there was very little clarity from the Welsh Government about what exploring radical reform meant in practice.

Over the course of our inquiry we found no shortage of commitment to radical reform from the Deputy Minister and indeed from the First Minister (who has made personal commitments to reducing the numbers of children in care). We also found widespread support from stakeholders and children and young people themselves for radical reform, and many ambitious, evidenced-based and convincing ideas for what that radical reform might look like. Those ideas fed into our <u>report</u>, which



sets out proposals for 12 radical reforms and a series of other potential improvements to services for care experienced children and young people.

What we have heard from some stakeholders during our inquiry indicates that the political commitment at ministerial level to radical reform is not being matched by the pace of policy development and implementation at civil-service level. Some of the policy examples we have received evidence about has suggested that this is at least partly due to insufficient capacity. Looking to the future, we are concerned that the Welsh Government's willingness and ability to take-forward our proposals for radical reform may be hindered by a lack of civil service capacity.

Our inquiries about the creation of national children's counselling service

On 29 January I and the Chair of the Heath and Social Care Committee wrote to the Deputy Minister for Mental Health and Wellbeing. We received a response on 5 April, which we considered on 3 May.

We were concerned by the Deputy Minister's admission in that response that a high volume of correspondence is causing delays to their response times. As you know, it is agreed practice for the Welsh Government to respond to our correspondence within 6 weeks. Timely responses to Committee requests for information are crucial for us to carry out our scrutiny work effectively, as they are for all Committees. We recognise that responding to Committee correspondence takes time and is only one small part of Welsh Government officials' duties. Nevertheless, we are concerned that limitations in civil service capacity may be negatively impacting our ability to scrutinise properly across governmental departments.

I understand that the Public Accounts And Public Administration Committee scrutinises the Welsh Government annual accounts, and that this scrutiny includes consideration of the Welsh Government's workforce capacity. I very hope that the information can feed into that scrutiny process, and that it supports you in that important work.

If you would like further information about any of the issues above please don't hesitate to contact the Committee clerks. Otherwise, I would be very grateful if you could keep my Committee updated on any conclusions or recommendations you come to that relate to the issues raised in this letter.

I have copied this letter to the Minister for Health and Social Services.

Yours sincerely,

Jayne Bryant MS

Jaghe Snyant

Chair



Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

Agenda Item 2.8 CYPE(6)-20-23 - Paper to note 8

Senedd Cymru

Y Pwyllgor Cyllid

Welsh Parliament

Finance Committee

Rebecca Evans MS

Minister for Finance and Local Government

23 June 2023

Dear Rebecca.

Documentation accompanying the Welsh Government's Draft Budget

In our report on the scrutiny of the Welsh Government Draft Budget 2023-24, we made the following conclusion:

"Conclusion 1. We welcome the Minister's willingness to consider ways in which budget documentation can be improved. While we have reflected our views above, the Committee has decided to consult Senedd committees on their experiences of scrutinising this year's budget documentation and ways in which improvements can be made."

A letter was subsequently issued to Senedd Committee Chairs on 8 March 2023, asking the following question:

"What improvements would you like to see in the Welsh Government's Draft Budget documentation and subsequent ministerial written evidence?"

We received responses from the Chairs of the following committees which have all been published on the Senedd's website:

- Climate Change, Environment and Infrastructure Committee (CCEI)
- Health and Social Care Committee (HSC)
- Equality and Social Justice Committee (ESJ)
- Local Government and Housing Committee (LGH)
- Culture, Communication, Welsh Language, Sport and International Relations Committee (CCWLSIR)
- Children, Young People and Education Committee (CYPE)
- Economy, Trade and Rural Affairs Committee (ETRA)



Senedd Cymru

Bae Caerdydd, Caerdydd, CF99 1SN





SeneddCyllid@seneddPack Page 28

Welsh Parliament

Cardiff Bay, Cardiff, CF99 1SN



SeneddFinance@senedd.wales



0300 200 6565

The responses identified a number of common themes and areas where improvements could be made to the budget process. These are summarised below:

Timeliness

As a general point, a number of Committees noted the trend in recent years towards publishing the Draft Budget later in the year, resulting in a truncated budget timetable, has made it challenging to meaningfully assess the impact of the Draft Budget on the policy areas within their remits. Some committees considered this to be a key weakness which significantly hampers the ability of Committees to consider budgetary proposals in detail.

Transparency

Many Committees felt that the Welsh Government could be more transparent in the way it presents its information in the Draft Budget. In particular, Chairs felt that the impact of budget decisions on policy areas within each Committee's remit should be clearly set out.

This echoes <u>Recommendation 13</u> in our report on the Draft Budget 2023-24 which called on the Welsh Government to make changes to the way it presents information in documentation published alongside the Draft Budget so that it provides:

- an assessment of the impact of spending decisions across portfolios, including the impact of reprioritisation exercises and clarity on the real terms effect of decisions within portfolios; and
- an assessment of how the Welsh Government's spending decisions are (or are not) supporting preventative measures.

In response, you accepted this recommendation in principle, stating that:

"While we are committed to improving how we undertake and outline the impacts of our spending decisions, such an approach must be proportionate.

We already publish a suite of documents as part of the Draft Budget, which includes individual Ministers' responses to their respective Senedd scrutiny committees, and which provides a more detailed account as to how Draft Budget decisions have impacted on different groups or considered issues such as prevention. The Strategic Integrated Impact Assessment (SIIA) continues to outline the contextual evidence that has supported our spending decisions.

We are open to exploring further changes that could be made as part of the work of the Budget Improvement Plan."



Quality of written evidence provided by the Welsh Government

Concerns were also expressed regarding the quality of the evidence provided by the Welsh Government, with some Chairs stating that ministerial submissions were not as comprehensive as previous years. Others also called on Welsh Government departments to respond fully and in detail to each Committee's written request for evidence.

Responding to recommendations ahead of the Final Budget debate

Finally, a number of Committees were disappointed that the Welsh Government was not able to respond to Draft Budget recommendations sufficiently in advance of the Final Budget debate. Some Committees also felt that the Welsh Government could do more to explain the differences between the Draft and Final Budget ahead of the Final Budget debate.

We welcome your willingness to engage with the Committee on these issues and that you are open to exploring changes to the way that information is presented alongside the Draft Budget.

We therefore ask that these concerns are taken into account ahead of the 2024-25 budget round.

I am copying this letter to the Chairs of the aforementioned Senedd Committees. Yours sincerely,

Peredur Owen Griffiths MS Chair of the Finance Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



CYPE(6)-20-23 - Paper to note 9

Julie Morgan AS/MS Y Dirprwy Weinidog Gwasanaethau Cymdeithasol Deputy Minister for Social Services

Jayne Bryant MS
Chair – Children, Young People and Education Committee
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN
SeneddChildren@senedd.wales



Llywodraeth Cymru Welsh Government

26 June 2023

Dear Jayne,

Thank you for your letter of 30 March about data collection for children who are looked after and care leavers to inform the Committee's inquiry and report into radical reform of services for care experienced children and young people.

In your letter you referred to feedback from stakeholders that the Welsh Government recently convened a Children Looked After census review to consider data collection and asked for more details.

The Welsh Government on an ongoing basis convenes a Children's Data Review Group meeting every month to discuss the data collected in both the Children Looked After census, the Children Receiving Care and Support census and the children's component of the Performance and Improvement Framework activity and performance data collection.

These meetings provide local authorities with the opportunity to raise issues and seek clarity about the data collection. Changes to the collections may result from these discussions and any agreed changes are made to the guidance for collection in the following year. Therefore, any agreed actions from the 2022/23 meetings will appear in the collection guidance for 2023/24. This guidance is published on the Welsh Government website.

The Committee may also wish to note that the main changes regarding data on children who are looked after which will appear in the 2023/24 data collections are:

- In the Children Looked After Census:
 - Expansion of the ethnicity categories
 - Better understanding of when children are fostered through either not-for-profit or private agencies
 - Better detail around placement orders for adoption
- Clarified visits and reviews for children looked after in the Performance and Improvement Framework data collection.

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

<u>Gohebiaeth.Julie.Morgan@llyw.cymru</u> Correspondence.Julie.Morgan@gov.wales

Bae Caerdydd • Cardiff Bay Caerdydd • Cardiff CF99 1SN

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.

I hope you have found my reply helpful and I found the evidence provided in your letter insightful and look forward to reading the final report from the Committee.

Yours sincerely,

Julie Morgan AS/MS

Y Dirprwy Weinidog Gwasanaethau Cymdeithasol Deputy Minister for Social Services

Agenda Item 2.10

CYPE(6)-20-23 - Paper to note 10

Y Pwyllgor Plant, Pobl Ifanc ac Addysg

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Children, Young People and Education Committee

Efa Gruffudd Jones Welsh Language Commissioner

26 June 2023

Senedd Cymru

Bae Caerdydd, Caerdydd, CF99 1SN SeneddPlant@senedd.cymru senedd.cymru/SeneddPlant 0300 200 6565

Welsh Parliament

Cardiff Bay, Cardiff, CF99 1SN SeneddChildren@senedd.wales senedd.wales/SeneddChildren 0300 200 6565

CYPE Committee's inquiry: Do disabled children and young people have equal access to education and childcare?

Dear Efa,

We recently launched a new and wide-ranging inquiry which is looking at disabled children and young people's access to education and childcare. This inquiry is being framed within the United Nations Convention on the Rights of the Child and the United Nations Convention on the Rights of Disabled People. We are asking whether childcare providers, schools and local authorities are meeting their duties under the Equality Act 2010. We have kept the scope purposefully broad, covering all aspects of statutory school provision and childcare. It encompasses neurodivergence, physical, sensory and learning disabilities. You can find out more information on our inquiry webpage, including how to provide a consultation response:

https://business.senedd.wales/mglssueHistoryHome.aspx?lld=40923

We held our first oral evidence sessions with the Children's Commissioner for Wales and the Equality and Human Rights Commission in May. During this session, we heard that the Children's Commissioner is due to publish a joint piece of work with you looking at Welsh-medium provision for those with additional learning needs. They agreed to share this work with us when it was available, which they have subsequently done. They also highlighted that there can be an additional barrier for children with additional learning needs who wish to go to Welsh medium education.¹

As well as drawing your attention to this work, we wanted to ask if there are any particular issues in relation to Welsh medium education or childcare provision for neurodivergent or disabled children and young people that you feel the Committee should be looking at as part of this inquiry.

¹ Children, Young People and Education Committee, 18 May 2023, Record of Proceedings, paragraph [77]



Pack Page 33

If you need any further information about the inquiry or our specific request, please contact the Clerk, Naomi Stocks on 0300 200 6222 or seneddchildren@senedd.wales

Yours sincerely,

Jayne Bryant MS

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

CYPE(6)-20-23 - Paper to note 11

Agenda Item 2.11

Senedd Cymru

Bae Caerdydd, Caerdydd, CF99 1SN SeneddPlant@senedd.cymru senedd.cymru/SeneddPlant 0300 200 6565

Welsh Parliament

Cardiff Bay, Cardiff, CF99 1SN SeneddChildren@senedd.wales senedd.wales/SeneddChildren 0300 200 6565

Y Pwyllgor Plant, Pobl Ifanc ac Addysg

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Children, Young People and Education Committee

Derek Walker
Future Generations Commissioner for Wales

26 June 2023

CYPE Committee's inquiry: Do disabled children and young people have equal access to education and childcare?

Dear Derek,

We recently launched a new and wide-ranging inquiry which is looking at disabled children and young people's access to education and childcare. This inquiry is being framed within the United Nations Convention on the Rights of the Child and the United Nations Convention on the Rights of Disabled People. We are asking whether childcare providers, schools and local authorities are meeting their duties under the Equality Act 2010. We have kept the scope purposefully broad, covering all aspects of statutory school provision and childcare. It encompasses neurodivergence, physical, sensory and learning disabilities. You can find out more information on our inquiry webpage, including how to provide a consultation response:

https://business.senedd.wales/mglssueHistoryHome.aspx?lld=40923

We have held our first oral evidence sessions with the Children's Commissioner for Wales and the Equality and Human Rights Commission in May. The EHRC indicated that one of the barriers to inclusive education, as envisaged by the UN, are the physical school buildings, which may not be accessible to neurodivergent children, or those with physical or sensory disabilities.¹

We are interested in your views on the extent to which the Well-Being of Future Generations Act is being complied with, in both spirit and intent, in the delivery of the 21st Century Schools programme. Are you aware of any concerns raised with your office about the extent to which all sections of the community are being engaged with in the design and delivery of new or redeveloped school estates? We are particularly interested in how well disabled children, young people and their families are being meaningfully engaged and consulted with, but any wider views would also be welcome. We would

¹ Children, Young People and Education Committee, 18 May 2023, Record of Proceedings, paragraph [122]



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also be interested to know if this is an issue more broadly in the development and design of buildings with a social purpose, or that are being delivered through public funding.

If you need any further information about the inquiry or our specific request, please contact the Clerk, Naomi Stocks on 0300 200 6222 or senedd.wales

Yours sincerely,

Jayne Bryant MS

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

Agenda Item 2.12

CYPE(6)-20-23 - Paper to note 12



FAO Children, Young People and Education Committee

We are writing to the Children, Young People and Education Committee to highlight concerns around racist bullying in schools. Albeit not a new issue, we specifically want to share the following:

- Challenges around reporting bullying for children and young people in schools.
- The lack of recording of bullying as race related by schools and local authorities.
- School exclusions and ethnic minority pupils, including racist bullying as a contributing factor to behavioural issues.

We will share case studies¹ with you to highlight these issues, to communicate the urgent situation of these young people that we are supporting.

Our work at EYST Wales

Ethnic Minorities & Youth Support Team Wales (EYST) was established in 2005 to ensure all ethnic minority young people could reach their full potential in Wales. We offer many areas of support including youth, family, asylum seekers and refugees, as well as engaging with the wider community to challenge negative perceptions of those from ethnic minority backgrounds living in Wales. During this time, we have found that issues in education really do have wider impacts for family members (family conflict and breakdowns, parents not believing and invalidating children's experiences) and the community (mistrust in education and authority figures). It has been difficult to hear these stories from young people of what they are going through in schools, often with little recourse to solve the issue. Despite EYST being established nearly 20 years ago, the stories and experiences are worryingly similar to when it started.

Young people experience all forms of racism in schools. They experience both direct racism (name calling, attacks) and indirect racism (microaggressions such as being underestimated by teachers, told they speak English well, asked where they are from). Through these forms of racism, from an early age they are excluded, told they do not belong, and are not treated equally to their white peers — especially in terms of aspirations and discipline. This can result in young people experiencing many forms of identity-based issues, including serious mental health issues (suicidal thoughts and attempts) and a lack of progression after school due to confidence, trust, and lack of aspiration. Starting at a very young age, the seeds for inequality are sown in our schools. These ethnic minority young people experience the same problems year upon year with, seemingly, very little action or changes at a higher level (please see evidence from EYST Wales² & Race Alliance Wales).

In response to this ongoing concern, we are asking the committee to consider escalating some of these issues with the Minister for Education and within the committee's inquiry review process. We will now outline three complex cases of racist bullying in schools across Wales, namely in Wrexham, Carmarthenshire, and Cardiff. All three cases are ongoing with wider impacts on these young peoples' families, friends, and communities.

¹ Trigger warning: These case studies include references to racism, threats of sexual assault and suicide.

² https://eyst.org.uk/assets/racism-in-education-2021-where-are-we-now-forum-notes.pdf



Wrexham, primary school pupil

A 7-year-old boy in Wrexham has been experiencing racist bullying from his peers in his primary school. He is called names due to his skin colour and his clothes are torn regularly. The boy is emotionally affected, he has lost his confidence and has started to refuse to go to school.

Mum has spoken with the school many times about this, but the school has not done anything to address her concerns. There have been no efforts to discipline or educate the perpetrators for these worrying actions. The school has suggested that mum should place her child in home schooling as a solution. Mum has also spoken to local authority who told her to report the incidents to the police. When she did this the police said they couldn't do anything as the children are minors.

Mum is afraid that one day the child will react to the bullying with aggression which will mean he is excluded from school. He would only be defending himself if this were the case, but he would end up with the punishment.

Carmarthenshire, secondary school pupils

A brother (12 years old) and sister (14 years old) in a Carmarthenshire school, are experiencing racist bullying, including name calling and threats, both in school and when leaving school. In particular, the sister is being targeted by a group of girls, picking on her ethnicity and faith, telling her to "just kill yourself". The words of these bullies are particularly heavy for her, and she is struggling with her mental health. She finds it difficult to talk to parents about what the bullies are saying due to cultural stigma, especially around suicide.

This matter has been escalated to the police, but the family are currently waiting for the police to take a statement and have been waiting for a few weeks. The school has said it doesn't need to be involved because it is now a police matter. They have provided 'safe spaces' to the brother and sister (come to school early/late) but this is disruptive for young people but are not tackling the root of the issue, the bullies and their actions.

What do we want to see?

There is a great deal of inconsistency across schools in dealing with racism, not giving it the attention and gravity that it deserves. These young people could become another statistic. They could become yet another school exclusion case due to sustained racist bullying experienced during their formative years.

We would like to know:

- How does Welsh Government intend for local authorities and schools to start recording bullying incidents under race?
- How does Welsh Government ensure independent and transparent monitoring of bullying cases, especially when schools record their incidents with the local authority?



Cardiff, secondary school pupil

As part of our school exclusions work, the Right to Education service aims to provide support and advocacy for ethnic minority young people and their families when navigating the school exclusions process. We feel that this work has further highlighted the need to address racist bullying in schools as nearly all our cases received so far have escalated from the young person/peers being bulled due to their race. Ethnic minority young people are not treated equally by school guidance and policies, ultimately resulting in school disengagement and exclusion.

A boy in year 9 who was a model student in school was permanently excluded for pushing two members of staff. Whilst we do not seek to excuse the behaviour, we believe there were mitigating circumstances. It is those mitigating circumstances that led this boy to losing control which resulted in him pushing two members of staff. The model student has been attempting to support and protect his younger sister who has been constantly racially bullied in school by three boys. In addition, the same three boys have been targeting his family home by throwing stones at the house and harassing those inside. These incidents have been taking place over months and their mother repeatedly reported it to the school, but nothing changed. On the day of the incident the boy reacted to the same boys that had been bullying his sister. They boys called him and his sister racist names in an inappropriate manner which led to him losing control. He was permanently excluded. The mum appealed to both the governors and independent review panel which both decided to uphold the exclusion.

Following his exclusion, a message was received by his younger sister stating that the three boys had been heard plotting to beat up and then rape her. This has been reported to the Police who felt it serious enough to allocate a crime number to the complaint and only then the school decided to put a safety plan in place. The actions of these boys are not only deemed as bullying but can also be classed as a hate crime, given the racial elements involved in the bullying of the boy and his younger sister. This, we would argue, is a good indication of what this family has had to endure over a long period of time. The bullies have not acknowledged that their behaviour was unacceptable but have instead increased the severity of threats, being aware that the brother is no longer in the school to protect his younger sister.

Thankfully, the boy is now enrolled in another school, but his younger sister is still experiencing bullying in the same school. Her mental health is deteriorating. Just like her brother, she is very bright but has now lost her confidence and self-esteem due to what happened. She blames herself every single day for seeking comfort from her brother. She blames herself for her brother's exclusion as a result of the racist comments by bullies. The single mum also suffered from a loss of earnings as she had to take 6 weeks off work to deal with the situation. This case clearly captures the wider and long-term impact of racist bullying in schools.

What do we want to see?

Welsh Government's school exclusions guidance says to "check whether the incident may have been provoked, e.g. by bullying or by racial or sexual harassment" (p.10, Welsh Government Exclusions Guidance).

We would like to know:



- How is the current revision of schools' exclusion guidance going to make these criteria clearer for headteachers when excluding pupils?
- Will the revision of school exclusion guidance be put out for consultation or review? If not, is there diverse representation in the group who are reviewing this guidance?

These are just three recent examples which only show a small snapshot of the wider picture in Wales. We want the committee to be aware of these issues in your ongoing correspondence and inquiries as the issues stemming from racist bullying in schools can be cross cutting with other areas, such as poverty, mental health and those young people with Additional Learning Needs (ALN).

We understand the issues presented here are wide ranging, but we strongly believe that preventative steps to challenge racist bullying in schools will counter escalation to negative outcomes for ethnic minority young people, such as: lower school attendance, poor mental health, and school exclusion rates. If Welsh Government can do more to guide local authorities and schools to be transparent and encouraging in their reporting of racism in schools, we believe that longer term problems can be alleviated and prevented.

We deeply appreciate the committee taking the time to listen to our concerns and for reading this letter.

Yours sincerely,

Jami Abramson & Amira Assami Right to Education Project Development Leads

jami@eyst.org.uk/ amira@eyst.org.uk

Sent on behalf of EYST Wales

CYPE(6)-20-23 - Paper to note 13

Agenda Item 2.13



28 June 2023

Dear Colleague

After many months of thorough analysis and ongoing stakeholder engagement, we have published our **Made-for-Wales GCSE consultation decisions reports** today.

With over 2,100 responses to our GCSE reform consultation, co-creation with stakeholders like you has enabled us to draw on subject area expertise to meet learners' needs. So, thank you for the part you played in this exciting reform work.

We carefully considered all the feedback we received before finalising our decisions, and you can now read the full **consultation outcomes**, **executive summary**, and **subject decisions reports** in depth, alongside a **youth friendly report**.

Aligning with the Curriculum for Wales and reflecting its principles of progression and four purposes, these bilingual Made-for-Wales GCSEs will develop learners' cross-cutting integral skills. They will equip young people with skills for life, ongoing learning, and work, helping them become qualified for the future.

The learner voice has been at the heart of shaping new Made-for-Wales GCSEs that:

- prepare learners for the challenges of modern society and reflect diversity and the world we live in
- incorporate digital technologies to future-proof qualifications
- include a range of relevant, engaging, and varied assessment methods
- support positive mental health and wellbeing and promote positive teaching and learning experiences
- help learners make meaningful connections across their learning



Q2 Building, Pencarn Lane Imperial Park, Newport NP10 8AR \$\tilde{m}\$ 01633 373 222







What happens next?

We will now work closely with WJEC and Welsh Government to develop the detail of these new Made-for-Wales GCSEs. The first wave of new GCSEs will be approved by September 2024, giving schools a full academic year to prepare for first teaching in September 2025. A small number of new GCSEs will be introduced in a second wave in 2026.

A package of teaching and learning resources will be made available to support the transition, and we will also publish our Change Management Report later this year.

Find out more

If you would like to learn more about the consultation outcomes and subject-level decisions, register now to join our series of free webinars:

- consultation report 29 June 15:30-17:00 Register
- humanities decisions 3 July 16:00-17:00 Register
- mathematics and numeracy decisions 5 July 15:30-16:30 Register
- science and technology decisions 10 July 15:30-16:30 Register
- health and wellbeing decisions 11 July 15:30-16:30 Register
- languages, literacy and communication decisions 12 July 16:00-17:00 <u>Register</u>
- expressive arts decisions 13 July 15:30-16:30 Register

Further details and publications are also available on the **Qualifications Wales** website.

Thank you once again for your support, feedback, and contribution. We are now looking forward to the next exciting phase of our *Qualified for the Future* reform work, as we move into a new chapter for education in Wales.

Yours sincerely

Philip Blaker, Chief Executive

Agenda Item 2.14

Senedd Cymru

Bae Caerdydd, Caerdydd, CF99 1SN SeneddPlant@senedd.cymru senedd.cymru/SeneddPlant

Welsh Parliament

Cardiff Bay, Cardiff, CF99 1SN SeneddChildren@senedd.wales senedd.wales/SeneddChildren 0300 200 6565

CYPE(6)-20-23 - Paper to note 14

Elin Jones MS Llywydd, Chair of Business Committee

29 June 2023

Joint debate on reports relating to care experienced children and young people

Dear Llywydd,

As you may be aware, the Petitions Committee and the Children, Young People and Education Committee have recently published reports relating to care experienced children and young people. The Petitions Committee's report, 'Supporting care experienced parents', was published in March 2023. The Children, Young People and Education Committee's report, 'If not now, then when?', was published in May 2023.

There is a significant policy overlap across the two reports. The Children, Young People and Education Committee's report considers services for care experienced children and young people as a whole, including services for care experienced parents. The Petitions Committee report focuses specifically on services for care experienced parents. Our reports both fall primarily under the portfolio of the Deputy Minister for Social Services, they have been informed by the views of some of the same stakeholders (including some specific young people who have contributed to both inquiries), and they make very similar recommendations in certain areas.

Rather than schedule a separate Plenary debate on each report, we propose to the Business Committee that we hold a joint debate on the two reports during the Plenary slot currently allocated to the Children, Young People and Education Committee's report (currently scheduled for 4.55pm on 12 July). We propose some minor changes to the terms of a normal Committee report debate, as follows:

- The motion for the debate would be that the Senedd notes both committees' reports.
- The title of the debate would relate to the subject matter, rather than to either report specifically.



• The Chair of the Children, Young People and Education Committee, Jayne Bryant MS, would open and respond to the debate.

• The Chair of the Petitions Committee, Jack Sargeant MS, would be called to speak immediately after Jayne Bryant MS opens the debate.

In light of the overall time-efficiency of scheduling one committee report debate rather than two, we ask that you give consideration to:

• giving the Chair of the Petitions Committee additional time to speak, in recognition that he will be introducing the Petitions Committee report;

• giving the Deputy Minister of Social Services additional time to speak, in recognition that she will be responding to two reports; and, within reason,

• giving all Members of the Senedd who wish to speak during the debate the opportunity to do so.

We do not believe it would be necessary to make any other significant changes to the normal procedure for Senedd debates on committee reports.

We hope that you are able to respond favourably to our request. We believe that our proposed approach is a sensible use of Plenary time, and allows for a more complete and holistic debate for Members and stakeholders alike on the important and inter-connected issues raised in both reports.

I have copied this letter to the Deputy Minister for Social Services.

Yours sincerely,

Jayne Bryant MS

Chair of the Children, Young People and Education Committee

Jack Sargeant MS

JACK SARCEANT.

Chair of the Petitions Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



CYPE(6)-20-23 - Paper to note 15



CECA Wales Briefing, June 2023 Education and Employment Links in Wales

Dear Chair,

I am writing on behalf of the Civil Engineering Contractors Association Wales to outline challenges the construction and infrastructure sector continues to face in recruiting skilled young people to pursue careers in this field.

We believe gaps in links between education and employment need to be addressed as a matter of urgency as recruitment issues are inhibiting business growth, opportunities for young people and those from disadvantaged communities at a time when they are desperately needed.

The new curriculum in Wales includes an emphasis on encouraging educational establishments to engage with businesses, however this remains a challenging area and we believe greater focus needs to be placed on this part of the curriculum moving forward.

Clear and consistent engagement routes between education and employers could lead to:

- Businesses providing supporting resources to deliver aspects of the curriculum;
- Better preparation for learners entering the workplace, particularly those wishing to pursue a more vocational approach;
- Greater encouragement for less academically focused learners and/or those from disadvantaged backgrounds to enter the workplace; and,
- Greater diversity across the construction sector.

We note and welcome the <u>report</u> by Hefin David MS published on this topic, which is very helpful and we would support the recommendations. We welcome this report as a key building block in this discussion and moving forward with the report's recommendations, would urge the Welsh Government to seek wider engagement with businesses to ensure an even deeper business perspective is included in the debate.

Our view is that current social value policies could be much better utilised to support business engagement with schools. Construction companies working for the public sector are already familiar with the concept of social value and community benefits whereby added value is offered to a construction client (eg a local authority) over and above the delivery of a specific piece of work (eg a new road or railway station). This often entails the provision of jobs for local people, local purchasing, apprenticeships and training opportunities. This could quite easily be extended to providing support to schools in the form of work placements, site visits, careers support and, more specifically, direct delivery of parts of the new curriculum but from a workplace rather than schoolteacher perspective. For example,



delivering maths and physics experiences in the context of live civil engineering projects. There are examples of this being delivered but these tend to be in an ad hoc fashion and not consistently across the education system.

The current social value "benefits" delivery model has many inefficiencies which inevitably lead to a dilution of value and in many cases there is little or no oversight of the value that is actually delivered.

We propose that an alternative approach would be to identify willing school "partners" within a certain geographic area (eg local authority boundaries) to set out how they would like to be supported (eg X number of hours per week to help deliver aspects of the curriculum) and for successful contractors to be assigned a partner and to deliver those requirements over an agreed period of time. This gives the contractor certainty of what is required and the school continuity and consistency of delivery.

Ceca Wales sees the new curriculum as the perfect opportunity to develop these opportunities to develop and sustain the future workforce and would welcome the Committee's consideration of this issue and our suggestions.

If it would be helpful, we would be happy to provide further information and evidence to the Committee on this topic.

Kind regards,

Ed Evans, Director CECA Wales

Agenda Item 4

By virtue of paragraph(s) vi of Standing Order 17.42

By virtue of paragraph(s) vi of Standing Order 17.42

Agenda Item 5

Agenda Item 6

By virtue of paragraph(s) vi of Standing Order 17.42

Agenda Item 8