

# Agenda – Children, Young People and Education Committee

Meeting Venue:

**Committee Room 1 – Senedd**

Meeting date: Wednesday, 30

November 2016

Meeting time: 09.00

For further information contact:

**Marc Wyn Jones**

Committee Clerk

0300 200 6565

[SeneddCYPE@assembly.wales](mailto:SeneddCYPE@assembly.wales)

**09.00 – 09.30 – informal meeting**

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

(09.30)

## **2 Inquiry into Education Improvement Grant: Gypsy, Roma and Traveller, and Minority Ethnic Children – evidence session 1**

(09.30 – 10.20)

(Pages 1 – 51)

Estyn

Meilyr Rowlands, HM Chief Inspector

Claire Morgan, Strategic Director

Farrukh Khan, HM Inspector

### **Attached Documents:**

Research Brief

CYPE(5)-13-16 – Papur | Paper 1 – Letter from Cabinet Secretary for Education

CYPE(5)-13-16 – Papur | Paper 2 – Estyn



### **3 Inquiry into Education Improvement Grant: Gypsy, Roma and Traveller, and Minority Ethnic Children – evidence session 2**

(10.20 – 11.00)

(Pages 52 – 68)

Dr Jonathan Brentnall, Education Consultant

#### **Attached Documents:**

CYPE(5)-13-16 – Papur | Paper 3

### **Break – 11.00 – 11.10**

### **4 Inquiry into Statutory Advocacy Provision – evidence session 3**

(11.10 – 12.00)

(Pages 69 – 104)

Association of Directors of Social Services Cymru (ADSS) and Welsh Local Government Association (WLGA)

Phil Evans, Director of Social Services, Vale of Glamorgan

Tanya Evans, Head of Children’s Services at Blaenau Gwent and Chair of the All Wales Heads of Children’s Services

#### **Attached Documents:**

Research Brief

CYPE(5)-13-16 – Papur | Paper 4 – Association of Directors of Social Services Cymru (ADSS) and Welsh Local Government Association (WLGA)

CYPE(5)-13-16 – Papur | Paper 5 – Implementation Plan – National Approach to Statutory Advocacy

## **5 Paper(s) to note**

(12.00)

**Letter to Business Committee on the proposed timetable for the Additional Learning Needs and Education Tribunal (Wales) Bill**

(Pages 105 – 106)

### **Attached Documents:**

CYPE(5)-13-16 – Papur | Paper 6 – i'w nodi | to note

## **6 Motion under Standing Order 17.42 to resolve to exclude the public from the meeting for the remainder of the meeting.**

(12.00)

## **7 Draft report on Youth Work Inquiry**

(12.00 – 12.25)

(Pages 107 – 142)

### **Attached Documents:**

CYPE(5)-13-16 – Papur | Paper 7 – preifat | private

## **8 Committee Forward Work Programme – agree next inquiry**

(12.25 – 12.45)

(Pages 143 – 168)

### **Attached Documents:**

CYPE(5)-13-16 – Papur | Paper 8 – preifat | private

Document is Restricted



Eich cyf/Your ref  
Ein cyf/Our ref MA-P/KW/7427-16

Lynne Neagle AM  
Chair, Children, Young People and Education Committee  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA

SeneddCYPE@assembly.wales

11 November 2016

Dear Lynne

Thank you for your letter dated 13 October requesting information in support of the Committee's inquiry into the Education Improvement Grant for Schools, and specifically in relation to the role the grant plays in supporting the educational attainment of Gypsy, Roma and Traveller and minority ethnic children. I look forward to attending the Committee meeting on 12 January 2017 to discuss this in further detail.

I have provided information to respond to your specific questions and requests for information, but it might also be useful if I provide some brief background and context to the establishment of the Education Improvement Grant for Schools (EIG) and our policy position on minority ethnic, Gypsy, Roma and Traveller learner achievement in Wales.

#### Background and context.

The EIG was introduced in April 2015 replacing 11<sup>1</sup> individual grants in a single, more outcome-focused arrangement. Linked to Qualified for Life, our strategy for the education of 3 to 19 year olds in Wales, the overarching aims of the EIG were to support improvements in the quality of teaching and learning; address learners' barriers to learning and improving inclusion; improve the leadership of educational settings; and improve the provision for learners and the engagement of learners.

<sup>1</sup> The 11 grants rationalised and forming the EIG were: 14-19 Learning Pathways Grant, School Effectiveness Grant, Foundation Phase Revenue Grant; Welsh in Education Grant; Minority Ethnic Achievement Grant; Specific Grant for the Education and of Gypsy and Traveller children; Lead and Emerging Practitioner Grant; Higher Level Teaching Assistants Grant; Induction Grant; Reading and Numeracy Support Grant; Additional funding for Band 4 and 5 schools grant.

There were a number of drivers to rationalise and simplify our grant funding arrangements, within education and more widely within Welsh Government, reflecting the needs of our partners. Robert Hill in his report on the future delivery of education services in Wales called for increasing financial flexibility and reducing the administrative burden for schools. The Williams Commission report highlighted the need to address the financial pressures on local government through the mass dehypothecation of grant funding and a focus on key outcomes rather than activity. Previous to this the PriceWaterhouseCoopers report and subsequent work of the Frontline Resources Review had outlined the need for action to reduce the administrative costs and bureaucratic burdens of funding on schools and local government.

The financial drivers were significant in a time when there were substantial and increasing pressures on Welsh Government budgets, including on education budgets, with year on year real terms decreases; managing the implications of the Nuffield report on health in Wales; protecting schools from the worst of the changes; and, in 2014-15, managing the impact of in-year reductions to the education budget.

Working with Local Authorities and the WLGA to seek to mitigate these pressures on schools and school services, the Welsh Government responded with the rationalisation of a number of individual grants which led to the establishment of the EIG. Local government had committed to pass on more of the funding they received directly to schools and with the introduction of the National Model for Regional Working, the EIG provided a means to support the regional delivery of school improvement services across Wales.

In March 2014 the Welsh Government published a policy statement, *Minority Ethnic Achievement in Education in Wales*<sup>2</sup> which outlined its position on enabling all children to achieve their full potential and sought to place minority ethnic achievement within the wider strategic framework governing education in Wales.

At the time, one in ten learners in Wales were from an ethnic minority background, contributing to the rich cultural, social and linguistic diversity we have and value. The Welsh Government was committed to unlocking every child's potential. This is still at the heart of Welsh Government's policies on education today and is reflected for example in my recent announcement to provide an additional £4.5million in 2017-18 as part of the significant funding available through the Pupil Deprivation Grant.

The Welsh Government remains committed to supporting the success of learners from all backgrounds. As the policy statement outlined in 2014, this vision is equally true for our minority ethnic learners who may need English and or Welsh language support or who may face risk of underachieving for other reasons. Prior to the introduction of the EIG, whilst there had been specific support for our minority ethnic, Gypsy, Roma and Traveller learners, this was, as now, in the context of a far greater investment in the wider school services which must contribute to our vision for all learners to have the tools and opportunities they need to access and embrace the full curriculum and to achieve of their potential. We are not there yet and there remains much work to be done. Over this Government term it is my priority to work to ensure that all of our children and young people have an equal opportunity to reach the highest standards.

2 *Minority Ethnic Achievement in Education in Wales*, Information document no: 132/2014, March 2014: <http://learning.gov.wales/docs/learningwales/publications/140327-minority-ethnic-achievement-in-wales-policy-statement-en.pdf>

I fully appreciate this will not be easy. In the 2014 policy statement, the Welsh Government recognised some of the challenges, with resources becoming constrained and with increasing demands on our existing services; the challenge was how we continue to build capacity in our services and classrooms to support our minority ethnic learners as they work towards their aspirations.

Policy decision to amalgamate the grants into the EIG.

1. Details of any impact assessment, particularly in relation to Gypsy, Roma and Traveller, and Minority Ethnic children made by Welsh government in advance of the decision to amalgamate the grants into the EIG.

Welsh Government officials undertook equality impact assessments in relation to the Minority Ethnic Achievement Grant and the Specific Grant for the Education of Gypsy and Traveller Children in August 2014 and these were updated in April 2015. These are published on the Welsh Government website<sup>3</sup> along with a further impact assessment from June 2014, updated in April 2015, relating to the savings which were to be found from the Minority Ethnic Achievement Grant in 2014-15.

In addition to these specific impact assessments, as part of the budget setting process and submission of advice to Ministers to manage any budget pressures, consideration is given to the impact of funding levels on programmes and grants. The decisions made in relation to the rationalisation of grants and establishment of the EIG relate to the previous Government term.

2. Details of any other options considered before the decision to amalgamate the grants, including whether or not any of the grants could have continued as distinct grants.

A line by line review was undertaken in support of the Budget process. Subsequently a number of grants were identified for consideration by the then Minister for Education and Skills to include in the new arrangements which would result in the establishment of the EIG. I understand the grants were identified on the basis of their shared or related aims and outcomes. Two specific grants which remained under separate arrangements were the Schools Challenge Cymru grant and the Pupil Deprivation Grant funding. The Schools Challenge Cymru programme was provisionally a two-year programme and due to end in 2015-16. The Pupil Deprivation Grant was established as a consequence of agreement between the Welsh Liberal Democrat and Welsh Labour parties and on that basis deemed appropriate to keep under separate arrangements.

Specifically in relation to the Minority Ethnic Achievement Grant and the Specific Grant for the Education of Gypsy and Traveller Learners, by 2014-15 the grants had ceased to increase and remained static. The Welsh Government's policy statement published in March 2014 called for more innovative approaches, partnership working, closer links to school improvement service planning and delivery to ensure the services continued and to seek added value from the investment through the grant funding. Prior to the establishment of the EIG, consideration had been given to merging both grants for the 2015-16 financial year.

3 Equality Impact Assessments: <http://gov.wales/topics/educationandskills/publications/guidance/education-improvement-grant-equality-impact-assessments/?lang=en>

3. During the draft budget round of 2015-16, the then Minister said the new system should result in better outcomes for learners. Please provide any early evidence of this, in particular in relation to Gypsy, Roma and Traveller, and Minority Ethnic children.

The new arrangements were intended to simplify systems, reduce bureaucracy and enable a greater focus on achieving outcomes for learners with less resource spent on administering and managing the grants and less focus on recording the inputs and outputs at a national level.

It is too early to assess the impact of the new grant arrangements on the educational outcomes of Gypsy, Roma and Traveller and minority ethnic learners as the grant has only been in place since April 2015. The arrangements will take time to embed and we are confident that they are beginning to do so. The flexibilities offered through the EIG should enable Local Authorities, consortia and schools to target the funding at the areas of greatest need.

The Welsh Government collects data nationally on the performance<sup>4</sup> of ethnic minority learners. The current published data includes the period 2015. We will publish updated information in January reflecting the pupil-level data by pupil characteristics which will include the period 2016.

The overall performance of learners has improved. The summer GCSE results have been provisionally verified and show that Wales maintained its high level of performance with an overall pass rate of A\* - C of 66.6 per cent, consistent with the last two years and the highest level seen in Wales. Two thirds of all entries attained at least a grade C. In terms of the Level 2 inclusive threshold, 35.5 per cent of pupils eligible for FSM achieved the threshold. The attainment gap between pupils eligible for FSM and their non eligible counterparts is 31.2 percentage points and has narrowed once again, but clearly not enough.

Process of allocating funds and measuring value for money

4. An explanation of the way in which the EIG is allocated, including the role of regional consortia, local authorities and individual schools in delegating and targeting funding to improve education outcomes for Gypsy, Roma and Traveller, and Minority Ethnic children.

The EIG is allocated to regional consortia. Local authorities are required to provide an element of match funding to the grant, typically around £11million. In line with the governance arrangements agreed through the National Model for Regional Working, local authorities and consortia then agree the funding distribution of the grant and the priorities for spending at a regional and local level through their regional Joint Committee and Advisory Boards. Consortia have regional business plans in place, agreed through their governance arrangements, which take account of the total funding available to them and for schools to support school improvement.

<sup>4</sup> Academic Achievement by Pupil Characteristics: <http://gov.wales/statistics-and-research/academic-achievement-pupil-characteristics/?lang=en>

A minimum of 80% of the EIG must be delegated to schools. A maximum of 1% of the EIG can be used on the administration and management of the grant. The balance can be used for example for further delegation to schools, targeted funds to schools, and regional and local provision for the benefit of schools. This can include support for the Minority Ethnic Achievement and Traveller Education Services. In some areas this is delegated directly to schools.

In determining the EIG grant allocations to consortia, the Welsh Government uses a funding methodology which reflects the allocation of the previous legacy grants to Local Authorities and consortia, but which is updated with the latest verified Pupil Level Annual School Census (PLASC) data. This was a deliberate decision to smooth transition to the EIG and to provide stability for Local Authorities, consortia and schools. Consideration was given to revising this approach and establishing a single funding methodology, however for stability the current method has been retained.

In determining how to distribute the grant, consortia will take account of their priorities within the region and individual local authorities. Given that needs vary across and within regions, the flexibility afforded by the EIG is important in supporting schools, consortia and local authorities to deliver against the intended outcomes of the grant and against their local and regional priorities.

For example, within the South East Wales Education Achievement Service area, the Gwent Ethnic Minority Service (GEMS) has operated on behalf of all of the local authorities in the former Gwent area for a number of years. It has a shared platform with the consortium and in the transition to the EIG, decisions were taken jointly by the five Directors of Education and the consortium Managing Director to protect and maintain support for the Ethnic Minority Achievement and Traveller Education Services.

As with the Ethnic Minority Achievement Grant previously, local authorities are able to delegate the funding they receive through the EIG to school budgets to enable schools to prioritise the form of support they need for their learners. Aside from in the South East authorities where a regional approach is in place, across Wales funding from the EIG is mainly passported to local authorities to manage their Minority Ethnic Achievement and Traveller Education Services. This mirrors the arrangements previously in place for the two dedicated grants where the Welsh Government directly funded the individual local authorities.

The total investment available to support learners at risk of underachievement, including those from minority ethnic, Gypsy, Roma and Traveller groups, is substantial when we consider all funding streams including the levels of support for English and Welsh as an Additional Language, the investment through the PDG, the EIG grant funding and most significantly the existing core funding for schools.

5. The amount of EIG that was allocated to, and subsequently spent by, each regional consortium and Local Authority in 2015-16, as well as allocations for 2016-17. Please could this information be broken down to show amounts allocated to specific interventions to improve education outcomes for Gypsy, Roma and Traveller, and Minority Ethnic children.

The regional allocations of the EIG are:

	2015-16	2016-17
CSC	£43,461,472	£41,358,670

ERW	£39,978,422	£38,078,607
GwE	£30,919,693	£29,398,348
EAS	£26,661,413	£25,446,375
Total	£141,021,000	£134,282,000

The principle drivers of the new arrangements were to simplify systems and better focus on outcomes rather than inputs and outputs, and reduce the cost of administering and managing the grant to ensure funding concentrated on delivery and improved outcomes for learners.

The EIG is a new grant and must continue to support the changing needs of our schools. This is important as we move towards bespoke curriculum and assessment arrangements for Wales. In conjunction with local government, the Welsh Government took the decision to remove the requirement to track grant expenditure by the themes of the 11 legacy grants. This was seen as a significant opportunity to reduce system costs at school, local authority and consortia level, and reflects the emphasis on outcomes not on tracking activity at a national level.

Therefore at a national level the Welsh Government does not collect data which identify how much of the EIG is spent on specific areas or themes within the overall grant, including on specific programmes and interventions. This information may be available or obtainable from regional consortia and local authorities.

6. Information about the Welsh Government's arrangements for monitoring the expenditure of the EIG in relation to Gypsy, Roma and Traveller, and Minority Ethnic children.

As outlined, the Welsh Government does not monitor the financial input through the EIG into the services which support groups of learners at risk of underachieving. The flexibility within the EIG arrangements better enable Local Authorities, consortia and schools to prioritise their funding to areas of greatest need. At school level we estimate there would be a significant system cost in tracking expenditure which supports the educational achievement of individual groups of learners, in particular when we consider these groups of learners may benefit from support from other funding streams including the Pupil Deprivation Grant. As a principle we have sought to reduce the administrative costs of the grant and increase the focus on delivery and outcomes.

7. Please provide details of any actual and projected cost savings that have arisen from this policy change.

The EIG reduced by around 9% in its transition from the existing 11 legacy grants and reduced by a further 4.7% in 2016-17. At the same time the costs associated with managing and administering the grant have reduced. In 2014-15 some of the 11 legacy grants capped administrative expenditure at between 3% and 5% of the grant. The Welsh Government set the maximum allowable administrative expenditure against the EIG at 1.5% in 2015-16 and reduced it to 1% in 2016-17. The reductions in system costs have enabled consortia, local authorities and schools to gain better efficiencies and value from the grant funding to offset at least in part against the overall reductions to the grant in previous years.

8. Information about any other financial benefits that have arisen as a result of this policy change.

At all levels, through schools, local authorities, consortia and Welsh Government, we estimate there are additional resource savings in terms of time. The reduction in the administrative arrangements as well as the requirement to use the now statutory school development plans rather than individual grant plans is estimated to have yielded significant time savings, in particular at school level.

There is a balance in ensuring accountability through the system. Placing the drivers for improvement for these groups of learners within the context of the wider school improvement services is an important factor in mainstreaming the needs of these learners and enabling them to better access support.

In Lliswerry high school in Newport for example we have seen how the school has taken a multi-layered approach with school improvement grant funding to put in place effective interventions to support all learners.

In relation to the support that consortia provide to schools, the use of the school development plan as a single planning tool should better enable challenge advisers to see the whole school needs in context and better challenge and support schools through their planning to delivery.

## Evaluation

9. Any evidence that the amalgamation of the grant has resulted in better education outcomes for Gypsy, Roma and Traveller, and Minority Ethnic children.

As I have outlined earlier, it is too early to assess the impact of the new grant arrangements on the educational outcomes of Gypsy, Roma and Traveller and minority ethnic learners as the grant has only been in place since April 2015.

10. Details of the terms and conditions attached to regional consortia and local authorities' use of the EIG, particularly in relation to Gypsy, Roma and Traveller, and Minority Ethnic children.

Under the terms and conditions of the EIG, consortia are charged with improving educational outcomes for all learners in all settings including those vulnerable groups who are more likely to underachieve.

The EIG supports the strategic objectives in Qualified for Life, the Welsh Government's long-term vision for education for 3-19 year old learners in Wales.

The grant's terms and conditions specify the funding must be used to contribute to the delivery of the following broad requirements:  
Improving teaching and learning;  
Improving education outcomes, including literacy and numeracy, at Foundation Phase, Key Stage 2, Key Stage 3 and Key Stage 4 for all learners in all settings, including for example those learner groups who are known to be at particular risk of underachievement for example, but not limited to, as relating to gender, or those with Additional Learning Needs, English and/or Welsh as an Additional Language, or from certain ethnic minority groups such as Gypsy, Roma and Traveller learners; and  
Improving outcomes for pupils in receipt of FSM and to narrow the gap between nFSM and eFSM pupils.

Qualified for Life is currently being refreshed and the terms and conditions of the EIG for future years will take account of this.

In addition to the standard terms and conditions of grants issued under Welsh Ministers, there are requirements around the level of delegation to schools, the level of eligible expenditure on administration and management, the use of School Development Plans and the requirement to work towards the Foundation Phase ratios.

11. Details of the outcome and outcome measures for 2015-16 and 2016-17 for Gypsy, Roma and Traveller, and Minority Ethnic children.

As outlined in the sections above, the purpose of this funding is to support consortia and the responsible authorities within each consortium, to improve educational outcomes for all learners. The EIG supports our national priorities for schools, including improved outcomes in literacy and numeracy and reducing the impact of deprivation on educational outcomes. These outcomes are supported by a range of key performance indicators and consortia detail their approach to school improvement in their regional business plans. In addition, an Education Performance Framework is being trialled this year. The Framework asks consortia, within the high level objectives identified under point 10, to highlight the main key performance indicators which support those outcomes and provide timescales and key milestones for delivery. These are linked to the full consortia business plans and should, moving forwards seek to better identify the additionality of the EIG over and above some of the core school improvement work consortia and schools undertake.

I am keen to see a direct link between the aims in Qualified for Life and documents related to it through to consortia business plans and to School Development Plans, to demonstrate that the grant funding is being spent in the most effective way in line with our shared priorities. Initiatives supported by the grant should be sustainable and in line with the intentions of the Well-being of Future Generations Act.

12. Details of the monitoring arrangements for adherence to the terms and conditions of the EIG, particularly the outcome and outcome measures, and the sanctions available to Welsh Government if they are not met.

The grant is outcome focussed. The activities and interventions funded by the grant and its outcome measures are monitored regularly by consortia challenge advisers and subject to termly review and challenge meetings, which are also used for monitoring performance and achievement of outcomes.

A closing end year report from consortia will include details of progress made throughout the grant period and an overall evaluation of the programme supported by case studies as appropriate.

There are a number of stakeholder groups and established relationships between Welsh Government, consortia and local authorities including regular meetings through ADEW and links to consortia subject leads. The Welsh Government provides secretariat for the Minority Ethnic Achievement Local Authority Group and the Gypsy Traveller Forum.

There is scrutiny, monitoring and assurance undertaken at a local and regional level through the agreed governance arrangements in the National Model for Regional Working. Consortia also undertake self-evaluation reports and updates on their business plans as part of their regional governance structures and accountability.

Estyn plays a role through the inspection of schools and Local Authorities, and also through their remit of consortia. Along with the national data the Welsh Government collects on

performance, there is a significant body of information which contributes to the understanding of the impact of Welsh Government grant funding, including the EIG.

Within the terms and conditions, Welsh Government officials may ask for any reasonable information as needed should there be specific lines of enquiry required outside of the relationships and mechanisms detailed above.

Whilst there are significant flexibilities within the grant, the grant is required to be audited at local authority level so any inadmissible spend is identified, which the Welsh Government may then recover. The Welsh Government can of course choose to remove the grant funding if it is not delivering the desired outcomes and it is worth highlighting that the grant funding should be additional. The duty rests with Local authorities to provide suitable education for all of their learners and this is mainly funded through the Local Government Settlement.

13. Welsh Government's "Minority ethnic achievement in education in Wales" information document says that it "will hold services to account for delivering improved learner outcomes". Please provide information on which services are held to account and how.

Under the terms of the previous grants the Ethnic Minority Achievement and Traveller Education Services submitted reports to the Welsh Government on the support provided through the grants. Under the structures in place for school improvement through the National Model for Regional Working and the EIG, the lines of accountability and reporting go via Local Authorities and consortia. Local Authorities and consortia are held to account by Estyn and the Wales Audit Office and through established mechanisms with Welsh Government, including through our Challenge and Review processes, the performance data we collect and publish and our relationships with ADEW who represent the Ethnic Minority Achievement and Traveller Education Services.

14. Information about specific interventions for which the EIG was used to improve education outcomes for Gypsy, Roma and Traveller and Minority Ethnic children in 2015-16? Please provide information on how the impact of such interventions is monitored.

The regional approach to the service taken in the South East Local Authorities through GEMS is a positive example of collaboration to ensure the needs of these groups of learners are protected. Consortia seek to capture and share best practice through their school networks and information is increasingly being made available online.

In 2015, Estyn published a case study on the excellent work being undertaken in Lliswerry primary school<sup>5</sup> to improve the educational achievement of vulnerable groups of learners. Lliswerry high school has also had success around its EAL provision and community engagement, specifically with the Roma community. I understand the school has had its first Level 2 success with Roma learners this year and there have been strong improvements in attendance.

The Pembrokeshire Gypsy Traveller Education Service, based in Monkton Priory CP School has 30% learners from the Gypsy and Traveller community. Over 50% of Gypsy and Traveller learners in Pembrokeshire are enrolled in the school.

<sup>5</sup> Lliswerry Primary School Estyn case study: <https://www.estyn.gov.wales/best-practice/successfully-supporting-disadvantaged-learners-helps-boost-achievement>

Estyn's inspection of the school April 2016 stated:

The school is a beacon for lifelong learning in the community. For example, the partnership work that has enabled parents, staff and other members of the community to develop new skills and qualifications at the school is a significant strength. Through this work, the school has been innovative in establishing outstanding links with the Gypsy and Traveller community. The wide range of courses, including basic skills courses for parents, GCSE and a degree course offered at the school has brought the community into the school. This has ensured a vibrant learning environment that provides high aspirations for all and has provided parents and carers with the skills to help their children. Three Gypsy and Traveller former learners now working as Learning Support Assistants in Pembrokeshire have gained a BA in Social Inclusion and Social Policy.

The Welsh Government has also worked with Show Racism the Red Card and developed a bi-lingual toolkit which provides information and activities to help settle Gypsy, Roma and Traveller learners in school. It was developed in consultation with members of the Gypsy, Roma and Traveller communities and is available via the Hwb network. It is designed to help remove barriers, promote understanding, and create a welcoming, inclusive school experience. The toolkit complements Travelling Together – a suite of resources published on Learning Wales in 2014, to promote the integration of Gypsy and Traveller culture into the national curriculum.

I trust the information provided is helpful to the Committee's inquiry and I look forward to discussing this with the Committee in January.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Kirsty Williams'.

**Kirsty Williams AC/AM**

Ysgrifennydd y Cabinet dros Addysg  
Cabinet Secretary for Education

Cynulliad Cenedlaethol Cymru | National Assembly for Wales  
Y Pwyllgor Plant, Pobl Ifanc ac Addysg | Children, Young People and  
Education Committee  
CYPE(5)–13–16 – Papur | Paper 2  
Ymateb gan : Estyn  
Response from : Estyn

**How the Welsh Government monitors the way local authorities use the Education Improvement Grant and how the new, amalgamated grant supports Gypsy, Roma and Traveller, and Minority Ethnic children, with specific reference to improving educational outcomes**

This section explains how Estyn contributes to the monitoring of educational outcomes and provision for Gypsy, Roma and Traveller, and Minority Ethnic children. For details of Estyn’s national thematic work and best practice work, see answers to the next two questions.

As part of Estyn’s inspection of individual providers and local authorities, inspectors consider the performance of different groups of learners including minority ethnic groups, and gypsies and travellers. Inspectors judge how well a provider establishes an ethos that is inclusive as well as other equality and diversity issues. Inspectors also judge how well the provider promotes the prevention and elimination of oppressive behaviour including racism. For more details, see for example Estyn’s handbook for secondary school inspections, which is available here:

<http://www.estyn.gov.wales/document/guidance-inspection-secondary-schools>

Estyn also has supplementary guidance for inspecting Equality, human rights and English as an additional language, available here.

[https://www.estyn.gov.wales/sites/default/files/documents/Supplementary%20guidance%20%E2%80%93%20equality\\_0.pdf](https://www.estyn.gov.wales/sites/default/files/documents/Supplementary%20guidance%20%E2%80%93%20equality_0.pdf)

As part of the above, inspectors report on how well an individual provider has supported Gypsy, Roma and Traveller and Minority Ethnic children in improving educational outcomes using different funding streams including the Education Improvement Grant and the Pupil Deprivation Grant. Estyn has not evaluated how local authorities use the Education Improvement Grant

specifically and without detailed work it is difficult to differentiate between the different funding streams. Some of the good practice identified below and the recommendations of Estyn reports such as 'The education of Gypsy Traveller pupils: An update on provision in secondary schools' do not necessarily require additional funding to implement.

The following are extracts from a selection of inspection reports of individual providers that give a flavour of this reporting. Good practice is identified and areas of improvement noted. The extracts from the school inspection reports are from reports published since the grants were amalgamated in April 2015. The extracts from local authority reports are from inspections since 2011.

### **Blaenau Gwent LAESCYP Inspection January 2013**

In the Foundation Phase, key stage 3 and key stage 4, minority ethnic pupils generally perform better than their cohort groups. Gypsy and Traveller pupils and looked-after children generally perform less well than the cohort group.

### **Torfaen LAESCYP Inspection, October 2011**

Support for parents of pupils with Autistic Spectrum Disorder and for parents from the Gypsy and Traveller community is particularly effective. However, the authority does not do enough to ensure that all parents are aware of the range of support and advice available to them.

### **West Monmouth School, Torfaen March 2016**

In partnership with the Torfaen Equal Project, the school provides exceptional support for Gypsy Traveller pupils and their parents. This is having a very positive impact on the attendance and outcomes for pupils from this community. This is a very strong feature of the work of the school.

### **Flintshire County Council, October 2011**

The authority provides effective support to Gypsy and Traveller learners that has improved their literacy levels and helps them achieve good attendance. All Gypsy and Traveller primary-age pupils attend primary school.

**Queens Ferry School, Flintshire September 2015**

Many pupils for whom English is an additional language, and those from the community of Gypsy Travellers, make very good progress from their starting-points. Staff work closely with specialist services, such as the Gypsy Traveller service, speech and language support and the service for pupils with English as an additional language. This work has a positive impact on pupils' achievements.

**Coleg Cambria, Flintshire, Wrexham and Denbighshire November 2015**

Learners from the most deprived areas of the three local authorities, those with a declared disability and learners from ethnic minority backgrounds achieve in their learning at a rate equal to, or greater than, their peers.

**Pembrokeshire County Council, June 2011**

Gypsy traveller children improve their literacy skills and many make good progress into work.

**Monkton Priory Community School, Pembrokeshire April 2016**

Monkton Priory Community Primary School is a 'window on the world' for its pupils and the heart of a learning community based on equality, respect and doing your best. Thirty percent of pupils are from the gypsy traveller community. There is a permanent traveller site in Monkton and the school has an attached unit for traveller pupils aged 11-16 years old. The school has strived to create a stimulating learning environment that engages all learners. Leaders ensure that they place all staff in settings that match their skills. All staff are committed to supporting pupils' wellbeing and providing a learning community based on equality, respect and doing one's best.

**Stepaside School, Pembrokeshire April 2016**

The school focuses well on promoting good attendance. Over the last year or so, the school has been very successful in engaging the traveller community and ensuring that traveller children attend school regularly.

#### **Conwy County Borough Council, March 2011**

Specialist services provide good support for Gypsy Traveller children and those who have English as an additional language (EAL). This has impacted on improvements in attainment and attendance of the supported pupils.

#### **Carmarthenshire County Council, March 2012**

At key stage 4 the performance of looked after children and learners from traveller families is good. The authority offers a wide range of provision outside of schools for pupils at key stage 4. This helps vulnerable learners, such as looked after children, young people at risk of dropping out of education and children from traveller families to achieve good outcomes by the end of their school careers.

#### **St Mary's R.C. primary school, Carmarthen October 2015**

The school works well with several specialist agencies such as the police, health and social services. Liaison with the ethnic minority advisory service is particularly effective and enables the majority of pupils to make suitable progress in acquiring English as a second language. The school works effectively in partnership with a wide range of agencies, such as the ethnic minority advisory service, health and social services, to support all pupils' learning and wellbeing.

#### **Wrexham County Council**

##### **Effective strategies to support Gypsy Traveller pupils**

St. Joseph's Catholic and Anglican High School, Wrexham have developed effective strategies to support Gypsy Traveller pupils such as engagement with pupils and parents and working with the local youth service and the traveller education service teacher. Pupils are

more confident, exclusion rates have fallen and participation in extra-curricular activities has increased

### **Newport City Council, November 2011**

Attendance rates for most vulnerable groups such as looked after children and minority ethnic learners are good.

#### **Ringland Primary School, Newport June 2015**

Many pupils benefit from the school's partnerships with a wide range of specialist agencies, such as the local authority's learning and behaviour support service and its ethnic minority support service.

#### **Pillgwenlly C.P. School, Newport June 2015**

The school works successfully with a broad and effective range of specialist agencies to support pupils well. For example, its close collaboration with the Gwent ethnic minority service has a positive impact on the progress specific pupils make in their acquisition of the English language. This in turn allows them to integrate effectively into the school community.

#### **Maindee C.P. School, Newport March 2016**

The headteacher's leadership is highly effective in setting and promoting a vision for the school. She has responded very effectively to recent changes in the school's population resulting from a significant increase in pupils of Roma heritage. In a short period, she has put in place a series of pioneering arrangements that are proving highly successful in meeting the very diverse needs of pupils who often have had little or no previous experience of education.

The school makes very good use of the pupils' diverse cultural heritage to ensure they have a good understanding of the need to respect one another. The school promotes pupils' attendance rigorously. For example, the Family Engagement teacher who works with ethnic minority groups has established close relationships with families to emphasise the educational and social importance of regular attendance.

The outstanding collaborative working arrangements between the school, the ethnic minority service and other outside agencies, including the speech and language therapy service, ensure that all identified pupils make at least good and often very good progress, especially in their acquisition of English.

The school has highly effective practices in the integration of newly arrived pupils with no English into the school and this has had a very positive impact on pupil wellbeing and progress. The close working with local authority ethnic minority service provides excellent support for all pupils and their families, enabling them to access all areas of the curriculum as well as supporting one another in learning.

The school has highly effective partnerships with the local authority, particularly in relation to the support from specialist services. A notable feature is the close partnership working with the ethnic minority education service.

### **Cardiff City Council, January 2011**

The performance of minority ethnic learners is improving and the gap in performance between them and white UK learners is narrowing. The percentage of ethnic minority learners achieving the level 2 threshold (equivalent to 5 GCSEs at grade A\* to C) has increased and the gap in attainment between them and white UK learners has reduced considerably. The authority's Ethnic Minority Achievement Service provides good support to learners whose first language is not English or Welsh.

### **St Mary's R.C. Primary School, Cardiff September 2015**

Pupils from an ethnic minority background and those who have English as an additional language make good progress by the end of the Foundation Phase, and most perform at the expected level or above by the end of key stage 2.

There are good links with a range of specialist agencies, and support services such as the sensory impairment, speech and language therapy

service and the ethnic minority achievement service support pupils' specific needs well.

#### **Greenway Primary School, Cardiff July 2016**

The school's current performance is good because most pupils make expected or better progress as they move through the school, including those with English as an additional language. Pupils from Gypsy Traveller families who attend well make good progress.

The school's partnership with Gypsy Traveller families is excellent and has a positive impact on their children's attendance and achievement.

### **Swansea City Council**

#### **Plasmarl Primary School, Swansea October 2015**

The school has good links with a range of outside agencies. For example, staff work closely with the educational psychologist and ethnic minority language acquisition service to support pupils' particular needs.

#### **St Helen's Primary School, Swansea February 2016**

All staff support pupils with English as an additional language exceptionally well. The highly effective arrangements between the school and the Ethnic Minority and Achievement Unit ensure that all identified pupils make at least good but often excellent progress, especially in their oracy and writing skills

### **The effectiveness of other Welsh Government policies and strategies for supporting the education of Gypsy, Roma and Traveller, and Minority Ethnic children**

In addition to the inspection of individual providers, Estyn publishes thematic reports requested by the Minister in annual 'remit' letter to Estyn. In recent years, Estyn has published several reports relating to the education of Gypsy, Roma and Traveller, and Minority Ethnic learners.

In 2011, Estyn published a thematic report on '**The education of Gypsy Traveller pupils: An update on provision in secondary schools**'

<https://www.estyn.gov.wales/sites/default/files/documents/The%20education%20of%20Gypsy%20Traveller%20pupils%3A%20%20An%20update%20on%20provision%20in%20secondary%20schools%20-%20June%202011.pdf>

The report updated the 2005 Estyn report, ‘**The Education of Gypsy Traveller Learners**’. Only modest progress had been made between 2005 and 2011. Estyn recently completed inspections of all four Regional Consortia in Wales and in each case was critical of the consortium’s ability to use pupil-level data to identify strengths and areas for improvement, in particular for groups of vulnerable pupils.

**The report’s main findings are outlined below:**

1. Despite the best efforts of a few local authorities and secondary schools, much remains to be done to ensure improved outcomes for Gypsy Traveller pupils. Only one of the five recommendations made in the 2005 Estyn report on ‘The Education of Gypsy Traveller Learners’ has been addressed.
2. The most important factors in improving Gypsy Traveller pupils’ outcomes are improving pupils’ attendance and their attitudes towards school. Improving low attendance rates and the resulting low achievement of Gypsy Traveller pupils is a challenge for traveller education staff as it involves changing well-established attitudes in the Gypsy Traveller community and in secondary schools.
3. The Welsh Assembly Government’s All-Wales Co-ordinators Group for Gypsy and Traveller Education was set up to enable staff to discuss common issues and share best practice across the 22 Welsh local authorities. There is now a forum for sharing best practice in Gypsy Traveller education. However, as yet, the work of this group has not impacted widely on policy and practice in many secondary schools.
4. Provision for Gypsy Traveller pupils varies across authorities. Most local authorities provide only mainstream secondary education placements, but in a few authorities Gypsy Traveller pupils are inappropriately taught in separate discrete units for their entire secondary education.

5. Most traveller education staff provide high-quality support for schools. They also provide important support for parents of Gypsy Traveller pupils and often the wider Gypsy Traveller community. In a few local authorities, traveller education staff work closely with education welfare officers to improve the attendance of Gypsy Traveller pupils. They make joint visits to Gypsy Traveller sites to establish the whereabouts of pupils. In a few cases, these actions are beginning to improve the attendance rates of Gypsy Traveller pupils.
6. Despite this support, the overall attendance rates of secondary school age Gypsy Traveller pupils are still too low. Many Gypsy Traveller pupils still have levels of attendance that fall below the Welsh Assembly Government's minimum target for this pupil group of 50% attendance a year. In several local authorities, Gypsy Traveller families are not prosecuted for attendance below this level. This would be counter-productive as there is little evidence to show that prosecution improves the attendance of Gypsy Traveller pupils.
7. In a very few schools, an ethos of inclusion is embedded in all aspects of school life, and there are comprehensive policies that cater appropriately to the needs of Gypsy Traveller pupils. However, overall, few secondary schools have policies or practices that specifically address the needs of Gypsy Traveller pupils or encourage a positive attitude towards school, even in schools with large numbers of these pupils. Most schools treat Gypsy Traveller pupils the same as other pupils, instead of according to their particular needs. Few secondary schools actively promote Gypsy Traveller culture as part of the curriculum. Very few schools make additional arrangements to avoid excluding Gypsy Traveller pupils on a temporary or permanent basis. Few schools provide homework for pupils when they are travelling, to support continuity in their education. Only a few schools have suitable mechanisms in place to gauge the views of Gypsy Traveller pupils and this group of pupils is rarely represented on school councils. Few local authorities offer extra support when Gypsy Traveller pupils are moving from primary to secondary schools.
8. The data that the Welsh Assembly Government collects on the numbers of Gypsy Traveller pupils is not always accurate and this can lead to inequalities in the allocation of grant funding. Many local authorities also

collect data on the achievement and attainment of Gypsy Traveller pupils. However, very few use this local data well to target support where it is most needed.

9. Most local authorities use aspects of the Welsh Assembly Government circular 'Moving Forward - Gypsy Traveller Education' to inform their policy and to enhance their provision for Gypsy Traveller pupils. However, although the circular contains much helpful advice, its overall impact in most schools has been limited. The best practice is in Wrexham, Cardiff and Newport where initiatives such as joint working with youth services and events to raise awareness of Gypsy Traveller culture are impacting positively on the achievement and wellbeing of Gypsy Traveller pupils.

**The recommendations of the report were as follows:**

**Local authorities and schools should:**

**R1** continue to find ways to improve the attendance rates of Gypsy Traveller children at secondary schools\*;

**R2** ensure that all schools have policies that address the specific needs of Gypsy Traveller pupils\*;

**R3** ensure that the curriculum promotes the positive aspects of Gypsy Traveller culture, particularly in schools where this group of pupils is on roll\*;

**R4** improve the use of attendance, exclusions and attainment data to evaluate the impact of support for Gypsy Traveller pupils; and

**R5** ensure that any discrete provision for Gypsy Traveller pupils is only a short-term arrangement prior to full integration into mainstream secondary schools.

**The Welsh Assembly Government should:**

**R1** ensure that the data collected on Gypsy Traveller pupils from information supplied by designated local authority support staff is accurate and consistent\*;

**R2** consider ways in which funding can be allocated so that it places greater emphasis on the needs of secondary age pupils\*; and

**R3** provide guidelines on prosecution in cases where Gypsy Traveller pupil attendance falls to under 200 sessions a year, to ensure a consistent approach across Wales.

\*Recommendation in the 2005 Estyn report

In 2014, Estyn published a report called **‘Action on Bullying – A review of the effectiveness of action taken by schools to address bullying on the grounds of pupils’ protected characteristics’**.

<https://www.estyn.gov.wales/sites/default/files/documents/Action%20on%20bullying%20-%20June%202014.pdf>

**The report’s main findings are outlined below:**

### **Pupils’ experiences of bullying**

- 1 Too many pupils suffer from bullying at some point during their time in school. The effects of being bullied can be short or long-term, psychological or social, and often result in underachievement or attendance problems. Certain groups of pupils are at a higher-than-average risk of being bullied, including:
  - pupils with special needs or a disability;
  - lesbian, gay, bisexual and transgender pupils; and
  - pupils from a minority ethnic or religious background.
- 2 Pupils’ experiences of bullying and the ways in which schools deal with it vary widely. In many secondary schools, how well staff deal with bullying may also vary within a school. In these secondary schools, staff lack a clear

understanding of what constitutes a ‘reportable incident’ of bullying, because the school does not have an agreed definition of bullying that is clearly understood by the school community as a whole. Even in schools that have robust strategies to address bullying, there is often not a common understanding of the importance of the protected characteristics or their legal implications.

### **Ethos and values**

- 3 Pupils report lower instances of bullying, both generally and on the grounds of the protected characteristics, in schools where there is a strong ethos that promotes equality and diversity. However, too few schools establish a positive basis for dealing with bullying by helping pupils to understand their rights and using the United Nations Convention on the Rights of the Child. The schools where leaders do use the convention to establish an ethos in which children understand that they have and can exercise a right to be safe often achieve success in countering the effects and incidence of bullying. Case studies of such schools are quoted in chapter 2 of this report.
- 4 There is a close link between how pupils treat one another and how well leaders communicate expectations about pupil behaviour. The best schools take a proactive approach to preventing bullying and to mitigating its effects when it occurs. For example, they make sure that there is effective supervision between lessons, at breaks and lunchtimes, when bullying is more likely to occur, and provide safe places for vulnerable groups during these times. They provide counselling services and use external agencies to support pupils who experience bullying.

### **Consulting pupils**

- 5 Very few schools consult with groups of pupils to gain a true picture of the extent and nature of bullying at the school. The best schools use a range of methods to collect the views of pupils, parents or carers, and staff about bullying.

### **Verbal bullying**

- 6 In a minority of primary schools, staff do not have a clear picture of the extent of verbal bullying that takes place or the sort of language that is used routinely as a form of insult. In a minority of secondary schools, staff do not treat remarks that can cause offence seriously enough but treat it as normal ‘banter’.

### **Keeping records**

- 7 Most schools in the survey keep records of behavioural incidents and a minority keep a specific record of bullying incidents. Very few primary schools categorise incidents according to the protected characteristics. As a result, they do not have a clear picture of patterns of behaviour over time that they can use to inform anti-bullying planning.

### **Supporting pupils**

- 8 Most pupils know whom to tell if they witness or experience bullying. The best schools display details of where help is available, and provide details of local and national helplines. These schools provide opportunities for pupils to support each other, for example through buddy systems. Overall, most primary school pupils are confident that the school will deal with their issues effectively. However, as pupils get older, they become less confident that the school will be able to resolve bullying issues.
- 9 Most schools hold an ‘anti-bullying week’ annually that normally includes issues related to the protected characteristics. These weeks usually focus on developing pupils’ personal, social and emotional skills, including greater resilience in dealing with bullying. However, developing resilience is less well planned for in the school curriculum generally. In many schools, the curriculum celebrates individual differences, but often shies away from the aspects that staff feel less confident in discussing, such as homophobia and gender reassignment. A minority of schools are anxious about highlighting diversity issues and see this as potentially contentious. This attitude means that a minority of schools only tackle issues as they arise, rather than building them into the curriculum proactively.

### **Cyberbullying**

- 10 In most secondary schools, pupils and staff are concerned about the rise in cyberbullying, particularly in relation to the protected characteristics. Cyberbullying has created new forms of bullying that are unfamiliar to some staff. In the best practice, staff keep up-to-date with the technologies that pupils use and understand their potential for misuse inside and outside school.

### **Policies, plans and procedures**

- 11 Many school strategic equality plans do not pay enough attention to the full range of protected characteristics. The Equality Act 2010 has resulted in some confusion, particularly in primary schools, between a disability equality plan and a strategic equality plan, and actions relating to the protected characteristics may appear in neither. Of the schools in the survey, only a few identify 'reducing bullying on the grounds of protected characteristics' as one of their equality objectives. Even these schools do not refer to specifics, such as how they plan to tackle bullying on the grounds of race or address issues of homophobic bullying.
- 12 Many schools have separate behaviour and anti-bullying policies. In the best examples, these policies are well understood and set out the school's expectations about how members of the school community should treat each other. A few schools have combined these policies into a single document. These schools see bullying within a continuum of behaviour and tend to deal with it more successfully.
- 13 In drawing up strategic equality plans, schools are required to consult widely with the community and with groups representing protected characteristics. Many schools consult pupils, parents and staff, but few ask the views of groups linked to the protected characteristics.
- 14 In many schools, governing bodies review progress towards meeting the strategic equality plan annually. However, the quality of this monitoring and the information provided to governors varies too much and is generally unsatisfactory.

- 15 Local authorities provided schools with support when drawing up strategic equality plans. Not all local authorities and regional consortia provide schools with ongoing support and advice through monitoring the appropriateness of schools' strategic objectives or the progress towards meeting them well enough. Many do not provide governors with effective training that enable them to fulfil their statutory responsibilities to monitor strategic equality plans and objectives.
- 16 In a few clusters, schools collaborate to identify possible issues in relation to the protected characteristics when preparing strategic equality plans. These clusters share useful information and expertise in combatting discrimination and bullying. However, there are very few cases where feeder and receiving schools work towards joint strategic equality objectives.

#### **Staff development and attitudes**

- 17 Many schools train staff on bullying, although the training tends to be general and does not relate specifically to the protected characteristics. Where staff receive specific training, they find this useful. Schools report an absence of high-quality face-to-face training, especially related to transgender issues. Many schools are unaware of the Welsh Government's useful guidance 'Respecting Others'.

#### **The recommendations of the report were as follows:**

##### **Schools should:**

- R1 raise awareness of bullying on the grounds of protected characteristics with pupils, parents, staff, and governors and take a more proactive approach to preventing and mitigating its effects (see Appendix 3 for a checklist);
- R2 consult pupils, parents, and others, to identify the extent and nature of bullying in the school and to agree the contents of strategic equality plans;

- R3 plan age-appropriate opportunities in the curriculum to discuss issues related to the protected characteristics and to build pupils' resilience to bullying;
- R4 ensure staff have a clear understanding of the extent and nature of bullying that may take place in school, including cyberbullying,
- R5 make sure that staff know how to deal with and record incidents of bullying;
- R6 record and monitor incidents of bullying in relation to the protected characteristics and use this information to review strategic equality objectives; and
- R7 make sure all policies and procedures meet the requirements of the Equality Act 2010.

**Local authorities and regional consortia should:**

- R8 provide training and support for school staff to improve their understanding of the Equality Act 2010 and its implications;
- R9 provide training and support for school governors to enable them to fulfil their statutory responsibilities to monitor strategic equality plans and objectives; and
- R10 monitor the quality and effectiveness of schools' strategic equality plans more closely.

**The Welsh Government should:**

- R11 publicise the 'Respecting Others' guidance.

Estyn has published two thematic reports recently on the barriers that prevent learners from black and minority ethnic communities, and those with disabilities, from engaging in apprenticeship programmes.

## **Barriers to apprenticeship – November 2014**

<https://www.estyn.gov.wales/sites/default/files/documents/Barriers%20to%20apprenticeship%20-%20November%202014.pdf>

## **Breaking down barriers to apprenticeship – October 2015**

<https://www.estyn.gov.wales/sites/default/files/documents/Breaking%20down%20barriers%20to%20apprenticeship.pdf>

The first report identifies the barriers, which include:

- lack of awareness of apprenticeships by parents, employers and learners themselves
- few apprenticeship role models from the BME communities or from disabled groups
- difficulties in finding suitable work placements, especially where employers believe there will be a need to provide additional support for learners
- real or perceived discrimination
- language difficulties for students for whom English is an additional language and cultural differences
- available support for learners not being accessed or fully utilised
- parental anxiety that the young people may not be able to cope
- insufficient co-ordination between schools, employers, work-based learning (WBL) providers and local community organisations to promote apprenticeships

The report also identified that, although the majority of providers have good arrangements to ensure compliance with the Equality Act 2010, they are unable to show that this translates into measurable improvement in reducing barriers or stereotyping.

The second report builds on the work undertaken in the first report. It identifies examples of good practice in promoting diversity in apprenticeships, with a focus on young people from BME communities and young people with disabilities, as well as identifying good practice examples of joint working between providers, employers and communities to achieve diversity in apprenticeships.

Other relevant thematic reports include:

**How effective is provision for learners aged 16 to 19 years with language acquisition needs? – July 2009**

<https://www.estyn.gov.wales/sites/default/files/documents/How%20effective%20is%20provision%20for%20learners%20aged%2016%20to%2019%20years%20with%20language%20acquisition%20needs%3F%20-%20July%202009.pdf>

**Effective practice in tackling poverty and disadvantage in schools – November 2012**

<https://www.estyn.gov.wales/sites/default/files/documents/Effective%20practice%20in%20tackling%20poverty%20and%20disadvantage%20in%20schools%20-%20November%202012.pdf>

**Attendance in secondary schools – September 2014**

<https://www.estyn.gov.wales/sites/default/files/documents/Attendance%20in%20secondary%20schools%20-%20September%202014.pdf>

**Any key issues arising from amalgamating the other previously separate grants into the Education Improvement Grant.**

Although not specifically relating to grant funding, Estyn also identifies and publishes relevant good practice case studies, for example:

**Bishop Gore Comprehensive** school's commitment to supporting disadvantaged learners has made a significant impact on achievement, exclusion rates, understanding and tolerance. A close partnership with the local Ethnic Youth Support team has also helped to build strong community ties.

<https://www.estyn.gov.wales/best-practice/community-partnership-supports-disadvantaged-learners>

Through a combination of after-school classes for pupils and wider family engagement, staff at **St Helen's Primary School** have reduced pupil absence and created an inclusive learning environment.

<https://www.estyn.gov.wales/best-practice/engaging-parents-improve-pupil-attendance-0>

Pupils at **Mount Street Infants School**, Powys, come from a variety of ethnic groups, the largest of which is Nepalese. The school has worked hard to support the diverse needs of all learners, including creating a Hindu temple, appointing Nepali speaking staff and developing the outside learning environment for creative activities such as survival skills.

<https://www.estyn.gov.wales/best-practice/supporting-needs-diverse-school-population>

# Agenda Item 3

Cynulliad Cenedlaethol Cymru | National Assembly for Wales

Y Pwyllgor Plant, Pobl Ifanc ac Addysg | Children, Young People and Education Committee

CYPE(5)-13-16 – Papur | Paper 3

Ymateb gan : Dr Jonathan Brentnall

Response from : Dr Jonathan Brentnall

## INTRODUCTION

### Challenges facing pupils of minority ethnic backgrounds

Many minority ethnicity children and young people (CYP) in Wales face challenges, ranging from high levels of social disadvantage, to frequent experience of racism, to having to adapt to an unfamiliar country and culture knowing little or nothing of the languages of Wales. Yet, many of these CYP are resilient, rise to the challenges and, in time, manage to achieve well in school. Those who are welcomed, whose identities are positively acknowledged and who are given appropriately tailored educational support for language development and learning can go on to succeed.

### Long-term gains

The kinds of support and differentiated teaching provision offered by local authority specialists and school staff to such learners yield gains over the long-term. Helping an EAL/WAL learner to develop a new language, or building the trust of a Traveller family to improve their children's school attendance, can take a long time and the educational outcomes of such support may only be seen several years later. Since at least 1992, discretely funded, targeted support has been provided for minority ethnic learners in schools across Wales, with teams of teachers becoming more widespread and better qualified as time has gone on. Concurrent with this provision, the attainment percentages of most minority ethnicity groupings have progressively increased and, in some cases, overtaken the percentages for the majority White British pupil population. Although improving, the figures for some Black, Mixed White and Black, Gypsy, Roma and Traveller ethnicities have not shown such consistent increase and this needs to be addressed with greater focus. (See: <http://learning.gov.wales/docs/learningwales/publications/121119ethnicminoritypupilsen.pdf> and <http://gov.wales/statistics-and-research/academic-achievement-pupil-characteristics/?tab=previous&lang=en>)

Current high attainment figures highlight the success of past support provided by sustained dedicated funding and specialist interventions. The outcomes for CYP who are no longer receiving such support as a result of the recent changes in policy and funding are likely to become evident in coming years.

### Demographic changes

The demographic profile of Wales' pupil population is continuously changing. Recently, an increase in numbers of CYP coming directly from EU nations, many of whom arrive with little or no English, has changed the profile of the *Any Other White Background* grouping, with attainment percentages dropping, indicating a clear need for continued support. Roma from Eastern Europe and refugee and asylum seeker children from places like Iraq, Afghanistan and Syria have also increased, some coming with considerable personal, social, educational and linguistic needs. The education system needs a body of specialist expertise and flexibility in its allocation to adapt to such changing circumstances and meet these learners' needs.

## **Policy and funding changes**

At a time when numbers and needs have been increasing, funding and targeted provision for these groupings of learners has been systematically reduced, removed or generalised within broad initiatives for 'all learners', with a reduction in accountability for targeted spending and interventions. The 2014 policy on Minority Ethnic Achievement in Education in Wales indicated a need for capacity-building, yet many of the specialist teams tasked with delivering this have been reduced, with more funding delegated to schools.

## **EVIDENCE**

Most of the following evidence has been collated through analysis of Welsh Government data, correspondence with Welsh Government and Local Authority officials and from Freedom of Information requests made to all 22 Local Authorities (LAs) in Wales in 2015, to identify some of the short-term impacts of the recent changes in policy and funding for minority ethnic achievement and Gypsy, Roma and Traveller education. Greater detail including charts illustrating the statistics, further analyses of data pertaining to poverty and attainment and copies of documentation are available but have been omitted for brevity.

## **FOI update 2016**

Another FOI request was made on 17<sup>th</sup> October 2016 to update information for 2015/16 and 2016/17 but several returns from LAs have not been received by the required deadline or have been returned incomplete, so an accurate picture for this year is not possible to provide. Provisional indications from the incomplete 2016 FOI returns suggest that:

- Consortia and individual local authorities are making very different choices about these areas of provision, with some maintaining levels of funding and support and others making considerable cuts or changes;
- aggregated across Wales, there has been a further reduction of over £0.5m directed to minority ethnic and Gypsy Traveller education from within EIG and additional local authority funds;
- approximately £0.5m more of the allocated funding has been devolved to schools, away from specialist central services;
- the number of 'eligible' pupils has increased by several hundred in the past year;
- there has been a further reduction in specialist staff numbers employed in these areas of work.

## **Teacher Training**

A GTCW survey of NQTs in 2012 found that coverage of EAL was the least satisfactory element of their ITT courses and a 2015 British Council report on EAL in Initial Teacher Training in Wales (<https://eal.britishcouncil.org/information/eal-and-initial-teacher-education-wales>) found that substantial percentages of qualifying trainees felt inadequately prepared to meet EAL pupils' needs. The report also found that preparation for the relevant QTS standards was very inconsistent between courses. With the increased focus on schools and class teachers taking on the full responsibility of meeting the needs of minority ethnic and EAL/WAL learners, with far fewer centralised specialist support workers, this weakness is of particular concern.

All teachers should be adequately trained and equipped to inclusively meet the needs of all learners in their schools and they should take on full responsibility for the teaching and learning of minority ethnic, Roma, Gypsy, Traveller and EAL/WAL pupils. However, it can sometimes be difficult to meet every child's needs without additional support, some pupils' needs extend beyond the classroom and partnerships are often required to ensure high quality provision and raise skill levels. The capacity and skillset of the current

teacher workforce needs to be considerably developed before Wales is in a position to do away with its trained specialists in fields of work that are both important and very sensitive, and to delegate funding to schools without close accountability. The need for greater capacity-building and mainstreaming was highlighted in the 2014 Policy statement on Minority Ethnic Achievement in Education in Wales.

## KEY POINTS

- 50 years of dedicated government funding to support the language development and achievement of minority ethnic pupils in schools has been brought to an end by the Labour-led Welsh Government, following Conservative-led Coalition policy changes in England in 2010, which are now being called into question by its own MPs.
- 40 years of dedicated government funding for Traveller Education has been brought to an end, also following policy in England.
- Both the Minority Ethnic Achievement Grant (MEAG) and Gypsy Traveller Education Grant (GT Grant) were used primarily to employ frontline members of specialist staff working directly with pupils of minority ethnic and GRT backgrounds, who were in need of targeted support, and their families.
- In 2012, a Review of MEAG was commissioned by the Welsh Government (<http://dera.ioe.ac.uk/1877/1/110112meagfinalen.pdf>) and the consultation responses detailed in the appendices indicated overwhelming support for retention and increase of the grant with greater security of long-term funding with ring-fenced protection and tighter Terms and Conditions. There were some criticisms and suggested improvements, with a lack of consensus about the benefits of delegating some funding to schools but nothing in the review indicated that the MEAG should or would be done away with.
- Beginning with a 4.76% cut to the MEAG at the start of 2014/15, followed by additional in-year cuts of up to 15% and then the amalgamation of both the MEAG and GT grants with nine other education grant schemes to form the new general Education Improvement Grant for 2015/16, without ring-fenced areas of provision, the amount of funding made available to provide for pupils of these backgrounds was systematically reduced. The decision about how much of the EIG to allocate was devolved to Consortia and LAs. This EIG arrangement has continued into 2016/17.
- Between 2013/14 and 2015/16, the Welsh Government's funding for Minority Ethnic Achievement was reduced by -24.7% and funding for Gypsy Traveller Education provision was reduced by -7%; a combined reduction of £2.67m from £11.6m to £8.93m (-23%). This amount was the final combined contribution of these two grants to the EIG for 2015/16.
- According to figures provided by WG and LAs under FOI, between 2009/10 and 2015/16, minority ethnic and GRT pupil numbers increased by approximately 50%.
- The increase in pupil numbers, combined with the funding cuts, means that between 2009/10 and 2015/16 there was an effective reduction in the WG's average per pupil funding of -42.7% (or -47.7% if using the LA FOI figure for the end of 2014/15) for eligible minority ethnic pupils and -24.3% for GRT pupils. Between 2013/14 and 2015/16 alone, the effective reductions were -27.4% for minority ethnic pupils and -21.2% for GRT pupils.
- To ameliorate the severity of the WG's funding reductions on levels of provision, LAs increased the amount of additional funding drawn from other sources, or committed from within their EIG allocations, from £1.86m in 2013/14 to £2.95m in 2015/16. However, this still resulted in an overall reduction in total funding dedicated to these areas of £1.48m or -11.1%. Provisional figures for 2016/17 suggest that several LAs have further reduced EIG allocations or additional contributions for these areas of provision.

- LA's have historically contributed varying amounts of additional funding to support provision in these areas but the removal of ring-fencing means allocations are no longer protected to any extent. Figures from the 2015 FOI responses show that within the period from 2013/14 to 2015/16, the per pupil allocation for minority ethnic achievement decreased in 20 of the 22 LAs, and the per pupil allocation for GT education decreased in 13 of the 18 LAs who had been in receipt of GT Grant funding in 2013/14. Not only that, but the range of variation between LAs' per pupil allocations increased. This variation means there is an even greater post-code lottery in which a minority ethnic, EAL/WAL, Gypsy, Roma or Traveller pupil gets significantly more or less funding per head, depending on which authority they are in. This contrasts markedly with the single per head amount for eFSM pupils allocated through the PDG.
- In Autumn 2014, the Welsh Government had recommended that at least 80% of the EIG funding should be devolved directly to schools. This would have completely decimated specialist services but, following intervention by ADEW and the WLGA, this recommendation was relaxed, allowing individual Consortia and LAs to decide how much to delegate. Despite the initial expressions of concern, the amount of money directed to support EMA and GT education provision that was devolved to schools increased by 571% from £349,795 to £2,347,443, between 2013/14 and 2015/16. For 2016/2017, provisional figures from FOI suggest this is now closer to £3m.
- By the end of August 2015, the impact of these policy changes and funding reductions had resulted in a combined reduction of FTE specialist EMA and GT staff of -17.7%.
- The reduction in White British/Welsh majority ethnicity staff was -16.2% and the reduction in Black, Asian, Minority Ethnic/Gypsy Traveller ethnicity staff was -21.8%. As these specialist services employ a sizeable proportion of the BAME and GT staff members working in education in Wales, there has been a disproportionate impact on minority ethnic workers within these services and consequently in the education workforce as a whole.
- The ratio of FTE specialist teaching staff to minority ethnic pupils went from 1:109 in 2013/14 to 1:161 at the end of the 2014/15 academic year. For EAL pupils at Stages A-C (those in most need of additional specialist input) the ratio went from 1:58 to 1:76. The 2016 FOI figures suggest this ratio is now even wider. Bearing in mind that the 21,377 (in 2015) EAL Stage A-C pupils are distributed widely across a large number of schools, provision of effective individualised support has become much more difficult.
- From 2013/14 to 2015/16, the ratio of FTE specialist GRT staff to GRT pupils went from 1:36 to 1:40. (Based on the GT Grant application figures which include GT children and young people who are in need of support but NOT registered in schools, the ratio went from 1:44 to 1:59.) When we consider that a class teacher to pupil ratio of 1:30 would be considered barely acceptable in a school, such a ratio is particularly unsatisfactory for pupils who are spread over a number of schools and sites, who may move between schools and between LAs, who may need to be supported out of school, and who are likely to have considerable educational, socio-economic and sometimes linguistic needs.
- During this time period from 2013/14 to 2016/17, when austerity has compelled the Welsh Government to make some difficult financial decisions and reductions in many areas, it has sought to preserve levels of funding for frontline school budgets to the benefit of all children and young people. However, the cuts made to targeted, frontline support for minority ethnic, EAL/WAL and GRT pupils, in particular, have been disproportionately high

by comparison. Combined with the impact on BAME staffing, there may be a case to make for breach of Equality legislation and potential racial discrimination.

## Equality compliance

- Despite its many commitments and obligations under the Equality Act 2010 (Statutory Duties) Wales Regulations 2011, the Welsh Government did not carry out Equality Impact Assessments of the decisions to make in-year cuts to the MEAG in 2014/15 or to terminate the MEAG and GT grant schemes by incorporating them in the EIG until months after the decisions had been made (the specific EIAs are dated April 2015, published on web as 19/05/15, although they confusingly include reference to two other dates, June 2014 for the in-year cuts and August 2014 for the two EIG EIAs). Several requests were made for the EIAs during 2014 and 2015 but they were not forthcoming in any form until April/May 2015).
- However, the Integrated Strategic Impact Assessment carried out for the Supplementary Budget in 2014, identified that the incorporation of the MEAG and GT Grants in the EIG and the accompanying reductions in funding: "... could reduce the positive impact on the protected characteristic of race".

*"9.4 The grant for the education of Traveller's children and the minority ethnic achievement grant will merge together and then into the larger grant for school improvement. There will be a decrease to the overall quantum of funding in this area, this could reduce the positive impact on the protected characteristic of race and those below 16..."* (pages 20, 21 <http://wales.gov.uk/funding/budget/draft-budget-2015-16/?lang=en>)

Despite the acknowledgement that the decrease in the quantum of funding 'could reduce the positive impact' (rather than 'could have a negative impact'), no consultation or search for evidence to assess the potential 'reduction in positive impact' was initiated. The inability to foresee that making these changes would result in a substantial (-17.7%) reduction in staffing from an area of specialist education provision for pupils with significant needs is quite astonishing.

- The individual EIA for the 2014/15 in-year cuts, even though it was written retrospectively, omitted any reference to the changes taking place relating to the EIG and was written as if the MEAG were continuing as a dedicated grant e.g.

*"The MEAG supports children from ethnic minority backgrounds to acquire the language skills in English/Welsh to improve their chance of equality of opportunity in their school careers, and beyond, so that they will be able to reach their full potential.*

*The grant continues to represent significant Welsh Government funding in 2014-15 and reflects the Welsh Government's commitment to equal opportunity for this learner group.*

*Local authorities are able to supplement this funding with additional resource from RSG. This reflects the Welsh Government's commitment to equal opportunity for this learner group.*

*Local Authorities and Regional Education Consortia are being tasked with redesigning service provision to be more focussed, better targeted and more outcomes focussed. In this way children with EAL (and WAL) will continue to have their needs met and the support they need to overcome barriers to learning associated with ethnic minority background through school improvement policy and practice.”*

(page 13 - 150519-in-year-changes-to-the-minority-ethnic-achievement-grant-2014-15-en)

- The EIAs for both the MEAG in-year funding reductions and the incorporation of the MEAG and GT Grant in the EIG, whilst acknowledging ‘potential’ for negative impact, concluded that the likely impact was None/Negligible in respect of all protected equality characteristics including race, religion and belief or non-belief.

*“The primary aim of the MEAG was to support children from minority ethnic backgrounds and there is the potential for a change in the funding arrangements to have a negative impact on services delivered by the local authority.*

*However the impact should be negligible as these learners should continue to be supported through the new grant arrangements”* (page 10 - 150519-incorporation-of-the-minority-ethnic-achievement-grant-in-the-education-improvement-grant-2015-16-en)

*“Gypsies and Travellers are recognised ethnic groups and depending on the priorities of local authorities there is the potential for a negative impact on the race strand. However, the impact should be negligible as these learners should continue to be supported through the new grant arrangements.”* (page 9 - 150519-incorporation-of-the-specific-grant-for-the-education-of-gypsy-and-traveller-children-in-the-education-improvement-grant-2015-16-en)

- Large portions of the text from the EIA for the MEAG in-year cuts were copied into the EIA produced for ‘incorporation in the EIG’, some sections with no modification, adding weight to the idea that the EIAs were treated in a cursory, tokenistic manner e.g. the following were copied directly without recognition that the second EIA concerned the termination of the MEAG with the reduced funding amount being transferred to a non-ring-fenced grant:

*“MEAG funding supports Articles 28, 29 & 30 of the UNCRC”* (page13)

*“The grant funding is delivered to support the education of this cohort of children, and is not to specifically designed to eliminate unlawful discrimination or harassment.”* (page 16 - 150519-incorporation-of-the-minority-ethnic-achievement-grant-in-the-education-improvement-grant-2015-16-en)

Some sections do not directly answer the questions asked in the EIA template.

- There was little consideration of hard data, and what was cited illustrates the success of provision under the MEAG, rather than indicating a need for change. Criticism was levelled at provision for Gypsy and Traveller pupils, suggesting insufficient improvement but the claim that a different approach is required ‘based on the evidence’ is not supported by any evidence to indicate that the proposed changes will improve performance.

*“Despite the resources directed at the educational achievement of gypsy and traveller children, the rate of progress for some has not demonstrated sufficient improvement.*

*The Welsh Government believes that based on the evidence a different approach is required and that local authorities need to take greater responsibility for improving the life chances for certain cohorts of these children, supported by a robust delivery framework. Within the new funding regime, local authorities will decide the level of financial investment they wish to make in this area from the Education Improvement Grant and explore other means of ensuring that their needs are met.”*  
(pages 4 and 5 - 150519-incorporation-of-the-specific-grant-for-the-education-of-gypsy-and-traveller-children-in-the-education-improvement-grant-2015-16-en)

In the Rewriting the Future programme (2014: 12) for tackling the link between poverty and educational disadvantage, the Welsh Government used comparative data for England to highlight how much Wales needs to improve in that area. Comparison of 2014 attainment figures for Gypsy/Roma pupils in England and Wales shows that more pupils of these backgrounds in Wales are succeeding, with 23.4% gaining the Level 2 Threshold and 12.5% gaining the Level 2 Threshold inclusive, compared to England’s figure of only 11.6% attaining 5 A\*-C GCSEs. (Wales figures for Travellers are not disclosed). On this evidence, there is a case to maintain and perhaps expand provision as it is.

(<http://gov.wales/docs/statistics/2015/150331-academic-achievement-pupil-characteristics-2014.pdf> <https://www.gov.uk/government/statistics/gcse-and-equivalent-attainment-by-pupil-characteristics-2014>).

- No formal consultations were carried out with the key stakeholders: pupils and their parents, over the changes and potential reductions in specialist support for pupils.
- In the EIAs, two meetings were misleadingly cited as being a part of the formal EIA consultation process; one from 12 November 2014 with the MEALA group and GT Forum LA representatives, and another from 21 January 2015, which was an annual scheduled meeting between the Minister for Education and EALAW (the professional association for EAL/WAL in Wales). The record of the November workshop, which was not for ‘evaluating potential equality impact’ but for ‘managing transition to the EIG’, shows that the delegates who were present expressed ‘considerable disquiet’ about the funding cuts and proposed changes they were presented with. Whilst they identified some potential positives of more collaborative working at Consortium level, they were deeply concerned about many of the implications and the impact they would have on pupil support and staffing. These concerns were not included in the EIAs as potential impacts, despite this being a requirement of the EIA review process. Nor do they appear to have been heeded, as no changes were made to the funding and policy decisions.
- Page 24 of the Annual Report on Equality 2014-2015  
(<http://gov.wales/docs/dsjlg/publications/equality/151123-annual-report-2014-2015-en.pdf>) states:

***“Equality Impact Assessments***

*The Welsh Government, as with other devolved public bodies covered by the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011, is required to carry out Equality Impact*

*Assessments in respect of protected groups, across its proposed policies and practices, those it has decided to review, and the changes it proposes to make.”*

Pages 25 and 26 outline the need for filling evidence gaps, development of action plans and future reviews. There appears to be little evidence that these commitments were acted upon in respect of the MEAG and GT grants. On page 38, both grants are discussed in the present tense, as if still extant and continuing, but at the bottom of the page, the last three lines mention:

*“In the draft Budget statement in September 2014, a new single grant funding stream, the Education Improvement Grant, was announced for introduction in 2015-2016. This new funding stream will draw together separate grant arrangements, including those for minority ethnic and Gypsy and Traveller attainment.”* (page 38 of the Annual Report on Equality 2014-2015 <http://gov.wales/docs/dsjlg/publications/equality/151123-annual-report-2014-2015-en.pdf>)

This is the only comment included in the report on the MEAG and GT Grant funding cuts and their incorporation within the EIG.

- The Equality Impact Assessment for the Rewriting the Future Programme also includes some potentially misleading comments, which have been cited as arguments to support the decision to terminate the MEAG and GT education grants (<http://gov.wales/docs//equality-impact-assessments/141106e-EIA-Rewriting-the-Future-Programme.pdf>):

*“The proportion of pupils eligible for free school meals varies by ethnic group<sup>3</sup>. Compared to the average, high proportions of Gypsies and Traveller pupils are eFSM. There are also higher than average proportions of Black African, Black Caribbean, White and Black African, White and Black Caribbean, Pakistani, and Bangladeshi pupils. The percentage of Indian and Chinese pupils who are eligible for FSM is below the average for all pupils.”*

*“The programme should produce a positive impact that will be felt disproportionately by groups with high proportions of eFSM pupils. Those pupils coming from families where English is not the first language at home should also benefit from the English for Speakers of Other Languages (ESOL) provision.”*

*“There are no aspects of the Programme which involve the redirection of resources away from particular ethnic groups.”* (p9, 10)

- Firstly, if a grouping of learners experiences disadvantage that is *disproportionate* by comparison to other groupings, then action taken to address that inequality is *proportionate* to the disadvantage – the grouping as a whole will not benefit from a disproportionately positive impact but only a proportionate one that attempts to bring about greater equality.
- Secondly, a proportion of the GRT pupils who have benefited from the GT Education Grant-funded support of GRT specialists are not on school rolls, and others move from one school to another mid-year or from year to year, so the allocation of PDG funding to the school where they were registered in the previous year may not benefit them at all.
- Thirdly, in the statement that *“Those pupils coming from families where English is not the first language at home should also benefit from the English for Speakers of Other Languages (ESOL) provision”*, it is unclear what the explicit benefit on pupils will be. Most EAL CYP learn English much more quickly in school than their parents do, so this is just a vague generalisation.

- Lastly, the money taken from the reduced grants amalgamated to form the EIG (including the MEAG and GT grant) amounted to a similar increase in the Pupil Deprivation Grant from 2014/15 to 2015/16: approximately £10m came out of the grant reductions at transition and the PDG was increased by approximately £10m that year, so the assertion that *“There are no aspects of the Programme which involve the redirection of resources away from particular ethnic groups”* could be regarded with some suspicion. The PDG is not intended for targeting the needs of EAL learners (as the MEAG was), certainly not if they are nFSM, and it has no ring-fencing for minority ethnic or GRT learners who are eFSM. Without a strict accountability framework for how these pupils are actually benefiting ‘proportionately’ or ‘disproportionately’ from the PDG in schools, it is difficult to regard this statement as supportable, or to evaluate the extent that the transition to the new arrangements is directly benefiting minority ethnic learners in the way that the MEAG and GT Grant did.
- The evidence from the 2015 FOI data referred to in this paper, which shows that the impacts on pupil funding and specialist staffing have been considerable, together with the weaknesses evident in the processes relating to Equality compliance, suggest that the Welsh Government has fallen well short of its responsibilities in respect of Equality duties, consultation and in meeting the particular needs of pupils with the protected characteristics of Black, Asian, Gypsy, Roma, Traveller and other minority ethnicities.
- It is my opinion that a thorough review of how the needs of CYP from these backgrounds should best be developed in conjunction with the new national curriculum for Wales is urgently required.

## **ADDENDUM**

### **BACKGROUND AND CONTEXT INFORMATION**

#### **Historical background**

#### **Funding and provision for minority ethnic achievement and EAL/WAL in England and Wales**

For almost 50 years, dedicated funding has been in place to support pupils of minority ethnic backgrounds in education in England and Wales.

In the 1960s, it was recognised that many members of minority ethnic and migrant communities, especially children and young people, faced a number of linguistic, cultural and educational challenges, which were distinct from those of the majority ethnic White British population and which were not being adequately addressed by mainstream education or other public services.

In 1966, funding administered by Section 11 of the Home Office was provided to address these issues, and was used to support the teaching of English (then referred to as English as a Second Language or ESL) and to promote integration.

Through the 1970s and 1980s, it became apparent that teaching children and young people ESL, often in segregated teaching units, was not the most effective or equitable approach and, in fact, the education system itself – the curriculum, the school environment and the attitudes of teachers and pupils to diversity – needed to change in order to ensure a genuinely inclusive school experience for all pupils.

Many local authorities set up Multicultural Education, ESL or Race Equality services to promote diversity and equality throughout the curriculum and school life, as well as to work directly with pupils. The majority of services were centralised and they employed teachers and bilingual teaching assistants to work in schools, but with the flexibility to move responsively to meet changing needs and pupil distributions.

During this time, only a small number of local authorities in Wales accessed Section 11 funding but a few others used their own core education funding to pay for individuals or small teams of teachers to work with early stage ESL learners and to promote multicultural education and race equality.

In 1991, the Section 11 Grant was reorganised to make a more accountable system in which local authorities had to bid for funding based on a quantifiable assessment of need, with clear targets for monitoring expenditure and pupil progress. This provided an opportunity for a number of local authorities in Wales to make successful bids and set up new teams, initially funded for 3-5 years, greatly expanding the range of professional expertise in Wales.

In 1994, Section 11 funding was transferred from the Home Office to the Department for Education and renamed the Ethnic Minority Achievement Grant (EMAG).

Under the national curriculum assessment arrangements, more substantial data on pupil attainment became available and, when these data were analysed by ethnicity, they revealed

patterns of low attainment percentages for several minority ethnic groupings. As a result, in the context of a wider agenda to improve educational standards for all pupils, work with minority ethnic pupils was refocused towards raising achievement outcomes, rather than just giving attention to developing English and encouraging multicultural education.

Also around this time, in recognition of the fact that many minority ethnic pupils already used at least one other language prior to learning English, ESL was renamed English as an Additional Language or EAL (English being an addition to their linguistic repertoire).

Following the devolution of responsibility for education policy to Wales, in 1999, the EMAG was retained as a discrete, ring-fenced funding stream and was later amalgamated with a separate Asylum Seeker Grant, being renamed as the Minority Ethnic Achievement Grant (MEAG).

Over time, all 22 local authorities in Wales bid for and were allocated amounts of funding via the MEAG, based on numbers of pupils, weighted according to age, levels of English proficiency and asylum seeker status. MEAG funding was used to provide achievement and language support for pupils and to offer professional development to schools, predominantly through centralised teams of specialist workers. Many of the central services encouraged their staff to pursue Masters level qualifications to ensure a high standard of professional development within this specialist field.

During the late 2000s, the growing numbers of minority ethnic pupils in Welsh-medium and bilingual schools, together with the broader focus on raising achievement, led to the MEAG terms and conditions being widened to include those learning in English-medium, Welsh-medium and bilingual contexts. Although Welsh language provision had historically been funded and provided via other means, it was considered important to recognise that minority ethnic pupils in Wales needed to learn both English and Welsh as Additional Languages to succeed in school, and that their needs were distinctive. This resulted in the use of the abbreviations EAL/WAL and CIY/SIY in Cymraeg. However, to date, there has not been any official clarification of how to address both effectively within the existing education policy frameworks.

The good practice that has been built up over the past two and a half decades across Wales has yielded a progressive improvement in the numbers of minority ethnic pupils succeeding in compulsory education. The grouped attainment figures of several minority ethnicities are higher than the national average, but there are still significant gaps in:

- the consistency of Initial Teacher Training in these areas;
- teachers' professional knowledge and confidence in meeting pupils' needs;
- the implementation of good practice in both additional language development and multicultural education;
- capacity to meet the multiple needs of pupils who are asylum seekers, refugees, EU Roma, early stage EAL/WAL learners and those with both language development and Additional Learning Needs;
- the attainment figures of a number of specific minority ethnic groupings, at various key stages, especially those of Black, Mixed and GRT backgrounds (see below on Attainment).

The effort to ensure equality in education for pupils of all racial and ethnic backgrounds and to create a genuinely inclusive mainstream education system in all schools is unfinished business – there is still much work to do. In the current political and populist media climate, it would be too easy to lower the priority given to these groupings of learners but the long-term consequences for their integration, academic success and social mobility, and for community cohesion in Wales, in general should not be underestimated. Having communities of people who might feel disadvantaged, unsupported or discriminated against is not a positive thing for a cohesive Wales.

### **Funding and provision for Gypsy, Roma and Traveller education**

Discrete funding for addressing the varied educational and other needs of Gypsies and Travellers also pre-dates devolution in Wales.

In England and Wales, dedicated funding has been provided in a variety of ways and through different streams since at least the 1970s, following the 1967 Plowden Report which identified Gypsies as “probably the most severely deprived children in the country”, arguing that committed teams of professionals were needed to successfully “arrest the cycle” of educational disadvantage they experienced (cited in Foster and Norton, *The Equal Rights Review*, vol 8. 2012: 102/3).

Through the 1980s and 1990s, centrally-funded Traveller Education Services developed their professional practice, engaging with communities and families, liaising between agencies, working with schools and helping to raise pupil achievement.

Funding was provided for under a number of Education Acts, including Section 488 of the 1996 Education Act grants ‘for education of Travellers and displaced persons’.

At one point in England, the funding was combined with the EMAG for a short period to form the EMTAG, before being separated again in recognition of differences between the two areas of work.

During the 2000s, within the National Strategies in England, projects were targeted under the Gypsy, Roma and Traveller Achievement Programme (GRTAP) and guidance materials were produced for schools and other professionals. A few years ago, however, ring-fencing for GRT education funding in England was removed, and sources of finance for this area of work were transferred to the general Children’s Services Grant, then the Area Based Grant, then funding to support ‘vulnerable families’. The shift towards a framework of ‘universal services which support every child’ effectively reduced the focused attention given to pupils of GRT backgrounds and led to a decline in central Traveller Education Services (Foster and Norton, *The Equal Rights Review*, vol 8. 2012: 104).

In Wales, following devolution, the Section 488 Grant continued to be used as the basis for funding at a 75% matched-rate. It was increased on several occasions between 1999 and 2013/14, and was commonly referred to as the Traveller Education Grant or Gypsy Traveller (GT) Education Grant.

Prior to 2015/16, nineteen LAs have bid for GT Grant funding but only ten LAs have had centralised Traveller Education Services, with at least two LAs running combined Minority Ethnic and Traveller Education Services. Others have appointed individual officers or teachers with dedicated responsibility for overseeing this area of provision. Most specialist workers have targeted a wide range of issues and needs, building relationships with GRT communities and families, supporting children with education and other matters, working both within and outside of school premises, liaising between agencies and across authorities, teaching, training staff, and advocating on behalf of GRT pupils and their families.

Originally, most provision was focused on Gypsies and Travellers of White British and Irish backgrounds. However, since European Union (EU) Accession broadened the range of nationalities eligible for free movement within the EU, numbers of EU Roma pupils have increased in both England and Wales. Many pupils face multiple social, racial and educational disadvantages. Most have English and Welsh as Additional Language learning needs as well as other social, cultural, physical, psychological and educational needs. Consequently, in recent years, EU Roma pupils have been deemed eligible for funded support from both the MEAG and the GT Education Grant in Wales.

Together, the British, Irish and EU groupings are often referred to collectively as Gypsy, Roma and Traveller (GRT) pupils.

## **Data**

Collecting accurate data on GRT CYP and their backgrounds has long been problematic, often leading to underestimations of population figures and support needs. CYP may move as their families travel, some may not be registered on school rolls, some do not have their ethnicity accurately recorded on school databases (many not wanting to declare it for fear of discrimination) and there is quite a high drop-out rate from formal schooling as pupils get older. The data that are available from schools reveal that a large proportion of GRT CYP are from low income households, a substantial number have Special or Additional Learning Needs, and the grouped attainment figures at all Key Stages are the lowest of all the ethnicity groupings, especially at Key Stage 4. GRT CYP also tend to experience a high level of racism and discrimination both in and out of school. The nature and extent of their needs make GRT CYP one of the groupings most in need of targeted funding and provision.

For several reasons, including those above, accurate figures for numbers of GRT CYP in Wales are difficult to obtain. When an FOI request was made of LAs and the WG in 2015, it yielded three different numbers, revealing an issue about the adequacy of data collection processes:

- PLASC – the official record of pupils ethnicity as recorded in schools SIMS for GRT pupils on roll in Jan 2015 = 891
- Local Authority FOI request responses – a mixture of LA PLASC records and numbers of other pupils known to be in schools but not recorded in schools' SIMS in Jan 2015 = 1587
- WG GT Grant Local Authority submissions – the total number of GRT pupils known to be attending schools and not attending schools: on roll, recorded on SIMS, not on roll, not recorded on SIMS, not in school but in need of off-site support = 2542\*

There is a similar difficulty in identifying accurate numbers of other minority ethnic pupils:

- PLASC - the official record of pupils ethnicity as recorded in schools SIMS for pupils on roll in Jan 2015 = 34692
- MEAG submission (rolled over from 2013/14) - 39658
- LA FOI request – 43601\*

\*Local authority Grant submissions were based on numbers of CYP collected by staff working in schools and communities, with CYP and families, compiling lists of CYP they knew were in schools or were in need of educational support, not just those entered into the schools' SIMS databases.

## **Attainment**

The grouped attainment figures of a number of minority ethnicity groupings are still below the national average and, in some cases, decline throughout schooling rather than narrow the gap. This is particularly the case for certain Black African, Caribbean and Mixed ethnicity groupings.

Through the 1990s and 2000s, notable progress was made in narrowing the attainment gaps between the figures of several ethnicity groupings and the national figures for All Pupils. In Wales, the figures for some minority ethnicity groupings have improved significantly with a number of groupings having percentages that are near or above the national figures.

A match-funded EU Convergence Fund project in Wales, targeting secondary age pupil achievement between 2010 and 2013 succeeded in increasing the percentage of targeted minority ethnic pupils achieving 5 A\*-C at GCSE by 9%, and contributed to a doubling of the national percentage of all minority ethnic pupils achieving this target outcome during the same period, compared to the increase in the figure for All pupils, nationally.

Stage A-C EAL/WAL learners are in particular need of targeted support for several years in order to access the curriculum, demonstrate their knowledge and understanding and to develop their English and Welsh language.

With the right support, most EAL/WAL pupils make good progress, 'catching up' with their peers in English and Welsh over time and, when they approach age-appropriate proficiency, the percentages of EAL/WAL pupils at Stages D and E achieving the target levels in tests and examinations are higher than the national figures.

Nevertheless, every year, there are new arrivals, many of whom have little or no English or Welsh and who need a great deal of support to adapt to their new situation, to learn about school-life and the education system, to learn how to read, write, speak and understand English and Welsh and to make up gaps in their linguistic and curriculum knowledge. There are also many individual pupils who do not manage to catch up in time for formal examinations or to achieve well enough through their schooling to realise their academic potential.

At a national level, attainment gaps remain for some ethnicity groupings. The needs of many GRT CYP are multiple and considerable and their grouped attainment figures are the lowest of all the ethnicity groupings. The figures for several of the Black and Mixed ethnicity groupings are also lower than average or decline to become so by KS4, which is a matter of ongoing concern.

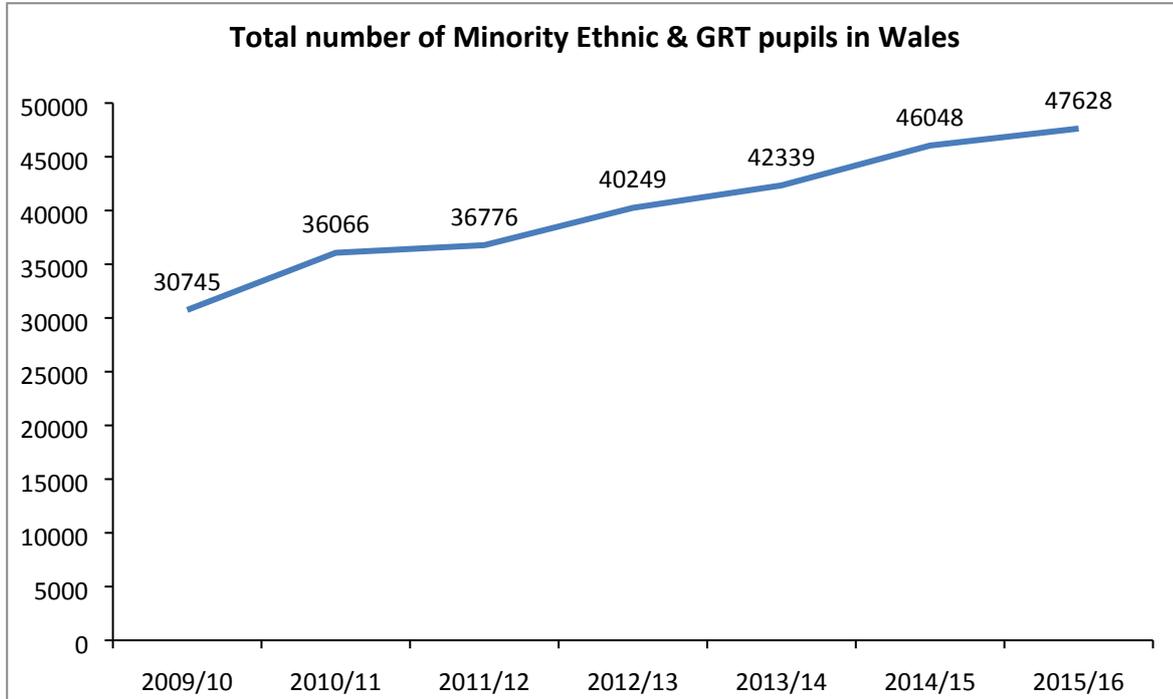
There is clearly a need to continue improving the quality of education provision and to maintain support dedicated to addressing the particular needs of minority ethnic, GRT and EAL/WAL pupils.

Consequently, it is clear that the education system in Wales is still not adequately addressing all of the issues pertaining to minority ethnic achievement and there remains a distinct need for targeted interventions and support, dedicated funding and well-qualified specialist staff to work with schools and pupils.

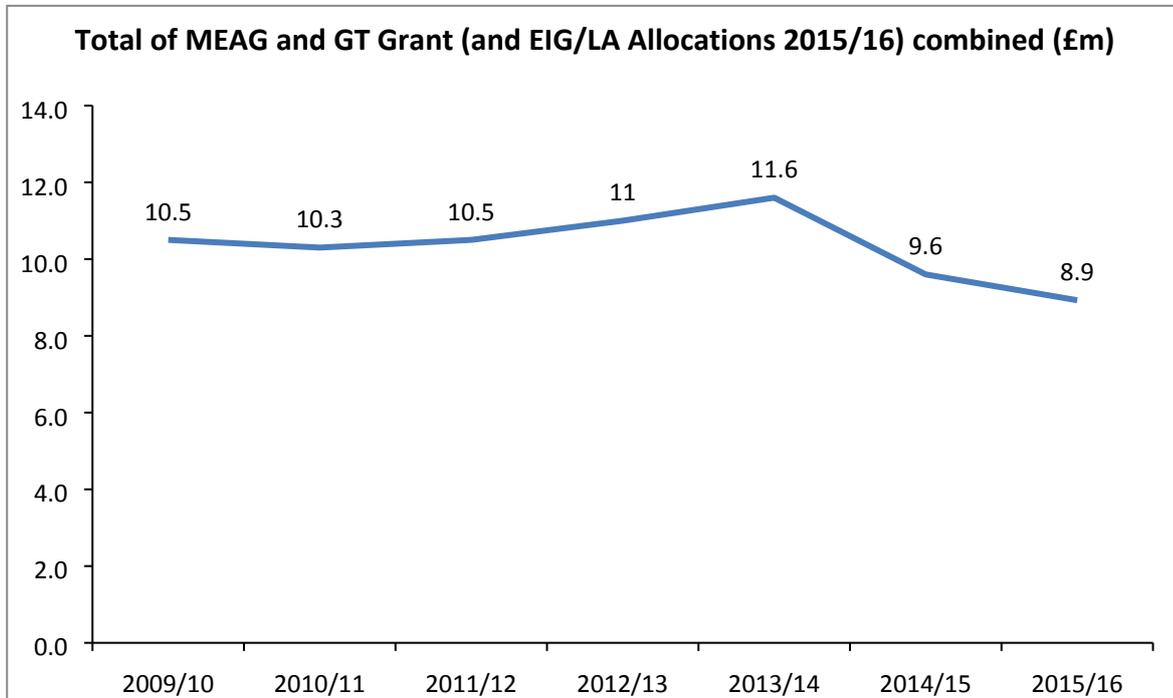
## DATA CHARTS

The following four charts illustrate the main aggregated figures pertaining to the impact of policy and funding changes on provision for Children and Young People of Minority Ethnic, Gypsy, Roma and Traveller backgrounds.

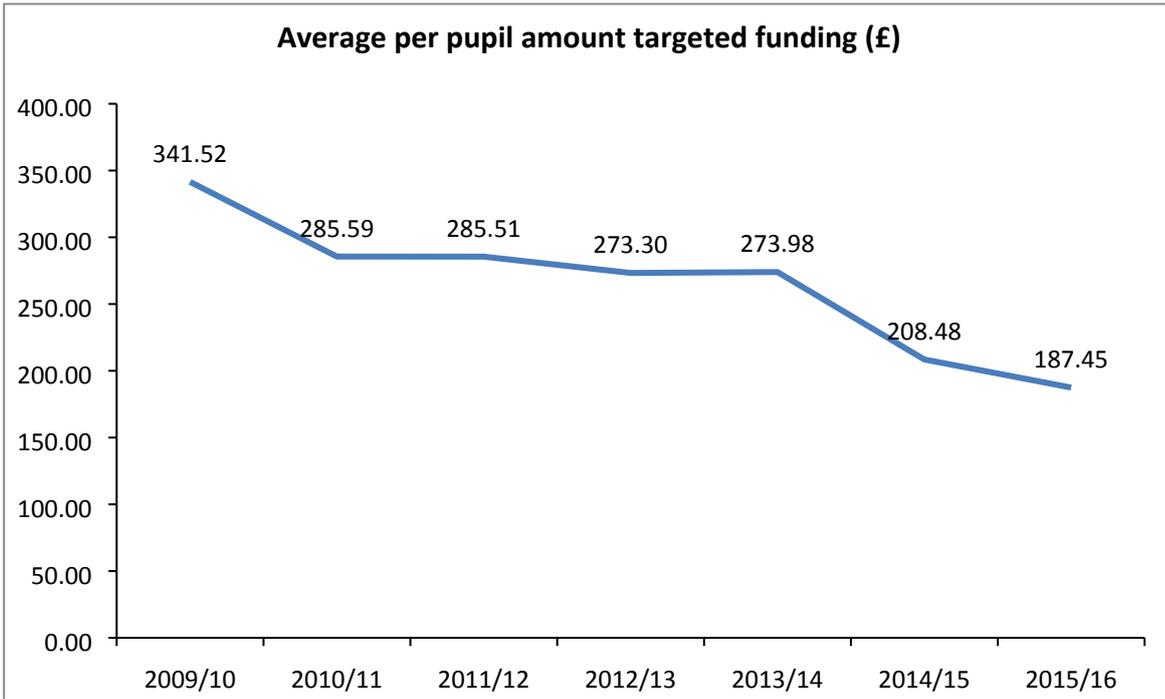
**Chart 1.**



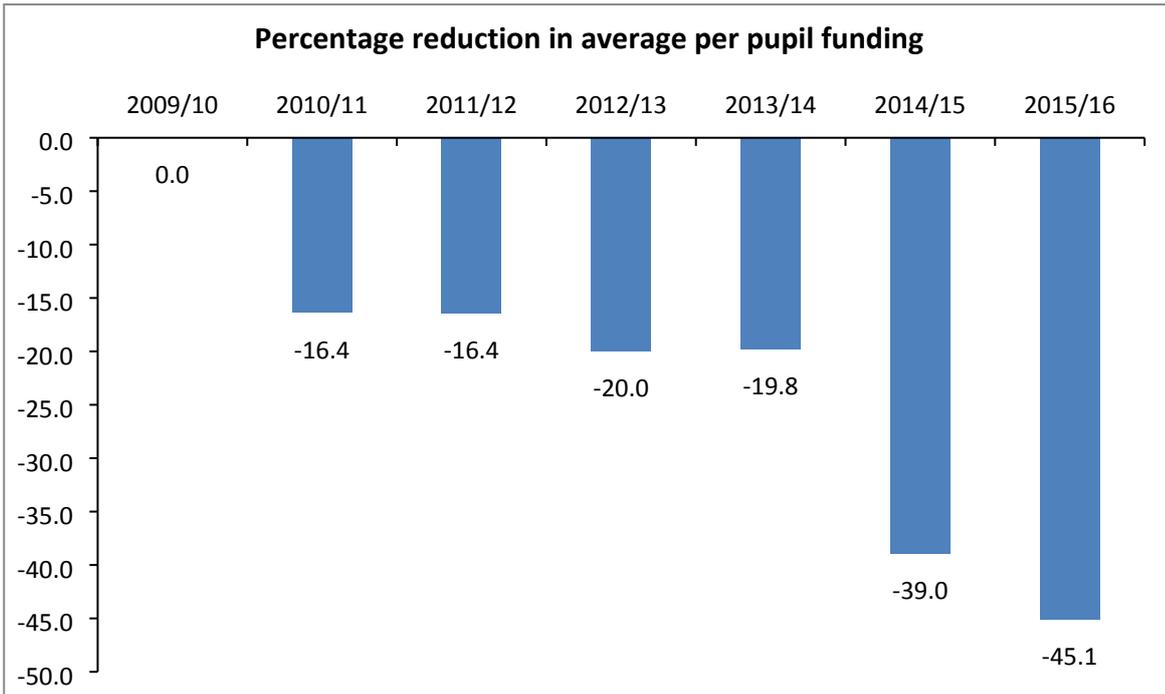
**Chart 2.**



**Chart 3.**



**Chart 4.**



Document is Restricted

Cynulliad Cenedlaethol Cymru | National Assembly for Wales

Y Pwyllgor Plant, Pobl Ifanc ac Addysg | Children, Young People and Education Committee

CYPE(5)-13-16 - Papur | Paper 4

Ymateb gan : Cymdeithas Cyfarwyddwyr Gwasanaethau Cymdeithasol Cymru / Cymdeithas Llywodraeth Leol Cymru

Response from : Association of Directors of Social Services Cymru / Welsh Local Government Association

1. The Welsh Local Government Association (WLGA) represents the 22 local authorities in Wales; the three national park authorities and three fire and rescue authorities are associate members. It seeks to provide representation to local authorities within an emerging policy framework that satisfies the key priorities of our members and delivers a broad range of services that add value to Welsh Local Government and the communities they serve.
2. The Association of Directors of Social Services Cymru (ADSS Cymru) is the professional and strategic leadership organisation for social services in Wales. It comprises statutory Directors of Social Services and the Heads of Service who support them in delivering social services responsibilities and accountabilities, a group of more than 80 social services leaders across the 22 local authorities in Wales.
3. In compiling our response, we interpret statutory advocacy as a shared responsibility across public services which involves all staff in:
  - speaking up for children and young people;
  - empowering them to make sure that their rights are respected and their views, wishes and feelings are heard at all times
  - representing their views, wishes and feelings to decision-makers; and
  - helping them to navigate complex systems and processes.

## **Advocacy under Part 10 of the Social Services and Well-being (Wales) Act**

4. The WLGA and ADSS Cymru have often expressed our broad support for the vision and the ambitious principles set out in the Social Services and Well-being (Wales) Act. One of the principles embedded in the Act is that people are at the heart of the new system and have an equal say in deciding the care and support they receive. It emphasises voice and control – putting the individual and their needs at the centre of their care and giving them a voice in, and control over reaching the outcomes that help them achieve well-being.
5. The child or young person's views, wishes and feelings, and (where appropriate) those of their parents, are crucial in determining what their personal outcomes are and how they can best be met. The extent to which a child or young person can contribute to, and participate in, defining and achieving those outcomes will depend upon their age and understanding, and they should be supported in this by a range of professionals and other people involved with them, including (as appropriate) their parents, family and friends, social workers, independent reviewing officers, independent visitors and advocates. In implementing the Act, local authorities have placed considerable emphasis on 'Better Conversations' and 'Inspirational Conversations' training. This is intended to increase levels of competence among staff across relevant organisations in delivering 'What matters?' conversations right from the point of initial discussions with the people who make contact because they may need care and support.
6. It is important then to be aware that advocacy can and should be undertaken by a wide range of people and professionals. Anybody exercising functions under the Act must have regard to the importance of providing appropriate support to enable the individual to participate in decisions which affect him or her, to the extent which is appropriate in the circumstances. Also, the National Outcomes Framework for Social Services sets out well-being outcomes for people who need care and support and carers who need support. The framework states that people must speak for themselves and contribute to the decisions affecting their lives, or have someone who can do it for them. The extent to which this is achieved must be measured.
7. As set out in the United Nations Convention on the Rights of the Child (UNCRC), children and young people have a right to be heard in matters affecting their futures. Wales has ratified the UNCRC as a basis for taking forward children's rights. Under the Rights of Children and Young Person's (Wales) Measure 2011, Welsh Ministers have a duty to pay due regard to the UNCRC in all of their functions. The Social Services and Well-being (Wales) Act requires any persons to have due regard to the UNCRC. Detail on exercising this duty has been provided in the Code of Practice in relation to Part 2 of the Act.

8. Throughout the Act and under Part 10 specifically, there is a clear and strong emphasis placed on the role of advocacy. It is vital that people are supported appropriately in order to ensure that an individual is enabled to represent their interests, exercise their rights, express their views, explore and make informed choices. A local authority's duty to provide advocacy services (or assistance by way of representation) in relation to its social services functions is re-stated under Sections 171-178 of the Act. Commissioners of advocacy service and advocacy service providers should be able to establish the quality as well as the quantity of their work, providing assurance that they are making a positive difference to children and young people's lives. The Part 10 Code of Practice (Advocacy) applies.
9. Options include peer advocacy, informal advocacy, formal advocacy and independent professional advocacy. It is positive that Part 10 recognises that advocacy can take many forms and that it is not confined to arrangements of an independent advocate by a local authority. For example, the role of a trusted adult already known to a child can be vital. There is an important role for local authorities and also for third sector organisations and the NHS to support all types of advocacy and advocates.
10. Ultimately, resources will have an impact on what advocacy services are commissioned and the current financial climate means that we have to be realistic about the expectations being placed on local authorities, without additional funding being provided. This is especially the case given the intention to regulate advocacy services under the Regulation and Inspection of Social Care (Wales) Act.
11. At the heart of professional advocacy is the concept of independence. An independent professional advocacy service is designed to provide additional safeguards for children and young people. Consequently, it is imperative that the advocates are free to support them, without any conflicts of interest, and to appropriately challenge service providers on behalf of the children and young people. The subject of such challenge may include:
  - decisions made about a child or young person's care
  - upholding a child or young person's legal rights;
  - the quality of care being provided.
12. The role of the advocate is to support a child or young person in making an informed decision, with their views and wishes as the sole focus. An advocate will help a child or young person to understand his or her rights and the choices available; ultimately, any decisions taken by the child or young person will be their own, subject to any legal constraints.

## The National Approach to Statutory Advocacy for Children and Young People

13. On behalf of Welsh Government, Dr Mike Shooter undertook a strategic review of the evidence in relation to the provision of statutory independent professional advocacy services (SIPAS) for children and young people. Ministers were presented with the first report in January 2014. The Report showed that whilst there were examples of good practice commissioning and provision of statutory advocacy services in Wales was patchy and inconsistent.
14. Following this review, Ministers invited local government, via ADSS Cymru, in 2014 to bring forward a model for securing a national *approach* to SIPAS for looked after children and specified groups of children in need.
15. An advocacy Task and Finish Group (T&FG) was established to take this work forward, chaired by ADSS Cymru. The T&FG took responsibility for developing the key components of a National Approach to advocacy, aligned to a Standards and Outcomes Framework. The group was asked to explore:
  - the recommendation from 'Missing Voices: Right to be Heard' (the report by the Children's Commissioner on independent advocacy services for children and young people in the care system) in respect of an 'active offer'; and
  - how to deliver the National Approach model at a regional level through lead authorities within the existing Social Services Regional Improvement Collaboratives (since replaced by Regional Partnership Boards).
16. The work of the T&FG led to the development of a business case produced towards the end of 2015. It set out the following key components of a national approach:
  - A National Standards and Outcomes framework
  - A Regional Service Specification
  - A Range and Level Mechanism
  - A local/regional performance reporting template.
17. The work of the T&FG identified that the additional cost of implementing a national approach with all of these elements for local authorities would be in the region of £1m.
18. Through the ADSS Cymru Executive Council and WLGA's Social Services Policy Group (made up of Elected Members with a responsibility for Social Services) the implications of adopting a national approach as set out in the business case were considered. It was agreed that, in principle, both were content to examine further how local authorities could take forward a national approach. However, in recognition of the additional costs identified, it was accepted that individual local authorities and regions would need to receive further information on the national approach and, in particular, the potential financial implications for their individual

authorities. This would enable them to come to an informed view and to engage with other authorities in their region.

19. Having received this information earlier in the year, local authorities have indicated broad support for developing a national approach, with agreement on the overall principles that have been adopted. Some authorities identified that the draft National Approach Specification has already been used to influence current contracting arrangements. However, there were concerns raised about some of the implications, especially about how to meet the additional costs identified at a time when budgets are being reduced. Concerns included:
  - Some of the additional costs are a result of new requirements placed on local authorities in an already challenging financial climate; this is especially the case in delivering the 'active offer'.
  - The Business Case uses historical information from 2013/14 as its baseline. For a number of authorities, spend on advocacy has changed since this information was provided; for example, costs in the North Wales region have decreased as a result of regional commissioning. It is likely that the actual costs to some local authorities will be higher than those cited in the business case.
  - A number of local authorities were concerned about the need to protect the rights of children and young people to opt for other forms of advocacy at the outset, as opposed to a narrow choice regarding a uniform 'active offer' from one provider.
20. Since this time, Welsh Government has confirmed its commitment to providing new funding to contribute to and support the provision of independent professional advocacy, including the costs of the active offer in full (as this is a new responsibility) and a contribution towards the resources required to meet a quality service as set out using the range and level tool. This will help local authorities to meet some of the additional costs that will accrue over time.
21. On this basis, it was agreed that a local government technical group would be set up by ADSS Cymru and the WLGA to look at how best to take the work forward and support local authorities. The group met at the start of September to scope out the current position and to plan the actions required to take forward the national approach. Representatives from each of the Regional Partnership Board areas were part of the group.
22. The group has recognised that the financial implications identified for local authorities in the business case used information from 2014 and so the true costs of implementing a national approach may now be different for a number of them. For example, some authorities have seen significant increases in their looked after and child protection figures. If funding were to be provided on the basis of information currently held, some authorities may not be adequately supported to meet the new

requirements. Therefore one of the key actions required is to update this information to ensure that there is an up-to-date and accurate picture of the financial implications on authorities. This is work that will be undertaken through the technical group.

23. Each local authority already has contract arrangements in place to provide statutory advocacy to children and young people. Some areas have already moved to regional approaches to commission this service, specifically Mid and West Wales and North Wales. Caerphilly, Torfaen and Blaenau Gwent also have joint arrangements in place and will be looking at the potential for creating a Gwent-wide service when existing contracts expire, with the active offer to be included in these discussions. Similarly, Cardiff and the Vale have agreed that they will be looking to commission advocacy services on a regional basis when existing arrangements come to an end early in the next financial year. Western Bay local authorities are looking at the potential for developing a joint tender next year and Cwm Taf have indicated a willingness to put in place regional arrangements. On this basis, it is anticipated that regional approaches could be in place across Wales early in the new financial year once local authorities commit to this change. The national approach will need to be supported by the partnership framework that is underpinned by the Social Services and Wellbeing Act 2014, namely Regional Partnership Boards. Each of the regions will look to appoint a lead authority for commissioning purposes.
24. The draft specification developed as part of the National Approach has already been included as part of the tendering process recently undertaken in Mid and West Wales. The other regions have indicated support for jointly using the specification to re-commission their services.
25. The commissioning approach taken by Mid and West Wales included a separate lot for the provision of the 'active offer'. Subject to a number of conditions being met (full funding being made available from Welsh Government, the current provider having capacity and agreement from the local authorities), this part of the contract is ready to be instigated and the active offer can be rolled out across Mid and West Wales in this financial year. The other regions can learn from the Mid and West Wales tendering approach, how they have included the active offer element and how this could be built into future regional commissioning arrangements.
26. The Executive Council of ADSS Cymru has received an update on the work of the Local Government Technical Group. Directors have resolved that:
  - the Executive Council would ask Directors of Social Services to agree that they will adopt the national approach;
  - each Regional Partnership Board area would undertake to provide a date by which it will have used the national approach to commission an advocacy service.

27. ADSS and WLGA are working with regional leads to develop an implementation plan identifying how each region has, or how they intend to use the key components of the National Approach to commission a service for the region, once they have access to Welsh Government funding for the active offer.



## **National Approach to Statutory Advocacy for Children and Young People – Local Government Implementation Plan 2016/17**

### **Advocacy under Part 10 of the Social Services and Well-being (Wales) Act**

1. One of the principles embedded in the Act is that people are at the heart of the new system and have an equal say in deciding the care and support they receive. It emphasises voice and control – putting the individual and their needs at the centre of their care and giving them a voice in, and control over reaching the outcomes that help them achieve well-being.
2. The child or young person's views, wishes and feelings, and (where appropriate) those of their parents, are crucial in determining what their personal outcomes are and how they can best be met. The extent to which a child or young person can contribute to, and participate in, defining and achieving those outcomes will depend upon their age and understanding, and they should be supported in this by a range of professionals and other people involved with them, including (as appropriate) their parents, family and friends, social workers, independent reviewing officers, independent visitors and advocates. In implementing the Act, local authorities have placed considerable emphasis on 'Better Conversations' and 'Inspirational Conversations' training. This is intended to increase levels of competence among staff across relevant organisations in delivering 'What matters?' conversations right from the point of initial discussions with the people who make contact because they may need care and support.

3. It is important then to be aware that advocacy can and should be undertaken by a wide range of people and professionals. Anybody exercising functions under the Act must have regard to the importance of providing appropriate support to enable the individual to participate in decisions which affect him or her, to the extent which is appropriate in the circumstances. Also, the National Outcomes Framework for Social Services sets out well-being outcomes for people who need care and support and carers who need support. The framework states that people must speak for themselves and contribute to the decisions affecting their lives, or have someone who can do it for them. The extent to which this is achieved must be measured.
4. As set out in the United Nations Convention on the Rights of the Child (UNCRC), children and young people have a right to be heard in matters affecting their futures. Wales has ratified the UNCRC as a basis for taking forward children's rights. Under the Rights of Children and Young Person's (Wales) Measure 2011, Welsh Ministers have a duty to pay due regard to the UNCRC in all of their functions. The Social Services and Well-being (Wales) Act requires any persons to have due regard to the UNCRC. Detail on exercising this duty has been provided in the Code of Practice in relation to Part 2 of the Act.
5. Throughout the Act and under Part 10 specifically, there is a clear and strong emphasis placed on the role of advocacy. It is vital that people are supported appropriately in order to ensure that an individual is enabled to represent their interests, exercise their rights, express their views, explore and make informed choices. A local authority's duty to provide advocacy services (or assistance by way of representation) in relation to its social services functions is re-stated under Sections 171-178 of the Act.
6. Local authorities, when exercising their social services functions, must act in accordance with the requirements contained in this code. The overarching duty is to have regard to the importance of providing appropriate support to enable the individual to participate in decisions that affect him or her to the extent that is appropriate in the circumstances, particularly where the individual's ability to communicate is limited for any reason (section 6(2)(d)). Paragraph 35 sets out the roles of family,

friends, carers, wider support networks or independent advocates in providing appropriate support to ensure individuals are actively involved in their care and support.

7. Detailed guidance is set out in the code of practice on Advocacy under Part 10 and other related Parts of the Act. Commissioners of advocacy service and advocacy service providers should be able to establish the quality as well as the quantity of their work, providing assurance that they are making a positive difference to children and young people's lives. The Part 10 Code of Practice (Advocacy) applies.
8. In relation to children, this will depend on their age and understanding and they should be supported in this by a range of practitioners and other people involved with them including their family and friends. Any persons providing care and support to a child under the age of 16 must ascertain the views of persons providing parental responsibility for the child. This will be crucial in determining how personal outcomes can be achieved. The code of practice sets out the functions when a local authority, in partnership with the individual, must reach a judgement on how advocacy could support the determination and delivery of an individual's personal outcomes; together with the circumstances when a local authority must arrange an independent professional advocate. Professionals and individuals must ensure that judgements about the needs for advocacy are integral to the relevant duties under the code. Options include peer advocacy, informal advocacy, formal advocacy and independent professional advocacy. .
9. It is positive that Part 10 recognises that advocacy can take many forms and that it is not confined to arrangements of an independent advocate by a local authority. For example, the role of a trusted adult already known to a child can be vital. There is an important role for local authorities and also for third sector organisations and the NHS to support all types of advocacy and advocates. Ultimately, resources will have an impact on what advocacy services are commissioned and the current financial climate means that we have to be realistic about the expectations being placed on local authorities, without additional funding being provided. This is especially the case given the intention to regulate advocacy services under the Regulation and Inspection of Social Care (Wales) Act.

10. At the heart of professional advocacy is the concept of independence. An independent professional advocacy service is designed to provide additional safeguards for children and young people. Consequently, it is imperative that the advocates are free to support them, without any conflicts of interest, and to appropriately challenge service providers on behalf of the children and young people. The subject of such challenge may be very broad and can include:
  - decisions made about a child or young person's care
  - upholding a child or young person's legal rights;
  - the quality of care being provided.
11. The role of the advocate is to support a child or young person in making an informed decision, with their views and wishes as the sole focus. An advocate will help a child or young person to understand his or her rights and the choices available. Ultimately, any decisions taken by the child or young person will be their own, subject to any legal constraints. Detailed guidance is set out in the code of practice on Advocacy under Part 10 and other related Parts.
12. The role of the advocate is to support a child or young person to make an informed decision with the young person's views and wishes being their sole focus. An advocate will help a child or young person to understand his or her rights and the choices of action that are available. It is vital that commissioners of advocacy services and advocacy service providers can measure the quality as well as the quantity of their work, to seek assurance that they are making a positive difference to the lives of children and young people.

### **The National Approach to Statutory Advocacy for Children and Young People**

13. On behalf of Welsh Government, Dr Mike Shooter undertook a strategic review of the evidence in relation to the provision of statutory independent professional advocacy services (SIPAS) for children and young people. Ministers were presented with

the first report in January 2014. The Report showed that, while there were examples of good practice, commissioning and provision of statutory advocacy services in Wales were patchy and inconsistent.

14. Following this review, in 2014 Ministers invited local government (via ADSS Cymru), to bring forward a model for securing a national approach to SIPAS for looked after children and specified groups of children in need.
15. An advocacy Task and Finish Group (T&FG) was established to take this work forward, chaired by ADSS Cymru. The T&FG took responsibility for developing the key components of a National Approach to advocacy, aligned to a Standards and Outcomes Framework. The group was asked to explore:
  - the recommendation from 'Missing Voices: Right to be Heard' (the report by the Children's Commissioner on independent advocacy services for children and young people in the care system) in respect of an 'active offer'; and
  - how to deliver the National Approach model at a regional level through lead authorities within the existing Social Services Regional Improvement Collaboratives (since replaced by Regional Partnership Boards).
16. The work of the T&FG led to the development of a business case produced towards the end of 2015. It set out in detail the following key components of a national approach:
  - A National Standards and Outcomes framework
  - A Regional Service Specification
  - A Range and Level Mechanism
  - A local/regional performance reporting template.The work of the T&FG identified that the additional cost for local authorities in implementing a national approach with all of these elements would be in the region of £1m.
17. Through the ADSS Cymru Executive Council and WLGA's Social Services Policy Group (made up of Elected Members with a responsibility for Social Services), the implications of adopting a national approach as set out in the business case were

considered. It was agreed that, in principle, both were content to examine further how local authorities could take forward a national approach. However, in recognition of the additional costs identified, it was accepted that individual local authorities and regions would need to receive further information on the national approach and, in particular, the potential financial implications for their individual authorities. This would enable them to come to an informed view and to engage with other authorities in their region.

18. Having received this information earlier, local authorities indicated broad support for developing a national approach, with agreement on the overall principles that have been adopted. Some authorities identified that the draft National Approach Specification has already been used to influence current contracting arrangements. However, there were concerns raised about some of the implications, especially about how to meet the additional costs identified at a time when budgets are being reduced. Concerns included:
  - Some of the additional costs are a result of new requirements placed on local authorities in an already challenging financial climate; this is especially the case in delivering the 'active offer'.
  - The Business Case uses historical information from 2013/14 as its baseline. For a number of authorities, spend on advocacy has changed since this information was provided; for example, costs in the North Wales region have decreased as a result of regional commissioning. It is likely that the actual costs to some local authorities will be higher than those cited in the business case.
  - A number of local authorities were concerned about the need to protect the rights of children and young people to opt for other forms of advocacy at the outset, as opposed to a narrow choice regarding a uniform 'active offer' from one provider.
19. Since this time, Welsh Government has confirmed its commitment to providing new funding to contribute to and support the provision of independent professional advocacy, including the costs of the active offer in full (as this is a new responsibility) and a contribution towards the resources required to meet a quality service as set out using the range and level tool. This will help local authorities to meet some of the additional costs that will accrue over time.

20. On this basis, it was agreed that a local government technical group would be set up by ADSS Cymru and the WLGA to look at how best to take the work forward and support local authorities. The group met in September to scope out the current position and to plan the actions required to take forward the national approach. Representatives from each of the Regional Partnership Board areas were part of the group.
21. The group recognised that the financial implications identified for local authorities in the business case used information from 2014 and so the true costs of implementing a national approach may now be different for a number of them. For example, some authorities have seen significant increases in their looked after and child protection figures. If funding were to be provided on the basis of information currently held, some authorities may not be adequately supported to meet the new requirements. Therefore, one of the key actions required was to update this information to ensure that there is an accurate picture of the financial implications for local authorities. This is work that will be undertaken through the technical group.
22. Each local authority already has contract arrangements in place to provide statutory advocacy to children and young people. Some areas have already moved to regional approaches to commission this service, specifically Mid and West Wales, North Wales and Cwm Taf. Caerphilly, Torfaen and Blaenau Gwent also have joint arrangements in place and have agreed to create a Gwent-wide service when existing contracts expire. Similarly, Cardiff and the Vale have agreed that they will be looking to commission advocacy services on a regional basis when existing arrangements come to an end early in the next financial year. Western Bay local authorities are developing a joint tender next year. Each of the regions has appointed a lead local authority for commissioning purposes. On this basis, it is anticipated that regional approaches could be in place across Wales in the first quarter of the new financial year, once local authorities individually commit to this change. The national approach will need to be supported by the partnership framework that is underpinned by the Social Services and Wellbeing Act 2014, namely Regional Partnership Boards.

23. The draft specification developed as part of the National Approach has already been included as part of the tendering process recently undertaken in Mid and West Wales. The other regions have indicated support for jointly using the specification to re-commission their services. The commissioning approach taken by Mid and West Wales included a separate lot for the provision of the 'active offer'. Subject to a number of conditions being met (full funding being made available from Welsh Government, the current provider having capacity and agreement from the local authorities), this part of the contract is ready to be instigated and the active offer can be rolled out across Mid and West Wales in this financial year. North Wales is in the second year of a regional contract and the active offer is being piloted in Flintshire. The other regions can learn from these pioneers in terms of the approach to tendering, how the active offer element is included and how this could be built into future regional commissioning arrangements.
24. The Executive Council of ADSS Cymru has received an update on the work of the Local Government Technical Group. Directors have resolved that:
- the Executive Council would ask Directors of Social Services to agree that they will adopt the national approach;
  - each Regional Partnership Board area would undertake to provide a date by which it will have used the national approach to commission an advocacy service.
25. ADSS and WLGA have worked with regional leads to develop an implementation plan identifying how each region has, or how they intend to use the key components of the National Approach to commission a service for the region, once they have access to Welsh Government funding for the active offer and its contribution towards the resources required to provide a quality service as set out in the range and level tool.

## National Approach to Statutory Advocacy for Children and Young People Local Government Implementation Plan 2016/2017

Purpose: In order to achieve the best possible outcomes for all children in care and those with care and support needs, to commission and deliver across Wales consistent statutory independent professional advocacy services on a regional basis, in line with legislation and guidance and ensuring provision of the active offer.

No	Action	Desired Outcome	Lead	Timescale	Update	Status
1.	Secure agreement in principle from the WLGA and ADSS Cymru to implementing the key components of the national approach set out in the Task and Finish Group business case (i.e. a National Standards and Outcomes framework; a Regional Service Specification; a Range and Level Mechanism to assist commissioners in calculating the capacity requirements for their local/regional independent advocacy service; and a local/regional performance reporting template).	To ensure that local government is committed to adopting the national approach	ADSS Cymru	April 2016	Achieved - Both the WLGA's Social Services Policy Group (made up of Elected Members with a portfolio responsibility for Social Services) and the ADSS Cymru Executive Council (comprising all Directors of Social Services and Chairs of Heads of Services groups) endorsed the direction of travel. In recognition of the additional costs identified, it was accepted that individual local authorities and regions would need to receive further information on the national approach and, in particular, the potential financial implications for them.	

No	Action	Desired Outcome	Lead	Timescale	Update	Status
2.	Ask Welsh Government to confirm in principle a commitment to providing new funding that will contribute to and support the provision of independent professional advocacy.	To help local authorities meet some of the additional costs that will accrue over time.	Welsh Government	August 2016	Achieved - The Task and Finish Group business case identified that, for local authorities, the additional cost of implementing a national approach with all the components would be in the region of £1m. Welsh Government is willing to meet the costs of the active offer in full (as this is a new responsibility) and to make a contribution towards the resources required to provide a quality service as set out through using the range and level tool.	
3.	Establish a local government technical group.	To plan the actions required to take forward the national approach and to support local authorities in implementation.	ADSS Cymru and the WLGA	September 2016	Achieved - Having received information about the potential financial implications, local authorities indicated broad support for adopting the national approach and agreed to set up a local government technical group to take the work forward. Led by ADSS Cymru and the WLGA, the group started to meet in September.	

No	Action	Desired Outcome	Lead	Timescale	Update	Status
					Representatives from each of the Regional Partnership Board areas are part of the group.	
4.	Identify Lead Authorities for each Regional Partnership Board and lead regional project managers to take forward the task of commissioning of advocacy services for Children and Young People in accordance with the key components of the national approach as set out in the Task and Finish Group business case.	To deliver a regional approach to commissioning advocacy services, to provide consistency and to have a named person responsible for delivery of each regional project.	ADSS Cymru	October 2016	Achieved - The national approach will need to be supported by the partnership framework which is underpinned by the Social Services and Wellbeing Act 2014, namely Regional Partnership Boards. All Regions have identified the Local Authority that will take the lead in their region for commissioning statutory advocacy for children and young people. The relevant Head of Service will act as the senior responsible officer for implementation.	Green
5.	Update the current position relating to the provision of advocacy services for Children and Young People at local and regional levels.	To gain a better understanding of the current position and the capacity of the independent sector to deliver a new service.	Local government technical group	November 2016	Achieved - All regions have provided an update to the Task and Finish Group on their current position relating to advocacy services and future plans.	Green

No	Action	Desired Outcome	Lead	Timescale	Update	Status
6.	Those regions which have just started to implement the national approach on a collective basis develop an indicative implementation plan for commissioning a regional service (subject to corporate requirements).	To establish a realistic date for implementing the national approach in each region, including corporate and political approval.	Heads of Service for the lead local authorities	November 2016	In progress – updates to be considered by the local government technical group in November. Currently, potential implementation dates range from January to June 2017, depending on availability of funding from Welsh Government and the termination dates for current contracts.	Amber
7.	Provide an updated position on actual spend in 2015/16 on advocacy services for children and young people at Local Authority and regional levels.	To updated financial information about the funding available for the provision of independent advocacy services and to identify gaps in funding.	Local government implementation group – Rhondda Cynon Taf lead	December 2016	In progress - Local Authorities are currently gathering the relevant information on spend for 2015/16.	Amber

No	Action	Desired Outcome	Lead	Timescale	Update	Status
8.	Apply the 2015/16 figures for relevant children to the range and level assessment tool to determine capacity required in each region.	To provide an up to date position on the additional capacity required to deliver the active offer and to assist with the calculation of additional funding requirements, including delivery of the active offer.	Local government implementation group - Rhondda Cynon Taf lead	December 2016	<p>In progress - Figures have been requested from local authorities. Since the business case was put together, some of them have seen significant increases in their figures for children who are looked after or in need of protection. Up to date information is also being obtained from Stats Wales.</p> <p>Once the information becomes available, Cordis Bright and the Local Government Data Unit will be asked to put updated information about potential need through the database used in compiling the Business Case (incorporating the range and level assessment tool) to determine capacity requirements.</p>	Amber

No	Action	Desired Outcome	Lead	Timescale	Update	Status
9.	Calculate the additional funding required to deliver the 'Active Offer' as defined in the Business Case.	To provide an up to date figure for the additional funding requirement from Welsh Government to meet these additional costs.	Local government implementation group -	December 2016	In progress - As the financial implications identified for Local Authorities in the business case used information from 2014, the true costs of implementing a national approach may be different for some of them. Calculations based on 2014/15 information estimated that £1,002,663 was needed to implement the national approach (including the active offer). This figure will be updated once the data for 2015/16 is available.	Amber

No	Action	Desired Outcome	Lead	Timescale	Update	Status
10.	Calculate the additional funding required to deliver the on-going advocacy services for which Local Authorities are responsible.	To provide up to date figure for the additional funding Local Authorities need to provide to meet the additional costs of delivering advocacy services in line with the national approach.	Local government implementation group - Rhondda Cynon Taf lead	November 2016	<p>In progress – Local Authorities will need to confirm allocation of funding to meet the additional need identified through this process.</p> <p>Welsh Government is looking to provide between £500k and £550k to meet the costs of the active offer in full and contribute towards the resources required to provide a quality service as set out by using the range and level tool.</p>	Amber
11.	Each region to confirm formal agreement by the Local Authorities in their area to use the key components of the National Approach to Statutory Advocacy for Children and Young People when commissioning this service and to inform their Regional Partnership Board.	To use existing governance arrangements to obtain high level commitment and buy in from each Region to the national approach.	All Regional Partnership Boards	December 2016	In progress – Some regions are well advanced in securing this commitment and others have plans in place to do so	Amber

No	Action	Desired Outcome	Lead	Timescale	Update	Status
12.	Appoint a senior manager on a temporary basis (initially six 6 months) to oversee and co-ordinate introduction of the national approach.	To implement this plan within required timescales.	ADSS Cymru	December 2016	In progress - The Implementation Manager will assist the lead local authorities to adopt best practice in commissioning regional advocacy services across Wales and work with Welsh Government on work to underpin the national approach. Welsh Government has agreed to provide a grant for this purpose. A job description and person specification are being developed to enable recruitment to this post. We are exploring mechanisms for identifying and appointing a suitably qualified person to ensure no loss of momentum.	Amber
13.	Develop a National Independent Advocacy Standards and Outcomes Framework for Children and Young People in Wales which includes an approach to the 'active offer' of advocacy.	To demonstrate how local authorities can evidence the way children and young people are supported to achieve their well-being outcomes by accessing advocacy.	Welsh Government and the Implementation Manager	TBC	Welsh Government to confirm progress with this action.	TBC

<b>No</b>	<b>Action</b>	<b>Desired Outcome</b>	<b>Lead</b>	<b>Timescale</b>	<b>Update</b>	<b>Status</b>
14.	Consult with stakeholders on the outcome statements contained in the National Independent Advocacy Standards and Outcomes Framework and develop a final draft of the Framework taking into account this consultation.	To meet the needs of the people using this service and deliver the required outcomes for children and young people.	Welsh Government and the Implementation Manager	TBC	Welsh Government to confirm progress with this action.	TBC
15.	Publish the National Independent Advocacy Standards and Outcomes Framework	To manage expectations and deliver the required outcomes of children and young people.	Welsh Government	TBC	Welsh Government to confirm progress with this action.	TBC
16.	Develop a service specification outlining the description and requirements of the advocacy service to be provided.	To assist regions with commissioning the statutory advocacy service that works to deliver a consistent model of independent professional advocacy.	Task and Finish Group	October 2016	Achieved – A service specification has been developed.	Green
17	Co-ordinate use of the national documentation, including the service specification, to commission independent advocacy services.	To ensure that the service specification is fit for purpose and lessons learned are shared with other regions and to adopt best practice in commissioning advocacy services across Wales.	Implementation Manager	From December 2016-June 2017	Mid and West Wales and North Wales have started to share with other commissioning leads their experience of using the national approach.	

No	Action	Desired Outcome	Lead	Timescale	Update	Status
18.	Commission independent advocacy services in each Region in line with the national approach to statutory advocacy for children and young people, taking into account the 'lessons learned' report.	To enable children and young people in Wales to have access to independent professional advocacy services.	All Regions	June 2017	This work is dependent on the ability of regions to implement their plans on time, on good outcomes from using the national specification and on the capacity of service providers.	Red
19.	Develop a performance management reporting template for use by professional advocacy services, so that information is captured in a consistent format.	To monitor service providers and ensure that high quality services are delivering the outcomes required by children and young people.	Local government implementation group	November 2016	Achieved - A reporting template has been developed for use by independent professional advocacy services enabling them to capture consistently data required for reporting on performance and quality monitoring. This data will be collected on local, regional and national levels. The information generated will bring to light any problems in securing a consistent and effective approach across Wales.	Green

<b>No</b>	<b>Action</b>	<b>Desired Outcome</b>	<b>Lead</b>	<b>Timescale</b>	<b>Update</b>	<b>Status</b>
20	Include a regional update on progress in adopting the national approach in the Annual Report produced by each Regional Partnership Board.	To provide robust monitoring on progress.	Regional Partnership Boards	April 2017	The Statutory Guidance (Partnership Arrangements) under Part 9 of the Social Services and Well-being (Wales) Act 2014 require Regional Partnership Boards to prepare a report on the extent to which the Board's objectives have been achieved. The first report must be prepared and submitted by 1 April 2017. There is an opportunity to include in this report an account of progress made in adopting the national approach to advocacy.	Amber
21.	Liaise with Local Health Boards and Education regarding the provision of advocacy for children and young people accessing these services.	To encourage awareness of the national approach.	Regional Partnership Boards	December 2016	Mid and West Wales have included the requirements for Health and Education services when commissioning its service.	Amber
22.	Liaise with local authorities in ensuring that they use their corporate parenting arrangements to oversee delivery of the advocacy service and respond to issues.	To engage with lead members, Corporate Parenting Panels and Scrutiny Committees to deliver the requirements of the National Standards and Outcome Framework.	Welsh Government, WLGA and ADSS Cymru	TBC	TBC	TBC

No	Action	Desired Outcome	Lead	Timescale	Update	Status
23.	Fully implement the national approach across Wales	To secure a national approach to statutory advocacy for children and young people and deliver an outcome focused service.	Local government implementation group	June 2017	Ongoing work in progress. It will be important to engage with CSSIW as this is a regulated service.	Amber
24	Conduct an independent review on progress at the end of the first year of implementation.	To report on improvements made and benefits achieved and to identify any adjustments required.	Welsh Government	March 2018	TBC	

Elin Jones, AM  
Llywydd  
Chair of the Business Committee

Dear Elin

25 November 2016

### **Additional Learning Needs and Education Tribunal (Wales) Bill: Proposed Timetable**

Thank you for your letter of 23 November enclosing the proposed timetable for the Additional Learning Needs and Education Tribunal (Wales) Bill.

The Children, Young People and Education Committee considered the timetable at its meeting on 24 November. The Committee notes that the 12 working weeks allocated to Stage 1 meets the usual timetable for Bills, but has serious concerns relating to the time allocated for scrutiny of the Bill and the related Code of Practice.

Section 4 of the Bill will require Welsh Ministers to issue a Code of Practice, which will underpin the provisions set out on the face of the Bill. If both the Bill and its Code were available on introduction, the timetable would be acceptable to the Committee. However, the Committee understands that the Code will not be published by Welsh Government until mid-February, and if this is the case, the proposed timetable does not appear to take account of that.

It will be extremely difficult to effectively scrutinise the Bill itself without sight of the Code, and the Committee believes that the Bill and the Code should be published and made available for scrutiny at the same time. If there is a delay in publishing the Code, then a revised Bill timetable should be considered to help ensure effective Stage 1 scrutiny.

### **Time available for Committee scrutiny**



It is vital that sufficient time is available for consideration / scrutiny of the Code. Working back from the proposed Stage 1 deadline of 7 April, and taking into consideration the time necessary for preparing and publishing our Stage 1 Report, the Committee would only have 3 or 4 weeks for consideration and scrutiny of the Code. Engagement with stakeholders & practitioners and more crucially parents, carers and young people, will play a key part in the evidence gathering process at Stage 1. The limited time available for consideration of the Code would be detrimental to that evidence gathering, and will very much compromise Stage 1 scrutiny of the Bill.

The Committee recommends that the Welsh Government considers the proposed timetable, taking account of the concerns above, and extends the time available for Stage 1. The Committee would suggest a deadline for Stage 1 Committee consideration of 12 May. This would add two working weeks to Stage 1, but in maximising the full use of the Easter recess, would potentially provide an additional four weeks for extended public engagement on both the Bill and the Code.

The Committee acknowledges that this may have a knock on effect on the later stages of the Bill, but without full and effective Stage 1 scrutiny, we are concerned that the later amending stages could be more difficult to manage. The added time at Stage 1 could therefore be saved in part during the later stages.

The Committee would be extremely grateful if Welsh Government could give early consideration to revising the timetable, or alternatively, ensuring that the Code of Practice was made available at the time of introduction.

Yours sincerely



**Lynne Neagle AC / AM**  
Cadeirydd / Chair



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