

# Agenda – Children, Young People and Education Committee

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Meeting Venue:

Committee Room 5 – Tŷ Hywel

Meeting date: 14 November 2019

Meeting time: 09.15

For further information contact:

Llinos Madeley

Committee Clerk

0300 200 6565

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

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## Private pre-meeting

(09.15 – 09.30)

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

(09.30)

### 2 Curriculum reform – session on the Successful futures for all: Explorations of curriculum reform (Final Report)

(09.30 – 10.30)

(Pages 1 – 12)

Dr Nigel Newton, Research Associate, WISERD - Cardiff University

The report is due to be published on Friday 8 November and is expected to be available here: <https://wiserd.ac.uk/publications/successful-futures-all-explorations-curriculum-reform>

Attached Documents:

Research Brief



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

(10.30)

#### **3.1 Letter from Protecting Home Education Wales regarding the draft statutory guidance for local authorities on home education**

(Pages 13 – 18)

Attached Documents:

CYPE(5)-31-19 – Paper to note 1

#### **3.2 Email from the Trustee and Welsh Liaison for Education Otherwise regarding the draft statutory guidance for local authorities on home education**

(Pages 19 – 23)

Attached Documents:

CYPE(5)-31-19 – Paper to note 2

#### **3.3 Letter from the Deputy Minister for Health and Social Services regarding Early Childhood Education and Care**

(Pages 24 – 42)

Attached Documents:

CYPE(5)-31-19 Paper to note 3

### **4 Motion under Standing Order 17.42(ix) to resolve to exclude the public for the remainder of the meeting**

(10.30)

### **Break**

(10.30 – 10.40)

**5 Post-Legislative Scrutiny of the Higher Education (Wales) Act 2015  
– consideration of the draft report**

(10.40 – 11.40)

(Pages 43 – 90)

Attached Documents:

CYPE(5)-31-19 – Private paper – draft report

Document is Restricted



Lynne Neagle  
Assembly Member  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

20 October 2019

**QC advice on draft statutory guidance for local authorities on home education**

Dear Lynne Neagle

We are writing to ask your support in respect of the draft statutory guidance for local authorities on home education (the Guidance), issued by the Welsh Government, the consultation of which ends on 21 October 2019.

We have obtained legal advice on the Guidance from David Wolfe QC, of Matrix Chambers, and enclose copy of the same for your attention. You will note from the advice that if the Guidance was issued in its current form it would be **unlawful** and/or lead to **illegality** by local authorities acting in the light of it.

The main legal issues with the Guidance which would render it **unlawful** are:

1. it suggests that meetings with families and/or the child are mandatory (either for the local authority and/or the family);
2. it suggests that seeing the child is mandatory (either for the local authority and/or the parents/child to agree to that);
3. it states that only in exceptional circumstances the local authority can conclude without seeing the child that it is receiving a suitable education;
4. it implies that local authorities can/ should insist on seeing a child without its parents;
5. it implies that there is some obligation on parents to give a reason for de-registering their child with a view to home education;
6. it implies that the local authority can insist on discussions with parents and/or children as to their decision to home educate;
7. it suggests that the local authority has any role in questioning the parental choice to home educate in circumstances where that education is suitable.
8. it suggests some form of hierarchy or presumption in favour of education at schools and against education otherwise than at school.

On that basis we kindly ask that you demand the Welsh Government to withdraw the Guidance.

Yours sincerely

Protecting Home Education Wales

RE: CONSULTATION ON NEW HOME EDUCATION GUIDANCE IN WALES

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**ADVICE FOR 'PROTECTING HOME EDUCATION WALES'**

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1. I am instructed to provide advice to Protecting Home Education Wales on some legal matters arising from the Draft Statutory Guidance for Local Authorities on home education on which the Welsh Government is currently consulting.
2. I understand that this advice will be submitted as part of one or more responses to that consultation.
3. Additional legal points may arise if and when the Welsh Government makes information sharing regulations of the kind contemplated by the draft guidance. The legality of those regulations cannot be judged at this stage.
4. The points I make are in the order of the paragraphs of the Draft Guidance itself.
5. Paragraph 1.4 of the Draft Guidance explains that principles of the UNCRC guide how the rights of the child are protected. It says that "these principles are", and then lists Articles 2, 3, 6 and 12 UNCRC. However, and importantly, that list fails to include or recognise the obligations arising under Article 14 (rights and duties of parents) or Article 16 (prohibition on interference with privacy and home).

6. Paragraph 2.19 correctly notes the established legal position that local authorities may make enquiries of parents as part of discharging their legal obligations. However, paragraph 2.23 says that “Where a child has been de-registered, the local authority should meet with the family as soon as possible to determine the reasons for home education [my underlining].” That sentence goes too far in suggesting that such a meeting is mandatory (either for the local authority and/or the family), and in implying that there is some obligation on parents to give a reason for de-registering their child with a view to home education. In particular, the power to ask, does not require local authorities to ask, let alone require parents to answer.
7. While local authorities can request meetings and explanations, they cannot lawfully demand them. As drafted, the sentence gets the law wrong.
8. Similarly, in paragraph 2.31, the Draft Guidance says that “Where they can identify early signs of an intention to de-register, local authorities should contact parents to discuss their reasons.” In implying an obligation on parents to respond to such requests, the guidance goes too far and gets the law wrong.
9. Paragraph 4.21 says that “In order for a local authority to satisfy itself of the suitability of education provided by the parents, the local authority **should** see and speak with the child.” The word “should” is in bold in the text, and has a footnote which explains that a local authority would need a good reason not to comply with the guidance (and that refusal to comply by a family does not provide a good reason). That goes too far in suggesting that children/parents are under some sort of obligation to meet with the local authority – they are not.

10. The text also risks being read by local authorities as suggesting that they can (or indeed should) insist on seeing a child without its parents. There is no lawful basis for a local authority to behave that way simply because a child is being home educated. That must be made clear in the Guidance which currently gets the law wrong.
11. Paragraph 4.22 touches on that issue again in saying that “There may be occasions it is not in the best interests of the child for the local authority to meet with them, or in exceptional circumstances, the local authority can conclude without seeing the child they are receiving a suitable education.” Two points arise: first of all the question of whether the child sees the local authority in relation to just the question of home education is entirely a matter for the child’s parents and (for an older child) the child. This is not a question of “best interests”, and it is entirely inappropriate for the Guidance to suggest that such a threshold or test applies.
12. Secondly, sections 436A and 437 Education Act 1996 require the local authority to reach a view on whether a child is not receiving suitable education. Unless there is positive evidence that the education is not suitable, then the local authority could not reach a rational and therefore lawful conclusion to that effect. There is certainly no proper basis to create a presumption that the education is not suitable unless the local authority has seen the child in question, let alone provide that the local authority should only “exceptionally” depart from such a conclusion. While the Welsh Government can provide guidance on how a local authority approaches its statutory obligations, it cannot distort or subvert those obligations in the way which this Draft Guidance would appear to do here.



13. Paragraph 4.24 refers to information provided by a child and to what use may be made of it. That too implies some form of entitlement on the part of local authorities to insist on seeing a child, or on the part of parents/children to agree to that. There are no such legal entitlements or obligations and the guidance gets the law wrong in suggesting the contrary.
14. The paragraph continues "If it is clear that a child does not wish to be educated at home although the education provision is satisfactory, the local authority should discuss the reasons for this with the parents and encourage them to consider whether home education is in the best interests of the child when clearly it is not what the child wants." That is unlawful in suggesting some form of hierarchy or presumption in favour of education at schools and against home education, when the law (and Education Act 1996 section 7 in particular) is entirely agnostic as between the two: they are equal in the eyes of the law with the only issue for each being whether the education being provided is suitable.
15. That same sentence is also unlawful in implying that the local authority can insist on discussions with parents and/or children (or that the latter have to engage in such discussions); also in suggesting that the local authority has any role in questioning the parental choice to home educate in circumstances where that education is agreed suitable.
16. Those are clear interferences with, for example, Article 8 ECHR (right to respect for private and family life) which means that Article 14 ECHR (prohibition of discrimination) is engaged. That leads to the conclusion that there would be unlawful discrimination (contrary to Article 14 read in conjunction with Article 8) for a local authority to be taking the action in contemplation in that sentence of the guidance when it would not be doing the same for

other children – there is (I assume) no equivalent guidance suggesting that local authorities should ask children at school whether they would like to be educated in a different way and then challenging parents on that basis.

17. To ask about those things - and certainly to insist on answers from, and then to act on those answers - from parents and pupils involved would be incompatible with Convention rights under the Human Rights Act 1998, and so unlawful.
18. Overall, if the matters set out above are adopted in the final guidance following consultation, then that final guidance will mis-state or misunderstand the law and so be unlawful (and/or leads to illegality by local authorities acting in the light of it).

David Wolfe QC

MATRIX

14 October 2019

# Agenda Item 3.2

## CYPE(5)-31-19 – Paper to note 2

By email to: [SeneddCYPE@assembly.wales](mailto:SeneddCYPE@assembly.wales)

Dear committee members,

Ref: Draft guidance for elective home education

I am writing to ask that the committee consider the above referenced issue in full committee, on the following basis:

On 28<sup>th</sup> July 2019, the Minister for Education Kirsty Williams AM, published draft guidance and a consultation entitled: '*Home education: statutory guidance for local authorities and handbook for home educators*'. Clearly, if guidance is to be statutory it must accurately reflect the legislative basis upon which it is founded, yet this guidance fails in several ways.

Any consultation is required to follow the Gunning principles, which create duty to consult with home educating families and organisations, arising from the department's express promise made to do so, quite separately from any legal obligation to do so. Where such consultation is carried out it must be done fairly and following the 'Gunning principles' (*Initially set out in R v Brent London Borough Council, ex parte Gunning [1985] 84 LGR 168*):

- ***Consultation must take place when the proposal is at a formative stage. Public authorities must have an open mind during consultation and must not have already made the decision, but may have some ideas about the proposal.***
- ***Sufficient reasons must be put forward for the proposal so as to allow for intelligent consideration and response. Consultees must have enough information to be able to make an informed input to the process.***
- ***Adequate time must be given for consideration and response. The timing and environment of the consultation must be appropriate, sufficient time must be given for people to develop an informed opinion and then provide feedback, and sufficient time must be given for the results to be analysed.***
- ***The product of the consultation must be conscientiously taken into account.***

Notwithstanding, I have been advised from numerous sources that several sections of the proposed guidance were released to local authority staff in advance of

publication to other stakeholders. Furthermore, on 11th July 2019 Ms Williams wrote to Lynne Neagle AM to state that she had:

*'previously stated (her) view that (she did) not believe it would be possible to make an informed judgement about whether a child is in receipt of suitable education without seeing the child. The draft statutory guidance reflects this view.'*

By making this statement, Ms Williams confirmed that she had made a substantive decision about how home educating families can expect to be treated by their local authorities, at a formative stage and prior to proper consultation. This is procedurally unfair and consequently unlawful.

Ms Williams furthermore confirmed that: *'In developing the guidance (her) officials have engaged with a range of stakeholders to ensure it is as comprehensive and effective for local authorities as it can be prior to the consultation'* and *'The repercussions of not getting this right for local authorities and home educating families are too serious, and so we have been comprehensive in our engagement with local authorities and other stakeholders'*.

Home educating families and organisations, have a legitimate expectation that there would have been full consultation at a formative stage and before a decision, such as that contained in Ms Williams letter, was taken. This was not the case and 'comprehensive' engagement was had with local authorities prior to publication of the draft.

Ms Williams went on to state that:

*'Consultation on the draft regulations regarding the database and the exchange of information between local health boards and independent schools to local authorities will take place separately. This is due to an extensive scoping exercise officials are undertaking with local authority, independent school and local health board representatives'*.

*'Rather than delay the consultation on the guidance to coincide with the regulations, which as I outlined above won't be ready till November, I consider it expedient to consult on the guidance later this month, as it will have a wider audience than the regulations, which are a technical matter and won't have as a direct impact on home educating families as the new guidance'*.

This statement makes clear that home educating families are yet again expected to have no part in consultation at a formative stage, despite their right to expect such

consultation. That their input is dismissed on the basis of the issue being 'technical' is insulting of those families.

The primary point of data sharing, based on the indications in Ms Williams' letter, is that it would ride rough shod over home educating families' rights to have their data protected in accordance with the Data Protection Act 2018 and the GDPR. Data sharing without consent is a significant complaint made by home educating families to home education organisations and a matter which is considered by those families to be crucial to avoid, in order to maintaining their privacy. Again, this lack of consultation at a formative stage is procedurally unfair and therefore unlawful.

This issue was with Ms Williams, but dismissed out of hand by her and the consultation proceeded with. Please see Ms Williams' letter to Ms Neagle referred to above, attached.

Following publication of the draft guidance it was manifestly clear that several aspects of it were not only unduly draconian, but that they would breach the law if introduced. Consequently, formal legal advice was obtained by a charitable organisation 'Protecting Home Education Wales', from David Wolfe QC a well respected and eminent expert in education and public law. This advice supports the view held by home educating families and organisations, that the guidance as drafted would breach the law. A copy of that advice is attached for your convenience.

The primary areas of concern in respect of the guidance are that:

1. it suggests that meetings with families and/or the child are mandatory (either for the local authority and/or the family);
2. it suggests that seeing the child is mandatory (either for the local authority and/or the parents/child to agree to that);
3. it states that only in exceptional circumstances the local authority can conclude without seeing the child that it is receiving a suitable education;
4. it implies that local authorities can/ should insist on seeing a child without its parents;
5. it implies that there is some obligation on parents to give a reason for de-registering their child with a view to home education;

6. it implies that the local authority can insist on discussions with parents and/or children as to their decision to home educate;
7. it suggests that the local authority has any role in questioning the parental choice to home educate in circumstances where that education is suitable.
8. it suggests some form of hierarchy or presumption in favour of education at schools and against education otherwise than at school.
9. It provides for mandatory referral to the local authority, of any home educated child, by NHS staff.

As part of the consultation process a company was contracted to provide three consultation meetings which stakeholders could attend to provide their views. Numerous attendees have reported back from those meetings that they were specifically told that the issues relating to legal requirements may not be discussed. When questioned, the organisers advised attendees that the Minister had instructed that no part of the guidance relating to legal requirements would be amended following consultation and that no time would be given to discussion of same. This is not only a flagrant breach of the requirements of the Gunning principles, but also indicates a rigid refusal on the part of the Minister to consider the guidance in the light of expert legal advice.

There is very strong feeling amongst home educating families that this consultation has been conducted at least in part, as a sham. Those families have been moved to petition to have the guidance reviewed in the light of senior counsel's advice, which petition has gained in excess of 5,400 signatures.

In addition, it has come to my attention that, allegedly, local authorities are contacting home educating families and purporting to apply the current draft guidance, which is not only purely a proposal, not extant and David Wolfe QC confirmed to 'Protecting Home Education Wales' to be unlawful. Furthermore, he has confirmed that such guidance in draft form cannot be applied.

I do not believe that the committee, nor indeed the Welsh Assembly should stand idle whilst:

- there is a high risk that an unlawful draft guidance could be signed off by the Welsh Government;
- the fairness of the consultation process is in question; and

- the (alleged) unlawful activities are undertaken by Local Authorities, under the umbrella of the Welsh Government.

A full and thorough investigation should be carried out.

I am advised by Mark Isherwood AM that he raised this issue in the chamber and was instructed that the consultation had ended (which it had not as it was extended until 25 October) and that he should address his concerns to the Minister. Mr Isherwood has a significant understanding of this issue, having supported families who have been subject to inappropriate conduct by local authority staff, purely on the basis of their child being home educated. Mr Isherwood advised that I write directly to you to ask that you consider this serious and worrying issue in committee. I ask that you do so.

Both 'Protecting Home Education Wales'' representative and I would very much appreciate an opportunity to give evidence to the committee in respect of this issue and ask that an opportunity be provided for us to do so.

Yours Faithfully



Wendy Charles-Warner  
Trustee and Welsh Liaison for Education Otherwise

# Agenda Item 3.3

CYPE(5)-31-19 - Paper to note 3

Julie Morgan AC/AM  
Y Dirprwy Weinidog Iechyd a Gwasanaethau Cymdeithasol  
Deputy Minister for Health and Social Services



Llywodraeth Cymru  
Welsh Government

Our ref MA-(P)/JM/5322/19

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

6 November 2019

Dear Lynne,

Following my recent appearance at the CYPE Committee session focusing on Early Childhood Education and Care (ECEC), the Committee has requested a statement of the Welsh Government's overarching vision for ECEC.

Committee members may have seen the Written Statement released by the First Minister on 24 October to coincide with the public announcement of the Welsh Government's ECEC approach. This can be found at annex 1.

Our ECEC aim is to create a single, high quality, child centred approach to Early Childhood Education and Care across Wales. Our approach recognises the value of both early education and childcare, and will draw the best of both together into one single experience with parents able to access services in Welsh, English or bilingually.

We are building our ECEC vision on the following founding principles:

- All children should have a high quality stimulating learning and care experience in each and every education and care setting they attend, based on international evidence of quality ECEC;
- Provision of support should be flexible and responsive to individual circumstances with a focus on settings best placed to deliver quality ECEC outcomes for children,
- Artificial divides between education and care are to be removed and the focus instead will be on all settings delivering ECEC being of equal value to the child's wellbeing and development.
- Increasing the flexibility of how ECEC is delivered will provide parents with more support and choice in order to support them to access routes into sustainable employment and out of poverty;
- It should be easier for parents and families to navigate the complex and wide range of provision of support available to them (UK and Wales-specific) so they have choice and can access what is available to them;

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

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

[Gohebiaeth.Julie.Morgan@llyw.cymru](mailto:Gohebiaeth.Julie.Morgan@llyw.cymru)  
[Correspondence.Julie.Morgan@gov.wales](mailto:Correspondence.Julie.Morgan@gov.wales)

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

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



- We must retain and strengthen what we know works well, particularly the highly respected pedagogy of the Foundation Phase, and explore how we build on these strengths that already exist.
- There should be a continuum of learning and provision from 0–16, with ECEC dovetailing into the new curriculum and an increased focus on transition to ensure continuity and progress through the learner journey;
- All professionals working within ECEC should be equally valued with a package of learning and support to reflect this;
- We should explore a single funding model for all ECEC providers reflecting that they are all equally valued.

Further information on our ECEC vision is contained within the text of the speech the First Minister gave at the launch event, which I also provide at annex 2.

I trust the Committee will find this information helpful.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Julie', written in black ink.

**Julie Morgan AC/AM**

Y Dirprwy Weinidog Iechyd a Gwasanaethau Cymdeithasol  
Deputy Minister for Health and Social Services



Llywodraeth Cymru  
Welsh Government

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## WRITTEN STATEMENT BY THE WELSH GOVERNMENT

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**TITLE**      **Launch of Early Care Education and Care (ECEC) approach**

**DATE**      **24/10/19**

**BY**         **Mark Drakeford, First Minister of Wales**

I am pleased to announce today that Wales is beginning a journey to create a single, high quality, child centred approach to Early Childhood Education and Care in Wales. The approach we will be taking will recognise the value of both early education and childcare, and will draw the best of both together into one single system for children aged nought to five.

Childhood experiences play a significant part in shaping our futures, and are critical to the chances of leading a healthy, prosperous and fulfilling life. We know that already by the age of three, children from poorer backgrounds can be as much as a year behind their more advantaged peers.

The attainment gap widens by the time children enter school. At the beginning of their first year, children from the lowest-income families are already on average 16 months behind those from high-income families. These gaps increase steadily over time and can last a lifetime.

One of my Government's key commitments is make sure every child in Wales has the best possible start in life and to redress this imbalance. Ensuring that every child has access to the same, high quality support in the Early Childhood Education and Care they receive is key to this.

In Wales we already have excellent childcare provision across the early years, and a long established and well regarded early education offer for three and four year olds, in the Foundation Phase. Before we developed the Foundation Phase in Wales we looked very closely to international evidence and best practice – to New Zealand, Italy and to Scandinavia – to guide our approach. The philosophy in each of these countries is about putting each and every child first and this chimed perfectly with our own philosophy guided by the UN Convention on the Rights of the Child.

Our single system approach will be built on these foundations, with the core aim that all children should have a high quality stimulating learning and care experience in any education and care setting they attend, in Welsh, or English, or bilingually. The type of setting they attend is irrelevant if they are being supported and nurtured as they need.

In order to put child development at the heart of what we do, we need to ensure that our principles on quality of provision are clear to all who work with children; that they underpin provision in every setting in Wales and crucially that they help us to stop focusing on what makes settings different and build on what they have in common.

Wales also needs a system that is accessible and flexible for parents, children and providers.

At the moment it can often be difficult for parents to understand what provision their child can access. Although local authorities and their Family Information Service teams perform a key role in providing advice, we know families often find our early years provision confusing and complicated.

Parents tell us they value a choice in the setting they can use to access these services. Yet in some areas, parents are restricted in where they can access early education and childcare. Our aim is to ensure all providers can choose which services they offer, and parents can have a full and open choice of where to access those services.

This is particularly important in the context of provision for children with additional learning needs, or physical disabilities, where the need for specialist support can further restrict the availability of care. We want to make it easier for parents and providers to access the support the need to ensure children with additional needs can access ECEC without any inequalities.

We also want to make sure families can access early education in Welsh, English, or bilingually, according to their needs. In the context of Cymraeg 2050 we need to increase the number of Welsh language and bilingual providers in the early years, to ensure parents can access ECEC in the language of their choice.

Our ECEC vision also requires close working with and support for the workforce. A workforce that is already committed to doing the best they can for children, and to supporting and nurturing those in their care. Our ECEC approach will not lower the compulsory school age, or put children into school from birth. Nor will we expect childcare providers to take on the role of teachers. Our ECEC approach will focus on recognising the value, skills and experiences of both, and draw them together.

I also want to make working with our youngest children an aspirational career choice. We will provide current and new members of the workforce with clear career routes and progression pathways, enabling practitioners to develop specialisms that further support children.

Today's announcement sets us on the course for significant and ambitious change. Our approach is not focused on small scale changes but on a transformation over the next ten years.

In the short to medium term, this will start with a key piece of work.

We will develop a Quality Framework that will enshrine our quality principles and set out the requirements for quality across the sector for children aged 0-5. The Quality Framework will be used by practitioners to guide provision, by parents to understand provision and by inspectors to assess provision.

Estyn have been clear on the quality of current provision with 9 in 10 non-maintained settings achieving standards of 'good' or better in 2017/18 in their delivery of the Foundation Phase. This illustrates the strength of our pedagogy in Wales, as well as the strength of our practitioners and the learning environment they create. Learning through play is a vital part of a child's development, and we recognise children are at their most confident when they are engaged in play and playful activities.

The Quality Framework will be the golden thread that links all elements of the system together and provide the focus on child development. It will be key to integrating childcare and early education.

As we move forward with our ECEC approach, we will build on our success and ensure that all settings which provide ECEC for 0-5 year olds work to the same founding principles, the same focus on child development and the same ambition of high quality.

- Good afternoon and welcome to you all.
- Thank you for coming here today, and for joining us on our journey to create a single, high quality, child centred approach to Early Childhood Education and Care across Wales.
- An approach which recognises the value of both early education and childcare, and draws the best of both together into one single experience.
- Our childhood experiences play a significant part in shaping our futures, and are critical to the chances of leading a healthy, prosperous and fulfilling life.
- We know that already by the age of three, children from poorer backgrounds can be as much as a year behind their more advantaged peers.
- The attainment gap widens by the time children enter school. At the beginning of their first year, children from the lowest-income families are already

on average 16 months behind those from high-income families. These gaps increase steadily over time and can last a lifetime.

- One of this Government's key commitments is to redress this imbalance and make sure every child in Wales has the best possible start in life.
- And while there are many factors that contribute to those experiences, one area where we can ensure every child has access to the same, high quality support is in the Early Childhood Education and Care they receive.
- In Wales we already have excellent childcare provision across the early years, and a long established and well regarded early education offer for three and four year olds. We are, and we should be, proud of both of these facts.

- But, that does not mean we should stop striving for more for our children.
- This is why the early years is one of my priority areas. And it is why I am here today, to speak to you about the changes we want to make to the way we provide education and childcare in the early years; to ensure every child flourishes even before compulsory education begins at five.
- All of you here today will be familiar with our excellent and very well-respected approach to early education - the Foundation Phase - which provides high quality early education and child development from the age of three.
- Before we developed the Foundation Phase in Wales we looked very closely to international evidence and best practice – to New Zealand, Italy and to Scandinavia – to guide our approach. The philosophy in each of these countries is about putting each and every child first and this chimed

perfectly with our own philosophy guided by the UNCRRC.

- Indeed, the principles underpinning our early education provision are central to our new curriculum.
- But we also need to recognise that in the early years children's needs are varied. A three year old needs to play and explore, to build trusting relationships with adults and to discover their independence. They need to be nurtured and cared for, so that they can grow and develop to their full potential.
- I want Wales to have a high quality Early Childhood Education and Care system which simultaneously provides children with learning and nurture. A system with a child centred focus and support for those who need a little more help. A system which helps our language and culture to thrive, and increases the number of children able to access



Welsh language or bilingual education services.

- We see early years provision as less about just preparing children for school, and more about a child's holistic development – social, emotional, and cognitive. To give them the best all-round start we can, which in itself strengthens the foundation for lifelong learning.
- Our single system approach will be built on the foundation that all children should have a high quality stimulating learning and care experience in any education and care setting they attend, in Welsh, or English, or bilingually. The type of setting they attend is irrelevant if they are being supported and nurtured as they need.
- There are three key elements to this. Three areas of focus which are integral to the dynamic change we want to see.

- Quality. Access. Workforce.
- These will be our three watch words as we move forward.
- In order to put child development at the heart of what we do, we need to ensure that our principles on **quality** of provision are clear to all who work with children; that they underpin provision in every setting in Wales and crucially that they help us to stop focusing on what makes settings different and build on what they have in common
- Many of these founding principles are already evident in the Foundation Phase pedagogy and within the Curriculum for Wales 2022.
- Estyn have been clear on the quality of current provision with 9 in 10 non-maintained settings achieving standards of 'good' or better in 2017/18 in their delivery of the Foundation Phase .

- This illustrates the strength of our pedagogy in Wales, as well as the strength of our practitioners and the learning environment they create. Learning through play is a vital part of a child's development, and we recognise children are at their most confident when they are engaged in play and playful activities.
- We must continue to innovate and allow children to build the foundations of their learning through ways that come naturally to them. This is vital to ensuring that all children have a high quality stimulating learning and care experience in each and every education and care setting they attend.
- We also recognise the importance of making the learning journey of children seamless, and so we want an early years system that dovetails to the learning in Curriculum for Wales and provides a true nought to sixteen continuum of learning.

- We also want a system that is **accessible** and flexible. Both for parents, children and providers. A clear aim of ECEC is that provision of support is flexible and responsive to individual circumstances with a focus on settings best placed to deliver quality ECEC outcomes for children.
- This flexibility is key in providing parents with more support and choice in order to support them to access routes into sustainable employment and out of poverty.
- At the moment it can often be difficult for parents to understand what provision their child can access. Although local authorities and their Family Information Service teams do a key job in providing advice, we know families often find our early years provision confusing and complicated.
- We also know that one thing parents really value is a choice in the setting they can use. But all too often that choice is not really there.

- In some areas, where you can access early education is restricted. We want to ensure all providers can choose which services they offer, and parents can have a full and open choice of where to access those services.
- We are already working with local authorities to open up delivery of early education to a wider range of settings, and not restrict it to schools.
- We want to see more innovative solutions, to enable parents to have more choice about where they access both early education and childcare, and we are investing over £80 million to support this drive. This investment will lead to new childcare settings across Wales.
- The issue of access is particularly important in the context of provision for children with additional learning needs, or physical disabilities, where the need for specialist support can further restrict the availability of care. This can also restrict the development needs for children who we know do

better in mixed settings.

- We want to make it easier for parents and providers to access the support the need to ensure children with additional needs can access ECEC without any inequalities.
- We are already reforming the way we support children with Additional Learning Needs, with our transformation programme in place and a new approach coming into force from 2021, helping children and young people from 0-25. Our reforms to ECEC will fully align with this and ensure we can target help at those who need it most as soon as possible.
- In the context of Cymraeg 2050 we need to increase the number of Welsh language and bilingual providers in the early years, to ensure parents can access ECEC in the language of their choice.

- The £80 million pound capital investment includes an investment of over £30 million in Welsh language services.
- We have also committed to increase the number of Cylchoedd Meithrin by 150 over the next decade. The first 12 of these have now been established and we are pressing ahead with our plans to continue with this programme of expansion.
- We will continue to build on all these development to ensure that we strive for a system that is accessible to all children and their families.
- Last but most definitely not least, we need to invest in the early years **workforce**. A workforce that I know is committed to doing the best they can for children, and to supporting and nurturing those in their care.

- We want to ensure that we support the workforce through the changes over the coming years.
- This is not about lowering the compulsory school age, or putting children into school from birth. Nor is it about asking childcare providers to take on the role of teachers. It is about recognising the value, skills and experiences of both, and drawing them together.
- We value the work the sector does in creating high-quality environments to give children the best start. We want to work closely with the sector to ensure we continue to provide the support required to do that.
- The education workforce, both teachers and assistants' are already registered, and are currently being supported by a suite of professional learning packages as we move towards the Curriculum for Wales 2022.



- There is also a huge amount of work underway, as part of our existing 10 year Workforce Development Plan, in the childcare sector.

We have recently launched new qualifications with a focus on child development and we are working towards professional registration of childcare practitioners to ensure we embed existing quality.

- We also want to make working with our youngest children an aspirational career choice. To offer current and new members of the workforce clear career routes and progression pathways, enabling practitioners to develop specialisms that further support children. Longer term we would look to develop routes into ECEC pedagogues, to create early years experts.
- Further work is being undertaken to understand the sector's capacity in terms of Welsh language skills. Our plans are being taken forward in parallel with those to increase Welsh-medium education places, to ensure a holistic approach.

- We want to ensure that all professionals working within ECEC have a package of learning and support to reflect parity of esteem.
- Today's announcement sets us on the course for significant and ambitious change. I recognise that we are not talking about short term, small scale changes but a transformation over the next ten years.
- That transformation isn't starting from scratch. I've been clear on the quality and the strengths we already have in our early years. We will build on these in our transformation of the system. And indeed, we have already begun to do that.
- But there is more to be done and today, as well as announcing the policy direction we are taking with ECEC, I'm also able to announce a key piece of work that will underpin our vision.

- As quality principles are at the heart of our new approach we need to focus on getting them right. We need a set of principles that clearly articulate what quality provision for nought to five year olds looks like in Wales. That makes clear how Wales supports and nurtures our children.
- We will develop a Quality Framework that will enshrine our quality principles and set out the requirements for quality across the sector for children aged nought to five. A Quality Framework that can be used by practitioners to guide provision, by parents to understand provision and by inspectors to assess provision.
- The Quality Framework will be the golden thread that links all elements of the system together and provide the focus on child development. It will be key to integrating childcare and early education.
- I'll finish by being as clear as I can that today is about making a strong commitment to developing a

single system for early education and care in Wales. To acknowledge that we are already doing well, but we want to do better.

- We want to build on our success and ensure that all settings which provide ECEC for nought to five year olds work to the same founding principles, the same focus on child development and the same ambition of high quality.

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