

Agenda – Children, Young People and Education Committee

Meeting Venue:

Committee Room 3 – Senedd

Meeting date: 4 July 2019

Meeting time: 09.15

For further information contact:

Llinos Madeley

Committee Clerk

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Private Pre-meeting

(09.15 – 09.30)

1 Introductions, apologies, substitutions and declarations of interest

(09.30)

2 Evidence session on the Higher Education new academic year allocations

(09.30 – 10.30)

(Pages 1 – 21)

HEFCW

David Blaney, Chief Executive

Bethan Owen, Deputy Chief Executive

Attached Documents:

Research Brief



3 Papers to note

(10.30)

3.1 Letter from the Chair to the Deputy Minister – Request for additional information for the Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill

(Page 22)

Attached Documents:

CYPE(5)-21-19 – Paper to note 1

3.2 Letter from the Chair to the Children Commissioner for Wales – Request for additional information for the Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill

(Page 23)

Attached Documents:

CYPE(5)-21-19 – Paper to note 2

3.3 Letter to the Minister for Education – update on actions in the EOTAS Framework for Action

(Pages 24 – 25)

Attached Documents:

CYPE(5)-21-19 – Paper to note 3

4 Motion under Standing Order 17.42(vi) to resolve to exclude the public from the meeting for the remainder of the meeting and for the whole meeting on 10 July

(10.30)

Break

(10.30 – 10.45)

5 Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill – consideration of evidence in preparation for the draft report

(10.45 – 11.30)

(Pages 26 – 51)

Dr Chaitanya Joshi, Senior Data Scientist

Dr Louisa Nolan, Lead Data Scientist

Llinos Madeley, Clerk to the Committee

Sïan Thomas, Senedd Research

Attached Documents:

Private paper

6 Joint report by the Finance; Children, Young People and Education; and Equality, Local Government and Communities Committees: Assessing the impact of budget decisions – consideration of responses

(11.30 – 12.00)

(Pages 52 – 59)

Attached Documents:

CYPE(5)-21-19 – Paper 1 – Welsh Government

CYPE(5)-21-19 – Paper 2 – Children's Commissioner for Wales

Document is Restricted

Agenda Item 3.1

CYPE(5)-21-19 - Paper to note 1

Cynulliad Cenedlaethol Cymru
Y Pwyllgor Plant, Pobl Ifanc ac Addysg

National Assembly for Wales
Children, Young People and Education Committee

Julie Morgan AM
Deputy Minister for Health and Social Services

26 June 2019

Dear Julie

Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill: children's awareness

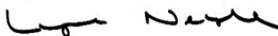
During the course of our scrutiny of the Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill the importance of raising public awareness of the legislation, if passed, has been raised by a number of those who have provided written and oral evidence.

The main focus of contributions to date has been on raising awareness among adults, particularly parents, carers and relevant professionals. As a Committee, we are also conscious of the importance of considering how awareness of the legislation among children would be raised.

As such, we would be grateful if you could outline any information you have on the steps you have considered/will be considering in preparation for raising awareness of the legislation among children, including pre-school children. We would be particularly grateful to know more about the methods that are being/will be developed (and how), and your assessment of the likely level of resource required for such activity.

I have also written to the Children's Commissioner for Wales to request a view from her on this matter.

Yours sincerely



Lynne Neagle AM
Chair



CYPE(5)-21-19 - Paper to note 2

Cynulliad Cenedlaethol Cymru
Y Pwyllgor Plant, Pobl Ifanc ac Addysg

National Assembly for Wales
Children, Young People and Education Committee

Professor Sally Holland
Children's Commissioner for Wales

26 June 2019

Dear Sally,

Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill: children's awareness

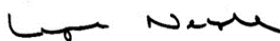
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The main focus of contributions to date has been on raising awareness among adults, particularly parents, carers and relevant professionals. As a Committee, we are also conscious of the importance of considering how the awareness of the legislation among children would be raised.

As such, we would be grateful if you could outline any views you have on the steps the Welsh Government should be considering in preparation for raising awareness of the legislation among children, including pre-school children. We would be particularly grateful to have your views on the methods that could or should be developed (and how), and any comments you have on the likely level of resource required for such activity.

I have also written to the Member in Charge of the Bill, Julie Morgan AM, Deputy Minister for Health and Social Services, to request more information from the Welsh Government on this matter.

Yours sincerely



Lynne Neagle AM
Chair



Agenda Item 3.3

CYPE(5)-21-19 - Paper to note 3

Cynulliad Cenedlaethol Cymru
Y Pwyllgor Plant, Pobl Ifanc ac Addysg

National Assembly for Wales
Children, Young People and Education Committee

Kirsty Williams, AM
Minister for Education
Welsh Government

28 June 2019

Dear Kirsty

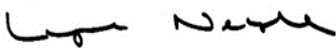
Education Otherwise than at School

As you may be aware, the Committee has this week launched an inquiry into Education Otherwise than at School. The Terms of reference for that inquiry are set out in Annex A to this letter.

The Committee's consultation will be open until 18 October, and oral evidence sessions will be scheduled for the Autumn term. We will, of course, be in touch with you in due course to arrange a date for you to provide evidence to the Committee.

At this time, and as we begin our consideration of this matter, the Committee would be grateful if you would provide an update on the implementation of the proposed actions, as set out in the Annex of the EOTAS Framework for Action that was published in December 2017.

Yours sincerely



Lynne Neagle AC / AM
Cadeirydd / Chair



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Annex A: Terms of Reference

The Children, Young People and Education Committee are undertaking an inquiry into the range of Education Otherwise than at School (EOTAS) provision including Pupil Referral Units. It will focus specifically on the:

- Reasons for and support available for children and young people at risk of EOTAS, including through their exclusion from mainstream provision
- How effectively parents are engaged and supported throughout the EOTAS process
- The variation in rates of EOTAS for children and young people with particular characteristics (such as learners with special educational needs or who are eligible for free school meals) and the consequences of this
- The levels of financial support available to support EOTAS and children and young people at risk of becoming EOTAS and whether this represents value for money
- Responsibility and accountability for the education of pupils who become EOTAS
- Attainment of children and young people EOTAS
- Outcomes and wellbeing of children and young people EOTAS
- The quality of support provided to children and young people in the range of EOTAS provision
- Professional development support for Pupil Referral Unit staff, including those who provide home tuition
- The potential risks for children and young people EOTAS such as increased barriers to accessing mental health support, increased risk of involvement with crime and the criminal justice system such as ‘county lines’.
- Other issues closely linked to EOTAS, for example managed moves, and the ‘off-rolling’ of pupils

The Committee’s inquiry will include individual home tuition but **will not** focus on the separate issue of elective home education.



Agenda Item 5

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

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Agenda Item 6

CYPE(5)-21-19 - Paper 1

Response to the Finance Committee's, Children, Young People and Education Committee's and Equality, Local Government and Communities Committee's joint report on 'Assessing the impact of budget decisions' (March 2019).

The Welsh Government welcomes the publication of the joint report on *Assessing the impact of budget decisions*. We also welcome the constructive debate that has taken place during the scrutiny of our budget proposals and will consider all the evidence and feedback received in relation to impact assessments, including from individual policy committees.

We were the first Government in the UK to publish an equality impact assessment of our spending plans as part of the 2011-12 Budget. Since then we have continually looked to review and build an increasingly sophisticated approach to assessing the impact of the Welsh Government budget. From 2015-16 this has evolved into our producing a Strategic Integrated Impact Assessment (SIIA) of the budget.

In addition, but separately to this, the Welsh Government has worked to develop and streamline the approach to assessing and appraising the impacts of policies across Government.

We accept, or accept in principle, all of the report's recommendations. The report includes a number of recommendations in relation to both the SIIA of the budget and the new integrated impact assessment (IIA) tool. As the then Leader of the House said in her evidence to the joint session last November, the IIA tool is the mechanism by which the impact assessment of a particular policy is arrived at. The approach to assessing the impact of spending decisions (the SIIA of the budget) is complementary to, and dependent on the individual assessments of impact from policies that are being brought together under Integrated Impact Assessments.

To aid future consideration, the following provides an overview of each:

- **Strategic Integrated Impact Assessment (SIIA) of the budget** The SIIA aims to fulfil our responsibility to consider spending decisions taken as part of the annual budget process through a number of lenses to understand their impact. These are equalities, human rights, children's rights, Welsh language, climate change, rural proofing, health, biodiversity and economic development. Socio-economic disadvantage is an underpinning consideration when assessing the impact of budget decisions. The SIIA therefore sets out how these considerations have informed the strategic budget allocations taken as part of the annual budget process to improve the economic, social, environmental and cultural well-being of Wales (sustainable development).
- **Integrated Impact Assessment (IIA) tool** The IIA tool was launched in July 2018 and has been developed to streamline the Welsh Government's existing impact assessments into a single, integrated framework that will guide policy and legislative development. It is structured using the Well-being of Future Generation Act's sustainable development principle of improving Wales' economic, social, environmental and cultural well-being (as expressed through the seven well-being goals for Wales). It also provides guidance on applying the five ways of working in decision making. The IIA tool is designed to support the

policy process by helping decision makers understand the potential impacts (positive and negative) of policies from an early stage and throughout their development. Assessment of impact on people and places and social, economic, environmental and cultural well-being is key to good policy-making, and the tool supports these considerations throughout the policy-development process.

Recommendation 1. That the Welsh Government clearly sets out the SIIA process (in greater detail than provided previously), its purpose and expected outcomes, following engagement with and agreement from the relevant statutory commissioners.

Response: Accept

In the response to recommendations by the Finance Committee in its report *Scrutiny of the Assembly Commission's Draft Budget 2019-20*, we committed to continuously building on improvements to the Strategic Integrated Impact Assessment (SIIA) to increase its value in considering the impact of strategic spending decisions. We will reflect further on the evidence provided to the committees in relation to the SIIA.

As part of this, we will work with the relevant statutory commissioners to provide greater clarity on the purpose and expected outcomes of the SIIA process, in considering how our approach can be used more effectively to inform spending decisions and priorities as part of the annual budget process.

To ensure these discussions support wider developments, we will also ensure this engagement aligns with the 2019 review of the IIA tool (see response to Recommendation 3).

Recommendation 2. That the Welsh Government publish all of its individual impact assessments to a central location, which can then be referenced by the SIIA.

Response: Accept in principle

The Welsh Government is committed to the concept of 'Open Government' as demonstrated in the publication of our *Open Government National Action Plan*¹. The commitments outline our ambitions to be more open and responsive to citizens, more accountable and to take a more collaborative approach to the way we work. We fully recognise the need to build upon the work done to date by continuing to drive forward openness and transparency.

Individual impact assessments on significant decisions are generally published as part of policy documentation on the Welsh Government website. They can be found alongside published policy documents but are not held in a separate central location. This is in order that those seeking the information can access and understand all of

¹<https://gov.wales/uk-open-government-national-action-plan-2016-2018-welsh-government-commitments>

the considerations and supporting suite of documents in relation to a particular policy and/or decision. While it would be possible, in principle, to place all published impact assessments in one area, further consideration needs to be given as to whether this would aid accessibility, understanding and transparency.

Recommendation 3. That the Welsh Government commission, at the end of this Assembly, a focused piece of work to consider the progress made in relation to SIAs. This should consider matters such as (but not restricted to) the tool's relative complexity, how the tool has approached the weighting of multiple rights and impacts, and the uses made of the tool's outputs.

Response: Accept

Strategic Integrated Impact Assessment (SIIA) of the budget

In line with our commitment to continuously improve how we consider the impact of spending decisions taken through the annual budget process, we recognise the need to review the approach underpinning the SIIA of the Budget.

Since we first published an equality impact assessment of the 2011-12 Budget, we have evolved our approach to develop an SIIA of the budget since 2015-16. This reflects that we now aim to fulfil our responsibility to consider strategic spending decisions through a number of lenses to understand their impact.

Alongside preparations of the forthcoming budget we are intending to test alternate approaches aimed at improving how we take and understand the impacts of spending decisions. We are also looking at how the Future Generations Commissioner's journey checker might support this work. We would be happy to engage with the Committees as this work progresses.

Over a longer time frame, we will consider how a more-focussed piece of work that reviews the progress made in relation to the SIIA might support further improvements. This work would need to align to the planned 2019 review of the Integrated Impact Assessment tool described below.

Integrated Impact Assessment (IIA) tool

As set out earlier in this response, the IIA tool is the mechanism by which the impact assessment of a particular policy is arrived at. The IIA tool has been developed to streamline the Welsh Government's existing impact assessments into a single, integrated framework that will guide policy and legislative development. The development of the IIA tool was informed by a report Welsh Government commissioned from the then Public Policy Institute for Wales (PPIW) *Reducing Complexity and Adding Value: A Strategic Approach to Impact Assessment in the Welsh Government*².

One of the report's key themes was the need for a coherent system of assessing impact in the context of it being an integral part of the policy-making process. The

² https://www.wcpp.org.uk/wp-content/uploads/2018/04/Impact-Assessments_FINAL-30-Apr.pdf

report also stated that the Well-being of Future Generations Act provided a strong framework for harmonising and integrating the approach by which impact is assessed. It is important to highlight that the IIA tool is intended to be a guide to support the development of policy so that when choices are made about a course of action, Welsh Ministers are informed of the potential positive and negative impacts.

When the IIA tool was launched in July 2018, we committed to review the tool during 2019 to consider its effectiveness and whether further improvements are appropriate. The feedback from its use to date is that the tool is very helpful in enabling a more integrated approach but is quite complex, long and daunting, particularly if considered too late in the policy-making process. One of our main areas of focus therefore will be to further refine the tool so that it supports assessment of impact throughout the policy and legislation-making process.

The 2019 review will be comprehensive and focus on driving better policy-making and greater transparency. It will also include engagement with a number of external stakeholders including the statutory Commissioners and members of the Budget Advisory Group for Equality.

Recommendation 4. That the Welsh Government commit to using the Well-being of Future Generations Act as a framework for the SIIA. Given our committees' areas of focus, we believe that priority should be given to working with the Children's Commissioner and EHRC to ensure that the legislative requirements in relation to equality and children's rights are fully and effectively reflected in the assessment process.

Response: Accept

Strategic Integrated Impact Assessment (SIIA) of the budget

The Welsh Government made a commitment in 2016-17 to use the Well-being of Future Generations Act to frame and inform our considerations of budget proposals. We remain committed to using the Act to improve how we make decisions about the social, economic, environmental and cultural well-being of Wales, now and in the future. The Act provides an opportunity to integrate how we assess the impact of policies in a way that complements and reinforces existing statutory duties. The assessment of impact of policies on equalities and children's rights, for example, is fundamental to achieving social, economic, environmental and cultural well-being as articulated in the seven well-being goals.

Taking an integrated approach allows us to consider strategic spending decisions through a number of lenses to understand their impact, and enables us to better understand the impact of decisions in the round. In assessing the impact of decisions, consideration is given to Equalities and Human Rights, Children's Rights, the Welsh Language and socio-economic disadvantage.

We recognise, however, there is further work to be done. In his evidence to the committees, the then Minister for Finance described the steps we took to strengthen the process last year, including greater training to budget officials across government involving the Future Generations Commissioner's office. We also presented the

budget narrative (both outline and detailed) and the accompanying SIIA's under the 12 well-being objectives and the six *Prosperity for All* priority areas so we are clearer about how decisions about funding are supporting our objectives. We will continue to reflect on our approach to the SIIA in future budget rounds.

Integrated Impact Assessment (IIA) tool

In developing the IIA tool, our approach has been based on integrating all the existing impact assessments using the framework of the Well-being of Future Generations Act, in line with previous Finance Committee recommendations. The IIA tool requires that all impact assessments are given full consideration and that all statutory requirements are met. The tool should be used as a guide to support the development of policy in an evidence-based, collaborative and integrated way that looks to both the short and long-term, as well as prevention. The tool should also support capturing and providing evidence of the five ways of working throughout the process.

Our aim in reviewing the effectiveness of the IIA tool during 2019 will be to ensure that the full breadth of impacts are effectively considered and assessed from an early stage in policy-making and throughout its development. The review will also include engagement with a number of external stakeholders including the statutory Commissioners to capture their views.

Recommendation 5. That the Welsh Government provide an update to the Committees on the outcomes of the November 2018 meeting of the commissioners, and when it is anticipated the research commissioned on the integration of duties will be published.

Response: Accept

As outlined in our response to Recommendation 3, the IIA tool was launched in July 2018 and officials attended the Future Generations Commissioner's Advisory Panel in November 2018 to discuss the tool. At the meeting concerns were expressed by some members about the potential dilution of consideration of impact in taking an integrated approach. It was agreed that Welsh Government officials would further engage with the Advisory Panel during the review of the IIA tool and seek to address concerns raised. Officials have agreed with the Future Generations Commissioner that they will attend the next Advisory Panel meeting in July 2019 to discuss the review's progress and further steps. These further steps will involve ongoing engagement with external stakeholders, including the Commissioners.

With regards to the research, in November 2018 the then Leader of the House and Chief Whip stated that the Welsh Government would commission research to examine how we might incorporate further UN convention rights into Welsh law, commence the socio-economic duty and strengthen existing regulations or guidance. The overall aim was to consider how such actions would interact with the existing Welsh legislative framework, including the Well-being of Future Generations Act in particular.

Subsequently, the First Minister announced in December 2018 that the Welsh Government would commence the socio-economic duty, providing a fixed point around which other options for strengthening equality and human rights in Wales can be considered. This was followed by an initial workshop in February 2019, attended by key equality and human rights stakeholders and experts, the Deputy Minister and Chief Whip, the Counsel General and Deputy Minister for Health and Social Services. The workshop highlighted a number of questions and the importance of aligning this work to a number of related developments, including the ongoing Gender Equality Review.

Substantial further research is still needed to address the wider questions discussed at the workshop, which we propose will commence by September with the aim that it is completed by December 2020.

Children's Commissioner for Wales' view on the Welsh Government's Response to the joint committee report: 'Assessing the impact of budget decisions'

This note provides comment on the Welsh Government's responses to the recommendations of the joint committee. It does not seek to repeat or replicate the evidence given in [writing](#) and in person to the joint committee sessions in November 2018.

I am pleased to hear that the Welsh Government has committed to working with my office and the offices of other statutory commissioners (recommendation 1) 'to provide greater clarity on the purpose and expected outcomes of the SIIA process'. I hope that this work can now begin at pace to ensure that the budget-setting process for the 2020-21 budget is subject to the scrutiny that a comprehensive SIIA would bring.

As I stated in my evidence to the joint committee, I would expect a comprehensive Children's Rights Impact Assessment (CRIIA) to be completed and published *alongside* the budget. This CRIIA should include within its remit all elements of the budget relevant to children and young people.

The Welsh Government has responded to recommendation 2 by saying that it feels 'further consideration needs to be given as to whether this would aid accessibility, understanding and transparency'. The Welsh Government says that this is because publishing the individual impact assessments in a central location instead of alongside the relevant documentation could confuse those accessing the suite of documents published in relation to a particular decision or policy.

In relation to providing individual impact assessments in a central location, which would include Children's Rights Impact Assessments, I do not find the Welsh Government's explanation to be adequate. If the Government has already published individual assessments alongside policy / decision documents, then I am unsure why it would not also be possible to publish these individual assessments to a central location. I believe that this step would demonstrate a real commitment from Welsh Government to transparency, and would provide myself and others the opportunity to engage with them in a constructive way on the findings of their individual impact assessments. The current situation is not, in my opinion, sufficiently transparent.

Ministers in Wales have a legal duty to consider how the decisions they make affect children's rights. Currently, that duty is not given enough weight in the budgetary decision-making process, despite the fact that Children's Rights Impact Assessments form a part of that process under the Government's Children Rights Scheme.

I welcome the commitment to review the approach to the SIIA and the IIA (recommendation 3). I am pleased that the IIA review commits to engaging with external stakeholders. I would expect that external stakeholders, including my office, are to be offered an opportunity to contribute to *both* these reviews.

Specifically in relation to IIAs, in our experience, the extent to which an IIA is published alongside documents is inconsistent. As an example, some Welsh Government consultations may publish a short summary document which provides one or two sentences relevant to the impact on children and young people and children's rights, while others provide the full Integrated impact assessment document upon the launch of the consultation which includes a completed CRIA section (annex A) alongside other impact assessments.

Where CRIs are published as part of an IIA, alongside documents, or made available on request, we continue to be concerned about the variety in their quality, and an inconsistency in their application of the process of the Welsh Government's CRIA as prescribed in their Children's Rights Scheme. We have seen examples of CRIs which do not actually attempt to answer the broad question over whether and or how the policy will have an impact on children and young people, let alone attempting a fuller process.

I am concerned that the commissioned research referred to in recommendation 5 has not yet commenced, and would have expected progress by this stage in order for us to apply some learning to the 2020-21 budget-setting process. I would have liked to see this process commence at a quicker pace, but am pleased that Welsh Government has committed to commencing research by September. I look forward to engaging with Welsh Government and others to drive this forward to ensure that the situation improves throughout the upcoming budget-setting process.