

Agenda – Children, Young People and Education Committee

Meeting Venue:	For further information contact:
Hybrid – Committee room 5 Tŷ Hywel and video conference via Zoom	Naomi Stocks Committee Clerk
Meeting date: 14 September 2023	0300 200 6565
Meeting time: 09.30	SeneddChildren@senedd.wales

It was agreed at the meeting on 12 July that this meeting would be held in private but due to a change in scheduled business this meeting will now be in public

Private pre-meeting

(09.10 – 09.30)

1 Introductions, apologies and substitutions and declarations of interest

(09.30)

2 Services for care experienced children: exploring radical reform – Ministerial scrutiny session

(09.30 – 11.30)

(Pages 1 – 56)

Julie Morgan MS, Deputy Minister for Social Services

Albert Heaney, Chief Social Care Officer for Wales, Welsh Government

Alistair Davey, Deputy Director, Enabling People, Social Services and Integration Directorate, Welsh Government

Attached Documents:

Research Brief

Letter to the Deputy Minister for Social Services

Response from Deputy Minister for Social Services

3 Papers to note

(11.30)



3.1 Information from Stakeholders

(Pages 57 – 58)

Attached Documents:

Letter from Universities and Colleges Union (UCU)

3.2 General scrutiny of the Deputy Minister for Mental Health and Wellbeing

(Pages 59 – 70)

Attached Documents:

Letter from the Deputy Minister for Mental Health and Wellbeing

3.3 Forward work programme

(Pages 71 – 106)

Attached Documents:

Letter from the Deputy Minister for Social Services

3.4 Forward work programme

(Pages 107 – 139)

Attached Documents:

Letter to the Minister for Education and Welsh Language

3.5 International Trade Agreements

(Pages 140 – 147)

Attached Documents:

Letter from the Chair of the Legislation, Justice and Constitution Committee

3.6 International Trade Agreements

(Pages 148 – 149)

Attached Documents:

Letter from the Chair of the Legislation, Justice and Constitution Committee to the First Minister

3.7 International Trade Agreements

(Pages 150 – 151)

Attached Documents:

Letter from the First Minister to the Chair of the Legislation, Justice and Constitution Committee

3.8 P-06-1342 Fund more specialist school places and staff for children with additional learning needs in Wales

(Page 152)

Attached Documents:

Letter from the Chair of the Petitions Committee

3.9 Implementation of education reforms

(Pages 153 – 159)

Attached Documents:

Letter from the Chair of the Children, Young People and Education Committee to the Minister for Education and Welsh Language and Deputy Minister for Social Services

3.10 Implementation of education reforms

(Pages 160 – 166)

Attached Documents:

Letter from the Minister for Education and Welsh language and Deputy Minister for Social Services

3.11 Implementation of education reforms

(Pages 167 – 168)

Attached Documents:

Letter from the Chair of the Children, Young People and Education Committee to the Welsh Local Government Association

3.12 Implementation of education reforms

(Pages 169 – 170)

Attached Documents:

Letter from the Chair of the Children, Young People and Education Committee to the Welsh NHS Confederation

3.13 Implementation of education reforms

(Pages 171 – 174)

Attached Documents:

Letter from the Welsh NHS Confederation

3.14 Implementation of education reforms

(Pages 175 – 177)

Attached Documents:

Letter from the Children’s Commissioner for Wales to the Minister for Education and Welsh Language and the Deputy Minister for Social Services

3.15 Implementation of education reforms

(Pages 178 – 180)

Attached Documents:

Letter from the Minister for Education and Welsh Language to the Children’s Commissioner for Wales

3.16 Mental Health support in Higher Education

(Pages 181 – 182)

Attached Documents:

Letter from the Interim Director of The Open University in Wales

3.17 Mental Health support in Higher Education

(Pages 183 – 184)

Attached Documents:

Letter from the Chief Operating Officer of the University of South Wales

3.18 Mental Health support in Higher Education

(Pages 185 – 186)

Attached Documents:

Letter from the President and Vice Chancellor of Cardiff Metropolitan University

3.19 Forward work programme

(Pages 187 – 188)

Attached Documents:

Letter from the Chair of the Equality and Social Justice Committee

3.20 Services for care experienced children: exploring radical reform

(Pages 189 – 190)

Attached Documents:

Letter from the Chair of the Children, Young People and Education Committee to the Children's Commissioner for Wales

3.21 Services for care experienced children: exploring radical reform

(Pages 191 – 238)

Attached Documents:

Letter from the Children's Commissioner for Wales

3.22 Services for care experienced children: exploring radical reform

(Pages 239 – 240)

Attached Documents:

Letter from the Chair of the Children, Young People and Education Committee to the Future Generations Commissioner

3.23 Services for care experienced children: exploring radical reform

(Pages 241 – 242)

Attached Documents:

Letter from the Future Generations Commissioner for Wales

3.24 Services for care experienced children: exploring radical reform

(Pages 243 – 246)

Attached Documents:

Briefing note from Kinship Cymru

3.25 General scrutiny of the Minister for Education and Welsh Language

(Pages 247 – 248)

Attached Documents:

Statistical information from the Minister for Education and Welsh Language

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

(Pages 249 – 250)

Attached Documents:

Letter from the Welsh Language Commissioner

3.27 General scrutiny of the Minister for Health and Social Services

(Pages 251 – 252)

Attached Documents:

Letter from the Chair of the Public Accounts and Public Administration Committee

3.28 General scrutiny of the Minister for Education and Welsh Language

(Pages 253 – 254)

Attached Documents:

Letter from the Chair to the Minister for Education and Welsh Language

3.29 General scrutiny of the Minister for Education and Welsh Language

(Pages 255 – 273)

Attached Documents:

Letter from the Minister for Education and Welsh Language

3.30 General scrutiny of the Minister for Economy

(Pages 274 – 275)

Attached Documents:

Letter from the Minister for Economy

3.31 Tertiary Education and Research (Wales) Act 2022

(Pages 276 – 280)

Attached Documents:

Letter from the Minister for Education and Welsh Language

3.32 Information from stakeholders

(Page 281)

Attached Documents:

Information from Children in Wales, Save the Children Cymru, Barnardo's Cymru, Action for Children Cymru/Wales, NSPCC Cymru/Wales, The Children's Society, TGP Cymru, NYAS Cymru, Home-Start Cymru

3.33 Services for care experienced children: exploring radical reform

(Pages 282 – 283)

Attached Documents:

Letter from NSPCC Cymru

4 Motion under Standing Order 17.42(ix) to resolve to exclude the public from the remainder of this meeting and for the whole of the meeting on 27 September

(11.30)

5 Services for care experienced children: exploring radical reform – consideration of the evidence

(11.30 – 12.15)

There will be an opportunity for children and young people who watched the meeting from the public gallery to meet with Members to discuss the evidence heard during the session.

6 Welsh Government Draft Budget 2024–25 – consideration of the approach

(12.15 – 12.30)

(Pages 284 – 297)

Attached Documents:

Approach to 2024–25 Draft Budget scrutiny

7 Do disabled children and young people have equal access to education and childcare? – update on the inquiry

(12.30 – 12.40)

(Pages 298 – 306)

Attached Documents:

Update on the Inquiry

Document is Restricted

Mark Drakeford MS
First Minister

Julie Morgan MS
Deputy Minister for Social Services

14 July 2023

Committee invitation & request for information

Dear First Minister and Deputy Minister,

We are pleased that the Deputy Minister has agreed to give evidence to the Committee at our next meeting on 14 September, and are grateful for her swift response to our invitation. This session will enable us to explore in more detail the Welsh Government's response to our report [If not now, then when?](#), and related issues. The Committee would very much welcome the First Minister's input given his personal commitment to care experienced children and young people. However, we understand the First Minister has prior commitments in North Wales on this date and is not currently planning to attend the session. If this changes please let us know as soon as possible and no later than 25 August.

As you know from the Plenary debate, we are disappointed with the Welsh Government's response to our report. Unfortunately, there was not sufficient time during the debate to discuss in detail all the issues that we would like to explore further.

We would therefore be grateful for a written paper ahead of that session, no later than 25 August, setting out:

- any additional information the Welsh Government thinks will help the Committee's understanding of the response; and
- responses to the questions set out in annex 1.

We are conscious that work by you and officials to respond to our request will fall over the summer recess. Please do not hesitate to contact the Committee clerks if you have any concerns about providing the information we are requesting within the timelines above.

Yours sincerely,

Jayne Bryant

Jayne Bryant MS
Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

Annex 1: Questions relating to the Welsh Government's response to the CYPE Committee report 'If not now, then when?'

General issues

1. For each recommendation accepted in part, a clear breakdown of exactly which part is accepted and which part is rejected.

Re. the Transformation Programme / Delivery Group / Ministerial Oversight Board

2. For each of the above, please clarify:
 - Terms of reference
 - Membership
 - Status (e.g. decision making or advisory, who it reports to)
 - Brief overview of action plan / work programme with dates and expected outcomes
 - Narrative of their interrelationship with each other

Legislative duties

3. An explanation of the Welsh Government's overall position on the additional legislative duties recommended by the Committee, and why it is unable or unwilling to accept so many recommendations that would require changes to primary legislation.
4. An explanation of the **evidence base** for the Welsh Government's confidence that radical reform can be delivered without additional legal safeguards for care experienced children. Specifically, how the Welsh Government believes that **that a non-legislative approach** will deliver:
 - a reduction in childcare social worker vacancies and the percentage of agency staff. What is the target for vacancy rates for children's social care / agency staff and when the Welsh Government expects this to be delivered by the work being undertaken by Social Care Wales and local government?
 - a guarantee that each care experienced child will have a right to on-going mental health assessments and a right to specialist therapeutic mental health support. The recommendation for a legislative right to assessed needs has a precedent in the legal

duties to assess the post-adoption support needs of children. The Committee notes the Welsh Government's response that children in care have 'equal rights' but would welcome further clarity to address our concerns that equal rights of access does not in reality deliver equality of therapeutic services needed. 'Strengthening support' and treating care experienced children in the same way as the general child population may not appropriately reflect the practical delivery of corporate parenting.

Re. recommendation 3, relating to 'care experience' as a protected characteristic

5. Further clarification of the rationale for rejecting this approach to lobby for 'care experience' to be a protected characteristic, a recommendation which has come directly from children and young people.

Re. recommendation 6, relating to data

6. In relation to each point of data not currently routinely collected and published in Wales (as set out on pages 50 to 52 of our report and [the WCPP report](#)), a narrative on the Welsh Government's rationale for this not being necessary / possible / helpful to shape policy response in Wales.

Re. recommendation 18, relating to unregistered placements

7. Further narrative on the work of the Eliminating Profit Programme Board and the specifics of:
 - How it will consider the issue of services operating without registration.
 - The quantitative data its expects to collect.
 - How children and young people with direct experience of unregistered placement will be given the opportunity to input into the end to end understanding of the issues as set out in the response.
 - Whether the full review will be published.
 - Any specific actions WG is taking to immediately reduce the use of unregistered placements.

Re. recommendation 19, relating to unregulated placements

8. The Committee was already sighted on the statistics in the public domain as referenced in the Welsh Government's response. Is there any other information that can be provided to the Committee on the use of unregulated accommodation (without support) for 16-21 year old care leavers?

Re. recommendation 20, relating to Deprivation of Liberty Orders (DoLS)

9. Further detail on whether there is or will be a strategy / action plan to reduce the use of DoLS in Wales and the WGs view on where that responsibility lies.



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



Llywodraeth Cymru
Welsh Government

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

10 August 2023

Dear Jayne,

Thank you for your letter dated 14 July 2023 concerning the Welsh Government's response to the Committee's report "If not now, then when".

I was pleased to accept the invitation to the scrutiny session with the Committee. I welcome the opportunity to have a further constructive discussion on our response to the Committee's report.

I note your request for a written paper responding to the questions outlined in the annex to your letter. I intend to provide Committee with a response to questions 1 and 2 in the annex by 25th August, as you requested. However, it will not be possible to provide a written response to your remaining questions by that date. I will however respond in detail to all the questions raised, in person, at the session on 14 September.

Yours sincerely

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

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

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

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



Llywodraeth Cymru
Welsh Government

Jayne Bryant, MS
Chair
Children, Young People and Education Committee
Welsh Parliament,
Cardiff Bay,
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25 August 2023

Dear Chair

I write in follow up to my letter of 14 July 2023 concerning the Committee's request for further written information prior to the scrutiny session scheduled on 14 September.

I am pleased to share with the Committee a response to questions 1 and 2 within the annex of your original letter. I look forward to answering the Committee's remaining questions at the session on the 14 September.

Yours sincerely

A handwritten signature in black ink that reads "Julie Morgan". The signature is written in a cursive, flowing style.

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

Question - General issues

For each recommendation accepted in part, a clear breakdown of exactly which part is accepted, and which part is rejected.

Recommendation 4.

As part of umbrella reforms to corporate parenting (see radical reform #3), the Welsh Government should introduce legislation making specific provision relating to corporate parenting. The legislation should:

- set out which bodies are considered 'corporate parents', including at least local authorities, health boards, NHS trusts, the Welsh Ministers, the Children's Commissioner for Wales, the Commission for Tertiary Education and Research, and other such bodies as the Welsh Government sees fit following consultation;
- set out the general duties imposed on all corporate parents, including at least duties to: prepare and publish plans relating to the work as corporate parents; to work collaboratively where it would safeguard or promote the well-being of the child or young persons to do so; publish reports on how they have exercised their corporate parenting responsibilities; provide reasonably requested information to the Welsh Ministers; and follow guidance or directions issued by the Ministers.
- align with further specific corporate parenting duties and recommendations against the relevant sections in this report. See: mental health (page 31), housing (page 94), and higher education (page 102).

Welsh Government response:

Welsh Government will be encouraging all public and private bodies to sign up to become corporate parents through the Corporate Parenting Charter which was published on 29 June. The Commission for Tertiary Education and Research (CTER) will not be a direct service provider to care experienced people in the manner of local authorities, local health boards or the higher and further education institutions which it will fund and regulate. So there is a question about whether it would be a suitable body to act as a 'corporate parent' on a statutory basis as described in the report. However, CTER will have its own statutory responsibilities for care experienced children and young people (see response to recommendation 27 below), and we expect that it will be a signatory to the Corporate Parenting Charter.

To support the Charter, Welsh Government will strengthen guidance including a dedicated chapter on Corporate Parenting to support local authorities in their role as corporate parents within the Part 6 Code of Practice (Looked after and accommodated children) under the Social Services and Well-being (Wales) Act 2014. Work is also taking

placed across Government to identify existing guidance which could also be strengthened to support delivery of the Charter by wider public bodies.

Accepted

Set out which bodies are considered 'corporate parents', including at least local authorities, health boards, NHS trusts, the Welsh Ministers, the Children's Commissioner for Wales, the Commission for Tertiary Education and Research, and other such bodies as the Welsh Government sees fit following consultation.

Set out the general duties imposed on local authorities as corporate parents, including at least duties to: prepare and publish plans relating to the work as corporate parents; to work collaboratively where it would safeguard or promote the well-being of the child or young persons to do so; publish reports on how they have exercised their corporate parenting responsibilities; provide reasonably requested information to the Welsh Ministers; and follow guidance or directions issued by the Ministers.

Align with further specific corporate parenting duties and recommendations against the relevant sections in this report. See: mental health (page 31), housing (page 94), and higher education (page 102).

Rejected

The Welsh Government should introduce legislation making specific provision relating to corporate parenting.

Set out the general duties imposed on all corporate parents.

The legislative programme for this Senedd term is already well-developed, based on the Welsh Government's Manifesto and the Co-operation Agreement.

We will use existing levers to support the Charter including a dedicated chapter on Corporate Parenting to support local authorities in their role as corporate parents within the Part 6 Code of Practice (Looked after and accommodated children) under the Social Services and Well-being (Wales) Act 2014.

Recommendation 5.

As part of umbrella reforms to corporate parenting (see radical reform 3), the Welsh Government should introduce legislation to give all children the right to a specialist therapeutic mental health support service. They should have a statutory right to have their needs assessed at intervals and to have those needs met. That service should be available from the point at which they are removed from their birth parents to at least the point at which they cease to be defined as a care leaver. It should be separate and independent from existing mental health services and specialise in trauma-informed mental health support.

Welsh Government response:

The Welsh Government recognises the impact of the challenges faced by care experienced children, including the potential to be further traumatised by the systems which are there to support them if services are not delivered effectively.

From a mental health perspective, all children in Wales have equal rights to the access of specialist therapeutic mental health support services under current mental health legislation. The Mental Health Measure (2010) has established positive rights for people with mental health problems, whether diagnosed or not, to obtain help at a sufficiently early stage avoiding the risk of further mental health decline.

However, we recognise that children in care can face additional and complex challenges to their mental health and wellbeing and more needs to be done to intervene early and prevent, as far as is practicable, the disproportionate numbers of looked after children needing CAMHS and specialist mental health support.

We have developed the NYTH/NEST framework which is a tool to help service providers develop and deliver services which enable them to hold onto babies, children and young people with trusted adults who are suitably trained, trauma informed and have easy access to expertise to support them. The framework aims to create a whole system approach with services integrating and working together so that resources and expertise can be co-ordinated to identify and provide the right mix of services needed to protect that child's health and wellbeing.

Through local initiative and with the support of the Regional Integration Fund we are already seeing some excellent examples of services coming together to deliver holistic support in this way.

Work is now underway to develop a service specification for CAMHS which will set out the Government’s expectation of CAMHS services in Wales, and how it works with other services to establish the necessary arrangements to deliver integrated care. The National Framework for Children’s Services will set out our similar expectations for Local Authorities around integration. As part of this and drawing on the best practice we are already seeing across Wales, our ambition is that we can set out a consistent approach using the key principles of NYTH/NEST to providing timely, integrated, person-centred care for all looked after children in Wales.

In summary, we have work already underway that will strengthen support for children and young people but without the need for new legislation.

Accepted	Rejected
<p>Children in care can face additional and complex challenges to their mental health and wellbeing and more needs to be done to intervene early and prevent. . We are setting out a consistent approach using the key principles of NYTH/NEST to providing timely, integrated, person-centred care for all looked after children in Wales.</p>	<p>The Welsh Government should introduce legislation to give all children the right to a specialist therapeutic mental health support service.</p> <p>Current legislation provides all children adequate access to specialist therapeutic mental health support services.</p>

Recommendation 7.

The Welsh Government should introduce legislation to give all care experienced birth parents a statutory right to intensive, wrap-around edge-of-care support to reduce the risk of children being removed from their care. The support should include specialist parental advocacy to navigate the social care and family courts systems and should be modelled on evidence-based services such as NYAS’ Project Unity. The support should be available from the 12-week scan of pregnancy (or the earliest point after 12 weeks at which a viable pregnancy is confirmed). If a child is ultimately removed from their birth parents, the support should continue beyond the child’s removal to support the birth parents to come to terms with their loss.

Welsh Government response:

The Welsh Government has, and will continue, to prioritise early intervention and prevention as part of the work of both the Children’s Board and the Transformation Programme of Children’s Services in Wales. We know that projects such as Project Unity play a valuable part in providing emotional and practical help to care experienced

mothers and the Welsh Government has been able to provide annual funding of £340,000 for the programme until 2025 reflecting our commitment to supporting care experienced mothers and to keeping families together wherever possible.

The Welsh Government accepts the recommendation in principle and will consider and explore its asks as part of the delivery of the Transformation Programme.

Accepted

The need for support for intensive, wrap-around edge-of-care support for care-experienced parents to reduce the risk of children being removed from their care. This support needs to be modelled on and developed from evidenced based practice. We recognise there are a number of support models in place upon which practice can be built.

. The support should be available from the 12-week scan of pregnancy (or the earliest point after 12 weeks at which a viable pregnancy is confirmed). If a child is ultimately removed from their birth parents, the support should continue beyond the child's removal to support the birth parents to come to terms with their loss.

Rejected

The Welsh Government should introduce legislation to give all care experienced birth parents a statutory right to intensive, wrap-around edge-of-care support to reduce the risk of children being removed from their care.

The Welsh Government has, and will continue to, prioritise early intervention and prevention and will consider the need for legislation as part of the delivery of the Transformation Programme for Children's Services.

Recommendation 8.

The Welsh Government should ensure universal, nationwide access to successful early intervention/edge of care/preventative services, such as Barnardo's Baby & Me, which have been shown to increase the chance of children being able to stay with their birth parents. Until the long-term cost benefits of these services have been realised, the Welsh Government should develop a long-term, national, sustainable funding model for them, recognising their potential for financial benefits across different public service bodies.

<p>Welsh Government response: The Welsh Government accepts and acknowledges the positive work being undertaken by Edge of Care Services such as Barnardo’s Baby & Me, Reflect and Jig-So, and the benefit that these programmes have on new parents including care experienced young people. The Welsh Government will review the evaluation of these projects when deciding on next steps and future roll out.</p>	
<p>Accepted</p> <p>The need for early intervention/edge of care/preventative services We recognise there are models in place, which have been shown to increase the chance of children being able to stay with their birth parents.</p>	<p>Rejected</p> <p>The Welsh Government should ensure universal, nationwide access to successful early intervention/edge of care/preventative services, such as Barnardo’s Baby & Me, which have been shown to increase the chance of children being able to stay with their birth parents.</p> <p>Until the long-term cost benefits of these services have been realised, Welsh Government should develop a long-term, national, sustainable funding model for them, recognising their potential for financial benefits across different public service bodies.</p> <p>The Welsh Government will review the evaluation of existing projects before deciding on next steps and future roll out.</p>
<p>Recommendation 10. The Welsh Government should introduce legislation to give birth parents a statutory right to an ‘active offer’ of an independent support worker when the child is placed on the child protection register or made subject to pre-</p>	

proceedings to support them to access early intervention services and navigate the social care and family court system. If a child is ultimately removed from their birth parents, the support should continue beyond the child's removal to signpost the birth parents to services that can come to terms with their loss.

Welsh Government response:

The Welsh Government currently provides annual funding of £300k to the National Youth Advocacy Service (NYAS) to deliver a Parental Advocacy Programme in Gwent, via our Sustainable Social Services Grant Scheme. The Programme pairs parents with advocates who assist them in understanding legislation, processes and systems in the child protection and care process. Additionally, advocates assist parents in communicating with their child's social worker. The programme will run until 2025.

Our Programme for Government sets out that we are committed to expanding the provision of advocacy services to support parents whose children are on the edge of care, helping to avoid statutory social services involvement, escalation of needs and reducing the risk of children entering the care system.

We are investing a minimum of £1.5 million of funding over the next 3 years, through the Care Experienced Children Change Fund. This funding will be used to scale up existing Parental Advocacy projects on a regional basis and to ensure new services are established in each of the seven regions in Wales as part of a national roll-out.

To support consistent service delivery across Wales as part of a national roll out, we are developing a National Framework for Parental Advocacy with third sector partners. This describes the core service criteria that all regions must have in place.

Academic literature and early reports show parental advocacy to be a promising route to reducing the number of children taken into care. We will use the learning from the Gwent initiative and from the national roll-out to determine whether universal access to parental advocacy should be put in place.

Accepted

The provision of support to birth parents when the child is placed on the child protection register or made subject to pre-proceedings to support them to access early

Rejected

The Welsh Government should introduce legislation to give birth parents a statutory right to an 'active offer' of an independent support worker.

<p>intervention services and navigate the social care and family court system.</p>	<p>The Welsh Government will await the evaluation of the Parental Advocacy Programme in Gwent and the wider roll-out of parental advocacy services across Wales before considering what further steps should be taken.</p>
<p>Recommendation 11. The Welsh Government should commission an independent review into the efficacy and availability of parenting assessment placements. The review should consider the ethics, utility and value for money of both residential placements and parent and child foster placements and identify what changes can be made to improve the process for families, and any barriers that need to be overcome to take those steps. The independent review should report no later than December 2023.</p>	
<p>Welsh Government response: The Welsh Government is committed to seeing children and young people living securely with their families, with many fewer ever needing to enter care. For those children who do come into care, we want their stay to be as short as is consistent with meeting their needs, close to home and with strong links to their local community. To achieve this, and to ensure a sustainable network of provision, the shape, scale and structure of current arrangements for the accommodation of and support for children and young people has to change fundamentally to ensure the development of stable, integrated and locally accountable provision. This will include models of care, wrap-around support and models of ownership.</p> <p>During this Senedd term, as part of this work, we will review the arrangements for parenting assessment placements in Wales, including efficacy, availability and models of ownership.</p>	
<p>Accepted</p> <p>The need for a review of the efficacy and availability of parenting assessment placements as part of the work to transform the shape, scale and structure of</p>	<p>Rejected</p> <p>The Welsh Government should commission an independent review into the efficacy and availability of parenting assessment placements.</p>

<p>accommodation and support for children and young people.</p>	<p>This will be taken forward as part of our wider work to transform children's services in Wales.</p>
<p>Recommendation 14. The Welsh Government should work with Social Care Wales to fund and deliver (including to legislate as needed) a national register of foster carers, to be held by Social Care Wales. The register should set out details of foster carers' approval status, approval review date, local authority location, number of placements, and whether they are a local authority or independent provider. The development of that register should be carried out alongside key stakeholder, such as the Fostering Network, and should involve thorough consultation with foster carers and fostering services providers across Wales.</p>	
<p>Welsh Government response: Welsh Government recognises the potential benefits associated with a national register of foster carers and it is therefore something that the Welsh Government is keen to explore with the sector.</p> <p>A national register would increase the status of foster carers in the team around the child, allowing the role to be more recognised and valued within the sector and by the public. This is especially important as Welsh Government recognises that foster carers are an important part of the social care team supporting the child or young person. It will also address the difficulty foster carers experience when moving from one service to another, by offering a less bureaucratic method of transfer, reducing duplication and delays and will offer a robust safeguarding mechanism which will outline a foster carer's continued suitability to foster.</p> <p>However, introducing such a register is complex and will need to be undertaken in a timely and controlled way alongside ensuring it can be appropriately resourced. Initial discussions with the Fostering Network have taken place and the next step is to undertake a scoping exercise to establish what a national register could look like in Wales, any legislative requirements and operational feasibility. This will be done in consultation with our statutory and third sector partners, foster carers and service users.</p>	

<p>Accepted</p> <p>The need to work with Social Care Wales to scope what a National Fostering Register could look like in Wales.</p> <p>The development of any register should be carried out alongside key stakeholders, such as the Fostering Network, and should involve thorough consultation with foster carers and fostering services providers across Wales.</p>	<p>Rejected</p> <p>.</p> <p>The Welsh Government should work with Social Care Wales to fund and deliver (including to legislate as needed) a national register of foster carers, to be held by Social Care Wales. The register should set out details of foster carers' approval status, approval review date, local authority location, number of placements, and whether they are a local authority or independent provider.</p> <p>Work to scope what a National Fostering Register could look like and to consult with key stakeholders on the feasibility of, and costs associated with a Register needs to take place before legislative changes can be considered.</p>
<p>Recommendation 15.</p> <p>The Welsh Government must ensure that a review of the '4Cs' online database is undertaken, involving key stakeholders and frontline practitioners, to identify and implement improvements to the database to streamline the placement commissioning process.</p>	
<p>Welsh Government response:</p> <p>The Childrens Commissioning Support Resource (CCSR) was initially developed by Welsh Government with Data Cymru in 2005 as a database library for looking up providers. In 2012, the Childrens Commissioning Consortium Cymru (4Cs) subsequently chose the CCSR platform as an existing Welsh developed, owned and WLGA-managed platform which could be developed to meet commissioning, contracting and procurement needs. It developed an e-tendering portal to deliver the All-Wales Framework (residential and foster care) and to provide placement finding and matching capability.</p>	

This part of the CCSR system is a layer of restricted access to Local Authority and Framework providers only, evaluated and quality assured by the 4Cs, who are compelled under the All-Wales Framework to keep their foster carer, care setting and vacancy information up to date. This is effective and is reviewed as part of daily contract management.

CCSR does provide details of every foster carer who is a provider on the All Wales Framework plus vacancies, and the equivalent details of all Framework residential care settings and vacancies. This is monitored by 4Cs / Data Cymru and is up to date. It also includes Framework providers CIW inspection reports and provider statement of purposes. CCSR has the capability for all LAs to confidentially and securely add all of their foster carer and residential setting provision onto the system.

CCSR also provides the details of foster carers from a small number of other agencies who are not on the Frameworks but still see the benefit of subscribing to the service (non-framework providers) but the annual subscription fee they have to pay for the service is a barrier to some smaller providers using the system.

As this has restricted access, many providers who may have contributed to the committee discussions would not have access to this element of the database and therefore may not be fully clear on its functions or the live nature of its daily use. They would however have access to the high-level resource library which sits above the 4Cs tendering module and is visible to a wider range of stakeholders. The library is part of a forward redevelopment programme which will be informed by stakeholders.

To support further implementation, Welsh Government will also consider whether it would be feasible to compel all fostering agencies to register on CCSR as part of their registration under RISCA. This work would need to align with our consideration of the introduction of a national fostering register in Wales.

Accepted

Review the 4Cs database to consider whether it would be feasible to compel **all** fostering agencies to register on CCSR as part of their registration under RISCA.

Rejected

The Welsh Government must ensure that a review of the '4Cs' online database is undertaken, involving key stakeholders and frontline practitioners, to identify and

<p>Align this work with our consideration of the introduction of a national fostering register in Wales.</p>	<p>implement improvements to the database to streamline the placement commissioning process.</p> <p>The 4Cs database is a restricted access system for Local Authority and Framework providers only, and is evaluated and quality assured by the 4Cs, who are compelled under the All-Wales Framework to keep their foster carer, care setting and vacancy information up to date. This is effective and is reviewed as part of daily contract management.</p>
<p>Recommendation 17. The Welsh Government should consult care experienced children and young people, kinship carers, third sector organisations, local government and others to better understand the extent to which kinship care is being increasingly used as an alternative to placing children in foster or residential care, the experiences of children in kinship care, and the support needs of kinship carers. As part of that work, the Welsh Government should explore the potential of amending by regulations the criteria that kinship carers are required to meet to be entitled to the same financial support as foster carers.</p>	
<p>Our Programme for Government contains a number of key commitments about a new vision for how children's services in Wales are delivered. Over the course of this Senedd term, we will be working to radically reform children's services in Wales, to ensure they deliver the best possible outcomes for children who are in care. As part of this work, Welsh Government has set up a Special Guardianship Expert Group which will be looking at developing an improved and consistent needs-based approach to supporting Special Guardianship families across Wales. This group has representation from the statutory and third sector alongside service users and as part of its work it will look at ways of capturing the views of children and young people. The intention is to widen the scope of this group in due course to look at the use of and support available for kinship foster carers in Wales.</p>	

In addition, Foster Wales is committed to ensuring that kinship foster carers receive the same support as mainstream foster carers and has launched its national commitment which is an agreed package of training, support, and rewards consistently available to all foster carers (mainstream and kinship) in Wales through all 22 local authority fostering agencies in Wales.

Foster Wales is also committed to ensuring that kinship foster carers receive the same financial support as mainstream foster carers. One of the aims of our current work on fees and allowances is to ensure consistency, alongside other elements of the financial support to all approved foster carers. Currently all approved foster carers across Wales (including mainstream and kinship foster carers) are paid at least the national minimum allowance to meet the needs of children in their care. In addition, all local authorities pay an enhanced allowance/fee to mainstream foster carers.

Through Foster Wales and the harmonisation of fees and allowances work, we are seeking to ensure that the availability of an enhanced allowance/fee is available to all approved foster carers (including both mainstream and kinship foster carers) providing they are assessed to meet the eligibility criteria as set out in the enhanced allowance eligibility policy.

The current legal framework, under the Fostering Panels (Establishment and Function) (Wales) Regulations 2018, necessitates kinship foster carers reaching the same standard of suitability to foster as mainstream carers. The only difference for kinship foster carers is that they are approved to be a foster carer for a particular child under these regulations. Welsh Government is aware that many practitioners, panels and decision makers have struggled with the fitness for purpose of the current regulatory framework for kinship foster care.

To aid the fostering sector, Welsh Government is currently undertaking a scoping exercise to consider legislative changes that could be introduced to enable an alternative and more 'fit for purpose' way forward for the assessment of kinship carers.

Accepted

Explore legislative changes to support kinship carers by enabling an alternative and more 'fit for purpose' way forward for the assessment of kinship carers.

Rejected

Welsh Government should consult with care experienced children and young people, kinship carers, third sector organisations, local government and others

	<p>to better understand the extent to which kinship care is being increasingly used as an alternative to placing children in foster or residential care, the experiences of children in kinship care, and the support needs of kinship carers.</p> <p>This will be encompassed within our wider work to radically reform children's social services and the work undertaken with the SGO Expert Group.</p>
<p>Recommendation 18. The Welsh Government and the Association of Directors of Social Services must jointly publish no later than December 2023 an action plan setting out how they will prevent the use of illegal, unregistered accommodation in Wales. The action plan must include an analysis of the number of times it has been used in the last 24 months, with clear timescales and funding allocations to develop safe alternatives.</p>	
<p>The Welsh Government remains committed to reducing the overall numbers of children looked after but recognises the challenges for some local authorities of finding or developing suitable placements to meet the needs of the children and young people in their care.</p> <p>This isn't just about increasing capacity. It is also about promoting trauma-informed models of care and ensuring there are appropriate joint commissioning arrangements in place between health, social services and education, so the needs of children are met, and they do not fall between different types of provision. We will continue to work with local authorities to ensure these challenges can be met.</p> <p>Under our Eliminating Profit Programme Board, we have established a local authority task and finish group to consider the issue of services operating without registration. This is to ensure placement choice and stability in registered provision meets the needs of, and secures positive outcomes for, our children and young people</p> <p>The group is undertaking a review of services operating without registration in order to gain an evidence-based end-to-end understanding of the issues, challenges, effective approaches and potential solutions as well as the associated impacts for children. The review is due to be commissioned shortly and will report later this year.</p>	

<p>Accepted</p> <p>Development of a plan to understand the use of, and reduce the number of, placements in unregistered settings as part of the work to deliver our commitment to eliminate profit from the care of looked after children and to deliver radical reform.</p>	<p>Rejected</p> <p>Publication of an action plan by December 2023.</p> <p>The Welsh Government is continuing to work with local authorities to ensure the challenges associated with finding or developing suitable placements can be met. It will consider the findings of the review currently being undertaken before determining next steps.</p> <p>This work is supported by investment of £68m over the three years 2022/23-2024/25.</p>
<p>Recommendation 19.</p> <p>The Welsh Government should carry out and publish an analysis of the use of unregulated accommodation across Wales for children in care and care leavers up to the age of 21. The analysis should identify the numbers of children and young people in unregulated accommodation, and clearly break that down between accommodation that it considers to provide quality accommodation and support (such as supported accommodation which is required to meet housing standards), and accommodation that does not (such as bed and breakfasts, AirBnBs, hostels, etc.). The analysis should further break down that data into the age and legal status of the children and young people to clearly indicate how many are subject to care orders and how many are care leavers. Once complete, the Welsh Government should set out its policy position in relation to unregulated accommodation, including the action it intends to take alongside local authorities to reduce the use of inappropriate unregulated accommodation in Wales.</p>	
<p>Welsh Government response:</p> <p>The Welsh Government collects data on the number of children aged 16 and over leaving care by age and accommodation at date of ceasing to be looked after. Our published statistical data for the period 1 April 2021 to 31 March 2022 shows of the 700 young people aged 16 and over who left care between 1 April 2021 and 31 March 2022, 670 (96%) were in suitable accommodation at the date they ceased to be looked after. Accommodation is regarded as suitable if it provides safe, secure and affordable provision for young people. The proportion of young people in suitable accommodation has increased from 92% in 2016-17 when data began being collected.</p>	

28% of young people in suitable accommodation were with parents or relatives and 26% were in ordinary lodgings without formal support. The proportion of young people in ordinary lodgings without formal support has generally increased since 2018-19, as has the proportion in semi-independent transitional accommodation (about 18%). The proportion of young people with parents or relatives, in independent living and in suitable supported lodgings have generally decreased over this time.

Bed and breakfasts are considered unsuitable accommodation, in addition, other types of accommodation are considered to be unsuitable if they clearly expose the young person to risk of harm or social exclusion. The number, and the proportion, of care leavers in unsuitable accommodation has decreased in recent years. The number of care leavers in unsuitable accommodation decreased by 5 (14%) from 35 to 30 compared with the previous year, equating to 4% of care leavers being in unsuitable accommodation at the point of leaving care during 2021-22. This is the lowest proportion since data began being collected in 2016-17.

Whilst it is difficult to see in what circumstances a child under 16 would be placed in an unregulated service as they would be in need of care which would mean the service would need to be registered, we are keen to learn from England's experiencing of prohibiting under 16s being placed in unregulated placements and will keep this under review.

Accepted

The Welsh Government should set out its policy position in relation to unregulated accommodation, including the action it intends to take alongside local authorities to reduce the use of inappropriate unregulated accommodation in Wales

Rejected

The Welsh Government should carry out and publish an analysis of the use of unregulated accommodation across Wales for children in care and care leavers up to the age of 21.

This information is already collected and published in respect of care leavers

Recommendation 20.

The Welsh Government should carry out an immediate analysis of the use of Deprivation of Liberty Orders across Wales for the past 24 months, broken down by local authority which has responsibility for the child, age of the child and the length of the order, and which should be published no later than December 2023. The Welsh Government

and the Association of Directors of Social Services should jointly publish no later than December 2023 an action plan setting out how they will reduce the use of Deprivation of Liberty Orders in Wales. The action plan must include clear timescales and funding allocations.

Welsh Government response:

The Welsh Government will carry out an analysis of the use of Deprivation of Liberty Orders across Wales for the past 24 months, broken down by local authority which has responsibility for the child, age of the child and the length of the order.

The results of this analysis will feed into the Welsh Government's Transformation Programme for Children's Services.

Accepted

The Welsh Government should carry out an immediate analysis of the use of Deprivation of Liberty Orders across Wales for the past 24 months, broken down by local authority which has responsibility for the child, age of the child and the length of the order.

Rejected

The analysis should be published not later than December 2023.

The Welsh Government and the Association of Directors of Social Services should jointly publish no later than December 2023 an action plan setting out how they will reduce the use of Deprivation of Liberty Orders in Wales. The action plan must include clear timescales and funding allocations.

The results of the analysis will feed into the Welsh Government's wider Transformation Programme for Children's Services.

Recommendation 22.

The Committee recommends that:

The Welsh Government should introduce legislation to raise the upper threshold for all of the support offered to care leavers until they are 21 (as set out in sections 103 to 118 of the Social Services and Well-being (Wales) Act 2014,

<p>associated regulations, guidance and codes of practice, including the When I am Ready scheme) to 25 for category 3, category 5 and category 6 care leavers.</p>	
<p>Welsh Government response: The Welsh Government is committed to legislate in this Senedd Term to ensure all care leavers have an entitlement to a Personal Advisor up to the age of 25. These changes can be made via Regulations under the Social Services and Well-being (Wales) Act 2014. The Welsh Government has previously written to local authorities about this and the expectations for the funding provided.</p>	
<p>Accepted</p> <p>The introduction of legislation to raise the upper threshold to ensure all care leavers have an entitlement to a Personal Advisor up to the age of 25.</p>	<p>Rejected</p> <p>The introduction of legislation to raise the upper threshold for all of the support offered to care leavers from 21 to 25 (as set out in section 103 to 118 of the Social Services and Well-being (Wales) Act 2014, associated regulations, guidance and codes of practice. Including the When I am Ready scheme) for category 3, category 5 and category 6 care leavers.</p>
<p>Recommendation 23. The Welsh Government should amend section 108 of the Social Services and Well-being (Wales) Act 2014 and regulations, guidance and the code of practice relating to the When I am Ready scheme to:</p> <ul style="list-style-type: none"> • extend the age limit for all young people who wish to participate in the scheme to 25; and • remove barriers to the scheme, including the potential for foster carers' approval to be removed; the reduction in payments to fosters carers; and • consider how young people could enter the scheme and receive all of the support available to them without being required to enter into tenancy agreements with their foster carers. 	
<p>Welsh Government response: Welsh Government recognises that the transition into adulthood can be more difficult for care leavers than many of their peers of a similar age. It is therefore important that these young people experience continuity when they reach</p>	

adulthood. This will help ensure they do not experience a sudden disruption to their living arrangements which could have a negative impact upon their emotional stability, education, training or employment, or upon them developing independent living skills.

The Welsh Government is therefore committed to supporting the When I'm Ready scheme and ensuring that all young people who are in foster care are offered the opportunity to continue living with their foster carers beyond their 18th birthday, up to the age of 21, or up to age 25 if they are completing an agreed programme of education or training.

We are aware there are some challenges with the scheme and during this Senedd will undertake a full review of the When I'm Ready scheme, drawing upon the intelligence that has been gathered about what is working well and what isn't, and collaborating with our stakeholders and service users across Wales in relation to required changes. As part of this review, we will consider whether there is a need to amend existing legislation and existing guidance to introduce changes that will further benefit our young people and the carers who support them, alongside providing a firmer footing for the When I'm Ready scheme in Wales. At the same time, we will look at ways of monitoring implementation to ensure a more consistent approach across Wales.

Accepted

Undertake a full review of the When I'm Ready scheme, drawing upon the intelligence that has been gathered about what is working well and what isn't, and collaborating with our stakeholders and service users across Wales in relation to required changes.

Consider whether there is a need to amend existing legislation and existing guidance to introduce changes that will further benefit our young people and the carers who support them, alongside providing a firmer footing for the When I'm Ready scheme in Wales.

Look at ways of monitoring implementation of the scheme to ensure a more consistent approach across Wales.

Rejected

During this Senedd term, amend section 108 of the Social Services and Well-being (Wales) Act 2014 and regulations, guidance and the code of practice relating to the When I am Ready scheme to:

- extend the age limit for all young people who wish to participate in the scheme to 25; and
- remove barriers to the scheme, including the potential for foster carers' approval to be removed; the reduction in payments to fosters carers; and
- consider how young people could enter the scheme and receive all of the support available to them without being required to enter into tenancy agreements with their foster carers.

	<p>The review will be undertaken during this Senedd term with a view to making any necessary legislative changes during the next Senedd's legislative programme.</p>
<p>Recommendation 24. The Welsh Government should carry out a review alongside care experienced young people and other key stakeholders to ascertain how When I am Ready can be extended to young people in residential care, the barriers to that extension and what actions can be taken to overcome those barriers. The review should report no later than December 2023</p>	
<p>Welsh Government response: Welsh Government has committed to undertaking a full review of the When I'm Ready scheme during this Senedd term, drawing upon the intelligence that has been gathered about what is working well and what isn't, and collaborating with our stakeholders and service users across Wales in relation to required changes. As part of this review, consideration will be given to the feasibility of young people in residential care being able to access When I am Ready provision.</p> <p>The work will be undertaken during this Senedd term with a view to making any necessary legislative changes during the next Senedd's legislative programme.</p>	
<p>Accepted</p> <p>Undertake a full review of the When I'm Ready scheme during this Senedd term, and as part of this review, consider the feasibility of young people in residential care being able to access When I am Ready provision.</p>	<p>Rejected</p> <p>The review should report no later than December 2023.</p> <p>The work will be undertaken during this Senedd term with a view to making any necessary legislative changes during the next Senedd's legislative programme.</p>

Recommendation 25.

The Committee recommends that:

As part of umbrella reforms to corporate parenting the Welsh Government should bring forward legislation to;

- Amend the Housing Act 1996 to provide that care experienced people have priority in housing allocation.
- Amend the Housing Act 1996 to state that 'local connection' should be disregarded for care experienced people at their election.
- Amend the Housing (Wales) Act 2014 to ensure that care experienced people over the age of 21 retain “priority need” status when homeless.
- Amend the Housing (Wales) Act 2014 so that care experienced people facing homelessness cannot be referred to another local authority due to 'local connection' if they do not wish to be.

Welsh Government response:

Our Programme for Government contains a commitment to reform housing law and implement the Homelessness Action Group’s recommendation to fundamentally reform homelessness services to focus on prevention and rapid rehousing.

To progress this commitment an Expert Review Panel is in place to review and make recommendations for legislative reform. The panel was convened in August 2022 and will report in August 2023.

As part of their deliberations, the panel have considered the experience of homelessness for those who are care leavers and what targeted prevention measures, either facilitated through legislation or via broader policy led mechanisms, would better prevent homelessness for this group.

Following receipt of the Expert Review Panel’s final report the Welsh Government will publish a White paper, setting out our proposals for legislative change to ensure that homelessness is prevented for the majority of those at risk and that, where it cannot be prevented, it is rare, brief and unrepeatable.

The recommendations of the Children, Young People and Education Committee have informed the ongoing deliberations of the panel and the parallel development work on the White Paper and we are committed to taking action to prevent homelessness for those who are care experienced through these reforms.

<p>Accepted</p> <p>We accept the need to explore the Committee's recommendations.</p>	<p>Rejected</p> <p>We can't take forward the recommendation in the exact structure proposed as it references law we are seeking to reform.</p>

Question 2
the Transformation Programme / Delivery Group / Ministerial Oversight Board

For each of the above, please clarify:

- **Terms of reference**
- **Membership**
- **Status (e.g. decision making or advisory, who it reports to)**
- **Brief overview of action plan / work programme with dates and expected outcomes**
- **Narrative of their interrelationship with each other**

1 Terms of reference

Please find attached at Annex **A**, a copy of the Terms of Reference for the Ministerial Oversight Board.

Please find attached at Annex **B**, a copy of the Terms of Reference for the Transformation of Children's Services Delivery Group.

2 Membership

The membership of the Ministerial Oversight Board is:

First Minister (Chair, alternating with the Deputy Minister for Social Services)
Minister for Finance and Local Government
Minister for Health and Social Services
Minister for Education and the Welsh Language
Minister for Social Justice
Deputy Minister for Social Services (Chair, alternating with the First Minister)
Deputy Minister for Mental Health and Wellbeing
Chief Social Care Officer
Chief Executive CAFCASS Cymru
Chief Inspector, Care Inspectorate Wales
Welsh Local Government Association lead
Association of Directors of Social Services Cymru lead

The membership of the Transformation of Children's Services Delivery Group is representatives from:

Two care-experienced young people
Association of Directors of Social Services Cymru
All Wales Heads of Children's Services
Barnardo's Cymru
Cafcass Cymru

Care Inspectorate Wales
Children's Commissioner for Wales Office
Children in Wales
Cwmpas Co-op
EYST
National Adoption Service
NYAS Cymru
NSPCC Cymru
Social Care Wales
Voices from Care Cymru
WLGA

Welsh Government policy officials from

Health and Social Services
Cabinet Office
CAMHS and Veterans Mental Health
Equity in Education
Local Government Transformation & Partnerships
Housing Policy
Communities and Tackling Poverty

3 Status

The Ministerial Oversight Board's status is to oversee the Transformation Programme for Children's Service, provide political leadership and direction for the Programme.

The Transformation of Children's Services Delivery Group's status is to lead and drive forward the delivery of 8 Programme for Government commitments for children's social services holistically, ensuring those commitments are in place and embedded by 2026. The Group reports to the Ministerial Oversight Board.

4 Brief overview of action plan / work programme with dates and expected outcomes

A copy of the Transformation Programme Roadmap is attached at Annex C.

5 Narrative of their interrelationship with each other

The Transformation of Children's Services Delivery Group will report progress and issues to the Ministerial Oversight Board. The Delivery Group will ensure that Government policy and programmes are on track and being delivered on time and within budget.



Transformation of Children's Services

Terms of Reference: Ministerial Oversight Board for Wales

Background

Our Programme for Government contains a number of key commitments relating to a new vision for Children's Services. They are about whole system change. At its heart we want to see fewer children and young people entering care. We also want the period that young people stay in care to be as short as possible, consistent with meeting the needs of the young person. We are committed to keeping families together. While children are in care, we want them to remain close to home so they can continue to be part of their community.

Our vision is to redesign how we look after children and young people so we can do the best for our young people, their families and communities by providing services that are locally based, locally designed and locally accountable. It is about putting in place the right type of care for each child: reforming and joining up services for looked after children and care leavers, providing additional specialist support for children with complex needs and better supporting those who care for children.

In line with the Children's Plan the key to our work is:

“Supporting children to stay with families”

We have a number of specific Programme for Government commitments which are grouped around:

Radical reform

- A National Practice Framework
- A strengthened Workforce Strategy
- A National Office (commissioning, modelling, forecasting and performance data)
- Strengthened statutory guidance not least around corporate parenting

Greater intervention and support for local authorities who are not delivering on our ambition to substantially reduce the number of children in care or meeting eliminate commitments

Future provision of services

- Eliminating private profit from the care of looked after children.
- Funding regional residential services for children with complex needs ensuring their needs are met as close to home as possible and in Wales wherever practicable.

- Providing additional specialist support for children with complex needs who may be on the edge of care.
- Supporting Foster Wales to increase the number and diversity of foster carers.

Whole system working together

- Strengthened public bodies in their role as 'corporate parent'.
- Supporting families by funding advocacy services for parents whose children are at risk of coming into care, piloting Family Drug and Alcohol Courts, and better use of family conferencing. Ensuring the voice of parents and children are heard.

Purpose of Ministerial Oversight Board for Wales

The purpose of the Ministerial Oversight Board is to oversee the Transformation Programme, providing political leadership and direction, and support in delivering the programme.

A Delivery Group will focus on delivery and monitor progress across the Transformation Programme. The Ministerial Oversight Board will have a direct relationship with that Delivery Board and must ensure that policies and programmes are being delivered on time and within budget.

The Board will also:

- Have strategic oversight of the transformation programme
- Provide a forum to oversee the development and implementation of a consistent approach to transforming children's services across Wales with key partners.
- Consider any potential changes that Welsh Government may have to make in terms of statutory responsibilities linked to legislation, guidance, policy or resource allocations, as a result of plans and recommendations.
- Ensure there is a focus on learning by key partners and that there are mechanisms in place to demonstrate delivery against outcomes.

Proposed Membership

Membership of the Board will be agreed at the inaugural meeting and reviewed on an annual basis. It is proposed that the meeting should comprise the following:

First Minister (Chair, alternating with the Deputy Minister for Social Services)

Minister for Finance and Local Government

Minister for Health and Social Services

Minister for Education and the Welsh Language

Minister for Social Justice

Deputy Minister for Social Services (Chair, alternating with the First Minister)

Deputy Minister for Mental Health and Wellbeing

Chief Social Care Officer

Chief Executive CAF/CASS Cymru

Chief Inspector, Care Inspectorate Wales

WLGA lead
ADSSC lead
Special Advisers

Secretariat

Secretariat support will be provided by Welsh Government Social Services and Integration Directorate (Improving Outcomes Team).

Frequency of meetings and timescales

Meetings will be held every 4 months initially (this will be subject to review) and will be conducted remotely using Microsoft Teams or physically in Welsh Government offices as well as other venues across Wales as required. Agenda items should be submitted no later than two weeks prior to each meeting whilst allowing for urgent and emergency matters to be tabled later.

Transforming Children's Social Care – Delivery Group

Terms of Reference

Purpose

The Welsh Government has a set a challenging reform agenda for children's social care in the 2021-2026 Senedd Term, as set out in its Programme for Government, to deliver system-wide transformation.

The Delivery Group is being established to lead and drive forward the delivery of Programme for Government commitments holistically, transforming children's services and ensuring those commitments are in place and embedded by 2026. This work will be taken forward in co-production with our partners, with the rights and voice of children and young people at its heart.

Rationale for this approach

Given the range of commitments in the Programme for Government it is important that these are managed and led in a cohesive way, transforming Children's Services by better supporting children to stay with families; providing values-based provision that best meets the needs of our most vulnerable children and ensuring that voice, rights and outcomes are integral in all that we do.

At its heart we want to see fewer children and young people entering care. We also want the period that young people stay in care to be as short as possible, consistent with meeting the needs of the young person. While children are in care, we want them to remain close to home so they can continue to be part of their community – the child's network. We want a multi-agency no wrong door approach that ensures the same life chances for all children.

The Groups Operating Principles

1st principle: All activity and outcomes will be co-produced between the Welsh Government and all relevant agencies, stakeholders and young people.

2nd principle: The Group will, at all times, and between all members demonstrate equal status with trust, honesty, respect, empathy and transparency.

3rd principle: The Group will support and challenge whether programme delivery is on track and recommend the action needed to maintain pace in delivery.

4th Principle: The Group is an active group with a high but responsible risk appetite.

5th Principle: The Group will be child/young person friendly and involve and communicate regularly with them using clear and inclusive language

Governance

The Delivery Group will report progress and issues to the Ministerial Oversight Board ensuring that Government policy and programmes are on track and being delivered on time and within budget.

Role of Group Members

- To provide advice and guidance to the Chair and each other.
- To provide advice and recommendations to the Ministerial Oversight Board.

- To represent and work with partners across sectors to bring a whole system perspective; and
- Work within the bounds of confidentiality where required.

Function of the Group

The Group will –

- Ensure the conditions for success are established and embedded.
- Uphold the requirements of the United Nations Convention on the Rights of the Child and ensure the rights of children and young people are considered when delivering the Welsh Government’s commitments.
- Support the delivery of the Children and Young People’s Plan for Wales to ensure children in Wales have the best possible childhoods and remain at the heart of Government ambitions.
- To consider the Wellbeing and Future Generations Act in ensuring we improve provision to ensure all Children and Young People fulfil their potential no matter what their background or circumstances.
- Consider, agree, and develop a concise vision statement and ambition for Children’s Services, lasting the course of this Senedd Term.
- Working across portfolios and sectors to shape, oversee and enable the delivery of a programme of work that will deliver the following Programme for Government commitments:
 - Prevent families breaking up by funding advocacy services for parents whose children are at risk of coming into care.
 - Provide additional specialist support for children with complex needs who may be on the edge of care.
 - Explore radical reform of current services for looked after children and care leavers.
 - Fund regional residential services for children with complex needs ensuring their needs are met as close to home as possible and in Wales wherever practicable.
 - Strengthen public bodies in their role as ‘corporate parent’.
- Ensure fewer children and young people enter care, by providing the right support at the right time to families going through difficult times
- Ensure in all work that is undertaken, information gathering and sharing systems have a clear focus. We shouldn’t be adding to systems but considering how we can streamline information to have greater information at key points of decision making.
- Provide guidance and oversight of funding to enable the above commitments to be expedited.

- Consider how the proposed National Office could best support this work.
- Consider and agree positions on innovative approaches and develop proposals to inform Ministerial decision-making.
- Oversee the work and delivery of the Transformation Team.
- Connect the lived experiences of children and practitioners to the delivery of these Programme for Government commitments, ensuring the issues faced are considered in development of a National Practice Framework. Also ensuring there is a clear focus on reducing the number of information systems, streamlining information sharing which in turn enables our practitioners.

Delivery Group Secretariat

- The secretariat function will be provided by members of the Improving Outcomes for Children team, Social Services and Integration Directorate.
- The Secretariat will ensure information is provided to members in a timely manner.
- There may be times when the Group will need to be convened exceptionally to deal with specific decisions or issues. In certain circumstances, members will receive papers for their consideration 'out of committee'.
- Papers for the Group including updates on the delivery of Programme for Government Commitments will be provided at least three working days before each meeting.

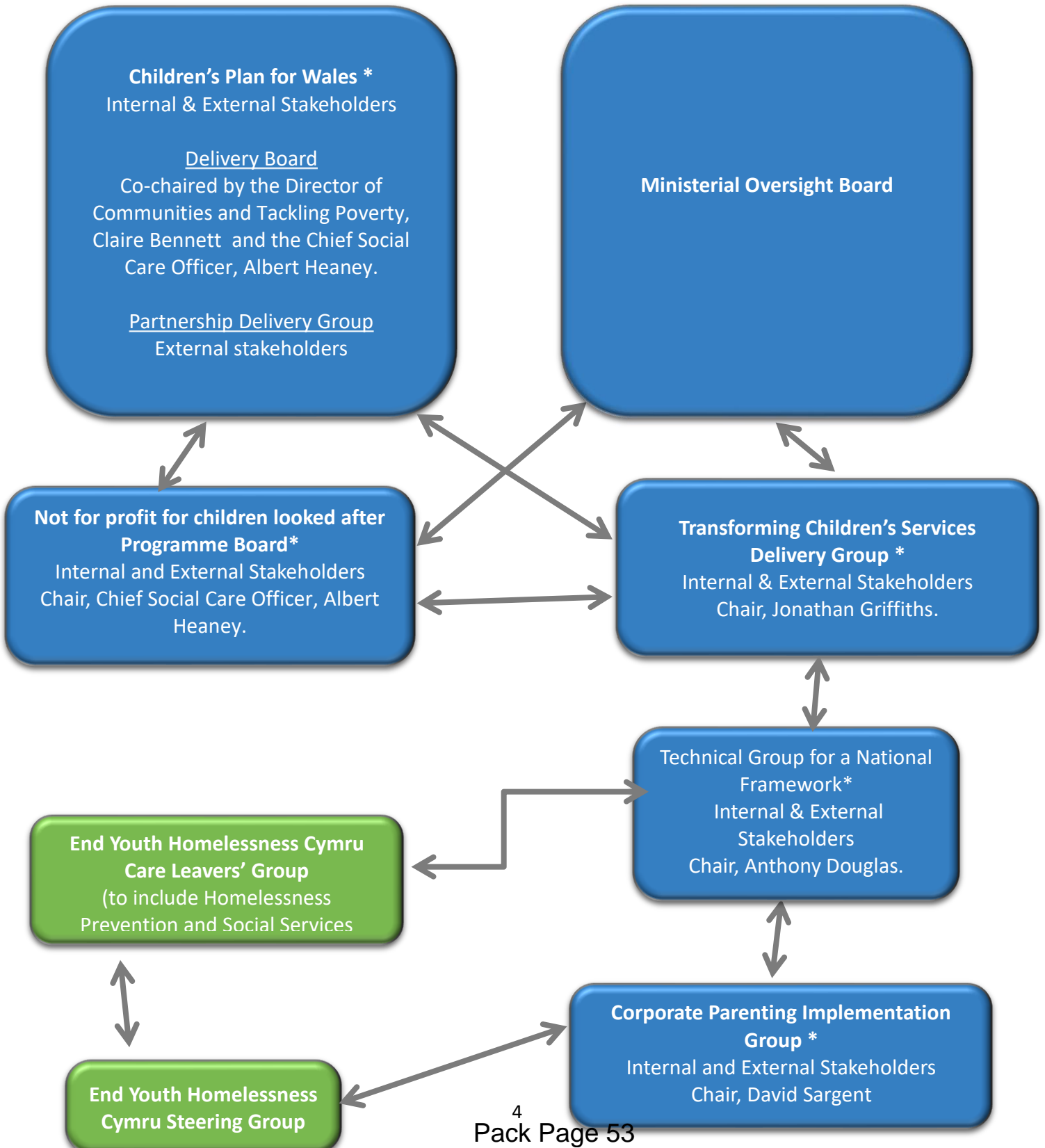
Timing

To be Bi-Monthly to start which will be reviewed regularly to confirm if this schedule is appropriate.

How Delivery Group fits into Improving Outcomes for Children/Programme for Government Commitments - Landscape

Key

Reports to – ↔
 Interdependencies with – ↔



Membership

The following people/organisations are represented on the Group

ADSS Cymru
All Wales Heads of Children's Services
Two Care Experienced Young People
WLGA
Care Inspectorate Wales
Social Care Wales
Children's Commissioners Office
Cafcass Cymru
National Adoption Service
Barnardo's Cymru
Children in Wales
NYAS Cymru
Voices from Care
NSPCC Cymru
EYST
Cwmpas Co-op
Welsh Government policy officials from Health and Social Services Cabinet Office CAMHS and Veterans Mental Health Equity in Education Local Government Transformation & Partnerships Housing Policy Communities and Tackling Poverty

Milestones in our Transformation Programme

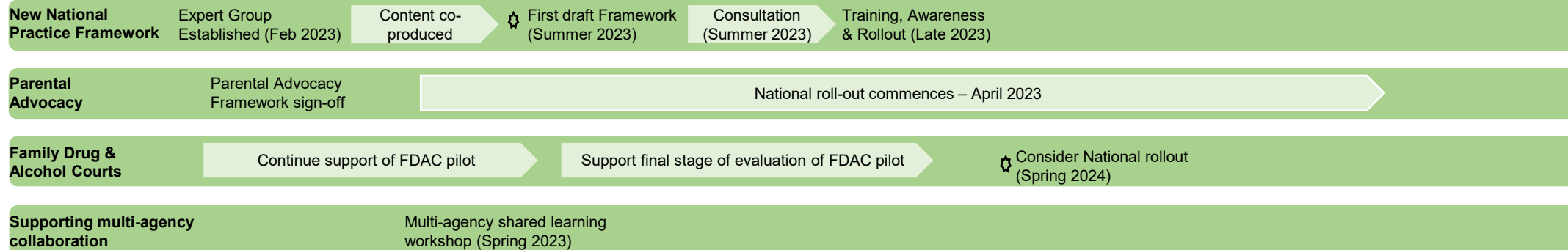
2023

2024

2025

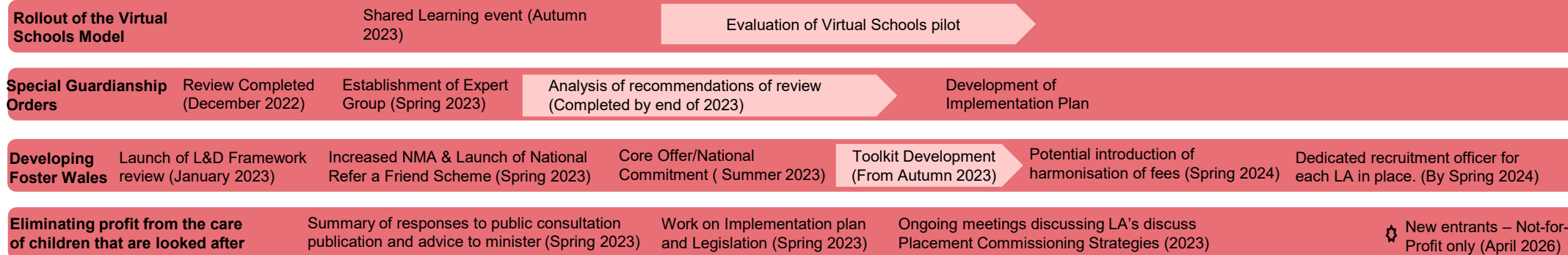
2026

Supporting children to remain with families



Needs and values-based provision

Back Page 55



Voice of the CYP



Our Mission

Working together to foster fairness, equality and dignity in support of the advancement of knowledge and the education of students.

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✉ 49b Park Place, Cardiff, CF10 3AT

Ms Jane Bryant MS
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

10 July 2023

Annwyl Ms Bryant,

The purpose of this letter is to call upon the Children, Young People and Education Committee to carry out an urgent inquiry into the state of higher education in Wales. This request comes amidst growing concerns over the funding of Welsh universities and the potential loss of [hundreds](#) of jobs because of the withdrawal of European Union structural funds. This situation was recently [described](#) as ‘the precipice of disaster’ by Swansea University’s Vice Chancellor, while Cardiff University’s Vice Chancellor has raised similar [concerns](#) over the sustainability of funding for Welsh universities. As academics we are deeply concerned about any future cuts to higher education funding and what impact this will almost certainly have on students, staff, and educational provision in Wales.

Our call for an inquiry also comes at a time when university staff across Wales have been taking months of industrial [action](#) due to disputes over pay, pensions, and working conditions. An inquiry into the state of higher education in Wales would provide the Committee with an opportunity to scrutinise the Minister for Education about the problems facing Welsh universities and the Welsh Government’s response. It would also present an opportunity to question Welsh Vice Chancellors, the Higher Education Funding Council for Wales, as well as the two Welsh board members of the Universities and Colleges Employers Association. Once

again, as academic staff we are profoundly concerned about the difficulties facing Welsh universities and equally dismayed at the fact that University Vice Chancellors are repeatedly failing to address these concerns.

Thank you in advance for your attention to this matter.

Yours sincerely,

Aberystwyth University Universities and Colleges Union (UCU)

Bangor UCU

Cardiff Met UCU

Cardiff University UCU

University of South Wales UCU

Swansea University UCU

The Cardiff UCU office is normally staffed between 9.30am and 5pm on Monday - Thursday.
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Find us on Facebook <https://www.facebook.com/profile.php?id=100003083355273&sk=wall>

Agenda Item 3.2

Lynne Neagle AS/MS
Y Dirprwy Weinidog Iechyd Meddwl a Llesiant
Deputy Minister for Mental Health and Wellbeing

Our ref: MA/LN/1874/23



Llywodraeth Cymru
Welsh Government

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

17 July 2023

Dear Jayne

I am writing to provide you with an update on progress against the recommendations in the 'Perinatal Mental Health' report, this is at Annex A.

As the Committee will know, supporting perinatal mental health services is a priority for me. Over the period I have been in this position we have continued to provide sustained funding to health boards to support compliance with the Royal College of Psychiatrist's Community Standards for Perinatal Mental Health Services.

The following provides a snapshot of compliance with the standards as of March 2023:

Health Board	Type 1 % compliance	Type 2 % compliance	Type 3 % compliance
Aneurin Bevan	91	83	77
Betsi Cadwaldr	91	75	62
Cardiff and Vale	90	80	85
Cwm Taf Morgannwg	95	88	85
Hywel Dda	97	98	92
Powys	89	75	62
Swansea Bay	87	55	77

The current target for compliance against these standards is 100% for type 1, 80% for type 2 and 60% for type 3. Health Boards have made good progress towards these standards but recognise that there is more work required to ensure that the care provided to patients is of the highest standard.

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

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


The National Clinical Lead is continuing to work with services to identify where there are gaps in meeting the standards and to support them to put plans in place to address these. This is being done in conjunction with officials who are now working on the development of the successor to the *Together for Mental Health* strategy, in which supporting perinatal mental health will continue to be a priority. This will include a continued focus on early intervention and supporting infant mental health.

Since the publication of the Committee Inquiry there have been significant changes in the service landscape, with each health board further developing their community services. Additionally, the opening of the Mother and Baby Unit in Neath Port Talbot in 2021 was also a significant step forward in providing improved perinatal mental health support for mothers in Wales. However, we recognise that this is too far to be an appropriate service for those living in North Wales and we continue to work with NHS England to develop a joint unit in Chester to further support ease of access from North Wales. Further detail on how this is progressing is included within the annex.

This work, along with development of the successor strategy and the work led by the National Clinical Lead, will continue to deliver the key themes across the Committee's recommendations. I would like to assure you that the recommendations will continue to shape the work on perinatal mental health services, with the recommendations remaining open following several key themes. These include availability of data, workforce, compliance of the Royal College of Psychiatrist's standards, increasing access to psychological therapies and further developing the mother and baby unit provision for those living in North Wales. I would therefore welcome a discussion with you about the format of future updates.

I would like to thank the Committee for its continued focus on perinatal mental health.

Yours sincerely



Lynne Neagle AS/MS

Y Dirprwy Weinidog Iechyd Meddwl a Llesiant
Deputy Minister for Mental Health and Wellbeing

Perinatal Mental Health - Children and Young People Committee Update

	Recommendation	Welsh Government Update July 2023
2 & 4	<p>The Committee recommends that the Welsh Government ensure one of the new MCN's first tasks is to agree and publish outcome-based performance measurements for perinatal mental health services. Once these are developed, the Welsh government should collect and publish national and local data on the measures, with service provision, activity and improvement monitored by a named associated body (e.g., Public Health Wales) so that further levers for improvement can be identified and implemented.</p>	<p>The mental health core dataset work continues to be taken through the Mental Health Data and Outcomes Measures Board. A Technical Sub Group has been established to support this work. This group comprises of health board digital/performance leads and is focusing on the practicalities of collecting and sharing data. The work stream reports to the Together for Mental Health Ministerial Oversight Board.</p> <p>It is recognised that establishing a full dataset is complex and we are prioritising specific data items at each stage to ensure that any data collected is robust and fit for purpose, with the initial focus being on referrals and admissions data. We will also be prioritising demographic data, such as age, gender and ethnicity which will support our ability to plan services based on the needs and demands of our population.</p> <p>We understand the need to have data publicly available as soon as practicable and we are working towards having an initial national dashboard on mental health activity available by September, we will then broaden this available data incrementally as the core dataset evolves. By December, we will also collect an agreed set of patient experience measures nationally.</p> <p>Training for health boards to strengthen the recording and use of individual patient experience outcomes data continues. With representatives of over 80% of the mental health and learning disability teams in Wales having now received training in how to embed patient reported outcome and experience measures into day-to-day practice.</p> <p>The feedback on the training has been very positive, however the impact of the pandemic on capacity to translate training into consistent practice has been variable. As a result, we are providing additional support to health boards over this year to further embed practice.</p>

	Recommendation	Welsh Government Update July 2023
		<p>Enabling service users to describe what is important to them, having goals and aspirations is key to providing effective, safe and compassionate care.</p> <p>Our expectation is to prioritise the standardisation of patient reported outcome measures (PROMS) and patient reported experience measures (PREMs) across health boards, ahead of the development of wider outcome measures.</p> <p>This work is informed by the University of South Wales commissioned work that aimed to understand what is important to people in relation to outcomes from mental health services.</p> <p>We will be utilising this work to support the development of supporting outcomes in the next mental health strategy.</p>
Pack Page 562	<p>That the new managed clinical network (see recommendation 1) prioritises the production of guidance for professionals and information for patients on the evidence-based benefits admission to an MBU can have for mothers, babies, and their families so that more informed decisions about treatment options can be taken.</p>	<p>The Perinatal Mental Health Network meets routinely to work towards an agreed work plan. Further information on the Network is available here.</p> <p>Their recent work has included agreeing the content for the information leaflets that were noted in the previous update. Twelve leaflets have been finalised and translated and are available to view and access from the following link Support and advice leaflets - NHS Wales Executive.</p> <p>The Clinical Lead will continue to review the information available to ensure it is routinely updated as part of the 'business as usual' work programme. We therefore intend to close this recommendation.</p>

	Recommendation	Welsh Government Update July 2023
7	<p>That the Welsh Government, in light of the fact that an MBU in south Wales will not necessarily be suitable for mothers and families in mid and north Wales, engage as a matter of urgency with NHS England to discuss options for the creation of a centre in north east Wales that could serve the populations of both sides of the border. More certainty should also be established by the Welsh Government in relation to the ability of the Welsh NHS to commission MBU beds in centres in England where those are deemed clinically necessary.</p>	<p>Collaborative working with NHS England has resulted in an approved business case and financial support to develop a dedicated MBU in Cheshire and Wirral Partnership to include 2 beds dedicated for Welsh patients. The final financial approval has been received and an implementation group is being set up continuing the partnership between NHS England and NHS Wales. Although this is being led by NHS England through Cheshire and Wirral Partnership, NHS Wales have had considerable input into the development of the service and business case to date including the expertise of NHS Wales colleagues to inform service development.</p> <p>The project group are working collaboratively with the BCUHB Perinatal Mental Health Service and Experts by Experience from North Wales to ensure that Wales and the Welsh language are embedded into the fabric of the MBU in the following ways:</p> <ul style="list-style-type: none"> • Involvement of Experts by Experience and their families • Welsh imagery to be used in the decoration of the MBU. • It is proposed that the MBU's name will be decided by all of the Experts by Experience and their families and will be displayed on the building and in all documentation in English and Welsh. • The signage used in the unit will be in both English and Welsh. • Occupational Therapy activities will be developed that will embrace both English and Welsh cultures and language. • Nursery Nurse led activities will be developed using both the English and Welsh language. Nursery Nurses from the BCUHB Perinatal Mental Health Service will work with MBU colleagues and Experts by Experience from Wales in order to ensure this. • All job descriptions will be available in both English and Welsh • The ability to speak Welsh will be a desirable personal specification in all job descriptions. • Willingness to learn Welsh will be considered during the recruitment process. • It is proposed that Welsh language courses will be made available to all staff. • There will be a language line which includes access to Welsh available 24 hours a day, 7 days a week.

	Recommendation	Welsh Government Update July 2023
		<p>This partnership will continue as the service is developed with an anticipated opening date for the unit during last quarter of 2024.</p> <p>The National Clinical Lead and team will continue to support and facilitate meetings to bring service users together with North Wales colleagues to provide consultation and feedback as and when requested by the MBU development team.</p>
8	<p>That the Welsh Government deliver a clear action plan to ensure that centres providing MBU beds, wherever they are located (in England or in Wales), are closely integrated with specialist community perinatal mental health teams and that these beds are managed, co-ordinated and funded on an all-Wales, national basis to ensure efficient use and equitable access, especially as they are often needed quickly in crisis situations.</p>	<p>WHSSC have undertaken a review of the South Wales mother and baby unit and this is now available on their website. This has recommended that the service remain at Tonna whilst we consider longer term capacity and demands which will be done in conjunction with the development of the longer-term successor to Together for Mental Health.</p> <p>This recommendation will be considered on an ongoing basis as part of recommendation 7.</p>
9	<p>That, on the basis of an ‘invest to save’ argument and following analysis of the forthcoming evaluation of services and Mind-NSPCC-NMHC research results, the Welsh Government provide additional funding to Health Boards to better address variation so that service development and quality improvement can be achieved by expanding existing teams. To enable</p>	<p>The National Clinical Lead continues to regularly meet with Specialist Team Leads and Service Managers and will be using this as an opportunity to review the All-Wales documentation that supports service provision, and areas for development that are being identified as each team completes their annual review of the perinatal standards. There has also been a recent request for Team Leads and Service Managers to come together as a group to review their unmet standards and work together to support each other and share learning and best practice.</p> <p>Common themes that have been identified for improvement include the provision of clinical space that is family orientated, adequate office space for teams, and the provision of</p>

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	Recommendation	Welsh Government Update July 2023
	<p>all community perinatal mental health services to be brought up to the standard of the best, the mechanism adopted by the Welsh Government to allocate additional funding should have as its primary aim the need to address the disparity in provision between Health Boards in Wales</p>	<p>information around carers rights and advocacy we will be working with the Clinical leads and health boards to further support this work.</p> <p>Service Improvement Funding this year also included a requirement to consider perinatal mental health as a priority area and further progress against the staffing standards has been made. However, it is acknowledged that there are posts which remain unfilled at health board level, predominantly in grades / posts which have proven difficult to recruit too so we will be following up with individual health boards to consider the action that needs to be taken to enable us to show compliance.</p>
10	<p>That the Welsh Government ensure work underway on improving access to psychological therapies for perinatal women (and men where necessary) is prioritised given the established link between perinatal ill health and a child's health and development. Priority should be given to ensuring pregnant and postnatal women with mental health problems have rapid and timely access to talking therapies or psychological services (at primary and secondary care level), with waiting times monitored and published. We request an update on progress in relation to improving access to psychological therapies for perinatal women (and men where necessary) within 12 months of this report's publication.</p>	<p>The Wales Perinatal Mental Health Implementation Network objectives for 2023-24 includes work to further explore and agree the psychological interventions offer across the perinatal pathway. This work will enable gaps and additional resources that may be needed, to be identified. Once this work has been completed our Pathway 10 will be updated accordingly and further discussions with colleagues in HEIW will be instigated - executive.nhs.wales/networks-and-planning/wales-mental-health-network/perinatal-mental-health/pnmh-docs1/pathway-10-psychological-support-and-interventions/</p> <p>HEIW have developed new training for perinatal mental health and are supporting more supervisors to take this forward.</p> <p>Work to develop a National Perinatal Trauma pathway in collaboration with colleagues from Traumatic Stress Wales is also underway.</p> <p>Officials have recently received the national recommendations following the NHS Executive review of Psychological Therapy across Wales and will be working with partners to implement its findings and where needed this will also inform the successor to <i>Together for Mental Health</i>.</p>

	Recommendation	Welsh Government Update July 2023
12	<p>That the Welsh Government ensure that the new all-Wales clinical care pathway for perinatal mental health services requires consistency of outcomes (including referral windows and waiting times) but enables Health Boards to retain the level of flexibility around delivery methods necessary to manage and meet local need. The priority should be to develop and implement within the next 12 months an evidence-based, integrated all-Wales clinical care pathway (with some local differences). The pathway should help to deliver integrated services and incentivise early intervention and holistic approaches to care and recovery.</p>	<p>The Wales Pathways have now been shared and tested as part of the Wales Perinatal and Infant Mental Health on-line modules testing process and the roll out of the Institute of Health Visiting (iHV) training across health boards. The opportunity to provide feedback has been built into the process and the network team meet regularly with colleagues facilitating training across health boards.</p> <p>The clinical resource guide has also been tested with colleagues across Wales and has now been disseminated widely.</p> <p>The pathways can be accessed here: Pathways for healthcare professionals – NHS Wales Executive</p> <p>This recommendation can now be closed and will be monitored through ‘business as usual’ arrangements.</p>
14	<p>That the Welsh Government review information provided in standard pre- and post-natal packs given to women in Wales to ensure that it includes the necessary details about emotional well-being, perinatal mental health and where to seek help and support.</p>	<p>Public Health Wales has now published the first in a series of new resources designed to replace <i>Bump, Baby and Beyond</i> and <i>Naw Mis a Mwy</i> as the primary health information resource provided by the NHS to first time parents in Wales.</p> <p>‘Every Child - Your Pregnancy and Birth’ and its Welsh equivalent ‘Pob Plentyn - Eich Beichiogrwydd a’r Enedigaeth’, has now been published which provides information on emotional wellbeing and where to seek help and support. This resource is also available as an eBook via this link everychildwales.co.uk/parent-information/</p> <p>This recommendation can now be closed and will be monitored through ‘business as usual arrangements’ as it is noted that a further three resources will follow to support families through the early years of their child’s life.</p>

	Recommendation	Welsh Government Update July 2023
15	<p>That the Welsh Government design and provide for all Health Boards a national framework for antenatal classes and require Health Boards to do more to encourage attendance. The framework should include conversations about emotional wellbeing and the realities of parenthood in order to break down the significant and damaging stigma surrounding perinatal mental illness.</p>	<p>£7m funding for the implementation phase of the Digital Maternity Cymru programme was announced by the Minister for Health and Social Services in December 22. The Digital Maternity Cymru programme will be hosted by Digital Health and Care Wales and will implement an all-Wales solution which will include digital patient access to their maternity notes through the NHS Wales App and website. The work will include key public health messages delivered to women in a timely way throughout the pregnancy journey.</p> <p>The Welsh Government commissioned Improvement Cymru to undertake diagnostic work within maternity and neonatal services as part of the first phase of the Maternity and Neonatal Safety Support Programme (MatNeoSSP). Improvement Cymru's Discovery Report was published on 11 July which highlighted examples of good practice across Wales ('bright spots') as well as areas where there are opportunities for improvement. Identified examples of good practice included antenatal education and preparation, which have the ability to be scaled up by the local safety champions appointed in each health board and Welsh Ambulance Services Trust.</p> <p>Identified within the report is the prioritisation of women's mental health throughout her pregnancy journey. Ensuring that all health boards embed the all Wales perinatal mental health programme and that all staff are trained, feel competent to ask about mental health and recognise importance of recording this information including medication use.</p>
16	<p>That the Welsh Government works with the relevant bodies to ensure that perinatal mental health is included in the pre-registration training and continuous professional development (CPD) of all health professionals and clinicians who are likely to come across perinatal women. The Welsh Government should ensure coverage of perinatal mental health as a discrete topic</p>	<p>The Wales Perinatal and Infant Mental Health (PIMH) Curricular Framework, Plan and Modules are being tested. Adaptions to the content will be made as feedback is received with a plan to formally launch across Wales in the Spring.</p> <p>All health boards are now in the process of rolling out the iHV (Institute of Health Visiting) training to colleagues and the network has provided funding for the PIMH Champions to continue to access updated resources from the iHV.</p> <p>Training for a small group of GP trainees has recently been undertaken and following that pilot, the content is in the process of being adapted.</p>

	Recommendation	Welsh Government Update July 2023
	<p>within midwifery and health visiting education is improved and forms part of the pre-registration mental health nursing programme. The Royal College of General Practitioners' core curriculum for general practice training also needs to better equip GPs to deal with perinatal mental health problems.</p>	<p>The Implementation Network team have met with HEIW colleagues leading on pre-registration training and agreed to develop a 'suite' of modules for pre-registration nursing students to complete. The PNMH on-line modules and access to the Institute of Health Visiting (iHV) Perinatal and Infant Mental Health Training offer across health board, will be included within this offer.</p> <p>More recent discussions have been had with colleagues within primary care and colleagues leading on GP training schemes across Wales. Permission has also been given by the Institute of Health Visiting (iHV) to develop a bespoke training package for primary care colleagues. This work is underway.</p> <p>As well as meeting with midwifery leads, there have also been recent meetings with colleagues leading on the Specialist Community Public Health Nursing (SCPHN) Health Visiting courses. The need to ensure that PIMH training is include in pre-registration training has become more apparent with the updated NMC Standards for SCPHN including perinatal and infant mental health.</p> <p>The National Clinical Lead will engage with the recently appointed Lead for the Implementation of the Mental Health Workforce Strategy on this.</p>
<p>17</p>	<p>That the Welsh Government undertake work to develop and deliver a workforce strategy/competency framework to build capacity and competency across the specialist workforce, looking to experience in England and Scotland's Managed Clinical Networks (MCNs) which take responsibility for training as part of their leadership and co-ordination role.</p>	<p>The Wales Perinatal Mental Health Curricular Framework has now been completed and is available here.</p> <p>The National Clinical Lead continues to work with HEIW colleagues to support the wider implementation of CAMHS and perinatal modules across Wales and will update regularly as this progresses. Recent links have been made with HEIW colleagues to explore standardising specialist midwifery and health visiting job descriptions.</p> <p>As this work will now continue on 'business as usual' arrangements, it is intended that we close this recommendation.</p>

	Recommendation	Welsh Government Update July 2023
19	<p>That the Welsh Government ensure all Health Boards work towards a situation in which every woman has a continued relationship with either a midwife or health visitor. While meeting with the same individual may not be possible on all occasions, continuity of care should be an aspiration to which all Health Boards actively commit resources, with a named lead responsible for each woman's perinatal care.</p>	<p>The 'Future Vision for Maternity Services in Wales's was published in July 2019 and lays out the vision for the next five years. Continuity of care and perinatal health are core elements of the Vision. Phase 1 of the maternity and neonatal safety support programme has continued this work and identified bright spots in continuity of care which have the ability to be scaled up with the WG funded improvement champions in each health board.</p> <p>WG commissioned a review of the Birth-rate plus acuity tool which has concluded and will now inform the perinatal workforce plan currently being developed by Health Education and Improvement Wales (HEIW). The development of Digital Maternity Cymru will also provide data on all aspects of care including continuity.</p> <p>As this work will now continue on 'business as usual' arrangements, it is intended that we close this recommendation.</p>
20	<p>That the Welsh Government work with Health Boards to ensure appropriate levels of third sector provision are properly funded, especially where referrals are being made to and from statutory services. A directory of third sector services should be made available to increase awareness of their availability and relevant third sector providers should be invited as a matter of course to attend training jointly with statutory services.</p>	<p>Scoping to understand the Welsh picture of third sector provision for parents with mild-moderate mental health difficulties has been completed and the outcomes show that provision is inconsistent and reliant upon short-term funding. Work is ongoing at the moment to develop third sector commissioning guidance which will provide clarity on what we should be considering across areas of mental health. The first service being considered will focus on anxiety and depression, this will then be built upon, including a focus on perinatal mental health and will enable us to address the inconsistency point. We will then look to explore how longer-term funding arrangements can be supported. This work will also form part of the development of the successor mental health strategy.</p> <p>Colleagues working to support parents in the perinatal period are continually highlighting the need for a national approach and longer-term funding from provision during and after pregnancy, for women and men and for 1:1 and group support and there are a number of areas where third sector is working collaboratively with statutory sector partners.</p> <p>Cwm Taf Morgannwg University Health Board have worked in collaboration with the Parent-Infant Foundation and published their findings within the Securing Healthy Lives report (The</p>

	Recommendation	Welsh Government Update July 2023
		<p>Parent-Infant Foundation publish 'Securing Healthy Lives' - Parent-Infant Foundation (parentinfantfoundation.org.uk).</p> <p>There are also a number of third sector services that have been commissioned to support parents with mild – moderate mental health difficulties and include NSPCC Pregnancy in Mind, MIND Mum’s Matter, Homestart and Dad Matters.</p> <p>It is recognised that a combination of support would provide a best practice model for provision across pregnancy, after having a baby, for women and men and, on an individual and group basis.</p> <p>In the meantime, The National Clinical Lead is working with colleagues to highlight this as a need and to encourage colleagues to start to think about how it can be addressed in their areas, what connections will need to be made and how it links with work already happening i.e. Start Well, Early Years Transformation and Pathfinders.</p>
26	<p>That the Welsh Government require Health Boards to report on the extent to which their perinatal mental health teams are engaging - and undertaking joint work - with other services such as CAMHS, Community Addiction Units (CAUs) and primary and secondary care mental health teams</p>	<p>As previously confirmed, this has been taken forward as part of the development of the Perinatal Mental Health pathway outlined in recommendation 12,</p> <p>Pathway six is specifically in relation to the Referral to GP/Primary Care/Primary Mental Health Support Services/ Community/Adolescent Mental Health Team. This pathway is available here.</p> <p>Alongside recommendation 12 this will be progressed through ‘business as usual’ arrangements and therefore we are proposing to close this recommendation.</p>

Agenda Item 3.3

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



Llywodraeth Cymru
Welsh Government

Jane Bryant, MS
Chair of Children, Young People and Education Committee

SeneddCYPE@senedd.wales

12th July 2023

Dear Jane,

I am writing to inform you that my report on the compliance with the duty under section one of the Rights of Children and Young Persons (Wales) Measure 2011, was laid before the Senedd on 12th July 2023.

Please find attached a copy of the report, which includes a progress update on the recommendations from the Committee's 2020 Report on Children's Rights in Wales.

Yours sincerely,



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

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

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



CHILDREN'S RIGHTS COMPLIANCE REPORT 2023

Report on the Compliance with the duty under section 1 of
the Rights of Children and Young Persons (Wales) Measure
2011.

This report covers the period October 2020 - March 2023

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Ministerial Foreword – Julie Morgan MS, Deputy Minister for Health, and Social Services

I welcome the opportunity to publish this compliance report which covers the period October 2020 to March 2023.

This report provides an opportunity to reflect on how Welsh Government has met its duty under section 1 of the Rights of Children and Young Persons (Wales) Measure 2011 to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and its Optional Protocols. We set out how we would meet this duty in our Children's Rights Scheme.

Welsh government wants all children to have the best start in life and to fulfil their potential. Children's rights underpin this ambition, which is why we are committed to putting children's rights at the heart of everything we do.

At the time of writing, the Welsh Government, alongside colleagues from the rest of the UK, have been reporting our children's rights work to the United Nations Committee on the Rights of the Child. That has given us an opportunity to highlight the breadth and diversity of work that takes place to make rights a reality for children in Wales.

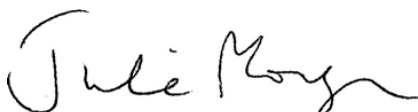
There is much to be celebrated. There have been significant legislative achievements made during the reporting period, which embed children's rights in practice. On 21 March 2022, section 1 of the Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020 came into force. The Curriculum and Assessment (Wales) Act 2021 received Royal Assent on 29 April 2021. This flagship legislation makes the promotion of knowledge and understanding of children's rights mandatory in our schools, and places rights education as a fundamental foundation of learning in Wales.

But there is always more to do. The last two and a half years have been difficult for many, particularly children. I have taken the opportunity within this report to highlight some of the ways in which the Welsh Government responded to the Covid-19 pandemic and the cost-of-living-crisis that has had, and continues to have, an unprecedented impact on so many children and their families.

This report shines a spotlight on the efforts made by Welsh Government to make sure the rights of ALL children are recognised, respected, and fulfilled. No child should fall through the gap. Every child should have equitable opportunities to live healthy, happy, safe lives.

I remain fully committed as an advocate and champion of children's rights to do all that I can to continue to embed children's rights in the work of government.

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Julie Morgan MS
Deputy Minister for Social Services

Introduction and Background

Who is this report for?

This report is for anyone interested in children's rights and the work of Welsh Government.

Important information about this report:

- In this report children means any person aged 0-18 years old.
- Any words highlighted in **bold** are explained in the 'glossary of terms' on page 32.
- On the web version of this report, you can click on information [underlined in blue](#). This will take you to resources relating to the words highlighted.
- This report uses the type of words that are often used in schools with children aged 11 and above. We tested this document's accessibility using the Hemmingway App Editor. A score of 10 is good, and anything less is better. Some sections score as low as 6. Other more technical parts score 9. This document scores an average of 8.
- If you want to read this report in a different language scroll to the bottom of the webpage and click on 'Alternative Languages.' Click on the language you want to read this report in.

What is the Children's Rights Compliance Report?

The Children's Rights Scheme says Welsh Government must write a report to explain how they have paid **due regard** to children's rights. This is called a 'compliance report'.

Welsh Government publishes their compliance report on children's rights every two and a half years. This compliance report covers work that has taken place between October 2020 – March 2023.

This report uses the same principled structure used by the **Children's Commissioner for Wales** in their [The Right Way: A Children's Rights Approach](#).

The report includes sections on:

1. Embedding Children's Rights
2. Equality and Non-Discrimination
3. Empowering Children
4. Participation
5. Accountability
6. Next Steps

What is the UNCRC?

The UNCRC or United Nations Convention on the Rights of the Child is a legal agreement that sets out the rights of every child aged 0-18 years. All children have rights, no matter the colour of their skin, gender, religious beliefs, sexuality, ability, language they speak or anything else. All children have rights no matter what.

The UNCRC sets out how governments should work together to make sure children know that they have rights, and how to claim them. This means working together to give children the basic things they need to grow, be safe, be healthy, be heard and to reach their full potential.

What is the Children and Young Persons (Wales) Measure 2011?

The Welsh Government works to improve the lives of people in Wales and make it a better place to live and work.

In 2011 the Welsh Government introduced the Rights of Children and Young Persons (Wales) Measure 2011 (named in this report as 'the Measure').

[Section 1\(1\)](#) of The Measure places duties on Welsh Ministers:

- to have due regard to the Part 1 of **the UNCRC and its parts of its Optional Protocols when making decisions**; and

[Section 5](#) of the Measure places duties on Welsh Ministers:

- to promote knowledge and understanding of Part 1 of the UNCRC and parts of its Optional Protocols to the public (including children and young people).

These duties mean that Ministers must consider children's rights in everything they do that affects children. They must also think about the decisions they make that affect all people and not only children. This includes things such as the environment, the economy or Welsh language and culture.

What is the Children's Rights Scheme?

[Section 2\(1\)](#) of the Measure says that Welsh Government must set out the ways Ministers do or will meet their duties in section 1 of the Measure. The Welsh Government's Children's Rights Scheme, or 'the Scheme', is the document that sets out the things Ministers and those working in Welsh Government need to do to consider the UNCRC in their work.

The Scheme aims to support:

- high quality policy making to improve the lives of children and young people.
- children to take part in the development of policies that affect them; and
- children and young people to exercise their rights.

An updated Children's Rights Scheme was published in December 2021. When we were updating the Scheme, we listened to the views of children and young people by:

- publishing a [children and young person's version](#) of the draft scheme for [consultation](#).
- funding a research organisation to gather the views of 84 children and young people.
- including recommendations from the Children, Young People and Education Committee's report, ['Children's Rights in Wales'](#).

Who are Children's Rights Branch?

It is the role of Children's Rights Branch in Welsh Government to make sure that the plans set out in the Scheme happen.

This means:

- helping people who work in Welsh Government to understand what children's rights are and how their work could affect those rights.
- leading Welsh Government's response to **UNCRC reports and UN Concluding Observations Recommendations**.
- updating the Children's Rights Scheme.
- creating a Compliance Report, like this one, to set out how the Welsh Ministers have complied with the duty in Section 1 of the Measure, every two and a half years.
- supporting the people who work in Welsh Government to involve children in decisions that affect their lives.
- helping the people who work in Welsh Government to complete Children's Rights Impact Assessments (CRIAs). CRIAs provide evidence of how teams consider the UNCRC when they make decisions. There is more information on CRIAs on page 26.
- making sure there are opportunities for children to take part in policymaking. Children's Rights Branch do this by funding **Children in Wales** to work with children.
- making sure people in Wales who work with children know about children's rights.
- working with a group of experts to make sure the Government makes the best policy and decisions it can. This group is called the 'Children's Rights Advisory Group' or CRAG.
- being the main contact between Welsh Government and the Children's Commissioner for Wales (CCfW). CCfW is an independent office funded by Welsh Government.

Embedding Children's Rights

What actions have Welsh Government taken to embed children's rights?

What is Embedding?

The measure places a duty on Ministers to have due regard to the UNCRC when developing or reviewing legislation and policy. This means that Ministers must give the appropriate weight to the requirements of the UNCRC, balancing them against all the other factors that are relevant to the decision in question.

Welsh Government should work together, and with others to make children's rights real. This means using the UNCRC to make sure decisions improve children's lives.

It should be clear that children's rights have been considered when decisions are made.

How are children's rights embedded in Welsh Government?

- Making it clear how plans and policies link to the UNCRC.
 - Making sure Ministers and officials have a good knowledge of children's rights.
 - Making it clear how putting children's rights at the core of decisions improves Government work.
 - Making sure people who make decisions about children have training on the UNCRC.
 - Making sure there is a team who are responsible for children's rights in the Welsh Government.
 - Making sure the resources needed to support and promote children's rights are available.
- Developed a '[Children and Young People's Plan](#).' The Plan explains what the Welsh Government will do to support children and young people in Wales.
 - We have set out a plan of action on how to make Wales a [Nation of Sanctuary](#). This plan embeds clear targets and actions on how to make Wales a place where people who come to restart and resettle are guaranteed their rights to be safe, and free from discrimination.
 - [Changed the law](#) and made physical punishment, like smacking, illegal.
 - Developed [training](#) on the effects of domestic abuse on children and young people.
 - Developed [guidance](#) to help local authorities support care experienced young people to achieve successful futures and independent living.
- Developed a new curriculum that places a [duty](#) on Schools to promote knowledge and understand the UNCRC, and **UNCRPD**.
- All children have the right to a clean and healthy environment. We have set out [plans](#) for how we can work together across Wales, to create a cleaner environment, making Wales a healthier place to live.

Case Studies - Embedding

Case study 1: Children and Young People's Plan - An Overarching Policy for Children

In 2021, Welsh Ministers published their Programme for Government. The Programme for Government sets out the important things they will do for people living in Wales before the next election in 2026. This includes commitments to children. The Children and Young People's Plan, launched on 1st March 2022, shows what the Welsh Government will do to make these commitments a reality for children.

173 children and young people across Wales shared their [views](#) on the draft Plan in January 2022. Five young people who were involved in the consultation also met with the First Minister and Deputy Minister for Social Services in February 2022 to discuss their views on the Plan's priorities.

The plan sets out Welsh Government's ambition for children and young people to:

- have the best start in life.
- be treated fairly.
- be supported through education and training and beyond.
- be supported to help them feel mentally and emotionally strong.
- be supported to have a fair chance in life.
- have a good and secure home to live in.
- receive the support they need to stay together or come back together with their family, if possible.

Progress on the Children and Young People's is reported each year. The first annual update on the Plan will be published in November 2023. Work will take place to involve children in this process.

The Plan is important because Welsh Ministers want the best for children in Wales no matter what their backgrounds are, where they come from or where they live. This means making Wales a happy, healthy, and safe place to grow up, live and to work, now and in the future. A place where children feel listened to and valued.

The Children and Young People's Plan showed how the Welsh Government's plans affect children and their rights. The plan includes policies about education, safeguarding, and how Welsh Government listens to children. This means one clear vision for what Welsh Government's most senior decision makers will do to make sure children's rights are recognised and respected.

Case Study 2: Curriculum and Assessments (Wales) Act 2021 – A Duty to Understand Rights [Human rights](#) is a cross-cutting theme in Curriculum for Wales. In 2021, the Senedd passed [The Curriculum and Assessment \(Wales\) Act 2021](#).

Section 64 places a duty on schools, settings, and providers of Education Other Than at School (EOTAS) including Pupil Referral Units (PRUSs) to:

- 1) promote knowledge and understanding of Part 1 of the UNCRC.
- 2) promote knowledge and understanding of the UNCRPD.

to people who provide teaching and learning in their settings.

Curriculum for Wales can be a starting point to making human rights real in everyday life. When adults that provide learning to children know about, and understand children's rights, they are better able to teach about them. This makes children more able to know what their rights are and how to claim them. Adults who better understand children's rights, are able to make sure children's

experiences of rights in school are better too. For example, in pastoral support or in feeling heard and valued as a learner.

Equality and Non-Discrimination

What is Equality and Non-Discrimination?

No child should be prevented from claiming their rights because of discrimination.

Equality is making sure that every child has an equal opportunity to be healthy, safe and the best that they can be.

Equality means treating all children fairly, whatever their home life, ability, race, or gender.

Equality means making sure children's individual needs are met so that they have equal chances to others to fulfil their potential.

Non-discrimination is a right under the UNCRC (Article 2). Adults should understand the barriers children face when accessing services. Adults should also understand that children are often discriminated against because of their age. When adults recognise this, action can be taken to tackle the discrimination.

Adults should understand that decisions taken today can discriminate against future generations of children.

How is equality and non-discrimination embedded in Welsh Government?

- Setting out clear ways to promote equality and tackle discrimination against children in policies and plans.
- Making sure people who work in the Welsh Government have up-to-date knowledge of the Equality Act 2010. This includes regular training about the needs of different groups of children.
- Understanding the needs of particular groups of children to make better decisions.
- Providing information to children in a language or format appropriate to their needs. For example, their age.

What action has Welsh Government taken to promote equality and non-discrimination?

- Developed guidance so adults working with children must listen to children who do not have equal chances to be heard:
 - [Additional Learning Needs Code for Wales 2021](#).
 - [School uniform and Appearance Guidance 2022](#).
- Developed plans that promote equality and tackle discrimination against particular groups of children. This includes:
 - work with groups of children who have experienced poverty to develop a new draft Child Poverty Strategy for consultation.
 - developed the [Anti-racist Wales Action Plan 2022](#).
 - a plan to make Wales the most [LGBTQ+](#) friendly nation in Europe.
 - funded a 24/7 [Wales Hate Support Centre](#) to help victims of hate crime. This includes [specific support](#) for children and young people.
 - piloted giving [Baby Bundles](#) to families with new babies. These bundles include rights-based information to support new parents.
 - set up Childcare hubs for children of key workers and vulnerable children during Covid-19.
 - set aside £225m to secure [free school meals](#) for children across Wales by 2024.
 - put children's rights at the centre of our systems and approaches to support [mental health and wellbeing](#) (NEST).
 - expanded the [Flying Start](#) programme to reach around 2,500 more children aged 0 to 4 in every local authority in Wales. We have made plans to extend this in 2023-24.

Case Studies – Equality and Non-Discrimination

Case study 3 – Mental health treatment for Children and Young People: Co-Production of The NEST Framework

The National Youth Stakeholder Group (NYSG) are a group of young people, often with lived experience of mental health and wellbeing. The group works to:

- address mental health issues shared by young people.
- work with the Welsh Government and other organisations across Wales to improve mental health services.

The National Youth Stakeholder Group have co-produced a framework to improve mental health and wellbeing services for babies, children, and young people. This framework is called NYTH/NEST.

NYTH/NEST is a planning tool for people working with babies, children, and young people to develop a whole system approach to support mental health and wellbeing. This means organisations working together to offer the right help at the right time in the right way for babies, children, and young people.

An important part of the NYTH/NEST framework is co-production. Anyone using NYTH/NEST will need to think about how people, including children, are involved in creating mental health and wellbeing services. This means working together with people who use a service in equal partnership because they are best placed to help design it.

In October 2022 NYTH/NEST moved into Welsh Government and it is now in its implementation phase. **Regional Partnership Boards** all have:

- a person who leads NYTH/NEST
- a plan for how NYTH/NEST will be delivered locally.
- a youth stakeholder group. This is a group of young people that the Board works with to make sure the voices of children are listened to.

A set of good practice examples of NEST 'in action' will soon be available.

As a part of the NYTH/NEST work with NYSG, young people have produced poems, stories and artwork that tell their story of mental health and wellbeing. Future work includes the development of training and self-assessment tools for NYTH/NEST. These tools will be co-produced with young people and include the creative work they have created.

Case study 4 - Developing a new Child Poverty Strategy

The Children and Families (Wales) Measure 2010 places a duty on Welsh Ministers to prepare and publish a child poverty strategy and keep it under review.

The draft strategy should be developed with people who have direct experience of poverty, and the organisations that support them. We have been working hard to listen to the voices of people affected by our strategy.

In March 2023 we funded organisations to ask children and young people what matters and what would make the biggest difference for them. This included:

- **Children in Wales** and **Save the Children** spoke to 76 children and young people.
- **Voices from Care** engaged with 26 care experienced young people.

- Wales' **Ethnic Minorities Youth Support Team (EYST)** spoke with 54 Black, Asian and minority ethnic children and young people and **Women Connect First** engaged with 14 Black, Asian and minority young people.
- fifteen organisations and community groups held sessions through a small grants scheme targeted at those with protected characteristics. 1070 children and young people, including children, disabled and **neurodivergent** children and young people, **LGBTQ+** young people, young people being supported because of homelessness, and young parents took part.
- **Wales Council for Voluntary Action** led a small grant scheme on our behalf, open to all Councils for Voluntary Services (CVSs) in Wales. Through the engagement sessions held via this scheme 162 children and young people were included.

Organisations and community groups across Wales also held sessions with children and young people they knew or already worked with. These sessions were delivered in lots of different ways, as part of play or family activity sessions, and at events. This mixed approach enabled 1,402 children and young people to tell us what matters to them and inform our decision about what to include in our strategy.

A lot of the issues adults told us about were similar to the things children and young people said matter to them. However, there were some things that children and young people told us about their experiences that might not be fully understood by adults. The draft strategy includes what we have heard from children and young people with experience of poverty and sets out how the Welsh Government is and will respond to the issues they have told us matter to them and their families.

We will continue to consult on a new Child Poverty Strategy for Wales in Summer 2023. We aim to publish a final strategy before the end of December 2023.

Case Study 5 –The Additional Learning Needs Code for Wales 2021

In 2021, Welsh Government launched its 'Code of Practice' for people who work with children who have additional learning needs (ALN). People with ALN have a learning difficulty or disability which requires specific learning support that is different from the support given to other people their age.

The Code sets out the rules and ways of working for those who work with ALN children and young people aged up to 25 years old. These rules apply to Local Authorities, Local Health Boards, schools, colleges, and universities.

[The Code](#) (specifically page 36 of the Code) says that ALN children and the parents, families and other adults that support them must be listened to and be involved in decisions that affect their lives.

This means:

- listening to the views, wishes and feelings of the children, young people, and their parents.
- understanding the importance of including children, young people, and parents as fully as possible in decisions
- providing information and support to the children, young people, and parents, so they can participate in those decisions.

Supporting children, their parents, and families to participate meaningfully will help them to feel confident that their views, wishes, and feelings are listened to and valued, even if they find it difficult to get these across. By being involved in decisions that affect them, ALN children and their parents should have more awareness of their rights and the support and services available to

them, helping them feel more in control of their learning. Children's needs are more likely to be understood and the support they receive is more likely to work for them. This means children can reach their potential and have every opportunity to be the best version of themselves.

Case Study 6 - Anti-Racist Wales Action Plan

Some people in Wales experience racism. Sometimes it's at school, at work, doing activities or using services. The Welsh Government works hard to make sure people are treated equally and respected. We want to do more. We want Wales to be a place where everyone is safe and feels valued.

We have been working with people across Wales to write a new [Anti-racist Wales Action Plan](#). The Anti-Racist Wales Action Plan or ARWAP was published on 7th June 2022. Its vision is for 'A Wales that is Anti-Racist by 2030'.

The Plan aims to make changes to the lives of people by tackling racism. This has, and continues to include, working with children who have experienced racism.

This includes:

- Black, Asian, and minority ethnic groups
- Gypsies and Traveller communities
- Muslim, Jewish, or other faiths
- Refugees or asylum seekers.

Before the ARWAP was created, we worked in partnership with Wales' Ethnic Minorities Youth Support Team (EYST) to hold a series of 'vision sessions' with children and young people. These sessions allowed children and young people with experience of racism to share their views. These views helped shape the vision, mission, and purpose of the Anti-Racist Wales Action Plan.

In 2020-21 public consultation took place on the plan. The consultation was available in an easy read format, along with video for children and young people.

Welsh Government funded community groups and race-based organisations to run engagement sessions with across all parts of Wales. Almost 2000 people took part across all age ranges. Examples of how children and young people were involved include:

- **Tros Gynnal Plant (TGP)** collected views through individual interviews and conversations. These were carried out by project staff specifically with young people using various on-line platforms.
- drawing on a survey developed by the **Race Council Cymru**, the **National Black, Asian, and Minority Ethnic Youth Forum** engaged with young people through an online survey, over the phone, and through online focus groups. The Youth Forum spoke to 65 participants across Wales. 21 ethnicities were recorded in understanding the experiences of people and communities,
- **Diverse Cymru** engaged with Black, Asian, and Minority Ethnic adults and young people. The majority of participants self-defined as Black.
- **Horn Development Association** engaged 256 families that identify as Black, Asian, or Minority Ethnic living across Cardiff.

The full consultation report can be read [here](#).

All children have rights whatever their background. This includes refugee children who have the same rights as children born in Wales. The Anti Racist Wales Action Plan aims to strengthen children's rights, making sure that the children affected by racism can be free from discrimination, grow up to live healthy, safe lives and be heard in matters that affect them.

Within the Anti-Racist Wales Action Plan, specific actions that address the needs of children and young people include:

- *Dealing with experiences of racism*
 - We expect schools to promote race equality in their settings, and to challenging racist and **xenophobic** incidents.
 - Schools in Wales must record and respond to all racist incidents. When incidents happen, schools need to be clear about how they challenge racism.

- *Teaching about racism*
 - Teaching Black, Asian and Minority Ethnic histories and experiences is now **mandatory** in the school curriculum. Lots of schools across Wales include the history of Black and ethnic minority communities as part of their curriculum.
 - We expect all schools to be teaching diversity and to create an anti-racist culture.

Empowerment

adults making decisions and hold them to account.

What is Empowerment?

Children's rights should empower children. Empowerment means making sure children have information about their rights and know how to claim them.

Empowerment changes the relationship between children as rights-holders and adults making decisions. Empowerment means adults sharing power with children to make decisions together. This helps children have better control over what happens in their lives.

Adults who understand children's rights and why they are important better support children to take part in shaping decisions that affect them. Children who know about their rights, can better hold the adults' making decisions about their lives to account.

How is empowerment embedded in Welsh Government?

- Giving information to people to increase their understanding about children's rights.
- Removing barriers to the things people need to understand and use children's rights.
- Promoting all children's right to be involved in, and listened to, when decisions are made that affect them.
- Making sure children have the information they need to take part in decisions. For example, creating documents that are easily understood and appropriate to a person's age. This means being clear about opportunities, so children can choose if they want to be involved.
- Making sure children can scrutinise decisions made about them. This means having opportunities to ask questions to

What actions have Welsh Government taken to make sure children feel empowered?

- Produced child friendly versions of key plans that affect children and young people. Examples include:
 - [Children's Rights Scheme 2021](#)
 - [Children and Young People's Plan](#)
 - [Anti-Racist Wales Action Plan](#)
 - [A Period Proud Wales](#)
 - [LGBTQ+ Action Plan](#)
 - [A Wales Report on the UNCRC](#)
- Created [advice, information, and guidance](#) to support children to keep safe online.
- Created a [plan](#) to raise awareness of children's rights to children, their families and people working with them.
- Helped families with positive parenting advice through the '[Parenting. Give it Time](#)' campaign.
- Made sure people, including children, who seek [sanctuary](#) in Wales get support and advice about their rights.
- Produced [resources](#) that help parents to know about the rights of their babies and understand them.
- Made [plans](#) to raise awareness of the importance of children's speech, language, and communication development.
- Produced [resources](#) for parents and those working with families to understand new laws around physically harming children.

Case Studies - Empowering

Case Study 7 - Raising Awareness of Children's Rights Plan.

The Welsh Government first published its [Raising Awareness of Children's Rights Plan](#) in November 2021. The Plan is the first of its kind in Wales.

The Plan aims to raise awareness of the UNCRC to children, families and the people who work with them. Through the Plan, the Welsh Government wants to 'empower children and young people to exercise their rights as citizens of Wales and the world.'

The plan sets out how Welsh Government will raise awareness of children's rights in five areas:

1. Children and Young People
Providing meaningful opportunities for children and young people to have their opinions heard across Wales.
2. Early Years
Raising awareness of children's rights with people who work in the early years sector.
3. Education
Raising awareness with head teachers and education leaders about the UNCRC and the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)
4. Public Sector
Providing support to public sector organisations and leaders to embed a children's rights approach in their work.
5. Parents and Carers
Supporting parents and carers to understand the importance of listening to children in matters which affect them.

Some key progress made so far includes:

- We have reviewed how children and young people can take part in policy making. Working with Children in Wales we have changed the way [Young Wales](#) works, and supported a model that is meaningful and inclusive for children to be listened to. (See more about this on page 27).
- We have included questions about children's rights in the [School Health Research Network \(SHRN\) student health and wellbeing survey](#). This helps us to monitor whether the work in the Plan is making a difference. We asked just under 115,000 children aged 11-16 years:
 1. Have you heard of the UNCRC?
 - 7% of children reported that children in Wales do not have rights.
 - 50% of children reported moderate to high levels of knowledge about children's rights. Responses included 'we have rights, and I could list a few.'
 - (40%) knew 'a great deal about their rights' and the UNCRC. '
 - An equal proportion of children (both 50%) reported moderate to high levels of knowledge.
 2. How much do you know about the UNCRC?
 - While 36% of young people reported having heard of the UNCRC, most young people had not (45%) or were unsure (19%).
 - A lower proportion of girls (35%) reported having heard of the UNCRC compared to boys (37%) and people who identified as neither a boy nor a girl (38%).

- We have developed a national parent/carer forum. This is a group set up to listen to the voices of parents and carers in the decisions we make that affect children and families in Wales.
- We have established a network dedicated to understanding the children's rights needs of very young children. This network is called the Children's Rights in Early Years Network (CREYN).
- We have worked with leaders and stakeholders across Wales, to understand what training people need to know about children's rights. Based on what they have said, we have made changes:
 - We have changed children's rights training so that it is based on children's age. e.g., children's rights in early years; children's rights for children; and understanding children's rights for teenagers and young people.
 - We have funded webinars that focus on children's rights issues such as poverty, the cost-of-living-crisis and mental health.
 - We have supported people working in education to develop training modules on children's rights. These online sessions support schools to understand children's rights (including disabled children's rights) and promote them to learners.

Welsh Government will review the Raising Awareness Plan, by the end of 2023, with a revised plan published in 2024 if it is needed.

Case Study 8 - The Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020

Wales has joined more than 60 nations across the world in working toward ending physical punishment. Physical punishment means violence that causes injury or harm to your body by another person.

The Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020 received Royal Assent on 20 March 2020 and came into force on 21 March 2022.

This legislation means children have the same legal protection from assault as adults.

The UNCRC forms the foundation of this policy. All children have the right to be protected from all forms of violence. Keeping children safe by removing the defence of reasonable chastisement supports Article 19 of the UNCRC.

In 2021-22 there were 3,245 contacts to social services where physical punishment was a factor. In 1,635 of these, physical punishment was the only factor.

Positive parenting programmes such as 'Parenting. Give it Time' (PGiT) are a key part of combatting the physical punishment of children. Our raising awareness campaigns have promoted PGiT alongside information about 'Ending Physical Punishment'. This aims to promote positive parenting as an alternative to physical punishment.

Our awareness raising campaign, included TV, radio and digital advertisements.

Recently published research provided a snapshot of views from early 2022, before the law came into force. The report found:

- 71% of parents/carers of children aged 7 and under disagreed that it was sometimes necessary to smack a child. This is compared with 63% in 2018.

- Since 2018, there had been an increase in the level of awareness and support for the law. 59% of respondents reported they were in favour of the law change compared with 38% in 2018.

These findings suggest that:

- linking messages on ending physical punishment and positive parenting works.
- efforts to raise awareness of the benefits in changing the law have been successful.

Work is ongoing to raise awareness with children. It is important that information is shared in an appropriate and safe way. This means producing good quality information that protects their wellbeing.

We are working with Children in Wales to share information in schools and existing initiatives. This means discussions can take place between children and trusted adults, in appropriate settings.

Case Study 9: Children's rights for babies and young children

The Welsh Government is committed to making sure all children can claim their rights. Below are two examples of how children's rights are promoted to the families and adults who work and care for babies and young children.

Baby Bundles

The Baby Bundle pilot took place between September 2020 and March 2021. The pilot saw 200 families in the Swansea Bay University Health Board area take part. New parents were provided with essential items and guidance to support them with their new baby. The Baby Bundle was provided as a gift to welcome their new baby to the world, with no strings attached and without stigma.

The Baby Bundle pilot contributed to:

- giving all children the best start in life, by signposting families to information and advice about parenting and support programmes.
- tackling discrimination by providing all families with access to the same essential items.
- tackling poverty, by removing some of costs families face when a baby is born.
- protecting the environment by avoiding single-use products, reducing the amount of packaging used and using local suppliers wherever possible.

An evaluation of the pilot was undertaken. The Baby Bundles were positively welcomed by parents who took part. Building on the success of the pilot, Welsh Ministers have committed to offering Baby Bundles to more families across Wales.

Lessons learned from the pilot will be further explored and included in how the service is designed when it is rolled out across Wales. Importance will be placed on **signposting** new parents to information and guidance. This includes information on Children's Rights and will help to make sure babies can have the best possible start in life.

Listening to babies and young children.

All children should be listened to. This can be challenging in practice, especially in the Early Years.

Welsh Government funded Children in Wales to research and find ways of listening to babies and very young children. Children in Wales have trialled approaches with [babies](#) (0-1 years old), [toddlers](#) (1-2 years old) and [pre-schoolers](#) (3-4 years old).

As a result of the trial, the following resources were developed:

- rights in Early Years posters provide key messages for providing positive rights based environments for [babies](#), [toddlers](#) and [pre-schoolers](#).
- [resources](#) were made to support people working with pre-schooler children to understand the new curriculum.
- [talking point posters](#) were developed to support adults to listen to babies and young children.
- an infographic on the [digital rights of children](#) was produced. This helps adults understand how to respect and protect children's rights in the digital environment.

Participation

What is Participation?

All children have the right to shape decisions that affect them, their families, and the communities they live in. Participation means listening to children when decisions are made that affect their lives.

Children should have all the information they need to understand what decisions are being made. Children should know when decisions are being made that affect them and should be given opportunities to be involved in those decisions.

Opportunities to shape decisions should be offered in ways that are appropriate to children's age and maturity. Being young or relatively immature is no reason for discounting children's opinions, or for giving them less attention in decision-making processes.

Participation should be a safe, enabling, and inclusive process. Participation should support conversations between children and adults working with them.

How is participation embedded in Welsh Government?

- Identifying gaps and opportunities where participation should happen across the Welsh Government.
- Involving children in the planning and design of services.
- Removing the things that stop children participating. For example, information that is hard to understand, transport, language.
- Giving extra support to children who need it.
- Learning about how other organisations do this well.
- Developing clear targets to listen to children who may not always be heard.

- Including children when staff are recruited who have responsibilities that impact on them.
- Giving feedback to children. This means telling them how their views have been taken into account.
- Adopting the [National Participation Standards](#).

What actions have Welsh Government taken to make sure children feel listened to?

- Funded [Young Wales](#) to update the way we listen to children to make sure children have good opportunities to take part.
- Funded the [Coronavirus and Us](#) survey which listened to children about the impact of the pandemic on their lives. We put in place systems that helped them overcome the issues they faced.
- Involved children in the recruitment of the Children's Commissioner for Wales.
- Funded Young Wales to employ a participation worker specifically to understand the needs of and work with disabled children.
- Supported young people to [research](#) children's rights issues in Wales, and to share those issues with the United Nations.
- Provided funding for children to have equal access to activities and new experiences through the [Summer of Fun](#) and [Winter of Wellbeing](#), as we recovered from the pandemic.

Case Studies – Participation

Case Study 10 – Review of Young Wales

Young Wales is a project run by Children in Wales for Welsh Government. Young Wales aims to give children in Wales a voice on issues that affect them, so that their views can be heard, particularly by Ministers in Welsh Government and other policy makers.

Young Wales aims to be as inclusive as possible, so that those children who find it hardest to have their views heard are able to do so as well as those who find it less difficult.

During the period October 2020 – March 2023, Young Wales supported over 1000 children to take part in 41 participation opportunities.

Throughout 2022, as Wales recovered from the effects of the Covid-19 pandemic, Welsh Government and Children in Wales have worked closely together to create a new model that makes sure children are provided with meaningful opportunities to share their views.

This includes:

1. Holding more face-to-face meetings.

Four times a year, Young Wales Forum Members meet at residential weekends across Wales to discuss the issues that matter to them. The Young Wales quarterly residentials will be rotated around Wales to ensure children and young people from all geographic parts of Wales have opportunities to participate in-person.

2. Having opportunities to become leaders.

Young Wales focusses on developing children as leaders, providing training and accreditation that helps them do their job as forum members to the best of their ability. This includes learning about the UNCRC, the [National Participation Standards](#) and what forums are, and do.

3. Setting up groups to focus on issues important to children and the Welsh Government.

As part of Young Wales's updated participation model, new children and young people advisory boards have been set up. Advisory boards work on a particular issue in Government and contribute to designing and evaluating policy in that area. These are:

- Young Carers Advisory Group
- Young Person's Guarantee Advisory Board
- LGBTQ+ Advisory Board
- Keeping Safe Online Youth Group
- Budget Improvement Plan Group
- Young Wales Project Board
- National Youth Stakeholders Group

4. Making sure there is proper support for vulnerable children.

In early 2023, Welsh Government gave further money to Children in Wales to employ a worker whose role is specifically to support disabled children and children with additional learning needs. This person has experience of supporting children who may be less likely to have their voice heard to overcome the barriers they face and leads on projects like the Additional Learning Needs Ambassadors Programme in Wales.

Below are examples of where specific support has been provided to overcome barriers to participation because of listening to children:

- electronic equipment was bought for children who were digitally excluded during the pandemic to enable them to be involved. A **hybrid model** (online and in-person) of participation has continued since the pandemic to make sure as many children can take part as possible.
- contributions from children in the consultation on Welsh Government's Single-Use Plastic Products Bill directly led to changes to the Bill about the medical needs of disabled people. Actions were put in place to make sure disabled people's rights could be upheld, by still being able to access the equipment they needed, even if it were made of single-use plastic. These changes were fed back to children in accessible [infographics](#) to raise awareness.

Case Study 11 – Coronavirus and Me and Coronavirus and Us: Listening to Children Through the Pandemic.

Coronavirus and Me

In January 2021, Welsh Government teamed up with the Children's Commissioner for Wales, Children in Wales, and Welsh Youth Parliament to seek the views of children and young people.

The Coronavirus and Me survey covered themes including health, education, the impact on children's social lives and the needs of specific groups. This was the second nationwide survey of its kind.

A symbols version of the survey was available and picture activity tasks were used as an alternative to the text version of the survey. This supported young children and children with additional learning needs to take part.

19,737 children took part aged between 3-18.

The [results](#) helped Welsh Government understand how best to support children during and beyond the pandemic.

Coronavirus and Us

In September 2021, the Children's Commissioner for Wales produced the report, '[Coronavirus and Us](#)'.

The Commissioner noted on their [website](#), the things Welsh Government did well in response to the findings of the surveys:

- Ministers, including the First Minister, met children and young people to listen to their experiences and answer questions.
- the First Minister and his officials met regularly with Commissioners and other decision-makers to listen to concerns and answer questions.
- the Government protected most legal entitlements for children with Special Educational Needs.
- funding was made available by the Government for a Summer of Fun. £12 million was set aside for free activities for children across Wales over the 2021 and 2022 summer holidays.
- all schools offered online teaching through free digital tools and software available on Hwb.

- during the firebreaks and lockdowns between December 2020 to March 2021, children were able to attend childcare hubs. These were children of key workers and children from vulnerable groups.
- Welsh Government made sure that children who receive free school meals were fed when schools were closed. This included during school holidays. We were the first Government in the UK to do this.
- no children under 18 were charged with breaking Covid-19 rules.

The World Health Organisation said the work on Coronavirus and Us, and how Welsh Government responded, was a good example of children's involvement.

Case study 12 - Young Person's Guarantee

In November 2021, Welsh Government launched its Young Person's Guarantee (YPG).

The Young Person's Guarantee is a commitment made by Welsh Government to make sure that young people in Wales have the support they need to reach their potential.

The Young Person's Guarantee guarantees an offer of support to young people, to:

- either gain a place in education or training, or.
- help to get into work or to become self- employed.

The guarantee is for every young person aged 16-24 who lives in Wales.

Listening to young people is a fundamental part of developing a Young Person's Guarantee that works for young people in Wales.

In May 2022, the Welsh Government launched its National Conversation with Young People. The National Conversation aims to listen to the voices of young people most affected by the Young Person's Guarantee. This includes young people *Not in Education, Employment or Training* (NEET) and other young people who might be less likely to be heard.

During phase one of the National Conversation young people fed in their experiences of getting training, education and work including:

- their aspirations.
- the challenges they faced.
- their awareness of support available to them.
- their ideas for improving engagement with young people in the future.

Young people participated through surveys, focus groups and sessions facilitated by external organisations.

The Young Person's Guarantee National Conversation report: phase 1 and a participant update can be read [here](#).

The second phase of the Young Person's Guarantee National Conversation explored in more detail some of the key issues raised in phase 1. The National Conversation helps shape and inform the YPG offer moving forwards.

The Young Person's Guarantee is designed to provide the right support at the right time for young people. It provides young people aged 16 to 24 in Wales with access to:

- one simple route to access the guarantee via Working Wales. This means support and advice from advisers. Advice is provided in many forms, including online and face to face.
- self-employment advice and support available through Big Ideas Wales.
- places on one of the Welsh Government's outreach Community Employability programmes, (including Jobs Growth Wales Plus, Communities for Work Plus and ReAct Plus programmes).
- help to find an apprenticeship.
- a new course search platform, for further education or higher education
- a referral to one of the programmes funded by other partners, such as the Department for Work and Pensions or Local Authorities.

A Young People's Guarantee Advisory Board has been set up to continue listening to the voices of young people. The work of the Advisory Board will also build on feedback gained from the National Conversation. For more information visit the [Young Wales website](#).

Case study 13 – Recruitment of the Children's Commissioner for Wales

In April 2022, Rocio Cifuentes took up the role of Children's Commissioner for Wales, serving as the fourth Commissioner since the role was created in 2000.

The process for choosing the new Commissioner is a long and complex one. The Commissioner's role is to promote and protect children's rights in Wales, and so it is extremely important that the right person is appointed.

Children and young people were meaningfully involved throughout the process of choosing Rocio Cifuentes.

The Minister for Social Justice chaired a cross party panel to consider applications. They were supported by a young person's panel.

The young person's panel ranked the personal statements of suitable candidates. These were written specifically for children and young people. Their rankings helped shape the decision to invite six applicants to the interview stage.

The six shortlisted candidates delivered a presentation to a year six class of school children from Gwyrosydd Primary School. Each candidate presented for five minutes, then were asked the same three questions by three of the pupils. These sessions were filmed and provided to both the young person's panel and cross-party panel for consideration. A report was also provided outlining the children's feedback on each of the six candidates. This report was considered by both interview panels.

Each of the shortlisted candidates were interviewed by a young person's panel and their scores and feedback were provided to the cross-party panel.

The cross-party panel also interviewed the candidates and considered the range of feedback from children and young people, the school presentations, and the feedback from the young person's panel before making their recommendation for appointment.

Accountability

What is Accountability?

People who have a duty to help children claim their rights must be accountable. This means showing how and why decisions that affect children have been made the way they have.

To be accountable, there must be ways of checking how well decisions support children's rights. This includes finding ways to change and improve if decisions have negative impacts on children's rights.

To do this well, decision-makers must be honest and provide reasons for their decisions and actions.

To claim their rights, children must know they have them. Children should also know when they aren't able to claim their rights, and how to make a complaint or challenge decisions and actions.

How is accountability embedded in the Welsh Government?

- Giving children information on how they can ask questions and challenge decision-makers.
- Making children aware of their rights. This means giving them information to understand the responsibilities and obligations of duty **bearers**.
- Using Children's Rights Impact Assessment (CRIA) to consider how decisions affect children's rights.
- Making sure staff understand their responsibilities and obligations to children.
- Publishing updates showing how we've worked towards making rights a reality.
- Feeding back regularly to children.

- Providing children with accessible information about how to make complaints or hold staff to account.

What actions has Welsh Government taken to make sure they are accountable for their work on children's rights?

We have:

- produced [Children's Rights Compliance Reports](#), like this one, every two and a half years since the Measure was introduced.
- set up a group of senior officials (Directors) to lead work on the Children and Young People's Plan.
- published at least 216 Children's Rights Impact Assessments (CRIAs). CRIAs evidence the impact of decisions made on children's rights.
- prepared submissions and responded to the UN Committee on Children's Rights, showing what our responsibilities are for children, and the work we do fulfil them.
- published a [children's complaints leaflet](#) explaining what how children can give feedback to Welsh Government and how to complain if section 1 of the Measure is not being met. This includes information about other places children can get advice too. For example to [Meic Cymru](#) and to the [Children's Commissioner's Office for Wales](#).

Case Studies – Accountability

Case Study 14 – United Nations: State Party Reporting

How states apply the UNCRC is monitored by the Committee on the Rights of the Child.

Around every five years the Committee reviews how well each state puts into practice the rights in the UNCRC.

All Governments in the UK have to work together to report to the UN. This is the main way in which the Welsh Government is held to account for its work on children's rights.

Other organisations, and children, have also been involved throughout the process.

The current reporting cycle began in 2020.

Organisations including the [Equality and Human Rights Commission](#) and [UNCRC Monitoring Group](#) sent reports to the UN, advising them what they should ask the UK Government to report on.

Along with the Children's Commissioners of Northern Ireland, Scotland and England, the Children's Commissioner for Wales published a joint [report to the UN Committee](#). The Commissioners also produced a report "[Are we there yet?](#)". This report was based on the views of children in all four nations.

The UN Committee then produced its '[List of Issues](#)' to the UK Government in February 2021. These are the important issues the UN expected UK Government's to report progress on. This included questions for Welsh Government.

On 15th June 2022, the UK Government [responded](#) to the UN List of issues. In its response, it showed progress made across the United Kingdom on children's rights.

In September 2022, Welsh Government published a [report](#) focussed on work that happens in Wales. This is work that Welsh Government has the power to lead. To be accountable to children, a [young people's version](#) of this report was also published.

Alongside the UK Government's response, The [Children's Commissioner for Wales](#), the [Equality and Human Rights Commission](#) and the [UNCRC Monitoring Group](#) sent second reports to the UN, and were invited to Geneva to answer questions about their reports.

The [Children's Commissioner for Wales](#), in partnership with the Commissioners from Northern Ireland, Scotland and England, also sent a [children's response](#). Young people's versions and a [symbols version](#) of this report were created.

6 Young Wales volunteers led a [nationwide piece of research](#) with children across Wales and submitted their report for consideration. This project was funded by Welsh Government. A dedicated case study to this can be read below.

The UN Committee also met with the UK state party, including Welsh Government, in May 2023, where the UN Committee asked questions about progress made on the UNCRC.

Following the meeting with the UK Government, the Committee produced a report outlining its Concluding Observations and Recommendations. This report sets out the things the UN thinks the UK must do to improve their work on children's rights. This report was published in June 2023.

The Welsh Government will now consider and set out the steps it needs to take to respond to the recommendations set out by the UN.

Case Study 15 – Young Researchers: UN Reporting

As part of the work to report to the United Nations on children's rights, it has been essential to understand this from the perspective of children themselves.

In 2022, Welsh Government funded Children in Wales to support a group of Young Wales volunteers to produce a [Children's](#) Report. The volunteers acted as researchers to understand the important issues children face when trying to claim their rights.

The Research Process

1. The Young Wales volunteers reviewed documents and reports that showed what was important to children.
2. The volunteers contacted all 22 Local Authority Areas, and a wide range of organisations working with children to better understand priorities for children.
3. Using the information collected, Young Wales volunteers developed research questions to ask children and young people.
4. Between 2020 to 2022, over 1000 children and young people contributed to the report through workshops, festivals, events, and advisory groups.
5. Taking all feedback into account, the volunteers developed a report to submit to the UN.

The report made key recommendations on a range of issues relating to children's rights.

Listening to children in Geneva

In early February 2023, 6 volunteers from Young Wales were funded by Welsh Government to travel to Geneva. Here they met with the UN Committee on the Rights of the Child. Alongside young people from across the UK and Jersey, Young Wales Volunteers had two meetings with the Committee. During these meetings, they were able to express their views on children's rights in Wales and give recommendations from the report. These recommendations set out what children think should be done to improve things.

The UN Committee considered what children had to say when they made recommendations to the UK and Welsh Government.

Case study 16 – Children's Rights Impact Assessments

The Children's Rights Impact Assessment (CRIA) is the main tool Welsh Government uses to make sure we are paying due regard to children's rights. CRIAs evidence and record how policy decisions impact on the rights of children. Teams and departments within Welsh Government must complete CRIAs when they develop new policies or make changes to ones that already exist, if they will affect children in any way.

In December 2021, we updated our [CRIA template](#) to take account of previous UN recommendations for strengthening our children's rights guidance for staff. The new template

includes prompts for staff to think about how their work affects different groups of children differently, and the importance of research and data.

During this reporting period, we also produced a new [staff manual](#) and e-learning module to support people completing CRIAs. These resources provide guidance on how to complete CRIAs well, and key things to think about when completing them. For example, they suggest different ways teams can listen to the views of children and support teams to think about any potential discrimination to children. They also promote the Children and Young People's National Participation Standards. These outline key issues and good practice staff should be aware of when working with children and young people.

Since January 2020, all completed CRIAs have to be published on the Welsh Government website. This not only holds us to account to the public but provides good practice examples for others to see. Between October 2020 - March 2023, 98 CRIAs have been published.

The CRIA requires policy makers to write down which rights are affected. If decisions have a negative impact, actions must be taken to address this.

CRIAs are used to inform our advice to Ministers.

The Welsh Government has a dedicated Children's Rights Branch that provides advice and guidance on completing CRIAs. During this reporting period, the Branch has reviewed and given advice on 94 CRIAs. Additionally, the Children Rights Advisory Group (CRAG) provides feedback and external scrutiny on draft CRIAs.

Recommendations from the Children, Young People and Education Committee's Report (September 2020)

In our last Compliance Report (2020), we said that we would act on the accepted recommendations made by **Children, Young People and Education Committee** in September 2020.

Below is a brief outline of the progress made:

- Following public consultation, a new Children's Rights Scheme was published in November 2021.
- We have continued to reiterate the importance of children's rights in our work. Examples set out in this compliance report show how we have:
 - embedded children's rights into our laws, policies, and strategies.
 - made particular effort to guarantee the rights of children who are least likely to be able to access them.
 - produced resources to raise awareness of children's rights to babies, children, young people, their families, and people who work with them.
 - learned from others, and improved the ways we listen to children. This includes listening to children themselves to the people who work with them. We have taken suggestions from the members of the **All-Wales Participation Workers Network**, and organisations who attend the **Children's Rights Advisory Group**.
 - updated our guidance and processes for staff, to improve the ways we are held to account.
 - published our CRIAs to be more open in our children's rights work.
- We have developed an introductory e-module for people working in Welsh Government. This module provides an introduction to children and young people's rights in Wales and shows why they are important to consider as part of Government work.
- We have developed opportunities for Ministers and officials to engage more regularly with children. This provides learning opportunities to understand first-hand the issues that affect children.
- We have strengthened our CRIA guidance, making it clear when and how CRIAs should be completed and published.
- Since January 2020, all completed CRIAs have been published online as a matter of course.
- We have set out in our 'Budget Improvement Plan (BIP)' the steps we will take to make budget decisions that impact on Children's Rights.
- We are working with children to develop a children's BIP. This will make our information about budget decisions easier to understand and make us more accountable to children.
- We have strengthened guidance in our staff manual on considering the impact of budget decisions on children's rights.
- We have developed a specific plan to raise awareness of children's rights across Wales.

- We have made understanding human rights a mandatory part of the Curriculum for Wales.
- The updated 'Children's Rights Scheme' recognises children may need help to make a complaint. We have published a [children's complaints leaflet](#) explaining what how to give feedback and how to complain if due regard is not being paid. This includes information about other place children can get advice too. For example to [Meic Cymru](#) and to the [Children's Commissioner's Office for Wales](#)
- In 2021, the First Minister wrote to the UK Government calling on them to ratify the optional protocol on a communications procedure.
- We have worked with Children in Wales to develop a sustainable representative model for Young Wales.
- We produced and published a specific Wales report in response to the UN List of Issues, we also produced a young people's version of the Wales Report.
- We have produced regular updates to members of Senedd Cymru on progress relating to children's rights.

Next Steps: What are the next steps for Welsh Government?

- We welcome the UNCRC Concluding Observations Report, which was received by the UK State Party, including Welsh Government in June 2023.
- We are taking the time to carefully think about what the UN has said to do to improve children's rights work in Wales.
- We will write a response setting out the actions we will take and publish this.
- We plan to include children and young people in this process, as well as members of the Children's Rights Advisory Group.
As the report covers the UK State Party as a whole, we will also be working with the others state party members.
- We will also:
 - produce an Annual Update on the Children and Young Peoples Plan. This will be published in November 2023.
 - review the Raising Awareness of Children's Rights Plan. We will do this in consultation with children, families and people working with them in Wales. We will publish a new Plan in 2024.
 - continue to improve the way we listen to children in Wales. We will work hard to make sure opportunities are inclusive and good quality.
 - evaluate and review the [National Participation Standards for Young People](#) in Wales, and its Kitemark process.

Glossary of Terms

Advisory Board of Young Wales:

- **Young Carers Advisor Board:** This group contributes to, and shapes what Welsh Government does to support young carers in Wales.
- **Young Person's Guarantee Advisory Board:** The Young Person's Guarantee Advisory Board provides guidance and advice to Welsh Government on the progress being made under the guarantee. For more information, see page 10.
- **Keeping Safe Online Youth Group:** The purpose of this group is to shape the future activity, that Welsh Government undertakes with key partners and stakeholders to keep children safe online. Children have the opportunity to provide advice and guidance to Welsh Government about the advice and support they receive.
- **Budget Improvement Plan Advisory Group:** The group has been created to specifically work with the Budget Improvement Team to co-produce a young person's version of Welsh Treasury's Budget Improvement Plan. They have been in operation since November 2022 and will continue to work with them throughout 2023 until the young person's version of the BIP is published alongside the Draft Budget in December 2023.
- **Young Wales Project Board:** All Young Wales volunteers are invited to join the Project Board and attend meetings in person or online at each of our 4 free to access residentials across the year. The Project Board aims to scrutinise and advise Young Wales on its work for and with children and young people.
- **The National Youth Stakeholders Group (NYSG)** is for young people with lived experience or a special interest in relation to mental health and wellbeing. The group addresses mental health issues shared by young people. For more information see page 11.

All Government's in the UK: In the UN State Party Reporting case study (page 27), 'Government' or 'UK State Party' means all governments within the United Kingdom. These are the UK Government, Welsh Government, the Scottish Government, the Government of Northern Ireland, and governments of overseas territories and crown dependencies. These include Jersey, Bailiwick of Guernsey, Alderney, Sark, and Isle of Man

All Wales Participation Workers Network: this Network is led by Children in Wales. It is a group of people who either have responsibility for participation, or an interest in improving opportunities for children to be listened to. The Network meets 4 times a year.

Children's Commissioner for Wales: Rocio Cifuentes is the [Children's Commissioner for Wales](#). They started in post in April 2022, and will be the Children's Commissioner for seven years. Their job is to promote and protect children's rights in Wales.

Children's Human Rights Approach:

- **Embedding:** Putting children's rights at the centre of planning and delivering services.
- **Equality and non-discrimination:** ensuring that every child has an equal opportunity to be the best they can be.
- **Empowering children:** enhancing children's capabilities so they are better able to take advantage of rights.
- **Participation:** listening to children and taking their views meaningfully into account
- **Accountability:** authorities should be responsible to children for decisions and actions that affect their lives

Children in Wales: Children in Wales is a national organisation that supports organisations and individuals who work with children, young people, and their families in Wales.

Compliance: Compliance means meeting the rules or standards set. In this report, compliance means reporting on how we have paid due regard to children's rights.

CYPE Committee: The Children, Young People and Education Committee has been set up by the Senedd to look at policy and legislation, and to hold the Welsh Government to account in specific areas. These areas include children and young people; education; and health, care services, and social care as they relate to children and young people.

Diverse Cymru: Diverse Cymru is a Welsh charity supporting people faced with inequality and discrimination.

Due regard: how consideration is given to children's rights when decisions are made by Welsh Government.

Duty Bearers: Along with the Government, all people who care for children and young people are duty bearers under the UNCRC. That means adults working with children have a responsibility to uphold children's rights.

Ethnic Minorities Youth Support Team: EYST aims to meet the needs of Black and Minority Ethnic children and young people, families, and individuals. This includes refugees and asylum-seekers living in Wales. This includes challenging negative stereotypes about ethnic diversity and increasing awareness of diverse communities who live in Wales.

Equality and Human Rights Commission (EHRC): EHRC champions equality and human rights for all. There is a specific Commission for Wales called EGRC Cymru.

Horn Development Association: Horn Development Association provides a diverse range of support to communities living across Cardiff.

Integrated Impact Assessment (IIA): IIAs are used to support the scrutiny of decisions made in government. By completing the IIA document, officials have to think about the impacts of their decisions on people's lives, particularly vulnerable people. IIAs are similar to CRIAs but are completed for decisions that affect all people in Wales, not just children.

LGBTQ+: LGBTQIA+ stands for lesbian, gay, bisexual, transgender, queer (or sometimes questioning), intersex, asexual, and others. The "plus" represents other sexual identities.

Mandatory means that people must do something. This could be in law or set out in policy.

Ministers: [Ministers are the Members of the Senedd](#) (Parliament) who are in the Welsh Government. Ministers are appointed by the First Minister of Wales and have specific areas of Welsh Government policy to look after. Ministers speak on behalf of the Welsh Government in the Senedd and answer questions from Members.

National Black, Asian, and Minority Ethnic Youth Forum: The National BAME Youth Forum aims to highlight and advance the voices of young people from Black, Asian, and Minority Ethnic backgrounds aged from 11 to 25 years old.

Nation of Sanctuary: Wales is aiming to become the world's first 'Nation of Sanctuary.' Our vision is of a Wales wherever people seeking sanctuary go, they are met with welcome, understanding and celebration of their unique contribution to the rich tapestry of Welsh life.

Neurodivergent: Neurodivergent is when a person's brain processes, learns, or behaves differently than what is considered 'typical.' That means they have different strengths and challenges from people whose brains don't have those differences.

Optional Protocols: These set out extra requirements needed to address the changing needs of children. The Protocols were written after the UNCRC was adopted, and used to address new concerns about children. These are 'optional' because they are not automatically binding on the Governments which have signed up to the UNCRC. If Governments want to adopt the protocols, they must sign up to them separately.

In 2000, two optional protocols were added to the UNCRC:

1. One asks governments to ensure children under the age of 18 are [not forcibly recruited into their armed forces](#).
2. The second calls on states [to prohibit child prostitution, child pornography and the sale of children into slavery](#). These have now been ratified by more than 120 states, including the countries within the United Kingdom.
3. A third optional protocol was added in 2011. This enables children whose rights have been violated to [complain directly to the UN Committee on the Rights of the Child](#).

Race Council Cymru: Race Council Cymru is a national organisation that supports organisations and individuals across Wales to combat prejudice and discrimination based on race. Race means the colour of a person's skin or other physical feature.

Regional Partnership Boards: Local authorities and Local Health Boards have to set up groups called Regional Partnership Boards or RPBs. Members of the RPB work together to make sure services that meet the needs of people in the local area are available.

Save the Children: [Save the Children](#) is a worldwide organisation. In [Wales](#), Save the Children is dedicated to tackling child poverty so that young children have the support they need to grow, develop and learn.

Schools Health Research Network (SHRN): SHRN is a partnership between Welsh Government, Public Health Wales, and Cardiff University. The Network was established in 2013 and aims to improve young people's health and wellbeing in Wales. Through surveys SHRN works primary and secondary schools to create good quality information about children's health and wellbeing.

Scrutinise: scrutinise means to examine closely. In this report, when we talk about scrutiny, we mean opportunities to examine and ask questions about the decisions we make. This means having your voice heard in the planning of decisions and policies, and feeding back on what works well and what does not.

Tros Gynnal Plant Cymru (TGP Cymru) is a Wales-wide charity working with children, young people and families providing a range of support including advocacy services for children looked after, youth homeless support, and restorative practices with veterans. TGP Cymru also supports Gypsy Roma and Traveller children and families as well as young people who have asylum seeker or refugees' status.

United Nations: The United Nations is an organisation that includes almost all the world's countries, or nations. It is called the UN for short. By the 21st century the United Nations had more than 190 members. The main goal of the United Nations is world peace.

UN Concluding Observation Recommendations: Every 5 years, the UN examines the whole UK, including Wales, on how well it is meeting its promises under the UNCRC. They assess how

progress has been made towards giving every child the opportunities and protections enshrined in the UNCRC. The suggestions they give to the Government are known as the **UN Concluding Observation Recommendations**.

UNCRC Monitoring Group: The Wales UNCRC Monitoring Group a group agencies and organisations tasked with monitoring and promoting the UNCRC in Wales. This group is separate to government. The UNCRC Monitoring Group was established in 2002 and since May 2016 has been facilitated by Children in Wales

United Nations Convention on the Rights of Persons with Disabilities (UNCRPD): The UNCRPD sets out the rights of all disabled people. The Welsh Government has set out an intention to incorporate the UNCRPD into law in Wales. 184 countries around the world have adopted the Convention.

Wales Council for Voluntary Action (WCVA): WCVA is a national organisation that supports voluntary organisations across Wales. WCVA aims to enable voluntary organisations to make a bigger difference in Wales.

Welsh Government: Wales has its own government, which works together to make policies and laws that make Wales a better place to live and work The Leader of the Welsh Government is known as the first Minister. The responsibility of the people working in Government includes improving education, health, transport, planning, social services, culture, Welsh language, the environment and [much more](#).

Women Connect First (WCF): WCF is a charity in Wales set up to support and empower Black and Ethnic Minority Women to reach their potential.

Xenophobic means disliking or treating someone differently because they are from another country.

Jeremy Miles MS

Minister for Education and Welsh Language

12 July 2023

Statutory guidance on elective home education

Dear Jeremy,

Thank you for your recent letter on elective home education dated 2 June providing clarity on timescales for the draft regulations and the Handbook for Home Educators. We considered this letter at our meeting on 14 June.

At this meeting, we also considered correspondence from a number of people raising concerns about the recently published statutory guidance on elective home education. We discussed these in the context of your recent statement on the guidance made in Plenary.

As you can see from the enclosed copies, some of the requests sit outside the powers or remit of a Senedd committee. Some correspondents asked that we look at the lawfulness of the guidance but as you know, matters of lawfulness are for the courts. While others requested for either the Committee or the Senedd to pause implementation of the guidance until there has been further scrutiny. As you will also know, this is not a power that is available to either the Senedd or a Senedd Committee. However, we would welcome your views on the other issues raised by the correspondents.

We agreed that issues around families feeling they have no choice but to move to home education because of a lack of the right support within school system will be considered in our two relevant inquiries. These are: do disabled children and young people have equal access to education and childcare?; and implementation of education reforms.

In particular, we would like to draw your attention to the comments about the consultation and engagement processes around development of the guidance (see for example submissions 3, 15 and 24.) We are concerned that those who wrote to us did not feel like their voices or experiences have been listened to as part of the development of this guidance. We would be grateful if you could



respond to their concerns. What further work can be done, or is planned, to help improve relationships between those in the home educating community who feel strongly about the new guidance and the Welsh Government?

We would appreciate a response by 14 September.

I am copying in the Chairs of the Legislation, Justice and Constitution Committee; and the Equality and Social Justice Committee as I believe they have received similar correspondence.

Yours sincerely,



Jayne Bryant MS
Chair

Enclosures: Correspondence on elective home education

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

Gohebiaeth a gyflwynwyd i'r Pwyllgor Plant, Pobl Ifanc ac Addysg ynghylch canllawiau ar addysg ddewisol yn y cartref.

Correspondence submitted to the Children, Young People and Education Committee regarding guidance on elective home education.

Cyflwyniad / Submission 1

I am writing with regards to the new home education guidance that has been published on Friday.

As a home educating parent in Wales, I am deeply concerned about the new guidance, as is every home educator we know. The new regulations are very intrusive and the wording of the guidance is very negative towards home education, which will not help to develop positive working relationships between parents and the LA. The new guidance is disproportionate. There is no evidence that home educated children are at risk, and the millions of pounds that this intrusive monitoring is proposing is a complete waste of money, which I am sure could be much better used to improve the quality of children's lives and education.

Please see the legal advice that was sought on the matter by the home educating community here.

[LJC6-07-23 - Paper 18 - Letter from Families First in Education Wales 21 February 2023.pdf \(senedd.wales\)](#)

I can understand visits if there is a concern about a child or family, but for us parents who dedicate our lives to ensuring that our children are happy and receive an excellent education, this is not only unnecessary and of no benefit to us whatsoever, but completely intrusive and detrimental to their education. As I am sure you can appreciate, it is pretty full-on home educating and our time is very precious. Trying to fit in their school work each day, along with their groups that they attend every day and meeting with their friends etc. Having to waste precious hours on gathering evidence, writing reports and preparing things for a stranger (likely without teaching qualifications) to judge is of no benefit to our children and will waste a huge amount of time that should be spend on educating our children instead. The beauty of home education is that their education is for them and not to show someone else. I work with them every day so I know exactly what they know or need extra work on, without the need for recorded evidence of this. I feel our right to a private family life is being invaded.

There are also those children with special educational needs or other complex issues, who do not want to talk to strangers entering their homes and this will cause a great deal of anxiety and stress to those families unnecessarily.

I hope that the guidance can be fully debated and that a lot of this can be changed. I believe that the current guidance already serves the needs of ensuring children are receiving a suitable education in a far less intrusive and negative way than the new proposed guidance.

Cyflwyniad / Submission 2

I am writing with my concerns about the new home education guidance, I have highlighted a few points but feel that the guidance needs further review throughout and as such should be paused and not implemented.

Firstly, how will the register be created? Will it be a legal requirement? I fear that there are some data protection issues to address with the current proposals.

The guidance seems to undermine parental primacy in our children's lives as the education of a child is the responsibility of the parents.

I question the EHE officers' ability to assess the suitability of a child's education with an once a year visit and wonder not only how this will be implemented, but if it will lead to further invasion of our family lives and alter the way that many educators support their children once there is the need for evidence. In addition to that what is deemed suitable evidence and progress, who determines this?

The insistence that the child/children participate in the meetings is also unwarranted, if there are no concerns why would an individual have the right to demand a meeting with them? Does the child/children and their parents not have the right to decide who they meet with?

The local authorities are already over stretched how will they be able to support home education or is this just an exercise to create a register and an assessment process? If so what benefit is this to anyone?

The guidance even goes as far to say that there is no appeals process upon assessment, this is also very concerning.

The home education community is a vibrant and active community providing enriching, fulfilling lives for our children. Home education is not missing in education and I object home education being treated as a red flag. There are so many ways that

the local authority could choose to support this community and yet choose to register and check them. I feel the money spent on this register should be put to better use helping children in need through our underfunded and over stretched social services, schools and NHS.

Cyflwyniad / Submission 3

I write to formally request that your committee fully investigates the newly published Welsh Government guidance on Elective Home Education,

There are many areas that required investigation by the CYPEC including the impact on families and children in Wales. However in the first instance I request that the CYPEC investigate the areas of unlawfulness, including how it would place duties on Welsh Local Authorities to act unlawfully, as that surely has to be a priority for the Senedd to establish for this secondary legislation.

I request that, as well as your own deliberations, the CYPEC draws on legal advice in scrutinising the guidance and fulfilling the responsibilities of the Senedd to hold the Welsh Government to account.

This will necessarily take some time to allow adequate scrutiny and to ensure that Welsh Government does not proceed with unlawful statutory legislation.

Therefore I request that the Committee instruct that **this guidance is not implemented or progressed until there has been full and formal scrutiny of is by the Senedd.**

I request that in scrutinising the guidance, you give full consideration to the **two reports of David Wolfe QC**, which, for example, clearly and repeatedly demonstrate how insistence that every child has to be "seen" is unlawful.

Likewise, I ask for full consideration of any subsequent legal reports submitted to Welsh Government and/or the Committee.

In addition I ask you to full appropriate the legal points in the **formal rebuttal** of the former CCfW report on EHE in Wales.

I request that the Committee's investigations also address

- the issues of the requirement to provide evidence in every case to prove innocence in the absence of specific concerns in individual cases. How the guidance is based on the assumption that parents are considered to be not honouring their children's rights, not allowing their voices to be heard and not providing a suitable education until the parent and child prove themselves to be.

- the mistaken assumption that the State has a duty to ensure every child has a suitable education, which was explicitly stated in multiple communications from the Welsh Government in trying to justify these proposals and which is implicit throughout. This misassumption leads to a reversal of the lawful principle that education is the responsibility of the parent, not the state.
- the implications for the state becoming liable for failures in education if it is shifting the balance of power and assuming the role of being the one that is responsible. At present parents cannot sue schools for failures because education is the responsibility of the parent not the state and if a child is in school it is because the parent has chosen to put them there.
- how parents and children are not "free" to decline meetings when under threat of legal proceedings and social services involvement if they do so. coercion is not informed consent.
- the assumption that choosing not to accept a coerced meeting deemed necessary purely because of a lawful choice of educational approach is an automatic safeguarding concern requiring social service involvement; please investigate the lawfulness and the significant impact of this on law-abiding families and on the diversion of already overstretched social service resources away from those children who are genuinely in need.
- how the expectations of what has to be provided for a EHE child are significantly different from LA provision for EOTAS children.
- the discriminatory aspects of how school children will not be similarly interviewed about their feelings, opinions and beliefs of their school-based education and moves put in place to transition them to home education if they express that is their preference, as treating EHE as lesser than school based education is contrary to the Education Act.
- how children's rights, including those to privacy, are being misinterpreted or ignored.
- the lack of advocacy for families and children coerced into non-consensual interviews that have major legal and personal implications for each child, the lack of appeals process.
- the lack of due process for insisting on non-consensual or coerced interviews. At present, a child can only be interviewed without free parental consent if there is a court order demonstrating significant and reasonable risk of harm in that individual case. Generic non-consensual coerced interviews with whole sections of society purely on the basis of their lifestyle choice or philosophical ethos are not lawful.

Furthermore I ask you to investigate **if due process has been followed** in preparing and laying out this guidance. for example:

- The consultation process was not completed, with meetings cancelled due to Covid and not rescheduled and complaints from home educators regarding the conduct of those meetings that were held not addressed.

- Likewise could the Committee investigate if all the appropriate assessments have been conducted and to an appropriate standard, such as RIA.

- I am also aware that the present CCfW had requested a full evaluation plan would be conducted and published in association, however this has not been the case.

I also ask you to give due consideration to the following points and questions regarding **data protection and data sharing issues** - This list of data issues is also attached as a separate document.

1. 3.7 – are routine ISPs for LAs to share data about children in other LAs lawful if the child is NOT deemed at specific risk? That is, it is lawful to share data between LAs in the absence of specific risk and purely because they are home educated?

2. 3.11 – is it lawful for police and “professionals” to share data about children with other agencies purely because they are home educated and in the absence of any specific risk of harm?

3. 3.11 Is the wording on “*professionals*” too loose here? Does that mean that it is acceptable for doctors, dentists etc to inform the LA that a child is home educating in the absence of any specific concerns of risk but purely because they are home educating?

4. 3.13 is it lawful for LAs to “***have data sharing agreements to facilitate cross checking of children entering statutory provision against partner databases (such as early years, childcare teams and health)***” and to do so routinely for all children rather than in specific cases if there were evidence of concerns about individual children? Please note that they intend to cross reference HEALTH databases with educational ones without consent. This would be a deterrent from those who wish to avoid coerced, mandatory and likely unlawful meetings with LAs from placing themselves and their children onto health databases and thus accessing health care.

5. 3.14 and 3.15 – these points conflate the concepts of CME with an EHE child where the LA know that the child is EHE not CME but then may not know the location of that child if they move homes. Is data sharing acceptable and lawful if the EHE child who has moved home is not deemed a child at risk?

6. 3.16-3.19 – are these measures lawful and is it lawful for LAs to use them routinely to identify any children who are home educated in the absence of risks about individual children?

7. 4.19-4.30 –

a. Is it lawful for the LA to request such large volumes of data and information from families in the absence of specific risk or concern in each case? Please note they would routinely request information from **every** child and parent (not only where there is specific consideration of risk) on

i. Education

ii. Socialisation and
social opportunities

iii. The child's beliefs
and opinions about their family life in terms of their
choice of educational approaches.

b. It is lawful for LAs to do so when the families are providing this information not "freely" but under coercion of threats of legal proceedings such as school attendance orders and social services involvement if they do not agree to meetings and to providing whatever information the LA request?

c. 4.28- 4.29. Whose property is whatever is done by the child in the course of their learning? (Sometimes termed "work" in the guidance, although many forms of home education do not involve "work" in terms of replicating school-like "work" as is alluded to earlier in the guidance).

i. Should a child of
the age of consent be forced or coerced into sharing
information about or examples of their learning or "work".

ii. Should a child who
is not able to give consent due to age or ALNs be forced
or coerced into sharing information about or examples of
their learning or "work"?

iii. Should a parent be
forced or coerced into sharing examples of learning or
"work" that their child has done?

8. 4.39-4.41 – should there be any protections on

a. In terms of what this written report contains - should there be an independent body to assess any disputes about the relevance, validity and accuracy of the content?

b. Who this report can be shared with and how it can be used?

i. especially how can the information in such a report be used when the parents and children would not have consented to provide the information but for coercive effect of threats of legal action such as SAOs and social services involvement

ii. and/or if the LA plan to use the report without consent of the family?

9. (side point 6.9-6.12 – is there any need for clarity that data should not be shared with these bodies without consent?)

10. 7.21 "Data protection legislation allows for the sharing of information and should not be automatically used as a reason for not doing so. One of the specific circumstances which provides for information sharing is to prevent abuse or serious harm to others. When information is not shared in a timely and effective way, decisions made may be ill informed and lead to poor safeguarding practice and leave children at risk of harm."

a. What data legislation are they referring to? Is this phrasing likely to lead LA employees to disregard laws and rules on data sharing and privacy? Is this phrasing mean that data sharing without consent to be used as a general principle rather than an exception in individual cases where there is a justifiable and demonstrable reason to do so?

b. Is there evidence of clarity of what is meant by "serious harm" either in this guidance or in an appropriately rigorous training programme for LA employees utilising this guidance?

c. Should the public have sight of all training and procedures for when data sharing is and is not considered appropriate? Should that information be clarified by Welsh Government in their guidance or left to individual LAs? If the latter, who is accountable to ensuring all are compliant with the law?

Cyflwyniad / Submission 4

I am emailing to ask that the Senedd ensures the Welsh Government guidance on Elective Home Education is paused and not implemented until the Senedd has had full chance to scrutinise the unlawfulness and impact of the guidance.

Cyflwyniad / Submission 5

The Minister of Education has released new Statutory Guidance for Home Education (12th May 2023).

Whilst the guidance has some limited understanding of home education. The document contains many contradictions, and questionable requirements for Local Authorities making it an unworkable, counterproductive document for both Local Authorities and home educators.

Local Authorities and home educators would like to have a mutually respectful co-operative relationship. The underlying tone and content of this document, in its current form, does not aid in that relationship.

The community has previously funded legal opinion and a rebuttal, which we ask you to consider. This has previously been sent to the Legislation, Justice and Constitution Committee can be viewed here

<https://business.senedd.wales/documents/s134220/LJC6-07-23%20-%20Paper%2018%20-%20Letter%20from%20Families%20First%20in%20Education%20Wales%2021%20February%202023.pdf>

The Chair of the LJCC wrote to the CYPE Committee regarding this matter on 7th March 2023.

The Education Department's civil servants are unable to tell us which sections of the guidance are statutory and which are non statutory, despite drafting the guidance.

The Children's Commissioner has voiced she was 'disappointed [with the lack of] an evaluation plan to be published alongside any new guidance' (The Children's Commissioner for Wales, 16th May 2023)

Whilst we as parents and carers do not have appropriate legal knowledge on what is considered lawful. The guidance appears rushed with many errors that are most questionable in this regard and so we ask that the committee launch an urgent enquiry into the home education statutory guidance that has been published, in

order for the document to be thoroughly scrutinised to ensure it has been appropriately assessed and due process has been followed.

Cyflwyniad / Submission 6

I am writing to you to ask if you would launch an enquiry into the recently published guidance Elective Home Education.

I am extremely concerned about the negative impact this will have on home educated children especially in the area of respecting privacy and home life. Children may be expected to have face to face meetings without their consent to ensure suitability of education, with the added pressure of feeling if they don't perform well they will be sent to school.

This will threaten their entire way of life and the personalised education that they are currently receiving.

Cyflwyniad / Submission 7

I am writing to you in your capacity as chair of CYPEC concerning proposals for new Home Education Guidance for Local Authorities

I have sent the following email to the Education Minister, can you help with this?

Dear Mr Miles

I am contacting you in your capacity as Education Minister concerning proposals for new Home Education Guidance for Local Authorities.

How are you expecting Local Authorities will implement their duties regarding the new ALN Act for Home Educated Children when they are already under immense pressure within the state system. Waiting times for support are already too long to support families.

How will authorities comply with the new ALN code and Home Education proposals?

What funding has been allocated for ALN within Home Education?

How are Welsh Government expecting Local Authorities will implement their duties regarding the new ALN Act for Home Educated Children when they are already under immense pressure within the state system. Waiting times for support are already too long to support families.

How will Authorities comply with the new ALN code and Home Education proposals?

What funding has been allocated for ALN within Home Education?

Cyflwyniad / Submission 8

Whilst I am pleased to note that WG have recognised in paragraph 1.12 the alternative approach home educators take to that of a state education and in paragraph 4.20 that any enquiry the Local Authority conduct should be sensitive to the family circumstances, the guidance has limited understanding of home education. The document contains many contradictions, and questionable requirements for Local Authorities making it an unworkable, counterproductive document for both Local Authorities and home educators.

Local Authorities and home educators would like to have a mutually respectful co-operative relationship. The underlying tone and content of this document, in its current form, does not aid in that relationship. I, and hundreds of other home educating families, are very concerned about the content of the guidance. In particular the requirement in paragraph 4.28

"meetings that state Local Authorities should ask to see examples of learning, a variety of work both complete and incomplete in varying standards".

Also paragraph 4.21 is particularly conflicting.

Welsh Government are taking **some** of the rights of children and implying that children are **obligated** to meet with the Local Authority and that the authority have greater jurisdiction over a child than a parent. They are combining the child's right to voice their opinion, with the suitability of education which section 436a of the education act does not require. Welsh Government are implying that it is only the state that can hear the voice of a child and not a parent. We are parents taking care of our own children.

The community has previously funded legal opinion and a rebuttal, which we ask you to consider. This has previously been sent to the Legislation, Justice and Constitution Committee can be viewed here <https://business.senedd.wales/.../LJC6-07-23%20-%20Paper...>

The Chair of the LJCC wrote to the CYPE Committee regarding this matter on 7th March 2023

The Education Department's civil servants are unable to tell us which sections of the guidance are statutory and which are non statutory, despite drafting the guidance.

The Children's Commissioner has voiced she was 'disappointed [with the lack of]

an evaluation plan to be published alongside any new guidance' (The Children's Commissioner for Wales, 16th May 2023)

Whilst we as parents and carers do not have appropriate legal knowledge on what is considered lawful. The guidance appears rushed with many errors that are most questionable in this regard and so we ask that the committee launch an urgent enquiry into the home education statutory guidance that has been published, in order for the document to be thoroughly scrutinised to ensure it has been appropriately assessed and due process has been followed.

Submission 8a

General Comment No. 12 (2009) The right of the child to be heard.

16. The child, however, has the right not to exercise this right. Expressing views is a choice for the child, not an obligation. States parties have to ensure that the child receives all necessary information and advice to make a decision in favour of her or his best interests.

https://resourcecentre.savethechildren.net/document/general-comment-no-12-2009-right-child-be-heard/?fbclid=IwAR3_5jpkjuo1UvVyS09oqwQfsqAohYV4FpSCYP46k5xFJuWHPRDV3CyAilo

Cyflwyniad / Submission 9

I am writing to you in your capacity as chair of CYPEC concerning proposals for new Home Education Guidance for Local Authorities.

I have sent the following email to the Education Minister, can you help with this?

Dear Mr Miles

I am contacting you in your capacity as Education Minister concerning proposals for new Home Education Guidance for Local Authorities. Why has there been no review, assessment or evaluation of the effectiveness of the current Non Statutory home education guidance for Local Authorities that was issued in 2016?

Why has there been no review, assessment or evaluation of the effectiveness of the current Non Statutory home education guidance for Local Authorities that was issued in 2016?

Cyflwyniad / Submission 10

It has come to my attention that the Welsh government have published the elective home education guidance (may 2023).

The exiting non statutory guidance is already working well and allows for positive relationships to be formed by local authority , so this will not benefit home educated children in any way. I also believe that this will be damaging to the good relationships with the la that many home educators currently have.

I am concerned that these new regulations threaten children's rights and hope that they will be adequately debated in the Senedd.

Cyflwyniad / Submission 11

The Minister of Education has released new Statutory Guidance for Home Education (12th May 2023).

Whilst the guidance has some limited understanding of home education. The document contains many contradictions, and questionable requirements for Local Authorities making it an unworkable, counterproductive document for both Local Authorities and home educators.

Local Authorities and home educators would like to have a mutually respectful co-operative relationship. The underlying tone and content of this document, in it's current form, does not aid in that relationship.

The community has previously funded legal opinion and a rebuttal, which we ask you to consider. This has previously been sent to the Legislation, Justice and Constitution Committee can be viewed here <https://business.senedd.wales/.../LJC6-07-23%20-%20Paper...>

The Chair of the LJCC wrote to the CYPE Committee regarding this matter on 7th March 2023

The Education Department's civil servants are unable to tell us which sections of the guidance are statutory and which are non statutory, despite drafting the guidance.

The Children's Commissioner has voiced she was 'disappointed [with the lack of] an evaluation plan to be published alongside any new guidance' (The Children's Commissioner for Wales, 16th May 2023)

Whilst we as parents and carers do not have appropriate legal knowledge on what is considered lawful. The guidance appears rushed with many errors that are most questionable in this regard and so we ask that the committee launch an urgent enquiry into the home education statutory guidance that has been published, in order for the document to be thoroughly scrutinised to ensure it has been appropriately assessed and due process has been followed.

Cyflwyniad / Submission 12

Request for an enquiry to be launched into the recently published home ed guidance

We request the above for the following rationale:

1) the workability of the guidance, putting more pressure on the Local Authority when they already have resource and capability issues. Resourcing should be used to support families in crisis due to the education departments lack of knowledge, expertise and care, pushing them into crisis while children attended mainstream (for those children who have been removed from mainstream because of the failure of the LA)

2) Increasing numbers of home educated children have negative experiences of the education body due to the LAs lack of understanding of anything from attachment difficulties, trauma, to ASD.

Having them in the home, interrogating children as to what they have done, whether they are 'happy' and the general traumatic experience of having someone new involved in their lives would be inappropriate for most children in this situation and probably result in a backlash of negative behaviour and harmful anxiety attacks, self harm and depression.

It is not workable, appropriate or necessary.

3) I would add that while the children are obviously the main consideration, the pressure and stress that such visits would put on parents and carers could be huge. This would be both in the respect of the suggested meetings etc and the aftermath of supporting the children and helping them manage their behaviours, where they had been settled and building strategies to help anxieties.

4) lawfulness of such actions

Cyflwyniad / Submission 13

As you know, the Minister of Education has released new Statutory Guidance for Home Education (12th May 2023). Whilst the guidance has some limited understanding of home education, the document contains many contradictions, and questionable requirements for Local Authorities making it an unworkable, counterproductive document for both Local Authorities and home educators.

Local Authorities and home educators would like to have a mutually respectful co-operative relationship. The underlying tone and content of this document, in its current form, does not aid in that relationship.

The community has previously funded legal opinion and a rebuttal, which we ask you to consider.

The Chair of the LJCC wrote to the CYPE Committee regarding this matter on 7th March 2023. The Education Department's civil servants are unable to tell us which sections of the guidance are statutory and which are non statutory, despite drafting the guidance.

The Children's Commissioner has voiced she was 'disappointed [with the lack of] an evaluation plan to be published alongside any new guidance' (The Children's Commissioner for Wales, 16th May 2023)

Whilst we as parents and carers do not have appropriate legal knowledge on what is considered lawful, the guidance appears rushed with many errors that are most questionable in this regard and so we ask that the committee launch an **urgent** enquiry into the home education statutory guidance that has been published, for the document to be thoroughly scrutinised to ensure it has been appropriately assessed and due process has been followed.

Cyflwyniad / Submission 14

It has come to my attention that the Welsh government have published the elective home education guidance (may 2023).

The existing non statutory guidance is already working well and allows for positive relationships to be formed by local authority, so this will not benefit home educated children in any way. I also believe that this will be damaging to the good relationships with the la that many home educators currently have.

I am concerned that these new regulations threaten children's rights and hope that they will be adequately debated in the Senedd.

Cyflwyniad / Submission 15

I am writing to you in your capacity as chair of CYPEC concerning proposals for new Home Education Guidance for Local Authorities I have sent the following email to the Education Minister, can you help with this? Regarding references to an "agreed core offer" in standard copy and paste letters received from WG/education department, - Exactly who has "agreed" either the content or the acceptance of this offer of services for Home Educators like taking out more books from Libraries or Access to CADW sites that we can already access for free? Have the home educating community agreed to either the content or the acceptance of the offer?

Cyflwyniad / Submission 16

I am writing to you in your capacity as chair of CYPEC concerning proposals for new Home Education Guidance for Local Authorities.

I am most grateful for your insight and understanding of the situation we are facing as Home Educators. I have sent the following question to the Education Minister. What is your opinion on this?

Dear Mr Miles

I am contacting you in your capacity as Education Minister in Wales, concerning proposals for new Home Education Guidance for Local Authorities.

What problems are solved by current Welsh Government proposals for statutory guidance for Elective Home Education, that cannot be solved under the existing EHE guidance?

What problems are solved by current Welsh Government proposals for statutory guidance for Elective Home Education, that cannot be solved under the existing EHE guidance?

Cyflwyniad / Submission 17

It has come to my attention that the Welsh Government has published the Elective Home Education Guidance (May 2023). This is incredibly important to all families who have chosen to home educate, and it is deeply concerning, confusing and in many areas very contradictory. The existing statutory guidance has been working well, to date. Many families have a positive relationship with their local authority, but this has the potential to undo all of that in its entirety.

We all hope that these new regulations can be adequately debated in the Senedd within sufficient time.

Once we have had more time to consider the Welsh Government papers in more detail, I will further contact you with my comments, of which I hope will be helpful.

Cyflwyniad / Submission 18

I am a XXXXXXXXXXXXXXXX home educated person and I request that you please launch an urgent inquiry into the damaging Welsh Government guidance on elective home education.

Please use this email and the email below to consider something of the damage that this guidance would cause.

I have tried to put in a complaint to the Welsh Government, but they have refused to consider it. I have tried to explain the damage that their ideas would cause to young people like me, but all I get are copy and paste responses (that I know other people have had too) including a response that openly tell me that if I, or anyone like me, refuse to be interviewed about my personal and private life and education then legal proceedings would result against my family unless I went to school.

I cannot begin to tell you how second rate, how mistrusted this makes me feel.

I cannot begin to tell you how much damage would have been done to my life and education if I had been forced to be regularly interviewed about my education and give an account of my "progress". Because "progress" in home education does not look like "progress" in school. Home education is much better than school education, but we don't jump through the same hoops at the same times - in fact that is exactly what makes it better.

School was so traumatic. It has been quite a few years since I last went to school and the way it crushed me still crushes me now.

I would not be here now if I had been forced to stay in, or go back to school.

I would not have survived it.

There will be suicides of young people if the Government insists in bullying them into interviews and forcing them into school if they refuse. I am not being overly dramatic saying that. These are real lives we are talking about. Don't push young people to the edge of that to have to prove in each case that interviews are damaging.

I do not want to explain further to you how dreadfully damaging school can be.

Please believe me and listen to me even though the Government does not.

My parents listened to me and supported me throughout my education, the Government do not.

Having my own Government use SCHOOL and legal action to make us go there as threat to coerce me and young people and children like me to conform to be interviewed and observed as if I have no rights or opinions and as if it knows better than I or my family is the most abhorrent thing I can imagine.

To use the thing I dread the most as a threat to make me dance and perform like a puppet - it is despicable.

I love being home educated. I love learning. Why deprive me of my education? If my parents say I am being home educated why would you not believe them? Why do you assume all home educating parents are liars unless we all jump through hoops to prove we are not?

Those hoops you would make us jump through are fiery ones. Those hoops would damage us. They would traumatise us. Not just DURING the interviews. The whole thought of having to please someone else would take over my education.

Now - I am free to learn for the way learning enhances me as a person, for the way it benefits me, for the way it interests me.

I refuse to let my self worth and my education be overtaken by the concept of having to please other people.

I left school when I was X. I did not learn to read properly probably until I was maybe X - not because my parents were not encouraging me and helping me but because it just did not click. Plus I did not want to read because trying gave me terrible flashbacks of school. But when reading clicked, I loved it. I started to devour encyclopaedias. I have had work I have written published nationally and have several GCSEs and other similar qualifications before the age that these are taken in school. IF I had been forced to be interviewed and my "progress" assessed when I was younger, I could easily have been forced into school. That would have ruined my education and I would either not have gone or not have survived it. Home education gives long term not short term results. My parents would have been placed under pressure to MAKE me learn more quickly or in a different way. Thankfully they had the patience and wisdom to not force me but to gently and continually encourage, guide and support me but never to pressurise me, never to make me feel bad if what I was doing wasn't as "good" in other people's eyes as the gold standards that schools are meant to reach. and the result of that is that in the long term I have done far "better" than friends at school. But it is not "better" - it is where I should be, at the time I should be. But it is far far far "better" than it ever would have been if I had been forced into school.

I cannot begin to tell you how awful, how traumatic the thought would have been of being threatened with, let alone being forced into school.

My voice has always been that I want to be home educated and that I do not want to have to explain that perfectly reasonable and lawful choice to strangers. Why ignore my voice?

Learning is like a flower opening from a bud. Force it before it is ready, pressurise it, rip it open to see what is inside and you will damage it beyond repair.

We are not performing monkeys to dance to someone else's ideas. To make an animal do that is cruel. So why force us under threat of taking our parents to court and then try to pretend it is a "positive experience"?

My parents discuss issues of consent with me as a young person. How can going on a date be happy and positive if the person you are on the date with threatens you with things you dread, threatens to do things that would harm your children and family unless you do what they want?

I am not a data chip. I do not consent to my data being shared. Just being home educated is not a risk factor and is not a reason to be sharing my data.

The Government pretends it wants to "support" us. That is just such a ridiculous claim. It wants to control us, inspect us like some kind of animals in a laboratory - except those animals' sense of self worth and esteem would not be damaged anywhere near as much as ours would by implying that we have to meet other people's expectations and by implying our family are liars.

I want to do four A levels, I have the subjects selected that would work best for me. I cannot do those through school, there is no way I would manage a classroom environment - plus school simply would not allow me the options I choose or to study in the way that suits me best. But each A level EXAM costs over £2000 - that's just to sit the exams, not any other costs of studying. but will the Government support me with that? no. Will the LA? no - we've asked, nothing at all. Support? Nonsense.

Want to "support" us? Take that money they are wasting on paying people with no real training to carry out another Spanish inquisition and let us home educators explain how it could be used to REALLY support us.

But that would mean listening to us which is something that the Welsh Government just does not do.

We would far rather really do without a lot of nice things as a family to be able to keep the rights to education than sell out that right for the odd voucher or to be told we can go and see a CADW castle (which we already can for free by the way).

SO please, please urgently ensure there is a full inquiry into this horribly damaging guidance. Please make sure you examine all the ways it is unlawful. but also please please ensure you look at all the ways it is damaging too, because I suspect that the Welsh Government is so determined to try to have its way that they will just try to play legal tricks to pretend it has the right and power to do whatever it wants regardless of what we young people and families say. We really need the Senedd in Wales to do its job of standing up for the people of Wales and ensuring that only what is right and lawful happens to us. We need the Senedd to stop us being so bullied and threatened.

Please help us.

Dear Mr Miles,

XXX XXXXXX, XXXXXXXX XXXXX XXX XX XXXXXXX XXXXX XXXX XXXXXXX.

When revising today about the McCarthy Era in the USA in the 1950s, I was intrigued to read how the textbook, to depict the bullying and unjust nature of the interview methods used by McCarthy, stated how,

"any refusal to answer was taken as a sign of guilt".

Yet Mr Miles, isn't that the approach Welsh Government are taking with their ideas of forcing children, like myself, into mandatory meetings with authorities against our wills, without consent of us young people, or consent of our parents?

Doing so purely because we continue to be home educated rather than taking the Government up on its offer of being educated by them instead?

*Isn't this what the Government are wanting to do by forcing our families into meetings, and we if do not comply then forcing us into courts or schools –by taking **"any refusal to answer as a sign of guilt"** to automatically presume that education cannot therefore be considered suitable.*

Mr Miles, I do not consent to invasion of my personal life with unwanted meetings. Does that make my family criminals?

The irony however also made me laugh. Many families have tried to engage with yourself and with the Education Department, only to be effectively ignored or palmed off with copy and paste replies that either do not answer the points and questions, or in effect say, "we're not talking to you, just go away and be quiet".

Is **"any refusal to answer"** by Welsh Government also **"a sign of guilt"** on their part?

Of **"guilt"** of being paternalistic or autocratic?

Of **"guilt"** of assuming that any group that they do not understand must need **"regulating"**?

Of **"guilt"** of assuming that any group they do not understand must automatically need **"monitoring"**?

Of **"guilt"** of, like McCarthy, being suspicious of any minority group and assuming know better than them?

Of **"guilt"** of proceeding like some 1950s B movie robot that once it has been mistakenly set on a course just keeps going oblivious to the damage it is causing?

Of **"guilt"** of continuing with what it knows is unlawful?

Please, Mr Miles, listen to us.

Please stop this damage and chaos.

The present guidelines work. Why try to fix what isn't broken?

Why not just keep these? If you genuinely want to add "support", why not just add "support" to these?

Wouldn't that be such a popular move?

Please chart a better course, set a higher level of conduct by not automatically following plans that even your predecessor knew were full of problems and did not have a lawful basis.

Be the one to set the standard for listening to and serving the community that elected you.

Cyflwyniad / Submission 19

We are writing to express our grave concern about the recent changes to Elective Home Education (EHE) Guidance in Wales. As dedicated Home Educators of our children XXXX X XXX X, we believe the new legislation undermines not only our children's rights to a suitable education based on their needs and preferences but

also the entire legal basis under ECHR Article 8 under which all government regulations and guidance has previously been drafted and regulated.

The ideological and philosophical views which we feel are better promoted through Elective Home Education are grounded in the European Convention on Human Rights Article 8 which protects family life and children's rights from the overt intrusion by Social Services and Government Departments which this new legislation actively promotes.

The range of reasons listed by the British Government for Elective Home Education include not only these ideological or philosophical views, but also a dissatisfaction with the school system, mental health, bullying and children unwillingness to go to school. All of which are in our view systemic issues in the school system itself.

As it is also clear from Elective Home Education (EHE) Guidance that the government curriculum is new, this new guidance seems to attempt through the back door to impose government guidance as to what is taught how and when. The change from Educational regulation through school to educational regulation by LA/Social Services will lead to unqualified personnel making decisions over what is an appropriate education for children who are being Home Educated.

The [GOV.UK](https://www.gov.uk) guidance clearly states:

"2.11 There are no legal requirements for you as parents educating a child at home to do any of the following:

Acquire specific qualification for the tasks

Have premises equips to any particular standard

Aim for the child to acquire any specific qualification

Teach the National Curriculum

Provide a "broad and balance" curriculum

Make detailed lesson plans in advance

Give formal lessons

Mark work done by the child

Formally assess progress, or set development objectives

Reproduce school type peer group socialisation

Match school base, age specific standards"

As it would appear that the new Welsh Government legislation directly contradicts the above listed provisions, it is questionable how the courts of England and Wales will decide upon the matter until which time this leaves parents in limbo with no time to adjust or properly address their legal and educational concerns.

As there has been no effort prior to this legislation to consult constructively with the numerous and dedicated Elective Home Education Families in Wales and beyond, it is entirely understandable that Home Educated feel this legislation to be unsupportive of the underlying educational basis not only of our own educational approaches but also of the rights to Home Education per se.

As Home Education is a huge commitment for our family and others alike and in the absence of any negative outcome for Home Educated children, it is deeply questionable why the Welsh Government does not engage into a constructive dialogue as to how Home Educated can be supported than undermine and if their concerns are regarding the increase removal of children from school to be Home Educated then their time and the extensive resources that the legislation will require would be far better spent reforming what issues parents feel led to their disenfranchisement with the school system as it stands.

Surely obtaining such insight and reforming schools where necessary would be far more fruitful and constructive than giving LA/Social Services carte blanche to coerce children back to school against their own and parents/carers wishes.

Home Education is about so much more than not attending school, and this legislation provides little scope for understanding and holistic educational approach and children's wider welfare. School classes of up to 30 children do not represent either an optimal education environment or the healthy socialisation of children. Such an environment and educational approach encourages bullying, competition and fear of failure as well as not being responsive to children's individual rates of learning nor their specific interest.

It is unfathomable how Social Services are meant to interpret and enact this new legislation, given their limited resources without grossly undermining the safeguarding provided by ECHR Article 8 upon which the basis of our civil society in post war Britain has been built.

XX X XXXX XXXXXXXXXX XXX XXXXXXXXXXXXXXX XXXXXX who lived and worked in both Wales and England as well as having family abroad, travel is a central and valuable part of our children's education. For these purposes, Home Education is clearly far more suitable than school based education where unfortunately travel is not an option and race can very often be the basis of bullying and prejudice.

To sum up, it would appear this new legislation has been poorly thought through and swiftly enacted with little consideration for the basis on which Home Education has been successfully based upon since its inception and the protection granted to Home education under existing laws and ECHR Article 8. We as a family together with others in the Home Education Community will continue to Home Educate in the best interest of our children and seek protection from the courts if necessary to challenge any unlawful intrusion or imposition of this legislation which contradict the existing law and protection quoted above.

Submission 20

Attached is an open letter organised by a fellow home educator signed by a number of people of significance and experience in the realms of progressive education and safeguarding, objecting to the new WG guidance on home education in Wales.

To:

Re: Elective Home Education Guidance May 2023 (288/2023)

Parents and carers – not local authorities – bear responsibility for provision of a child's education. This is established both in primary legislation¹ and in human rights frameworks as the UN Special Rapporteur on education stated in 1999:²

"The objective of getting all school-aged children to school and keeping them there till they attain the minimum defined in compulsory education is routinely used in the sector of education, but this objective does not necessarily conform to human rights requirements. In a country where all school-aged children are in school, free of charge, for the full duration of compulsory education, the right to education may be denied or violated. The core human rights standards for education include respect of freedom. The respect of parents' freedom to educate their children according to their vision of what education should be has been part of international human rights standards since their very emergence."

This ill-thought through guidance upends this principle, requiring local authorities to assess the provision of education and a child's progress, relegating the views of

¹ s7 Education Act 1996

² <https://www.ohchr.org/en/statements/2009/10/statement-special-rapporteur-right-education>

parents and carers as secondary to that of the state. Assuming assessment duties is no minor administrative updating of guidance but instead represents a fundamental shift in the relationship between state and family, the repercussions of which are seismic.

Nor does the guidance address the practicalities of how local authorities are to meaningfully take this responsibility from parents. While parents and carers know their children, see their progress or struggles up close, know what they are interested in and what they want to do local authority staff do not know these children. Within a school setting, children are able to be assessed because of the uniformity of provision and expectations, this is not the case for home educated children where what a suitable education is will look different for every child. How are local authority teams – especially given a widespread lack of qualifications and experience in alternative educational approaches - to evaluate a child's education? How are they to judge if perhaps a child on one particular day might be tongue-tied or shy? How on a brief meeting are the views of local authority officers to be given more weight than that of the parent or carer? This is the reality of what is mandated by this guidance and the practical implications to the lives of children are huge.

Home education is an important freedom for families. Not only as it is for some - a choice made on the basis of parental or carer philosophical beliefs about education - but also as a vital safety net for the increasing numbers of children failed by the school system.

Governmental guidance must not – as this guidance does - undermine parental and carer responsibility for children in contravention of primary legislation and of human rights principles

Undersigned

Dr Chris Bagley, Institute of Education, UCL

Dr Beth Bodycote, Not Fine in School

Dr Ian Cunningham, Self-Managed Learning College

Charlotte Church, AWEN

Jonathan Field, co-founder AWEN

Tristram C. Llewellyn Jones, Home educator and civil liberties campaigner

Dr Harriet Pattison, Liverpool John Moore University

Heidi Mavir, author 'Your Child is Not Broken'

Alison Sauer, Trustee, Centre for Personalised Education

Dr Kevin Smith, Education, Cardiff University

Jo Symes, Progressive Education

W. Charles Warner, Education Otherwise

Lord Wei of Shoreditch

Stephanie Yorath, The Victoria Climbié Foundation UK
Rose Arnold, Suitable Education

Submission 21

I am writing to ask that you launch an inquiry into the new home education guidance which I believe to be illegal and discriminatory.

The intention to move the responsibility for education from parents to the State and the implication that children can be forced into meetings are not within the scope of the current law. Applying such intrusion into family life and parental responsibility only to a certain group of people based on a parenting decision seems to me to be a form of discrimination.

Please ensure that these issues are properly looked into and that the guidance is paused until it is done so.

Submission 22

I am writing to you in your capacity as chair of CYPEC concerning proposals for new Home Education Guidance for Local Authorities.

I have sent the following email to the Education Minister, can you help with this?

On 04/05/2022 Jeremy Miles answered written question WQ85029 with the following:

“In September 2021, I agreed to progress the proposals for elective home education (EHE) consulted on in 2019 and 2020, with the aim of ensuring that children and young people receive a suitable education, whilst making progress on identifying children missing an education.”

Submission 22a

Why did The Education Minister agree to recommence work on Home Education?

My journey as a home educator began nearly XXX XXXXX XXX when my eldest son, a wonderful, musical, knowledgeable history buff XXXX XX told me he wanted his life to end.

He had suffered bullying, torment and discrimination at school due to being autistic (undiagnosed at that time) and the school was incapable of providing a suitable education in safety.

My son suffered humiliation and disrespect from other children whilst in state education due to being neurodivergent, but of course, sadly, society in general can

also be intolerant of diversity. Most families who home educate have, at some time or other, experienced being treated with disrespect and suspicion simply for being different – simply for exercising our right under the law to choose how our children are educated. The Welsh government appears intent on causing us further harm by stigmatising our situation through repeatedly conflating our educational approach with safeguarding issues and implying that there is an inherent problem with us simply due to our children’s learning not taking place in school. This is discriminatory and insulting and clearly projects that Wales is a country that does not value or respect diversity in individuals, family life or in education.

However, this guidance really does mark a new low in the lack of respect and understanding towards home educators and home education from a Welsh government which has repeatedly asserted the belief that all children should be in school. The WG guidance has its basis in a presumption that home educating parents are not putting their child’s education first and that parents have to provide evidence to prove that they are not guilty of neglecting their duty. This effectively sets us up as guilty until proven innocent.

The state’s right to intervene is only lawful when there is reason to believe that suitable education is not taking place; this guidance effectively calls for parents to be examined by the state for evidence of failure, using our children as the source of that evidence. This mandate is accompanied by a fundamental disrespect and ignorance of home education philosophies and diversity of approach. It is not sufficient or acceptable to merely pay lip-service to an understanding of this – the Welsh government just acknowledging that there are varied approaches to education outside of the institution of school is not sufficient to even begin to approach empathising with the lived experiences of home educating families. It is also very difficult to remove an inbuilt bias towards what to expect to see or hear from a child when most council EHE officers have had previous careers as school teachers.

This school-biased thinking was highlighted in the Senedd Plenary of 6th June by the Minister for Education himself when he referred to us as parents who “teach at home” – most home educators in the UK would rigorously object to their role being described as teaching their children, in the same way that we repeatedly have to explain that most of us do not “home-school”; we are enablers, facilitators, mentors and supporters of our children’s education and we often learn collaboratively alongside our children. But how would the education minister know that when he and other influencers (e.g. Estyn) only have experience of the school system where children are taught and schooled and produce a predictable, measurable output?

The Minister for Education also spoke in a contradictory manner about meetings with children not being mandatory but then emphasised that seeing and talking with the

child is how the suitability of an education is to be judged. And of course if the parent/child do not consent then prosecution and a school attendance order can follow. As I'm sure you are aware, there is no appeals process in place.

Is this supportive? My youngest child, XXXX XX certainly does not feel supported by this guidance – he feels threatened and fearful of it and those who are behind the thinking. He is aware of being part of a minority in society and how governments in the past have been guilty of huge injustices towards minorities.

I find it somewhat ironic that I had observed, in recent years, the beginnings of a more friendly and supportive role from our local education authority through provision of a variety of events, workshops and activities for home educating families. Unfortunately, in the last 12 months these provisions have largely disappeared (I assume that funds are now redirected in readiness for the new monitoring roles) and our local college, XXXXX XX XXXXX XXXXXXXX XXX XXXXX XXXXX, has announced that it is no longer accepting external exam candidates.

In light of the above, do you believe it possible, as has been suggested by Trefnydd Leslie Griffiths, that the new guidance "will provide an opportunity for the local authority to develop a positive relationship with families"?

Submission 23

The Minister of Education has released new Statutory Guidance for Home Education (12th May 2023).

Whilst the guidance has some limited understanding of home education. The document contains many contradictions, and questionable requirements for Local Authorities making it an unworkable, counterproductive document for both Local Authorities and home educators.

Local Authorities and home educators would like to have a mutually respectful co-operative relationship. The underlying tone and content of this document, in its current form, does not aid in that relationship.

The community has previously funded legal opinion and a rebuttal, which we ask you to consider. This has previously been sent to the Legislation, Justice and Constitution Committee can be viewed here

<https://business.senedd.wales/documents/s134220/LJC6-07-23%20-%20Paper%2018%20-%20Letter%20from%20Families%20First%20in%20Education%20Wales%2021%20February%202023.pdf>

The Chair of the LJCC wrote to the CYPE Committee regarding this matter on 7th March 2023

The Education Department's civil servants are unable to tell us which sections of the guidance are statutory and which are non-statutory, despite drafting the guidance.

The Children's Commissioner has voiced she was 'disappointed [with the lack of] an evaluation plan to be published alongside any new guidance' (The Children's Commissioner for Wales, 16th May 2023)

Whilst we as parents and carers do not have appropriate legal knowledge on what is considered lawful. The guidance appears to be rushed with many errors that are most questionable in this regard and so we ask that the committee launch an urgent enquiry into the home education statutory guidance that has been published, in order for the document to be thoroughly scrutinised to ensure it has been appropriately assessed and due process has been followed.

I would be most grateful if you could launch an urgent investigation into the newly published guidance as there are many concerns regarding the guidance including how this is going to affect HE Children's mental health.

Submission 24

Whilst there are some positive paragraphs, the overall tone, is a document that has many contradictions, and is unworkable for both the Local Authority and the home education community. It appears to be rushed.

It is positive to note that Welsh Government recognise that 'Learning can take place in a range of locations...[and the importance of its] ability to be flexible and adapt to events and circumstances on a daily basis (4.8.)

Also that Welsh Government is 'mindful that home educators are **not** required to, among other things, have formal lessons, and mark work done by their child (See 4.13, for the full list)

However, despite a few sections demonstrating a limited understanding of home education. The document is completely incompatible with home education, and hundreds of families across Wales are very concerned.

The key issues are

- The local authority decides what is a suitable education (4.6,4.11, 4.16,4.17, 4.18, 4.28)
- The local authority has the right to mandatory meetings with the child and parent, and failure to comply could ultimately lead to the child being removed from the family home, under a care order (4.21, 4.34, 4.35, 4.37, 7.16, 7.17)

- There is no appeals process, nor is there any requirement for a local authority to ensure that staff are trained or understand bias, discrimination, or protected identities. (4.39,4.40,4.41)

It's important to note that the logical assumption of a family refusing to meet with the local authority could ultimately lead to a care order, has been verified by people far more knowledgeable than I am.

We are aware that Kirsty Williams on 11.12.19 told the Senedd that '...prior to final publication of the guidance and coming into force for the regulations, they will be subject to robust process and scrutiny, such as data protection impact assessment, integrated impact assessment and a regulatory impact assessment to ensure both are lawful' (Kirsty Williams, 11.12.19) However, we believe this hasn't been done.

Nor has a consultation response been issued by the Education Minister, only a summary of comments, by the previous Education Minister.

There are many contradictions within the guidance, suggesting it has not been fully scrutinised by relevant parties. This may allow the document to be legally challenged, which will not only cause embarrassment to the Welsh Government but will also be costly for the local authorities.

Contradictions, drafting mistakes and power grab points.

1.12 and 4.30 contradicts 4.4

3.13 Finding reception aged children by cross referencing live birth records.

4.7 contradicts 4.6, 4.4

4.12 makes no sense

4.21 contradicts itself and 4.34 and 4.37

4.28 contradicts 4.9

4.33 case law quoted makes no sense with heading

5.12 The wrong section is quoted to refer to. 4.21, which is about meeting the child

Submission 25

I was writing to you in your capacity as chair of the Children, Young People and Education Committee.

Mandatory meeting with LA representative

(Please bear in mind when reading this that our situation, like many families who opt for EHE, is complex. For the sake of brevity I will summarise but this summary merely scratches the surface of what I could say here.)

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 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 X children from X 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, 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?

I would be happy to talk to you further about these issues if that would be of help. As I say, I am not alone in these very real concerns and the feelings of threat that they pose to us. Please do not leave us or our children without a voice in this.

Agenda Item 3.5

**Y Pwyllgor Deddfwriaeth,
Cyfiawnder a'r Cyfansoddiad**

**Legislation, Justice and
Constitution Committee**

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Jayne Bryant MS
Chair, Children, Young People and Education Committee

12 July 2023

Dear Jayne,

You will be aware that the Legislation, Justice and Constitution Committee is responsible for monitoring the implementation of non-trade international agreements in the Sixth Senedd.

During our meeting on 10 July 2023, we considered the UK/Switzerland: Agreement on Recognition of Professional Qualifications. This agreement provides a framework for the mutual recognition of professional qualifications in the UK and Switzerland.

During our consideration of the agreement, we agreed to draw it to the attention of your Committee, as we have done with previous agreements relating to professional qualifications, and to the Economy, Trade, and Rural Affairs Committee, for information.

We are also writing to the Welsh Government to seek its view on the relationship, if any, between implementing international obligations and the Sewel Convention, in light of the Senedd having refused consent for the parent legislation that is being considered for the implementation of this agreement.

Our latest report is enclosed for your information.

Yours sincerely,

Huw Irranca-Davies

Huw Irranca-Davies

Chair

International agreements

Agreements considered on 10
July 2023

July 2023



1. Background

- 1.** The [Legislation, Justice and Constitution Committee](#) is responsible for the scrutiny of non-trade international agreements in the sixth Senedd.
- 2.** International agreements signed by the UK Government can cover matters within devolved competence or matters which have important policy implications for Wales.
- 3.** The Committee will consider the impact on Wales of international agreements laid in the UK Parliament under the process established by the [Constitutional Reform and Governance Act 2010](#) (CRaG Act 2010). It provides an initial 21-day scrutiny period.
- 4.** Our consideration of an international agreement takes into account:
 - whether it engages the Senedd's competence; and/or
 - whether there are potential policy implications for Wales.
- 5.** On 10 July 2023¹, we considered two international agreements that had recently been laid in the UK Parliament:
 - [UK/Switzerland: Agreement on Recognition of Professional Qualifications](#)
 - [Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events](#)
- 6.** We agreed to take further action in relation to both of the agreements; further details are set out below.

¹ [Legislation, Justice and Constitution Committee, 10 July 2023](#)

2. Agreements requiring further action

UK/Switzerland: Agreement on Recognition of Professional Qualifications

- 7.** This international agreement was laid in the UK Parliament on 20 June 2023, having been signed on 14 June. Its scrutiny deadline, as required by the CRaG Act 2010, is 6 September 2023.
- 8.** The UK and Switzerland both have high professional standards and similar recognition of professional qualifications systems. This agreement provides a framework for the mutual recognition of professional qualifications in the UK and Switzerland.
- 9.** The purpose of the agreement is to ensure that professionals with qualifications obtained in the UK seeking to practise a regulated profession in Switzerland (and vice versa) can access a “smooth and transparent system to have their professional qualifications recognised”².
- 10.** The arrangements for the movement of persons to supply services is being temporarily governed by another UK/Switzerland agreement until the end of 2025. Following discussions held by a working group established under that agreement on the recognition of professional qualifications, it has been agreed that the UK and Switzerland will move from arrangements under their services mobility agreement to a system of mutual recognition.
- 11.** This agreement also rolls over arrangements that expire on 31 December 2024 from EU legislation that apply to UK and Swiss citizens, providing long-term “certainty for professionals, businesses, consumers and investors in both countries”³.
- 12.** The agreement relates to international relations, which is a reserved matter for the purposes of Schedule 7A to the *Government of Wales Act 2006* (the 2006 Act). The Explanatory Memorandum notes that the Secretary of State for Business and Trade has overall responsibility for the UK’s policy relating to the UK’s trade relations with Switzerland and for this agreement, whilst the Secretary

² UK Government, Explanatory Memorandum: UK/Switzerland: Agreement on Recognition of Professional Qualifications, June 2023, paragraph 2.2

³ Explanatory Memorandum, paragraph 3.3

of State for Foreign, Commonwealth and Development Affairs has overall responsibility for the UK's policy relating to the UK's relations with Switzerland.⁴

13. However, the Explanatory Memorandum also notes that the agreement relates to regulatory requirements for professional qualifications, certain aspects of which are devolved to Wales (and Scotland and Northern Ireland). On that basis, the Explanatory Memorandum confirms that the UK Government consulted the Devolved Administrations on the drafting of the agreement and the relevant draft text in advance of signature.⁵

14. The Explanatory Memorandum explains that the Agreement will need to be implemented across the UK to give effect to the provisions in domestic law. The UK Government is beginning work on implementation and the Professional Qualifications Act 2022 contains powers which can be used by UK or devolved Ministers to implement international recognition agreements.⁶

15. The Senedd withheld consent to the *Professional Qualifications Act 2022* following consideration of the Welsh Government's Legislative Consent Memoranda.⁷

16. In the Legislative Consent Memorandum on the Professional Qualifications Bill (as it was in June 2021) Jeremy Miles MS, Minister for Education and the Welsh Language, expressed concerns around the linking of professional qualifications to trade policy. He expressed concerns that:

*"...decisions could be badged as "trade" rather than "professional qualification" decisions and imposed on Wales in contravention of the Sewel Convention. Whilst assurances from UK Government Ministers and published guidance state this is not the intention, this is a clear risk due to the drafting of this Bill."*⁸

17. We agreed to:

- Write to the Welsh Government requesting its view on the relationship between implementing international obligations and the Sewel

⁴ Explanatory Memorandum, paragraphs 11.1 and 11.2

⁵ Explanatory Memorandum, paragraph 10.1

⁶ Explanatory Memorandum, paragraph 5.1

⁷ [Plenary, 15 February 2023](#) and [Plenary, 5 October 2021](#)

⁸ [The Welsh Government's Legislative Consent Memorandum on the Professional Qualifications Bill](#), paragraph 38

Convention, in light of the Senedd having refused consent for the parent legislation that is being considered for this Agreement's implementation.

- Write to the House of Lords' International Agreements Committee advising that we are seeking information from the Welsh Government and will share our findings in due course.
- Draw the agreement to the attention of the Children, Young People and Education Committee and the Economy, Trade and Rural Affairs Committee for information, and copy in both committees to the correspondence described above.

Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events

18. This international agreement was laid in the UK Parliament on 21 June 2023, having been signed on 15 May 2019. Its scrutiny deadline, as required by the CRaG Act 2010, is 7 September 2023.

19. This Convention, also known as the "Saint-Denis Convention", is a convention of the Council of Europe, of which the UK is a founding member. The Convention places duties on Parties to prepare and deliver an integrated and balanced approach to safety, security and service in relation to football matches and other sporting events, with the aim of providing a safe, secure and welcoming environment at these events.⁹

20. The Convention was adopted in 2016 and covers aspects such as the coordination of national and local arrangements, including for private and public agencies, multi-agency emergency plans, and for the incorporation of clear policies and procedures on pyrotechnic use, violent or other prohibited behaviour and racist or other discriminatory behaviour in stadiums.

21. The Explanatory Memorandum confirms that no new legislation is required to implement the Convention's requirements, as existing legislation¹⁰ satisfies the Convention's requirements, and lists applicable legislation for England, Wales, Scotland and Northern Ireland. There are 15 applicable laws to Wales.¹¹

⁹ [UK Government, Explanatory Memorandum: Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events, June 2023](#), paragraphs 2.1 and 2.2, page 1

¹⁰ Existing legislation includes the Health and Safety at Work Act 1974, the Civil Contingencies Act 2004, the Police and Crime Act 2009 and the Anti-social Behaviour, Crime and Policing Act 2014.

¹¹ Explanatory Memorandum, paragraph 2.1, page 3

22. The Explanatory Memorandum states that the Convention relates to devolved and reserved matters and that the Devolved Administrations were consulted on the drafting of the Convention and the preparation of the Explanatory Memorandum.¹²

23. The Welsh Government's National Events Strategy for Wales 2022-2030 sets out its main aims for attracting and supporting major events, including sporting events, and how the government intends to achieve these. The strategy lists several major events hosted in Wales which help to deliver on its ambition to "stand out amongst the global crowd".¹³

24. We agreed to draw the agreement to the attention of the Culture, Communication, Welsh Language, Sport and International Relations Committee in the event it wishes to seek further information from the Welsh Government.

¹² Explanatory Memorandum, paragraph 7.1

¹³ The Welsh Government's National Events Strategy for Wales 2022 to 2030, June 2022

Agenda Item 3.6

**Y Pwyllgor Deddfwriaeth,
Cyfiawnder a'r Cyfansoddiad**

**Legislation, Justice and
Constitution Committee**

Rt Hon Mark Drakeford MS
First Minister of Wales

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12 July 2023

Dear Mark,

UK/Switzerland: Agreement on Recognition of Professional Qualifications

You will be aware that the Legislation, Justice and Constitution Committee is responsible for monitoring the implementation of non-trade international agreements in the Sixth Senedd.

During our meeting on 10 July 2023, we considered the UK/Switzerland: Agreement on Recognition of Professional Qualifications. This agreement provides a framework for the mutual recognition of professional qualifications in the UK and Switzerland.

The agreement relates to regulatory requirements for professional qualifications, certain aspects of which are devolved to Wales. On that basis, we understand that the UK Government consulted the devolved administrations on the drafting of the agreement and the relevant draft text in advance of signature, and we welcome this engagement with the devolved governments.

We know that the *Professional Qualifications Act 2022* (the 2022 Act) contains powers which may be used by UK or devolved Ministers to implement international recognition agreements and therefore may be used to implement this agreement. You will be aware that Senedd withheld consent to the 2022 Act on two occasions, following consideration of the Welsh Government's Legislative Consent Memoranda.

We would welcome your view on the relationship, if any, between implementing international obligations and the Sewel Convention, in light of the Senedd having refused consent for the parent legislation that is being considered for this agreement's implementation.

I am copying this letter to the Children, Young People and Education Committee and the Economy, Trade and Rural Affairs Committee.

I would be grateful to receive your response by 11 August 2023.

Yours sincerely,

Huw Irranca-Davies

Huw Irranca-Davies

Chair

Agenda Item 3.7

Y Gwir Anrh/Rt Hon Mark Drakeford AS/MS
Prif Weinidog Cymru/First Minister of Wales



Llywodraeth Cymru
Welsh Government

Huw Irranca-Davies MS
Chair
Legislation, Justice and Constitution Committee
Senedd Cymru

SeneddLJC@senedd.wales

07 August 2023

Dear Huw,

I am writing in response to your letter of 12 July about the UK-Switzerland Agreement on Recognition of Professional Qualifications.

Only the UK Government has the power to enter into international agreements which bind the whole of the UK, as this function is reserved under paragraph 10(1) of schedule 7A of the Government of Wales Act 2006 (GOWA). However, the Senedd has the power to pass laws relating to the observation and implementation of international obligations, as paragraph 10(3) of schedule 7A of GOWA excludes these functions from the reservation in paragraph 10(1).

This means the Welsh Government and the Senedd both have legitimate and crucial interests in the negotiation and terms of any international agreements that require implementation in devolved areas.

The Welsh Ministers remain consistently opposed to the inclusion of concurrent powers such as those in the Professional Qualifications Act 2022. The UK Government's approach in taking these powers is wholly inappropriate and disrespectful to the principle of devolution.

The Senedd did not give its consent to the Professional Qualifications Act, however the relevant executive functions now sit with Welsh Ministers. The Welsh Ministers therefore have the powers to make legislation under the Act to implement both it and the UK-

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Gohebiaeth.Mark.Drakeford@llyw.cymru
Correspondence.Mark.Drakeford@gov.wales

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

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

Switzerland Agreement on Recognition of Professional Qualifications in relation to Wales,
and will exercise those functions responsibly.

Yours sincerely,

A handwritten signature in black ink that reads "Mark Drakeford". The signature is written in a cursive style with a large initial 'M'.

MARK DRAKEFORD

Agenda Item 3.8

Y Pwyllgor Deisebau

Petitions Committee

Jayne Bryant MS

Chair

Children, Young People and Education Committee

Tŷ Hywel

Cardiff Bay

CF99 1SN

14 July 2023

Dear Jayne

Petition P-06-1342 Fund more specialist school places and staff for children with additional learning needs in Wales

The Petitions Committee considered the above petition at our meeting on 3 July, alongside correspondence from the Minister for Education and Welsh Language.

At the meeting members agreed to write to your Committee in order to bring your attention to the petition in light of your current inquiry - Do disabled children and young people have equal access to education and childcare?

Further information about the petition, including related correspondence, is available on our website at: <https://business.senedd.wales/ielssueDetails.aspx?Ild=41407&Opt=3>.

If you have any queries, please contact the Committee clerking team at the e-mail address below, or on 0300 200 6454. I would be grateful if you could send your response by e-mail to the clerking team at petitions@senedd.wales.

Yours sincerely



Jack Sargeant MS

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

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Agenda Item 3.9

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

**Children, Young People
and Education Committee**

Jeremy Miles MS
Minister for Education and Welsh Language

Julie Morgan MS
Deputy Minister for Social Services

17 July 2023

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Implementation of education reforms: outcome of our summer 2023 check-in

Dear Jeremy and Julie,

Thank you, Jeremy, for appearing before Committee on 10 May as part of our second 'check-in' on progress in implementing the Curriculum for Wales and the new Additional Learning Needs system.

As you may know, alongside the written and oral evidence you gave as part of our second check-in we:

- sought written evidence from a range of stakeholders about any issues relating to the implementation of either education reform;¹
- visited three secondary schools across Wales to talk to school leaders, teaching staff and pupils; and,
- via our Citizen Engagement Team, carried out focus group discussions with school staff across Wales.²

We set out the conclusions we have drawn based on the evidence we received below. This correspondence is directed primarily at the Minister for Education and Welsh Language, apart from

¹ Welsh Parliament, '[Implementation of education reforms](#)'. For responses received since our letter to you dated 8 August 2022, see IER 13 from the Equality and Human Rights Commission onwards.

² Welsh Parliament, '[Implementation of educational reforms: Children, Young People and Education Committee summary note](#)', May 2023

the final section ('Joint working between local government and health'), which is directed primarily at the Deputy Minister for Social Services.

We would be grateful for a joint response to our conclusions and requests for further information (set out in grey boxes) no later than 31 August 2023.

General issues

Workload pressures facing staff implementing the reforms

It is clear there are substantial pressures facing the education workforce and professionals from other sectors supporting schools in implementing both sets of reforms, at a time when the system is still managing the lasting impact on children and young people from the pandemic. We have identified a particular pressure on ALNCoS. We note that you have established a Task and Finish Group to look at issues regarding the role. We also note your statement in Plenary on 16 May and the Welsh Government's work with stakeholders through the Managing Workload and Reducing Bureaucracy Group.³

We urge that workload pressures, particularly the viability of the ALNCo role, are kept closely under review. Please could you keep us informed about the outcomes of the Task and Finish Group?

The amount and quality of professional learning provided

We note that the National Professional Learning Entitlement has been in place since September 2022 and the amounts of money the Welsh Government has spent on professional learning for school staff in relation to both education reforms. However, some of the evidence we received suggested the quality of professional learning available remains variable. The NASUWT reported that a survey of its members indicated lower levels of professional learning in Wales than England, despite the level of reform being undertaken here.⁴

We believe that professional learning for the education workforce is vital to both the successful roll out of the Curriculum for Wales and the new ALN system. We urge you to continue to engage with the sector to ensure that all schools across Wales have access to all the high-quality professional learning they need to implement these reforms successfully.

Curriculum

Children and young people's mental health – whole school approach

³ [Plenary, 16/05/2023, Record of Proceedings](#), from paragraph 250

⁴ [Written evidence, IER.23.NASUWT.Cymru](#)



Schools and local authorities have a duty under the Curriculum and Assessment (Wales) Act 2021 to have regard to the mental health and emotional well-being of learners in the delivery of the curriculum.⁵ However, it is unclear to us how this is being met practically and the extent to which the Welsh Government provides guidance and undertakes monitoring to ensure this happens effectively.

The wider matter of the implementation of the whole-school approach to emotional and mental well-being merits scrutiny in its own right; we are in the process of considering how to take that forward. However, the curriculum provides the framework for how schools interact with children, including about their mental health, not least through the Health and Well-being AoLE and the overarching duty in Section 63 of the 2021 Act.

To what extent do you believe that the implementation of the Curriculum to date has changed how schools support learners with their mental health? How does the Welsh Government support and monitor schools to ensure that schools are delivering this area of the Curriculum effectively?

Welsh in education workforce

You acknowledged during the scrutiny session that there are not yet enough Welsh speaking teachers to deliver the education system's role in equipping young people with Welsh language skills, on the scale envisaged by the Welsh Government's Cymraeg 2050 agenda and the single continuum of learning under the Curriculum for Wales.⁶ We have noted the Welsh Government's ten-year Welsh in Education workforce plan⁷ and the ongoing consultation on proposals for a Welsh Language Education Bill,⁸ which will also impact on how successfully the Welsh Government is able to meet its commitments in relation to the Cymraeg 2050 agenda.

We urge that continued attention is given to this area, to ensure that insufficient workforce capacity does not undermine the impact of the Curriculum for Wales on learners' Welsh language skills.

Importance of cluster working

Our predecessor Committee argued during scrutiny of the legislation that, while there will not be uniformity amongst schools' curricula, there must be adequate consistency.⁹ Effective cluster working seems to us to be a good way of ensuring this and striking an optimum balance between school autonomy and necessary national and local consistency.

⁵ Legislation.gov.uk, '[Curriculum and Assessment \(Wales\) Act 2021: Section 63](#)'

⁶ [Children, Young People and Education Committee, 10/05/2023, Record of Proceedings](#), paragraphs 55-59

⁷ Welsh Government, '[Welsh in education workforce plan](#)', 24/05/22

⁸ Welsh Government, '[Welsh Language Education: white paper](#)', 16/06/2023

⁹ Welsh Parliament, '[New 'Curriculum for Wales' must be delivered consistently across Wales – Senedd committee](#)', 04/12/20

We urge the Welsh Government to continue to promote cluster working and other collaborative working initiatives to share best practice, reduce workload and improve consistency between schools.

Additional learning needs

Implementation of the ALN system and eligibility for IDPs

It is clear to us that the ALN system is being implemented differently to what was anticipated, or at least publicly stated, when the legislation and subsequent regulations were originally being scrutinised by the Senedd.¹⁰ Significant numbers of learners previously identified as having SEN are not being recognised as having ALN, despite the definition remaining materially the same.

The latest school census data shows the number of children with SEN or ALN has decreased again, to 63,100 in 2022/23, from 74,661 in 2021/22 and 92,668 in 2020/21. The number recognised as having SEN/ALN has therefore reduced by a third (32%) during the first two years of the new system.¹¹

You told us in Committee that the lower numbers of SEN/ALN do not mean there is a reduction in need. You added that you expect numbers to increase again as the new system beds in.¹²

However, in your letter of 13 June you state that you expect more learners who were previously at the SEN school action level to be supported as part of differentiated teaching and inclusive education practice.¹³

We understand some of the reasons why significant numbers of learners previously identified as having SEN are not being recognised as having ALN. We heard positive evidence about how the new ALN system can empower ALNCoS to use their judgement to decide that, in some cases, a child's needs can be met through universal provision, and do not warrant Additional Learning Provision (ALP) and an Individual Development Plan (IDP).

However, we also heard that many ALNCoS are struggling with the workload associated with reviewing the learning needs of each child formerly identified as having SEN and preparing IDPs where they are required.

Whilst we recognise that some low-level needs may now be able to be met through universal provision, we are concerned that the steep drop in numbers of children recognised as having ALN

¹⁰ Welsh Government, ['Letter from the Minister for Lifelong Learning and Welsh Language to the Chair of the Children, Young People and Education Committee'](#), 11/04/17

¹¹ For 2020-21 figures, see Welsh Government, ['Schools' census results: February 2022'](#), 31/08/22. For 2021-2022 and 2022-23 figures see Welsh Government, ['Schools' census results \(headline statistics\): January 2023'](#), 25/05/23

¹² [Children, Young People and Education Committee, 10/05/2023, Record of Proceedings](#), paragraphs 83-87

¹³ Reference to letter when published

under the new system, compared to the numbers of children identified as having SEN in the old system, indicates that some children's needs might be going unmet.

How confident are you that decisions about whether a child has ALN and requires ALP and a IDP are being taken in the best interests of the learner and are not related to resource, capacity, and/or workload pressures?

How will you ensure that decisions not to provide a child with an IDP who was previously identified as having SEN is in the best interests of the child, and not an unintended consequence of the ALN reforms?

It is also not clear to us whether you believe that numbers of children eligible for SEN/ALN will rise as the system beds in, or whether differentiated and more inclusive approaches to teaching as promoted by the Curriculum for Wales mean that numbers are likely to remain lower than they were before the implementation of the reforms. Please could you clarify your views on this matter, and outline your expectations for the future trajectory of SEN/ALN numbers?

Intermediate categories of learners between universal provision and Additional Learning Provision

The way in which the ALN system is being implemented means many schools are effectively holding lists of learners that require more than universal provision, but whose needs are not on a level that require ALP and IDPs. You have referred us to the work Estyn is carrying out to review implementation, which will include consideration of how schools are supporting this group of learners.¹⁴

We urge the Welsh Government to consider whether additional guidance is required on how these learners should be supported, following Estyn's evaluation of the implementation of the ALN reforms, given that they presumably fall outside the scope of the ALN Code.

Responsibility for IDPs between local authorities and schools

Evidence we have received suggests that there can be disagreement and ambiguity about when a local authority, rather than a school, should be responsible for deciding whether a pupil has ALN, and preparing and maintaining IDP that is required. We have raised this important issue with the WLGA in correspondence.

¹⁴ Children, Young People and Education Committee, 10/05/2023, Record of Proceedings, paragraph 90

You said around half of local authorities have, in line with the ALN Code, published a set of principles setting out how they will apply the legal parameters on where responsibility should lie. You have indicated that the other local authorities will publish these in advance of the 2023-24 academic year.¹⁵

We believe it is imperative that these are published in advance of the new academic year. What action will you be taking if any local authorities miss that timescale?

We urge the Welsh Government to closely monitor the balance of responsibility between local authorities and schools in relation to preparing and maintaining IDPs. What action are you taking now, and will you take in future, to ensure that the balance of responsibility between local authorities and schools is appropriate?

Joint working between local government and health

To the Deputy Minister for Social Services:

As you will be aware, the Additional Learning Needs and Education Tribunal (Wales) Act 2018 requires NHS bodies to consider whether there is a relevant treatment or service that is likely to be of benefit in addressing a child's or young person's ALN, where a local authority asks it to do so. Where the NHS body concludes there is such a treatment or service, they are required to secure it for the child or young person.¹⁶ The ALN Code requires NHS bodies to respond to a request to consider whether there is a treatment or service that is likely to benefit the child, or a request for information or help in deciding how to meet a child or young person's ALN, within six weeks. There is an exception to the six-week timescale where it is impractical for an NHS body to do so due to circumstances beyond its control.¹⁷

One of the main aims of the reforms was improved collaboration between education and health. The Designated Education Clinical Lead Officer (DECLO) role was intended to improve the situation. However, it is clear from the evidence that we have gathered that challenges remain in ensuring that health professionals – including the DELCO – support all the schools that need it. The issue of long waiting times for health assessments, predominantly autism and ADHD assessments, has been raised with us regularly as a major concern which could undermine the successful delivery of the reforms.

We are aware of the Neurodivergence Improvement Programme and the £12 million you have announced over three years to reduce the pressures in the system to improve waiting times for assessment and to address gaps in current provision in both children and adult services.¹⁸ We also

¹⁵ [Children, Young People and Education Committee, 10/05/2023, Record of Proceedings](#), paragraphs 96-97

¹⁶ [Legislation.gov.uk, 'Additional Learning Needs and Education Tribunal \(Wales\) Act 2018: Section 20'](#)

¹⁷ [Welsh Government, 'The Additional Learning Needs Code for Wales 2021'](#), paras 21.11 & 21.32

¹⁸ [Welsh Government, 'Oral Statement: Neurodivergence Improvement Programme'](#), 02/05/23



note the comments of the Minister for Education and Welsh Language that a diagnosis is not required to access educational support.¹⁹

Collaboration between education and health appears to remain a considerable obstacle to supporting learners with additional needs. While we note the Welsh Government's position that schools should not always wait for a diagnosis, we believe that the absence of input from health professionals is, at times, delaying and undermining support being put in place for learners. We have written to the WLGA and the NHS Confederation to gain their perspectives of how this aspect of ALN reform is working.

We would be grateful for your assessment on how adequately health services are complying with their duties under the 2018 Act and the ALN Code. We would also appreciate your perspective on how health services, particularly those involved in the identification of ALN and the required provision to support these needs, are supporting the implementation of the ALN system.

We urge you and the Minister for Education and Welsh Language to work closely together to ensure that challenges associated with the collaboration between health and education do not undermine the successful delivery of the new ALN system.

Yours sincerely,



Jayne Bryant MS

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

¹⁹ Children, Young People and Education Committee, 10/05/2023, Record of Proceedings, paragraph 124

Agenda Item 3.10

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

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



Llywodraeth Cymru
Welsh Government

Jayne Bryant MS
Chair
Children, Young People and Education Committee
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30 August 2023

Dear Jayne

IMPLEMENTATION OF EDUCATION REFORMS

Thank you for your letter of 17 July regarding the outcome of the Children, Young People and Education Committee's summer 2023 check in on the above reforms.

We would like to thank the Members of the Committee for their continued work on the implementation of our education reforms. Detailed responses to your letter on the specific issues raised is set out in the attached paper.

Yours sincerely,

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

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

gohebu yn Gymraeg yn arwain at oedi.

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

Welsh Government Response – CYPE Committee

Implementation of education reforms

1. General issues

1.1 Workload pressures facing staff implementing the reforms

We are listening and responding to the pressures that delivery partners are facing to roll out the ALN system and are fully committed to tackling workload. We continue to work collaboratively with education unions, Estyn, local authorities (LAs) and education consortia to find ways to reduce workload and eliminate unnecessary delivery pressures. As set out in the 13 July [Written Statement](#) on reducing workload and bureaucracy for school staff we have constructive agreement on actions to take forward.

We are alert to concerns about the increased workload placed upon Additional Learning Needs Coordinators (ALNCo) and the need for headteachers, governing bodies and management committees to ensure sufficient time and resource is given to ALNcos to undertake their responsibilities effectively. The ALN Code makes clear that the designation of an ALNCo does not remove the responsibilities of the wider workforce.

We have already taken action to support workforce pressures by extending the ALN implementation period by an additional year and substantially increased the funding for schools to support the role of the ALNCo. The ALNCo Task and Finish group, made up of practitioners and trade union representatives, has met five times. A final report, with recommendations, is expected by the December 2023 deadline set by the Independent Welsh Pay Review Body. We will share the group's recommendations with the Committee.

1.2 The amount and quality of professional learning provided

~~Developing high quality teaching and leadership~~ through guaranteed career-long professional learning and support for all staff is central to the realisation of our vision for education in Wales and is one of the five enabling objectives in '[Our national mission: high standards and aspirations for all.](#)' We will be announcing new arrangements to quality assure professional learning in Wales in September.

To ensure equity of access to professional learning opportunities, work is also underway to develop a new professional learning area on our online education platform, Hwb. This will provide a single point of access to high quality, easily navigable professional learning resources that will contribute to education professionals' continued development and support our education reform journey in Wales. In May, we established a Practitioner Reference Group to ensure that this

approach is developed by practitioners, for practitioners, to meet the needs of the whole school workforce and ensure that an ongoing, national focus on the core priorities of the CfW, ALN reform, equity and the Welsh language is maintained.

2. Curriculum

2.1 Children and young people's mental health – whole school approach

The CfW has five mandatory statements of what matters in the Health and Well-being Area and includes mental and emotional well-being. These encompass the different aspects of or influences on learners' health and well-being. They are designed to be used holistically in learning, recognising that these are all interconnected. These statements may also offer a basis for schools' thinking about their wider whole school approach. This is of course a new approach and we are working with practitioners and stakeholders, most notably Public Health Wales to identify needs and ensure that schools have the support needed to embed this new Area of the curriculum. This is an important step change, meaning that mental and emotional well-being is mandatory learning within all schools' curricula, at all stages of learning.

The [statutory guidance](#) for the curriculum, which all schools must consider is very clear about the importance of the interdependencies between the curriculum and a whole school approach:

“the curriculum should be both underpinned and supported by the whole-school approach as the two go hand-in-hand. A whole-school approach to health and well-being should pervade all aspects of school life and be supported by school policies and practices. If there is not alignment between the two then learning in the Area would be compromised.”

The guidance in the Health and Well-being Area of Learning and Experience was co-written by professions with the whole school approach in mind.

We have shared with the Committee research undertaken during the 2022/23 academic year on the early implementation of the CfW. In the [wave 1 report](#) senior leaders referred to examples of how the curriculum enabled their settings to provide a richer, learner-centred curriculum for learners with a greater focus on well-being. Leaders in special schools and Pupil Referral Units (PRUs) in particular valued the increased flexibility and autonomy offered by the CfW, and the ability to focus on learner health and well-being and experiential learning opportunities. We have also undertaken focus groups with learners to explore well-being and the extent to which they feel excited and motivated by the CfW, which we also expect to contribute to well-being outcomes. These findings will be published in the next 'wave 2' report in September.

The duty in Section 63 of the Curriculum and Assessment (Wales) Act 2021 provides an important link between learning in the curriculum and schools' whole school approach to mental health: ensuring schools consider how mental health and emotional well-being might be impacted by a range of curriculum decisions. Engagement with this duty will be monitored as part of our Formative Evaluation programme, which will commence this autumn. The details of this programme are

outlined in the [Curriculum Evaluation Plan](#) published on 5 July. We continue to work closely with the profession, supporting partners and Estyn to understand how the schools are engaging with the duty and what, if any, further support they need.

As part of our broader evaluation programme, we will also use Schools Health Research Network (SHRN) data to help us understand any changes in learners' well-being over time.

2.2 Welsh in education workforce

Increasing the number of teachers able to teach Welsh or through the medium of Welsh alongside developing the Welsh language skills of all practitioners continues to be a priority.

In April, the [Oral Statement](#) outlined progress made in delivering the Welsh in education workforce plan during its first year. There is still a lot to do, and we will continue to work with our partners to move towards our Cymraeg 2050 ambition.

2.3 Importance of cluster working

We agree strongly on the importance of cluster working and collaborative working initiatives. As set out in the [oral statement](#) on 11 July, this collaboration is vital for both curriculum implementation, ALN and our broader school improvement agenda, underpinned by the School Improvement Guidance. Collaboration is the basis for a self-improving system, both within and between clusters. Our work on school improvement is, in many ways, to promote educational partners to build collaboration and cluster working effectively, to support progression but also more widely. There is some excellent practice across Wales and we are keen to ensure that all our partners are focused on enabling schools to achieve this. The Welsh Government will continue to support collaboration to build coherent approaches to curriculum design and improvement as well as ALN implementation.

Practitioners, within their school or setting (funded non-maintained setting, PRU, other EOTAS providers), across their cluster, and with other schools beyond their cluster are required to make arrangements to support on-going professional dialogue between practitioners within their school/setting to develop and maintain a shared understanding of progression across the relevant curriculum. The relevant section of Curriculum for Wales guidance, entitled [Shared understanding of progression](#), and the related [Direction](#) are both published on Hwb. The process of developing a shared understanding supports practitioners to establish joint expectations for how learners should progress and how to ensure coherent progression for learners throughout their learning journey. This dialogue informs their relative expectations for progression, to ensure coherence and equity between schools.

We are focusing our efforts on producing and updating both guidance and resources to support this priority. We are refreshing the [Curriculum for Wales: Journey to Curriculum Rollout](#) guidance, and will consult on this in the autumn. This refresh aims to clarify expectations and promote consistency between schools.

This will be supported by new materials designed to facilitate cluster collaboration, including those developed by the Camau i'r Dyfodol project, which will be published in

September.

3. Additional learning needs

3.1 Implementation of the ALN system and eligibility for IDPs

Implementation of the ALN system

We are alert to the concerns, including the reduction in Special Educational Needs (SEN) / ALN learners since implementation began, ensuring decisions are taken in the best interest of learners and ensuring appropriate balance of responsibility between schools and LAs.

Together, the CfW and the ALN Act seek to transform the expectations, learning experiences and outcomes for children and young people. A school's curriculum should raise the aspirations for all learners and respond to individual needs, and it should therefore support the identification, planning and progression for learners with ALN. The [school improvement guidance](#) outlines the expectations for schools, LAs, Estyn and others in contributing to this.

Our officials are working closely with Estyn to explore the challenge of learner need being met throughout their inspection and thematic activities. Estyn has a core role in improving the quality of education and training and outcomes for all learners in Wales. Estyn has conducted a thematic review on ALN implementation during 2023 to encourage wider thinking and share effective practice. It is due to report in September and provide recommendations for further attention and support.

Through its inspections of maintained settings and local authorities, Estyn is continuously evaluating the outcomes and provision for learners who have additional learning needs, and settings' approaches to ALN and inclusion. This is demonstrated in their [Guidance for Inspectors](#) and is underpinned by [Supplementary guidance on additional learning needs](#) to support inspectors.

As we move into the third year of ALN implementation, we will also continue to seek feedback from the sector, families and wider stakeholders. Alongside this, a 4-year evaluation of the implementation of the ALN system is underway. This will provide key insights and evidence to enable us to monitor and identify emerging impacts of the new ALN system on learners with ALN/SEN, and about the impact of curriculum reform upon it.

Communicating early insights on implementation to date

We wrote to LAs in June to share early insights on what's going well and what needed to improve taken from a range of sources. This included: inconsistency and ambiguity around the responsibility for maintaining an Individual Development Plan (IDP) (school or LA) especially when a school has a specialist resource base; identifying what constitutes ALP within an IDP due to the legal complexities of the IDP; and clarity around the local authority's function in maintaining IDPs.

The autumn term will be a key juncture to take stock of progress, further trends and insights on pace, consistency of implementation, movement of learners, reductions in SEN / ALN numbers and recommendations for further attention and support. We anticipate having by the autumn, early insights from the Education Tribunal for Wales, Estyn's ALN Implementation thematic, and Estyn's Annual Report of summary findings from their work across education and training during the 2022/23 academic year. We also anticipate receiving an initial report covering the scoping phase of the ALN system evaluation. The report is expected to include a Theory of Change and will be informed by interviews with policy and sector representatives and evidence synthesis.

We will be writing to LAs in the autumn to share trends, insights and national and LA level data, to remind them of their responsibilities, including the need to publish a Principles Document.

We will also be meeting LAs through the Association of Directors of Education in Wales ALN / School Improvement Subgroup in September and hosting a seminal policy workshop with LAs during the autumn term to distil the analysis of data and evidence and explore the progress, trends and patterns to ALN implementation to date.

It remains difficult to anticipate the future trajectory in terms of ALN numbers, both during implementation and while our reforms bed in. The most important point is that learners are getting the support they need to thrive. The Welsh Government's policy intent remains that all children and young people with ALN should have an IDP (in the case of a young person, if they consent to having an IDP).

3.2 Intermediate categories of learners between universal provision and Additional Learning Provision

The CfW is designed to empower schools to meet the needs of their learners, providing them with the flexibility to provide the differentiated teaching and learning experiences needed to support this.

We are listening to practitioners and recognise that they continue to capture data and information on the needs of learners beyond those with ALN.

Following the January [statement on school improvement and information](#), we are now engaging with settings to develop thinking on a new information ecosystem for Wales. This approach will move us towards a more holistic system that promotes learning and puts learners, practitioners, parents and carers at the centre. The ongoing data capture related to previous SEN learners in the School Action categories will form part of this work.

3.3 Responsibility for IDPs between local authorities and schools

LAs are responsible for maintaining IDPs for children and young people with ALN that calls for ALP it would not be reasonable for the school governing body to secure. [Chapter 12 of the ALN Code](#) provides clarity and guidance to LAs on how they should determine whether it is reasonable for a school, PRU or the LA to secure the ALP required by a child or young person.

As you have referred to in your letter, LAs are also required to establish and publish a set of principles they will apply when determining whether it is reasonable for a school or PRU to secure the ALP required by a learner or whether the LA ought to do so. These principles should be established in consultation with schools maintained by the LA, FEIs in their area, and any other persons LAs consider appropriate. These Principles Documents should be used to inform LA and schools' decision making-process.

Work is underway in those LAs who have not yet published their Principles Documents, to do so during the next academic year. The Welsh Government will be writing to LAs in the autumn to remind them of their responsibilities under the ALN Code.

4. Joint working between local government and health

The ALN system aims to improve collaboration and information sharing between agencies to ensure children and young people's needs are identified early and receive the right support to achieve positive outcomes.

All Health Boards are committed to interagency working and have appointed Designated Education Clinical Lead Officers (DECLOs). The coordination of health input to the ALN process is led by the DECLOs, who work within Health Boards to establish procedures to ensure appropriate and timely responses across Health Boards for requests from education for assessment, and provision of agreed ALP.

They are promoting the Person Centred Planning (PCP) approach across health and education, and have established good working relationships. They are focused on developing key performance indicators for reporting on progress towards ensuring appropriate provision for children and young people with ALN who would benefit from health ALP.

Significant efforts are being put into multiagency working. All Health Boards are committed to providing as much support as is practicable to Local Authorities and schools and collaborating with them to understand how best to support individuals and their families.

Some operational/bedding in concerns have been identified, but there are structures in place to strengthen the expectation of good quality interprofessional working between jointly accountable bodies in education and health. The expectation is that ALN statutory timeframes must be met unless there are exceptional circumstances or there is an agreed delay for additional information in complex cases. Officials in Health and Social Services are working with DECLOs to strengthen KPI's and monitoring mechanisms.

As you've noted in your letter, a medical diagnosis is not required to access support in education or to inform a decision on a learner's additional learning needs. The preparation of an IDP by the school, is based on presenting needs identified by person centred planning. IDPs are reviewed annually and present multiple opportunities for health input.

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

**Children, Young People
and Education Committee**

Sharon Davies, Head of Education
Welsh Local Government Association

Cc. Pierre Bernhard-Grout, Liaison/Policy Officer
Association of Directors of Education in Wales

Cc. Jeremy Miles MS
Minister for Education and Welsh Language

17 July 2023

Implementation of education reforms (2nd check-in)

Dear Sharon,

You may be aware that the Children, Young People and Education Committee is carrying out a Senedd-long inquiry into the implementation of the Curriculum for Wales and the new Additional Learning Needs (ALN) system. We are doing this through a series of 'check-ins' to consider progress and any emerging and established issues associated with implementation.

As part of our second check-in we visited several schools, conducted focus groups with practitioners and held a scrutiny session with the Minister for Education and Welsh Language on 10 May 2023. We also received a range of written evidence from stakeholders.

I will take this opportunity to remind you that you can submit your views to us as often as you like, at any time, and about any issue relating to either education reform.

The role of the Designated Education Clinical Lead Officer (DECLO)

The Committee is keen to learn more about collaboration under the new ALN system between local authorities, schools, and health boards. Improvements in such collaboration are an intended benefit of the new system. The new statutory Designated Education Clinical Lead Officer (DECLO) role that local health boards are required to designate is a key part of achieving this.

We have heard some anecdotal evidence about schools and local authorities struggling to gain the input of health services and sometimes having to write Individual Development Plans (IDPs) in the absence of such input and information from the NHS where this is much needed.

We would be grateful on your views on this and the extent to which the new ALN system has brought about the intended improvements to joint working between schools, local authorities and the NHS. For example, how much of a difference is the statutory DECLO role making on the ground?

The roles of schools and local authorities in relation to IDPs

Another point that has featured in our scrutiny is the balance between IDPs that are the responsibility of schools and those that are the responsibility of local authorities. The Additional Learning Needs and Education Tribunal (Wales) Act 2018 states that a local authority should be responsible for preparing and maintaining an IDP where a school cannot adequately do this or it is not reasonable for them to do so.

The ALN Code sets out some criteria for how this could be interpreted and envisages that local authorities establish and publish a set of principles they will apply when determining whether it is reasonable for a school rather than the local authority to have responsibility. The Minister told us on 10 May that around half of local authorities had done this to date and he was anticipating the remainder would do by the end of the summer term.

We would appreciate your comments on how this aspect of the ALN reforms is working in practice, the frequency with which there are differing perspectives between schools and local authorities on where responsibility for IDPs should lie, and an update on the progress of local authorities in publishing the set of principles to guide how they will take such decisions.

I would be grateful if you could respond to this letter no later than 31 August 2023.

We have copied in the Association of Directors of Education in Wales to this letter, should you wish to issue a joint response. We have also copied in the Minister for Education and Welsh Language.

Yours sincerely,



Jayne Bryant MS
Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.



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

**Children, Young People
and Education Committee**

Nesta Lloyd-Jones, Assistant Director
Welsh NHS Confederation

Cc. Jeremy Miles MS
Minister for Education and Welsh Language

Cc. Julie Morgan MS
Deputy Minister for Social Services

17 July 2023

Implementation of education reforms (2nd check-in)

Dear Nesta,

You may be aware that the Children, Young People and Education Committee is carrying out a Senedd-long inquiry into the implementation of the Curriculum for Wales and the new Additional Learning Needs (ALN) system. We are doing this through a series of 'check-ins' to consider progress and any emerging and established issues associated with implementation.

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I will take this opportunity to remind you that you can submit your views to us as often as you like, at any time, and about any issue relating to either education reform.

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We would be grateful for your perspective on the extent to which the new ALN system has brought about the intended improvements to joint working between schools, local authorities and the NHS. For example, how much of a difference is the statutory DECLO role making on the ground?

NHS bodies' statutory duties

The Additional Learning Needs and Education Tribunal (Wales) Act 2018 requires NHS bodies to consider whether there is a relevant treatment or service that is likely to be of benefit in addressing the child's or young person's additional learning needs, where a local authority asks it to do so. Where the NHS body concludes there is such a treatment or service, they are required to secure it for the child or young person.

The ALN Code also requires NHS bodies to respond to a request to consider whether there is a treatment or service that is likely to benefit the child, or a request for information or help in deciding how to meet child's additional learning needs, within six weeks. An exception to the six-week timescale is where it is impractical for an NHS body to do so due to circumstances beyond its control.

We have heard some anecdotal evidence of schools and local authorities struggling to gain the input of health services and sometimes having to write Individual Development Plans in the absence of such input and information from the NHS where this is much needed.

We would be grateful for your perspective on the extent to which NHS bodies are fully complying with their statutory duties to secure provision where they consider it is likely to be of benefit, and to provide information and help in the process of assessing learners' needs and identifying suitable provision.

I would be grateful if you could respond to this letter no later than 31 August 2023.

I have copied this letter to the Minister for Education and Welsh Language and the Deputy Minister for Social Services.

Yours sincerely,



Jayne Bryant MS
Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

Agenda Item 3.13

Children, Young People and Education Committee
Welsh Parliament
Cardiff Bay
Cardiff
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Dear Chair,

Thank you for the opportunity to provide evidence as part of a 'check in' in your inquiry into the implementation of the Curriculum for Wales and the new Additional Learning Needs (ALN) system. The following response was prepared on behalf of the seven Health Boards by the four Designated Education Clinical Lead Officers (DECLOs) and has been submitted by the Welsh NHS Confederation.

Question 1

We would be grateful for your perspective on the extent to which the new ALN system has brought about the intended improvements to joint working between schools, local authorities and the NHS. For example, how much of a difference is the statutory DECLO role making on the ground?

There has been a long and positive history of joint working between a range of NHS health services, education settings and Local Authorities prior to the advent of the Additional Learning Needs and Education Tribunal Act (ALNET) and the introduction of the DECLO role. This is evident in the range of services providing interventions in education settings including therapy, nursing, psychology as well as medical services. In addition, some Local Authorities and education settings have commissioned services from NHS Wales to provide enhanced partnership working. Without question, the ALN Transformation Programme and the implementation of the ALNET Act has brought a renewed energy and shared commitment to further improve collaborative working. Health Boards and their partner Local Authorities have remodelled existing processes and developed new approaches to meet the statutory requirements of the ALNET Act and to support its underpinning principles.

There are four DECLOs in post covering the seven Health Boards in Wales. The appointments of the majority of the DECLOs during the winter of 2020-2021, meant that they joined part-way through the ALN Transformation Programme (2018 –2022). The implementation of the ALNET Act started in September 2021.

The DECLO post is a strategic role. Each DECLO has strong links with multiagency groups at a strategic level (with variation across Wales due to differing local structures). DECLOs are often members of relevant sub-groups of the Regional Partnership Boards in addition to being integral members of well-established Regional ALN Strategic Groups (involving Health Boards, Local Authorities and Further Education Institutes). The Regional ALN Strategic Groups have functioned as one of the mechanisms for joint working under the ALNET Act with 'flow through' to groups supporting operational delivery.

Due to the strategic nature of the DECLO role, the DECLO is not directly involved in operational matters 'on the ground'. However, DECLOs have built upon existing approaches to establish processes through which Health Board operational services collaborate with education partners under the ALNET Act. They have also worked hard to be visible to education settings via a range of means including attendance at ALNCO and Special School

fora, visits to individual education settings, delivering training, supporting contact with services, and presenting at education conferences. In addition, DECLOs serve as a central point of contact for education colleagues within their respective Health Boards, channelling enquiries to the relevant service/department/speciality and supporting joint problem solving. Whilst the aim is to build upon DECLO interaction and visibility to education settings as part of their role, any work of this nature must be framed within a context of size and scale. The ratio of DECLOs to Local Authority-maintained schools is approximately 1:365 (based on 1463 Local Authority maintained schools in Wales as sourced via the Schools' census result: January 2023 (revised)). Since their appointment, the DECLOs have received feedback from a variety of sources highlighting the value of the DECLO as a point of contact and support for developing joint solutions between Education and Health Boards, facilitating improved collaboration.

As mentioned above, joint working between Education and Health Boards has a long history for all learners who have a health need, regardless of whether they have ALN. With the facilitation, co-ordination and oversight of the DECLOs, operational NHS services are building upon this good collaborative working under the ALNET Act. However, it needs to be recognised that their endeavours in this area have been impacted by the legacy of the pandemic. Many services now have long waiting times which they did not previously have; increased referral rates; and Health Boards face severe financial pressures requiring services to deliver cost improvement plans despite waiting time challenges, increased demand and the new requirements of the ALNET Act.

In relation to the ALNET Act, a particular and growing demand on services is attendance at person-centred meetings (PCMs) to either support the identification of ALN and the subsequent development of an IDP, or for the review of the IDP. This has the greatest impact on children's therapy services. While attending PCMs is not a statutory requirement for Health Board staff under the ALNET Act, in practice attendance is often vital to ensure a truly joined-up and person-centred approach to meeting a child or young person's additional learning needs. The value of such meetings in supporting better outcomes and better experiences for children, young people and their families is becoming increasingly clear. However, this places an additional demand on stretched NHS services that needs to be recognised. Preliminary evidence from one Health Board in Wales, based upon the number of PCM invitations received by one service during the academic year 2021-2022, showed that 465 clinic appointments would have been lost if all PCMs had been attended. It should be noted that whilst invitations to annual reviews under the previous SEN legislation were for a proportion of the 2-3% of statemented pupils (i.e. those with significant healthcare needs), the percentage of pupils with ALN is likely to be close to 15%, with a significant proportion of these having healthcare needs that are relevant to their ALN. This is based on recent data showing that 13.5% of pupils currently have either SEN or ALN (Schools' census result: January 2023 (revised), published 16/08/2023).

To re-iterate: the benefits of NHS professionals' participation in these meetings to support children and young people getting to their person-centred outcomes is becoming increasingly clear. Positive feedback regarding the involvement of NHS professionals in PCMs has been received from NHS professionals, education partners and children and their families. However, it needs to be recognised that operational NHS services are required to manage this additional demand within existing resources, requiring difficult decisions to be made about the relative prioritisation of effective collaborative working through the ALNET Act and the provision of clinical services to children and young people.

Question 2

We would be grateful for your perspective on the extent to which NHS bodies are fully complying with their statutory duties to secure provision where they consider it is likely to be of benefit, and to provide information and help in the process of assessing learners' needs and identifying suitable provision.

Statutory duties for Health Boards under the ALNET Act include the duty to comply with section 65 requests from Local Authorities and the duty to respond to section 20 referrals from Local Authorities and Further Education Institutes. There are no statutory duties for Health Boards in relation to section 65 requests made by education settings, and section 20 referrals cannot be made by schools. This, however, is not always understood by all stakeholders, as evidenced via feedback received. This can lead to misalignment of expectations.

To address the question above, the response has been broken down into two parts, firstly addressing statutory requirements under section 20 of the Act before turning to requirements under Section 65. Some final thoughts are offered in closing.

Securing of NHS ALP and identifying suitable provision (section 20 of the ALNET Act):

Health Boards have a statutory duty to respond to referrals from Local Authorities under section 20 of the Act requesting them to consider whether there is a relevant treatment or service that is likely to be of benefit in addressing a child or young person's ALN. The DECLOs, in collaboration with Education partners, have developed a national approach to what constitutes NHS ALP and how this is captured within IDPs. Any NHS Additional Learning Provision identified through a section 20 referral is a treatment or service that the NHS would normally provide as part of the comprehensive Health service in Wales in accordance with the NHS (Wales) Act 2006 (c42). The statutory duty on Health Boards to secure the relevant identified treatment or service becomes active once the final IDP is issued. Based upon the evidence available, the number of section 20 referrals received from Local Authorities varies significantly between Health Boards across Wales. Evidence that is available demonstrates that section 20 referrals are responded to in most cases within the statutory six-week timeframe and that NHS ALP is secured, unless exceptional circumstances apply. However, it should be noted that there are currently some gaps in the data that is available, for reasons that are outlined below (Final Remarks).

It should be noted that most learners in the ALN system have IDPs that are maintained by education settings, not the Local Authorities. As mentioned earlier, schools are not able to make section 20 referrals under the ALNET Act. This has resulted in different approaches across Wales leading to inconsistencies nationally as to whether learners have NHS ALP identified within their IDP or not. The DECLOs have escalated this issue to Welsh Government to support a nationally consistent approach.

Providing information and help (section 65 of ALNET Act)

Health Boards have a statutory duty to respond within 6 weeks to requests for information or help received from Local Authorities under section 65 of the ALNET Act. Whilst Health Boards do not have a statutory duty to respond to requests for information made by education settings, education settings may also request information, and evidence available indicates that Health Boards respond in most cases. Based upon feedback, some education

settings believe that Health Boards are required to respond in accordance with the same statutory timeframe as if the request had been made by the Local Authority. This perception can lead to a misalignment of expectations. Over the past two years, DECLOs have worked with education to ensure that section 65 requests are relevant and focussed to support more meaningful responses.

Based on evidence available, compliance with the six-week statutory response timeframe for section 65 requests from Local Authorities is relatively high, but there are variances across the Health Boards. Compliance with the six-week statutory response requirement has improved since the start of the implementation of the ALNET Act and the DECLOs expect further improvement as processes continue to be embedded. As with section 20 referrals, there are gaps in the data that is available, for reasons outlined below (see Final Remarks below).

The 12-week period afforded to Local Authorities for their decision making and the 6-week timeframe for the Health Board to respond to a section 65 request for information, potentially followed by a 6-week timeframe to respond to a section 20 referral, are not aligned. This can lead to an expectation on Health Boards to respond earlier than the six-week timeframe which is not always possible and may lead to Local Authorities to issue the IDP in the absence of information from the Health Boards.

Final remarks

The initial implementation of the ALN Act has stimulated considerable and positive collaborative work as Health and Education partners have strived to deliver on the strategic intentions and operational requirements of the ALN Act. Key principles of collaboration, person-centred practice, early identification of need and early help, and supporting a bilingual system have underpinned this work. Alongside this, it needs to be recognised that under the ALNET Act additional demands and expectations are being placed upon Health services, which will grow as implementation continues. The impact of these additional requirements is especially challenging in the post-pandemic context. Whilst some financial support was provided to Health Boards as part of the Additional Learning Needs Transformation Programme (2018 –2022), prior to its launch it was considered that the implementation of the ALNET Act would ultimately be resource-neutral for NHS Wales. Growing evidence demonstrates that this is not the case and that the implementation of the ALNET Act will place new and additional demands on Health Boards that they have not been resourced to meet.

While all Health Boards have established internal assurance processes, to date there has been no requirement for Health Boards to externally report on compliance with their statutory duties under the ALNET Act. In most parts of Wales, there have been challenges in establishing the informatics and staffing infrastructure that is needed to enable reliable data capture regarding compliance. The DECLOs and Welsh Government are currently collaborating to develop a national assurance framework with key performance indicators and associated data definitions. Infrastructural challenges noted above will need to be escalated and addressed as part of this work. Once completed, this will enable consistent, regular and reliable reporting regarding Health Boards' statutory activity and will thus provide assurance regarding Health Boards' compliance with their legal duties under the ALNET Act.

To: Jeremy Miles MS,
Minister for Education
and Welsh Language

Julie Morgan MS,
Deputy Minister for
Health and Social
Services

By email only

Dear Ministers,

Re: Additional Learning Needs Code and private diagnoses

I write in relation to concerns raised with me by parents and professionals around what appears to be conflicting advice and practice around Additional Learning Needs diagnoses. Families are telling us that, in some instances, private diagnoses of additional learning needs are not being accepted by their local authority as evidence. This appears to conflict with the guidance within the ALN Code.

The ALN Code states:

30th June 2023

20.2. Identifying whether a child or young person may have ALN and the subsequent decision as to whether the person has ALN requires evidence. This evidence might come from staff within a school or FEI or other education setting or other services which have been involved with the child or young person. It might also come from the child, their parents or the young person themselves.

23.76. The advice or evidence would include any recent reports and assessments undertaken by the school, FEI or local authority responsible for the IDP and by other agencies or professionals, such as relevant health and social care reports. It might also include any data which supports the identification of ALN, such as attainment data. The full report(s) can be provided in an annex.

However, the following section of the Code appears to suggest that it is up to the school, FEI or local authority to determine what evidence is sought and considered.

20.19. These decisions need to be based upon evidence. This will include any evidence already collected prior to it appearing that the child or young person may have ALN, but may also require further evidence, advice, or input from other professionals or organisations to be gathered as



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Croesawn ohebiaeth yn y Gymraeg yn ogystal â'r Saesneg ac mewn amryw o fformatau
We welcome correspondence in the medium of Welsh and English as well as alternative formats

necessary during the decision-making process. What further evidence or input is appropriate will depend upon the circumstances of each individual case and it is for the school, FEI or local authority deciding on ALN or determining ALP to determine what input to seek according to the individual circumstances.

We asked the ALN implementation team in Welsh Government to confirm the status of private diagnoses where these are sought by families. They stated to us that:

The [ALN Code](#) does not differentiate between public sector and private sector assessments and diagnoses.

When developing an individual development plan (IDP) for a child with ALN, the school or local authority may use information from a range of sources to help describe the child's ALN and the provision they require.

Although a formal diagnosis may help describe a particular need, it is not required to ensure support is provided to a learner when they need it.

A multi-agency approach to developing an IDP must also involve the child and their parents in decisions that relate to the child's ALN. Putting the child at the heart of the process that identifies their ALN and determines their ALP is a fundamental objective of the ALN system.

Finally, the Education Tribunal for Wales may consider private and/or NHS assessments during appeals, but such evidence tends to be given more weight if it is current, rather than from which body provided the assessment.

If private and public sector assessments and diagnoses are deemed equitable there should be guidance around the qualifications needed to be able to undertake assessments and provide diagnoses. Is such guidance available? If there is no such guidance, does this not mean that unqualified individuals could be undertaking assessments and providing diagnoses which are then seen as equitable to NHS diagnoses?

We are aware of businesses providing ALN relevant assessments and diagnoses where their websites list no qualifications or clinical practice experience. I would be concerned if unqualified individuals were providing diagnoses which were then accepted as evidence. On the other hand, I am acutely aware of the unacceptably long (sometimes several years) waiting lists for NHS diagnoses which are driving demand for private diagnoses.

I would be grateful if you could clarify the government position on the status of private diagnoses, and if there is confusion, how you will provide more clarity for children, families, schools and local authorities. I would also appreciate any



more information you can provide about how you plan to respond to the long waiting lists for diagnoses.

Yours sincerely,

A handwritten signature in black ink that reads "Rocio Cifuentes". The signature is written in a cursive style with a horizontal line underlining the name.

Rocio Cifuentes MBE
Children's Commissioner for Wales

Agenda Item 3.15

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



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref JMEWL/01179/23

Rocio Cifuentes
Children's Commissioner for Wales

31 July 2023

Eleri.Bingham@childcomwales.org.uk

Dear Rocio,

Thank you for writing to me about this important issue.

I am aware of the concerns regarding the delays in diagnosis for children and young people and my officials are working with colleagues across departments and with external stakeholders who are taking action to reduce waiting times.

The points you raise regarding the status of private medical assessments is important and I will ensure they are brought to the attention of the ALN Reform National Steering Group. This group provide strategic leadership with the Welsh Government, including oversight over the essential multi-agency collaboration required under the ALN system.

Early identification, intervention and prevention

The early identification of ALN and the timely intervention of additional learning provision (ALP) are key principles of the ALN system. We know that providing the right ALP as early as possible can be the most effective means of addressing ALN and preventing the need for further intervention in the future.

Therefore, it is important to stress that ALP does not depend on an assessment or a medical diagnosis. Neither do individual development plans (IDPs) require an assessment or diagnosis before they can be issued to a child or young person with ALN. IDPs and the ALP they describe should not be delayed as a consequence of NHS waiting times.

Where a school or local authority has decided that a child or young person has ALN, that body must prepare an IDP for the child or young person.

Evidence for IDPs

Those with a role in writing IDPs may need to consider a wide range of evidence when preparing or reviewing an IDP. Although private assessments by qualified practitioners can be useful, they should never fully determine the contents of the IDP. All IDPs must involve the child, the child's parent or the young person, along with any other appropriate contributors following the person-centred practice approach.

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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.

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

Additional learning needs co-ordinators (ALNCoS) are qualified individuals with clear duties as set out in the ALN Code. We expect them to use their knowledge and experience to ensure the evidence they use to help determine the ALP required by their learners with ALN is always appropriately sourced. We certainly would not expect designated co-ordinator or ALNCoS to use private assessments by unqualified individuals to help inform IDPs.

The ALN Code sets out in paragraph 20.13:

Examining whether there is a marked disparity of evidence provided by different individuals/agencies and where the child or young person is in different settings, will give a more accurate understanding of the child or young person's needs. Where there is marked disparity it might suggest a need to consult with professionals with the relevant expertise in order to consider the child or young person's needs in a holistic manner.

Local authorities may request information or other help from NHS bodies and other relevant persons using section 65 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (the ALN Act). This may be useful when preparing an IDP for a child or young person with healthcare needs or require ALP that is delivered by a health professional. For example, if a private assessment has been sought for a learner with ALN, the designated co-ordinator or ALNCo may seek the advice of their Local Health Board to help them consider the appropriateness of the evidence.

School and FEIs may also make such requests which could help reduce the burden on local authorities, although there are no specific duties or timelines on health bodies to respond to schools and FEIs as they would with local authorities.

Designated Education Clinical Lead Officers (DECLOs) may also have a role to play as the strategic leaders of ALN in each Local Health Board in Wales. Amongst their duties, DECLOs are responsible for co-ordinating the request for information or other help from local authorities.

Consistent approach to private medical diagnoses

The Neurodivergence Improvement Programme will shortly be exploring ways to bring a consistent, Wales-wide approach to private medical diagnoses, with a view to publishing operational guidance and a framework for clinicians. The DELCOs will also play a role in developing this approach which will support consistency across Local Health Boards in addition to developing a common understanding with local authorities. I will ask my officials to update you on this workstream at an appropriate time.

Tackling waiting times

The Welsh Government is committed to tackling waiting times for neurodivergent conditions and I want to assure you that we are taking action to improve services. In July last year, the Deputy Minister for Social Services announced a [Neurodivergence Improvement Programme](#), backed by £12m up to 2025. This programme includes reducing waiting times and providing more support for families and carers pre and post assessment and diagnosis.

In 2022 we allocated an initial £1.4m to Regional Partnership Boards to provide urgent support for existing neurodivergence services, including assessment and diagnosis.

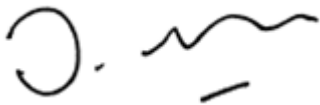
In 2023/24 we have allocated an additional £4.5 million to Regional Partnership Boards. We are working with them to ensure monies are spent in a way which will make the greatest difference. This not only includes reducing waiting times, but also piloting innovative

approaches to reducing barriers in referral pathways and the provision of pre-assessment advice and support.

In May 2023 we held an inaugural event for children's neurodivergence services and heard directly from your office the challenges highlighted by families in your 'A No Wrong Door Approach to Neurodiversity: A Book of Experiences'. We spent the day working with services to identify priorities for improvement. This work will be taken forward through a national working group, this will include scaling up identified pockets of good practice to a national model.

I hope you find this information useful and that it provides you with the assurance that the Welsh Government is working at pace to understand these issues to help provide direction for those with statutory responsibilities for delivering the ALN system in Wales.

Yours sincerely,

A handwritten signature in black ink, consisting of a large 'J' followed by a series of wavy lines and a short horizontal stroke at the end.

Jeremy Miles AS/MS

Gweinidog y Gymraeg ac Addysg

Minister for Education and Welsh Language

Agenda Item 3.16



The Open University in Wales
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Y Brifysgol Agored yng Nghymru
18 Heol y Tollty
Caerdydd CF10 1AP

open.ac.uk/wales/en
open.ac.uk/wales/cy

Monday 10 July 2023

Jayne Bryant MS
Chair, Children, Young People and Education Committee
Senedd

By email

Dear Jayne,

Many thanks for your recent correspondence to Professor Tim Blackman, Vice-Chancellor of The Open University. Prof Blackman has passed your letter to me to respond.

As you will recall, my colleague Ceri Wilcock, Assistant Director, Student Experience at The Open University in Wales, gave oral evidence to your committee's inquiry into mental health support in higher education, in addition to the written evidence we submitted.

We were very pleased to see the report and its recommendations, and I take this opportunity to congratulate the committee on a thorough piece of work. We were also pleased to see the Welsh Government's response last month, which accepted almost all of your recommendations.

As you know, The Open University is a distance learning provider which serves and operates in all parts of the United Kingdom. In Wales, we have over 15,500 students, including a large proportion from some of Wales' most underprivileged communities.

Because of the nature of our model and our offer, we do not currently have international students in Wales, so the particular recommendation relating to international students

Mae'r Brifysgol Agored yn gorfforedig drwy Siarter Brenhinol (RC000391), yn elusen a eithrir yng Nghymru a Lloegr ac yn elusen gofrestredig yn yr Alban (SC038302).
Awdurdodir a rheoleiddir Y Brifysgol Agored gan yr Awdurdod Ymddygiad Ariannol mewn perthynas â'i gweithgaredd eilaidd o froceriaeth credyd.
Rydym yn croesawu gohebiaeth yn Gymraeg a Saesneg ac ni fydd gohebu gyda ni yn Gymraeg yn arwain at oedi.

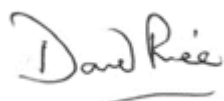
The Open University is incorporated by Royal Charter (RC 000391), an exempt charity in England & Wales, and a charity registered in Scotland. (SC 038302).
The Open University is authorised and regulated by the Financial Conduct Authority in relation to its secondary activity of credit broking.
We welcome correspondence in Welsh and in English and corresponding with us in Welsh will not lead to delay.

which you wrote to us to highlight does not apply to us as readily as it might to other universities.

However, I would like to thank you for taking the time to highlight this important issue, including the particular challenges raised by your committee colleague Buffy Williams, and assure you that we will keep a watching brief on developments in this area, as we take forward our wider work on mental health and well-being.

I know that my external affairs colleagues are looking forward to meeting with you soon, but if I can be of any further assistance, please do feel free to get in touch.

Yours sincerely,



David Price
Interim Director, The Open University in Wales

Agenda Item 3.17

University of
South Wales
Prifysgol
De Cymru

Dr Ben Calvert, Is-Ganghellor
Dr Ben Calvert, Vice-Chancellor

Jayne Bryant MS
Chair of the Children, Young People and Education Committee
Jayne.Bryant@senedd.wales

18 July 2023

Dear Jayne,

Committee Letter regarding International Students

Thank you for your letter regarding the committee's concerns regarding international students and particularly those who travel with dependants. We were aware of the concerns raised by Buffy Williams during the debate on the Children, Young People and Education Committee Report on Mental Health support in Higher Education and wrote to her immediately afterwards to offer a meeting to discuss her concerns.

It is always concerning to hear of these individual cases, but I would like to assure you that the welfare of our students is our primary focus. We have met with a number of our local Senedd Members and Members of Parliament over the last year and are keen to engage with our local community and politicians to ensure all students are receiving appropriate support.

As I am sure you are aware there are strict regulations in relation to student visa requirements and I can assure you that we have stringent processes in place. In order to successfully apply for a Student visa, applicants are required to demonstrate that they hold £9207 for themselves, and £6120 for each accompanying family member. This money is for the express purpose of meeting the living costs for the main applicant and their families while in the UK and must be demonstrated to UKVI (UK Visas and Immigration) at the point of application. As a Student Route sponsor, the university completes checks to ensure that applicants are able to successfully apply for a visa and support themselves whilst here. We check that all potential students hold the funds at the appropriate level for themselves and each of their dependants. This helps to shield students from preventable visa refusals and associated sunk costs.

In addition we offer guidance to all of our inbound international students about the current challenges and will continue to do so. In fact we strongly encourage them not to bring dependants, however students are often reluctant to travel without their families for understandable reasons. We are aware that some students have been impacted by higher private rental costs however we have been managing these on a case by case basis with an internal escalation protocol to help students who maybe struggling to find accommodation.

With regards to the cost-of-living pressures, the University of South Wales has made over £850,000 available to increase measures designed to help offset some of the impact of cost of living rises on our students in this academic year alone. This includes a free breakfast for all and a cost-of-living bursary that was available to all students to apply for. To date we have already helped over 5,000 students with that bursary, receiving payments up to £200 based on their needs.

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University of
South Wales
Prifysgol
De Cymru

Dr Ben Calvert, Is-Ganghellor
Dr Ben Calvert, Vice-Chancellor

We are committed to ensuring that all of our students have a positive student experience and are supported throughout their time with us. We encourage all members who have had contact with students who required additional help or support to contact us, with the details of the individual students, so we can reach out directly and ensure that they are accessing all of the help and support that is available.

As always, we would be very happy to meet with you to discuss in more detail how the University is supporting our international students.

Yours sincerely,



Mark Milton FCIPD

Prif Swyddog Gweithredu / Chief Operating Officer

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Jayne Bryant MS
Chair of the Senedd Children, Young People and Education Committee
Senedd Cymru
Cardiff
CF99 1SN

24 July 2023

Annwyl Jayne,

Re: International students

Thank you for your correspondence, dated 6 July 2023, regarding international students. I want to assure the committee that I share your concerns about the current cost-of-living.

With regards to the items raised in plenary on 14 June 2023, I cannot respond specifically to the examples from Rhondda. It was not clear if these were students from Cardiff Metropolitan University.

I can, however, clarify the support we offer to students and the information we provide before and after their arrival. This is specific to our institution and, as above, I cannot speak for other universities.

Information for students

We give advice to international students before they apply, arrive and enrol. We do this via the website, a personal conversation, the student engagement provider and direct contact with the recruitment team and overseas representatives. We emphasise to students the full costs associated with living in Cardiff.

We inform international applicants of the high demand for privately rented accommodation in Cardiff. We recommend alternative options, like student halls, and clarify that they are not suitable for families.

Students are advised not to travel with family, who should only join once suitable accommodation is secured. We also signpost to guarantor service providers, like Housing Hand, which are used widely across the UK sector.

Accommodation webinars are delivered pre-arrival and are recorded and circulated to all international students. It is made clear that failure to secure accommodation can mean:

- Increased costs associated with short-term accommodation.
- Inability to open bank accounts, register with a GP and/or register a child at school.
- Negative impact on studies.
- Poor attendance, resulting in the withdrawal from the course and loss of visa.

We continue to work on these issues via a Student Community Partnership board with Cardiff Council, South Wales Police and the city's other universities.

Arrival in Wales

As a practical measure, we give international students funds on arrival, both as a welcome gesture and recognition of the time needed to open a UK bank account. The funds are allocated to their Met Card, so can be spent on food and drink and course-related costs.

Once students are 'on campus', they are invited to welcome events before induction week, at which the accommodation office and other student services are present. Students also attend a presentation with advice about accommodation (how to search, what to avoid and realistic associated costs).

At induction, students meet key teams from across the university and with their new cohort. A cohort meal is provided on campus together and we provide subsidised social trips to orient them to Cardiff and the UK.

Off-campus issues

Whenever we have been made aware of students approaching services in the community, we have provided our contact details to the service providers. We have asked the providers to pass the relevant details onto any students to allow us to give the appropriate support.

This has happened on occasion this year, but the information provided to us has been anecdotal and non-quantified; the community project or centre has not been able to confirm if these were students at the University or how many had presented. Nonetheless, we have sent reminders to all international students on the support that is available whenever we have heard of non-campus problems.

We have a dedicated International Student Welfare Support team that supports students before arrival through to until their graduation. As well as that team, international students who have more complex needs can access services available to all students. This includes support with money, wellbeing, disability and dyslexia. You heard more about our mental health support in your recent inquiry on the matter, advocating that the Cardiff-based Mental Health University Liaison Service be rolled out across Wales.

Universities UK guidance

In June, Universities UK issued a [report on best practice for international recruitment](#). It advocated or highlighted the following, all of which happen or are being trialled at Cardiff Met:

- Earlier deadlines for high demand courses
- Deadlines for deposit payments.
- Earlier deadlines for applications and deposits
- Pre-CAS (Confirmation of Acceptance for Studies) interviews to ask about dependants.
- Work via the UK Agent Quality Framework to support agents and agent aggregators.
- Performance assessments or monitoring for agents.

To reiterate, we do not take the issue lightly and continue to work with the student body, Council and universities in Cardiff. As always, I would be happy to discuss any issues pertaining to the University in further detail with you, the committee and wider Senedd.

Yn gywir,



Professor Cara Aitchison
President & Vice Chancellor
Cardiff Metropolitan University

President & Vice-Chancellor:

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Document is Restricted

Agenda Item 3.20

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

**Children, Young People and
Education Committee**

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Rocio Cifuentes

Children's Commissioner for Wales

20 July 2023

Request for a response to the Welsh Government's response to our report, 'If not now, then when?'

Dear Rocio,

As you may be aware, on 24 May 2023 the Children, Young People and Education Committee published its report on radical reform of services for care experienced children and young people. The Welsh Government responded to our report on 5 July 2023.

The Senedd debated the report and the Welsh Government's response on 12 July 2023. We invited the children and young people, professionals and academics who contributed to our inquiry to come to the Senedd to watch that debate live from the public gallery. We were delighted that around 90 people came, almost filling the public gallery. You may find the contributions of Members across the Senedd during that debate of interest.

As a Committee, we are disappointed with the Welsh Government's response. We have therefore asked the Deputy Minister of Social Services to give further evidence to Committee on 14 September to explore her response in more detail. We are pleased that the Deputy Minister has accepted that invitation.

We have written to the Deputy Minister to request additional information to support that session. We would also like to hear your views on the Welsh Government's response to help us as we consider how to take these important issues forward.

Please can you provide us with your views on the Welsh Government's response to our report in a general sense, and on a recommendation by recommendation basis, no later than Friday 25 August?

If this timetable is challenging please do not hesitate to contact our clerks
(SeneddChildren@Senedd.Wales).

Yours sincerely,



Jayne Bryant MS
Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



Agenda Item 3.21

**Comisiynydd
Plant Cymru**

Children's
Commissioner
for **Wales**

To: Chair, CYPE
Committee

Via email only

25 August 2023

Dear Chair,

Thank for your letter dated 20th July 2023, which requested my views on the report, 'If not now, when?' and reflections on Welsh Government's response to its recommendations. These are set out below.

General reflections

The messages from children and young people who have helped shape this work have been clear — we should all aim to do much better for children and their families who are impacted by Wales' care system.

What the Committee's inquiry has highlighted is that we need a societal shift in how we care for and support children and young people. This is something that does not just sit at a Welsh Government level, but filters across all services which have a role in the care of children and family support. From schools and colleges, local authorities, the Courts, to health and emotional and mental health services, housing and community services, as well as my own Office — there are clear actions in the report's recommendations for all these services to help them have a greater role in ensuring care experienced young people are able to thrive and reach their potential.

When reflecting on the response from Welsh Government, and their Programme for Government commitments, I feel that Welsh Government recognise the need to introduce significant changes for the care experienced community in Wales. However, despite this rhetoric, it has not always been clear how the changes as part of this agenda of radical reform will be achieved. I have shared the Committee's concerns that this significant commitment to children and young people has, at times, lacked detail in terms of how and when commitments will be progressed and implemented.



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Croesawn ohebiaeth yn y Gymraeg yn ogystal â'r Saesneg ac mewn amryw o fformatau
We welcome correspondence in the medium of Welsh and English as well as alternative formats

I have raised these concerns in my regular meetings with the Deputy Minister and her Officials, and have sought to make clear that it is absolutely critical that Welsh Government are able to be held to account by children for the steps they have or have not taken when trying to deliver such fundamental changes. This is why as Children's Commissioner I have been pushing Welsh Government to develop and publish a clear plan of action so we can see what changes are going to be implemented and when. I welcome that early iterations of a road map have been developed, however, drafts that I have seen do not align with the vision set out in the Declaration developed with young people at the Summit event in December 2022. In order to give a full picture of the work undertaken by Welsh Government in this area, the action plan should include all commitments set out in the Programme for Government, and recommendations made by my Office and this inquiry report, that have been accepted or accepted in part.

On balance, it is important to note that whilst a number of recommendations put forward in this report have been rejected or accepted in part by Welsh Government, there are a number of commitments being delivered by Welsh Government that were not referenced in the recommendations, namely the commitments to develop accommodation for children with complex needs, to remove profit from children's services and the Basic Income Pilot for care leavers. Therefore, having an action plan that sets out all actions will contribute to a shared understanding of what will be delivered as part of the Radical Reform Agenda.

I also want to see progress updates communicated regularly to the young people who have so passionately shared their realities in the hope of informing a better future for children who grow up in care. The care experienced community have contributed significantly to the work of the CYPE Committee, have helped draft Welsh Government's Corporate Parenting Charter — "A Promise from Wales"¹ - and participated in negotiations at the Radical Reform Summit to agree the Declaration² of a shared vision between care experienced young people and Welsh Government. I am aware that Welsh Government are considering a follow up Radical Reform Summit with young people which will be a welcome opportunity for children to scrutinise delivery in this area. I would like to see Welsh Government consider annual reporting to children, as is committed to in the

¹ <https://www.gov.wales/sites/default/files/publications/2023-06/corporate-parenting-charter-a-promise-from-wales.pdf>

² <https://www.gov.wales/sites/default/files/publications/2023-05/radical-reform-summit.pdf>



Declaration. My reflections on responses to recommendations are attached separately.

Yours sincerely,



Rocio

Rocio Cifuentes MBE

Comisiynydd Plant Cymru
Children's Commissioner for Wales





	CYPE Recommendation	Welsh Government Response	CCFW Reflections
Accept	Recommendation 9 - The Welsh Government must work with local authorities, members of the judiciary and other relevant stakeholders to continue the roll-out of the FDAC model across Wales, subject to a successful evaluation of the Cardiff and Vale of Glamorgan pilot	<p>The Welsh Government will review the evaluation of the Cardiff and Vale of Glamorgan pilot to consider sustainable delivery models for a National Rollout. We will work with local authorities, members of the judiciary and other relevant stakeholder to ensure key partners are involved in advising and scoping future FDACs in Wales.</p> <p>Financial Implications: Yes, any additional costs will be considerable and will have to be identified from existing budgets.</p>	<p>This is a flagship 'Programme for Government' commitment, which has a pilot already underway.</p> <p>As part of its evaluation, I would expect to see families who have come before the court invited to share their views on the process.</p> <p>I would also expect this to be a regular or standing item at Family Justice Network meetings hosted by Welsh Government, so that progress on this work can continue at pace.</p>
	Recommendation 16 - Welsh Government should consult with Estyn and other key stakeholders to examine the most recent attainment results relating to care experienced children.	<p>The Welsh Government accepts the recommendation but needs to be undertaken alongside the evaluation of the Virtual Schools Model pilot.</p> <p>Every child and young person in Wales has the right to expect an excellent education regardless of their circumstances, including in cases where a child has experience of care.</p>	<p>As above, the Virtual Schools Model is a Government commitment that is already underway.</p> <p>As noted in Welsh Government's response, not all local authorities have accessed the funding to begin to develop the Virtual School model.</p>



	<p>The Welsh Government recognises that good educational attainment can provide the gateway to future stability, security and an independent, fulfilling life.</p> <p>The Welsh Government is committed to equality of opportunity and equity of outcome, ensuring that all our learners are properly supported to achieve their full potential. Tackling inequality is a clear priority for the Welsh Government and this includes removing all inequalities in our education system, recognising that to achieve true equity of outcome, some children and young people will require additional, or different, support to achieve their full potential.</p> <p>The Welsh Government recognises that while some children and young people face barriers to learning for reasons of their individual circumstances, there are also systemic and institutional barriers to learning which many children and young people face across Wales. We are taking action to support all children and young people, to overcome these barriers and reach their full potential.</p> <p>The Virtual Schools Model is currently in its final year of a three-year pilot, supporting the educational needs of care-experienced children. Thirteen local authorities have been provided with £1m funding to date, with a further £240,000 expected to be allocated in 2023-24. Welsh Government officials are currently undertaking</p>	<p>In England and Scotland, the Virtual School Approach has been far more embedded, such as with the National Association of Virtual School Heads in England and CELCIS in Scotland. These are networks that support the model and those undertaking the role of the Virtual School Head. Consideration should be given to sharing best practice and enhancing support and network opportunities to further support the embedding of the model in Wales.</p> <p>I would expect the evaluation to not just explore the outcomes of the pilot with those who have implemented the model, but to explore why some local authorities did not participate.</p> <p>As the continuation of the Virtual Schools Model is likely to be dependent on the outcome of the evaluation, further commitments would be</p>
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	<p>an internal research exercise of the pilot, which will inform the full evaluation phase of the model. In turn, this evaluation will inform the further development of the Virtual Schools Model.</p> <p>Financial Implications: There are no financial implications as a result of accepting this recommendation.</p>		<p>welcomed from Welsh Government on how care-experienced learners will be supported to improve attainment and educational experiences. As the Committee's report identified, looked after children face many barriers when accessing education, and whilst the Virtual School Model is designed to help address some these, it cannot be the only initiative relied upon to improve educational outcomes for children.</p>
	<p>Recommendation 21 - the Welsh Government should respond to the concerns raised by NYAS Cymru in oral evidence on 15 February 2023, and by the Children's Society in their written response to our consultation, in relation to incidents of children missing from care.</p>	<p>I wholeheartedly agree with the Committee's conclusion of the absolute imperative to talk to children and young people to try to find out the reasons that led them to decide to take the actions they did. Clear and consistent pathways to raise issues, worries and concerns are equally important to prevent children concluding there is no option but to go missing, as are the subsequent conversations about why they chose to do so and understand why they believed there was no alternative decision they could take.</p>	<p>In the absence of an agreed way forward, practitioners working with children need to be supported with access to resources to help facilitate these conversations as to why children and young people have gone missing.</p> <p>There will be a number of reasons why children go</p>



		<p>The outcome of those preventative and post-event conversations share the same outcome which is to help to identify and put in place support to help them with whatever they are going through, and making it less likely that they will make the choice to run away again.</p> <p>The risks to children and young people when they are missing are clear. There is unanimity across the sector on those risks as there is that it is crucial for everyone to deploy every resource to help children and young people to be able reach a different decision and mitigate episodes where they go missing. We welcome the evidence from NYAS and Children’s Society on this issue.</p> <p>We hear the clear messages they have provided in their evidence to the Committee and as part of our continuing work with partners from across the sector to reach consensus and a shared position wherever possible. This is a challenging issue and one where there is not yet consensus on how to resolve opposing views on the policy and practice around missing children. We have brought together third and public sector organisations, as well as the four Police and</p>	<p>missing. Practice Guidance has been developed to support practitioners when faced with this challenge.¹ Where more coercive factors are at play resources have been developed to support practitioners with managing this. For example, Dr Hallet produced a number of guides and delivered training on the ‘Check Your Thinking’ resources which share messages from children and young people to support with safeguarding from exploitation and managing risks.² CASCADE are also undertaking work to support practitioners who are working with children who are exposed to criminal exploitation.³</p> <p>Listening to children and ensuring that trusted adults in</p>
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¹ <https://safeguarding.wales/en/chi-i/chi-i-c6/c6-p9/>

² <https://www.checkyourthinking.org/>

³ [Child Criminal Exploitation – CASCADE \(cascadewales.org\)](http://Child Criminal Exploitation – CASCADE (cascadewales.org))



	<p>Crime Commissioners as part of a round table event on this topic.</p> <p>As a consequence, Welsh Government commissioned Children in Wales to gather the views of children and young people who have been supported because of going missing alongside a separate project to review policy, practice and procedures to see how we may better achieve consensus.</p> <p>Officials are collating and considering the information and conclusions the projects have identified. Initial analysis suggests that children and young people themselves had varying opinions on the value of return home interviews. However, they can be useful if run well and an important way for professionals to help identify patterns of behaviour and put solutions in place. The evidence and opinions that Wales follow the approach elsewhere of mandating Return Home Interviews appears to remain limited. The next step is to share the findings of this work with partners and explore how we can best achieve our shared intention, impact and outcomes as part of coherent and consistent arrangements that empower and enable proportionate approaches that keep children and their views, wishes and feelings at the centre.</p>	<p>their lives have the skills and time to undertake these conversations must be a priority. I am also aware that practitioners have raised with me the need to have further support with assessing exploitation risks. This has been discussed at my Roundtable on Preventing Child Sexual Abuse. I am confident Welsh Government are aware of these challenges.</p>
<p>Recommendation 26 - The Welsh Government must carry out a review of the support offered to young people by Young Person's</p>	<p>The Welsh Government will carry out a review as detailed by the Committee in this recommendation. This review will inform the work outlined in the response to recommendation 22 which will be to</p>	<p>I welcome the acceptance by Welsh Government to undertake a review of the</p>



	<p>Advisors. The review should consider:</p> <ul style="list-style-type: none"> the concerns set out in this report relating to Young Person's Advisors and the pathway planning process; the likely impacts on the collective workload of Young Person's Advisors of the reforms set out in this report (particularly those relating to upper age limit for support for care leavers and those relating to opt-out advocacy services for children in care and care leavers); and any action required as a result 	<p>legislate in this Senedd Term to ensure all care leavers have an entitlement to a Personal Advisor up to the age of 25.</p> <p>Financial Implications: None, any additional costs will be drawn from existing budgets.</p>	<p>support offered by Young People's Advisors.</p> <p>However, I would value confirmation from Welsh Government that the review will not impact on the longstanding commitment to legislate to extend PA support up to the age of 25, which my Office called for in 2017 and is yet to be implemented.</p> <p>I would like to see this review explore issues of resource and capacity to inform how this extension can be extended sustainably.</p> <p>Legislating in this area is the only way to secure entitlements for young people to ongoing support. Whilst local authorities have been directed by Welsh Government to provide this support in the meantime, cases received by my Office's independent Investigation and Advice service continue to indicate that the</p>
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			<p>offer of support up to the age of 25 for all care leavers has not been embedded or become a standard practice. Amendments to the legislation would also have the consequential impact of bringing all care leavers up to the age of 25 into the remit of my office for the provision of advice and support, as this is currently linked to the entitlements as set out in the Social Services and Well-being (Wales) Act 2014.</p>
Accept In Part	<p>Recommendation 4 - As part of umbrella reforms to corporate parenting (see radical reform #3), the Welsh Government should introduce legislation making specific provision relating to corporate parenting. The legislation should:</p> <ul style="list-style-type: none"> • set out which bodies are considered 'corporate parents', including at least local authorities, health boards, NHS trusts, the Welsh Ministers, the Children's Commissioner for 	<p>Welsh Government will be encouraging all public and private bodies to sign up to become corporate parents through the Corporate Parenting Charter which was published on 29 June.</p> <p>The Commission for Tertiary Education and Research (CTER) will not be a direct service provider to care experienced people in the manner of local authorities, local health boards or the higher and further education institutions which it will fund and regulate. There is therefore a question about whether it would be a suitable body to act as a 'corporate parent' on a statutory basis as described in the report. However, CTER will have its own statutory responsibilities for care experienced children and young people (see response</p>	<p>I support this recommendation to place corporate parenting responsibilities on a statutory footing. In 2020-21 and 2021-22, my Office put forward recommendations to Welsh Government to support the implementation of the Corporate Parenting Charter by introducing legislative and regulatory change to support organisations to comply with their duties.</p>



	<p>Wales, the Commission for Tertiary Education and Research, and other such bodies as the Welsh Government sees fit following consultation;</p> <ul style="list-style-type: none"> • set out the general duties imposed on all corporate parents, including at least duties to: prepare and publish plans relating to the work as corporate parents; to work collaboratively where it would safeguard or promote the well-being of the child or young persons to do so; publish reports on how they have exercised their corporate parenting responsibilities; provide reasonably requested information to the Welsh Ministers; and follow guidance or directions issued by the Ministers. • align with further specific corporate parenting duties and recommendations against the relevant sections in this report. See: mental 	<p>to recommendation 27 below), and we anticipate that it will be a signatory to the Corporate Parenting Charter.</p> <p>To support the Charter, Welsh Government will strengthen guidance including a dedicated chapter on Corporate Parenting to support local authorities in their role as corporate parents within the Part 6 Code of Practice (Looked after and accommodated children) under the Social Services and Well-being (Wales) Act 2014. Work is also taking place across Government to identify existing guidance which could also be strengthened to support delivery of the Charter by wider public bodies.</p>	<p>In response to our recommendations, Welsh Government have given assurances that they will amend Part 6 Guidance as part of this work and use 'legislative hooks' to strengthen arrangements with health. Without seeing the proposals, it is difficult to determine whether this will be adequate to deliver consistent compliance with the Charter.</p> <p>In the present climate of squeezed budgets in public services, it is inevitable that organisations will focus upon what their statutory duties require of them. Whilst the principles of the Corporate Parenting Charter are welcome, it is perhaps unrealistic to think that this will create tangible change in organisations' working practices within this context, without requirements for agencies to undertake certain actions beyond signing up to a set of principles.</p>
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	<p>health (page 31), housing (page 94), and higher education (page 102).</p>		<p>That said, my Office is currently undertaking work to set out how our organisation will uphold the principles set out in the Charter in full and translate the principles into tangible actions that will be taken to demonstrate our full commitment to improving the experiences of these young people</p>
	<p>Recommendation 5 - As part of umbrella reforms to corporate parenting (see radical reform 3), the Welsh Government should introduce legislation to give all children the right to a specialist therapeutic mental health support service. They should have a statutory right to have their needs assessed at intervals and to have those needs met. That service should be available from the point at which they are removed from their birth parents to at least the point at which they cease to be defined as a care leaver. It should be separate and independent from</p>	<p>The Welsh Government recognises the impact of the challenges faced by care experienced children, including the potential to be further traumatised by the systems which are there to support them if services are not delivered effectively.</p> <p>From a mental health perspective, all children in Wales have equal rights to the access of specialist therapeutic mental health support services under current mental health legislation. The Mental Health Measure (2010) has established positive rights for people with mental health problems, whether diagnosed or not, to obtain help at a sufficiently early stage avoiding the risk of further mental health decline.</p> <p>However, we recognise that children in care can face additional and complex challenges to their mental</p>	<p>This recommendation aligns with children's Article 39 UNCRC right, which sets out that where children have experienced neglect, abuse or exploitation, they must receive specialist support to help them recover.</p> <p>A key strategic priority of my Office is to challenge the lack of appropriate mental health support in matching needs of</p>



	<p>existing mental health services and specialise in trauma-informed mental health support.</p>	<p>health and wellbeing and more needs to be done to intervene early and prevent, as far as is practicable, the disproportionate numbers of looked after children needing CAMHS and specialist mental health support.</p> <p>We have developed the NYTH/NEST framework which is a tool to help service providers develop and deliver services which enable them to hold onto babies, children and young people with trusted adults who are suitably trained, trauma informed and have easy access to expertise to support them. The framework aims to create a whole system approach with services integrating and working together so that resources and expertise can be co-ordinated to identify and provide the right mix of services needed to protect that child's health and wellbeing.</p> <p>Through local initiative and with the support of the Regional Integration Fund we are already seeing some excellent examples of services coming together to deliver holistic support in this way.</p> <p>Work is now underway to develop a service specification for CAMHS which will set out the Government's expectation of CAMHS services in Wales, and how it works with other services to establish the necessary arrangements to deliver integrated care. The</p>	<p>children and young people in Wales.⁴</p> <p>Whilst I recognise that all children in Wales should have equal rights in accessing services, the reality for some children, particularly children in care who may have many placement moves, may result in their needs or referrals to services being missed. This can be the case if children are out of school for a period of time, or are moving across health board boundaries.</p> <p>With the development of the CAMHS service specification, there is an opportunity to explore new models of integrated emotional and mental health support for care experienced children and young people. Consideration should be given to how services can align to provide robust support. I</p>
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⁴ https://www.childcomwales.org.uk/wp-content/uploads/2023/05/ThreeYearStrategy_ENG.pdf



	<p>National Framework for Children’s Services will set out our similar expectations for Local Authorities around integration. As part of this and drawing on the best practice we are already seeing across Wales, our ambition is that we can set out a consistent approach using the key principles of NYTH/NEST to providing timely, integrated, person-centred care for all looked after children in Wales.</p> <p>In summary, we have work already underway that will strengthen support for children and young people but without the need for new legislation.</p>	<p>would welcome an opportunity to see a draft of the Service Specification and to understand in greater detail how this will contribute to better access to services for care experienced young people.</p>
<p>Recommendation 7 - The Welsh Government should introduce legislation to give all care experienced birth parents a statutory right to intensive, wrap-around edge-of-care support to reduce the risk of children being removed from their care</p>	<p>The Welsh Government has, and will continue, to prioritise early intervention and prevention as part of the work of both the Children’s Board and the Transformation Programme of Children’s Services in Wales.</p> <p>We know that projects such as Project Unity play a valuable part in providing emotional and practical help to care experienced mothers and the Welsh Government has been able to provide annual funding of £340,000 for the programme until 2025 reflecting our commitment to supporting care experienced mothers and to keeping families together wherever possible.</p> <p>The Welsh Government accepts the recommendation in principle and will consider and explore its asks as part of the delivery of the Transformation Programme.</p>	<p>Reducing the numbers of children entering care has been a long standing ambition of Welsh Government.</p> <p>Since taking up post as Commissioner, I have been keen to understand more about how this policy direction is being delivered at a local authority level. For example – what approaches or initiatives are being delivered to enhance the community based edge of care offer for families?</p> <p>Whilst I support the principle behind the recommendation,</p>



		<p>Financial Implications: Yes, such costs would need to be scoped and could be considerable.</p>	<p>building a picture of existing support will be valuable to enable gaps in support to be identified, and, for innovative practice to be identified.</p> <p>I would welcome positive outcomes and examples of strengthened practice being shared as part of Welsh Government's reporting on their delivery of radical reform. For example, sharing information on community based initiatives that their funding streams have enabled.</p> <p>It is also important to note that other work is being undertaken in this space, such as, CIW's Rapid Review of Child Protection Arrangements, which will contribute valuable learning to how decisions are made in regards to whether children come onto, or off, the child protection register. Furthermore, Recommendation 2 from the Logan Mwangi CPR called for Welsh Government to</p>
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			<p>“consider[s] commissioning a pan Wales review of approaches to undertaking Child Protection Conferences to identify effective chairing/facilitation methods, ways of ensuring full multi-agency attendance and participation and to identify best practice”.⁵ Again, having an update on progress of this recommendation may help to inform how practice can be improved to support families to stay together.</p>
	<p>Recommendation 8 - The Welsh Government should ensure universal, nationwide access to successful early intervention/edge of care/preventative services, such as Barnardo’s Baby & Me, which have been shown to increase the chance of children being able to stay with their birth parents</p>	<p>The Welsh Government accepts and acknowledges the positive work being undertaken by Edge of Care Services such as Barnardo’s Baby & Me, Reflect and Jig-So and the benefit that these programmes have on new parents including care experienced young people. The Welsh Government will review the evaluation of these projects when deciding on next steps and future roll out.</p> <p>Financial Implications: Yes, the continuation of Welsh Government support of these projects will require financial review.</p>	<p>I welcome the commitment to review but would welcome timescales attached to when the review will take place to prevent there being periods of time where no services are in place while evaluation is being undertaken.</p> <p>I would also urge for children’s rights impact assessments to be undertaken to inform any</p>

⁵ <https://www.cwmtafmorgannwgsafeguardingboard.co.uk/En/NewsEvents/pdfs/ChildPracticeReviewCTMSB042021ChildTFinalReportEMBARGOED.pdf>



			<p>changes in policy direction or support. Identifying the benefits and mitigating any negative impacts through the children's rights impact assessment will strengthen any policy decision taken, not to mention it being a requirement of Welsh Government to undertake such an assessment when exercising their functions/taking a decision. This includes any decisions not to continue with a particular offer or support.</p>
	<p>Recommendation 10 - The Welsh Government should introduce legislation to give birth parents a statutory right to specialist, independent, issue-based advocacy services from point of child being placed on CPR.</p>	<p>The Welsh Government currently provides annual funding of £300k to the National Youth Advocacy Service (NYAS) to deliver a Parental Advocacy Programme in Gwent, via our Sustainable Social Services Grant Scheme. The Programme pairs parents with advocates who assist them in understanding legislation, processes and systems in the child protection and care process. Additionally, advocates assist parents in communicating with their child's social worker. The programme will run until 2025.</p> <p>Our Programme for Government sets out that we are committed to expanding the provision of advocacy services to support parents whose children are on the</p>	<p>As above, understanding the local offer of support that is available for families is needed.</p> <p>A commitment to undertaking a children's rights impact assessment would be welcome to ensure children's rights are systematically considered when informing future decisions about the parental advocacy scheme.</p>



	<p>edge of care, helping to avoid statutory social services involvement, escalation of needs and reducing the risk of children entering the care system.</p> <p>We are investing a minimum of £1.5 million of funding over the next 3 years, through the Care Experienced Children Change Fund. This funding will be used to scale up existing Parental Advocacy projects on a regional basis and to ensure new services are established in each of the seven regions in Wales as part of a national roll-out.</p> <p>To support consistent service delivery across Wales as part of a national roll out, we are developing a National Framework for Parental Advocacy with third sector partners. This describes the core service criteria that all regions must have in place.</p> <p>Academic literature and early reports show parental advocacy to be a promising route to reducing the number of children taken into care. We will use the learning from the Gwent initiative and from the national roll-out to determine whether universal access to parental advocacy should be put in place.</p> <p>Financial Implications: Yes. Any additional costs will be considerable and will need to be identified from within existing budgets.</p>	
	<p>Recommendation 11 - The Welsh Government should commission an</p>	<p>The Welsh Government is committed to seeing children and young people living securely with their families,</p>
		<p>More details are needed from Welsh Government on this</p>



	<p>independent review into the efficacy and availability of parenting assessment placements.</p>	<p>with many fewer ever needing to enter care. For those children who do come into care, we want their stay to be as short as is consistent with meeting their needs, close to home and with strong links to their local community. To achieve this, and to ensure a sustainable network of provision, the shape, scale and structure of current arrangements for the accommodation of and support for children and young people has to change fundamentally to ensure the development of stable, integrated and locally accountable provision.</p> <p>This will include models of care, wrap-around support and models of ownership.</p> <p>During this Senedd term, as part of this work, we will review the arrangements for parenting assessment placements in Wales, including efficacy, availability and models of ownership.</p> <p>Financial Implications: Potentially. Any financial implications will need to be resourced from within existing budgets.</p>	<p>review. For example, where will this work sit within the radical reform agenda and how will it be taken forward?</p> <p>Exploring a regional approach to provision would be welcomed to ensure that a small level of demand can be met for those families who need this level of support.</p> <p>Any review must engage with parents and families who have utilised existing services to inform strengths and areas of needed improvement. There should also be engagement with the local Family Justice Boards and the Family Justice Network for Wales to help understand the frequency of use of these assessments within proceedings in each area, and the outcomes that have flowed from each case.</p>
	<p>Recommendation 14 - The Welsh Government should work with Social Care Wales to fund and</p>	<p>Welsh Government recognises the potential benefits associated with a national register of foster carers and</p>	<p>I welcome this initiative to further professionalise the role of foster carers who play an</p>



	<p>deliver (including to legislate as needed) a national register of foster carers, to be held by Social Care Wales</p>	<p>it is therefore something that the Welsh Government is keen to explore with the sector.</p> <p>A national register would increase the status of foster carers in the team around the child, allowing the role to be more recognised and valued within the sector and by the public. This is especially important as Welsh Government recognises that foster carers are an important part of the social care team supporting the child or young person. It will also address the difficulty foster carers experience when moving from one service to another, by offering a less bureaucratic method of transfer, reducing duplication and delays and will offer a robust safeguarding mechanism which will outline a foster carer's continued suitability to foster. However, introducing such a register is complex and will need to be undertaken in a timely and controlled way alongside ensuring it can be appropriately resourced. Initial discussions with the Fostering Network have taken place and the next step is to undertake a scoping exercise to establish what a national register could look like in Wales, any legislative requirements and operational feasibility. This will be done in consultation with our statutory and third sector partners, foster carers and service users.</p> <p>Financial Implications: The introduction of a national register for foster carers could have significant financial and resource implications and these will need to be established through the scoping work Welsh</p>	<p>invaluable role in supporting children.</p> <p>Listening directly to foster carers on this issue is key as part of this scoping exercise.</p> <p>If moving toward registration is the direction of travel, this would bring the role in line with child care workers and residential care staff. The registration of social care professionals can act as an additional safeguard for children so I would welcome steps towards this.</p>
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		Government will undertake. These costs will need to be considered before a decision can be made on whether to introduce such a function in Wales.	
	<p>Recommendation 15 - The Welsh Government must ensure that a review of the '4Cs' online database is undertaken, involving key stakeholders and frontline practitioners, to identify and implement improvements to the database to streamline the placement commissioning process.</p>	<p>The Children's Commissioning Support Resource (CCSR) was initially developed by Welsh Government with Data Cymru in 2005 as a database library for looking up providers. In 2012, the Children's Commissioning Consortium Cymru (4Cs) subsequently chose the CCSR platform as an existing Welsh developed, owned and WLGA-managed platform which could be developed to meet commissioning, contracting and procurement needs. It developed an e-tendering portal to deliver the All-Wales Framework (residential and foster care) and to provide placement finding and matching capability.</p> <p>This part of the CCSR system is a layer of restricted access to Local Authority and Framework providers only, evaluated and quality assured by the 4Cs, who are compelled under the All-Wales Framework to keep their foster carer, care setting and vacancy information up to date. This is effective and is reviewed as part of daily contract management.</p> <p>CCSR does provide details of every foster carer who is a provider on the All Wales Framework plus vacancies, and the equivalent details of all Framework residential care settings and vacancies. This is monitored by 4Cs /</p>	<p>Others will be better placed to share views on the functionality of the 4C's Online Database as my Office does not utilise it as we do not commission placements for children.</p> <p>The 4Cs do have a strong youth network with their Young Commissioners Group. They have supported my office previously on projects and have shared some of the work they have undertaken to promote the voice of the child when commissioning placements.</p> <p>The 'This is Me; resources developed by the Young Commissioners can be found on The Right Way Hub on my website.⁶</p>

⁶ <https://www.childcomwales.org.uk/resources/the-right-way-a-childrens-rights-approach/a-childrens-rights-approach-for-social-care-in-wales/>



		<p>Data Cymru and is up to date. It also includes Framework providers CIW inspection reports and provider statement of purposes. CCSR has the capability for all LAs to confidentially and securely add all of their foster carer and residential setting provision onto the system. CCSR also provides the details of foster carers from a small number of other agencies who are not on the Frameworks but still see the benefit of subscribing to the service (non-framework providers) but the annual subscription fee they have to pay for the service is a barrier to some smaller providers using the system. As this has restricted access, many providers who may have contributed to the committee discussions would not have access to this element of the database and therefore may not be fully clear on its functions or the live nature of its daily use. They would however have access to the high-level resource library which sits above the 4Cs tendering module and is visible to a wider range of stakeholders. The library is part of a forward redevelopment programme which will be informed by stakeholders. To support further implementation, Welsh Government will also consider whether it would be feasible to compel all fostering agencies to register on CCSR as part of their registration under RISCA.</p> <p>This work would need to align with our consideration of the introduction of a national fostering register in Wales.</p>	
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		<p>Financial Implications: Yes. The resource implications could be significant and would need to be found from existing budgets.</p>	
	<p>Recommendation 17 - The Welsh Government should consult care experienced children and young people, kinship carers, third sector organisations, local government and others to better understand the extent to which kinship care is being increasingly used as an alternative to placing children in foster or residential care.</p>	<p>Our Programme for Government contains a number of key commitments about a new vision for how children's services in Wales are delivered. Over the course of this Senedd term, we will be working to radically reform children's services in Wales, to ensure they deliver the best possible outcomes for children who are in care. As part of this work, Welsh Government has set up a Special Guardianship Expert Group which will be looking at developing an improved and consistent needs-based approach to supporting Special Guardianship families across Wales.</p> <p>This group has representation from the statutory and third sector alongside service users and as part of its work it will look at ways of capturing the views of children and young people. The intention is to widen the scope of this group in due course to look at the use of and support available for kinship foster carers in Wales. In addition, Foster Wales is committed to ensuring that kinship foster carers receive the same support as mainstream foster carers and has launched its national commitment which is an agreed package of training, support, and rewards consistently available to all foster carers (mainstream and kinship) in Wales through all 22 local authority fostering agencies in Wales.</p>	<p>I welcome the commitment set out by Welsh Government to explore this issue in detail. Achieving parity of esteem and support/provision between foster and kinship carers must be a priority as Wales moves towards a not-for-profit based model of providing placements for children in care.</p>



Foster Wales is also committed to ensuring that kinship foster carers receive the same financial support as mainstream foster carers. One of the aims of our current work on fees and allowances is to ensure consistency, alongside other elements of the financial support to all approved foster carers. Currently all approved foster carers across Wales (including mainstream and kinship foster carers) are paid at least the national minimum allowance to meet the needs of children in their care. In addition, all local authorities pay an enhanced allowance/fee to mainstream foster carers. Through Foster Wales and the harmonisation of fees and allowances work, we are seeking to ensure that the availability of an enhanced allowance/fee is available to all approved foster carers (including both mainstream and kinship foster carers) providing they are assessed to meet the eligibility criteria as set out in the enhanced allowance eligibility policy.

The current legal framework, under the Fostering Panels (Establishment and Function) (Wales) Regulations 2018, necessitates kinship foster carers reaching the same standard of suitability to foster as mainstream carers. The only difference for kinship foster carers is that they are approved to be a foster carer for a particular child under these regulations. Welsh Government is aware that many practitioners, panels and decision makers have struggled with the fitness for purpose of the current regulatory framework for kinship foster care.



		<p>To aid the fostering sector, Welsh Government is currently undertaking a scoping exercise to consider legislative changes that could be introduced to enable an alternative and more 'fit for purpose' way forward for the assessment of kinship carers.</p>	
	<p>Recommendation 18 - The Welsh Government and the Association of Directors of Social Services must jointly publish no later than December 2023 an action plan setting out how they will prevent the use of illegal, unregistered accommodation in Wales</p>	<p>The Welsh Government remains committed to reducing the overall numbers of children looked after but recognises the challenges for some local authorities of finding or developing suitable placements to meet the needs of the children and young people in their care.</p> <p>This isn't just about increasing capacity. It is also about promoting trauma-informed models of care and ensuring there are appropriate joint commissioning arrangements in place between health, social services and education, so the needs of children are met, and they do not fall between different types of provision.</p> <p>We will continue to work with local authorities to ensure these challenges can be met.</p> <p>Under our Eliminating Profit Programme Board, we have established a local authority task and finish group to consider the issue of services operating without registration. This is to ensure placement choice and stability in registered provision meets the needs of, and secures positive outcomes for, our children and young people. The group is undertaking a review of services operating without registration in order to gain an</p>	<p>It is frustrating that Welsh Government feel unable to commit to the timescale attached to this recommendation.</p> <p>In 2021-22, my Office made a recommendation to Welsh Government on this issue, which they accepted.</p> <p>That recommendation stated, 'Welsh Government must establish a working group in 2022/23 to explore the issue of Unregulated Accommodation and Unregistered Placements. The aims of this work must be:</p> <ul style="list-style-type: none"> • To collect data to build an understanding of its usage in Wales; • To consider the needs of affected young people to identify where there



evidence-based end-to-end understanding of the issues, challenges, effective approaches and potential solutions as well as the associated impacts for children. The review is due to be commissioned shortly and will report later this year.

- are shortfalls in suitable accommodation;
- and To explore whether changes are needed in the regulation system in Wales to award young people stronger protections. Work needs to be concluded within this Senedd term including any regulatory changes that are required.

I remain increasingly concerned about the rise in the usage of these placements. This is because children placed in these settings are potentially lacking the overriding safeguards that registered and inspected settings provide. We have heard of children being placed in range of temporary settings, from Airbnbs to Caravans. We have also heard of children who are being placed in new specialist provision, which has yet to complete its registration



			<p>process, so there is variance in the types of placements used.</p> <p>We have raised our concerns with Welsh Government, CIW and have set them out in our response to the WG's consultation on primary legislation.</p> <p>We have also written to and met with the All Wales Heads of Children's Services on our concerns relating to unregistered accommodation.</p> <p>My team is currently undertaking a project that aims to reach children living in unregistered settings to better understand their experiences. The project is in its early stages, but we have received support from the All Wales Heads Of Children's Services in regards to our plans to link with children.</p> <p>The Welsh Government's response also references "appropriate joint</p>
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			<p>commissioning arrangements in place between health, social services and education". My Office's No Wrong Door reports have called for Welsh Government to create new, jointly commissioned 'safe accommodation' settings to meet complex needs. Welsh Government accepted the recommendation and work is being undertaken in all regions but has been slow to progress to these placements being open and available to young people from Wales. In addition, Regional Partnership Boards and their constituent agencies have continued to raise concerns with my office over the lack of compulsion to jointly commission services, with individual agencies 'gate-keeping' their own budgets and spending decisions. This is hampering children's needs from being met in a holistic, one-Wales public service approach and I've asked the Government to do more to</p>
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	<p>Recommendation 19 - The Welsh Government should carry out and publish an analysis of the use of unregulated accommodation across Wales for children in care and care leavers up to the age of 21</p>	<p>The Welsh Government collects data on the number of children aged 16 and over leaving care by age and accommodation at date of ceasing to be looked after. Our published statistical data for the period 1 April 2021 to 31 March 2022 shows of the 700 young people aged 16 and over who left care between 1 April 2021 and 31 March 2022, 670 (96%) were in suitable accommodation at the date they ceased to be looked after. Accommodation is regarded as suitable if it provides safe, secure and affordable provision for young people. The proportion of young people in suitable accommodation has increased from 92% in 2016-17 when data began being collected. 28% of young people in suitable accommodation were with parents or relatives and 26% were in ordinary lodgings without formal support. The proportion of young people in ordinary lodgings without formal support has generally increased since 2018-19, as has the proportion in semi-independent transitional accommodation (about 18%). The proportion of young people with parents or relatives, in independent living and in suitable supported lodgings have generally decreased over this time. Bed and breakfasts are considered unsuitable accommodation, in addition, other types of accommodation are considered to be unsuitable if they clearly expose the young person to risk of harm or social exclusion. The number, and the proportion, of care leavers in unsuitable</p>	<p>address these commissioning issues.</p> <p>I am disappointed Welsh Government have been unable to commit this recommendation.</p> <p>In 2020-21 and again in 2021-22, my office made recommendations to explore 'current use of unregulated care for under 18s, consider what amendments may be required to the Regulation and Inspection of Social Care (Wales) Act, to strengthen the inspection and regulation of care and accommodation provision for under 18s that does not currently fall under the remit of the Act.'</p> <p>All children needing care under the age of 16 must be in a regulated and registered placement. However, some 16 and 17 year olds do not necessarily have to live in regulated accommodation, as</p>
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		<p>accommodation has decreased in recent years. The number of care leavers in unsuitable accommodation decreased by 5 (14%) from 35 to 30 compared with the previous year, equating to 4% of care leavers being in unsuitable accommodation at the point of leaving care during 2021-22. This is the lowest proportion since data began being collected in 2016-17. Whilst it is difficult to see in what circumstances a child under 16 would be placed in an unregulated service as they would be in need of care which would mean the service would need to be registered, we are keen to learn from England's experiencing of prohibiting under 16s being placed in unregulated placements and will keep this under review.</p>	<p>from 16 some can begin the process of leaving Care through independent living. Leaving care at 16 and 17 does remain a concern for my office particularly as the standards of accommodation can vary greatly. Whilst we know of some excellent supportive settings, some young people can become very vulnerable if living in poor accommodation with limited support.</p> <p>I welcome proposals in Welsh Government's primary legislation consultation to reflect on the RISCA regulations to better define 'parental style care'. However, it is unclear what actions, if any, Welsh Government is taking to explore the issue of young people living independently from the age of 16 and 17 to fully understand the impact of this on young people.</p>
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			<p>I have advocated for children to be empowered and for their voices to be heard in a meaningful way when exploring this issue.</p>
	<p>Recommendation 20 - The Welsh Government should carry out an immediate analysis of the use of Deprivation of Liberty Orders across Wales for the past 24 months, broken down by local authority which has responsibility for the child, age of the child and the length of the order, and which should be published no later than December 2023. The Welsh Government and the Association of Directors of Social Services should jointly publish no later than December 2023 an action plan setting out how they will reduce the use of Deprivation of Liberty Orders in Wales. The action plan must include clear timescales and funding allocations.</p>	<p>The Welsh Government will carry out an analysis of the use of Deprivation of Liberty Orders across Wales for the past 24 months, broken down by local authority which has responsibility for the child, age of the child and the length of the order.</p> <p>The results of this analysis will feed into the Welsh Government's Transformation Programme for Children's Services.</p>	<p>It is disappointing that Welsh Government have been unable to commit to the Action Plan element of this recommendation.</p> <p>Depriving a child of their liberty is one of the most significant curtails on a child's rights. Yet, in recent years we have seen a rise in the Courts using their 'inherent jurisdiction' to implement these Orders. This has been because of a lack of suitable placements being available to young people in secure accommodation. It is an issue that the family courts have been raising with my office and the Welsh Government for some time, as action and funding are required to address</p>



			<p>placement availability/sufficiency.</p> <p>The Nuffield Trust have been undertaking work on the use of DOLS in England and Wales, who are working to publish data on their usage, albeit on an England and Wales level.⁷</p> <p>The use of DOLS spans devolved and non-devolved space. With plans to move away from this approach halted by the UK Government⁸, the Committee may benefit from seeking an update on Welsh Government's wider work to move away from this approach in Wales.</p>
	<p>Recommendation 22 - The Welsh Government should introduce legislation to raise the upper threshold for all of the support offered to care leavers until they are 21 (as set out in sections 103 to 118 of the Social Services and Well-being (Wales) Act 2014, associated</p>	<p>The Welsh Government is committed to legislate in this Senedd Term to ensure all care leavers have an entitlement to a Personal Advisor up to the age of 25. These changes can be made via Regulations under the Social Services and Well-being (Wales) Act 2014. The Welsh Government has previously written to local authorities about this and the expectations for the funding provided.</p>	<p>In 2016-17, my Office put forward a recommendation to Welsh Government to introduce new legislation to ensure Personal Adviser support for all Care Leavers up to the age of 25.</p>

⁷ <https://www.nuffieldfjo.org.uk/news/legal-outcomes-of-cases-at-the-national-deprivation-of-liberty-court>

⁸ [Written Statement: Update on the implementation of the Liberty Protection Safeguards \(5 April 2023\) | GOV.WALES](#)



	<p>regulations, guidance and codes of practice, including the When I am Ready scheme) to 25 for category 3, category 5 and category 6 care leavers.</p>	<p>Financial Implications: None, any additional costs with be drawn from existing budgets</p>	<p>Whilst money was made available for Local Authorities to extend this, the law has not been changed to implement this entitlement for care leavers. Therefore it has no statutory footing. I would welcome a firm timeline for this commitment to be delivered, before the end of this Senedd Term.</p> <p>In regards to the When I am Ready element of this recommendation, the extension is not something my Office have discussed with young people, so I would welcome further consultation with care leavers on this. As discussed below in relation to recommendation 24, access to this scheme is something my Office has previously made recommendations on.</p> <p>It is likely that 'When I'm Ready' will not be suitable for all young people, so enhancing other options for young people must</p>
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			<p>also remain a priority. This is why we have called for Welsh Government to develop national standards to address concerns of quality, sufficiency and suitability for semi-independent accommodation for care-experienced young people up to the age of 25. This was proposed by the previous Welsh Government's Joint Housing and Social Services Group, but progress has stalled.</p> <p>Welsh Government have accepted the above recommendation, and informed us that they are 'developing and using alternative models... to ensure all young people can live in a supportive environment'. However, we have had very little details however on what this work will look like.</p> <p>As mentioned throughout this response, I would welcome greater clarity on these commitments from Welsh Government, by ensuring these</p>
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			all feature in the roadmap which sets out how radical reform will be delivered.
	<p><i>Recommendation 23</i> - The Welsh Government should amend section 108 of the Social Services and Wellbeing (Wales) Act 2014 and regulations, guidance and the code of practice relating to the When I am Ready.</p>	<p>Welsh Government recognises that the transition into adulthood can be more difficult for care leavers than many of their peers of a similar age. It is therefore important that these young people experience continuity when they reach adulthood. This will help ensure they do not experience a sudden disruption to their living arrangements which could have a negative impact upon their emotional stability, education, training or employment, or upon them developing independent living skills.</p> <p>The Welsh Government is therefore committed to supporting the When I'm Ready scheme and ensuring that all young people who are in foster care are offered the opportunity to continue living with their foster carers beyond their 18th birthday, up to the age of 21, or up to age 25 if they are completing an agreed programme of education or training.</p> <p>We are aware there are some challenges with the scheme and during this Senedd will undertake a full review of the When I'm Ready scheme, drawing upon the intelligence that has been gathered about what is working well and what isn't, and collaborating with our stakeholders and service users across Wales in relation to required changes.</p>	<p>Securing timescales and parameters for this review are key.</p> <p>I would also like to see this review include foster carers. If Welsh Government are committed to extending this offer up to the age of 25, foster carers must be informed of this expectation at the earliest opportunity in the recruitment process to ensure those looking after children understand this expectation.</p>



		<p>As part of this review, we will consider whether there is a need to amend existing legislation and existing guidance to introduce changes that will further benefit our young people and the carers who support them, alongside providing a firmer footing for the When I'm Ready scheme in Wales.</p> <p>At the same time, we will look at ways of monitoring implementation to ensure a more consistent approach across Wales.</p> <p>Financial Implications: Yes, the cost of commissioning and undertaking the review would need to be scoped</p>	
	<p><i>Recommendation 24</i> - The Welsh Government should carry out a review alongside care experienced young people and other key stakeholders to ascertain how When I am Ready can be extended to young people in residential care, the barriers to that extension and what actions can be taken to overcome those barriers</p>	<p>Welsh Government has committed to undertaking a full review of the When I'm Ready scheme during this Senedd term, drawing upon the intelligence that has been gathered about what is working well and what isn't, and collaborating with our stakeholders and service users across Wales in relation to required changes. As part of this review, consideration will be given to the feasibility of young people in residential care being able to access When I am Ready provision. The work will be undertaken during this Senedd term with a view to making any necessary legislative changes during the next Senedd's legislative programme.</p> <p>Financial Implications: Yes, the cost of commissioning and undertaking the review would need to be scoped, alongside any costs associated with future changes to the scheme.</p>	<p>This is something my Office raised in 2016-17, where it was recommended to Welsh Government that equivalent support to the When I'm Ready scheme was developed for those leaving residential care.</p> <p>It is disappointing that the necessary work to provide equivalent support to care leavers leaving residential homes has not progressed despite being accepted in 2016/17 by Welsh Government.</p>



			<p>In response to our most recent annual report, Welsh Government have set out that they are 'developing and using alternative models... to ensure all young people can live in a supportive environment'. We have had very little details however on what this work will look like.</p> <p>Since this recommendation was made, we have seen a significant rise in the number of children and young people living in unregistered accommodation. Therefore, there are a proportion of care leavers who will not have relationships with foster carers which can be relied on for a WIR placement, but will likely still need a high level of support post 18. Therefore, any review needs to take account of this and ensure we are offering a broad range of supportive accommodation options for young people with more complex needs.</p>
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	<p><i>Recommendation 25</i> - As part of umbrella reforms to corporatise parenting the Welsh Government should bring forward legislation to;</p> <ul style="list-style-type: none"> • Amend the Housing Act 1996 to provide that care experienced people have priority in housing allocation. • Amend the Housing Act 1996 to state that 'local connection' should be disregarded for care experienced people at their election. • Amend the Housing (Wales) Act 2014 to ensure that care experienced people over the age of 21 retain "priority need" status when homeless. • Amend the Housing (Wales) Act 2014 so that care experienced people facing homelessness cannot be referred to another local authority due to 'local connection' if they do not wish to be 	<p>Our Programme for Government contains a commitment to reform housing law and implement the Homelessness Action Group's recommendation to fundamentally reform homelessness services to focus on prevention and rapid rehousing. To progress this commitment an Expert Review Panel is in place to review and make recommendations for legislative reform. The panel was convened in August 2022 and will report in August 2023.</p> <p>As part of their deliberations, the panel have considered the experience of homelessness for those who are care leavers and what targeted prevention measures, either facilitated through legislation or via broader policy led mechanisms, would better prevent homelessness for this group.</p> <p>Following receipt of the Expert Review Panel's final report the Welsh Government will publish a White paper, setting out our proposals for legislative change to ensure that homelessness is prevented for the majority of those at risk and that, where it cannot be prevented, it is rare, brief and unrepeatable. The recommendations of the Children, Young People and Education Committee have informed the ongoing deliberations of the panel and the parallel development work on the White Paper and we are committed to taking action to prevent homelessness for those who are care experienced through these reforms.</p>	<p>It is disappointing that there is not a clearer commitment from Welsh Government to address this issue.</p> <p>My Investigation and Advice service has received a number of enquiries which demonstrate the challenges care experienced young people continue to face when seeking to access housing or housing support from the Local Authority that they have been placed in upon reaching the age of leaving care. This often arises when a young person has been placed by their Corporate Parents (the Local Authority) in a placement which is outside of their home authority. The terms and assessments relating to 'priority need' and 'local connection' are not clear for care experienced young people, particularly when they have been living outside of their home authority.</p> <p>Welsh Government could take more decisive action on this</p>
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Rejected	<p>Recommendation 1 - The Welsh Government should introduce legislation using the legislative approach taken for the Nurse Staffing Levels (Wales) Act 2016 to place a duty on local authorities to calculate maximum caseloads for children's social workers that enable effective, relationship-centred social work, and to take all reasonable steps to maintain those caseloads for all children's social workers.</p>	<p>We are hugely grateful to the work that social workers do every day in supporting people who are facing challenging situations and helping them to live more fulfilling and independent lives. Brexit, the pandemic recovery, and the current cost of living crisis present further challenges to social workers, and we remain committed to supporting them by developing both their professional practice and wellbeing. We recognise high caseloads are one of the key factors to pressures on social workers affecting service standards and job satisfaction.</p> <p>Caseloads are managed at an operational level, and the allocation of cases should be made in relation to the social workers' knowledge, experience, workload and what matters to children and families. Complexity in cases varies considerably, and therefore it could be counterproductive to set a caseload maximum.</p> <p>Social Care Wales (SCW) is already undertaking a scoping exercise, looking at the workforce planning approaches in all 22 authorities. This includes interviews with key national organisations, stakeholders, and a review of best practice. SCW is also undertaking work to explore training, induction, and support arrangements for newly qualified social workers (NQSW) across Wales. Existing guidance for NQSW First three years in</p>	<p>area which continues to cause complications for young people.</p> <p>I support the principle behind this recommendation to explore measures that can help develop relationship-based social work practice.</p> <p>However, the specific proposal to introduce maximum caseloads is not something I have discussed with children or those supporting them.</p> <p>We have continually pushed for the Welsh Government to collect and monitor data on the number of social workers a child has throughout their journey with social services, to shed a light on this issue. The number of placements a young person has within a year are currently measured but social worker changes are not. Turnover of social workers means young people having to share their stories time and time again with new people, and try to build new trusting relationships. This</p>
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		<p>practice (socialcare.wales) includes complexity of work. A review is due this later this year.</p> <p>In recognition of the points raised in this report relating to caseloads, Welsh Government, working with SCW and other social work stakeholders will consider how to best support caseload allocation and management. We will work with local authorities and other employers of social workers to better understand how they currently manage caseloads, including organisations in Wales and other areas where caseload policies are already in place and draw from evidence of what works. In doing so we would consider how to support what matters to children and families and the wellbeing needs of the social work workforce.</p>	<p>has a significant impact on young people, making them feel like they are not important and not deserving of this consistent level of support, and so it is something that has been repeatedly raised with my office when we engage with care experienced young people. This is a key point in “what matters to children” which Welsh Government have been aware of for many years now.</p>
	<p>Recommendation 2 - The Welsh Government should begin consultation immediately on a comprehensive workforce sufficiency plan to inform the development and implementation of legislation on maximum caseloads of children's social workers</p>	<p>Social Care Wales (SCW) is currently consulting on a Workforce Strategy Action Plan 2023-26 that will support implementation of the second phase of the 10 year Health and Social Care Workforce Strategy Workforce strategy which includes social workers. The Social Work Workforce Plan interprets the strategy for social work, and breaks it down into actions and goals. This is reviewed annually, and we will incorporate feedback from the wider workforce consultation.</p> <p>The workforce strategy looks at workforce supply and shape, and improvements have been made in a number of areas such as the increase to the social worker bursary. SCW is undertaking work with local authorities to ascertain current workforce planning approaches for</p>	<p>As above.</p>



		<p>social services and areas in need of development of the future. These findings will be published later in 2023.</p> <p>A wide range of work is being undertaken to improve the working conditions, training, and options for social workers, such as the social work qualifying (direct entry) sponsored positions for existing employees to progress into social work positions, and a pathway from the vocational social services practitioner (SSP) into gaining a Social Work practice qualification.</p>	
	<p>Recommendation 3 - The Welsh Government should lobby the UK Government to amend section 4 the Equality Act 2010 to add 'care experience' as a protected characteristic</p>	<p>The Welsh Government is aware of the stigma often faced by care-experienced children and young people in their day to day lives, this was an area Ministers discussed with the young ambassadors at the Inaugural Care Leavers Summit in December, last year. In signing up to the Care Leavers Summit Declaration on 10 May, Welsh Government has committed to working to eradicate this stigma.</p> <p>The Corporate Parenting Charter published on 29 June is our first step in achieving this. One of its key principles in the Charter which organisations will be signing up to deliver is to "Eradicate Stigma – we Will recognise care-experienced children and young people for who they are, not just by their experience of being in care. This is because all children have a right not to be discriminated against".</p>	<p>This is not a topic I have discussed with children and young people, due to my remit which permits me from undertaking work that falls outside of devolved powers.</p> <p>However, I am aware that the Children's Commissioner for England is currently undertaking a survey on this issue with young people.</p> <p>I would urge for Welsh Government to monitor the outcomes of this survey, and, for Welsh children and organisations who support them to take part, as this could provide a different avenue to</p>



			<p>take this work forward given Welsh Government rejecting this recommendation.</p> <p><u>Background : Your views on care experience as a protected characteristic (smartsurvey.co.uk)</u></p>
	<p>Recommendation 6 - The Welsh Government should set out in statutory guidance, or otherwise, requirements for relevant public bodies, third sector and independent providers to routinely gather and publish data on all aspects of the care system in addition to that currently published, including the data gaps highlighted in this report.</p>	<p>The Welsh Government undertakes a range of data collections regarding children’s social care. It has three annual data collections, two of which are at the individual level and cover all children receiving care and support and another focusing specifically on children looked after. There is also a large data collection of local authority performance and activity, which includes over 50 data items on children specifically. Care Inspectorate Wales will also speak to children and explore their experiences as part of their inspections.</p> <p>The Transforming Children’s Services Delivery Group is currently reviewing data collation as part of its work on metrics for children’s services to more effectively measure progress as we transform children’s services in Wales.</p>	<p>It is disappointing this recommendation has been rejected, in light of the fact that Welsh Government are currently reviewing data collection as part of its Transformation workstream.</p>
	<p>Recommendation 12 - The Welsh Government should introduce legislation to provide children in care and care leavers a statutory right to long-term, independent</p>	<p>Our National Approach to Statutory Advocacy already delivers a statutory right to long-term independent advocacy support that enables children in care and care leavers with the ability to opt in and out as they wish to. This is monitored by the National Provider Forum chaired by Welsh Government. A core component of</p>	<p>Through my Office’s attendance the Children and Young People’s Advocacy Providers Group I have become familiar with the calls to explore implementation challenges,</p>



	<p>advocacy support on an 'opt-out' basis.</p> <p>Each child should be assigned an advocate when they enter the care system to provide long-term advocacy support across a range of issues, and continue until the child ceases to be a 'care leaver'. Children and young people could opt-out (and then opt back in later) if they wish but must have an allocated advocate or provider at all times during their time in care.</p>	<p>the National Approach is the Active Offer which delivers an absolute long-term right to advocacy from a statutory Independent Professional Advocate (IPA) as part of a clear and consistent pathway deliver their rights and entitlements. This pathway is set out in detail within the Legacy report published by the Advocacy Task and Finish Group in the Summer of 2022. It ensures social workers inform children of their right to advocacy, helps them to understand the importance and benefits of advocacy and with the child's permission, facilitates independent contact between the child and the advocacy service.</p> <p>The advocacy service makes independent contact with the child to meet with them, to make the Active Offer and subsequently confirm to the local authority if the offer has been taken up or declined. The Legacy Report is clear and confirms that;</p> <p>"Opting out does not mean that the child or young person is no longer entitled to an advocate. If the child or young person decides at a later stage that they wish to access advocacy, the social worker will provide the advocacy service with their details to allow them to arrange an introductory meeting with the child or young person.</p> <p>We absolutely agree with the Committee's assertion that children voices must be heard. We share that position and continue to explore how we can continue</p>	<p>particularly where take up of the Active Offer is slow.</p> <p>I am disappointed a middle ground position has not been found on this recommendation.</p> <p>For example, data collection on takeup of the Active Offer does not currently sit with Welsh Government so there may be inconsistency in reporting and monitoring. This is one change that the Welsh Government could consider.</p> <p>If issues are arising in practice with the operation of the Active Offer, the Welsh Government should look at revised guidance and/or hosting events to try to establish a consistent and compliant approach across Wales. This should also look at how the Offer is facilitated for younger children, those with profound and multiple learning disabilities, and those whose first language is not English. In addition, whilst there is an</p>
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		<p>to work to ensure that voice is both heard and listened to. The role of the Corporate Parenting Charter will play a critical role in championing children's voice and the Active Offer as part of the National Approach.</p>	<p>entitlement to advocacy at any point in the care journey, it is vital to know when and how the Offer is being reintroduced for young people who may not wish to take up advocacy at the point of entry into the system. There are a lot of professionals involved in a child's life and it can be an overwhelming time when a placement move for example is happening, but the Active Offer should be being kept under proactive review, with the Independent Reviewing Officer (IRO) perhaps having a role in overseeing this to ensure the offer is not lost after the first occasion.</p>
	<p>Recommendation 13 - The Welsh Government ensure that every child in a residential care home in Wales should have access to both residential visiting advocacy and individual advocacy by:</p> <ul style="list-style-type: none"> revising the arrangements in place under the Regulation and Inspection of Social Care 	<p>Our National Approach to Statutory Advocacy provides access to an advocate to every looked after child in residential care within Wales and outside of Wales. Welsh Government has consistently re-affirmed that advocacy is essential to protect the rights of children and young people and to ensure their views, wishes and feelings are heard, respected and responded to. We have embedded those rights throughout our legislation and guidance across Ministerial portfolios and co-</p>	<p>It is disappointing that Welsh Government have rejected this recommendation. Whilst all Welsh children have access to the national approach and Active Offer, in practice if a child is placed a significant distance from their home or placing local authority, this can</p>



	<p>(Wales) Act 2016 to make the provision of residential visiting advocacy in each and every children’s home (by a contracted registered advocacy provider) a requirement for registration as a provider of children’s care homes in Wales.</p>	<p>produced partnership arrangements that put those rights into practice through our National Approach to Statutory Advocacy to ensure our shared expectations can be delivered.</p> <p>Our National Approach includes a clear and unequivocal Active Offer of advocacy to all children in care, not just those in residential settings, but also to those in foster care or kinship arrangements. Our National Approach also secures the same rights to Independent Professional Advocacy for those who may be subject to safeguarding arrangements or inquiries, as well all children and young people as part of local authorities’ wider duties to provide them with care and support under our Social Services and Well-being (Wales) Act 2014.</p> <p>Good advocacy can have a profound effect on the lives of children and young people. Through the Regulation and Inspection of Social Care (Wales) Act we have developed and delivered clear descriptors to regulate Independent Professional Advocacy prescribing the standards of both the service provision but also that of the service provider and the responsible individual. We have established and delivered other mechanisms to enable children to be listened to and their views, wishes and feelings acted upon. We are working to strengthen the role of the Corporate Parent through the Corporate</p>	<p>impact on their access to regular social work or advocacy contacts, as travel is a major barrier. There are no reciprocal arrangements in place between local authorities to commission local advocates for example, whereas services such as looked after children’s nursing can in some circumstances be offered by a local staff member to the placement, by prior arrangement.</p> <p>TGP Cymru have long raised concerns about access to independent advocacy in private residential homes. Through their ‘Out of Sight – Out of Rights’ research, they found that 100% of local authority children’s homes commissioned a visiting advocacy service, in comparison to 5-10% of children’s homes in the independent sector.⁹ With the majority of children’s homes being in the</p>
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⁹ <https://www.tgpcymru.org.uk/evaluation-of-covid-19-residential-visiting-advocacy-project/>



		<p>Parenting Charter which was published on 29 June. Every child looked after has an Independent Reviewing Officer to listen to them and act as their personal champion in holding professionals and services to account and ensure the duties owed to those children are comprehensively and consistently delivered.</p> <p>Welsh Government will however discuss with other UK Governments the provision of advocacy to ensure that every child domiciled outside Wales but placed in a Welsh residential care home is offered an individual advocate.</p>	<p>independent sector in Wales, it is important that there is not a 'two tier' system in place, depending on how your placement is commissioned/provided.</p> <p>Following this research, TGP Cymru have called for visiting advocacy arrangements to be a requirement for Registration and Inspection with Care Inspectorate Wales, to further embed this entitlement into services for vulnerable children. This is a recommendation I support.</p> <p>Equally, when I have visited children's homes where there is a visiting advocate in place, they have been well utilised by children and young people living in those settings.</p> <p>It is disappointing that there has been no commitment to explore this issue further by Welsh Government to ensure we have confidence that all</p>
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			<p>children who are entitled to advocacy are accessing this.</p> <p>It is important to avoid drawing comparisons with Independent Reviewing Officers and Independent Advocates too. Seeking support to attend meetings is often a leading reason for children to want to take up the Active Offer of advocacy.</p>
	<p>Recommendation 27 - As part of umbrella reforms to corporate parenting (see radical reform 3), the Welsh Government should amend the Tertiary Education and Research (Wales) Act 2022 to:</p> <ul style="list-style-type: none"> • impose a duty to promote tertiary education to care experienced people; • and add a mandatory registration condition relating to the promotion of the participation, retention, reduction of attainment gaps and support for care experienced people. 	<p>The Tertiary Education and Research (Wales) Act places a duty on the Commission for Tertiary Education and Research (CTER) to promote tertiary education to “underrepresented groups” and requires CTER to have a registration condition for providers relating to the participation, retention, reduction of attainment gaps and support for “underrepresented groups”.</p> <p>“Underrepresented groups” is defined in the Act as “groups that are under-represented in Welsh tertiary education as a result of social, cultural, economic or organisational factors”.</p> <p>This description is purposely inclusive of care experienced people, and the committee’s report further underlines the need for CTER to work with higher and further education institutions to promote participation by, and equality of opportunity for, care</p>	<p>Consideration should be given to amending supporting guidance to ensure that the interpretation of ‘underrepresented groups’ is fully understood to capture care experienced young people.</p>



		experienced people in tertiary education. The Act as passed will require it to do so.	
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Agenda Item 3.22

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

**Children, Young People
and Education Committee**

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Derek Walker
Future Generations Commissioner

20 July 2023

Request for a response to the Welsh Government's response to our report, 'If not now, then when?'

Dear Derek,

As you may be aware, on 24 May 2023 the Children, Young People and Education Committee published its report on radical reform of services for care experienced children and young people. The Welsh Government responded to our report on 5 July 2023.

The Senedd debated the report and the Welsh Government's response on 12 July 2023. We invited the children and young people, professionals and academics who contributed to our inquiry to come to the Senedd to watch that debate live from the public gallery. We were delighted that around 90 people came, almost filling the public gallery. You may find the contributions of Members across the Senedd during that debate of interest.

As a Committee, we are disappointed with the Welsh Government's response. We have therefore asked the Deputy Minister of Social Services to give further evidence to Committee on 14 September to explore her response in more detail. We are pleased that the Deputy Minister has accepted that invitation.

We have written to the Deputy Minister to request additional information to support that session. We would also like to hear your views on the Welsh Government's response to help us as we consider how to take these important issues forward.

Please can you provide us with your views on the Welsh Government's response to our report no later than Friday 25 August?

If this timetable is challenging please do not hesitate to contact our clerks (SeneddChildren@Senedd.Wales).

Yours sincerely,

A handwritten signature in black ink that reads "Jayne Bryant". The signature is written in a cursive, flowing style.

Jayne Bryant MS
Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

Agenda Item 3.23



Comisiynydd
**Cenedlaethau'r
Dyfodol**
Cymru

**Future
Generations**
Commissioner
for Wales

By email

25 August 2023

Dear Chair,

Thank you for your letter dated 20 July 2023 regarding the report **'If not now, then when?'** published by the Children, Young People and Education Committee and your request for my views on Welsh Government's response to this report.

I note the recent [briefing](#) produced by the Senedd Research Team, highlighting the complex picture which has led to an increase in children going into the care of Welsh local authorities. More than one child in every hundred in Wales is in care and numbers have significantly increased in the past ten years.

I have reviewed the Welsh Government's response to your report and the subsequent debate that took place in the Senedd. I note the extensive number of recommendations rejected or accepted in part and I can understand the Committee's consequent disappointment. Unfortunately, my office does not hold extensive evidence or research specifically related to this particular issue to inform further the debate.

I understand that the Children's Commissioner has also written to the Committee regarding this issue, and I too would like to stress the importance of clear communication between Government, stakeholders and the public on the steps Welsh Government is taking to support children in care. I strongly encourage all parties to read the Children's Commissioner's comments to your committee in full.

I share the sentiment that it is crucial for all stakeholders, including the Welsh Government, to actively and progressively engage in discussions that look to safeguard and enrich the lives of our children and young people.


I will look forward with keen interest to the Committee's continued exploration on this matter, especially the forthcoming session with the Deputy Minister of Social Services in September. Even though my immediate contributions may be limited in this area, I am always interested in discussions and proposals to further the interests and needs of future generations.

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I look forward to sharing my priorities for my term with Committees in the coming months and if my Office can be of any further assistance, please don't hesitate to get in touch.

Yours sincerely,



Marie Brousseau-Navarro
Deputy Future Generations Commissioner

Agenda Item 3.24

For more information contact deborah.smith@kinship.org.uk



Briefing for the Deputy Social Care Minister's appearance before the Children, Young People and Education Committee on 14th September on children's social care

Summary

- It makes sense to invest in kinship care. It delivers better outcomes and experiences for children by keeping them within their loving families, and is good value for the public purse.
- Yet despite caring for children with very similar needs and experiences to those in care or who are adopted, kinship carers typically receive far less practical, emotional and financial support than foster carers or adopters, and their children are often ineligible for statutory support with their education and health needs.
- Our evidence shows that kinship carers are experiencing financial hardship due to the lack of support and the rising cost of living. Welsh Government's commitment to ensuring financial parity for kinship foster carers and mainstream foster carers is welcome, but the review of allowances should also look at financial support for all kinship carers, regardless of legal status.
- More widely, there are financial benefits and other supports currently available for looked after children and adoptive families that could be easily rolled out to kinship care families.
- As part of the Child Poverty Strategy (currently in draft form), Welsh Government should review where financial and other supports could be expanded to include kinship carers and children and young people in kinship care.
- Welsh Government's focus on reforming children's social care is welcome and they are taking some steps to improve support for some kinship carers. As the various reform programmes continue, there is an opportunity to take a more holistic view of the support needs of kinship carers and the children living in kinship care arrangements to ensure the best outcomes.

If not now, then when? Radical reform for care experienced children and young people

Kinship welcomed the publication of the Children, Young People and Education Committee's report '*If not now, then when? Radical reform for care experienced children and young people*'.

In particular we were pleased to see the Committee highlight calls for increased support for kinship carers in line with mainstream foster carers. The report also noted the perverse incentive in the current system for families to continue in a kinship foster care arrangement, where the child is 'looked after' in local authority care despite living with their kinship carer, in order to continue to receive financial and other support, where a special guardianship order might be more appropriate, by providing the kinship carer with parental responsibility and the family arrangement greater permanence.

The Committee recommended that the Welsh Government should consult widely to better understand the extent to which kinship care is being increasingly used as an alternative to placing children in foster or residential care, the experiences of children in kinship care, and the support needs of kinship carers. It also recommended that Welsh Government should "explore the potential of amending by regulations the criteria that kinship carers are required to meet to be entitled to the same financial support as foster carers."

In their response, Welsh Government:

- underlined its commitment to ensuring kinship foster carers and mainstream foster carers receive the same level of financial support said that their current review of fees and financial allowances for foster carers will be looking to ensure that kinship foster carers can also access enhanced allowances where they meet the relevant criteria;
- committed to reviewing the regulatory framework to determine if changes need to be made for the assessment of kinship foster carers;
- set out its intention to expand the remit of its expert group reviewing support available for those with a Special Guardianship Order to look at the use of and support available for kinship foster carers; and
- said its commitment to foster carers through Foster Wales for training and support also applies to kinship foster carers.

During the debate in Plenary on 12th July, Deputy First Minister Julie Morgan said that the Welsh Government “greatly values kinship care, and this is one of the areas that we are developing.” She reiterated the establishment of the special guardianship expert group. She also highlighted the work of Foster Wales and the package of support they had developed for all foster carers, including kinship foster carers.

While these steps are welcome, from our work with kinship families in Wales, we believe that there are significant further steps Welsh Government needs to take to support the nearly 10,000 children living in kinship care in Wales and their families to make sure the kinship arrangement is a success.

The Minister’s appearance before the Committee to discuss further the Welsh Government’s response to your report provides an opportunity to understand further Welsh Government’s plans for improving support for kinship care families across Wales.

What is kinship care?

Kinship care is when a child lives with a relative or friend because their parents aren’t able to care for them. Most children growing up in kinship care are living in households headed by a grandparent¹, but many other relatives including older siblings, aunts, uncles, as well as family friends can also be kinship carers. Analysis of census data from 2011 shows that **at least 9,500 children in Wales are living in kinship care**.²

The vast majority of kinship care arrangements are ‘informal’ – where a family member has stepped in to look after a child without intervention from social services or the courts. In addition, there are around 1,600 kinship foster carers in Wales. This means that a child with ‘looked after’ status has been placed by a local authority with a friend or family member, who will go through an assessment and approval process as a foster carer. Other formalised kinship family arrangements include those secured by a legal order such as a child arrangements order or special guardianship order which can be made either via public law at the end of care proceedings or via private law with less involvement from children’s services.³

Research shows that children in kinship care, regardless of legal status, have experienced similar adversities to those looked after children who are placed in mainstream foster care or residential care. For example, in Selwyn et al’s 2013 study of informal kinship care, parental drug or alcohol misuse was a reason for kinship care in as many as 68% of families. For more than a third (37%) domestic abuse was involved, whilst more than a quarter (26%) of children had experienced parental mental illness or parental death. Two thirds of the carers said that the child had been abused and/or neglected, some over a considerable period.⁴

What support is available for kinship families?

¹ Analysis of 2011 Census data found that 60% of kinship households in Wales were headed by a grandparent: <https://www.bristol.ac.uk/media-library/sites/sps/documents/kinship/wales-kinstast-briefing-paper.pdf>

² Ibid

³ <https://compass.kinship.org.uk/advice-and-information/what-is-kinship-care/>

⁴ https://research-information.bris.ac.uk/ws/portalfiles/portal/190043151/Full_report.pdf

Most kinship families do not receive any financial, practical or emotional support. For some, typically only those families with formalised kinship care arrangements involving local authority children's services and the family court, there may be some financial and practical support available. However, the availability of this support varies considerably across local authorities and typically depends both on presence of a legal order securing the family arrangement and the child's journey into kinship care. Families in informal kinship arrangements may be unknown to local authorities and ineligible for any kind of support, despite experiencing similar needs.

The love and sacrifice of kinship carers saves the public purse millions a year by preventing children from going into the care system. For every 1000 children raised in kinship families rather than in local authority care, the state saves £40 million and increases the lifetime earnings of those children by £20 million.⁵ It clearly makes sense to invest in kinship care. Yet, in a survey of over 100 kinship carers we carried out last year, 28% per cent of respondents said that the lack of support may mean that have to stop caring for their child in the future.⁶ This would come with devastating consequences for children and families, and for the state, as the only alternative for those children would likely be local authority care.

What do kinship families in Wales need?

Financial support

"We don't do it for the money, but without the money we can't do it."

Kinship carer

Taking on the responsibility to raise a child costs money. Kinship foster carers, a small number of the overall cohort, are the only group of kinship carers who are guaranteed financial support. It is welcome that Welsh Government is working to ensure parity for kinship foster carers with mainstream foster carers. However, it should be noted that the difference in legal order between kinship foster carers and other types of kinship carers does not mean there will be any difference in their financial support needs.

Moreover, at population level, kinship carers tend to live in more deprived areas and are generally poorer than mainstream foster carers. While an estimated one in 67 children in Wales are growing up in the care of relatives, this rises to one in 46 children living in the poorest 20% of areas. For kinship families, the unexpected addition of an extra family member or members as a result of a family emergency is only going to add strain to the household finances. Indeed, in a survey we carried out last year of over 100 kinship carers in Wales **almost 6 in 10 said they did not always feel able to meet their children's needs in their current financial situation.** Nearly 6 in 10 also told us that over the last year they were going into debt or selling possessions to help make ends meet.⁷ Targeting all kinship carers with financial support would therefore also help Welsh Government in its aim to tackle child poverty, targeting some of the most vulnerable households.

Practical, emotional and educational support for kinship families

Kinship carers in Wales tell us they would benefit from greater access to peer-to-peer support and clearer information on their options at the beginning of their kinship journey. They also talk about the need for training and workshops to help them to better support the children in their care as well as direct therapeutic support for their children and extra help/awareness at school. In many cases, they want the equivalent support that is offered to foster families and to children with looked after status, including access to the Pupil Development Grant.

A further **expansion to the Special Guardianship Expert Group to look at the support needs of all kinship carers** (and not just kinship foster carers, as per the response to your report) would help Welsh Government identify where the support is most needed and the best ways for it to be delivered in Wales. Extra resource and clear prioritisation of this work will be needed alongside any expansion to the remit to ensure that

⁵ <https://kinship.org.uk/news/the-economic-case-for-kinship-care/>

⁶ <https://kinship.org.uk/cost-of-loving/>

⁷ <https://kinship.org.uk/cost-of-loving/>

reforms can be pursued at the pace needed. We would also like to support Welsh Government to look across its programme of reform of children's social care to identify **how its reforms could be adapted to ensure that kinship carers, regardless of legal status, get the help they need.**

During the debate on the Committee's report, Mental Health Minister Lynne Neagle put on the record the Welsh Government's commitment to ensuring that care experienced children and young people could access trauma-informed therapeutic support. While we welcome this commitment, not all children living in kinship care will be defined as care experienced. Yet, as outlined above research shows that children in kinship care, regardless of legal status, have experienced similar adversities to looked after children. It is therefore clear that **children living in kinship care should be able to access the same therapeutic support as care experienced children** and we would expect this to be reflected in the forthcoming mental health strategy.

In addition, as part of the **mental health strategy**, the particular emotional and mental health needs of children and young people in kinship care as well as the specific needs of kinship carers who are having to deal with the wider impact of the family crisis that has resulted in the child or children coming to live with them needs full consideration.

Key questions to ask the Minister

- What action will Welsh Government take to ensure that all kinship carers can access the financial support they need?
- Will Welsh Government consider using the opportunity of its review of fees and financial allowances for foster carers to look at the needs of all kinship carers, regardless of legal status?
- What consideration has Welsh Government made to both expanding its Special Guardianship Expert Group to reviewing the support needs of all kinship carers and ensuring this work has sufficient resource?
- How will Welsh Government ensure the reforms it is taking forward within children's social care also support kinship families, regardless of the legal status of the arrangement?
- What discussions is the Minister having around how the draft Child Poverty Strategy can be amended to better reflect the needs of kinship carers?
- What can the Minister tell us about her discussions with the Mental Health Ministers about any plans to include the needs of children in kinship care and kinship carers in the forthcoming mental health strategy?
- Has the Minister discussed with the Education Minister the need to ensure Pupil Development Grants are available to support children in kinship care?

About Kinship

Kinship is the leading kinship care charity in England and Wales. We offer kinship carers financial, legal, practical, and emotional support and understanding from the moment they need it, for as long as they need it. We want every kinship family to be recognised, valued, and supported. For more information about our policy and research work, please visit kinship.org.uk/policy-and-research.

Agenda Item 3.25

The Minister for Education and Welsh Language agreed to share with Committee statistics on the level of contact between Careers Wales and young people with additional learning needs.

91% of ALN 2023 cohort have had Advice, information, or guidance. This is for special and mainstream schools.

99.7% of statemented or statemented equivalent 2023 cohort in mainstream schools have had a Careers Wales adviser interaction (one 2 one/parent contact/attendance at transition review/advocacy/group session)

90.4% of statemented or statemented equivalent 2023 cohort in special schools have had an interaction (one 2 one/parent contact/attendance at transition review/advocacy/group session)

Activity	Sept 22- June 23	April 23 - June 23
Interviews	29,932	6,838
Group sessions (special schools only)	23 sessions attended by 154 attendees	6 sessions attended by 65 attendees
Transition reviews attended	3,561	439
Parent contacts	14,736	3,173
LSP's	over 500	
Specialist Apps	93	
Employer engagement events (special schools only)	85	21

Background

The implementation of ALNET means that schools and Careers Wales are operating two systems as the new processes are phased in. This has caused some confusion in areas and there has been some misunderstandings over the role of Careers Wales. Careers Wales are working with local authorities and schools to move towards a consistent approach, within each local authority, in relation to transition planning/IDP reviews.

Careers Wales offer for 2022-23

Attending Transition Reviews

As young people in year 9,12,13 and 14 retained their statements, Careers Wales continued to provide guidance support and attend the annual review as outlined in the SEN Code of Practice.

Whilst young people in years 10 and 11 with statements moved over to IDPs, Careers Wales maintained their level of support and attended reviews, when invited to support young people and their families with their transition plans. They did need to prioritise those who

would be leaving school at the end of year 11 and those who are staying on but have complex needs.

Learning and Skills Plans

Careers Advisers continued to write Learning and Skills Plans for young people in years 12-14 who were leaving school to enter further or higher education or Jobs Growth Wales + provision.

Funding applications

For young people who were leaving years 12-14 and required a specialist college placement Careers Advisers continued to collate and submit applications for specialist college funding.

For year 11 leavers Careers Wales provided guidance and support to the young person, their families and, where requested, LA/school staff as the LA will be deciding if a specialist placement is needed and making the application for funding.

Future Plans

As the implementation of ALNET progresses Careers Wales will move to a model across Wales where their ALN advisers will focus on young people in special schools and careers advisers in schools will support those with ALN accessing mainstream provision.



Comisiynydd y
Gymraeg
Welsh Language
Commissioner

Jane Bryant MS
Children, Young People and Education Committee Chair
Jane.bryant@senedd.cymru

26/07/2023

Dear Chair,

Children, Young People and Education Committee inquiry: Do disabled children and young people have equal access to education and childcare?

Thank you for your letter regarding the above inquiry. As you are aware, the work I published with the Children's Commissioner for Wales highlights the fact that children and young people who want to be educated through the medium of Welsh do not always have equal access to suitable Additional Learning Needs (ALN) provision. I would therefore wish you to consider the evidence included in our paper as part of your inquiry.

Your letter asks whether there are any specific issues in relation to Welsh-medium education or childcare provision for neurodivergent or disabled children and young people that the Committee should be considering as part of the inquiry. Beyond the general evidence contained in our publication on ALN, there is one specific recommendation in the paper that is very relevant to your inquiry. The paper's first recommendation is about ensuring that we have a comprehensive understanding of the extent to which the needs of Welsh-medium learners are currently being met. Our evidence suggests that this understanding is currently lacking, and that more needs to be done to understand the gaps in current provision and the kinds of challenges that children and families face in Welsh-medium education. We believe therefore that the Committee's inquiry can contribute to improving understanding in this context, and to making sure that the voice of disabled children and young people who speak Welsh is heard.

As well as ensuring that the Welsh language is a theme that will be considered across the inquiry, I believe that the Committee should take specific steps to gather views and evidence on the experiences of children and families receiving Welsh-medium education.

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Comisiynydd y
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Welsh Language
Commissioner

One way to do this would be to secure the input of organisations such as Mudiad Meithrin and Parents for Welsh Medium Education (RhAG) who have an in-depth and expert understanding of these issues. We are also aware that local authorities are required to submit their Welsh in Education Strategic Plan review reports by 31 July 2023. It is therefore possible that the monitoring process in relation to outcome 6 of the plans (which is to improve Welsh-medium ALN provision), will also be relevant to your investigation. Finally, you may be aware that the Government intends to establish a National Welsh Language ALN Stakeholder Group, and also to appoint a national ALN implementation and Welsh language officer before the end of the year. Although these developments will not be in place to contribute to the Committee's inquiry, I am sure that the findings of the inquiry will be of interest to the stakeholder group and to the national implementation officer.

I would like to thank you again for carrying out this important inquiry, and for ensuring that the needs of Welsh speakers will be fully considered.

Yours sincerely,

Efa Gruffudd Jones
Welsh Language Commissioner

Agenda Item 3.27

Y Pwyllgor Cyfrifon Cyhoeddus a Gweinyddiaeth Gyhoeddus

Public Accounts and Public Administration Committee

Jayne Bryant MS

Chair – Children, Young People and Education Committee

1 August 2023

Civil service capacity

Dear Jayne,

Thank you for your letter of 22 June 2023 setting out the concerns of the Children, Young People and Education Committee about the capacity of the Civil Service under the portfolio of the Minister for Health and Social Services and her deputies.

The Public Accounts and Public Administration Committee share similar concerns regarding the wider capacity and capability of the Civil Service in Wales.

We recently considered the Auditor General for Wales report on the [Welsh Government's workforce planning](#) which was published on 8 September 2022. We took evidence on the report's contents, alongside our scrutiny of the Accounts for 2021-22, which we are due to report on before the end of the summer recess.

The Auditor General's report considered whether the Welsh Government had a sound approach to workforce planning, reflecting on operational workforce planning, the emerging approach to strategic workforce planning and the response to current workforce needs.

We agreed with the findings of the Auditor General that the Welsh Government should prioritise the development of its workforce strategy and Delegation and Accountability Framework. We were especially concerned that the Welsh Government is overly reliant on expensive temporary staffing solutions, including agency staff on fixed-term contracts, to meet staffing pressures.

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

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The Public Accounts Committee of the Fifth Senedd raised similar concerns with the Welsh Government during its scrutiny of the 2019-20 Accounts, and whilst it is encouraging that the use of Temporary Duties Allowances (TDAs) and Temporary Promotion Allowance (TPAs) is decreasing, more must be done to ensure that departments are able to be agile in their recruitment of suitable staff. The Committee hopes that the implementation of a substantive work plan can lessen the Welsh Government's reliance on temporary solutions, whilst appreciating that they will be necessary, and valuable, in some instances.

The evidence we heard from the Permanent Secretary suggests that a lack of specialist legal and policy staff could affect the delivery of the Programme for Government and is a troubling indication of the skill gaps within the organisation. We are concerned about how the Welsh Government will address these skill gaps within its workforce to ensure that the correct expertise is in place to deliver its functions.

In our report we will note the concerns raised in your letter and will continue to monitor these issues in future accounts scrutiny. Our report will also be making a number of recommendations to the Welsh Government in relation to its workforce planning and we will be keeping a watching brief over these matters.

I will ensure a copy of our report is shared with you upon publication.

Regards,

A handwritten signature in black ink, appearing to read 'Mark Isherwood', with a long horizontal line extending to the right.

Mark Isherwood MS

Chair of the Public Accounts and Public Administration Committee

Agenda Item 3.28

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

**Children, Young People and
Education Committee**

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Jeremy Miles MS

Minister for Education and Welsh Language

15 August 2023

Racism in school

Dear Jeremy

As you are aware, I recently met with EYST who raised concerns about levels and impact of racist bullying in schools across Wales. During this meeting, they outlined some very concerning cases and highlighted a number of issues, including:

- Under-reporting and recording of bullying incidents as being racist in nature;
- Challenges in reporting racist bullying; and
- Links between racist bullying, school exclusions and ethnic minority pupils.

They have also written to the Committee, and I have enclosed a copy of the letter. They raise a number of questions and we would welcome your views on these issues.

We are aware that the [Anti-Racist Wales Action Plan](#) identifies a lack of data on racist bullying and harassment in schools, meaning it is difficult to understand the scale of the problem and the barriers faced by children and young people who experience racism. You will recall a similar issue regarding a lack of specific data on types of bullying and harassment was identified in our inquiry into peer on peer sexual harassment last year.

The Anti-Racist Wales Action Plan states that the Welsh Government is “currently considering a Wales-wide system of reporting and data collection which will specifically collect data in relation to bullying and harassment, including on the basis of protected characteristics.” Can you provide us with

an update on how this work is progressing and when you are anticipating decisions being made about what will be recorded and how?

We also understand that work is underway in revising the anti-bullying guidance "Rights, Respect, Equality". Can you update us on when this revised guidance will be published, and how it will take account of the specific nature and impact of racist bullying. Finally, how you will be supporting local authorities and schools to deliver on this guidance?

We would appreciate a response by 4 October 2023.

Yours sincerely,



Jayne Bryant MS
Chair

Enclosure: Correspondence from EYST

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

Agenda Item 3.29

Jeremy Miles AS/MS

Gweinidog y Gymraeg ac Addysg
Minister for Education and Welsh Language



Llywodraeth Cymru
Welsh Government

Jayne Bryant MS
Chair of the Children, Young People and Education Committee
Welsh Parliament
Cardiff Bay
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15 August 2023

Dear Jayne

Six monthly update - COVID-19 recovery as it relates to children and young people

In response to the recommendations from the Children, Young People and Education Committee report: the 2022-23 Welsh Government Draft Budget, I have committed to providing 6-monthly updates on COVID-19 recovery and set out how we are supporting our children and young people to recover from the ongoing impacts of the COVID-19 pandemic. This letter sets out the key developments over the last six months, which aim to develop both our learners and our practitioners. This letter builds on the first update which was provided to the Committee in December 2022.

Early intervention and prevention

The **Early Help Fund** which was introduced in 2021 has now ended. The purpose of the Early Help Fund was to address the adverse effects of the disruption caused by the pandemic on children and young people aged 0-25, including those who were newly vulnerable. £14 million of additional funding was made available within the Children and Communities Grant between 2021-23.

Progress reports detailing targets and milestones achieved through the Early Help Fund were received as part of routine grant management processes for 2021-22 and further reports were submitted by Local Authorities for 2022-23. These reports have provided detailed information in relation to the types of intervention and support funded by the additional Early Help allocations.

Some examples of the funded projects under each of the activity headings are outlined below:

Additional investment in services delivered under existing programmes:

- Additional groups and sessions for families of pre-school children which include speech, language and communication support, antenatal support, parent/carer support groups, parent and toddler sessions and baby groups.

- Increased community provision that engaged children who were struggling to reintegrate back into school life due to absence caused by COVID-19.
- 1-1 support for individuals within childcare settings to be able to successfully transition to school.

Investment in services that may boost provision in one area whilst easing the pressure on another:

- A number of projects to support emotional wellbeing which range from counselling support, Cognitive Behavioural Therapy (CBT) and projects which have given families the tools to develop resilience.
- Advice lines which offer advice, information and signposting, including sending out resource packs, offering basic welfare rights advice and other early intervention support to families whilst on the waiting list.

Investment in training and upskilling the workforce:

- Training to support parenting which includes toileting, sleep training and Solihull¹.
- Investment in upskilling staff to include training in the Circle of Security, Systematic Practice, Staff Resilience, Obsessive Compulsive Disorder, Non-Violent Resistance Supervision, NSPCC Trauma & Child Brain Development and Cruse Bereavement/Loss training.

Investment in increasing the capacity of the existing workforce:

- Funding to employ additional family practitioners to work with families who needed one to one support.
- Additional funding to increase staffing within services such as the Young Carers Team, the youth mentoring programme, the Resilient Families Service and the Building Stronger Families Team.

Alongside this, the **Child Development Fund (CDF)** was established. Funding of up to £18.5m was allocated to all 22 local authorities in Wales between October 2020 and March 2023 to provide additional support to children and families who have been impacted most by lockdown as a result of COVID-19, to address concerns around developmental delay, in areas such as speech, language and communication, fine and gross motor skills and personal and social development. The CDF has now ended.

Since being established, the CDF enabled a range of interventions to be supported, which include:

- Enhanced screening, assessment and development tools to address speech language and communication delay
- Activities and resources to promote play and physical literacy
- Parenting support to promote social development
- Increased funded childcare provision to support child development

¹ The Solihull Approach is a team of professionals within the NHS. They work with practitioners and parents to develop new resources to support emotional health and well-being in children, families, adults and older adults.

- Various training courses for childcare professionals, health visitors, early years practitioners to support speech, language and communication
- Provision of focused resources to support training and enable parents and families to continue at home speech, language and communication support to aid development, provision of training and resources such as *ERIC – The Children’s Bowel and Bladder Charity*
- A number of projects to enable children to interact and develop their social, physical and communication skills, such as mini art explorer sessions, forest school sessions
- Increasing staff capacity in services, such as advice and support services, continence nursing services and LAC services, to help deal with the increase in referral numbers, address the complex nature of identified needs, improve the quality of care offered and reduce caseloads

Early childhood play, learning and care

In 2019, the First Minister launched our approach for early childhood education and care for all babies and children aged 0-5, which will build on current programmes and further develop high- quality provision of early education and care in Wales. In June 2023, following feedback from stakeholders representing both the education and childcare sectors and with careful consideration, the Deputy Minister for Social Services and myself agreed that the term early childhood education and care would be replaced with early childhood play, learning and care (ECPLC). The change reflects our focus on individual babies and young children and their learning and care journey and putting play at the heart of our approach in Wales.

To improve the quality of provision, which will improve settings ability to tackle impacts on babies and young children, we have recently published [A Quality Framework for Early Childhood Play, Learning and Care in Wales and its accompanying documents](#), [Early Childhood Play, Learning and Care in Wales: A Reflective Practice Toolkit](#) and [Early Childhood Play, Learning and Care: Developmental Pathways for 0-3](#).

A Quality Framework for Early Childhood Play, Learning and Care has been developed through co-construction by practitioners, for practitioners. It is expressed from the viewpoint of the practitioner, drawing on expertise from across the 0 to 5 early childhood play, learning and care sector. The aim of the Quality Framework is to ensure that no matter which setting a child attends, be it a school, day care or a childminder, expectations of their experience, of how they are supported and nurtured are the same and quality early childhood play, learning and care is provided, which meets the requirements of the Curriculum for Wales, and the National Minimum Standards for Regulated Childcare in Wales, for all children.

Ministerial Review of Play

On 3 February 2023, the Deputy Minister for Social Services welcomed a report from the independent Ministerial Review of Play Steering Group. One of the key themes is play and education, supporting children in accessing their right to play across educational settings both during and outside of school hours. My officials are working closely with Play Policy officials to achieve the best outcome for children and young people. The

Deputy Minister is considering the recommendations and will formally respond after the summer recess.

Speech, Language and Communication

The Talk with Me Speech, Language and Communication (SLC) [delivery plan](#) was published in November 2020. Elements of the plan were prioritised and / or developed to mitigate the impact of the pandemic. In response to emerging evidence about the impact of lockdowns on children's SLC development, additional funding has been provided to Speech and Language Therapy (SLT) services in all health boards and specialist centres each year from 2020-21 to 2023-24.

Feedback on the impacts of activity undertaken in 2022-23 include:

- training and increased capacity has benefitted the whole workforce, and improved service delivery and wellbeing.
- improved waiting times for service users.
- children with ASD/suspected ASD can benefit from targeted therapy to improve interaction.
- additional staff has resulted in earlier interventions which have prevented issues escalating.

On 13th July 2023 GSR published a research report, entitled '**Supporting Speech, Language and Communication (SLC) Development in the Early Years: An Evidence Review of Universal, Population and Targeted Interventions**'. This will support practitioners across Wales to select evidence-based interventions to support SLC at universal, population and targeted levels of intervention. Evidence suggests that services providing SLC support have seen an increase in demand and complexity since the pandemic, and it is therefore now even more important that children are given the right support, by the right person, at the right time.

The Welsh Government has a continuing commitment to ensuring all children have the best start in life. An important contribution to this is ensuring all children have the best opportunity to develop strong SLC skills, leading to better outcomes in older childhood and adulthood. While some will need specialist intervention, many children have transient needs in the development of these skills which could be eliminated with early intervention. There is evidence that these universal, population and targeted interventions are effective, but it is less clear which are the most robust and likely to convey the most benefit to children according to their need.

The aim of this research was to identify interventions which have strong evidence of improving SLC outcomes for children aged 0 to 4 years 11 months and could be adopted or adapted for use across Wales at a universal, population and targeted level. The findings of this report will be shared widely with partners and stakeholders across the Early Years system in Wales (Flying Start and Families First practitioners, SLT teams, parent/infant relationship teams, Early Years advisory teachers, parenting support services) and will feed into the development of the intervention element of a Welsh Government funded Speech, Language and Communication Package.

Supporting children and young people's learning and well-being outcomes

Learning Continuity

In November 2022 I published a **Written Statement** - [Written Statement: Publication of guidance on emergency planning and response for education settings and learning continuity \(29 November 2022\) | GOV.WALES](#) which announced the publication of **Learning Continuity Guidance** - [Learning continuity guidance \[HTML\] | GOV.WALES](#) (reviewed and updated in April 2023).

The purpose of this guidance is to ensure that the impacts of any future disruptions to children and young people's learning are minimised and ensure that disruption to learning on the scale of the COVID-19 pandemic is never seen in our schools in Wales again. The guidance sets out the expectation that every school in Wales should develop a learning continuity plan. This means that if disruptions to learning should occur, for any reason (excluding disruptions that are caused by industrial action), then parents and carers, teaching staff, support staff and learners all understand that face-to-face learning will be replaced with remote learning.

It is expected that schools develop their learning continuity plans in partnership with their local authority as part of their routine business planning arrangements and linking to the wider Emergency Planning and Response Guidance for Education and Childcare Settings [Emergency planning and response guidance for education and childcare settings \[HTML\] | GOV.WALES](#). Learning continuity planning will be further supported by the publication of a **Digital Education Plan** which is currently in development and will be launched at the end of September 2023.

Recruit, Recover and Raise Standards (RRRS) Programme

In 2020, the Recruit, Recover and Raise Standards (RRRS) funding programme was introduced. This funding has been designed to enable all schools in Wales to recruit additional staff to ensure that they have the capacity needed to support children and young people's learning and well-being and to ensure that the impacts of the pandemic are minimised. RRRS funding has been distributed to all schools in Wales, with an additional weighting for more vulnerable and disadvantaged learners. The RRRS funding allocated to schools in 2020-21 was £59.1million, in 2021-22 £68.9million and in 2022-23 £37.5million. Tapering of the RRRS funding was due to commence in the 2023-24 financial year, however, funding has been maintained at the same level for a further year in recognition of the ongoing pressures resulting from the pandemic. Funding, therefore, will continue in 2023-24 at £37.5million and £28.5 million has been allocated for distribution to schools in the 2024-25 financial year.

Funding is distributed to schools and non-maintained settings to enable them to use the funding flexibly in tailored approaches to support their learners' particular needs. The funding formula has been driven by a focus on the most vulnerable learners and based on a number of weightings linked to specific characteristics with overall funding capped at £125K per school. The RRRS funding formula for the 2022-23 financial year is as follows:

- 50% allocation - Total number of pupils in nursery to year 10 as at February 2022
- 50% allocation - Total of:
 - a) Number of pupils in Years 1, 7 or 11
 - b) Number of pupils eligible for free school meals or transitionally protected (reception to year 10)
 - c) Number of pupils with statements of special educational needs or individual development plans (IDPs) (nursery to year 10)
 - d) Number of Black and Minority Ethnic or Gypsy, Roma, Traveller pupils aged 5+ (reception to year 10)
 - e) Number of pupils taught Welsh as a first language (reception to year 10)
 - f) Number of pupils in schools/settings that are defined as rural (nursery to year 10).

An initial evaluation of the RRRS programme has been undertaken by Miller Research and was published in May 2023 - [Evaluation of the Recruit, Recover and Raise Standards \(RRRS\) Programme | GOV.WALES](#). It is clear from this evaluation that schools have benefitted significantly from the RRRS funding. Headteachers have welcomed the flexibility to recruit the right staff to support the needs of their individual learners, within the unique context of their school.

The key findings from the evaluation report are as follows:

- An estimated 2,452 Full Time Equivalent (FTE) staff in schools have been funded by RRRS.
- Decisions around funding allocations have been primarily guided by the needs of learners with the lead element being schools' own knowledge of their learners.
- Local authority advice and support was more prescriptive to childcare settings than to schools.
- Wellbeing support has been the most effective approach. This focus has been a central element in all areas of learning to increase engagement and enable the development of children in early education.
- The effects of COVID-19 on learners, and schools will be persistent in the long-term. The experience of disrupted education will remain with children, and the workforce will face continued disruption from COVID-19 absences.

Community Focused Schools and Attendance

Last year we invested £3.84m in increasing the number of family engagement officers employed by schools, with part of their role to be focused on improving pupil attendance. This increased to £6.5m this financial year.

We have published guidance on Community Focused Schools and Family engagement and are developing further research, guidance and case studies over the coming months.

Mental health and wellbeing

The Welsh Government has appointed Public Health Wales to support schools to implement and embed the [Framework on embedding a whole school approach to emotional and mental wellbeing](#) through recruitment of a team of implementation co-

ordinators to work directly with schools to evaluate their current wellbeing provision, identifying what works well, any gaps in provision and where improvement is required. At the end of end of June 2023 886 schools were engaged with the implementation co-ordinators which equates to 60.5% of all schools in Wales.

To further support the implementation of the Framework we have commissioned a survey of schools, which closed on 28 July. This provided senior school leaders with the opportunity to comment on the impact of our work and further inform activity in the field.

Counselling is a key part of ensuring children and young people who require support with their emotional and mental health have access to the assistance they need. Welsh Government has allocated £2.1m in 2023-24 to fund counselling through the local authorities. Funding is being used to support improvements in counselling and extending provision below the current year 6 threshold in line with the recommendations of the Statutory School and Community Based Counselling Services review undertaken by Cardiff University. The report, published in March 2022, gives recommendations to aid service improvements, extending entitlement to younger children and improve monitoring and evaluation.

In addition, we are providing in excess of £16.4m over a three-year period (2022-2025) to ensure national provision of the CAMHS school in-reach service. This sees dedicated mental health practitioners in schools providing consultation, liaison, advice and training. This service provision is now embedded across all seven health boards, and we have received end of year reports demonstrating activity to date. This is currently being analysed with, initial findings demonstrate, most offer a similar service although there is some flexibility in their delivery methods, which is being monitored. Public Health Wales hold regular national co-ordinator meetings with the most recent held on 12 July 2023.

We have commissioned Public Health Wales to develop a “what works” toolkit that will support schools to identify appropriate universal and targeted interventions for use in their school community. It will form an independent, evidence-based source of advice on a range of interventions, programmes and training that is currently available and marketed to schools. The approach has been co-produced through work with teachers and parents. Information has been gathered on the information schools require when considering introducing resources to help promote mental health and wellbeing, and considerable work is being done to ensure that the language used is appropriate for the intended audience.

An initial group of six interventions were identified and have been published on HWB and are a mixture of:

- universal approaches for all children or the whole school
- interventions for children who may be vulnerable to emotional or mental health problems
- interventions for children who may be showing signs of mental or emotional health problems

This work will inform use of £1.1m we have made available in 2023-24 to support the delivery of universal and targeted wellbeing interventions, and training for teachers and other school staff.

The Welsh Government has also created an online resource which promotes the numerous digital tools designed specifically to support young people with their own mental health and emotional wellbeing. [The Young person's mental health Toolkit](#) links young people, aged 11 to 25, to websites, apps, helplines, and more to build resilience and support them.

Wellbeing and development

Building on the success of the Summer of Fun, which was held during the summer of 2021, in October 2021 we announced £20m for the Winter of Wellbeing programme to further support the commitments set out in Renew and Reform and to provide more opportunities for children and young people aged 0-25 to develop their social, emotional and physical well-being. The programme was delivered through five strands of activity, with the following organisations receiving funding to deliver Winter of Wellbeing activities:

- £6m to local authorities: delivered activities mostly through Play lead officers and by continuing the work of the Summer of Fun; partners included the third and private sector.
- £3m to National organisations: delivered by Sport Wales, the Society of Chief Librarians, the National Music Service, Urdd Gobaith Cymru and Amgueddfa Cymru, and the Federation of Museums and Art Galleries of Wales.
- £10.7m funding allocated to education settings and providers including:
 - primary and secondary schools
 - further education colleges
 - £1.3m allocated to HEFCW to ensure institutions worked collaboratively with Student Unions in delivering the activities.
- £300k to support a multi-faceted evaluation.

In addition, as part of the Winter of Wellbeing, we provided over £700,000 to support the delivery of a trial of Additional Enrichment Sessions across volunteer schools during the 2021/22 academic year. The trial guaranteed participating learners with five hours a week (for 10 weeks) of additional sporting, cultural, creative, recreational and leisure enrichment activities before and / or after normal school hours. At least 20% of the time (1 hour a week) was required to align with academic support by tailoring sport or enrichment activities to include some core academic skills. Thirteen schools (8 primary and three secondary and two through-schools (for ages 4-16)) and one college were supported by Welsh Government to set up and deliver Additional Enrichment Sessions.

Evaluations of the Winter of Wellbeing and the Additional Enrichment Session Trials were published, separately, in early 2023 and the findings from both were very positive. The Trials delivered positive impacts for participating learners. This included increased socialisation, improved wellbeing, development of new skills including being physically active and realised improvements in behaviour, school attendance and engagement in the classroom. The evaluations are now being considered in the context of our wider educational policies and reforms.

School Holiday Enrichment Programme (SHEP)

£4.85m was allocated to the programme in 2022-23. A total of 139 schools in 21 council areas delivered to 196.5 cohorts, providing 7860 spaces each day that it ran. Actual attendance figures show that 6884 children attended at least once. A total of £4.85m has once again been allocated in 2023-24, with 176 schemes planned across Wales for this summer, offering nearly 11,000 places to learners each day that schemes run. In addition, this year in response to the cost-of-living crisis, children attending will be offered a 'Bag Bwyd' (a bag containing pantry staples) to take home.

Play opportunities during school holidays

In our response to the cost-of-living crisis, we funded a Summer of Fun programme in 2022, which provided free activities and access to healthy snacks for children and young people aged 0-25 during school holidays. Over 300,000 children and young people and their families benefitted from attending activities. There is no allocated funding for a further Summer of Fun in 2023.

The £1m Playworks Holiday Project funding has been awarded to local authorities for 2023-24 which complements the SHEP Food and Fun provision by providing healthy snacks at staffed Playworks provision during school holiday periods.

Post-16 and transition plan

The [Renew and Reform: post-16 and transition plan](#), published in March 2022, outlines how the Welsh Government will work with providers of post-16 education to support learners and practitioners across Wales to progress from the COVID-19 pandemic.

Evaluation of post-16 COVID-19 recovery funding

In April 2022, we commissioned an evaluation of the effectiveness of previously allocated COVID-19 related funding for post-16 education and training. The evaluation will provide evidence to inform the Welsh Government's strategic and operational approaches to ongoing support for post-16 education and training as the sector recovers from the disruptive impacts of the pandemic. It will also explore options for a future impact evaluation and value for money framework. All data will be analysed and synthesised and published in a final report in July 2023.

Current activity to support post-16 learners

The following projects are continuing to support post-16 learners that have been impacted by the pandemic and the transition process:

- a) **Mentoring** – Hefcw are working with Reaching Wider North and Mid Wales Partnership to deliver an online mentoring program to a number of schools and some colleges across Wales. The mentoring programme will be delivered by HE students between February and May/June 2023. Between December 2022 and March 2023 390 learners signed up to the project, 232 of these learners registered on the Brightside platform and were able to connect with mentors. Mentees have been recruited from eight colleges and 16 Reaching Wider priority schools with

sixth forms across Wales. 132 mentors were recruited from six universities, two colleges and through Coleg Cymraeg Cenedlaethol. 97 mentors have engaged with mentees through the platform. A final evaluation report is due October 2023.

- b) **Alumni** – In 2022-23 Careers Wales have supported all schools in Wales to establish and maintain alumni networks. Officials have now received the final project evaluation report. Over 800 alumni from 80 secondary schools have offered support to their former school. Careers Wales concluded they could build on the success of the alumni project by incorporating the model into their core delivery. In the 2023-24 financial year, each Business Engagement Advisor will support one school in the area to establish an alumni network.
- c) **Tailored work experience** – Following a pilot with Y10 learners Careers Wales have received £500K to engage further with employers and provide up to 500 targeted work experience placements in 2023/24. These work experience placements will support mainly Y11 learners who have struggled to re-engage with their education, following the disruption caused by the pandemic. Schools from across all 22 LAs will be invited to take part in the project. Careers Wales have employed 8.5 Business Engagement Advisers (BEA) to manage the placements.
- d) **University Ready** – The Open University and all universities in Wales have received funding for 2022-2025 to work collaboratively to develop [The University Ready hub](#). In 2023-24 The Open University and HEIs across Wales will continue to develop and expand the range of resources on the UniReady Hub which gives support and advice to a wide range of learners who are transitioning to Higher Education. HEIs are currently creating a series of bilingual podcasts where students will be discussing a range of topics including concerns around student life and money and barriers around applying to university and transition to Higher Education.
- e) **Welsh Vocational Seminars** – During the course of the pandemic, learners from non-Welsh speaking households who attended Welsh-medium secondary school had reduced opportunities to learn and interact socially through the medium of Welsh. Many of these learners have now progressed to post-16 vocational programmes at college where they may be among a small minority of fluent Welsh speakers. In 2022/23 the Coleg Cymraeg Cenedlaethol developed and piloted a series of subject seminars for 16–19-year-old learners undertaking vocational courses. The pilot brought together Welsh speaking vocational learners from across FE colleges in Wales, who were studying predominantly through the medium of English, for a series of virtual seminars under the guidance of Welsh speaking subject specialist tutors in **Business** and **Performing Arts**. This project has now completed, and the final evaluation report will be received shortly.
- f) **Learner Recovery and Progression Funding** - In 2021/22 £33m Learner Recovery and Progression funding was allocated to FE colleges and school sixth forms to support learners who experienced disruption as a result of the pandemic. An additional £21m was awarded for learner recovery and progression in 2022/23. This funding has enabled FE colleges and school sixth forms to provide additional learning hours for learners in years 12, 13, College Y1, Y2 and above. Learners were able to undertake group-based learning, learning on a 1:1 basis or a mixture

of both. Learners had the opportunity to revisit previous learning and deepen their knowledge to meet the demands of their course, access specific pastoral support, including resilience and confidence building and develop their practical skills. In 2023/24 a further £10.563m Learner Recovery and Progression Funding has been allocated to FE colleges and school sixth forms.

- g) **Transition Funding** – FE colleges and school sixth forms received £12m of transition funding in 2021/22. A further £3m of Transition Funding has been allocated to FE Colleges and school sixth forms for the 2022/23 academic year to raise learners' awareness of the broad range of options in education and training post-16. Guidance has been reviewed based on case studies and monitoring feedback and recommends that providers deliver college taster days, masterclasses or interactive workshops and summer programmes to Y10 and Y11 learners to enable them to make an informed decision about the next step in their educational, training or employment pathway.

Post-16 mental health and wellbeing of staff and learners

Throughout the duration of the pandemic concern about the impact on learners and staff continued to grow and feedback from the sector highlighted the significant effect this was having on the mental health and wellbeing of learners and staff. Almost all young people experienced some degree of anxiety, depression and frustration related to the long period of disruption to their education, missed exams, their progression into university and/or employment prospects.

The impacts of the pandemic have been wide reaching and based on feedback from the sector, the main impacts on learners and staff include:

- **Academic pressures** – deadlines, exams, lack of understanding and changes to expectations, pressure of coping, confusion, parental pressure, returning to college and face to face learning, fear of failure, thinking about the future, retention.
- **Social and personal difficulties** – relationships, social lives, home life, family, personal problems, homesickness/loneliness/isolation, bullying, peer pressure, feeling like can't talk to others, relocation, death of family/partner/friend, impact of social media, work life balance, childcare, home-schooling, increase in self-harm and substance misuse.
- **Stress, depression and anxiety** – lack of stress management skills
- **Finances** – loss of family income
- **Digital support and access** –lack of training or access to equipment

An initial investment of £2m was allocated to the FE sector in 2020-21 with a further £2.5m allocated in January 2021 to support the impact of the COVID-19 pandemic on FE learners and staff. £500,000 of this was ring-fenced for work-based learning.

This £2.5m supplementary funding provided additional resource to enable institutions to invest further in providing support to staff and learners. The majority of this funding was used to recruit additional counselling and wellbeing staff and mentors and, in some institutions, to buy in an out of hours counselling service. Funding was also used to provide staff with COVID-19 specific resilience training.

In addition, in 2022/23, £700,000 was provided to support the health and wellbeing of apprenticeship learners, staff and organisations. This will help learners stay on programme to complete their apprenticeship, continuing our focus on maintaining and further developing quality provision and delivering successful outcomes. In 2023/24 a further £1m has been allocated to support this area.

The impacts of COVID-19 continue to be a priority and investment continues to strengthen support for learner and staff mental health and wellbeing in FE. As well as the baseline annual allocation of £2m, an additional £4m was allocated in 2022/23 and an additional £2m in 2023/24, to help combat the mental health and wellbeing impacts of the pandemic.

Feedback from colleges indicates that they are continuing to see adverse effects on learner wellbeing, including increased anxiety and behavioural problems. The additional investment is being used to provide the additional support required to increase the size of wellbeing/welfare teams to respond to growing numbers of referrals, counselling provision for learners, and to fund activities for resilience building and to support learners' social and emotional wellbeing. Extensive work is being undertaken with colleges to embed trauma-informed practice, as well as the introduction of staff wellbeing representatives across the sector.

Further education digital learning

In December 2022 I launched a digital “call to action” for the FE sector. I asked all institutions to prepare digital strategic plans, showing how they will build on the experiences of the pandemic to establish a sustainable approach to digital learning. I have asked institutions to show how they will:

1. Work collaboratively to widen access to learning opportunities
2. Develop learners' and staff digital capabilities and confidence for learning, life and work
3. Maximise the potential of technology to empower, enthuse and inspire learners
4. Embed agile, resilient and sustainable approaches to delivery

The delivery of the plans is supported by an allocation of £8m capital funding over three years for digital infrastructure and innovation. We have also commissioned [research](#) from Jisc, drawing on experiences during the pandemic, to help identify where the use of digital learning can have maximum impact and benefit.

Research and evidence

Early Years Research and Evidence

The Children, Families and Childcare Evidence team have commissioned several pieces of work to better understand the childcare and play sectors post COVID-19. These include the recently published Review of the Childminders and ongoing research relating to Childcare Sufficiency Assessments and the childcare and play workforce. These pieces of work combined provide us with updated evidence about the sector currently, and its future needs.

Evaluation of the Recruit, Recover and Raise Standards Programme

This evaluation report was published on 3rd May 2023. [Evaluation of the Recruit, Recover and Raise Standards \(RRRS\) Programme | GOV.WALES](#)

Findings:

- An estimated 2,452 Full Time Equivalent (FTE) staff in schools have been funded by RRRS.
- Decisions around funding allocations have been primarily guided by the needs of learners with the lead element being schools' own knowledge of their learners.
- Local authority advice and support was more prescriptive to childcare settings than to schools.
- Wellbeing support has been the most effective approach. This focus has been a central element in all areas of learning to increase engagement and enable the development of children in early education.

Recommendations:

- Continue to focus on addressing need, as defined at a school and childcare setting level in combination with national level priorities.
- Explore the possibility of establishing a minimum grant allocation.
- Consider additional weighting on grant calculations for the rurality of settings.
- Continue to adopt holistic approaches and maximising use of multi-agency approaches to fully meet the needs of 3–7-year-olds.
- Continue support for early education and childcare outside of schools, including non-funded, non-maintained childcare settings
- Specify any training provided by the grants is to increase staff capacity with learners, not just upskill the existing workforce
- Link more closely with other initiatives to increase staff numbers. For example, programmes that support entry into the workforces of the childcare and school sectors.
- WG and LA to encourage collaboration and cluster working at school and childcare levels.
- Establish a national tool for consistent measurement of local needs outside of the priority cohorts so that grant allocations can support all needs effectively.
- Ensure robust data collection by introducing universal monitoring for schools and childcare settings of the amount of additional capacity, recorded as FTE, number of staff, and area of learning they are deployed to.

School Health Research Network (SHRN) Student Health and Wellbeing Survey

The National Report of the 2021/22 School Health Research Network (SHRN) Student Health and Wellbeing Survey is now available. [Children's Health & Wellbeing Dashboard \(shinyapps.io\)](#)

The SHRN dashboard is live for health and wellbeing data from the 2017, 2019, and 2021 SHRN survey at the national and LA/Health Board level. The data can be interacted with in the dashboard or downloaded for analysis. Undertaken every two years, the survey provides a regular snapshot of 11-to-16-year olds' health behaviours and

wellbeing. This enables ongoing assessment of young people in Wales, both nationally and regionally, and opportunities for international comparisons of trends in adolescent health and wellbeing.

The dashboard has been created in collaboration with Cardiff University's DECIPHer team. The aim of the collaboration was to help users view some of the School Health Research Network (SHRN) survey data at a lower geographical level than ever before. The dashboard contains 32 different topics for three years of the survey (2017, 2019 and 2021), with views available for gender, age, family affluence and different geographic levels. DECIPHer have also released a National Report covering a wider variety of the most recent 2021 SHRN survey data at a Wales level. Together, the two products provide a detailed look at the health and wellbeing of students in secondary schools in Wales.

The SHRN categories covered are:

- Food and physical activity
- Wellbeing and emotional health
- Substance use and misuse
- Sex and relationships
- School life
- Friendships and bullying

SHRN will provide a key data source for informing a new long-term study aimed to monitor and track newly emerging and ongoing impacts of the Covid pandemic on children and young people in Wales. Finding will be used to inform effective mitigations and ensure learning continuity.

Collaborative Evidence Network (CEN)

In 2021, the Welsh Government invited expressions of interest for collaborative research to be undertaken by academics across our universities into various aspects of education that related to the needs of the National Strategy for Educational Research and Enquiry (NSERE). Unpinning this was a focus on the impacts of the COVID-19 pandemic and the ways in which these can be mitigated. Following a bidding process, a total of 18 projects across five leading institutions received the funding.

Recent updates:

- The third seminar of a six-seminar series took place on 04/05/23. This seminar disseminated the findings of the three projects that focussed on **language, literacy and literature**. This included research on how literacy and reading provision was affected by the pandemic, an examination of how the pandemic and concurrent events have affected the teaching of literatures and an overview of a new resource on 'translanguaging' to help educators working with children who use or are learning more than one language. Since the last update a further three CEN reports have been published on Hwb. These are:
- **Impact of COVID-19 on refugee learners in Wales**. Available: [Impact of Covid-19 on refugee learners in Wales \(gov.wales\)](#)

- **Supporting young quiet, shy and anxious children in school.** Available: [Supporting young quiet, shy and anxious children in school. \(gov.wales\)](#)
- **COVID–19, Education and Learning: Amplifying Young Children’s Voices.** Available: [COVID–19, Education and Learning: Amplifying Young Children’s Voices \(gov.wales\)](#)
- The fourth seminar of a six-seminar series took place on 03/07/23. This seminar disseminated the findings of the three projects that focussed on **changing classroom approaches**. This included research on pupil voice; teaching and learning in the outdoors; and grouping practices for learning support. These reports will be published on Hwb in the coming weeks.

Next Steps:

A further two studies are still to come into KAS for review. The remaining two seminars are themed around:

- Transition to post-16 and beyond
- School learning and engagement

These are all scheduled to take place by the end of 2023.

Are the kids alright? The early careers of education leavers since the COVID-19 pandemic

Focus of the Study:

- In this report, evidence is presented on how the cohorts of young people who entered the labour market during the pandemic have fared up to now. Discussion is focussed on:
- How labour market outcomes evolved over the pandemic and comparing trends with the 2008 recession to demonstrate the magnitude of the COVID-19 shock for young people.
- The experiences of cohorts of young people who entered the labour market during the COVID-19 years, or just before. Comparing their employment rates and multiple measures of job quality with those of earlier cohorts to assess the extent to which they are likely to experience long-term scarring as result of the pandemic.
- The prospects for future cohorts due to enter the labour market.

Key Findings:

- Evidence from previous recessions tells us that **young people who enter the labour market during downturns tend to experience worse career outcomes** that take several years to recover from.
- **The cohort that graduated in 2020, particularly individuals with university degrees, initially saw worse outcomes on some measures.**
- It appears that **the rapid economic recovery and the boom in new job vacancies since 2021 allowed new entrants to quickly recover lost ground.**
- Apart from the 2020 cohort, **other cohorts who entered the labour market during or just before the pandemic did not see slower occupational progression or have worse job quality**, with one exception: those from

disadvantaged backgrounds were more likely to be in the same job that they held at school or university. However, there is, as yet no indication that this has affected other measures of their job quality.

- **It may be that some negative effects of the COVID-19 pandemic are yet to materialise.**
- Perhaps more concerning are the prospects for the next two cohorts of graduates. They will have suffered an incredibly **unfortunate double whammy, with disruption during a key phase of their education due to the pandemic, followed by an economy in recession** upon entry into the jobs market.

Post 16 Evaluation Update

Welsh Government allocated over £294 million to support post-16 providers of education and training across Wales, to facilitate their work in responding to, and recovering from, the ongoing COVID-19 pandemic. Ecorys UK were awarded the contract to undertake the independent evaluation of the effectiveness and early impacts of the utilisation of this funding. The evaluation is in the final write up stage and the first draft of the final report was delivered w/c 05/06. The report has been circulated for review by policy colleagues and is due to be published in September 2023.

Key Findings & Recommendations:

Although there were shared experiences across the sector, the challenges of the pandemic and impact of the funding from WG varied across FE, HE, WBL (Work based learning) and ALC (Adult learning in the community):

- Sector organisations cited multiple, beneficial effects of the groups/forums established to communicate/collaborate more closely with the Welsh Government during the pandemic.
- A common finding across all post-16 settings was a call for greater flexibility in the scope of activities and resources which were eligible for funding support.
- Establish the monitoring requirements attached to any future funding at the outset of the design of funding models and consider data linkage in all future data collection activities.
- Highlight and prioritise the ongoing need for professional training and development in digital skills for staff in the post-16 sector.
- Explore options to collate and share best practice and learning on providing mental health and wellbeing support for staff in post-16 institutions.

Prevention of School Exclusions Update

This research aims to explore practices and approaches used by maintained schools and PRUs that are effective for preventing fixed term exclusions, maintaining contact and engagement with excluded learners and supporting reintegration into mainstream learning. Findings will inform the development of a guide summarising approaches to prevent school exclusions in maintained schools and Pupil Referral Units. The report is due for publication at the end of September 2023.

The Long Term Study

Background:

- We are currently in the scoping phase for the long-term study which is focused on the impact that the COVID–19 pandemic has had, and continues to have, on children and young people in Wales. It is hoped that the work will help to ensure that any ongoing impacts on learning and well-being are identified early, and appropriate mitigating actions put in place to address these impacts.
- At present, we are undertaking literature reviews in three priority areas. These are: wellbeing, attendance and attainment & progression. These are scheduled to be drafted by the end of July.
- In addition to this, we have had initial discussions with policy and KAS colleagues split by policy areas (early years, schools and post 16. Further conversations are planned as a result of this (e.g., WHERA) and ADR/PANDAR teams.
- These conversations are around exploring the evidence needs of policy colleagues. This is leading to the development of a suite of research questions that will form the basis of the long-term study.
- We are in the process of compiling both an evidence audit and a data audit. The evidence and data audits represent an ongoing project requiring regular review and maintenance. The audits will enable us to map existing evidence that can be used to respond to the developed RQ's. They will also help us in identifying gaps that may require newly commissioned work.
- Scoping study is taking place until August and the initial phase of the study will be from September till March 25 when there will be a review by the Learning Continuity Advisory Group

Next Steps:

- We are keen to improve our understanding around the extent of this issue and what this means for practitioners. We also hope to identify data and evidence sources that could be used to support and track this assumption over time, the breakdowns that they enable as well as any challenges and limitations in their use.
- Further discussions and completion of the drafting of literature reviews
- Explore data sources further
- Continue to promote the data audit
- Test research questions with relevant colleagues
- Facilitation of an online collaborative event to launch the long-term study and provide a platform for other research with a focus on pandemic impact.
- Ensure that the CYPE Committee is kept fully updated of all findings as the long-term study progresses

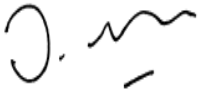
Upcoming items of interest

- Planned Evaluations: Early Years Policies In Wales And A Post-Pandemic Future: Mixed-Methods Research. This research will allow us to begin to understand the extent to which Early Years policies/programmes in Wales need refining, enhancing, or developing to counteract any types of disadvantage and delay experienced by young children and their families as a result of the pandemic

- Cardiff Met/RCT report on Attendance: awaiting publication date
- Link between pupils using food banks and GCSE results [click here](#); Welsh learners in Urban areas and wellbeing [click here](#)
- [COSMOS study wave 1](#): inclusion of briefings on Attainment and Assessment; Mental Health and Wellbeing; Future Plans and Aspirations; Education recovery and catch up and Lockdown Learning.

The next update to Committee will be provided in December 2023.

Yours sincerely

A handwritten signature in black ink, consisting of a stylized 'J' followed by a wavy line and a short horizontal stroke.

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

Agenda Item 3.30

Vaughan Gething AS/MS
Gweinidog yr Economi
Minister for Economy



Llywodraeth Cymru
Welsh Government

Jane Bryant MS
Chair
Children, Young People and Education Committee

17 August 2023

SeneddChildren@senedd.wales

Dear Jane,

During the Joint Ministerial scrutiny session on post 16 education and skills on 5 July, I said I would write to the committee about current numbers of people going into degree apprenticeships in Wales. I hope the information enclosed is helpful.

Yours sincerely,

A handwritten signature in black ink that reads "Vaughan Gething". The signature is written in a cursive, flowing style.

Vaughan Gething AS/MS
Gweinidog yr Economi
Minister for Economy

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

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

The Minister for Economy agreed to provide the Committee with a note on the expansion of degree apprenticeships.

During the pilot phase of degree apprenticeships 2018 – 2021, Welsh Government prepared pathways in three frameworks – Advanced Manufacturing and Materials, Digital Technology and Engineering. From these pathways the universities developed qualifications such as cyber security management, software engineering, mechanical engineering, advanced manufacturing and others. There are 23 frameworks in the framework library and since the completion of the pilot, we have begun expanding our range of frameworks and pathways.

Railway engineering degrees will come on stream in January 2024. University of South Wales anticipate 20-25 new starts in railway engineering during the year. Pathways being developed in construction management, general surveying, quantity surveying and civil engineering are aiming for qualification launches to enable a September 2024 intake. We are also exploring how degree apprenticeships can support the Welsh Government’s net zero priorities.

Many sources of intelligence have been used to identify priorities for apprenticeship framework development including a demand analysis undertaken with universities. Priority growth sectors have also been identified by Regional Skills Partnerships (RSPs) along with demand evidence for the main apprenticeship programme. Skills also underpin most ministerial portfolios and officials have worked across government to identify higher skills needs across a number of occupations linked to Welsh Government investment.

In terms of programme starters:

First year students in Wales on HEFCW-funded degree apprenticeships (2019/20 to 2021/22)

2019/20	2020/21	2021/22
260	300	305

Source is ‘HESA student record via Welsh Government’¹

¹ Data calculated using full person equivalent. Data rounded to the nearest 5. Data based on students who are:

1. In the standard registration population
2. Studying at a Welsh Higher Education provider or in the Welsh national centre of the Open University.
3. On a HEFCW-funded degree apprenticeship scheme.
4. In their first year of study.

Data for 2018/19 is currently unavailable.

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



Llywodraeth Cymru
Welsh Government

Jayne Bryant MS
Chair
Children, Young People and Education Committee
Senedd Cymru
Ty Hywel
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22 August 2023

Dear Jayne

Tertiary Education and Research (Wales) Act 2022

Having made the Tertiary Education and Research (Wales) Act 2022 (Commencement No.2 and Transitory Provision) Order 2023 ('the Order') this week I wanted to take the opportunity to update the Committee on the purpose of the Order, and how it supports the implementation of the Tertiary Education and Research (Wales) Act 2022 (TERA) and the establishment of the Commission for Tertiary Education and Research ('the Commission').

The Order makes provision in respect of the two key dates:

- 4 September 2023 – the establishment date of the Commission, this will be the date all core members take up their posts and the Commission becomes fully established.
- 1 April 2024 - this is the date when the Commission will become operational and assume responsibility for its core functions following the dissolution of HEFCW.

The purpose of the Order is two-fold: enabling the Commission to take the necessary steps to ensure the required operational and governance arrangements are in place to support a smooth transition to it becoming operational, and enabling it to start developing certain deliverables required to support the implementation of key reforms.

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

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

Between September and April 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.

Commencement in respect of the establishment Period

The Order provides for the coming into force of the following provisions of Part 1 of TERA on 4 September 2023:

- Academic freedom of higher education providers and staff (section 17);
- Institutional autonomy of tertiary education providers (section 18);
- Compatibility with charity law and governing documents of tertiary education providers (section 19);
- Duty on Commission to have regard to guidance published by the Welsh Ministers. (section 20);
- Provision enabling the Welsh Ministers to give the Commission general directions about the use of any of its functions (section 21);
- Provision enabling the Welsh Ministers to confer supplementary functions on the Commission by way of regulations (section 22);
- Provision enabling the Welsh Ministers to make schemes for the transfer of staff and property, rights and liabilities from HEFCW and the Welsh Ministers to the Commission (section 24 and Sch. 2).

Provisions of Schedule 1 are also brought into force on the same date. Schedule 1 sets out the status of the Commission; makes provision about membership of the Commission including some terms and conditions; imposes a duty on the Commission to have a Research and Innovation Committee, a Quality Committee and a staff member appointment committee.

This Schedule also enables the Commission to establish other committees including joint committees; makes provision about membership of the Commission (including workforce and learner representation), audit and accounts, a duty to ensure good value, annual reporting requirements as well as other operational requirements such as delegations, proceedings, register of interests and the exercise of functions.

The Order does not include provision in respect of the following aspects of Schedule 1, these will be commenced from April 2024 through a future commencement Order:

- The appointment of the associate Commission staff member and the establishment of the staff member appointment committee;
- The Commission's duty to prepare an annual report and an annual statement of accounts.

To ensure the Welsh Ministers are able to provide funding to the Commission from its establishment date, section 85(1), (2)(a) and (2)(b) of TERA is brought into force on 4 September 2023. The remainder of section 85 makes provision in respect of outcome agreements and is brought into force on 1 April 2024.

Section 86, which places limitations on the terms and conditions the Welsh Minister can attach to funding provided to the Commission in respect of the funding of higher

education, research and innovation and further education, is not commenced through the Order. These limitations are not required during the establishment period as the relevant funding powers of the Commission will not be in force at that time.

The Order also brings relevant functions in respect of information, data and advice into force on 4 September 2023.

Section 130 of TERA, which is commenced in full, requires the Commission to provide information and advice, in relation to its functions, to the Welsh Ministers where the Ministers request such information. The Commission may also give the Welsh Ministers any information or advice it considers appropriate. This section also allows the Welsh Ministers to provide the Commission with any information relating to the exercise of its functions.

The provision of information by either the Welsh Ministers or the Commission is limited to those functions of the Commission that are in force at that time.

Section 132 of TERA enables the Commission to share information, for the purpose of the exercise of any of its functions, with the bodies and persons listed on the face of the Act (or made in Regulations under section 132(1)(k)). The Order commences, on 4 September, this section with the exception of subsection (1)(f) which relates to the body to be designated by the Commission in respect of the assessment of quality of higher education.

As with section 130, the sharing of information under section 132 will be limited to matters relating to those functions of the Commission that are in force at the point in time the information is being shared.

Strategic planning cycle and strategic duties

The duty of the Welsh Ministers to publish a statement of their priorities for and in connection with tertiary education and research will be brought into force on 4 September 2023, with my intention remaining to publish the first statement in December 2023.

The Order also commences, on the same date, section 14 of TERA thereby requiring the Commission to prepare a strategic plan setting out how it intends to discharge its strategic duties and address the Welsh Ministers' statement of priorities.

Subjecting the Commission to the duty in section 14 will not mean it is required to finalise its strategic plan during the establishment period, as the duty in that section is simply to prepare the plan. Rather it is section 15 which specifies the date by which the Commission must submit their draft strategic plan to the Welsh Ministers.

The Order commences section 15 of TERA on 1 April 2024 with transitory provision requiring the submission of the first draft strategic plan by 15 December 2024.

To support the development of the strategic plan the Order also commences sections 2 to 12 of TERA which set out the strategic duties. The commencement of the strategic duties is limited to the purpose of enabling the Commission to prepare its

strategic plan. This limited commencement, for the specified purpose, means the Commission will not be subject to those duties during the establishment period. The strategic duties will come into force in April 2024, with provision to be made in a future Order.

Section 16, which requires the Commission to review its published strategic plan if the Welsh Ministers amend the statement of priorities, is also brought into force on 1 April 2024.

Provisions being partially brought into force to support the implementation of the registration system and financial transparency

The Order provides for the partial commencement, on the 4 September 2023, of the provisions necessary to enable the Commission to undertake the following preparatory activities in respect of the registration system:

- Start developing the document specifying the requirements providers must satisfy in order to meet the initial conditions of registration (section 27(1) and (2));
- Start determining the general ongoing registration conditions to be applied to providers when they are added to the register (section 28(1) to (3), section 31(1)(a) to (f), (i), (j) and (2) and sections 32 and 33);
- Start preparing guidance relating to the ongoing registration conditions (sections 35 and 36);
- Undertake preparatory work to determine how it will monitor registered providers' compliance with the ongoing registration conditions (sections 35 and 36);
- Start preparing a statement on its funding policy (section 87).

The partial commencement of these provisions does not subject the Commission to associated duties, these will be brought into force at the necessary future date through another commencement Order. Certain of the functions are commenced in full where doing so does not subject the Commission to duties it will not be able to fulfil during the establishment period.

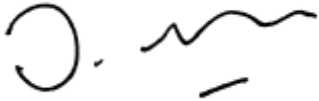
In addition to commencing the provisions which specifically provide for each of the above functions, associated provisions are also commenced to provide additional context where required and to ensure any cross references within the provisions function as intended.

Welsh Ministers Regulation making powers

In addition to the functions of the Commission being brought into force, either in full or partially, the Order also brings into force the required powers to enable the Welsh Ministers to make the subordinate legislation necessary to support the establishment of the Commission and the implementation of TERA.

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.

A handwritten signature in black ink, consisting of a stylized 'J' followed by a series of wavy lines and a short horizontal stroke at the end.

Jeremy Miles AS/MS

Gweinidog y Gymraeg ac Addysg

Minister for Education and Welsh Language

Agenda Item 3.32

Correspondence from Children in Wales, Save the Children Cymru, Barnardo's Cymru, Action for Children Cymru/Wales, NSPCC Cymru/Wales, The Children's Society, TGP Cymru, NYAS Cymru, Home-Start Cymru

Good afternoon Jayne

I'm getting in touch to let you know and seek your support/action. There has been significant disquiet this week amongst our national children charities members* in regard to media reports that free school meals during the school holiday will no longer be available for children in Wales. Our understanding is that some parents have begun receiving letters via their schools (but not all have as yet), informing them that Welsh Government will be ceasing the provision of holiday vouchers for free school meals with immediate effect. With three weeks before the summer break, this leaves parents little time to plan (for those of course who can). As the cost-of-living crisis plunges more families into poverty, this decision will result in more children going hungry over the coming weeks.

We have today written, alongside 8 other national children's charities, to the Minister for Education/Minister for Social Justice/DM for Social Services to express our profound concern of the impact this will have on children, parents and the third sector services who are already overstretched trying to meet rapidly growing need. We have also asked why there has been no public announcement this week or prior notification that this was going to happen.

This also comes at a time when the Welsh Government are consulting on their Child Poverty Strategy; have announced a cut in the Schools Essential Grant from next school term and have received recommendations from the United Nations Committee on the Rights of the Child to address food insecurity, improve access to free school meals for disadvantaged children and to enhance children's access to food.

I'm sure that you share our concerns, and we would be delighted if you and/or other members could raise this with Welsh Government at the earliest opportunity.

Should you require more information, please do get in touch

Diolch

Sean

* Children in Wales, Save the Children Cymru, Barnardo's Cymru, Action for Children Cymru/Wales, NSPCC Cymru/Wales, The Children's Society, TGP Cymru, NYAS Cymru, Home-Start Cymru

Agenda Item 3.33

I write to you ahead of the Children, Young People and Education Committee's scrutiny session of the Deputy Minister for Social Services on radical reform for care experienced children and young people.

NSPCC Cymru welcomes the Committee's report and the clear commitment to listen and make positive recommendations for change for children and young people in the care system and their families. It is particularly heartening to see the extensive engagement the Committee has had with young people, parents and project staff across Wales. We also welcome Welsh Government's commitment to radically transform the delivery of children's services in Wales, as outlined in the Programme for Government.

Despite ongoing work to make this commitment a reality, we feel that there is a need for greater transparency to enable regular scrutiny of progress in this crucial area of work. This is why the NSPCC has been calling for the publication of a detailed, fully resourced roadmap on transforming children's social care, with measurable outcomes. We believe it is crucial to clearly outline what actions the Welsh Government are taking to ensure children are protected and abuse and neglect are prevented from the offset. Children's voices must inform the roadmap and we want to see a young people advisory group set up to monitor delivery and outcomes.

Below are some of the areas we believe must also be addressed as a priority:

Before care

In our evidence, we called on the Committee to focus on what work needs to be done to ensure safe, nurturing home environments where babies and children grow up with responsive and attuned care-giving relationships, and free from abuse and neglect. We also asked the Committee to explore evidence looking at what preventative approaches have worked best and what can be done to ensure these approaches are maximised. **We therefore particularly welcome Recommendation 8 which calls on the Welsh Government to ensure nationwide access to preventative services such as Barnardo's Baby and Me and to develop a nationwide, long term, sustainable funding model for them. While we are pleased that Welsh Government have committed to reviewing the evaluation of such programmes before deciding on next steps and roll out, we remain of the view that the issue of sustainable, long term funding must be addressed to ensure parity and continued access to support for families across Wales.**

Our response also highlighted the negative impact of poverty on vulnerable families and the increased risk of abuse and neglect for children when families are under intense pressure and are not having their own needs met. We are delighted that the Committee has clearly identified poverty as a driver for family break up. **While we appreciate that some of the levers to alleviate poverty are non-devolved, we are disappointed not to see a clearer call to Welsh Government to do all it can to mitigate the impact of poverty on vulnerable families. We are disappointed that the link between poverty and social care involvement has not been outlined in the draft revised Child Poverty Strategy and would urge Members of the Senedd to continue to call for this.**

In addition, we highlighted concerns about number of babies and infants that are entering care. The Nuffield Family Justice Observatory report '*Born into care*' (2019) shows that disproportionate numbers of infants are appearing in care proceedings compared to any other aged child in Wales. It is also extremely important to protect the mental health and wellbeing of expectant and new parents as research demonstrates that maternal mental health is a crucial determinant of a child's mental health. To reduce the number of infants taken into care, more must be done to develop

strong working relationships between health and social care in order to strengthen the pre-birth support available for vulnerable families. There also needs to be more emphasis placed on identifying and addressing perinatal mental health problems within social work pre-birth assessments, with flexible outreach to engage and support mums early. **We urge Members of the Senedd to scrutinise the development of Welsh Government forthcoming mental health strategy, ensuring it accounts for the needs of vulnerable babies and infants who are at risk of going into care.**

In Care

We are pleased that the Committee report placed renewed emphasis on the difficulties care experienced young people encounter when trying to access specialist mental health services across Wales. This is evidenced in our 2019 NSPCC Cymru Listen, Act, Thrive research: all participants talked about how challenging it is for those in care to access CAMHS services because of the high threshold for referral. Many spoke about needing to have a mental health diagnosis or be in 'crisis' before receiving support. They also spoke about long waiting times to access CAMHS and how a young person would be placed at the bottom of the waiting list if they moved placements. Despite the requirement for mental health assessments to be conducted on entry into care, our Listen Act Thrive research also found that assessments are inadequate, guidance is lacking and training for staff is needed. Recent evidence from Care Inspectorate Wales also points to a lack of availability of emotional and therapeutic support for care experienced young people. **This is why we are disappointed that Welsh Government has only accepted in part Recommendation 5 relating to legislation to introduce a statutory right to specialist therapeutic mental health support. We recognise that positive steps are being taken with the introduction of the NEST/NYTH framework but we must see a commitment to regularly review implementation to ensure that care experienced young people can access support when they need it.**

The Committee report rightly highlights the importance of children and young people being heard in the care system. We were pleased to see Recommendations 12 and 13 on a statutory right to advocacy for children, including those in residential care. **It is disappointing that despite the evidence submitted to the Committee, Welsh Government has rejected both recommendations. It is crucial that we see a review of the implementation of the National Approach to ensure that it is delivering on its intention.**

I would be grateful if you would consider raising these points during the session on Thursday,

Yours sincerely

Cecile Gwilym

Policy & Public Affairs Manager

Rheolwr Polisi a Materion Cyhoeddus

Tel/Ffon: 02920108051

NSPCC

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