

Agenda – Children, Young People and Education Committee

Meeting Venue:

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

Meeting date: 8 May 2024

Meeting time: 09.00

For further information contact:

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Committee Clerk

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Hybrid

Public meeting

(09.00)

1 Introductions, apologies, substitutions and declarations of interest

(09.00)

2 Motion under Standing Order 17.42(ix) to resolve to exclude the public from items 6 and 8 of this meeting and for the whole of the meeting on the 15 May and 23 May

(09.00)

Private meeting

(09.00 – 09.30)

3 Implementation of education reforms – update on family engagement activities

(09.00 – 09.30)

(Pages 1 – 25)

Attached Documents:

Reanalysed data from Family Interviews

Online Advisory Group



Public meeting

(09.30 – 10.45)

4 Implementation of education reforms – evidence session

(09.30 – 10.45)

(Pages 26 – 74)

Lynne Neagle MS, Cabinet Secretary for Education

Hannah Wharf, Deputy Director, Support for Learners Division, Welsh Government

Lloyd Hopkin, Deputy Director, Curriculum & Assessment, Welsh Government

Attached Documents:

Research Brief

Paper – Welsh Government

Private paper – Curriculum Wales Institute of Physics Briefing

5 Papers to note

(10.45)

5.1 Welsh Language Commissioner: Post-compulsory education and the Welsh language

(Page 75)

Attached Documents:

Letter from the Chair of the Culture, Communications, Welsh Language, Sport, and International Relations Committee

5.2 Welsh Government Draft Budget 2024–25

(Pages 76 – 78)

Attached Documents:

Letter from the Chair of the Finance Committee

5.3 P-06-1406 Financial penalties for Local Education Authorities who do not comply with timeframes for ALN

(Page 79)

Attached Documents:

Letter from the Chair of the Petitions Committee

5.4 Services for care experienced children: exploring radical reform

(Pages 80 – 81)

Attached Documents:

Letter from the Minister for Social Care

5.5 Residential Outdoor Education (Wales) Bill

(Pages 82 – 88)

Attached Documents:

Letter from Sam Rowlands MS, Member in Charge

5.6 Residential Outdoor Education (Wales) Bill

(Pages 89 – 97)

Attached Documents:

Letter to the Chair of the Finance Committee from Sam Rowlands MS,
Member in Charge

5.7 Residential Outdoor Education (Wales) Bill

(Pages 98 – 103)

Attached Documents:

Letter to the Chair of the Legislation, Justice and Constitution Committee
from Sam Rowlands MS, Member in Charge

5.8 Care Inspectorate Wales: Annual Scrutiny

(Pages 104 – 106)

Attached Documents:

Letter from Chief Inspector of Care Inspectorate Wales

5.9 Information from Stakeholders

(Pages 107 – 109)

Attached Documents:

Letter from Qualifications Wales

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

(Pages 110 – 111)

Attached Documents:

Letter from the Chair to the Cabinet Secretary for Education, Cabinet Secretary for Culture and Social Justice and the Minister for Mental Health and Early Years

5.11 Implementation of education reforms

(Pages 112 – 115)

Attached Documents:

Letter from the Chair to the Cabinet Secretary for Education regarding concerns about the implementation of the Additional Learning Needs system

5.12 Information from Stakeholders

(Pages 116 – 117)

Attached Documents:

Letter from the Chair to the Cabinet Secretary for Education regarding participation in Higher Education

5.13 Health Literacy

(Pages 118 – 119)

Attached Documents:

Letter from the Chair of the Health and Social Care Committee to the Chair of the Children, Young People and Education Committee

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

(Pages 120 – 121)

Attached Documents:

Letter from the National Deaf Children's Society Cymru to the Chair of the Children, Young People and Education Committee

5.15 General scrutiny of Cabinet Secretary for Education and Cabinet Secretary for Economy, Energy and Welsh Language

(Pages 122 – 123)

Attached Documents:

Letter from the Chair of the Culture, Communications, Welsh Language, Sport, and International Relations Committee to the Cabinet Secretary for Education and the Cabinet Secretary for Economy, Energy and Welsh Language

5.16 Information from Stakeholders

(Pages 124 – 159)

Attached Documents:

Research briefing note from Children’s Legal Centre Wales, The Children’s Society, The Bevan Foundation and British Red Cross regarding a Guardianship Service for All Unaccompanied Children in Wales

5.17 The Health Claims (Revocation) Regulations 2024

(Page 160)

Attached Documents:

Letter from the Minister for Mental Health and Early Years to the Chair of the Children, Young People and Education Committee

Private meeting

(10.45 – 11.15)

6 Implementation of education reforms – consideration of the evidence

(10.45 – 11.00)

7 The Review of roles and responsibilities of education partners in Wales and delivery of school improvement arrangements [Item has been postponed to a future meeting]

Professor Dylan E Jones, Review Author and Deputy Vice Chancellor of the University of Wales Trinity Saint David

Owain Lloyd, Director of Education and the Welsh Language, Welsh Government

- 8 The Review of roles and responsibilities of education partners in Wales and delivery of school improvement arrangements – discussion of rescheduling the item**
(11.00 – 11.15)

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Agenda Item 4

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

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Welsh Government evidence paper

For the Children, Young People and Education Committee inquiry into the implementation of education reforms

1. Introduction

- 1.1. In Wales, Education is Our National Mission. The implementation of our education reforms will achieve high standards and aspirations for all. Our aim is that all learners, whatever their background, are supported to be healthy, engaged, enterprising and ethical citizens, ready to play a full part in life and work.
- 1.2. An inclusive education system is one where learners' needs are listened to, responded to and all learners are supported to participate fully in education with a whole school approach taken to meeting their needs. Together the reforms to the Curriculum for Wales (CfW) and the Additional Learning Needs (ALN) system are acting as a catalyst for change.
- 1.3. This evidence paper has been prepared for the Children, Young People and Education Committee. It synthesises a range of evidence on the progress to implement education reforms in Wales and summarises actions that Welsh Government are taking to support implementation.
- 1.4. There remains broad support for curriculum and ALN reform in Wales, for the new way of working, and commitment across the sector to get it right. This is set against a backdrop of wider reforms including the whole school approach to mental health and wellbeing, the new approach to school evaluation, improvement and accountability, and supported by the approach to national Professional Learning. These reforms are also happening in the context of ongoing challenges, including the continued legacy of the impact of the pandemic on learning and wellbeing, challenges with attendance, and an increase in children and young people with complex needs. As well as workforce, recruitment and budgetary pressures. Estyn's Chief Inspector for Wales in the foreword to his annual report cited that 'the enthusiasm of educators across the sectors to make progress and overcome the challenges they face is encouraging, and examples of emerging practice justify a degree of optimism for the future.'

2. Implementation of the Additional Learning Needs and Education Tribunal (Wales) Act 2018

- 2.1. It is still early days in implementation of our ALN reforms which is a systemic and cultural change in practice to identify and support learners with Additional Learning Needs.
- 2.2. The ALN legislative framework is created by the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (ALNET), the Additional Learning Needs Code for Wales 2021 (the Code) and regulations made under the Act. Through this statutory framework the Welsh Government aims to ensure all learners with ALN are supported to overcome barriers to learning and can achieve their full potential.
- 2.3. The Implementation of ALNET is now in the third year of implementation, which will complete in September 2025. A phased approach is being taken to introducing the ALN system, over four years with children moving from the SEN system to the ALN system in groups. Young people identified as having ALN, started entering post-16 education already on the ALN system from September 2023.
- 2.4. The Minister for Education and Welsh Language updated the Senedd on progress to date and actions to progress implementation of ALN Reform in an [oral statement](#) on 28 November 2023.
- 2.5. Local authorities (LAs), schools and settings are making steady progress to move learners to the ALN system, identify and plan for their ALN. The 2024 schools census statistical release will be published in July 2024 and provide a more up to date snapshot on learner status and changes in the system.
- 2.6. The Welsh Government has invested £62m revenue and £40m capital between 2020 and 2024 to support implementation. This includes additional resources in schools to implement the ALN system and lead whole-school strategies to embed inclusive education.
- 2.7. To support the ongoing implementation of ALN reform we are continuing to prioritise our investment in line with previous years, with the 2024-25 budget protecting investment of over £56.3m revenue funding. This funding will be directly allocated to schools and settings, post 16 provision and LAs.
- 2.8. The evidence produced over the last nine months has highlighted the need to strengthen consistency in the application of ALNET and Code. Evidence has identified areas in the system that need to be improved and the Welsh Government is working collaboratively with stakeholders to take action and co-produce solutions.

3. Monitoring progress of ALN implementation

- 3.1. This section provides a summary of the sources of evidence that Welsh Government has commissioned, including a four-year formative evaluation of the implementation of the ALN system and the use of a range of evidence, stakeholder intelligence and data to monitor implementation. These include the ALN Reform National Steering Group, Estyn in its role as education and training inspectorate for Wales, Education Tribunal Wales (ETW), National ALN Implementation Leads, the National Academy of Educational Leadership Wales, SNAP Cymru, TSANA, Association of Directors of Education in Wales and engagement with sector representatives and Trade Unions.

Evaluation

- 3.2. The [scoping report](#) of the formative evaluation of the ALN system was published on 15 December 2023. The report presents the findings of the first phase of the four-year evaluation, includes a theory of change for the reforms, summarises findings from a synthesis of existing evidence on ALN system implementation, and articulates the plans and priorities for the next phases of the evaluation.
- 3.3. The formative evaluation is assessing the effectiveness of the implementation of the system, identifying any barriers or facilitators to implementation, and any early anticipated or emerging impacts of the new system. A report will be published at the end of each phase of the evaluation.
- 3.4. The evaluation of the [Curriculum for Wales \(CfW\)](#) will also consider the impact of CfW on ALN learners. Early insights research published in [April](#) and [September](#) 2023 highlight that school senior leaders found that the CfW provided increased opportunity to personalise learning and tailor delivery to focus on inclusivity for all learners, including those with ALN.

Estyn, education and training inspectorate for Wales

- 3.5. At the request of the Minister for Education and Welsh Language, Estyn reviewed schools and LAs progress on implementing the ALN system and supporting learners with ALN. The [thematic report](#) highlighted examples of effective practice and important areas for action by LAs and schools.
- 3.6. Estyn commended the enthusiasm for person-centred practices, alignment with the CfW and how it has strengthened person centred planning and the relationships between schools and families.
- 3.7. Estyn identified areas of improvement including consistency of quality assurance of practice and provision to support person centred planning and the development of IDPs. They also identified the need for clearer expectations of the balance of responsibility between schools and LA's, ensuring schools are fully aware of ALNET duties and clarity over what constitutes additional learning provision. Insights from Education Tribunal Wales reinforce the need for

transparent decision making and communication, reducing variability and inconsistent application of ALNET and code.

- 3.8. The Welsh Government asked Estyn to explore if learner's needs were being met throughout their inspection and thematic activities. Estyn found that schools, and particularly ALNCoS, have a generally secure understanding of the provision that they make for learners and have normally adapted this well to meet their needs.
- 3.9. Estyn also found that of the schools reviewed, pupils are receiving the support they need, although they found that individual settings are interpreting and applying the legislation in different ways.
- 3.10. LAs were convened in early October 2023 to share the Estyn findings, insights from Education Tribunal Wales and national data trends. The Minister for Education and Welsh Language wrote to LAs on 16 October 2023 asking them to review the report, carefully consider and take forward the recommendations identified for LAs and schools within their local area.
- 3.11. A second thematic review of the ALN system is underway to build on previous findings and consider implementation of the ALN system in primary, secondary, all-age schools and funded non-maintained nursery settings. It will report in December and endeavour to provide a more practical resource for schools to share effective practice, enable them to self-evaluate and improve where necessary.

Data on movement of children from SEN to ALN system

- 3.12. Whilst the number of learners identified as having ALN or SEN has reduced, there is steady progress to identify the need for Additional Learning Provision (ALP) and issue statutory Individual Development Plans (IDPs). Estyn highlight that the combined number of IDPs and statements issued in 2023 was greater than the number of statements issued for, at least, each of the past five years.
- 3.13. The last [pupil level annual school census \(PLASC\)](#) was at January 2023, and showed at that point that there were 10,499 learners with IDP's under the new ALN system. This represented 16.6% of learners with ALN or SEN. The 2024 PLASC headline statistics will be published in July and provide a more up to date snapshot on learner status and changes in the system.
- 3.14. The PLASC data shows a continuing downward trend in the number of learners with SEN/ALN. In January 2023 there were 63,089 learners with ALN or SEN in maintained schools (13.4% of all learners), down from 92,688 learners (19.5% of all learners). This is a fall of 31.9% (29,599 learners) since April 2021, just prior to the start of the first year of implementation.

Additional Learning Needs Coordinators (ALNCo) review

- 3.15. The ALNCo role is vital to the delivery of the ALN system, both in terms of the ALNCo's own statutory responsibilities and as a source of guidance and support to other practitioners. However, challenges are noted in the evidence, particularly with regard to the workload of ALNCoS, and difficulties reported in cases where ALNCoS are not members of school senior management teams.
- 3.16. In 2023, in response to recommendation 6 of the Independent Welsh Pay Review Body [fourth report](#), the Welsh Government commissioned an independent review of Additional Learning Needs Coordinators (ALNCo) non-contact time and remuneration. The [report](#) provides a number of recommendations and has been shared with the IWPRB.

Thematic evidence

- 3.17. Set out below is evidence related to the key objectives of the reform.

Early years

- 3.18. The [Estyn annual report](#) pointed to funded non-maintained nursery settings identifying children who may have ALN accurately, with effective systems for supporting them and their families. Many practitioners made effective use of support from the LA.
- 3.19. Estyn found that in most settings, leaders made effective use of funding to enhance provision for children's learning and development. The use of the Early Years Development Grant and other grants had a positive impact on children's physical, social and communication skills. A few settings also supported helpfully those learners with additional needs, for instance by providing sensory whiteboards to help them develop early mark-making skills.
- 3.20. Most settings continued to have strong links with parents and carers, providing valuable information for them to support their children's learning at home and understand the progress their child was making in the setting.
- 3.21. LAs have reported an increase of learners presenting with complex needs. This has been identified across all age groups, but this has been of particular concern in the early years (0-7) in relation to speech, language, and communication (SLC), and particularly social communication.
- 3.22. Progress of ALN implementation in early years will be key part of next Estyn ALN thematic review. Meanwhile, LAs are reporting that both for Flying Start core childcare and Flying Start expansion childcare there is an increased need for support to enable all children aged 2 to access childcare settings. This need is currently met from the Children and Communities Grant for 2-year-olds.

Post 16 implementation

- 3.23. The Post-16 National Implementation Lead reports that Further Education Institutions (FEIs) are well prepared as post-16 implementation began in September 2023. Although, evidence of effective learner transition and information sharing between schools and FEIs is inconsistent.
- 3.24. ALN teams have adapted to their new duties and IDPs have been updated to reflect more appropriate outcomes and support within post-16 education and training. There remains a great deal of work to do to ensure a smooth and successful learner experience during transition from school to college.

Participation of children and young people

- 3.25. ALNET requires that learners' views should always be considered as part of the planning process, along with those of their parents/carers. Estyn report a consensus from schools that person-centred practice (PCP) brings a significant and well-needed improvement to supporting learners with ALN and their families. As a result, relationships between schools and parents have been strengthened. Additional learning needs coordinators (ALNCos) in schools have a good understanding of the new requirements and are positive about the PCP approach.
- 3.26. There are still inconsistencies in the overall quality assurance process for PCP, and despite the evident benefits of the PCP approach, many participating providers have expressed concerns about the additional workload it entails.

Advocacy and support

- 3.27. LAs have a responsibility to ensure parents have access to impartial information and advice regarding SEN/ALN provision in addition to arranging dispute resolution and advocacy services. SNAP Cymru provides impartial support for children and young people, parents and independent disagreement resolution services to most LAs in Wales. Some provide impartial in-house services.
- 3.28. Both Estyn and Education Tribunal Wales (ETW) report challenges faced by families as a result of LAs transparency around their decision making. This is resulting in a number of families not understanding the reasons behind a LA's decision regarding a child or young person having an ALN. They also share that the information provided by schools and LAs in relation to advocacy, case friends and dispute resolution services is weak and as a result, families may not be as aware as they should be of their rights to appeal.
- 3.29. ETW also communicate a rise in the number of disability discrimination claims being registered and suggest this is a result of clarity around the decision made by LAs and confusion about what support a child should have in school.

Bilingual system

- 3.30. The ALN system supports the ambitions of the [Cymraeg 2050 Strategy](#) to increase the use, and support the infrastructure to reach a million Welsh Speakers by 2050. However, Welsh-medium providers and families continue to express concerns around the availability of Welsh language workforce, assessments and resources to support ALN identification and provision.
- 3.31. Publications from Estyn, the Children’s Commissioner for Wales and the Welsh Language Commissioner report that some LAs have found recruiting Welsh-speaking staff with the relevant specialist skills difficult. This, alongside a lack of specialist services, assessment materials and interventions available in Welsh are key challenges for the sector.
- 3.32. LAs have set out in their 10-year Welsh in Education Strategic Plans (WESPs) how they will support workforce growth and improve Welsh language provision for learners with ALN. In their reports, all LAs have demonstrated increased focus on Welsh-medium ALN provision, as a result of their s63 obligations under ALNET to review Welsh-medium provision for learners with ALN. All WESPs have been approved and operational since September 2022.
- 3.33. The importance of having a sufficient number of teachers, support workers and other practitioners able to work through the medium of Welsh to support learners with ALN is recognised in the [Welsh in Education Workforce Plan](#). It includes actions to develop capacity and expertise within the workforce to support learners with ALN in the Welsh-medium sector.

Collaboration and multiagency input

- 3.34. The ALN system encourages improved collaboration and information sharing between agencies. This collaborative effort is crucial for early identification of needs and ensuring that appropriate support is provided, enabling children and young people to attain positive outcomes.
- 3.35. Under the ALN System, LAs will seek advice and assistance from health professionals to consider whether there’s a relevant treatment or service likely to be of benefit in addressing the learner’s ALN. Where a relevant treatment or service has been identified, this will be included as ALP within the IDP.
- 3.36. Estyn’s thematic report and Arad’s scoping report highlight difficulties in securing a health professional’s attendance at IDP review meetings, or in absence of attending, receiving written reports to support the discussion and informing the ALP. There are also variable interpretations over the roles and responsibilities in contributing to the IDP process, safeguarding and promoting the health and wellbeing of children with medical need. As well as general waiting times for assessment and access to specialist services.
- 3.37. Long waiting times for certain assessments and diagnoses within the NHS should not mean children and young people with ALN are left without IDPs.

Capacity of health practitioners and waiting times for diagnosis is an ongoing issue for Health Boards. It is important that delivery partners in schools, LAs and local health boards adopt the social model of disability. Measures to reduce barriers to learning can and should be adopted whilst medical assessments and treatments are in progress.

- 3.38. There is a need for a concerted effort to align expectations between LAs and health boards. The goal is to achieve effective interprofessional collaboration among jointly accountable bodies in the fields of education and health.

4. Support arrangements

Strategic support

- 4.1. The ALN Reform National Steering Group brings together key delivery partners and stakeholders to provide strategic direction, advice and support. This informs the implementation, monitoring, ongoing improvement and evaluation of implementation of ALNET.
- 4.2. Officials and the three National ALN Implementation leads for Post-16, Welsh language and expert strategic lead, act as the conduit between the sector and Welsh Government. They provide challenge and support to LAs to enable the sharing of learning and effective practice across Wales.
- 4.3. As the ALN Implementation programme moves into its final stages, the active dialogue with key delivery partners is being strengthened to create a two-way information flow, to support and challenge implementation and reiterate statutory responsibilities and legal/policy intent.
- 4.4. Officials continue to work with key partners to explore issues presented within the system and the implementation phase. This includes workshops to facilitate a shared understanding of national trends and emerging evidence from Education Tribunal Wales Tribunal cases.
- 4.5. The Welsh Government has produced a range of non-statutory guidance which is available on Welsh Government web pages including: Children, Young People and Parents guides, factsheets, easy reads and interactive resources. We are reviewing the non-statutory guidance for parents and carers with children and young people with ALN.

Health and education collaboration

- 4.6. In December 2023, the Welsh Government established the ALN Multi-Agency Collaboration Working Group. The group aims to improve collaboration and develop a consistent approach to emerging issues related to the interface between education and health under the ALN system.
- 4.7. The group includes representation of Designated Education Clinical Lead Officer's (DECLO), LAs, third sector and the Welsh Government to develop

solutions and recommend action to emerging issues resulting from implementing the ALN reforms. In particular:

- to improve the understanding of section 20 (*Additional learning provision: Local Health Boards and NHS trust*) and section 65 (*Duties to provide information and other help*) of ALNET
- to manage the relationship and expectations and develop agreed approaches to the role health professionals play when developing individual development plans (IDPs)
- to review how Individual Healthcare Plans and Individual Development Plans work together to provide support for learners in schools
- to develop new Key Performance Indicators (KPIs), based on local health boards' duties under ALNET, to gather valuable data, improve monitoring and improvement across Wales.

Strengthening school improvement

4.8. ALN is a key priority within the review of education partners and school improvement arrangements. We are moving to the second phase of this work focussed on exploring how school improvement can best be supported at all levels of the education system. Underpinning all of our work is strong support for collaboration across schools, clusters and LAs.

Professional learning

4.9. Professional standards for teaching and leadership make clear the responsibility on all teachers and leaders to ensure the needs of all learners are met, all staff who work with children and young people with ALN have a responsibility for ensuring that their learners' needs are identified and provided for.

4.10. Recent developments include strengthened statutory appraisal guidance, reinforced ALN accreditation criteria for initial teacher training, plans for neurodivergence Professional Learning and a [new Professional Learning Area](#) on Hwb to improve accessibility to Professional Learning, including ALN provision.

4.11. In collaboration with third sector organisations, a suite of electronic learning materials have been developed and is available on Welsh Governments National Digital Learning platform (Hwb) including National Professional Learning Pathway for ALN, online training for practitioners in statutory roles, professional learning for headteachers and understanding different types of learning difficulties or disabilities.

4.12. Education practitioners can also opt to enhance their professional knowledge of ALN by pursuing the ALN pathway on the National MA (Masters) in Education (Wales). Training on the ALN system is available for those in statutory and senior leadership roles.

- 4.13. The Welsh Government continues to invest £6.2m to train 10 new Doctorate in Educational Psychology (DEdPsy) students per year for three years from 22-25, with a new tie in agreement securing ongoing employment of graduates in Wales.
- 4.14. As part of the wider commitment to ensure that all practitioners have access to consistent and high-quality Professional Learning throughout their career, we will continue to review ALN Professional Learning as the reform agenda progresses.

Enabling funding

- 4.15. Implementation funding has been deployed through the Local Authority Education Reform Grant (LAEG) to support implementation, recognising pressures of implementation whilst managing parallel SEN system, with over £62m revenue funding invested between 2020 and 2024. The 2024-25 budget further protects and continues to prioritise investment of over £56.3m for ALN reform and boosts resources to support ALN learners across both pre 16 and post 16 learning.
- 4.16. As set out in our [2024-25 budget proposals](#) in December we developed a more streamlined and transparent approach to LA education grant funding, prioritising funding to schools to temporarily increase schools and settings capacity and time to deliver a whole school/settings approach to meeting needs of ALN learners. This includes expectations for LAs to develop joint working and partnership projects to prepare for transition and improve post 16 additional learning provision locally.
- 4.17. A further grant to Wrexham County Borough Council in 23-24 has delivered research on post-16 education provision across North Wales to prepare for the transfer of responsibility for specialist post-16 education provision, and £700k funding to FEIs to prepare for transition of learners.

Classrooms, facilities and technology

- 4.18. The Welsh Government has made £2.646 billion investment in the school estate across Wales through its Sustainable Communities for Learning Programme since 2012. The programme is currently moving into its third phase, a nine-year rolling programme taken forward in collaboration with delivery partners in LAs and further education institutions. In addition, £40m has been invested over the last two years to support the improvement or creation of inclusive spaces and facilities for learners with additional learning needs.
- 4.19. This has included making adaptations and refurbishment to accommodate Welsh-medium learning, upgraded resource centres and sensory equipment, creation of sensory and discovery areas, additional areas within schools to

provide specialist Autism provision for secondary aged pupils, expansion of social, emotional, and behavioural provision for primary age pupils, particularly those with neurodiverse conditions.

Early Years

- 4.20. Through our Early Years Integration Transformation Programme, pathfinders have been piloting and testing different delivery models and approaches to explore how to deliver early years services in a more systematic way, ensuring children and their families are able to access the support they need at the right time, right place, and in the right way. Pathfinders have piloted provision of training and resources to the early years workforce to support emerging and additional learning needs, readiness for ALNET, assessing and providing support for individuals presenting on the neurodevelopment diagnostic pathway, and strengthen support for parents who have infants/children with ALN.
- 4.21. Our [Early Childhood Play, Learning and Care Plan](#) published on 15 March brings together, for the first time, all our policies and programmes relating to early childhood play, learning and care to develop and deliver a consistent approach to nurturing, learning and development, through the provision of high-quality, inclusive, play-based childcare and education opportunities for all babies and young children aged 0-5 years old, and the seamless transitions between settings and schools. The Childcare Offer for Wales is underpinned by an £2m Additional Support Grant (ASG) to enable access to childcare and respond to the needs of children with additional needs.
- 4.22. Speech, language and communication needs are the most common type of ALN amongst children in Wales, as such we are prioritising children's SLC development through investment in [Talk with Me](#), £1.5m investment in 'Prosiect Pengwin'. This is a bespoke bilingual SLC surveillance tool for Wales that will support early identification and support, and upskilling the early years workforce in line with the all Wales [SLC training pathway](#).

Inclusive practice

- 4.23. The 'Enabling learning' section of CfW guidance is supporting practitioners in planning, designing and implementing a pedagogically appropriate inclusive curriculum for all learners to progress, at their own pace, towards realising the curriculum's four purposes. Fundamental to this are ensuring enabling adults, engaging experiences and effective environments are in place, that can support ALN learners.
- 4.24. A priority over the next year is to share effective and emerging practice. A suite of case studies are being developed with the sector that include interviews with practitioners and parents to exemplify effective practice in planning for and supporting ALN learners.

- 4.25. An online National Network Conversation event recently created space for practitioners to reflect on how the CfW can support equity and inclusion, overcoming barriers that can limit learner progression, and ensuring the education of all learners is seen as having equal importance throughout the 3-16 continuum. This coincided with the release of a suite of [case studies](#) sharing effective practice across a range of settings.
- 4.26. The next Estyn thematic review will focus on providing a practical resource for schools to share effective practice to enable them to self-evaluate.

Bilingual provision

- 4.27. To strengthen Welsh language support and additional learning provision, a Welsh Language National Implementation Lead has been appointed to advise on gaps in current provision and resources, facilitate events to share effective practice on a LA, school/ setting and multiagency level and provide support to the sector. Issues in relation to Welsh medium provision are being considered in preparation for a five-year review, and we are working collaboratively with the sector via an ALN Welsh Language Stakeholder Group.
- 4.28. Through the bilingual educational resources company, 'Adnodd', new Welsh-medium resources will support learning and teaching under the CfW and identify and commission resources to better support ALN learners. We are also in the early stages of working with partners to develop specific Welsh language assessment tools, and a review of evidence-based interventions for SLC in the early years is supporting options to make interventions available in Welsh.

Post 16 implementation

- 4.29. The Further education National implementation lead provides strategic challenge and support to all FEIs across Wales which includes engaging with LAs to enable the sharing of effective practice. The lead has arranged and facilitated a wide range of groups and events, at a local and national level, to identify and monitor challenges while working to improve them.
- 4.30. The establishment of Commission for Tertiary Education and Research (CTER) will provide additional opportunities to secure and fund facilities for further education and training, and secure general, proper, and reasonable facilities for learners with ALN from early 2025. The Commission has been established as the regulatory body responsible for the funding, oversight and regulation of tertiary education and research in Wales.
- 4.31. The increase in LA post-16 officer appointments has accelerated partnership working between LAs and FEIs, and local agreements are beginning to emerge. LAs are also engaged with their new duties for supporting specialist college (ISPI) placements. The national LA Post-16 ALN Group that meets once a month is promoting a consistent approach to decisions made about ISPI applications.

- 4.32. For young people who have very complex ALN and may need to attend independent special post-16 institutions ('ISPIs'), the responsibility for securing and funding specialist provision will transfer to LAs on 31 August 2025. Interim arrangements put in place for 2023-25 have enabled LAs to make decisions on specialist provision for young people during this period. It is proposed that the budget for ISPI placements will be transferred to LAs during 24/25 academic year, ahead of August 2025, although this is still under consideration.

Information/Participation of children, young people and their families

- 4.33. The Welsh Government recently funded SNAP Cymru to run a series of free parent and carer events for families of disabled children and those with ALN aged 0-25. Nearly 300 people participated in 14 sessions held in local venues across Wales and online. The sessions offered parents and carers opportunities for attendees to find out more about the implementation of the ALN system in Wales; share with the Welsh Government their experiences of the ALN reforms, and access independent support and advice from the SNAP Cymru team. The in-person events also encouraged parents and carers to meet and connect with other families with a shared lived experience of ALN.
- 4.34. The Welsh Government are also producing non-statutory guidance for parents and carers on the support system for children and young people with additional learning needs. We have also commissioned Children in Wales to establish an ALN Children and Young People's Participation programme across a range of settings in Wales, to ensure the voice and rights of children are at the core of planning and policy development.

5. Rollout of the Curriculum for Wales

- 5.1. Schools and settings across Wales continue to roll out the CfW. This academic year, learners up to and including Year 8 are now learning under the CfW.
- 5.2. Co-construction opportunities including National Network conversations and the practitioner policy group enable regular direct input from the profession on developments and ongoing challenges. Equally, the review of the middle tier made clear that assessment, curriculum design and learner progression remain top priorities for headteachers. Alongside research, reports from school improvement services, Estyn and commissioned work such as the Camau i'r Dyfodol project, this provides a robust basis for ongoing policy development and support to schools.
- 5.3. In terms of progress, we know that many schools have developed a clear CfW vision relevant to their context. Leaders generally share this vision appropriately with their staff, learners, parents and other stakeholders. Practitioners regularly outline the changes in their thinking and practice under the CfW. This includes how they continue to develop authentic learning experiences using the mandatory statements of what matters to develop conceptual understanding and supporting learners to become more effective.
- 5.4. While cluster working looks different across different schools and settings, practitioners continue to identify the importance of collaboration to develop a shared understanding of progression, and the importance of building strong relationships between schools to facilitate professional dialogue. Developing understanding of progression and what effective learner progress looks like is the aspect of curriculum design (alongside assessment approaches) schools currently find most challenging.
- 5.5. Many practitioners are taking ownership of curriculum planning and delivery, embracing the autonomy and the opportunities presented. However, there is uncertainty among some teachers about moving away from established practices and approaches, particularly in relation to assessment.
- 5.6. Challenges in being able to allocate sufficient time and resources to curriculum realisation is an issue for schools, as is fully engaging with and accessing the professional learning offer. There are concerns about the impact of attendance on learner progression and, if not addressed, on the longer-term outcomes and ambitions of the CfW.

Literacy and numeracy

- 5.7. In November 2023 the Minister for Education and Welsh Language published a [Written Statement](#) on work underway and planned to raise the standards of literacy and numeracy for all learners across Wales. It announced the publication of an updated [oracy and reading toolkit](#) enhancing the package of support available to schools and settings to develop and embed their own whole school approach to achieving high standards of oracy and reading. The toolkit emphasises the importance of the whole school community working together in a coordinated, consistent, and sustained way where speaking, listening, and reading are part of all aspects of school or setting life.
- 5.8. We fund projects run by Books Trust Cymru and the Books Council of Wales to promote literacy and reading for pleasure and provide support to develop resources and targeted support for schools on the learning and teaching of literacy skills. We continue to work with the profession to scope and develop further support for literacy, which we know is a critical gateway for accessing the curriculum as a whole.
- 5.9. Similarly, the [Mathematics and numeracy plan](#) was also announced within the statement laying out Welsh Government actions to support the sector in securing meaningful mathematics and numeracy learning.
- 5.10. The actions from the plan, which include the creation of a national Professional Learning offer for mathematics and numeracy, are being developed in co-construction with practitioners and education improvement partners, as well as being supported by a range of experts specialising in maths and the teaching of maths:
- A **practitioner group** to co-develop and pilot support, ensuring it is practical for teachers to use in their curriculum planning or classroom. This utilises members of the existing practitioner policy group.
 - A **regions and partnerships group**, consisting of members from regional consortia and local authorities. This group has been collating existing professional learning materials on maths and numeracy. It is considering how we can transform these materials into a comprehensive and user-friendly national Professional Learning offer.
 - An **Evidence and Research Group**, whose membership includes expertise in maths and the teaching of maths from across the UK. This group will identify gaps in the current offer and suggest evidence-based Professional Learning materials that can be tested by practitioners, with a view to including these materials as part of the national Professional Learning offer.

6. Support arrangements

Curriculum Design Support

- 6.1. As set out in our Budget proposals, our planned total directly attributable provision for CfW implementation, which includes funding to schools, is at some £31m in 2024-25. There are a range of programmes in train with schools across Wales to develop greater coherence and more in-depth understandings of curriculum development, including Professional Learning. This support will become increasingly crucial in supporting schools to raise standards and understand the standards of their learners.
- 6.2. In September 2023, we published findings from Phase 2 of the [Camau i'r Dyfodol project](#) on understanding curriculum and progression. This wide range of practitioner produced supporting materials has been used within regional and national professional learning programmes to support understanding of curriculum and assessment design. At the same time, we published a [playlist](#) of blogs, podcasts and video case studies from schools and settings involved in a curriculum design pilot. This successful approach supported 30 schools and settings across Wales to understand how to design learning that is purposeful for learners and supports deeper understanding and learner progress.
- 6.3. Practitioners report supporting materials as useful, but pressures on their time to engage and improve their understanding remains an ongoing challenge. School collaborations take time but are necessary to change school culture on curriculum design, progression and assessment. As a result, we are embedding supporting materials into existing and planned regional and national professional learning.
- 6.4. Phase 3 of the Camau i'r Dyfodol project this year is seeing a range of schools and settings supported by researchers and curriculum experts to better understand progression, as well as work with educational partners to support the embedding of these approaches across the system. The outputs of this will be made available to all practitioners across Wales and included in nationally available professional learning. Crucially, the evidence from the project will continue to inform the development of further support to schools.
- 6.5. Building on the successful curriculum design pilot, we are developing bespoke professional learning as part of a national programme for curriculum and assessment design. Working with international curriculum design experts, this programme is being co-constructed with practitioners and education partners across Wales and will be available nationally from this summer. We will also be developing a range of support for assessment design and language that can effectively communicate learner progression to parents and carers and between practitioners when developing a shared understanding of learner progression.

Professional Learning

- 6.6. On 12 December 2023, the Minister for Education and Welsh Language made an [Oral Statement](#) on key developments to ensure all education practitioners have equity of access to high quality professional learning to support their continued development. Our quality assurance approach includes new arrangements to endorse professional learning provision aligned to our national priorities. This has been led by the National Professional Learning Endorsement Panel, chaired by Professor Ken Jones.
- 6.7. Endorsed provision will be promoted via the [Professional Learning Portal](#) which launched on Hwb in September 2023 and brings together in a single place the range of professional learning available to practitioners. The portal also promotes provision aligned to the national [Curriculum for Wales Development Programme](#). During 2023/24 this programme has included a core focus on assessment and progression, and curriculum design.

Curriculum for Wales guidance refinements

- 6.8. In January we published the updated 'Continuing the Journey' section of Curriculum for Wales statutory guidance, co-constructed with a wide range of practitioners. Received well by the profession, this provides greater clarity on statutory expectations for curriculum and assessment design. Importantly for schools, this section is significantly shorter than the one it replaces: providing both clarity and simplicity for schools. A range of practical and multimodal supporting materials were also published to exemplify effective use of guidance, including further support on cluster working, use of curriculum framework and case studies. Guidance refinement continues to respond to schools' needs as the curriculum rolls out.
- 6.9. In February we published draft statutory guidance on 14-16 Learning for consultation (closing on 8 May). The draft guidance sets out our policy for learning and teaching in years 10 and 11, alongside the legal requirements for schools, and will form part of the statutory CfW framework guidance. We are proposing to call on schools to ensure all learners make progress in respect of the four components of the 14-16 Learner Entitlement. This is to help provide equity and consistency in the curriculum experienced across Wales, with all schools valuing the same things that contribute to a learner's progression and onward transition.
- 6.10. The Learner Entitlement will inform our proposals on what should be included in the new school information ecosystem, this includes the information requirements that will replace the interim (capped 9) performance measures. Drawing on the 14-16 guidance, which we propose to issue in July, proposals for the information ecosystem will be developed this year. Work continues with practitioners and leaders, and we will be sharing proposals with the sector with a view to new arrangements being finalised by summer 2025, in readiness for the first teaching of year 10 learners under the CfW.

Curriculum resources and supporting materials

- 6.11. We continue to commission and make available to schools and settings, through our [Hwb](#) education platform, a growing range of bilingual curriculum support materials – based on our commitments and ongoing needs assessments with the profession. For example, as part of a suite of additional multi modal supporting materials to be released throughout 2024 and 2025, we will exemplify how schools and settings should be consistently using the CfW framework to select content for their learners that supports development towards the four purposes. These examples, across the six Areas of Learning and Experience, are being designed to exemplify the process of selecting content that is purposeful, responds to identified learners' needs and supports learner progression. These worked examples are a direct response to practitioner demand for modelling of effective curriculum design within national expectations for learner progress.
- 6.12. Schools have identified that wider public understanding of curriculum reform would help their community engagement and communicating the classroom changes they are making as a result of the CfW. To support this, promotional videos outlining the changes that parents and carers can expect to see as a result of their children learning under the CfW will be available in the summer. This is intended to support schools in gaining public confidence in education provision as we value all learners and their progress towards the four purposes.
- 6.13. Working with practitioners, we continue to review existing content on Hwb to ensure its alignment with the CfW, and we are liaising closely with [Adnodd](#) regarding forward commissioning and quality assurance processes that will be put in place over the year ahead.

Local Authority Education Grant: Reform

- 6.14. Our more streamlined approach to local authority grant funding through the LEAG, as set out in our [2024-25 budget proposals](#), has resulted in discussions on the terms of the grant for 2024-25 taking place with all LAs. This includes on the expectation that for professional learning and curriculum reform elements existing delivery arrangements will be maintained through 2024-25. This is to maintain support to schools on curriculum reform while allowing for any transition planning necessarily arising from the outcome of the recent review of the roles and responsibilities of education partners in Wales (see below). We continue to work with both LAs and with providers to ensure alignment of support and value for money.

School Improvement Partnership Programme

- 6.15. The recent review, led by Professor Dylan Jones, has provided consistent and clear views from school leaders that they would prefer a localised support system alongside strong national leadership. Underpinning all of this is strong support for collaboration, across schools, clusters, and local authorities.

- 6.16. On 31 January the Minister for Education and Welsh Language published a [written statement](#) and announced a new phase to this work reflecting a period of co-construction with all of our education partners on how any change can be implemented. In this phase we are focussed on exploring how school improvement can best be supported within the education system at three levels - local, supra-local and national. These new arrangements are focused on improving educational standards, reducing workload and improving value for money.

7. Monitoring progress of Curriculum reform

Evaluation and monitoring

- 7.1. Our [Evaluation Plan](#) sets out two key and immediate strands of work to understand our progress with curriculum implementation, and the impact it is having on schools, practitioners, and learners.
- 7.2. The first strand, the Formative Evaluation of the CfW, is underway. It is a large-scale programme examining how the reforms are working, how practice is changing in schools and settings and how these changes are being experienced by practitioners, learners and their families. As described in the Evaluation Plan, a key question for the Formative Evaluation is the extent to which the reforms are working for all learners irrespective of their background or ability. The evaluation will consider how practitioners are using the CfW to take an individualised approach to learning to cater for learners of all abilities and on different progression steps.
- 7.3. Research with parents and learners will ensure their perspectives on the impact of the CfW are also captured and considered throughout the evaluation. The evaluation will also report on any differences in experience for different groups of learners. During this summer term a programme of qualitative 'deep dive' research is underway to gain rich, detailed insights on specific parts of the curriculum, including a focus on schools' and settings' approaches to equity and inclusion. Surveys with senior leaders, practitioners, learners and their families will follow. Findings are expected from early 2025 and these will inform findings set out in the 2025 curriculum Annual Report.
- 7.4. The second strand is the proposed programme of National Sample-Based Monitoring assessments. This will involve a rolling programme of assessments of samples of learners across Wales to build a picture of standards in learning over time, while minimising burdens on schools and the system. The feasibility study for this work, which includes wide engagement with stakeholders, school leaders, and practitioners is underway, and will provide options for consideration. The study will complete in June, informing next steps about how

progress will be monitored in the long term. We will continue to publish outcomes from this work in a timely manner.

Annual Report and next steps

- 7.5. We continue to summarise and report progress on curriculum reform through our annual reporting approach, with the next Annual Report due in early July. We expect that to set out the latest position of curriculum rollout across the system based on a range of evidence.
- 7.6. Alongside this, we continue to work closely with schools and the system and use this to inform the next steps of support. The curriculum is designed to raise standards, focusing on both the knowledge and skills need to acquire as they progress and it is critical that the next steps of support provide further scaffolding to allow schools to enable that.

Document is Restricted

Agenda Item 5.1

**Pwyllgor Diwylliant, Cyfathrebu, y Gymraeg,
Chwaraeon, a Chysylltiadau Rhyngwladol**

**Culture, Communications, Welsh Language,
Sport, and International Relations
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Jayne Bryant MS
Chair
Children, Young People and Education
Committee

20 March 2024

Inquiry relating to the development of post-16 Welsh language provision

Dear Jayne

At our meeting on 14 March 2024, the Committee agreed to undertake a one-day inquiry on the development of post-16 Welsh language provision. This was prompted by a decision to re-prioritise Welsh Government funding within its Budget for 2024-25.

Given the crossover with your committee's remit, we will keep you updated on our progress with this inquiry.

Yours sincerely,



Delyth Jewell MS
Committee Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



Y Pwyllgor Cyllid

Finance Committee

Chair, Children, Young People, and Education Committee
Chair, Climate Change, Environment, and Infrastructure Committee
Chair, Culture, Communications, Welsh Language, Sport, and International Relations Committee
Chair, Economy, Trade, and Rural Affairs Committee
Chair, Equality and Social Justice Committee
Chair, Health and Social Care Committee
Chair, Legislation, Justice and Constitution Committee
Chair, Local Government and Housing Committee

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22 March 2024

Dear Committee Chairs,

Scrutiny of the Draft Budget

You will recall that I wrote last year inviting Committees to express views on improvements that the Welsh Government could make to the documents it produces alongside its Draft Budget and in ministerial written evidence provided to Committees.

Your responses were considered by the Committee on 21 June 2023 and I subsequently wrote to the Minister for Finance and Local Government (the Minister) on 23 June 2023 asking for the concerns raised to be taken into account ahead of the 2024-25 budget round. These related to:

- the late publication of the Draft Budget leading to truncated scrutiny;
- a lack of transparency regarding the impact that the Draft Budget has on policy areas within each Committee's remit;
- the poor quality of written evidence provided by the Welsh Government; and
- the Welsh Government not providing responses to certain Committee recommendations ahead of the Final Budget debate.

These issues were raised again during the consideration of the Welsh Government Draft Budget 2024-25 earlier this year. Our report made the following recommendations and conclusions building on the views previously expressed:

***Conclusion 2.** The Committee will consult Senedd Committees involved in budget scrutiny ahead of the 2025-26 budget round to gain a better understanding of the evidence provided by the Welsh Government in support of the Draft Budget, and to explore ways to maximise budgetary scrutiny throughout the year*

***Recommendation 1.** The Committee recommends that the Minister publishes ministerial evidence papers at the same time as the Draft Budget in order to provide clarity on the criteria and priorities behind ministerial decisions, with the aim of enabling stakeholders to engage in the scrutiny process more effectively and at an earlier stage.*

***Recommendation 2.** The Committee recommends that, if the Draft Budget is delayed again in future years:*

- *the Minister and officials continue to attend a pre-scrutiny session with the Finance Committee; and*
- *the Minister works with the Finance Committee to identify approaches that can enhance scrutiny opportunities, including providing documentation relating to the Draft Budget, at an earlier stage.*

These recommendations were accepted in principle, with the Minister highlighting the practical difficulties in responding to the quantity of information requested by individual committees, at the same time as the publication of the Draft Budget.

We therefore ask you to consider the following issues, and to provide a response by Friday 24 May 2024.

- What improvements, if any, have you seen in the documentation provided by the Welsh Government alongside the Draft Budget 2024-25?
- Have you identified any further improvement that could be made to the information provided alongside the Draft Budget?
- Given the short time available for scrutiny, what consideration, if any, have you given to scrutinising budgetary matters within your remit at an earlier stage, for example considering longer terms strategic planning, following up on previous scrutiny recommendations or pre-scrutiny of decision making processes before the Draft Budget is published?

- The Committee is also currently working with the Minister and other stakeholders to review the Budget Process Protocol to ensure that the Senedd's budgetary processes reflect custom and practice developed in the Sixth Senedd to date. Do you have any views regarding the Senedd's budget procedures more widely?

We are grateful to you for your ongoing engagement with us on these matters and welcome any further correspondence responding to the points above.

Our aim is to raise these issues on behalf of Committees with the Minister in advance of the Plenary debate on budget priorities for 2025-26 that will take place before summer recess.

Yours sincerely,



Peredur Owen Griffiths MS
Chair, Finance Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

Y Pwyllgor Deisebau

Agenda Item 5.3

Petitions Committee

Jayne Bryant MS, Chair
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11 April 2024

Dear Jayne,

Petition P-06-1406 Financial penalties for Local Education Authorities who do not comply with timeframes for ALN

The Petitions Committee considered this petition at our meeting on 18 March. The Committee agreed to highlight this petition to you, as Chair of the Children, Young people and Education committee. The Petitions Committee also agreed to raise the issues in the petition during the forthcoming debate on P-06-1392 Reform of the additional learning needs Code of Wales 2021.

The full details of the Committee's consideration of the petition, including the correspondence and the actions agreed by the Committee can be found here:

<https://business.senedd.wales/mgIssueHistoryHome.aspx?IId=42962>

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.



Agenda Item 5.4

Correspondence relating to the report on radical reform of care experienced children



Llywodraeth Cymru
Welsh Government

Dawn Bowden AS/MS
Y Gweinidog Gofal Cymdeithasol
Minister for Social Care

Our ref: CYPE/PC0424
Welsh Parliament,
Naomi Stocks
Clerk to the Children, Young People and Education Committee

15 April 2024

Dear Naomi,

I write in response to the previous Chair's letter of 11 March 2024 to the previous Deputy Minister for Social Services about Newport City Council's vote to recognise care experienced as a protected characteristic when making decisions and planning services.

I am aware of the Committee's former inquiry into services for care experienced children: exploring radical reform and its report "If not now, then when" and specifically the recommendation for the Welsh Government to lobby the UK Government to amend section 4 of the Equality Act 2010 to add 'care experienced' as a protected characteristic. As you highlight changes to the Equality Act (2010) are a matter that is outside the Welsh Government's legislative competence.

Through our work to take forward the Transformation Programme for Children's Social Services in Wales and our work directly with care-experienced children and young people through our Summits we recognise the stigma which can be felt by some care-experienced children and young people in their day to day lives. It is also through these conversations that we are aware that there are differing views and potential unintended consequences, especially reinforcing existing stigma for some care experienced young people, when assigning a protected characteristic. I am committed to continuing to listen to care experienced children and young people as well as older care experienced people to understand the range of views.

The letter of 11 March asked three questions about Newport City Council's recent passing of a motion to recognise "care-experienced" as a protected characteristic. Please find responses to those questions below:

Question 1:

What are your views on the motion passed by Newport City Council?

The Welsh Government supports Newport's motion to include "care-experienced" as a protected characteristic as part of its role as a corporate parent, to ensure care-experienced children and young people have the same opportunities as other children and young people. However, when implementing this policy the local authority will need to be aware

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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.

there are differing views on this issue and potential unintended consequences of assigning care experienced as a protected characteristic, referred to earlier.

Question 2:

In passing its motion, Newport City Council has taken steps to reduce the stigma and discrimination that care experienced people face above and beyond being a signatory to the Welsh Government's Corporate Parenting Charter. Does the Welsh Government believe that the voluntary Corporate Parenting Charter alone is sufficient to eradicate the stigma that care experienced people face?

The Charter is part of an extensive work programme which is being undertaken to enhance and extend corporate parenting across all public and private bodies across Wales.

We will be using legislation to strengthen the guidance for local authorities and local health boards through a dedicated chapter on Corporate Parenting within the Part 6 Code of Practice (Looked after and accommodated children) under the Social Services and Well-being (Wales) Act 2014. The chapter will set out their duties in their role as corporate parents and support a strengthened strategic approach to corporate parenting. We will be engaging with all stakeholders in the development of the chapter and will be sharing the draft with care experienced children and young people to get their input.

Question 3:

The Council motion explicitly references our Committee's recommendation that the Welsh Government lobby for care experience to become a protected characteristic under the Equality Act 2010. The Welsh Government rejected that recommendation. Will the Welsh Government reconsider its response if other Welsh councils join Newport in taking action "to treat care experience as a protected characteristic until such time as it may be introduced by legislation"?

We noted that the Council's motion referred to the Committee's recommendation as well as its support for the Corporate Parenting Charter. The Committee will appreciate that Welsh Government needs to represent the voice of all care experienced children and young people and with the differing views around the issue of assigning a protected characteristic, we need to continue the conversation around this. I therefore plan to seek the views of care experienced young people and stakeholders on this matter later in the year and will follow the work of Newport closely as part of this consideration.

I thank you for your correspondence and I look forward to working with the Committee to take forward transformation of children's social services in Wales and supporting care-experienced children and young people in Wales.

Yours sincerely,



Dawn Bowden AS/MS
Y Gweinidog Gofal Cymdeithasol
Minister for Social Care

Sam Rowlands

Member of the Welsh Parliament for
North Wales

Aelod Senedd dros

Gogledd Cymru

Agenda Item 5.5
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Chair of Children, Young People and Education Committee

15 April 2024

Dear Chair,

Residential Outdoor Education (Wales) Bill: response to the Children, Young People and Education Committee's Stage 1 report

I would like to thank the Children, Young People and Education Committee for their scrutiny of the Residential Outdoor Education (Wales) Bill during Stage 1 and for the report which was published on 21 March 2024. I have set out my response to the Committee's conclusions and recommendations at Annex A.

I will also be writing to the Chairs of the Finance Committee and the Legislation, Justice and Constitution Committee with respect to their Stage 1 Reports, and will copy the letters to all three Committee Chairs.

Yours sincerely



Sam Rowlands MS

Member of the Welsh Parliament for North Wales

Annex A

Response from Sam Rowlands, MS to the Children, Young People and Education Committee's Report on the Residential Outdoor Education (Wales) Bill

Recommendation 1. If the Bill is passed, the Welsh Government should commission a review of capacity within the residential outdoor education sector, which must include assessment of capacity for accessible and inclusive provision; and Welsh medium provision. This review should be published, and information about provision made available to schools to help inform their planning and design of residential outdoor education experiences.

Response: Noted

As this recommendation is for the Welsh Government rather than me as Member in Charge of the Bill, it would not be appropriate for me to accept or reject this recommendation.

Whilst I undertook a lot of work during the development of the Bill to analyse and understand the current capacity of the residential outdoor education sector, I would support the Committee's view that having a better understanding of capacity in Wales will help support the implementation of the Bill if it is passed. As such I would welcome such a review.

Recommendation 2. The Member in Charge should bring forward amendments at Stage 2 to widen the eligibility criteria to include pupils in education other than at school.

Response: Accept in principle

As the Committee will be aware, this is an issue to which I have given a great deal of consideration throughout the development of the Bill.

At the very start of the process, the proposal I submitted, and to which I was given leave to proceed, looked to establish a statutory duty to ensure that all young people receiving maintained education were provided with the opportunity to experience residential outdoor education. In developing the Bill, the way in which this could be best delivered was through making ROE a part of the curriculum, by making relevant amendments to the Curriculum and Assessment (Wales) Act 2021 (the 2021 Act).

As I moved through the process, and undertook consultations on the policy objectives and the draft Bill, it became clear that there were strong views that the Bill should be widened to include pupils educated other than at school (i.e. those outside the maintained education settings to which my original proposal related).



I absolutely acknowledged that children EOTAS, such as those in Pupil Referral Units (PRUs), may particularly benefit from a residential outdoor experience provided under the Bill. However, in bringing the Bill before the Senedd I believed that to best meet the original objectives I had to consider how the Bill would work best, and decided to proceed with the Bill as relating to maintained education, through the changes proposed to the 2021 Act. In doing so, I was mindful that the 2021 Act places different curriculum requirements in PRUs to those in schools, whereby only some aspects of the Curriculum for Wales are mandatory. I was therefore seeking to be cognisant of the approach of the 2021 Act.

I do, however, recognise that this is an area of the Bill that could be strengthened. Hearing evidence presented during the Stage 1 process has highlighted this further. There are, however, some substantial considerations needed to establish how this could be delivered, and whether that would be best delivered through the Bill or through other means led by the Welsh Government.

If the Bill does progress, I commit to reviewing this issue, and to work with the Welsh Government to establish the feasibility of extending the provision to pupils EOTAS, and whether this would be best placed within the Bill or ensured by other means. However, given the time restraints, that work may not be completed in time to bring forward amendments at Stage 2.

Recommendation 3. The Member in Charge should bring forward amendments at Stage 2 to remove the provision that residential outdoor education should consist of four nights and five days to ensure that there is greater flexibility on the length of a residential outdoor education experience which is linked to children and school's individual needs.

Response: Reject

I fully appreciate the Committee's concerns in this respect, and agree that it should be for schools to make decisions that best suit their individual school needs. However, I believe the Bill as drafted already allows for this flexibility.

The Bill proposes that a new Section 64A is inserted into the Curriculum and Assessment (Wales) Act 2021 (the 2021 Act) which relates to the provision of a course of residential outdoor education.

That proposed new section provides that a course of residential outdoor education must be comprised of at least four nights and five days. The proposed new section goes on to state that the course of residential outdoor education can take place on one visit or can be spread over more than one visit.

This would allow schools to decide, as part of the course of residential outdoor education, the length of the visit it wanted to arrange, and this could range from one night to four nights. Schools could also decide to arrange more than one ROE

experience as part of the 'course of residential outdoor education' required under the 2021 Act, as long as the total duration across all experiences is at least four nights and five days.

I note that the Committee believes references to the length of experiences should be left to the guidance and not on the face of the Bill. My original proposal, to which the Senedd gave leave to proceed in October 2022, was for an entitlement to "at least one week" of residential outdoor education. This is part of the reason I have included this on the face of the Bill, although there is flexibility for this total duration to be made up of more than one shorter experience, as explained above. It should also be noted that the Bill provides for a course of residential outdoor education once. To say on the face of the Bill that the course is only available once, but then to say in guidance that it can be split, may lead to a lack of clarity. Explicitly stating on the face of the Bill that it is a course of residential outdoor education that must be provided once, but that it can be split, makes the policy intention clearer.

Recommendation 4. The Member in Charge should bring forward amendments at Stage 2 to specify that the guidance must provide that all children's dietary requirements are catered for.

Response: Accept

I note that this recommendation seems to be in response to a single occasion that was reported to the Committee, and I would hope and expect that this is not more widespread a problem.

People booking courses have a duty of care to their students and should be checking that dietary requirements will be met. Most (if not all) providers who offer food ask for information about dietary requirements and allergies before any visit takes place.

Therefore, while this may not be necessary, I would be happy to accept this recommendation and bring forward the suggested amendment(s).

Recommendation 5. The Member in Charge should bring forward amendments at Stage 2 to put on the face of the Bill that it is not mandatory for children to take part in residential outdoor education provision offered under this Bill.

Response: Accept

The Bill makes providing a course of residential outdoor education a mandatory part of the curriculum. It would therefore be mandatory for schools to provide this course of residential outdoor education but the intention is that children should

not be compelled to do it. This is set out in the Explanatory Memorandum and I have made this point throughout the Stage 1 process.

There is already provision in the Curriculum and Assessment Act 2021 (the 2021 Act) and regulations made under that Act which enable head teachers of maintained schools to determine that provisions of the Curriculum for Wales should not apply to a child or pupil, so if a child did not wish to take part in the course of residential outdoor education provided under the Bill, the head teacher of the school could make a determination to this effect.

Coupled with this, the Bill makes provision for guidance to be issued under a new Section 71A to the 2021 Act that "must provide that residential outdoor education is not compulsory for pupils to attend". I appreciate that the guidance itself cannot change the legal effect of the Bill that makes this a mandatory part of the curriculum. The intention is that the guidance would clearly set out that head teachers should use their power under the relevant Regulations to make such a determination to exclude a child or pupil from the course of residential outdoor education provided under the curriculum.

While I am not sure an amendment to the Bill is required given the existing mechanisms that are already in place, I would be happy to explore whether such an amendment could be brought forward at Stage 2 if that would make the intention clearer, and its effect easier to manage in practice.

Recommendation 6. The Member in Charge should bring forward amendments at Stage 2 to give effect to the proposed amendments of the Welsh Language Commissioner, in order to ensure:

- that there is sufficient Welsh language provision;
- that residential outdoor education provision offers opportunities for all children to learn and have experiences through the Welsh language; and
- that residential outdoor education must promote an understanding of Welsh language and culture

Response: Accept in part

The Welsh Language Commissioner has proposed three specific amendments to provisions in the Bill relating to the guidance that must be issued by Welsh Ministers. Those provisions are set out in the Bill through the insertion of a new Section 71A into the Curriculum and Assessment (Wales) Act 2021 (the 2021 Act). The call from the Commissioner is to amend the proposed Section 71A(3)(d) and (3)(e), and insert a new 71A(3)(f) – so the provisions would read as follows:

"(3)(d) must provide that all residential outdoor education providers be able to provide through the medium of Welsh"

“(3)(e) in line with the requirements of the curriculum for Wales, must provide that residential outdoor education offers opportunities for all pupils to learn and have experiences through the medium of Welsh”

“(3)(f) must provide that residential outdoor education promotes an understanding of Welsh language and culture”

Over the course of Stage 1 of the Bill, I have given a commitment to strengthening the Bill wherever possible, and where appropriate, and I gave a specific commitment to the CYPE Committee in that regard in relation to Welsh language provision. With that in mind, I would be happy to accept the recommendation in relation to the proposed amendments to (3)(e) and (3)(f) as set out above.

However, I cannot accept the proposed amendment as set out in (3)(d) above.

The purpose of the new section 71A is for guidance to be issued in respect of residential outdoor education provided in pursuance of a duty imposed under the Act. The Bill does not impose any duties on providers of residential outdoor education, and as such the guidance does not apply to providers. Furthermore, I do not consider it would ever be appropriate for guidance to specify that providers must ‘be able to provide through the medium of Welsh’. The ability of providers to meet this requirement would, in my view, go way beyond the purpose of guidance. It may also impact on the intention of the Bill, as it could result in providers who are not able to offer an experience through the medium of Welsh declining to make any offer at all, which would in turn limit opportunities for children to experience residential outdoor education.

Recommendation 7. The Member in Charge ahead of the Stage 1 debate provides details on how he envisages the tracking of provision to work in practice.

Response: Accept

In developing the Explanatory Memorandum, we undertook work to assess what may be required in terms of tracking pupils’ attendance at residential outdoor education visits.

As part of that we held discussions with stakeholders including the Outdoor Education Advisers’ Panel (OEAP) and WLGA who advised that in its simplest form tracking could be integrated into each pupil record entered on the appropriate information management system. This would require an additional field to be inputted into the pupil record database. This is already outlined in the Explanatory Memorandum.

As I understand it, that pupil record follows a pupil through their school life, and would therefore follow them if they changed schools. That pupil record – through the inclusion of the new field – would state whether that pupil had taken up their ‘free’ residential outdoor education experience.



So based on those discussions, that is how I envisage the tracking of pupils working in practice, based on the Bill as introduced.

Should the Bill progress, and should it be amended to change the way residential outdoor education is provided, there may be a need to revisit the tracking mechanism, and I would be happy to undertake further work to analyse alternative methods of tracking if that is the case.

Recommendation 8. The Member in Charge ahead of the Stage 1 debate should provide examples where legislation has placed a requirement on Ministers to fund a very specific type of activity.

Response: Reject

I note the difficulty the Committee has had in identifying comparable examples in legislation to Section 2 of the Bill 'Funding for residential outdoor education'.

In developing the Bill, I was aware that this was a highly unusual use of legislation. As the whole premise of the Bill (and of my proposal from the very start of the process) was to ensure that residential outdoor education would be provided at least once **free of charge**, such a provision was required to ensure that the Bill met that objective. I am also acutely aware of the financial pressures on schools and local authorities and do not intend for the costs of the Bill to be met from education providers' existing budgets. Section 2 also reflects this objective.

I did not base the drafting of Section 2 of the Bill on any existing legislation, and as such do not have examples of equivalent legislation to provide to the Committee.

Agenda Item 5.6

Sam Rowlands

Member of the Welsh Parliament for
North Wales

-
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Peredur Griffiths MS,
Chair of Finance Committee

15 April 2024

Dear Peredur,

Residential Outdoor Education (Wales) Bill: response to the Finance Committee's Stage 1 report

I would like to thank the Finance Committee for their scrutiny of the Residential Outdoor Education (Wales) Bill ("the Bill") during Stage 1 and for the report which was published on 21 March 2024. I have set out my response to the Committee's conclusions and recommendations at Annex A.

I note that the Committee was broadly content with the financial implications of the Bill as set out in the Regulatory Impact Assessment. I also very much welcome, and appreciate, the Committee's Conclusion 3 regarding the level of detail provided on the cost estimates. In developing the RIA, a significant amount of work was undertaken, including with providers of residential outdoor education, and I truly believe that the costs set out in the RIA are as robust and as complete as I could have possibly made them.

With that in mind, it has not been possible for me to accept all of the Committee's recommendations, as noted in Annex A. However, I would like to make the general point that should the Bill progress through the legislative process, I will continue to develop the RIA and will, of course, publish a revised RIA as appropriate.

Lastly, I wanted to make you aware that I will also be writing to the Chairs of the Children, Young People and Education Committee and the Legislation, Justice and Constitution Committee with respect to their Stage 1 Reports, and will copy the letters to all three Committee Chairs.

Yours sincerely



Sam Rowlands MS

Member of the Welsh Parliament for North Wales

Annex A

Response from Sam Rowlands, MS to the Finance Committee's Report on the Residential Outdoor Education (Wales) Bill

Conclusion 1. The Committee is broadly content with the financial implications of the Bill as set out in the Regulatory Impact Assessment, subject to the comments and recommendations in this report. Should there be significant changes to the Regulatory Impact Assessment as a result of the recommendations made in this report, the Committee may consider those changes in more detail.

Conclusion 2 The Committee notes the budgetary pressure that is currently being experienced by the Welsh Government and also notes the significant level of funding required for this Bill.

Conclusion 3 The Committee was impressed with the level of detail provided on the cost estimates included in the Regulatory Impact Assessment, and believes this approach represents a good example for the Welsh Government and others to follow in terms of the level of detail that should be included in relation to the costs of legislation.

Conclusion 4 The Committee notes that the five-year appraisal period for this Bill is appropriate and is in line with the timescales applied by the Welsh Government in assessing the impact of the Bills it introduces. We expect all Bills to be treated and scrutinised on an equal basis and to the same standard.

Response: Noted

I am happy that the Committee was broadly content with the financial implications of the Bill as set out in the Regulatory Impact Assessment. I also very much welcome, and appreciate, the Committee's Conclusion 3 regarding the level of detail provided on the cost estimates.

In developing the RIA, a significant amount of work was undertaken, including with providers of residential outdoor education, and I truly believe that the costs set out in the RIA are as robust and as complete as I could have possibly made them.

Recommendation 1. Although the Committee is content with the approach adopted in removing inflation when costing the Bill, the Committee recommends that the Member in Charge undertakes further analysis on its potential impact given the current level of inflation and the significant cost of the Bill.

Response: Accept

If the General Principles of the Bill are agreed, further analysis regarding the impact of inflation will be undertaken and included in a revised RIA.

Recommendation 2. The Committee recommends that the Member in Charge undertakes further work on the potential increase in demand for residential stays at outdoor activity centres as a result of the Bill being passed.

Response: Accept

In developing the Bill and the RIA, a substantial amount of work was undertaken to establish current levels of participation in residential outdoor education. This included examining the EVOLVE data and working with the Outdoor Education Advisers' Panel (OEAP) who undertook a survey with schools. Details on the findings are included in Chapter 3 of the EM – 'Purpose and intended effect of the Bill'.

The aim of the Bill is to make an offer of residential outdoor education compulsory under the curriculum, and costs are therefore based on the assumption of 100% take up of the offer. A reasonable assumption of the increase in demand can therefore be made by comparing the data we established on current take up to the assumption of 100% take up.

Moving forward, the potential increase in demand could be analysed further once the Bill has completed the legislative process, and has been passed. There are elements of the Bill as introduced that will be for the Welsh Ministers to deliver, and which could have an impact on demand. All of this will be taken into account as the Bill continues through the legislative process.

I note that part of the Committee's concern is that an increase in demand could potentially lead to increases in costs for those areas. I do not envisage this to be the case. However, if costs were to increase as a result, it would be impossible to predict what those costs would be and where any increase might occur.

Recommendation 3. The Committee recommends that the Member in Charge undertakes further work analysing and estimating the benefits of the Bill, and for this information to be included in a revised Regulatory Impact Assessment.

Response: Reject

In developing the Bill, the Explanatory Memorandum and Regulatory Impact Assessment, a substantial amount of work has been undertaken to analyse and capture the potential benefits of residential outdoor education. Significant detail on the potential benefits of the Bill is included throughout the Explanatory Memorandum, not just within the RIA.

The information on the benefits contained in the EM has been drawn together following lengthy and detailed discussion with a wide range of individuals and organisations. This includes discussion with providers of outdoor education across the UK and elsewhere, as well as drawing on evidence from experts such as the Outdoor Education Advisers' Panel, and the Institute for Outdoor Learning.

I refer the Committee in particular to:

- Chapter 3 – paragraph 18; paragraphs 23 to 25; paragraphs 60 to 69; paragraphs 79 to 101.
- RIA – paragraphs 212 to 224.

While I reject the Committee's recommendation, I note and agree with the Committee's view that "The Committee expects RIAs to contain the best estimate possible for benefits as well as costs to enable it to fully scrutinise the overall financial implications of a Bill". I am satisfied that the RIA I have prepared does contain the best estimate possible.

If the Bill is passed, and enacted, I would fully support any 'post-legislative' work to analyse whether the Bill has had the impact and the benefits that are expected.

Recommendation 4. The Committee recommends that the Member in Charge updates the Regulatory Impact Assessment to include an analysis and costs of items other than specialist equipment that pupils may need when attending a residential outdoor education experience, such as suitable clothing and footwear.

Response: Reject

This is an issue to which I gave a great deal of consideration while developing the Bill and the Explanatory Memorandum, and on balance, I did not believe that the cost of non-essential clothing and footwear should form part of the costings for the Bill.

As the Committee will be aware, the purpose of the Bill is to enable all pupils in maintained schools to experience residential outdoor education. To achieve that,

the Welsh Ministers will have a duty to take all reasonable steps to ensure a course of residential outdoor education is provided once to all pupils in maintained schools, free of charge.

I fully understand that when attending a course of residential outdoor education, pupils would be expected to take suitable clothing, such as coats and footwear. However, these can be seen as non-essential for the specific activities they may undertake as part of the experience and are therefore not unique to the purposes of the Bill.

When organising residential visits away, schools provide pupils with a list of things they would need to take with them. In my discussions with providers, it was often the case that what schools were telling pupils they 'needed' was over and above what the centres themselves actually required pupils to bring.

In paying for any non-essential items of clothing, there is also the challenge of distinguishing between what pupils might 'need' and what they might 'want'. Social pressures will inevitably lead to certain demands from pupils. The clothing that some (if not most) pupils choose to wear may be branded goods that would not offer value for money if the cost is being met through the Bill.

It is also a reasonable assumption that most pupils would already require those non-essential items of clothing for purposes out with the Bill. As such the cost is not included as it is not something directly attributable to the Bill. It would be impossible to know with any sense of certainty what would need to be paid for in this regard. It was therefore decided that the costs to be included as part of the Bill should be those costs that would need to be met by ALL pupils attending a course of residential outdoor education.

Where there are items of clothing that pupils may not have, and which might prevent a child attending, the School Essentials Grant could be used to help meet those costs. I am aware that the Committee has heard evidence in this regard during its evidence gathering.

Recommendation 5. The Committee recommends that the Member in Charge provides further information about how guidance around the Bill will ensure that value for money is a key consideration when schools make choices about residential outdoor education.

Response: Accept

Ensuring value for money depends on a range of factors. It is essentially a balance between what is on offer and the aims of the school. There needs to be a clear picture in place of what a school requires from a visit, and what the provider will deliver.

The most important thing in assessing value for money is whether the aims of the visit have been met. This could be achieved through an evaluation of the visit by the teacher leading it. Such an evaluation would also enable staff to identify strengths and weaknesses, potential improvements and plan for future residential. The evaluation can be used to demonstrate effective use of the funding.

To achieve this there is a need for accompanying school staff to recognise what value for money might look like. One way to help this is through training around what the LOtC Quality Badge involves, as it incorporates aspects of provision that encourage the conditions leading to successful outcomes.

The Bill already requires the Welsh Ministers to issue guidance in respect of Residential Outdoor Education, and that the guidance "(g) must make provision in respect of the costs that it would be reasonable to incur in connection with residential outdoor education, including, but not limited to, the cost of board and lodging and transport". This should provide some safeguard that the costs of visits must be reasonable. However I would be happy to explore if the guidance provisions in the Bill could be strengthened to further promote the need to ensure value for money.

Recommendation 6. Given the varied needs and requirements of pupils, the Committee recommends that the Member in Charge provides further analysis on the estimated costs for pupils with complex needs and Additional Learning Needs, and for this information to be included in a revised Regulatory Impact Assessment.

Response: Reject

The RIA already contains what I consider to be an accurate estimate of the costs for pupils with complex needs to attend a residential outdoor education experience.

In developing the estimate, I have worked directly with the Exmoor Calvert Trust and the Bendrigg Trust, two of the leading providers in the UK of activity breaks for people with disabilities and special needs.

The costs provided directly from those centres equated to approximately double the average cost provided by centres responding to the survey sent out to support data collection related to the Bill. These costs are set out in the RIA.

Recommendation 7. The Committee recommends that the Member in Charge provides further analysis on supply teaching costs, and for this information to be included in a revised Regulatory Impact Assessment.

Response: Reject

In rejecting this recommendation, I acknowledge that there are often challenges in finding suitable supply teacher cover – as outlined in evidence to the Committee.

However, in developing the costs for the Bill in this respect, I have based the estimate on the assumption that supply cover would be available whenever needed, and as such this should provide for the maximum costs associated with this aspect of the Bill.

I note the Committee has based the recommendation on its concerns over the availability of supply teacher cover. However, the availability of cover should not change the actual costs of providing that cover based on the assumption already outlined. Therefore, I do not believe there to be any underestimation as I have based the estimate on that cover being available.

Recommendation 8. The Committee recommends that the Member in Charge undertakes further work on cost implications in relation to potential changes for the School Teachers Pay and Conditions Document as a result of the Bill being passed.

Response: Reject

It would not be appropriate for me, as an individual Member of the Senedd to undertake work to consider possible changes to the School Teachers Pay and Conditions Document.

If, as a result of the Bill being passed, a change to that document is required, it would be for Welsh Ministers to work with teachers, and unions, to establish the extent to which any changes are required.

Recommendation 9. The Committee recommends that the Member in Charge provides further information on the costs associated with the tracking and monitoring of pupils' attendance at a residential outdoor education experience in a revised Regulatory Impact Assessment.

Response: Reject

The RIA already contains the best estimate for the costs of tracking pupils – based on discussions with stakeholders on the likely way on which that tracking could work in practice.

These discussions noted that tracking could be integrated into each pupil record entered into the appropriate information management system, which would require an additional field to be inputted into the pupil record database.

These costs are currently unknown as local authorities would need to approach the software developers to obtain a cost. However, as local authorities already utilise information management systems it is believed the transition costs to implement an additional field would be negligible.

Recommendation 10. The Committee recommends that the Member in Charge provides clarification on any potential inspection requirements associated with the Bill, including any role for Estyn, and further detail on how effective monitoring of the Bill will be achieved.

Response: Accept

The Bill will require that public money is to be used to fund a course of residential outdoor education as part of education, and I acknowledge there may arguably be a need for some form of quality control and assessment that it is meeting desired educational outcomes.

As it will be the school itself that sets the aims of the visit, it should also follow that the school has responsibility for assessing whether these aims have been met.

Estyn itself confirmed in evidence that if the Bill progresses and outdoor education residential become a statutory requirement, that would be taken into account when Estyn inspects a school's teaching and learning. However, through its routine inspections, Estyn wouldn't look at the actual visits schools undertake and form a judgement on these. If this was desired, the Welsh Government would need to remit Estyn to carry out a thematic review, which it could do as part of its annual remit letter. There will therefore not be any additional role for Estyn as a matter of course.

Current, voluntary quality frameworks that providers of outdoor education can access include assessments of teaching and learning processes, as well as a range

of other 'components of provision', including safety, admin, etc. Statutory and non-statutory inspection systems exist already and are carried out at the expense of the provider.

Recommendation 11. The Committee recommends that the Member in Charge includes a post-implementation review in a revised Regulatory Impact Assessment, which should include information as to how the overall costs and benefits of the Bill will be monitored.

Response: Accept

As outlined in my response to Recommendation 3, if the Bill is passed, and enacted, there would be a substantial piece of work needed to analyse whether the Bill has the impact, and the benefits, that are expected.

If the Bill progresses to Stage 2, I will explore the possibility of including a post-implementation review, which may be better placed set out on the face of the Bill rather than in the RIA.



Sam Rowlands

Member of the Welsh Parliament for
North Wales

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Chair of Legislation, Justice and Constitution Committee

15 April 2024

Dear Chair,

Residential Outdoor Education (Wales) Bill: response to the Legislation, Justice and Constitution Committee's Stage 1 report

I would like to thank the Legislation, Justice and Constitution Committee for their scrutiny of the Residential Outdoor Education (Wales) Bill during Stage 1 and for the report which was published on 21 March 2024. I have set out my response to the Committee's conclusions and recommendations at Annex A.

I will also be writing to the Chairs of the Finance Committee and the Children, Young People and Education Committee with respect to their Stage 1 Reports, and will copy the letters to all three Committee Chairs.

Yours sincerely



Sam Rowlands MS
Member of the Welsh Parliament for North Wales

Annex A

Response from Sam Rowlands, MS to the Legislation, Justice and Constitution Committee's Report on the Residential Outdoor Education (Wales) Bill

Recommendation 1. In order to meet the Member in charge's policy intent and to provide clarity on its face, the Bill should be amended to include a mechanism by which a pupil, or their parent, would be able to opt out from receiving a course of residential outdoor education.

Response: Accept

The Bill is drafted to amend the Curriculum and Assessment (Wales) Act 2021 ("the 2021 Act") to make providing a course of residential outdoor education a mandatory part of the curriculum, however it is set out in the Explanatory Memorandum that it is not the intention to compel children to attend such a course should they not wish to do so. I have made this point throughout the Stage 1 process.

The Bill does not provide for any "opt-out" or discretionary element as provision is already made in the 2021 Act, and regulations made under that Act, which enable head teachers of maintained schools to determine that provisions of the Curriculum for Wales should not apply to a child or pupil. If a child did not wish to take part in the course of residential outdoor education provided under the Bill, these existing mechanisms would enable the head teacher of the school to make a determination to this effect.

The Committee notes that this would require the pupil or their parent to provide reasons to the headteacher when requesting such a determination, but I consider this to be a benefit as it would enable the headteacher to consider whether anything could be done to address the concerns before the determination is made. Similarly, the Committee notes that the determination only endures for six months, but this gives the pupil the chance to reconsider whether they wish to attend any future opportunities or whether a further determination is required for such future opportunity.

The Bill reinforces that pupils must not be compelled to attend the course of residential outdoor education by providing for guidance to be issued under a new section 71A to the 2021 Act. Such guidance "must provide that residential outdoor education is not compulsory for pupils to attend". I appreciate that the guidance itself cannot change the legal effect of the Bill, which makes residential outdoor education a mandatory part of the curriculum. However, the intention is that the guidance would clearly set out that head teachers should use their power under the relevant Regulations to determine that the requirement to provide a course of



residential outdoor education under the curriculum does not apply to children who do not wish to attend.

Given the existing mechanisms that are already in place as set out above, it is not necessary to make any amendment to the Bill to allow the disapplication of the requirement to provide a course of residential outdoor education. However, I would be happy to explore whether such an amendment could be brought forward at Stage 2 if that would make the intention clearer, and its effect easier to manage in practice.

Recommendation 2. The Bill should be amended to include a definition of residential outdoor education.

Response: Reject

During the development of the Bill and the evidence that was gathered during the course of Stage 1, there have been varying views on whether residential outdoor education should be defined on the face of the Bill and, if so, what should be encompassed in such a definition.

Given the varying views on this, I consider that to fix a definition on the face of the Bill would be potentially limiting on its future operation, as any amendment to that definition to reflect changes in practice or demand for certain elements of outdoor education would require further primary legislation or the use of a Henry VIII power (which, in the latter case, would of course enable primary legislation to be changed by the Welsh Government with limited opportunity for scrutiny by the Senedd).

I consider that the concept of residential outdoor education is adequately set out in the Explanatory Memorandum to the Bill. The Bill also provides for a residential outdoor education Code, which could set out in much more detail what a course of residential outdoor education should look like in practice. Taking this approach would provide more flexibility for any definition to react to changes in practice and give schools more flexibility to determine the type of experience that is appropriate for its pupils.

Recommendation 3. The Bill should be amended to:

- remove the references to prescribed requirements that must be set out in guidance from new section 71A of the Curriculum and Assessment (Wales) Act 2021, to be inserted by section 1(3); and
- insert those prescribed requirements, in an appropriate form, into new section 64A of the Curriculum and Assessment (Wales) Act 2021, to be inserted by section 1(2).

Response: Accept in principle

The references in the new section 71A to prescribed requirements that must be set out in guidance are:

- providing that residential outdoor education is not compulsory for pupils to attend;
- providing that residential outdoor education is suitable to a pupil's age, ability, aptitude and any additional learning needs;
- providing that residential outdoor education be provided in Welsh, subject to availability, where requested by a school; and
- making provision in respect of the costs that it would be reasonable to incur in connection with residential outdoor education, including, but not limited to, the cost of board and lodging and transport.

I note the Committee's concerns regarding the manner in which these requirements are addressed by the Bill however, in some instances, for example, in relation to making provision regarding reasonable costs, it may be too prescriptive to set this detail out on the face of the Bill.

I am, however, able to accept the recommendation in principle. Should the Bill proceed to Stage 2, I am willing to consider each of the requirements set out above to determine whether they can be prescribed or dealt with in a different way in order to address the Committee's concerns.



Recommendation 4. In light of recommendation 3, the Member in charge should consider whether it is necessary for new section 71A(1) of the 2021 Act to impose a duty on the Welsh Ministers to issue guidance on residential outdoor education. If a duty to issue guidance is deemed to be necessary, such a duty should be included as a standalone provision within the 2021 Act which is not connected to section 71, and the Bill amended accordingly.

Response: Accept

Notwithstanding any changes that are made to the Bill at Stage 2 to reflect recommendation 3, I still consider that the Welsh Ministers should be under a duty to issue guidance to address the other matters set out in the proposed section 71A of the 2021 Act. However, I would be willing to bring forward an amendment to include this duty as a standalone provision which is not connected to section 71 of the 2021 Act.

Recommendation 5. In order to ensure the effectiveness of the Bill's provisions, the Member in charge should consider whether the Bill should be amended to remove the references to "subject to availability" and "where requested" from new section 71A(3)(d) of the Curriculum and Assessment (Wales) Act 2021, as inserted by section 1(3) of the Bill.

Response: Reject

If amended as suggested above, section 71A(3)(d) of the 2021 Act would state that guidance must provide that residential outdoor education be provided in Welsh. This would have the effect that whenever a school is seeking to offer a course of residential outdoor education under the 2021 Act, they would have to have due regard to the requirement in guidance that it be provided in Welsh. This could have the unintended consequence that schools that do not wish for the course to be provided in Welsh will be deterred from considering providers who offer Welsh language provision, on the basis they may then need to take up that offer even if it is not appropriate for their pupils who are not Welsh speakers. It may also result in providers who are not able to offer an experience through the medium of Welsh declining to make any offer at all, which would in turn limit opportunities for children to experience residential outdoor education.

The purpose of this provision being subject to availability and demand is to ensure that it is the schools that will determine what is the best experience to offer their pupils, having regard to the requirements in relation to Welsh language and culture set out in the guidance. It is also intended to ensure that providers who are able to offer Welsh language provision are not overwhelmed by demand or, conversely, that schools do not consider they are unable to offer an opportunity

that complies with the guidance due to the unavailability of the Welsh language provision.

Recommendation 6. In light of the Minister's comments, the Member in charge should consider whether the Bill should be amended to extend the date by which the first Residential Outdoor Education Code and guidance must be issued

Response: Accept

My aim in this Bill is to ensure that the Welsh Government provides a course of residential outdoor education free of charge, once, to pupils at maintained schools. If the Minister is of the opinion that more time would be required to ensure that a full and useful Code and guidance are available to support this provision, I would be willing to consider tabling amendments to give effect to this at Stage 2. However, I would caveat this by saying that I would expect the Minister to give a specific time frame which I would want to be reflected on the face of the Bill.



Agenda Item 5.8



Children, Young People and Education Committee
SeneddChildren@Senedd.Wales

Eich cyf/Your ref:

Ein cyf / Our ref:

Dyddiad / Date: 16 April 2024

Dear Children, Young People and Education Committee members,

Ty Cariad

Thank you for the opportunity to speak before the Children, Young People and Education committee on the 20 March as part of its annual scrutiny programme. I trust members found it useful.

There was an action for Care Inspectorate Wales to provide a note outlining its response concerning Ty Cariad children's home. This is attached for the attention of committee members.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'G. Baranski'.

Gillian Baranski
Chief Inspector
Care Inspectorate Wales

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

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

Ty Cariad Childrens home operated by New Possibilities in Living and Learning Ltd

Media interest

On the 3 March 2024 an article appeared in Wales Online:

[Children's home hit by damning inspection and fears for safety - Wales Online](#)

The article was about Ty Cariad care home for children, operated by New Possibilities Living and Learning Limited. The service is registered to accommodate up to 3 children/young people.

CIW inspections, enforcement and improvement action

Committee members will wish to note the following:

March 2022

CIW inspected and identified non-compliance with regulations in the following areas:

- Regulation 6 - Requirements in relation to the provision of this service
- Regulation 7 - Not providing the service in line with the Statement of Purpose
- Regulation 14 (1) - Suitability of the service
- Regulation 26 - Not ensuring children were safeguarded

This resulted in CIW issuing four Priority Action Notices (PANs).

4 January 2023

CIW carried out a further inspection. There was a delay between inspections due to lengthy periods in 2022 when no children were living in the home.

During the inspection CIW found there was limited progress in achieving compliance to improve outcomes for children. The four PANs remained with an additional four Areas for Improvement (AFIs) identified. This included personal plans, assessment, providing an accurate guide to the service and the standards of care and support.

9 March 2023

Due to the continued failure of the provider to make improvements CIW followed its enforcement and improvement process. A decision was made to reinspect the service.

26 September 2023

Following on from the decision in March to reinspect the service a further inspection was carried out during September to allow time for improvements identified to be made. We found improvement in two areas but two remained outstanding. In terms of areas for improvement, one had been achieved but three had not been satisfactorily addressed. A further AFI was also issued in relation to medicines management.

October 2023

Following a further Service Enforcement and Improvement Panel, due to the lack of improvement made an Improvement Notice to cancel the registration of the service was

issued on 23 October 2023. The provider has an opportunity to submit evidence of improvement, and a date of 1 February 2024 was given.

February 2024

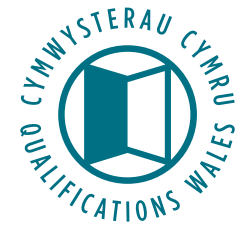
The provider submitted evidence which we reviewed. A new Responsible Individual (RI) had been approved for the service and the previous manager and deputy manager had left. Information was submitted by the RI to support improvements made.

An unannounced inspection is planned in the near future to establish whether appropriate action has been taken by the service provider.

Freedom of Information request

The media article followed a Freedom of Information request in relation to a number of services where CIW had issued priority action notices.

Agenda Item 5.9



cymwysterau.cymru
qualifications.wales

QW180424

18 April 2024

Dear colleague,

Following on from our last correspondence on 13 March [2024](#), please find the latest update on National 14-16 Qualifications. Reflecting the principles of progression and the four purposes of Curriculum for Wales, these qualifications will equip young people with skills for life, learning and work, helping them to become qualified for the future.

Stakeholder views continue to inform our thinking and decision making and we have two live consultations that we'd like you to see.

Consultation on National 14-16 Qualifications in built environment, engineering and health and social care, and childcare

This week we published our consultation on National 14-16 Qualifications in built environment, engineering and health and social care, and childcare and are seeking your views on whether the qualifications should be offered as VCSEs or as GCSEs.

As part of our Made-for-Wales GCSE consultation we previously confirmed that there would be GCSE qualifications in built environment, engineering, health and social care and, childcare.

Since then, we have developed the National 14-16 Qualifications offer further, including the creation of a new VCSE brand and are now seeking your views on the whether these subjects, might be better designed as VCSEs.

Find out more by reading our [consultation document](#) and [integrated impact assessment](#) and [completing the short survey](#).

Our consultation will run for just under eight weeks, closing on Monday 10 June 2024.

Consultation on proposed approach to designating 14-16 qualifications consultation

As new approved [National 14-16 Qualifications](#) begin to be introduced from 2025, they will replace the majority of other publicly funded pre-16 qualifications currently available. We will therefore only designate qualifications for 14-16-year-olds in limited exceptional circumstances.

Our consultation includes a question that will be of particular interest to you and your colleagues, as it asks for examples of qualifications that you consider essential to

learners which do not meet our guiding [principles](#) and therefore will not be included within the new National 14-16 Qualifications.

Have your say and help inform our decisions by completing the [consultation survey here](#). The consultation will close on Tuesday 14 May 2024.

Welsh Government consultation

Alongside our consultations, Welsh Government is also looking for [views on draft guidance on 14 to 16 learning under the Curriculum for Wales](#).

They are consulting on draft guidance:

- explaining the legal requirements for a school's curriculum for 14 to 16-year-old learners under the Curriculum for Wales.
- supporting schools in designing a curriculum offer which meets those requirements.
- Welsh Government's priorities for learning and teaching in year 10 and year 11.

This consultation closes on Wednesday 8 May 2024.

In other news we have since published the following:

Approval criteria for a new Made-for-Wales GCSE Integrated Science (Single Award)

This single award GCSE will sit alongside a new Made-for-Wales GCSE The Sciences (Double Award), which has been designed to be the main science qualification taken by the majority of 14 to 16-year-olds in Wales. Find out more by [clicking here](#).

BMX racing, skateboarding and shooting added to approved list of sport and physical activities

The updated list has been designed to include an engaging and inclusive range of appropriate individual and team sports and physical activities for learners to choose from. [Read the full news story here](#).

When will learners start taking these qualifications?

The full range of [National 14-16 Qualifications](#) will be available by September 2027, and will include GCSEs, VCSEs (Vocational Certificate of Secondary Education), Foundation qualifications, Skills for Work and Skills for Life qualifications, and a Personal Project qualification.

National 14-16 Qualifications will be phased in over three years, starting with GCSEs in two phases in 2025 and 2026. GCSE British Sign Language, VCSEs, skills qualifications and Foundation qualifications will then be introduced in 2027, and schools, teachers and learners will be supported through the transition.

What happens next?

We continue to involve practitioners and stakeholders in our work on the National 14-16 Qualifications offer, with further engagement and a consultation on GCSE British Sign Language consultation planned for later in 2024. We will be working closely, throughout this year and in 2025, with awarding bodies as they develop VCSEs, Skills Suite and Foundation qualifications. These qualifications will be approved by September 2026, giving schools a full academic year to prepare for first teaching in September 2027.

A package of teaching and learning resources will be made available to support the transition, and all information on the National 14-16 Qualifications can be accessed via our [Have Your Say portal](#).

Find out more

Further details and publications are also available on the [Qualifications Wales website](#).

If you have any questions about the National 14-16 Qualifications, then please get in touch and [post your questions on the Q&A space](#).

Thank you once again for your support and we will continue to keep you informed and involved as we move forward on the National 14-16 Qualifications journey.

Yours sincerely,



Cassy Taylor

Executive Director Qualifications Policy and Reform

Lynne Neagle MS

Cabinet Secretary for Education

Lesley Griffiths MS

Cabinet Secretary for Culture and Social Justice

Jayne Bryant MS

Minister for Mental Health and Early Years

22 April 2024

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

Dear Lynne, Lesley, and Jayne,

As you may be aware, we have been undertaking a wide-ranging inquiry looking at whether disabled and neurodivergent children and young people have equal access to education and childcare. The evidence we have gathered in this inquiry from professionals and children, young people and their families has been very stark, and there have been numerous examples of children and young people's basic right to an education being denied. All the evidence we have gathered is available [online](#).

We concluded our evidence gathering at the end of last year, with an evidence session with your predecessors, the then Ministers for Education and Welsh Language; Social Justice and Chief Whip; and the then Deputy Minister for Social Services. We are currently preparing our report for publication before the end of the summer term, and we are mindful that we will be drawing on evidence from your predecessors.

We therefore wanted to give you an opportunity to provide us with any further information or updates that you believe would be useful for us to have to inform our report and conclusions. You may not feel an update is necessary. In which case, I would be grateful for your confirmation that this is the case. .

The written evidence provided by the Welsh Government previously is available [on our webpage](#); as is [the transcript for the oral evidence session](#).

We would appreciate your response no later than 22 May.

Finally, I look forward to working with you all in my new role as Committee Chair. I plan to build on the excellent work we have done since 2021 under our previous Chair, Jayne, which I've been proud to be involved in from the start.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Buffy Williams', enclosed within a hand-drawn oval shape.

Buffy Williams MS

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



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

**Children, Young People
and Education Committee**

Lynne Neagle MS
Cabinet Secretary for Education
23 April 2024

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Concerns about the implementation of the Additional Learning Needs system

Dear Lynne,

Congratulations on your appointment to the position of Cabinet Secretary for Education. I look forward to working constructively with you and your officials throughout the Senedd in the interests of children and young people across Wales.

On 20 March 2024, colleagues on this Committee took evidence from the President of the Education Tribunal for Wales, Judge Jane McConnell. The evidence session was part of our Senedd-long inquiry into the implementation of the new curriculum and Additional Learning Needs ("ALN") reforms.

Judge Jane McConnell raised a number of crucial points about the rollout of the ALN reforms. Following the evidence session, the Committee agreed to write to the Welsh Government to raise some of the judge's key concerns that resonated particularly strongly with what Committee members had heard from school leaders and parents.

The definition of ALN as set out in the Additional Learning Needs and Education Tribunal (Wales) Act 2018 ("the ALN Act") is not being interpreted consistently correctly across local authorities, schools and Further Education ("FE") colleges. Consequently, some local authorities and schools have ALN policies that are unlawful.

Judge Jane McConnell told us that there is no difference between the definition of ALN under the new system and the definition of Special Educational Needs ("SEN") under the old system. Even though this fundamental definition has not changed, the Act is being misinterpreted by some schools and local authorities:

"We are three to four years into this transition. I think I am concerned, based on the cases that are coming to us, that there are still some very basic concepts that are not being understood uniformly across Wales. And when I say across Wales, I'm talking about not just local authorities, but schools, FE colleges."

She explained to us that "the law will always top-trump the policy". For example, she told us that some establishments are stating that a child does not need an Individual Development Plan ("IDP") because their needs can be met via universal provision. However:

"...there's no such thing as universal provision in the law. It's not in the ALN Act, it's not in the regulations, it's not mentioned in the code.... The legal tests are a child compared with the ordinary developing child, or provision that's provided in mainstream schools across Wales, so it's not specific to a particular local authority area, or a particular school even..."¹

Through its engagement work, the Committee has also heard from both school leaders and parents about children being denied IDPs because the school believes that their needs can be met via universal provision.

Local authorities are not always providing local authority-based IDPs to children who meet the threshold for one.

Judge Jane McConnell outlined to us a trend in cases where:

- "there is a fundamental dispute whether the child has ALN or not, when the child has previously had a statement of SEN. Now, legally—and, remember, I can only apply, or we can only apply, the law to the evidence we've got—there'd be absolutely no reason why that child shouldn't have not only an IDP, but an IDP that's actually a local authority-based IDP."²
- "children are placed in special schools, but they don't have an IDP that's maintained by the local authority. That just doesn't stack up as far as the law is concerned..."³

She added that she was "surprised" about this confusion given that the "threshold about when it's necessary is not wildly different, if at all different, from the definition under the SEN legislation."⁴

¹ Children, Young People and Education Committee ("CYPE"), [Record of Proceedings \("RoP"\): 20/03/24](#), paragraph 150

² CYPE, [RoP: 20/03/24](#), paragraph 147

³ CYPE, [RoP: 20/03/24](#), paragraph 149

⁴ CYPE, [RoP: 20/03/24](#), paragraph 155



The Committee has also heard similar anecdotal evidence from parents and from school leaders about local authorities being reluctant to grant local authority-maintained IDPs to children with high levels of ALN.

The ALN Act and the Additional Learning Needs Code for Wales 2021 (“the Code”) are “intellectually challenging”.

Judge Jane McConnell stressed to us that “I don't think there's anybody sitting in a local authority or a school who's purposefully sitting there and doing this wrong, but there is misinterpretation out there.”⁵ She told us that she finds the ALN Act and the Code “intellectually challenging”, and that parents, local authority officers and even ALNCoS may also find it intellectually challenging.⁶

This evidence, alongside the engagement work we have carried out, indicates that one key reason that the Act and the Code are being interpreted inconsistently and inaccurately is because they were drafted unclearly.

There is no mechanism by which the tribunal can formally identify ‘repeat offender’ local authorities: i.e., local authorities that consistently apply the ALN Act and Code incorrectly.

Judge Jane McConnell told us that:

“There's one local authority that has really been clear to their schools. The message to schools has been that any child who had a statement previously will now have an IDP maintained by the school. Anybody on school action or school action plus will have nothing, and the only children that will have an IDP that is to be maintained by the local authority are those who are in the categories under the code for looked-after children, children who require EOTAS, their education otherwise than at school, et cetera, et cetera.”⁷

She told us that most local authorities in Wales are receptive to the tribunal's judgements, and are changing how they apply the Act accordingly. However, some are “doggedly determined that their policy is the way to go, and we have seen them, on a number of times, coming to us with the same issue.” However, she told us that “there's no mechanism for reporting back the fact that a particular local authority, or a part of a local authority even, is consistently applying the law incorrectly, which would indicate, potentially, a policy is not understood or it's not legally compliant.”⁸

⁵ CYPE, [RoP: 20/03/24](#), paragraph 147

⁶ CYPE, [RoP: 20/03/24](#), paragraph 153

⁷ CYPE, [RoP: 20/03/24](#), paragraph 165

⁸ CYPE, [RoP: 20/03/24](#), paragraph 186

Judge Jane McConnell raised a series of other important concerns, which we will continue to explore throughout our scrutiny work. However, the Committee was so concerned about how fundamentally some local authorities and schools are misapplying the Act that Committee members wanted to bring these key points to your attention as soon as possible.

We look forward to discussing these issues and others with you in more detail when you appear before Committee on Wednesday 8 May. In the meantime, I hope that you find this information useful.

Yours sincerely,



Buffy Williams MS

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

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

**Children, Young People
and Education Committee**

Lynne Neagle MS

Cabinet Secretary for Education

23 April 2024

Concerns about participation in higher education

Dear Lynne,

During its meeting on 20 March 2024, the Children, Young People and Education Committee noted and discussed [a letter](#) to the then Committee chair, Jayne Bryant MS, from Universities Wales about the participation of Welsh young people in higher education.

The letter stated the following:

- The percentage of Welsh domiciled 18 year olds entering higher education in 2023/24 was 29.9%, compared to 49.5% in London, 40.2% in Northern Ireland and 38.5% in South East England.
- In the UK overall, those in IMD category Quintile 1 (the most deprived) enter at a rate of 26% whereas in Wales it's 18.9%. There is significant regional disparity too: quintile 1 young people in South Wales are more likely to access higher education than quintile 1 young people in North Wales.
- Increasing numbers of students from England choosing to study in Wales is masking participation challenges among Welsh domiciled young people.

We have also noted [a recent BBC news article](#) announcing that almost 200 jobs are being cut at Swansea University, and that both Cardiff University and Cardiff Metropolitan University were "facing financial problems and redundancies could yet be on the cards". The article quotes Professor Dylan Jones-Evans as calling for a review of the way that Welsh higher education is funded.

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The Committee would be grateful for your initial views on the above, and what action, if any, your department is taking – or you plan to take - to address the concerns set out above. We would be grateful for a response no later than 7 June.

Yours sincerely,



Buffy Williams MS,

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



**Y Pwyllgor Iechyd a
Gofal Cymdeithasol**

—
**Health and Social Care
Committee**

Buffy Williams MS
Chair
Children, Young People and Education Committee

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24 April 2024

Dear Buffy

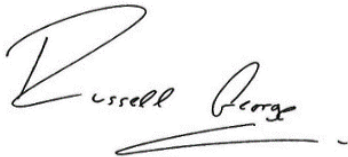
Congratulations on your appointment as Chair of the Children, Young People and Education Committee.

I'm writing to make you aware that the Health and Social Care Committee has previously identified 'health literacy' as an Area of Research Interest, and has asked Dr Emily Marchant from Swansea University to undertake some work in this area for us.

Dr Marchant presented her first report 'Health, Education and Prosperity for All: Wales as a Health Literacy Testbed' to Committee on 6 December 2023, and has now completed her second and final report on the topic, 'School-based health literacy for children and young people in Wales'. This report focuses on children and young people's health literacy, advocating for integrating health literacy into the school curriculum in order to address health inequalities. She makes a number of recommendations, including the importance of embedding health literacy as a theoretical framework, considering critical domains alongside functional literacy and prioritising teacher training and professional development

The Committee considered the report at its meeting on 17 April, and agreed to bring it to the attention of your Committee. Additionally, we will be writing to the Cabinet Secretary for Health and Social Care and Cabinet Secretary for Education seeking information on the integration of health literacy into Welsh Government policies. I will share the response with you.

Yours sincerely

A handwritten signature in black ink that reads "Russell George". The signature is written in a cursive style with a long horizontal flourish underneath.

Russell George MS
Chair, Health and Social Care Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg. We welcome correspondence in Welsh or English.



Sent by email

Buffy Williams MS
Chair of the Children, Young People and Education Committee
Welsh Parliament
Cardiff Bay
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30th April 2024

Dear Buffy Williams MS,

Congratulations on your appointment as Chair of the Children, Young People And Education Committee

On behalf of the National Deaf Children's Society, we would like to extend a warm congratulations to you following your successful election and subsequent appointment as Chair of the CYPE Committee. We look forward to working with you closely in the years to come to improve the lives of deaf children and young people across Wales.

As you will already be aware, the National Deaf Children's Society contributed to the consultation and evidence giving in the inquiry on the access to education and childcare for disabled children. Whilst we eagerly await the release of the committee's report and its recommendations to the Welsh Government, we have also heard that its findings are heart-wrenching. As the leading charity for Deaf children and young people in Wales and across the UK, we stand ready and willing to continue our work with the committee under your leadership to help improve the standards and outcomes for disabled children in Wales in this spirit of the inquiry.

You may also know that a petition calling for further investment into Teachers of the Deaf (ToDs) has recently finished collecting signatures. We played a pivotal role in supporting the petitioner, Ros Hannam, in the development and promotion of this petition. Given childhood deafness is low incidence and being fully aware of the current landscape in relation to the Additional Learning Needs reforms, we were heartened to see that the petition managed to gain 1,431 signatures – a number equal to roughly 62% of the deaf children in Wales according to our most recent annual Consortium for Research in Deaf Education (CRIDE) [report](#).

Teachers of the Deaf (ToDs) play a vital role in not just supporting the child, but the family and the school in the development of the child's education and social progression. Unlike in England and Scotland, Wales has no specialist schools for deaf

We are the National Deaf Children's Society, the leading charity for deaf children.

Chief Executive: Susan Daniels OBE

Registered Office: Ground Floor South, Castle House, 37–45 Paul Street, London EC2A 4LS

The National Deaf Children's Society is a registered charity in England and Wales (1016532) and in Scotland (SC040779). Company limited by guarantee registered in England no. 2752456

**Y Gymdeithas Genedlaethol i Blant Byddar ydyn ni,
y brif elusen ar gyfer plant byddar.**

Prif Weithredwr: Susan Daniels OBE

Swyddfa gofrestrredig: Ground Floor South, Castle House, 37–45 Paul Street, Llundain EC2A 4LS

Mae'r Gymdeithas Genedlaethol i Blant Byddar yn elusen gofrestrredig yn Lloegr a Chymru (1016532) ac yn Yr Alban (SCO40779). Cwmni cyfyngedig trwy warant a gofrestrwyd yn Lloegr rhif 2752456

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learners, meaning most deaf children are educated in mainstream schools. ToDs guide both the family and the school in advising what equipment would be best to support the child alongside assisting in their education, which is crucial as every child is different with different needs and preferences. It is a role that is of great importance given most schools and teachers will be unfamiliar in matters relating to deafness and that 90% of deaf children are born into hearing families with no personal experience.

In our evidence to the committee, we noted our concern that the number of ToDs has been dwindling over the years. Compared to 2011 levels, in our 2023 CRIDE report we highlighted that there has been a 17% reduction in ToDs across the country. Additionally, roughly one in three of the ToDs currently in the workforce are also due to hit retirement age over the next decade. Given the length of time it takes to train to become a ToD, if the Welsh Government does not commit to urgent action, there is a very real possibility of deaf children facing a crisis in education that could take years to rectify, alongside needing significant additional investment.

We are mindful of the comments of the former Minister for Education where he stressed that local authorities have access to resources to invest in the ALN workforce. Whilst we are deeply grateful for this investment, ToDs on the ground tell us that LAs appear to use this by trying to keep provisions at the same level as they currently are, rather than expanding them. We worry that this approach, especially given the 17% reduction since 2011, may result in deaf children not being able to access the support they need.

Given the impending release of the committee's report and indeed the petition's development, it is our deeply held hope that the CYPE Committee and the Petitions Committee will work together alongside us to call on the Welsh Government to ensure deaf children are not left behind in the classroom by ensuring there is a sustainable ToD workforce strategy in place.

We are open to meet with you to discuss the report and its findings following its release. In the meantime, the National Deaf Children's Society will also be attending the first "Y Farchnad" on 14th May and we would of course be incredibly grateful should you, and/or other members of the committee, stop by to speak to us in the Oriel.

Looking forward to hearing from you soon.

With very best wishes,

H. Badjie

Hazel Badjie
Head of Policy and Influencing in Wales

K. Sawdon

Kieran Sawdon
Wales Policy and Campaigns Officer

**Pwyllgor Diwylliant, Cyfathrebu, y Gymraeg,
Chwaraeon, a Chysylltiadau Rhyngwladol**

**Culture, Communications, Welsh Language,
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Jeremy Miles MS
Cabinet Secretary for Economy, Energy and
Welsh Language
Lynne Neagle MS
Cabinet Secretary for Education
Welsh Government

30 April 2024

General ministerial scrutiny

Dear Jeremy and Lynne

Congratulations to you both on your recent appointments as the Cabinet Secretary for Economy, Energy and Welsh Language and Cabinet Secretary for Education respectively.

You will be aware, of course, of the number of challenges that exist in each of your portfolios. Many of these issues are of great interest to the Committee, and we would welcome an opportunity to discuss these issues, amongst others, in a general scrutiny session with you during the summer term. The issues we are perhaps most concerned about include the funding of post-16 skills through the medium of Welsh; understanding the reasons for the recent drop in Welsh speakers that was recorded in the 2021 Census; and the forthcoming Welsh Language Education Bill. In a scrutiny session, we would especially like to understand how you will both work together to achieve the Cymraeg 2050 target.

I will ask our officials to liaise with Welsh Government officials to identify a suitable time for the Committee to meet you.

I would like to take this opportunity to wish you well in your new roles, and we look forward to continue to work with you as we head towards the Cymraeg 2050 target.

I am copying this letter to the Chair of the Children, Young People and Education Committee for their information.

Yours sincerely,



Delyth Jewell MS
Committee Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



**The
Children's
Society**

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Gyfreithiol
y Plant
Cymru

Children's
Legal
Centre
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BritishRedCross

A Guardianship Service for All Unaccompanied Children in Wales

A Research Briefing

Authors

Tom Davies
Isata Kanneh
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Children's Legal Centre Wales
The Children's Society
The Bevan Foundation
British Red Cross

About this briefing

This briefing has been produced collaboratively by The Children’s Society, The Bevan Foundation, Children’s Legal Centre Wales, and The British Red Cross. It is based on the collective knowledge of all four partners, their research into the issue of Guardianship for Unaccompanied Children, and interviews with key stakeholders.

Acknowledgements

We would like to thank everyone who contributed to this briefing, including (but not limited to):

Guardianship Scotland
JustRight Scotland

This report has been produced with the support of:
Justice Together

Contacts

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"If you don't have a guardian, it's like trying to look in the dark."

Member, Youth-Led Commission, The Children's Society

Executive Summary

Recommendation: Introduce a Guardianship Service on a statutory basis which would provide a guardian for every Unaccompanied Child¹ in Wales.

Unaccompanied children and young people are some of the most vulnerable members of our society, who are required to engage with the complex process of seeking asylum. In our briefing, we make the case for a national Guardianship Service for all Unaccompanied Children Wales. We outline the need for such a service and present evidence of its benefits. Finally, we identify the key characteristics of an effective service and outline the key services that Guardians would offer.

Calls for a Guardianship Service

The call for a Guardianship Service for all Unaccompanied Children has been made over many years and is supported by respected bodies within Wales and internationally:

- The establishment of a Guardianship Service has been a clear expectation of the UN Committee on the Rights of the Child for over twenty years. In its 2023 Concluding Observations, the UN Committee on the Rights of the Child again recommended that a Guardianship Service should be introduced for all Unaccompanied Children.
- Calls for a Guardianship Service in Wales have been made since 2005, with the most recent call made in 2023 in a report commissioned by Welsh Government on immigration advice services in Wales.
- Welsh Government's current Nation of Sanctuary Plan, published in 2019, sets out a vision for welcoming, supporting, and integrating people seeking sanctuary in Wales. Underpinned by the values of the United Nations High

¹ Unaccompanied Children" are children under the age of 18 years who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so.

Commissioner for Refugees (UNHCR), the Nation of Sanctuary Plan makes several commitments that have particular resonance for Unaccompanied Children in Wales. It also committed to piloting a Guardianship Service in Wales, although that has not come to fruition.

- During the Fifth Senedd, the Equality, Local Government and Communities Committee recommended that Welsh Government should introduce a Guardianship Service in Wales.
- Over the past few years, The Children Society has worked with the Youth-led Commission, a group of young people with lived experience of navigating the asylum-seeking process. This group is calling for the introduction of a Guardianship Service in Wales and England.

Concerns addressed by a Guardianship Service

Our briefing identifies gaps in support for Unaccompanied Children, particularly in respect of their ability to access justice and engage with the process of seeking asylum. We have identified the following concerns that would be addressed by the establishment of a national Guardianship Service for all Unaccompanied Children in Wales:

- The Social Services and Well-being Act (Wales) 2014 places a duty on local authorities to help children with accessing advice, assistance or support that would help meet any of their needs identified in their needs assessments. In the case of Unaccompanied Children that might entail support with navigating the process of seeking asylum. The Code of Practice requires social workers and personal assistants to work with legal representatives and Home Office caseworkers, and to provide support to young people seeking asylum.
- Based on data received from our Freedom of Information request, between 2020 and 2023, only 257 Unaccompanied Children, or 43% of Unaccompanied Children received support specifically for engaging with the process of seeking asylum.
- In 38% of local authority areas in Wales, social workers are the only professionals involved in helping Unaccompanied Children to obtain legal advice and representation.
- Only 38% of local authorities have working relationships with immigration lawyers or legal advice providers in their local areas, and only 47% of local authorities work with immigration lawyers or legal advice providers, within and

without their local areas, to assist Unaccompanied Children with their asylum claims.

- The introduction of the Illegal Migration Act presents a real risk to the rights of Unaccompanied Children. It poses difficulties to local authorities in Wales as they carry out their duties to support Unaccompanied Children. A Guardianship Service would provide tangible and vital protections.

Benefits of a Guardianship Service

A Guardianship Service would have the following benefits:

- Advocating for the child and promoting their best interests.
- Improving legal outcomes for Unaccompanied Children.
- Identifying and preventing exploitation, trafficking, and radicalisation.
- Protecting children's rights and human rights.
- Supporting integration.
- Improving educational outcomes.
- Benefits for professionals working with Unaccompanied Children, such as cost savings and reducing workloads.

The work of Guardians

We have identified some key characteristics of a Guardianship Service. The Service should be:

- Available to every Unaccompanied Child in Wales, and to all Unaccompanied Children on arrival in Wales.
- Independent of any statutory body. Able to protect the rights and interests of children without fear or favour.
- Staffed with Guardians trained to OISC Level 2 or IAAS equivalent or working towards achieving these qualifications. This will provide huge benefits to children as they navigate their way through the asylum process and will mitigate some of the effects of a serious decline in immigration legal provision in Wales.

- Work closely and supportively with social workers, legal advisors, Home Office caseworkers, schools, colleges, hospitals, and third sector asylum support agencies working with children.
- Remain engaged with Unaccompanied Children to provide a continuous source of support and protection as they grow towards independence and adulthood.
- Staffed with Guardians who are empowered to speak out for the children with whom they work, protect their interests, and promote and defend their rights.
- Sufficiently resourced to provide ongoing and comprehensive support to Unaccompanied Children.
- Built on the expressed needs of Unaccompanied Children, who should be involved in the development of the service.
- Staffed with Guardians who provide the following forms of support:
 - Building trust and a supportive relationship with the child.
 - Helping the child with orientation and social adjustment.
 - Helping the child to obtain legal advice and representation.
 - Keeping the child informed of legal and other proceedings.
 - Working with children to help them develop statements to support their asylum claims.
 - Attending Home Office appointments with the child.
 - Liaising with lawyers, social workers, healthcare professionals, police and Home Office officials on behalf of the child.
 - Explaining processes (e.g. legal, care, and education), ensuring that the child understands what is happening to them, the decisions that are being made, and the options that they have.
 - Ensuring that the voices and choices of children are heard and respected.
 - Facilitating the child's attendance at and engagement in meetings.
 - Providing children with holistic support to enable integration, continued advice and emotional support.

- Making referrals to specialist services (e.g. to address physical or mental health concerns, provide trauma-informed services, cultural services, or socialisation and play appropriate to the child's needs).

Opportunities

- The refreshed Nation of Sanctuary Plan and the upcoming Social Care (Wales) Bill provide opportunities for introducing a Guardianship Service in Wales.

"It is impossible to overstate how important a Guardian is to an unaccompanied young person. These young people go through various complex and traumatic legal processes simultaneously. Their Guardian is there, every step of the way, to make sure that the young person understands and can participate effectively in these processes... Simply put, every unaccompanied child must have one."

Andy Sirel, Legal Director and Partner, JustRight Scotland

1. Introduction

“These young people are caught between a traumatic past and an uncertain future. They desperately need a trusted person to protect them as their social workers do not have the knowledge and capacity to provide this sort of support for children going through immigration process, meaning that unaccompanied young people have to face the complex and frustrating asylum and immigration system alone.”

Member, Youth-Led Commission, The Children’s Society

Unaccompanied Children are some of the most vulnerable members of our society, who are required to engage with the legal process of seeking asylum, often while experiencing trauma and upheaval. Children require assistance to help them navigate this complex and often confusing process. They need a consistent and knowledgeable point of contact and support and a trusted advisor to protect and explain their rights. Yet all too often, Unaccompanied Children in Wales are left without the knowledge, support, and advocacy that they need.

This briefing sets out the evidence in support of the establishment of a national Guardianship Service that would be available to every Unaccompanied Child when they arrive in Wales. It outlines the legal and policy context in which such a service would sit and presents the numerous calls for a Guardianship Service made by various stakeholders, policy documents, and international bodies over the course of several years. The briefing goes on to explore existing services, potential models for Guardianship, and the current situation in Wales which gives rise to the need for Guardianship for all Unaccompanied Children.

Finally, we set out our vision for a national Guardianship Service in Wales and explore some of the benefits and key characteristics of an effective and child-focused service.

2.1 Notes on methodology

Some of the findings in this briefing arose from a Freedom of Information request sent to all 22 local authorities in Wales. In this, we asked for information relating to support provided by local authorities to Unaccompanied Children, primarily in respect of the asylum-seeking process. We also asked for information about local authorities’ working relationships with immigration solicitors within their local areas. We received responses from 21 local authorities.

We have incorporated evidence and quotes from interviews carried out with Guardianship Scotland and JustRight Scotland. We approached the Independent Child Trafficking Guardianship Service but due to the pressure of work, no-one from the service was available for interview.

Quotes from young people within this briefing were gathered by The Children's Society and are from young people who participate in their Youth-Led Commission.

2. The basis for a national Guardianship Service

"We just want to be in a safe country, in a safe environment. The whole system feels overwhelming. It's like too many things are happening at the same time."

Member, Youth-Led Commission, The Children's Society

A commitment to respecting, protecting, and fulfilling the United Nations Convention on the Rights of the Child (UNCRC) has run through the heart of legislation and policy in Wales since early devolution.¹

Since 2011, under the Rights of Children and Young Persons (Wales) Measure 2011, all Welsh Government Ministers must give due regard to the UNCRC and its optional protocols in the exercise of all of their functions.² The duty of due regard to the UNCRC is also placed on Welsh local authorities under the Social Services and Well-being (Wales) Act 2014.³ Any child, including one seeking asylum, should be able to enjoy all of their rights set out in the UNCRC, and should be accorded the same protection as any other child permanently or temporarily deprived of their family environment.

Welsh Government policy acknowledges that Unaccompanied Children are highly vulnerable, and that children should be treated as children first and migrants second.⁴ When we examine the obligations and commitments made in these policies, set against the benefits of a Guardianship Service, it is surprising that a Guardianship Service for all Unaccompanied Children has not yet been implemented in Wales. There have been repeated and consistent calls to establish a statutory Guardianship Service since early devolution and a Guardianship Service has been a clear expectation of the UN Committee on the Rights of the Child for over 20 years.

The introduction of legislation by UK Government, such as the Illegal Migration Act, threatens children's rights, is not compatible with Welsh law or policy, and presents a pressing need for a Guardianship Service that will help to safeguard the best interests of young asylum seekers.⁵ Such a scheme would also help to deliver aims set out in the Welsh Government's Nation of Sanctuary Plan,⁶ protect children's rights enshrined in international and Welsh law, and meet the seven goals under the Wellbeing of Future Generations (Wales) Act 2015.⁷

2.1 Repeated and consistent calls for a Guardianship Service in Wales since early devolution

Since 2002, in consecutive Concluding Observations to the UK State party and devolved administrations, the UN Committee on the Rights of the Child has recommended the establishment of a Guardianship Service for unaccompanied asylum seekers. This call is supported by evidence from the experience of young asylum seekers in Wales.

A detailed report published in 2005 entitled 'Uncertain Futures' by Save the Children Wales highlighted the significant needs of young asylum-seeking children in Wales. It recommended that:

"The Welsh Government should establish a system of guardianship to ensure that the best interests principle is maintained and that separated children are supported through the asylum system."⁸

This call was later made by the Wales UNCRC Monitoring Group, a national alliance of non-governmental organisations and academic agencies, in 2006⁹ in a Wales wide conference and report on children's rights and in 2007¹⁰ in the NGO alternative report that was submitted to the UN Committee on the Rights of the Child.

The call for a Guardianship Service was reiterated by the UN Committee on the Rights of the Child in their Concluding Observations 2008. In a report published by Save the Children in the same year, they again called for a Guardianship Service stating:

"For the UK and Welsh Assembly Government to secure a legal duty for every separated child to have a statutory guardian to provide support to advise on the child's best interests in line with the UN Concluding Observations 2008"¹¹.

At this time Welsh Government made commitments to explore the potential for such a service (in the Refugee Inclusion Strategy 2008 and the consultation document for the Delivery Plan), but the work failed to be progressed¹².

The call was again made by the Wales UNCRC Monitoring Group in 2015 in their report to the UN Committee on the Rights of the Child¹³. In 2016, Recommendation: 77 (b) of the UN Committee's Concluding Observations stated:

"Establish statutory independent guardians for all unaccompanied and separated children"¹⁴.

As part of an Inquiry undertaken by the then National Assembly's Equality, Local Government and Communities Committee in 2017,¹⁵ entitled "'I used to be someone": Refugees and asylum seekers in Wales,' they recommended:

"The Welsh Government should establish a Guardianship Service for Wales, supported by peer networks, as part of reaffirming Wales's commitment to welcome unaccompanied asylum-seeking children."

In its 2019 Refugees and Asylum Seekers Plan, Welsh Government had committed to introducing a Guardianship scheme pilot, but unfortunately that commitment was not realised.¹⁶

The Wales UNCRC Monitoring Group report to the UN Committee on the Rights of the Child as part of the 6/7th reporting process again called for a statutory Guardianship Service in 2022.¹⁷ In the examination of the UK State party and devolved administrations (May 18th/19th 2023) the UN Committee on the Rights of the Child asked questions regarding why unaccompanied asylum-seeking children, do not have access to an independent guardian in all regions of the UK. They reiterated their recommendation for a Guardianship Service in the 2023 UK Concluding Observations:

"Develop a consistent, statutory system of independent guardianship for all unaccompanied children, and ensure that all unaccompanied children throughout all jurisdictions of the State party are promptly identified and appointed a professionally trained guardian"¹⁸.

The Committee expressed their concerns about Unaccompanied Children going missing from hotels. At least 440 children have been abducted from hotel accommodation in the UK since 2021.¹⁹ Children taken from hotels in Sussex and Kent have been found in North and South Wales.²⁰ As has been recognised in Scotland ([see Section 3.3](#)) Guardians provide stability and help children recognise exploitation and trafficking, which are very real threats to Unaccompanied Children in Wales, and indeed across the UK.

The Committee also expressed deep concerns regarding the persistent use of unreliable methods for determining a child's age. Guardians support children to navigate complex age assessment processes preventing them from being wrongly assessed and ending up in unsupervised adult accommodation and detention, forcing them to share rooms with unrelated adults with no safeguards in place.²¹

We believe that a Guardianship Service will also help to deliver the UN Committee on the Rights of the Child's 2023 recommendations:

“50 (d) Strengthen measures to ensure that all asylum-seeking, refugee and migrant children have equal and prompt access to education, health services, housing, psychosocial support, and social protection including benefit entitlements;

“(50 c) ensure that children receive age-appropriate information and legal advice about their rights, asylum procedures and requirements for documentation; that their best interests are given primary consideration in all asylum processes; that their views are heard, taken into account and given due weight; and that they have access to child-friendly justice mechanisms and remedies.”²²

Finally, the call for Guardianship was reiterated in a recommendation in a report in 2023, for Welsh Government, written by Dr Jo Wilding²³.

2.2 The Nation of Sanctuary Plan

“Equality and Human Rights are central to the work of the Welsh Government and our vision for Wales. We believe in fair treatment of every person, especially those who are most marginalised by social systems that prevent people from meeting their basic needs. We work to ensure a fairer future which enables equitable access to services and human needs to support every individual to thrive.”

Welsh Government, Nation of Sanctuary – Refugee and Asylum Seeker Plan²⁴

The Welsh Government’s Nation of Sanctuary Plan sets out a vision for working in devolved areas to welcome, support, and integrate people seeking sanctuary in Wales. Underpinned by the values of the United Nations High Commissioner for Refugees (UNHCR), the Plan makes several commitments that have resonance for Unaccompanied Children in Wales. A well-structured and robust Guardianship Service would support and extend the delivery of these commitments.

Goal: Ambitious & Learning - Action 10: Support unaccompanied refugee and asylum-seeking children to ensure they have access to the advice and advocacy they need.

When formulating the Nation of Sanctuary plan, the Welsh Government recognised the positive impacts that a Guardianship Service for Unaccompanied Children would have on children’s access to advice and advocacy. To support the objective, a commitment was made within the Nation of Sanctuary Plan to fund a pilot measure in relation to a Guardianship Service:

Welsh Government will:

"Provide funding to local authorities during 2019 to support a pilot measure in respect of Guardianship, building upon existing and ongoing advocacy support under the Social Services and Well-being (Wales) Act 2014 and the Independent Child Trafficking Advocacy service."

This pilot has never been implemented.

The time for a pilot has been overtaken by rapid developments in the asylum system and legal provision, which demand protection for Unaccompanied Children in Wales now ([see Section 3.1](#)). The renewal of the Nation of Sanctuary Plan presents an ideal opportunity to renew this commitment to access to justice, and to implement in full a Guardianship Service for all Unaccompanied Children.

An evaluation of a similar scheme in Scotland found that the independent position of Guardians helps them to quickly build trust with children ([see Section 3.3](#)). Guardians help children to navigate the asylum process. They accompany children to meetings with the Home Office, explain letters and decisions, facilitate access to legal representatives, support children to share traumatic experiences, and improve legal advocates' understanding of the children for whom they are working. Vitrally, the scheme has been shown to result in more grants of refugee status and humanitarian protection²⁵.

Goal: Prosperous & Secure - Action 9: Work towards preventing people seeking sanctuary, including those with No Recourse to Public Funds (NRPF), becoming human trafficking or modern slavery victims.

The Independent Child Trafficking Guardianship Service in England and Wales provides advice, guidance, and support for children who have been exploited through trafficking and Modern Slavery ([see Section 3.2](#)). However, the service can only be accessed once a child is identified as a victim of trafficking or Modern Slavery and referred to the service.

By building early trust and providing holistic support, a Guardianship Service for all Unaccompanied Children would be better placed to identify signs of trafficking and exploitation, and to help children to understand when they are being exploited or groomed for exploitation. It would be more effective at prevention than the existing service alone and would provide better, and more widespread, protection to children vulnerable to trafficking and Modern Slavery.

2.3 Meeting legal duties to Unaccompanied Children

The Social Services and Well-being (Wales) Act 2014 is the primary legislation that sets out how Unaccompanied Children are to be supported. According to Section 21 of Part 3 of the Act, local authorities are required to conduct a needs assessment to determine whether the provision of, among other things:

*"...care and support, preventative services, or information, advice or assistance, could contribute to the achievement of those outcomes or otherwise meet needs identified by the assessment, [as well as] assess whether, and if so, to what extent, other matters could contribute to the achievement of those outcomes or otherwise meet those needs, and take account of any other circumstances affecting the child's well-being."*²⁶

Linked to the assessment of "other matters [that] could contribute to the achievement of outcomes or otherwise meet needs", Welsh Government stated in a briefing on supporting Unaccompanied Children that the needs assessment should address matters such as providing "assistance with the child's asylum claim and the provision of appropriate accommodation".²⁷

Additionally, the Code of Practice for Part 6 of the Act includes a section on support for "care leavers who require additional support." The section states that:

*"...claiming asylum can be a complex process, and social workers/PAs² should work with the young person's legal representative and the dedicated case owner at the UK Border Agency³ to ensure that the young person understands the process of claiming asylum and the possible outcomes, and to provide them with necessary support".*²⁸

Children's Legal Centre Wales has developed guidance for social workers who work with Unaccompanied Children. The guidance includes, amongst other things, information on primary needs (interpretation, safeguarding, accommodation, health and wellbeing, and education and training), as well as information on the age assessment process and responding to suspected trafficking. It also includes guidance for how social workers can help Unaccompanied Children with the asylum-seeking process, such as supporting children with initial and substantive interviews and with obtaining legal advice. The guidance states that the "local authority must support the child to obtain legal advice".²⁹

² Personal Advisers. Personal Advisers are appointed to offer advice, support, and information to care leavers, supporting them to move towards independence.

³ The UK Border Agency has been replaced by UK Visas and Immigration (UKVI), the branch of the Home Office which operates the visa system and decides asylum claims.

As we have seen above, a Guardian can contribute greatly to the needs assessment process and can be a co-ordinating point of contact between the child, the social worker, the legal representative, and the Home Office caseworker. Our Freedom of Information Request identified that work with Unaccompanied Children seeking asylum adds significantly to social worker caseloads in Wales. Despite this, more than half of children are not receiving the support that they need to understand the process of claiming asylum and to access legal support ([see Section 3.4](#)). A Guardianship Service would provide dedicated support that would meet this need and that would complement and relieve pressure on social workers in Wales.

3. A national Guardianship Service in context

"I managed to survive [the asylum process] but I know that not all young people make it through. I have known people that have committed suicide because of the pressure. Most importantly, the fear of going back to their country."

Member, Youth-Led Commission, The Children's Society

3.1 The Illegal Migration Act

The UN Committee on the Rights of the Child in its Concluding Observations 2023 stated that if the Illegal Migration Bill was passed it would violate children's rights under the UNCRC and the 1951 Refugee Convention and urged the UK Government to bring the Bill in line with the State party's obligations under international human rights law.³⁰ Now in law, the Illegal Migration Act is a serious threat to the rights of Unaccompanied Children.

Children's Legal Centre Wales, Bevan Foundation, and The Children's Society submitted a joint briefing paper in response to the call for evidence from several Senedd Committees in advance of the 2023 Senedd vote on a Legislative Consent Motion in respect of the then Illegal Migration Bill³¹.⁴ This paper sets out in detail the threat to children's rights posed by the Illegal Migration Act.

The legislation creates conflicting duties on the part of the Home Secretary and local authorities in respect of 18-year-old care leavers who have been accommodated as Unaccompanied Children. In future it may render impossible local authority support for unaccompanied care leavers. The effect that this will have on Unaccompanied Children as they near their eighteenth birthdays cannot be underestimated.

As we have noted, hundreds of children have gone missing asylum hotels.⁵ The pressure to abscond and the risks of grooming and radicalisation will grow significantly when adulthood, and therefore prospective detention and

⁴ The Senedd withheld consent to the Illegal Migration Bill on June 20th 2023
<https://record.assembly.wales/Plenary/13381#A80494>

⁵ In December 2023, the Home Office's practice of routinely accommodating Unaccompanied Children in hotels was ruled unlawful by the High Court. Hotels must not be used to accommodate children apart from for very short periods in true 'emergency situations and must not be a substitute for local authority care. See: <https://www.ecpat.org.uk/News/ecpat-uk-wins-legal-challenge>

deportation, is pending.⁶ Guardians have a vital role to play in ensuring that children's rights are protected, and in reassuring and guiding Unaccompanied Children and care leavers where there are legal options to remain in the UK. We explore this further in [Section 4.3](#).

It is vital that Unaccompanied Children facing detention and deportation have continued advocacy and support beyond their time in local authority care. A Guardianship Service could provide this continuity of support into adulthood and help to protect the rights of young people facing detention, deportation, or removal into Home Office accommodation.

Sections 57 and 58 of the Act relate to the National Age Assessment Board and provide for scientific methods of age assessment, which may include scanning, X-raying, or measuring parts of the body, checking teeth, DNA sampling, and physical examination. The right of appeal against age assessment is removed. These provisions of the Act are not yet in force, but in September 2023 the UK government laid draft regulations before Parliament that, if passed, will authorise the new use of x-rays and magnetic resonance imaging (MRI)³². No impact assessment has been produced regarding these regulations.

The evaluation of the Scottish scheme ([see Section 3.3](#)) found that Guardians play an important role in protecting children subject to age assessment. Guardians will advocate strongly for children and their independence from local authorities means that they will not be subject to potential future measures under the Act that can require local authorities to share information with the Home Office.

3.2 Existing services for Unaccompanied Children in Wales

Section 48 of the Modern Slavery Act 2015 makes provision for Independent Child Trafficking Advocates in England and Wales, referred to as Independent Child Trafficking Guardians since 2019.³³ The Independent Child Trafficking Guardianship Service in England and Wales is commissioned by the Home Office and delivered by Barnardo's.³⁴ It offers advice, guidance and support for children (under age 18

⁶ An Unaccompanied child in Northern Ireland has secured High Court permission to challenge the Illegal Migration Act. It was argued that the legislation could provide Unaccompanied Children with an incentive to run away in a bid to avoid removal once they turn 18 creating opportunities for them to be exploited by traffickers. The Act has been argued to be in breach of the Windsor Framework and the European Convention on Human Rights.

<https://www.msn.com/en-us/news/world/teenage-asylum-seeker-secures-high-court-permission-to-challenge-illegal-migration-laws/ar-BB1idaoV>

years) who have been exploited through trafficking and Modern Slavery. The service also provides support and guidance for professionals working with young people who are victims of trafficking and Modern Slavery. The service is currently operational in Wales and in several regions in England.³⁵

Consequently, all children identified as potentially trafficked should be referred into the service and the service will then allocate the case for direct support to the child or for support via the Regional Practice Co-ordinator.

The UK Government committed to rolling out the Independent Child Trafficking Guardians Service nationally, however, it has only been rolled out to two-thirds of all local authorities and there is increasing and high demand for the service.³⁶ There is no confirmed timeline for full national rollout, even though Guardianship for trafficked children has been enshrined in law in England and Wales for eight years. This leaves significant numbers of trafficked children without specialist support.

Of great significance, the Guardianship Service is only for children identified as potential victims of modern slavery and trafficking and not all separated migrant children, as is the case in Scotland. We believe that it is urgent that all Unaccompanied Children are provided with protection and support, and that a universal Guardianship Service would be more effective in identifying and preventing trafficking and exploitation.

3.3 The Scottish Guardianship Service

The Scottish Guardianship Service is of enormous benefit to young people, protecting vulnerable and isolated children in a turbulent and often hostile environment. Legal representatives, too, speak highly of the Service. JustRight Scotland, which, among other services, offers legal representation and advocacy for Unaccompanied Children in Scotland, has worked closely with the Scottish Guardianship Service since 2010. Guardians have had a major impact on JustRight Scotland's work with Unaccompanied Children, undertaking varied roles from supporting children through the asylum process, to ensuring that confused and traumatised children attend appointments on time.

The Guardians help lawyers effectively give advice and take instructions, they help build bonds of trust, and they can be invaluable in helping young people evidence their cases and talk about their experiences. More than that, they provide vital advocacy in the best interests of the child, without fear or favour. I often reflect on the differences between the experiences of my young people who

have a Guardian and those that don't. Sadly, the chasm is huge and we see that the risks of harm, exploitation, re-trafficking or simply falling through the cracks are much higher for those who don't have a Guardian in their lives.

Andy Sirel, JustRight Scotland

Beyond the asylum system, Guardians ensure that children understand and can exercise their rights, explaining processes and services, and advocating for them where necessary. Guardians are independent of government, local authorities, and other statutory services. They sit outside of the legal system and have no political allegiance. This independence ensures that they can always put children first.

An evaluation of the Scottish Guardianship Service in 2022³⁷ found that the Service has a major impact in helping children to navigate the asylum system, in orienting them in their new environment, in improving the quality of information given to children from other professionals, and in making interactions with children more child-focused and child-friendly. Guardians are “key in supporting children’s access to immigration lawyers and facilitating appointments with them” and they help children to gather and collate facts and evidence in support of their asylum claim.

Crucially, Guardians in Scotland working in the Service are trained to or working towards OISC Level 2, a qualification which gives them a sound understanding of asylum law and which enables them to effectively support the legal process, as well as giving quality and accurate advice themselves. A similar service in Wales would have an enormous impact on children access to immigration justice, which is under severe threat from the urgent shortage of qualified immigration advisors and the near collapse of immigration legal aid (see Section [3.5](#)).

The evaluation of the Scottish Guardianship Service found that Guardians were even able to affect the implementation of the asylum process, speeding up or slowing down parts of the process, and advocating for decisions to be made without interview, where this was in the interests of the child concerned. Ultimately, the Scottish Guardianship service has resulted in an increase in positive asylum decisions, demonstrating its value to Unaccompanied Children in Scotland.

3.4 Local authorities

To better understand what support is currently available to Unaccompanied Children and young people in Wales, particularly at a local level, we submitted a Freedom of Information (FOI) request to all 22 local authorities in Wales. In the FOI request, we asked for information on support that is available for Unaccompanied

Children living in each local authority area to help with understanding and engaging with the process of seeking asylum. By this we mean:

- Helping the child to obtain legal advice and representation.
- Keeping the child informed of legal and other proceedings.
- Liaising with lawyers, social workers, healthcare professionals, police and Home Office officials on behalf of the child.
- Working with young people to help them develop statements to support their asylum claims.
- Attending Home Office appointments with the child.
- Providing children with holistic support to enable integration, continued advice and emotional support.

We also asked in our FOI request how many Unaccompanied Children are looked after or supported by each local authority, as well as the number of Unaccompanied Children looked after or supported by their local authority who received support for seeking asylum between 2020 and 2023. By 'support', we mean the type of support that we described above.

We received 21 responses from 22 local authorities. Responses show that 591 Unaccompanied Children are looked after or supported by local authorities in Wales, with 240 children and young people coming to the care of Welsh local authorities via the National Transfer Scheme.

Based on responses to our FOI request, most local authorities currently provide support to Unaccompanied Children who are navigating the asylum process. Social workers know the children with whom they work, and it is important for these children that social workers continue to support them as they engage with the process of seeking asylum. However, only 257 Unaccompanied Children, or 43% of Unaccompanied Children, received support specifically for engaging with the process of seeking asylum.

Although we welcome the support with the process of seeking asylum that is given by local authorities to Unaccompanied Children, information from local authorities shows that the majority of Unaccompanied Children in Wales have not accessed and are not accessing this support.

This shortfall might be due to several reasons, such as social workers' workloads or lack of legal advice provision in a given area. We should also acknowledge that it might be the case that some of these children will already have been granted

refugee status and will no longer require this form of support. However, it is a cause for concern that less than half of all Unaccompanied Children in Wales are receiving support from their local authority to engage with the asylum process. This does not meet the requirements of the Code of Practice for Part 6 of the Social Services and Well-being (Wales) Act.

Where support to seek asylum is provided by local authorities, it places a significant responsibility on social workers. According to information received from our FOI request, social services professionals either lead in the provision of support, or are solely responsible for supporting Unaccompanied Children with seeking asylum in between a third and almost a half of local authority areas in Wales. By 'social services professionals', in this instance we mean social workers and personal advisors, either working alone or together.

Additionally, FOI responses show that in 38% of local authority areas in Wales, social workers are the only professionals involved in helping Unaccompanied Children and to obtain legal advice and representation, and in 33% of local authority areas in Wales, social workers are the only professionals involved in liaising with lawyers, healthcare professionals, police and Home Office officials on behalf of the child.

It is useful to consider this in the wider context of the current capacity of social services in Wales. According to a 2023 report prepared by the Children, Young People and Education Committee (the Committee) on Welsh Government's plans to reform children's social care, social services professionals feel that their caseloads are too high. The report states that most social workers have a caseload of around 35 families, and some have over 50. In a recent survey, the British Association of Social Workers asked its members to select the three biggest challenges they faced in the workplace. Of the 80 members working in Wales who responded, 53.75% cited the demands of administrative tasks, 46.25% reported workload, and 79.22% stated they could not complete their work within their contracted hours.³⁸ We note the Committee's recommendation to introduce legislation "to place a duty on local authorities to calculate maximum caseloads for children's social workers".³⁹

Welsh Government should introduce Guardians to lead the work of supporting Unaccompanied Children with the process of seeking asylum. Guardians and social workers would work collaboratively with Unaccompanied Children, but Guardians would take responsibility for the work of supporting these children with understanding and navigating the process of seeking asylum, such as helping them with accessing legal advice and accompanying them to meetings with the

Home Office. We argue that doing this would make social worker's workloads more manageable and would greatly improve support for Unaccompanied Children.

3.5 Access to immigration advice and legal services

We asked in our FOI request about working relationships between local authorities and immigration lawyers or legal advice providers. Specifically, we asked whether they work with immigration lawyers or legal advice providers to assist children with their asylum claims. According to information that we received, only 38% of local authorities have working relationships with immigration lawyers or legal advice providers in their local areas, and only 47% of local authorities work with immigration lawyers or legal advice providers, within and without their local areas, to assist Unaccompanied Children with their asylum claims.

This lack of joint working may be partly due to the lack of legal services in Wales, as reflected in Dr Jo Wilding's report *The Adequacy and Availability of Immigration Legal Advice for Forced Migrants in Wales*⁴⁰ published in January 2023. Dr Wilding estimates a Primary Legal Aid Deficit in Wales of 2,266. This figure represents the number of cases that fall squarely within the scope of legal aid but for which there is no available representation. It does not include instances where a case has been dropped by a legal representative between application casework and appeal.

Research by the Bevan Foundation in September 2023⁴¹ found that the situation in respect of immigration and asylum legal services has worsened drastically in Wales since January 2023, when the Wilding report was published. Within the past five years, Wales has lost half of its offices providing immigration legal aid services.

Currently, Wales has a total of seven legal aid providers, with eight offices between them, and very little third sector immigration provision. The position in South-East Wales, which was described in Dr Wilding's earlier report as "comparatively well-served" has changed drastically. The withdrawal of the largest legal aid provider in Wales, previously responsible for 47% of all legal aid matter starts in Cardiff, has had a huge impact on remaining providers. Most are now overwhelmed with demand and are currently not able to accept referrals. People, including Unaccompanied Children, are routinely being left without representation at appeal. One contributor to the Bevan Foundation report, an immigration legal representative, stated:

This is completely unprecedented. There has never been a time when initial asylum applicants, including [Unaccompanied Asylum-Seeking Children], have been unable to find a legal aid solicitor to represent them.

Recent evidence from asylum support providers is that they are regularly unable to find legal representation for asylum seekers.

We argue that a pan-Wales Guardianship Service would help to address gaps in legal provision and ensure more consistent support for all Unaccompanied Children in Wales while work is done to increase provision. As discussed in [Section 3.4](#), doing so would shift some of the onus from social workers and personal advisors to staff with specialist knowledge and qualifications. This would in turn help to reduce the workload of social workers and personal advisors.

The evaluation of the Scottish Guardianship Service shows the value of Guardians in supporting Unaccompanied Children through the asylum process ([See Section 3.3](#)). Guardians in Scotland are trained to OISC Level 2, giving them an excellent understanding of this complex area of law. While Guardians are no substitute for specialist legal services, a Guardian trained to OISC Level 2 can provide rare advice and guidance within an accessible and consistent relationship. Such knowledge places them in an excellent position to identify quality legal services, help young people to navigate the asylum system, and support young people's engagement with legal representatives. Where there are gaps in legal representation, a Guardian could temporarily prevent a child from 'falling through the cracks'. Ultimately, such a scheme in Wales would improve legal outcomes for Unaccompanied Children.

4. What might a Guardianship Service in Wales look like?

A Guardianship Service in Wales must take account of the needs of the children it serves, but also the particular context in Wales. In this section, we have set out some of the key factors that we believe should be included in a national Guardianship Service for Unaccompanied Children. We have not attempted to provide a detailed framework, but rather the fundamental principles on which a service should be built.

4.1 Key factors

- **Available to all:** A national service provided across Wales and available to every Unaccompanied Child, in line with calls from UN Committee on the Rights of the Child.
- **Available on arrival:** A Guardian should be appointed to every Unaccompanied Child immediately on arrival in Wales. This will ensure that children's rights are protected from the outset of their life in Wales, that they are supported, and that no Unaccompanied Child is left alone. The service should work closely with the Home Office National Referral Mechanism, National Transfer Scheme, asylum accommodation, and asylum hotels, to ensure that children are quickly identified, supported, and appropriately placed.
- **An independent service:** A Guardianship Service in Wales should be independent of any statutory body. As with Children's Guardians appointed by the Courts, we believe that Guardians for Unaccompanied Children should be independent of the state, local authorities, the Courts, and all other statutory bodies. This would enable Guardians to protect the rights and interests of children without fear or favour.
- **Trained and Expert:** As well as having expertise and experience in working with children, every Guardian in the service should be trained to OISC Level 2 or IAAS equivalent or working towards achieving these qualifications. This will provide huge benefits to children as they navigate their way through the asylum process and will mitigate some of the effects of a serious decline in immigration legal provision in Wales.

- **Integrated and efficient:** The service should work closely and supportively with social workers, legal advisors, Home Office caseworkers, Migrant Help, schools, colleges, hospitals, and third sector agencies working in asylum support and children’s wellbeing. Statutory services should be aware of the role and purpose of a Guardian and the benefits that they can bring.
- **Supportive and engaging:** Guardians should provide the following forms of support:
 - Building trust and a supportive relationship with children.
 - Helping the child with orientation and social adjustment.
 - Helping the child to obtain legal advice and representation.
 - Keeping the child informed of legal and other proceedings.
 - Working with young people to help them develop statements to support their asylum claims.
 - Attending Home Office appointments with the child.
 - Liaising with lawyers, social workers, healthcare professionals, police and Home Office officials on behalf of the child.
 - Explaining processes (e.g. legal, care, and education), ensuring that the child understands what is happening to them, the decisions that are being made, and the options that they have.
 - Ensuring that the voices and choices of children are heard and respected.
 - Facilitating the child’s attendance at and engagement in meetings.
 - Providing children with holistic support to enable integration, continued advice and emotional support.
 - Making referrals to specialist services (e.g. to address physical or mental health concerns, provide trauma-informed services, cultural services, or socialisation and play appropriate to the child’s needs).
- **Lasting and empowering:** The Guardianship Service should remain with an Unaccompanied Child to provide continuous source of support and protection as they grow towards independence and adulthood. The service should remain engaged regardless of whether the child has left care, either voluntarily, or as a result of their immigration status.
- **Protecting rights and justice:** Guardians should be empowered to speak out for the children with whom they work, to protect their interests, and promote and defend their rights.

- **A well-resourced team:** The Guardianship Service should be sufficiently resourced to provide ongoing and comprehensive support to Unaccompanied Children. Access to continuing training, updated resources and information will be essential.
- **Responsive and child-focused:** It is important that Unaccompanied Children and are involved as much as practically possible in the development of a Guardianship Service in Wales, to ensure that the service meets their needs. There are existing projects across the country working with Unaccompanied Children and, which could feed into the development of the service.

4.2 Costs

We have not provided a detailed cost analysis of the proposed service. Some work, based on the experience of the Scottish guardianship service and the Nidos⁷ guardianship service in the Netherlands, was completed in 2014 by The United Nations Children’s Fund UK (UNICEF UK) and The Children’s Society on the costs and benefits of an England and Wales scheme.⁴² For an accurate assessment of costs, this would need to be updated, and costs considered in respect of Wales alone.

The service would need to be provided by a team of Guardians working directly with Unaccompanied Children, service managers, and support staff. Costs that would need to be considered include, but are not limited to, recruitment costs, salaries, office space, and interpretation and translation, the latter of which incurs the largest costs. To provide an indication of cost, Scottish Government provides annual funding to Guardianship Scotland of £1 million for 13 Guardians, whilst funding for 12 additional Guardians is provided externally.

Many Unaccompanied Children who are looked after by Welsh local authorities are placed in England, so travel costs would need to be considered beyond Wales, although we note that in Scotland many of the interactions between Guardians and children take place via video call.

⁷ Nidos is the national independent guardianship institution in the Netherlands providing guardianship for all unaccompanied asylum-seeking children in the Netherlands.
<https://www.egnetwork.eu/member/nidos/#:~:text=Nidos%20is%20the%20national%20independent,the%20child%20and%20their%20development.>

4.3 Benefits

We have mentioned throughout this briefing many of the ways in which Guardianship makes a positive impact on the lives of Unaccompanied Children. The Scottish Guardianship Service gives an exemplary model of how such a service can meet the needs of Unaccompanied Children. We recognise that the costs of a Guardianship Service for all Unaccompanied Children will not be small. However, the benefits that such a service would have in upholding children's rights and improving outcomes for children is enormous. Resulting impacts on social justice, integration, and education, will be positive and lasting.

In addition to the positive impact it would have on the lives of Unaccompanied Children, a Guardianship Service would realise benefits for stakeholders working with Unaccompanied Children. One of these benefits would be time saved by social workers, resulting from working with Guardians. In the joint appraisal by The Children's Society and UNICEF UK referred to in (4.2) above, benefits were identified in key areas because of cooperation between Guardians and social workers. These areas include, but are not limited to, age assessments and disputes (i), and Unaccompanied Children who go missing (ii).

- i) With regard to age assessments, an expected benefit of the interactions between Guardians, social workers and agencies involved in the age assessment process is "clearer and more concise information from, and on behalf of, the child",⁴³ as well as time saved by social workers and agencies in the undertaking of age assessments. This would also bring with it financial savings. Additionally, the presence and work carried out by a Guardian could reduce the risk of incorrect age assessment determinations, thereby preventing the need for further age assessments.
- ii) When an Unaccompanied Child goes missing, the appropriate procedures are triggered, which involve social workers – for example, for the provision of return home interviews (if they are provided internally by local authority staff). An expected benefit would be that, resulting from the relationships and support provided by Guardians, Unaccompanied Children would experience fewer missing episodes, fewer repeat episodes, and increase the possibility of preventing some Unaccompanied Children from going missing. According to the Children's Society/UNICEF UK appraisal, "it is expected that legal Guardianship would reduce the number of missing children and thus lessen the impact on social workers' time".⁴⁴ It is expected that this would also realise financial savings.

Additionally, it is expected that there would be savings in interpreters' time as part of their involvement in age assessments and post-missing episode procedures, which would also mean financial savings.

The 2013 evaluation of the Scottish Guardianship Service pilot notes that "there is clear evidence of Guardians helping young people to navigate the complexities of the asylum process, resulting in clear, timely and often positive outcomes for those who are seeking asylum or have been trafficked"⁴⁵ and this is also evidenced in the 2021 evaluation.⁴⁶

Given that Unaccompanied Children are also likely to be looked after by local authorities, the increased likelihood of a positive asylum outcome when a Guardian is involved in the process would accelerate the transition for Unaccompanied Children from care to living with more independence. Fewer challenges and appeals to initial decisions mean that there would be fewer barriers in the way of a smoother process of transitioning from care to living with more independence.

5. Conclusion

Although there is some excellent work being done to support Unaccompanied Children Wales, there is not enough support available for all Unaccompanied Children. Specifically lacking is support when navigating the complex process of seeking asylum.

We believe that factors such as workloads, overstretched services and limited working relationships between local authorities and immigration lawyers present barriers to ensuring that all Unaccompanied Children in Wales are offered support to seeking asylum, which has become even more necessary given the lack of legal services and additional challenges presented by legislation such as the Illegal Migration Act.

We urge Welsh Government to introduce a Guardianship Service that would be available for all Unaccompanied Children Wales and help them with navigating the complex process of seeking asylum. The service should be offered to all Unaccompanied Children who are already in Wales and to all Unaccompanied Children on arrival in Wales.

At the time of writing, the Nation of Sanctuary Plan is being refreshed, and Welsh Government have committed to present to the Senedd a social care bill. We argue that these work streams offer an opportunity to introduce a Guardianship Service for all Unaccompanied Children Wales, and by doing so, improve access to vital support needed by some of the most vulnerable members of our society.

¹ United Nations Convention on the Rights of the Child, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

² Rights of Children and Young Persons (Wales) Measure 2011
<https://www.legislation.gov.uk/mwa/2011/2/contents>

³ Social Services and Well-Being (Wales) Act 2014
<https://www.legislation.gov.uk/anaw/2014/4/contents/enacted>

⁴ Welsh Government Written Statement (2023) Safe and Legal Routes for Asylum Seekers
<https://www.gov.wales/written-statement-safe-and-legal-routes-asylum-seekers>

⁵ Illegal Migration Act 2023 <https://www.legislation.gov.uk/ukpga/2023/37/contents/enacted>

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- ⁶ Welsh Government (2019) *Nation of Sanctuary – Refugee and Asylum Seeker Plan* https://www.gov.wales/sites/default/files/publications/2019-03/nation-of-sanctuary-refugee-and-asylum-seeker-plan_0.pdf
- ⁷ Well-Being of Future Generations (Wales) Act 2015 <https://www.legislation.gov.uk/anaw/2015/2/contents/enacted>
- ⁸ Save the Children Wales (2005) *Uncertain Futures*. (Save the Children: Cardiff) p.70. https://orca.cardiff.ac.uk/id/eprint/86379/1/uncertain_futures_-_report_1.pdf
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- ¹⁰ Croke R & Crowley A (eds) (2006) *Stop, look, listen: the road to realising children's rights in Wales* (Save the Children: Cardiff).
- ¹¹ Save the Children Wales (2008) *The care and protection of young asylum-seeker and trafficked children in Wales: agenda for action* <https://orca.cardiff.ac.uk/id/eprint/86376/1/Agenda%20for%20Action.eng.Dec.08.pdf>
- ¹² Welsh Government (2008) *Refugee Inclusion Strategy* https://ec.europa.eu/migrant-integration/sites/default/files/2009-01/doc1_7337_501075745.pdf
- ¹³ Croke R & Williams J (2015) *Wales UNCRC Monitoring Group to the UN Committee on the Rights of the Child* (Swansea University Press).
- ¹⁴ Committee on the Rights of the Child (2016) *Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland* <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhskHOj6VpDS%2F%2FJqg2Jxb9gncnUyUgbnuttBweOlyfyYPkBbwffitW2JurgBRuMMxZqnGgerUdpjij3uZ0bjQBOLNTNvQ9fUIEOvA5LtW0GL>
- ¹⁵ National Assembly's Equality, Local Government and Communities Committee (2017) *"I used to be someone" Refugees and asylum seekers in Wales* (National Assembly for Wales) <https://senedd.wales/laid%20documents/cr-ld11012/cr-ld11012-e.pdf>
- ¹⁶ Welsh Government (2019) *New Refugee and Asylum Seeker Plan for Wales Launched* [Nation of Sanctuary Refugee and Asylum Seeker Plan \(gov.wales\)](https://www.gov.wales)
- ¹⁷ Wales UNCRC Monitoring Group (2022) *Report to the UN Committee on the Rights of the Child* <https://www.childreninwales.org.uk/application/files/6416/7533/1287/Wales UNCRC Monitoring Group.pdf>
- ¹⁸ United Nations Committee on the Rights of the Child (2023) *Concluding observations on the sixth and seventh periodic report of the United Kingdom of Great Britain and Northern Ireland* https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FGBR%2F6-7&Lang=en
- ¹⁹ House of Lords (2023) <https://parliamentlive.tv/Event/Index/f211ff37-a70b-42fb-b81d-285bfc4414b>
- ²⁰ Mark Townsend, The Guardian (2023) <https://www.theguardian.com/uk-news/2023/feb/18/uk-missing-child-refugees-put-to-work-manchester-gangs> (The Guardian, 18th February 2023)
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- ²⁴ Welsh Government (2019), *Nation of Sanctuary - Refugee and Asylum Seeker Plan* https://www.gov.wales/sites/default/files/publications/2019-03/nation-of-sanctuary-refugee-and-asylum-seeker-plan_0.pdf
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- ²⁷ Welsh Government (2021) *Briefing: supporting unaccompanied asylum-seeking children in Wales* (Welsh Government) <https://www.gov.wales/briefing-supporting-unaccompanied-asylum-seeking-children-wales-html#section-62034>
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- ²⁹ Children's Legal Centre Wales (2022) *A Best Practice Guide for Social Workers in Wales: supporting children who are claiming asylum* (Children's Legal Centre Wales) https://www.gov.wales/sites/default/files/publications/2022-11/children-seeking-asylum-guidance-for-social-workers_1.pdf p.15.
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- ³² The Immigration (Age Assessments) Regulations 2023 <https://www.legislation.gov.uk/ukdsi/2023/9780348251593>
- ³³ Home Office (2021) *Interim Guidance for Independent Child Trafficking Guardians* <https://www.gov.uk/government/publications/child-trafficking-advocates-early-adopter-sites/interim-guidance-for-independent-child-trafficking-guardians-accessible-version>
- ³⁴ For information on Barnardo's work programme on child trafficking and the Independent Child Trafficking Service, see: <https://www.barnardos.org.uk/get-support/support-for-parents-and-carers/child-abuse-and-harm/child-trafficking>
- ³⁵ See: <https://www.barnardos.org.uk/get-support/services/ictg-cymru>
- ³⁶ Home Office [\(n33\)](#)
- ³⁷ Stott, H and Kohli, Ravi KS [\(n25\)](#)
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⁴⁰ Wilding, Jo (n15)

⁴¹ The Bevan Foundation, *Firefighting: Protecting legal aid funded immigration services in Wales*, September 2023 <https://www.bevanfoundation.org/resources/firefighting-protecting-legal-aid-funded-immigration-services-in-wales/> (Bevan Foundation)

⁴² UNICEF UK and The Children's Society (2014) *Cost benefit appraisal of legal guardianship for unaccompanied and separate migrant children in England and Wales* https://www.unicef.org.uk/wp-content/uploads/2014/07/Guardianship-CBA-CHTB-End-Report_2014_FINAL_FOR-CIRCULATION.pdf, p.23.

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ Crawley, H and Kohli, Ravi KS (2013) *"She Endures With Me", an evaluation of the Scottish Guardianship Service pilot*, Swansea University, University of Bedfordshire <https://www.scottishrefugeecouncil.org.uk/wp-content/uploads/2019/10/She-endures-with-me-Final-evaluation-of-the-Scottish-Guardianship-Service-Pilot-PDF.pdf>

⁴⁶ Stott, H and Kohli, Ravi KS (n25)

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1 May 2024

Dear Buffy,

The Health Claims (Revocation) Regulations 2024

I am writing to inform the committee of the intention to consent to the UK Government making and laying the Health Claims (Revocation) Regulations 2024 (the Regulations). They will be made using powers in Section 14 of The Retained EU Law (REUL) (Revocation and Reform) Act (the REUL Act).

The Regulations will revoke legislation identified as redundant following the UK's exit from the EU, which was not included in Schedule 1 of the REUL Act. Revocation of these instruments will have no policy effect in Wales and will reduce unnecessary complexity in the statute book.

Although the Welsh Government's general principle is that the law relating to devolved matters should be made and amended in Wales, on this occasion, it is considered appropriate for the UK Government to legislate on a GB-wide basis. This approach would ensure redundant legislation is revoked equally across the nations to which they applied.

The Regulations will be laid before the UK Parliament in June 2024.

I have also written to Sarah Murphy MS, chair of the Legislation, Justice and Constitutional Committee and to Russell George MS, chair of the Health and Social Care Committee.

Yours sincerely,

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Y Gweinidog Iechyd Meddwl a'r Blynyddoedd Cynnar
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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.