

# Agenda – Children, Young People and Education Committee

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Meeting Venue:

Video Conference via Zoom

Meeting date: 5 November 2020

Meeting time: 09.15

For further information contact:

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Committee Clerk

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In accordance with Standing Order 34.19, the Chair has determined that the public are excluded from the Committee's meeting in order to protect public health. This meeting will be broadcast live on [www.senedd.tv](http://www.senedd.tv).

## Private pre-meeting

(08.45 – 09.15)

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

(09.15)

### 2 COVID-19: Evidence session with the Children's Commissioner for Wales

(09.15 – 10.00)

(Pages 1 – 19)

Sally Holland, Children's Commissioner for Wales

Rachel Thomas, Head of Policy and Public Affairs – Office of the Children's Commissioner for Wales

Attached Documents:

Research Brief for items 2 and 3

## Break

(10.00 – 10.10)

### 3 Scrutiny of the Children's Commissioner for Wales Annual Report 2019 – 2020

(10.10 – 11.10)



Sally Holland, Children's Commissioner for Wales

Rachel Thomas, Head of Policy and Public Affairs – Office of the Children's Commissioner for Wales

[Children's Commissioner for Wales Annual report 2019–2020](#)

## **4 Papers to note**

(11.10)

### **4.1 Letter to the Chair of the Children, Young People and Education Committee from the Minister for Education regarding the Committee's inquiry into education otherwise than at school (EOTAS)**

(Pages 20 – 45)

Attached Documents:

CYPE(5)–26–20 – Paper to note 1

### **4.2 Joint letter to the Chair of the Children, Young People and Education Committee regarding concerns about the impact the COVID–19 pandemic is having on perinatal mental health, and parent–infant relationships in Wales**

(Pages 46 – 49)

Attached Documents:

CYPE(5)–26–20 – Paper to note 2

### **4.3 Letter from the Chair of the Legislation, Justice and Constitution Committee to all Committee Chairs regarding scrutiny of COVID–19 regulations**

(Pages 50 – 52)

Attached Documents:

CYPE(5)–26–20 – Paper to note 3

### **4.4 Letter from the Chair of the Children, Young People and Education Committee to the Minister for Education regarding the Curriculum and Assessment (Wales) Bill: Stage 1 (questions not reached)**

(Pages 53 – 54)

Attached Documents:

CYPE(5)–26–20 – Paper to note 4

**4.5 Letter from the Chair of the Children, Young People and Education Committee to Welsh Government Ministers relating to the fire break and its impact on children and young people**

(Pages 55 – 56)

Attached Documents:

CYPE(5)-26-20 – Paper to note 5

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

(11.10)

**6 Scrutiny of the Children's Commissioner for Wales Annual Report 2019 – 2020: consideration of the evidence**

(11.10 – 11.20)

**7 Curriculum and Assessment (Wales) Bill: consideration of headline issues**

(11.20 – 11.50)

(Pages 57 – 67)

Attached Documents:

CYPE(5)-26-20 – Private paper

**8 Welsh Government Draft Budget 2021 – 2022: consideration of the Committee's letters to the Welsh Government**

(11.50 – 12.00)

(Pages 68 – 85)

Attached Documents:

CYPE(5)-26-20 – Private paper

Document is Restricted

# Agenda Item 4.1

CYPE(5)-26-20 - Paper to note 1

**Kirsty Williams AS/MS**  
**Y Gweinidog Addysg**  
**Minister for Education**



Llywodraeth Cymru  
Welsh Government

Our ref: MA-KW/3155/20

Lynne Neagle, MS  
Chair  
Children, Young People and Education  
Committee Senedd Cymru

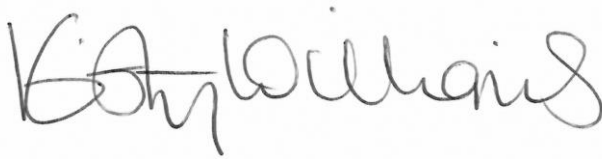
16 October 2020

Dear Lynne

Thank you for your letter of 21 September, in which you requested additional evidence to enable the Committee to complete the ongoing inquiry into education otherwise than at School (EOTAS).

I have provided answers to the questions you asked in the attached document.

Yours sincerely



**Kirsty Williams AS/MS**  
**Y Gweinidog Addysg**  
**Minister for Education**

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

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

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**1. How has COVID-19 impacted the Welsh Government's general work on EOTAS and the implementation of the Framework for Action?**

During the pandemic, work continued on increasing EOTAS pupils access to the curriculum through provisions set out in the Curriculum and Assessment Bill, which was laid on 6th July. To support implementation of the bill, additional Curriculum for Wales Guidance for pupils attending pupil referral units (PRUs) and other education other than at school (EOTAS) settings is currently being developed through co-construction with practitioners and others with experience and expertise in PRU/EOTAS provision.

I have already completed a number of actions set out in the framework, which includes publishing [A Handbook for Management Committees of Pupil Referral Units](#). In addition, I have commissioned and published the following research:

- A [Review of Local Authority Commissioning Arrangements for Education Otherwise than at School Provision](#)
- [An Analysis of Local Authority Pupil Registration Practices for Learners Accessing PRU and EOTAS Provision](#)
- An [analysis of management committee member training needs](#)
- A [Review of Local Authorities Referring Learners to Education Other than at School \(EOTAS\)](#)

Work on developing EOTAS Commissioning and Referral Guidance and work on PRU Opening and Closing Procedures Guidance, which were due to be consulted on this year, were paused as a result of prioritising Covid-19 work to support local authorities to deliver education services to vulnerable pupils. The continuation of education services for vulnerable pupils was vital during the pandemic period. Covid-19 work included publishing [Guidance for Supporting Vulnerable and Disadvantaged Learners](#), which contains guidance on supporting EOTAS pupils.

Work has now resumed on implementing the proposals outlined within the [EOTAS Framework for Action](#).

I have prioritised increasing access to the curriculum and the EOTAS Referral and Commissioning Guidance, since these are central to ensuring pupils are placed in

EOTAS settings that are appropriate to their needs and which provide high quality education that enables them to reach their potential. Consultation on the Commissioning and Referral Guidance will now take place next year.

## **2. To what extent are younger children (under 8s) being excluded?**

I have always been clear that permanent exclusions should always be a matter of last resort. It is an acknowledgement by the school that it has exhausted all available strategies for supporting the pupil.

Where exclusion cannot be avoided, our EOTAS framework for action sets out a programme of work which aims to improve outcomes for EOTAS pupils, including those who have been excluded.

Our latest evidence shows that during 2017/18, 13 pupils were excluded from primary schools<sup>1</sup>, a rate of 0.047 per 1000 pupils. In 2018/19, there were 70 pupils under the age of eight being educated in EOTAS provision<sup>2</sup>.

Whilst it is important to note that permanent exclusions from primary schools are rare, I recognise the negative impact excluding young children can have on their future education.

I also recognise we do not have sufficient evidence to explain exclusions from primary schools - this is why I will be commissioning research into the reasons for exclusion of primary school age pupils. This research will be part of a wider project which will consider, and add to our understanding of, any barriers which prevent schools from supporting pupils to remain in mainstream education. The findings will be used to inform guidance, including our EOTAS Referral and Commissioning Guidance, on supporting pupils to remain in mainstream education.

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<sup>1</sup> <https://gov.wales/permanent-and-fixed-term-exclusions-schools-september-2017-august-2018>

<sup>2</sup> <https://gov.wales/sites/default/files/statistics-and-research/2019-07/pupils-educated-other-school-september-2018-august-2019-644.pdf>

**3. How is the Welsh Government strengthening the networks between EOTAS services, schools, local authorities and consortia?**

I am committed to strengthening the networks between EOTAS services and their local schools, local authority and regional consortium to ensure these vulnerable pupils are provided with every opportunity to fulfil their potential.

The EOTAS Referral and Commissioning Guidance, which will be consulted on next year, will contribute to strengthening these networks, by clearly setting out the roles and responsibilities of the different participants involved in the process and by clearly defining the information that needs to be shared between them. The guidance will also provide advice on how local authorities can work with pupils, their families, EOTAS providers and schools to ensure the provision they commission is appropriate to their needs and enables EOTAS pupils to access the new curriculum and to reach their potential.

A key part of our national approach to the new curriculum is a set of new National Networks aligned to each of the Areas of Learning and Experience (AOLEs), together with a network specifically focused on pedagogy. A National Network will be established which will allow practitioners to further develop their skills and knowledge to deliver the new curriculum. All practitioners, including those from PRUs, will have the opportunity to be a part of the work of the network. I am committed to continuing co-construction at a national level with practitioners from a range of contexts, including PRUs”

The Education Business Exchange has been established. This is a database that gives employers the chance to work with schools to develop curriculum plans for pupils directly linked to business, employers and work experience.

I am continuing to invest unprecedented amounts – over £100m this financial year – to improve outcomes for our disadvantaged pupils through the Pupil Development Grant (PDG). Breaking the cycle of poverty and disadvantage remains a clear commitment of this Welsh Government. I recognise that the pandemic is having the greatest impact on some of our most vulnerable and disadvantaged pupils, including EOTAS pupils. The EOTAS element of the PDG is an area where effective networks



between key partners is essential in ensuring the effective operation of the grant and to maximise its value and impact.

**4. How will EOTAS settings be actively encouraged to use the framework for the whole-school approach to mental health? Will there be funding available for PRUs to support the development of the whole school approach?**

The [Embedding a Whole-school Approach to Mental Health and Well-being](#) will ensure that mental health and well-being becomes central to the way that schools work. We have made £5 million available in this financial year to support the development of the whole school approach, this includes funding to local authorities to expand and improve school counselling provision, and funding to introduce universal and targeted interventions in schools. A key aspect of the programme of work is the development of a framework to support schools in developing their own whole school approach.

One key part of the framework will be the support we give to providers to implement evidence-based interventions designed to support pupils experiencing poor mental health and to help them build resilience. The framework, which will be statutory guidance for local authorities and maintained schools has been extensively consulted on and the formal consultation ended on 30 September. We are currently analysing the results and intend to publish the final version towards the end of the year or early in 2021.

Our consultation indicated that the framework will be statutory for all maintained schools and local authorities. As we consider the results of the consultation we will consider what further support is needed, particularly for vulnerable pupils and what is needed to support implementation by schools.

Alongside this we are also considering how we support schools, local authorities and other stakeholders to implement the framework, the detail of which will be announced alongside publication of the final framework. I can confirm I have provided local authorities with funding to support well-being in all schools, including PRUs.

To improve the evidence base about the mental health of EOTAS pupils who have been excluded, a research project will be undertaken by Administrative Data Research Wales which will link education and health data to identify whether pupils who are excluded or are in EOTAS provision have poorer mental health than those in mainstream provision. I expect this work to commence early next year.

**5. Are EOTAS providers actively encouraged to undertake ACE awareness training and is there support available to help them do this, given issues around PRU staff time to undertake training?**

Over the last four years, ACE Support Hub for Wales has been supported to offer ACE awareness training to all schools in Wales. This includes EOTAS settings and some staff from EOTAS accessed this training. We are aware, however, the level of take-up by staff working in EOTAS is an issue and are giving consideration to what we can specifically do to support EOTAS practitioners to take up training, when settings and the Hub are in a position to pick this work up again.

The planned delivery of training by the ACE Support Hub in Flintshire and Wrexham is, however, progressing as planned and the Hub is able to deliver training on-line, if face-to-face training is not possible. The Hub is working closely with both local authorities and will encourage participation by staff in EOTAS, including PRUs.

In addition, new more accessible digital training materials and other professional development materials on ACEs have now been placed on the [Hwb](#), the digital platform for learning and teaching in Wales, so are available to all school and EOTAS staff.

**6. Are there specific difficulties in funding for EOTAS provision given the potential for the variation in numbers accessing provision?**

EOTAS provision is funded, organised and delivered by local authorities. Local authorities use a local funding formula to set their expenditure on education, therefore funding for EOTAS varies across the local authorities in response to local demand.

Local Authorities have access to a range of Welsh Government funding to support EOTAS provision which includes grants and funding as set out below.

### **Revenue Support Grant**

Revenue support grants are funding from Welsh Government to local authorities for pre-16 provision in schools, largely through the local revenue settlement. Local authorities use a local funding formula to allocate funding to EOTAS and to services to support pupils to remain in full time education.

### **Capital Funding**

Funding from our 21st Century Schools and Education programme is supporting the refurbishment and replacement of PRUs.

The 21st Century Schools and Education programme, represents the largest strategic investment in the Welsh educational infrastructure since the 1960s.

The original level of grant support for capital schemes was 50%, in November 2019, I announced an increase in the intervention rate. For mainstream schools this was to 65%, for special schools and PRUs 75%. To date, four PRU projects have been identified by four local authorities for investment during the second wave of programme investment - all four will be new build projects.

The first wave of investment (Band A) ran from 2014-2019 with an investment of over £1.4 billion across Wales. The second wave of investment (Band B) began in April 2019 and will see an investment of £2.3 billion. In band B, I aim to support an estimated 200 projects. Local Authorities have provided a broad outline of their plans for Band B and identified the individual projects that they wish to pursue to meet the educational needs in their particular authority. These high level plans have been approved in principle subject to the submission of business cases for individual projects. This phase continues to reduce the number of poor condition schools and colleges; provide enough places to deliver Welsh and English medium education; and ensure the effective and efficient use of the educational estate. Funding will also support the refurbishment and replacement of PRUs and facilities for pupils with ALN, where appropriate.

## **Pupil Development Grant**

The Pupil Development Grant (PDG) was introduced in 2012, to provide additional funding to schools based on the number of pupils eligible for free school meals (eFSM) or for pupils who are looked after.

In 2019, I introduced the newest element of the grant – [PDG Access](#) - which provides up to £200 to families to help cover some of the costs of the school day, including school uniform, equipment, sports kit and kit for activities outside of school. Pupils in PRUs that meet the eligibility criteria, are able to apply for this grant. In 2020/21, funding for the EOTAS element of PDG was over £700,000, with a per pupil allocation of £1,150.

## **Recruit, Recover, Raise Standards**

During the crisis it has become clear that many learners have not progressed as much as they might in terms of their progress in learning, some having been impacted more seriously than others. Evidence from a range of reliable sources (OECD, ARC, Estyn, the regions, Sutton Trust, Children’s Commissioner, Barnardo’s, International Intelligence Updates), including those focusing closely on Wales, suggests that most or all learners have been affected, and that the most vulnerable have been affected the most.

In response to this evidence, through our “[Recruit, Recover, Raise Standards](#)” programme I will provide an additional £29 million to schools to boost support for pupils at crucial stages in their education from September.

The equivalent of 600 extra teachers and 300 teaching assistants will be recruited throughout the next school year, targeting extra support at Years 11, 12 and 13, as well as disadvantaged and vulnerable pupils of all ages.

The support package, provided at a school level, could include extra coaching support, personalised learning programmes and additional time and resources for exam year pupils. Local authorities have had an allocation to ensure they are also able to respond.

## **Counselling funding**

I have made £626,000 available to local authorities in the current financial year to address waiting lists for counselling services and for the service to foster collaborative arrangements with other counselling providers. The way in which the funding is used varies by local authority but many have used the funding to purchase additional sessions of counselling time to address waiting lists.

### **7. What consideration is being given to measuring outcomes for EOTAS providers to assess the difference they make to learners' lives? How involved are EOTAS providers in this?**

The [EOTAS Framework for Action](#) outlines the work that is planned to improve outcomes for EOTAS pupils.

This includes a number of actions to measure the outcomes for EOTAS pupils::

- work being undertaken as part of the new evaluation and improvement arrangements;
- collecting destination data for EOTAS pupils;
- the development of guidance on EOTAS commission and referral arrangements;
- the Youth Engagement and Progression Framework; and
- the Pupil Development Grant terms and conditions.

## **Evaluation and improvement arrangements**

Since the publication of [Our National Mission](#), and informed by the OECD review of Welsh Education in 2017, we have worked with stakeholders to undertake a fundamental review of the current accountability system.

This includes developing new evaluation and improvement arrangements to clarify the relationship between evaluation, improvement and accountability in the school system. Whilst there is a lot of good practice in using a range of data to inform evaluation, it is recognised that in recent years there has been disproportionate emphasis on one or two narrowly focussed performance measures when holding

schools to account. Through the new arrangements, I propose to remove this emphasis, which can drive unintended consequences, and for schools to use a wider range of information that better captures the whole learning experience, pupil progress and our ambitions for the new curriculum.

New interim performance measures introduced for 2018/19, removed the emphasis from a small number of narrow threshold indicators and the unintended consequences they had driven, such as the focus on the C/D grade boundary, and shifted it towards a set of measures that promotes raised aspirations for all pupils.

I have suspended Key Stage 4 performance measures for 2019/20 and 2020/21, in response to Covid-19. This means that qualification awards data will not be used to report on attainment outcomes at a school, local authority or regional consortium level. However, this does not eliminate the requirement for learning providers to undertake effective self-evaluation to support continuous improvement using a broad range of information relevant to individual pupils in the context of their learning setting.

EOTAS pupils are in scope for the development of the evaluation and improvement arrangements. This includes exploring options for capturing the impacts of EOTAS provision on pupil outcomes, to inform improvement planning, in a way that is consistent with future arrangements for maintained schools. Decisions on future information needs and the associated systems, will be informed by an independent research project. EOTAS, PRUs and other settings will be considered as part of this research. This work was delayed due to Covid-19, but is now being resumed.

### **Destinations data**

Work is underway to incorporate data on EOTAS pupils in the Longitudinal Education Outcomes (LEO) dataset. The LEO dataset links learner records to employment, earnings and benefits records held by the Department for Work and Pensions, in order to identify and analyse the destinations of learners into further learning and/or employment once they have left learning. EOTAS data from 2014 to

date (covering just under 4,000 records) will be incorporated into the LEO dataset from next year.

### **Youth Engagement and Progression Framework**

[The Youth Engagement and Progression Framework](#) for 11-25 year olds is another means of improving outcomes for young people, supporting them to remain engaged in education, employment or training. After identifying and supporting children and young people at risk of disengaging from education, it tracks their progress into further education, employment or training.

### **Pupil Development Grant terms and conditions**

Attached to the terms and conditions for the Pupil Development Grants for regional consortia is a requirement to set out how they will ensure that practitioners monitor and evaluate the effectiveness of their approach to ensure improved outcomes for EOTAS pupils. Additionally, they are required to ensure realistic yet challenging targets are set for EOTAS providers, with a requirement to include pupil outcome targets.

### **8. What are the reasons for the delays that some families experience in accessing EOTAS provision? Are there concerns about the impact delays in accessing provision have on a learner and their family, and what more can be done to support them? Is there a greater prevalence in delays in accessing provision in certain areas of Wales?**

In 2019, of the 1,887 enrolments of pupils whose main education was other than at school, there were 28 enrolments awaiting provision<sup>3</sup>. This represents 1.5% of enrolments. There is no evidence to suggest that there is greater prevalence in particular local authority areas.

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<sup>3</sup> Since pupils may attend more than one educational provision in a week, some pupils may be counted against more than one provision. The number of enrolments is, therefore, higher than the number of pupils whose main education is other than at school (1,784 pupils).

<https://gov.wales/sites/default/files/statistics-and-research/2019-07/pupils-educated-other-school-september-2018-august-2019-644.pdf>

There are a wide range of reasons why there might be a delay in placing EOTAS pupils. Pupils who are referred to EOTAS have complex needs and identifying appropriate provision to meet their needs can take time.

Local authorities are responsible for providing education for pupils who, for whatever reason, are unable to attend school. Where it is not possible for local authorities to arrange an immediate placement to meet the needs of a pupil who cannot attend school, I expect the local authority to put in place interim arrangements until a placement is secured. This can include, for example, home tuition.

As part of the implementation of the EOTAS Framework for Action, I will be publishing EOTAS Referral and Commissioning guidance. This will provide advice on processes and responsibilities associated with referring pupils to EOTAS, as well as commissioning and delivering EOTAS provision. The guidance will be clear that EOTAS pupils should not experience breaks in their education and, where it is not possible to immediately place a pupil in appropriate provision, appropriate and suitable interim arrangements must be put in place.

**9. What is your view on the levels of unregistered EOTAS provision being commissioned by local authorities? Are there any safeguarding concerns in relation to unregistered EOTAS provision commissioned by local authorities?**

It is clearly not acceptable for EOTAS pupils to be placed in settings that are unregistered independent schools. I am committed to ensuring this does not happen and, where I have become aware that EOTAS providers are operating as unregistered independent schools, I have taken immediate action. Where enquiries determine a provider is an unregistered independent school, my officials have immediately informed the provider to cease the provision of full-time education and have informed the relevant local authorities to find alternative provision for EOTAS pupils until the provider has secured registered status.

More generally, I wrote to all local authorities in June 2018 reminding them of their responsibilities to ensure their EOTAS providers, where required, are registered.



Whilst I have no evidence to suggest unregistered independent schools are anything other than isolated incidents, I am committed to making sure local authorities do not place EOTAS pupils in unregistered independent schools.

A key aspect of advice provided in the EOTAS referral and commissioning guidance will be around the responsibility of local authorities to undertake due diligence prior to placing pupils in EOTAS provision. Due diligence includes collecting information, as part of the commissioning process, which will assure the local authority that providers are compliant with registration requirements and that other essential safeguarding arrangements are in place. Placing due diligence at the centre of the commissioning process is essential to ensuring the safety and well-being for all EOTAS pupils.

Not all independent EOTAS providers will, however, be required to register as an independent school. Under Section 463 of the Education Act 1999 an independent school is any school not maintained by a local authority that provides full-time education for:

- five or more pupils of compulsory school age; or
- one or more pupils of compulsory school age with a statement of special educational needs, or who is in public care (within the meaning of section 22 of the Children Act 1989).

Any school that meets the definition must be registered with the Welsh Government. There is no legal definition of full-time. However, we consider an establishment to be providing full-time education if it is providing education which is intended to provide all, or substantially all, of a child's education.

**10. Is there a role for local authorities in quality assuring, monitoring or evaluating the EOTAS provision organised by individual schools?**

Section 19(1) of the Education Act 1996 places responsibility for arranging the provision of EOTAS on local authorities. Section 19(1) of the Education Act 1996 does not give maintained schools the power to arrange or deliver EOTAS provision.

Maintained schools can, however, arrange or deliver education provision outside of school using provisions in the Education Act 2002. Whilst these provisions mean schools have powers which, in some cases, enables them to fund and organise or deliver similar provision for pupils enrolled in school to the provision EOTAS pupils access, such as home tuition or further education, the duties which fall on schools in relation to this provision are distinct from the responsibilities which fall on local authorities. This is particularly the case in relation to the National Curriculum. Unless exemptions apply, schools who commission provision outside of school remain responsible for ensuring pupils access the full National Curriculum.

Since provision organised by schools which takes place outside of school is not EOTAS provision, it is the responsibility of schools to assure the quality of the provision. To assist schools in this function, I am developing new evaluation and improvement arrangements that will include consideration of how provision outside of mainstream education can be captured and reported on. The new evaluation and improvement arrangements will replace parts of the current accountability system. In the reformed system, every child will count and schools will be evaluated according to the difference they make to the progress of every child.

The education provided to pupils enrolled in mainstream education is inspected by Estyn. The [Estyn Guidance Handbook for the Inspection of Secondary Schools](#) clearly states that in schools with pupils receiving part of their education off-site or on-site in nurture groups or inclusion provision, inspectors should evaluate how well this curriculum is meeting their needs.

In addition, as part of their inspection work, particularly in secondary schools, Estyn explores how many pupils in each year group are taken 'off-roll' (for both dual and single registered pupils) for local authority funded EOTAS, the reasons for this, and arrangements, if any, for re-integration and collaborative working with the 'home' school.

**11. What consideration has been given to more able and talented pupils in accessing a curriculum suitable for their needs within EOTAS provision?**

As regards our more able and talented pupils, work is underway to build the evidence base of what works and driving higher standards by developing a new national approach to how these pupils are identified and nurtured. Our regional education consortia have been trialling approaches directly with schools to test what works best for more able and talented pupils in Wales, both now and in the context of our developing new curriculum arrangements for Wales. Lessons learned should equally inform the approaches taken in PRUs and other EOTAS settings to support more able and talented pupils.

By strengthening policy approaches, and working in partnership with Regional Education Consortia, the profile of more able and talented pupils in Wales has been raised, so that schools are better placed to identify these pupils, and teachers have the skills to support them to reach their true potential.

The evidence informed approach is an essential building block of the aspirations for a self-improving system, with partners at all tiers operating as reflective, research-based, learning organisations. The emerging best practice from these efforts has been consolidated alongside research conclusions to inform both a new national definition to help identify and support these pupils, and a new national programme of professional learning.

As with other aspects of the Curriculum for Wales, additional guidance for PRUs and EOTAS is being developed in partnership and through co-construction by practitioners and others with experience and expertise in this area. Welsh Government will publish a draft of the additional guidance for feedback at the beginning of 2021.

The approach when a pupil begins to receive EOTAS should be the same as that described in the Curriculum for Wales for all pupils beginning at new school or setting. Those commissioning the EOTAS provision should ensure they understand and share with those providing EOTAS where the individual is in their learning and the progression they have made to date. This understanding should be used to

identify the pupil's starting point and how the pupil can be supported to move forward in their learning. Those involved in commissioning and providing EOTAS should take account of information provided by those who have previously supported the education of the pupil.

Assessment is intrinsic to curriculum design and its overarching purpose within the curriculum is to support every pupil to make progress. It is integral to learning and teaching and it requires effective partnerships among all those involved, including the pupil.

Assessment plays a fundamental role in ensuring each individual pupil is supported and challenged accordingly. It should contribute to developing a holistic picture of the pupil – their strengths, the ways in which they learn, and their areas for development – in order to inform next steps in learning and teaching.

**12. To what extent are PRUs and other providers prepared for the introduction of the new curriculum?**

I am committed to ensuring that all practitioners receive the support they need to deliver our new transformational curriculum.

I am expecting a profound transformation in the way our practitioners and leaders think about their professional learning in light of the new curriculum. I have allocated funding to support access to the professional learning required to deliver the new curriculum. In 2019/20, £24m was made available to schools through the professional learning grant and an additional £180,000 was allocated to all PRUs in Wales to ensure that they are able to access the professional learning required. A further £12m is to be made available to schools and PRUs in 2020/2021.

A key part of our national approach to implementation will be a set of new National Networks aligned to each of the AoLEs, together with a network specifically focused on pedagogy. These networks will be conduits to engage with the wider sector to ensure all practitioners have support to further develop their skills and knowledge to deliver the new curriculum.

I will ensure that PRUs have input into the National Networks for Curriculum Realisation – each of the networks will have responsibility for ensuring that developments are communicated widely across the sector. In addition, I will also be supporting this area of work to ensure curriculum realisation is widely communicated.

As with other aspects of the Curriculum for Wales, additional guidance for PRUs and EOTAS is being developed in partnership and through co-construction by practitioners and others with experience and expertise in this area. Welsh Government will publish a draft of the additional guidance for feedback at the beginning of 2021.

**13. To what extent are EOTAS learners able to access adequate mental health services? What consideration has been given to improving access to CAMHS for EOTAS learners?**

The well-being of all our learners is a priority for Welsh Government.

There are a number of services and programmes in place to support the well-being and mental health of all learners. This includes:

- the Together for Children and Young People (T4CYP) programme;
- CAMHS;
- Whole school approach to mental health and well-being;
- counselling services; and
- ACE support hub.

**Together for Children and Young People (T4CYP) programme**

The Together for Children and Young People (T4CYP) programme has been extended to March 2021. The extension allows provision to continue through to March 2022, subject to agreement by a new Government.

The programme is funded by Welsh Government and led by the NHS. It is a multi-agency service improvement programme working to reshape, remodel and refocus the emotional and mental health services provided for children and young people in Wales.

## **CAMHS**

Access to CAMHS services is needs-based and priority is not given to specific cohorts e.g. looked after children.

Access to NHS mental health services like CAMHS/neurodevelopment are based on the individual and their needs and priority is not given to specific groups. The type of educational provision has no impact on access to these services. Since NHS mental health services are independent of the educational setting of a young person, attending EOTAS provision should not be a barrier to accessing mental health support.

Since 2015, we have continually invested additional funding each year to improve CAMHS services. As a result, fewer children wait excessive times to access specialist mental health support.

## **Young Person's Mental Health Toolkit**

We have created a publically accessible online resource which promotes the numerous digital tools designed specifically to support young people with their own mental health and emotional well-being. The Young Person's Mental Health Toolkit links young people, aged 11 to 25, from the Hwb to a wide range of online resources. In each of the six sections there are up to ten self-help websites, apps, helplines, and more which support mental health and well-being.

## **Whole school approach to mental health and well-being**

Through our work on the whole school approach, we are developing a framework to support schools. Whilst this framework guidance does have a specific focus on children in maintained schools, it will equally apply to pupils receiving EOTAS provision, further education or vocational settings and higher education.

Officials are working with Welsh universities to develop training modules for new and existing teachers on child development and emotional and mental well-being. These modules should provide school leaders, teachers and other school staff with the skills to recognise those most at risk of exclusion or going into EOTAS, enabling them to provide earlier intervention and support to vulnerable pupils.

We have provided funding to local authorities of £600,000 in the current year to deliver universal and targeted interventions to pupils to meet their needs.

### **Counselling services**

Since 2013, local authorities in Wales have had a duty to provide an independent counselling service to 11 to 18 year olds in their area, not just through their schools but also within the community. Where a child receives their education should not be a barrier to them accessing this service.

Between October and November 2019, I consulted on the Draft School and Community-Based Counselling Operating Toolkit. The revised School and Community-Based Counselling Operating Toolkit, which was published earlier in 2020, now provides additional advice to schools and local authorities on ensuring the continued provision of counselling for pupils who have been temporarily or permanently excluded.

In the current year I have provided £1.252m to local authorities to improve and extend the existing school counselling service. Information provided by local authorities indicates this will enable an additional 14,000 school counselling sessions to be provided, benefitting an additional 3,500 children and young people. I have also provided an additional £466,500 to local authorities in the current year to extend age appropriate counselling support to children below the current Yr6 threshold. I am also in the process of commissioning independent research and evaluation into the effectiveness of the existing counselling service and the scale of need for support in younger children.

### **ACE Support Hub**

We know that children in EOTAS are some of our most vulnerable pupils, which is why our investment in the ACE Support Hub for Wales recognises the need to ensure EOTAS providers are included in the Hub's work. Work specifically targeting EOTAS, which had been planned for this school year, has had to be paused because of the Coronavirus pandemic.

We have invested more than £1.2m over three years (including £300,000 specifically to support work with schools) in the ACE Support Hub for Wales to help organisations, communities and individuals understand about ACEs and support families who may be at risk of experiencing them. We have made available a further £500k to the ACE Support Hub to continue its work for another year until March 2021, which includes the delivery of ACE awareness training to staff in schools in Flintshire and Wrexham. This is also open to staff from EOTAS.

The ACE Support Hub's work supports our work around developing and embedding whole school approaches to emotional and mental well-being.

**14. Does a lack of access to CAMHS or ALN support result in learners being placed in EOTAS when it may not be the most appropriate provision for their needs?**

My position is clear – every child in Wales has a right to an excellent education and a right to be supported to access that education – a child's circumstances should not be a barrier to achieving positive outcomes.

Education is one of the most important parts of a child's life, and we must, and will, work to ensure that having a mental health issue or having ALN should not be a barrier to a child achieving their full potential.

As I have set out above, we have put in place a number of services and programmes to support the well-being and mental health of all our learners.

In addition, I am transforming the existing SEN system through the Additional Learning Needs and Education Tribunal (Wales) Act 2018 to ensure children and young people with ALN receive early, effective support, reducing the risk of being excluded as a result of behavioural issues. The views, wishes and feelings of the learner and their parents will be at the heart of the new system.

**15. How can Welsh medium EOTAS provision be made more widely available?**

Under the Welsh Language Standards, all local authorities have a duty to ensure consideration is given to how new or updated policies can impact the Welsh



language and the ability to use Welsh, ensuring Welsh is not treated less favourable than English.

I expect all local authorities to provide EOTAS provision through the medium of Welsh when a pupil requests it. Whilst I am aware of the difficulties within the sector in recruiting Welsh speaking EOTAS staff, I am confident local authorities are working to ensure Welsh language provision is available in EOTAS settings. In February, I asked my officials to ask all local authorities about their EOTAS and PRU Welsh Language provision. Of the 18 local authorities who responded, they all have at least one fluent Welsh speaking teacher/support staff member.

**16. How can EOTAS staff be better supported to access professional learning?**

The National Approach to Professional Learning (NAPL) is available to the whole education sector, including PRUs. It is also available to home tuition teachers, where they are employed by the local authority. I remain committed to ensuring that all practitioners receive the support they need to deliver our new transformational curriculum.

The National Approach to Professional Learning was officially launched in 2018. This ‘made in Wales’ approach to professional learning marked a key point in the reform journey. It aligns with the new professional standards, the ‘Schools as Learning Organisations’ approach and professional learning model, to create a vision fit for the evolving education system in Wales for all educational practitioners, not just teachers.

It is based on significant national and international research, and is designed to ensure that;

- schools, leaders and teachers are able to access best practice in defining and sharing Professional Learning at school level, especially through the use of critical enquiry and collaborative learning;
- the providers of professional learning – the regional consortia, our Universities and others design Professional Learning experiences are high quality, accessible and fit for purpose, for example through designs that include collaborative enquiry and e-learning;

- the government funds the right sorts of professional learning, where evidence tells us will have an impact on practice in classrooms.

Integral to the National Approach is ensuring that professional learning for all practitioners is adequately resourced including both financial resources and time for teachers and leaders to engage with high quality development opportunities. The Professional Learning Grant which provides finances for schools to support the professional learning needs of their workforces is also provided to PRUs to ensure that settings are able to engage in professional learning in the same way as mainstream settings.

## **17. What improvements can be made to the career structure for staff working in EOTAS Settings?**

### **Professional standards**

I have introduced professional standards for all practitioners, including those who teach at PRUs. The professional standards have been designed to provide inspiration and a framework to support practitioners in identifying their own professional learning needs. The standards are for the whole teaching workforce, including support staff regardless of an individual's aspirations or where he/she is in their career.

Practitioners can access the standards online via their Professional Learning Passport (PLP) or using the PLP app, to reflect on their practice and identify areas for professional development. The roll-out began in 2017 and has now reached the point where an independent evaluation of the implementation, use and impact of the standards on classroom practice can begin.

Officials have commissioned an independent evaluation of the implementation, use and impact of the standards on classroom practice. The findings will inform ongoing Welsh Government activity relating to supporting every practitioner to develop throughout their career. Initial findings from the review are expected in January 2021.

## **Teaching Assistants Learning Pathway**

Teaching Assistants are vital to many PRUs working in partnership with the Regional Consortia. A Teaching Assistants Learning Pathway (TALP) has been developed to support their development including those in PRUs. The TALP is fully aligned to the new Professional standards and is for both new and experienced Teaching Assistants.

## **Statutory induction of newly qualified teachers**

Induction is a statutory requirement for all teachers with qualified teacher status who want to teach in maintained schools in Wales. Induction is a vital part of a new teacher's professional development and it is crucial that newly qualified teachers (NQTs) receive the support and professional experiences they need to grow and develop, professionally.

An independent review of practitioners' and stakeholders' experiences of induction, together with a review of consortia induction training programmes will be used to inform the development of new induction arrangements as part of an Early Career Support Package which will increase the levels of support available to NQTs and practitioners in the early career stages.

I recognise the risk to PRUs of losing good staff, due to statutory arrangements not currently allowing NQTs to undertake induction in a PRU. However, I am pleased that statutory induction in Wales is under review and as part of that, the feasibility of allowing NQTs to undertake induction in a PRUs will be considered.

### **18. Would Welsh Ministers consider using their statutory powers of intervention where there are clear cases of 'off-rolling' and where the local authority has not intervened?**

The majority of schools in Wales work hard to be inclusive but I am determined to ensure that schools are not inappropriately removing pupils from their roll.

I would prefer not to use statutory powers to address inappropriate pupil registration practices, preferring instead to increase our efforts, and work with Estyn and local authorities to ensure inappropriate pupil registration does not occur. However, this is

an option I will keep under review should evidence demonstrate that inappropriate registration practices continue.

Removing pupils from a school register – ‘off-rolling’ - is an administrative process that happens for a number of reasons. This can include pupils moving areas and, thus, changing schools and parents deciding they would like to home educate their children.

I am aware, however, there are some instances where schools have used pupil registration to improve exam results. This is clearly not acceptable and I have taken a number of steps to ensure this does not happen.

I have introduced more stringent validation checks when schools submit their Pupil Level Annual School Census data. This will ensure pupils are recorded against the appropriate school year, particularly at Year 10 and Year 11. The Estyn report into [Pupil Registration Practices](#), published in October 2019, found that in 2018/19, there was a reduction in the percentage of pupils repeating Year 10 – a change likely to have been influenced by the introduction of these more stringent checks.

In addition, as I have set out above, new evaluation and improvement arrangements are being developed to clarify the relationship between evaluation, improvement and accountability in the school system. Through the new arrangements, it is proposed to remove this emphasis, which can drive unintended consequences, and for schools to use a wider range of information that better captures the whole learning experience, pupil progress and our ambitions for the new curriculum.

In response to the recommendations Estyn made in their report into pupil registration, we will be collecting destination data to measure the effectiveness of EOTAS provision. In addition, I am considering whether changes could be made to the current arrangements for registering EOTAS pupils to support increased accountability for the outcomes of EOTAS pupils.

# Agenda Item 4.2

## CYPE(5)-26-20 - Paper to note 2

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

20<sup>th</sup> October 2020

Dear Lynne Neagle, Chair of Children, Young People and Education Committee,

We are writing as a collective to highlight our concerns about the impact the COVID-19 pandemic is having on perinatal mental health, and parent-infant relationships in Wales.

We are in an unprecedented time, facing a global public health crisis. What is becoming increasingly clear is that the mental health needs of pregnant women and new parents, and their babies are being overlooked<sup>1</sup>. This is despite emerging international evidence which suggests that women are at increased risk of developing mental health problems in the perinatal period due to the COVID-19 pandemic<sup>2</sup>, and the detrimental impact it is having on the wellbeing of babies and toddlers<sup>3</sup>.

Before the pandemic, up to 1 in 5 mums and 1 in 10 dads experienced mental health problems during pregnancy and after birth. Since the outbreak of COVID-19, the subsequent lockdown requirements and social distancing measures, parents are facing unrepresented pressures, heightened anxieties and are struggling to access family support and the mental health services they need. For parents, poor mental health in the perinatal period can make it difficult to provide sensitive and attuned care and form crucial relationships with their babies, potentially affecting a child's overall development.

### **The impact of COVID-19 on parents & babies in Wales**

- The Babies in Lockdown (2020) research showed that for 66% of respondents from Wales, parental mental health was cited as a main concern during lockdown, and only 26% felt confident that they could find help for mental health if they needed it

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<sup>1</sup> Thapa, S. B., Mainali, A., Schwank, S. E and Acharya, G (2020) Maternal mental health in the time of the COVID-19 pandemic. *Acta Obstet Gynecol Scand.* 99 (7): 817-818.

<sup>2</sup> See for example: Babies in Lockdown: listening to parents to build back better (2020). Best Beginnings, Home-Start UK, and the Parent-Infant Foundation; Das, R (2020) COVID-19, perinatal mental health and the digital pivot. Findings from a qualitative project and recommendations for a 'new normal'. University of Surrey; Davenport, M.H., Meyer, S., Meah, V. L., Strynadka, M.C and Khurana, R (2020) Moms Are Not OK: COVID-10 and Maternal Mental Health. *Frontiers in Global Women's Health.* 1 (1): 1-6; Thapa, S. B., Mainali, A., Schwank, S. E and Acharya, G (2020) Maternal mental health in the time of the COVID-19 pandemic. *Acta Obstet Gynecol Scand.* 99 (7): 817-818

<sup>3</sup> Babies in Lockdown: listening to parents to build back better (2020). Best Beginnings, Home-Start UK, and the Parent-Infant Foundation

- The Babies in Lockdown (2020) research showed that 69% of parents in Wales felt the changes brought about by COVID-19 were affecting their unborn baby, baby or young child. 41% of the respondents reported feeling unconfident that they could find help with baby's wellbeing and development if they needed it
- Early findings from the first 100+ women in the Born in Wales study shows that 6 in 10 pregnant women report periods of low mood, including feeling down and depressed<sup>4</sup>. The majority of women (7 in 10) reported a negative pregnancy experience, feeling 'isolated', 'alone', 'lonely' 'distant' and 'not supported'
- 'COVID 19 - new parents in Wales' survey by Bethan Sayed MS, showed that of those who had given birth during lockdown (N=187), 90% (N=168) felt isolated as new parents, and 63% had not received their 6-week post-natal check

Without the right support, perinatal mental health problems, and difficulties in the parent-infant relationship can have serious immediate and long-term consequences for families. Before the pandemic, there were already significant gaps in specialist perinatal mental health services, with only two out of the seven (29%) health boards in Wales meeting CCQI perinatal quality network standards<sup>5</sup>, and an absence of a mother and baby unit for families needing specialist inpatient support. The Rare Jewels (2019) report also highlighted the lack of specialised parent-infant relationship teams in Wales<sup>6</sup>. With concerns rising about the anticipated surge of need for families requiring perinatal and infant mental health support as a result of the COVID-19 crisis, urgent measures are needed to support the mental health of all expectant and new parents and their babies.

As we face a second wave of COVID-19, families need care and support from sufficiently staffed and resourced perinatal mental health, maternity, health visiting, primary care, and parent-infant services. These services are unique, and play an essential role in safeguarding and promoting the welfare of mums, dads/partners and the healthy development of infants, which means they must be protected and resourced.

We are calling on Welsh Government to:

- Give assurances that the midwifery, health visiting, perinatal mental health and infant mental health workforce will be protected from redeployment throughout the COVID-19 crisis
- Prioritise existing commitments to improving access and the quality of perinatal mental health services<sup>7</sup>, including sufficient funding to ensure all community perinatal mental health services can meet CCQI quality standards, and progressing the interim mother and baby unit as a key priority

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<sup>4</sup> Brophy S, Todd C, Toomey S. (2020) Early findings from first 100+women in Born in Wales <https://ncphwr.org.uk/wp-content/uploads/2020/09/Born-In-Wales-Newsletter-Sep2020-1.pdf>

<sup>5</sup> See: <https://maternalmentalhealthalliance.org/campaign/maps/>

<sup>6</sup> Sally Hogg (2019) [Rare Jewels: Specialised parent-infant relationship teams in the UK](#). Parent Infant Partnership UK

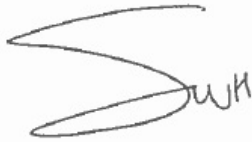
<sup>7</sup> As outlined in the [Review of the Together for Mental Health Delivery Plan 2019-2022 in response to Covid-19](#)

- Provide additional investment for perinatal mental health services and voluntary services to cope with the increase in demand as a result of COVID-19
- Provide investment to grow specialised parent-infant relationship services across Wales, to support and strengthen the important relationships between babies and their parents or carers

As part of its follow up inquiry on the impact of COVID-19, we urge the Committee to consider the impact that the COVID-19 pandemic is having on perinatal mental health, and parent-infant relationships in Wales.

As a collective, we would welcome any opportunities to support the Committee’s work in this area, and we are available to provide further written or oral evidence, should this be useful.

Kind regards



Dr. Sarah Witcombe-Hayes  
 Senior Policy Researcher, NSPCC Cymru/Wales  
 Wales Coordinator, Everyone’s Business Campaign, Maternal Mental Health Alliance



A handwritten signature in blue ink, appearing to read 'Ian Jones', with a large loop under the 'n'.

Professor Ian Jones  
Professor of Psychiatry  
Director, National Centre for Mental Health,  
Cardiff University



# Agenda Item 4.3

## CYPE(5)-26-20 - Paper to note 3

Senedd Cymru

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

Welsh Parliament

**Legislation, Justice and Constitution Committee**

Elin Jones MS

22 October 2020

Dear Elin

### **Scrutiny of Covid-19 regulations**

Thank you for your letter of 8 October 2020, which we considered at our meetings on 12 and 19 October 2020.

Your letter sought to ascertain whether it would be appropriate for “the Welsh Government to flag new Regulations where the underlying principle had already been scrutinised, to enable a decision to be taken by the Business Committee about the level of further scrutiny which might be required before the debate.” As a consequence, you asked for our views on whether there was a possibility of enabling certain Covid-related Regulations to be prioritised for debate in such circumstances.

We do not believe the option suggested by the Business Committee to be appropriate for several reasons. In our view, approval for any form of legislation should not be on an ‘in principle’ basis. We do not therefore see ourselves having a role in endorsing (or rejecting) any assessment by the Welsh Government that a particular set of regulations were in principle the same as a previous set. Moreover, the value of such an assessment would in our view be questionable, given that while a new set of regulations may follow a similar policy objective, they could still be subject to reporting points under Standing Orders 21.2 or 21.3.

We believe our scrutiny of all Covid-19 regulations has been efficient and timely. We have reported on most regulations subject to the made affirmative procedure within 14 days of the instrument having been laid. In the majority of cases, this has enabled the Senedd to vote on whether the regulations should remain in force well before the 28 days permitted by the *Public Health (Control of Disease) Act 1984* and the 40 days permitted by the *Coronavirus Act 2020* (which the Senedd consented to in March this year). We



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would also wish to highlight that the majority of made affirmative regulations have been laid on a Friday; this coupled with our Monday morning meeting slot means that there has inevitably been a week's gap between laying and committee scrutiny, irrespective of the work needed to prepare reports for committee consideration. We also draw attention to the comments of the Minister for Health and Social Services, Vaughan Gething MS, in Plenary on [6 October 2020](#), which we welcome:

“I also welcome the fact that the committee has, from time to time, helped us with consistency in legislative provisions. That's part of the point of the scrutiny. We're making these regulations in a rapid manner because of the fast-changing picture with coronavirus, and I think there's value in having the committee undertaking its scrutiny function before the legislature is then able to exercise its function in determining whether these regulations can continue or not.”

Nevertheless, we have considered a range of options to facilitate an even quicker scrutiny process. We discussed whether meeting more than once a week would facilitate the scrutiny of regulations laid by the Welsh Government at different points during the previous working week. Given the Welsh Government's practice of laying the majority of made affirmative regulations on a Friday, we also considered whether it would be feasible to move our Committee's regular meeting slot to a Wednesday morning, in order to consider regulations made on the previous Friday and to lay a report in time for a debate that afternoon. We also discussed whether we could give a formal commitment to report on made affirmative regulations within a 14-day deadline.

However, we concluded that such approaches are very likely to give rise to significant timetabling issues for the Welsh Government and Senedd Members. Furthermore, given the complexity of this legislation, any formalisation of our existing arrangements for the scrutiny of Covid-related legislation needs to be considered alongside the backdrop of an increasing volume of legislation to deal with the UK's exit from the EU, not least because such formalisation could potentially require additional resource or different working patterns. This latter point is particularly relevant given that our remit means that our work programme is currently heavily constrained by the necessary and important scrutiny of subordinate legislation related to EU exit and legislative consent memoranda for UK EU exit related Bills, including the constitutionally significant UK Internal Market Bill.

We recognise that matters related to the pandemic have been prioritised in government time during plenary sessions. We also considered whether the Welsh Government could consider using the draft affirmative procedure if at all possible when making Covid-related legislation under section 45C of the 1984 Act. Although we appreciate that this may not be feasible, we would encourage the Welsh Government to consider whether opportunities do exist for its use.



We will continue to do whatever we can to ensure the scrutiny of Covid-related regulations is conducted in a timely manner. However, we do not believe that our scrutiny function should be compromised in any circumstances.

I am copying this letter to the Chairs of all committees.

Yours sincerely

A handwritten signature in black ink that reads "Mick Antoniw". The signature is written in a cursive style with a horizontal line underneath the name.

**Mick Antoniw AM**

Chair

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



## CYPE(5)-26-20 - Paper to note 4

Senedd Cymru

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

Welsh Parliament

**Children, Young People and Education Committee**

Kirsty Williams MS, Minister for Education

Dyddiad | Date: 22 October 2020

Pwnc | Subject: **Curriculum and Assessment (Wales) Bill: Stage 1**

Dear Kirsty,

Thank you for attending committee along with your officials this week to give oral evidence on the general principles of the Curriculum and Assessment (Wales) Bill.

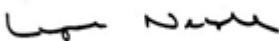
During the meeting you committed to provide the following:

- a written explanation of why the Welsh Government feels it would be inappropriate to place duties on relevant persons/bodies exercising functions under the Bill to have due regard to the UNCRC and that such duties should only be on the government and Ministers;
- details of the amendment(s) you intend to table, should the Bill progress to Stage 2, in respect of requirements to teach English prior to age 7, enabling Welsh immersion;
- an update on the estimated costs of the Bill following the resumption and completion of relevant work with stakeholders.

We also indicated that we would write with questions not reached during the session due to time constraints. Please find these listed in the annex to this letter.

In light of our reporting deadline of 4 December, I would be very grateful to receive this written information by Thursday 5 November.

Yours sincerely,



**Lynne Neagle MS**

**Chair**

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



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## ANNEX

The questions below were not reached during the session on 21 October. The Committee would be grateful to receive a written answer to inform its report and recommendations.

### The Bill's approach

- Do you remain fully confident that the approach the Bill sets for the new Curriculum for Wales, providing a high degree of flexibility to schools and discretion to headteachers through the ending of a heavily prescribed national curriculum, is the best means of achieving school improvement and raising standards across the board? You have pointed to the shortcomings of the current system as part of the reason for change but how can you be certain that this particular form of change will improve, rather than worsen, school standards and performance?
- You have explained how matters such as mental health and well-being, and equality and diversity, will be taught under the Curriculum for Wales, through the AoLEs, What Matters Code and the statutory guidance, arguing there is no need for them to be included on the face of the Bill. Why is this approach not regarded as sufficient in the case of Relationships and Sexuality Education (RSE) and Religion, Values and Ethics (RVE), which are both mandatory elements specified on the face of the Bill?

### Religion, Values and Ethics (RVE)

- We have received evidence from faith organisations that although the denominational RVE provided by voluntary aided schools is already, and will continue to be, “pluralistic”, requiring them to design and deliver (if requested) RVE **that accords with** the agreed syllabus may cause individual schools to be in breach of their trust deeds. Is this your understanding of the position?
- Is it possible for denominational RVE to **accord with** the agreed syllabus, even where the denominational RVE is pluralistic?
- If it is not possible, does it follow that voluntary aided schools will always have to design two syllabi (one that accords with the schools trust deed/tenets of the religion, and one that accords with the agreed syllabus)?
- Why is the position different for voluntary controlled schools, who are required to design and deliver RVE **having regard** to the agreed syllabus? Does the fact that they only have to **have regard** to the agreed syllabus mean that it is easier for them to provide one syllabus that does this and, at the same time, **accords** with the school's trust deed/tenets of the religion?
- You said that no formal data is collected on the number of parents withdrawing their children from sex education lessons at present but that, anecdotally, it is believed to be minimal. Does the same apply to the number of parents withdrawing their children from religious education lessons at present?
- Given that this is a bespoke Curriculum for Wales, why does section 62 of the Bill refer to religious traditions and non-religious philosophical convictions in “Great Britain”, rather than “Wales”, in the requirements for RVE?

Senedd Cymru

Y Pwyllgor Plant, Pobl Ifanc ac Addysg

Welsh Parliament

Children, Young People and Education Committee

Vaughan Gething MS, Minister for Health and Social Services

Eluned Morgan MS, Minister for Mental Health, Wellbeing and Welsh Language

Julie Morgan MS, Deputy Minister for Health and Social Services

Kirsty Williams MS, Minister for Education

Dyddiad | Date: 26 October 2020

Pwnc | Subject: **COVID-19 and its impact on children and young people – two week fire break and beyond**

Dear Ministers,

On Monday 19 October the First Minister announced the Welsh Government's intention to introduce a "fire break" from 18:00 Friday 23 October until 00:01 Monday 9 November.

The Committee welcomes the reiteration of the Welsh Government's commitment to prioritising children in the Cabinet Statement. It also notes the steps taken to address some of the Committee's concerns in the last lockdown about the availability of childcare, playgrounds, and the continuation of education for our children in primary and secondary school through to our young people in further and higher education.

The Committee's ongoing scrutiny of the impact of COVID-19 on children and young people continues. To inform our next series of sessions (details of which we will publish shortly) we would be grateful if you could provide answers to the questions in the annex to this letter. Given the time critical nature of these matters, we would welcome a response by Friday 6 November.

Yours sincerely,



**Lynne Neagle MS**

**Chair**

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



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## ANNEX

The Committee would welcome a response to the points below:

- Was a Children’s Rights Impact Assessment (CRIA) produced to inform the decision to introduce a two week fire break from 23 October? Please can a copy be shared with the Committee and published?
- What rationale underpins the decision to re-open as normal, after the half-term, primary, special, and secondary schools for children in years seven and eight, but not for other secondary school or college year groups (many of which will be undertaking examinations during this academic year and whose well-being may already have been affected by the pandemic’s impact to date)?

*[NB we note that: other school pupils will continue their learning from home for an extra week; colleges will move to online-only provision for the week following half term; work-based learning programmes, like apprenticeships and traineeships, will also be online-only for the period of the fire break; and school pupils and college students will be able to attend their settings to take exams.]*

- How was the Welsh Government’s duty to give due regard to article 28 of the UNCRC applied to the decision that year 9 upwards would be educated at home?
- What guidance and support has/will be issued to ensure that students in years 9-13 and/or college receive quality online provision after the half-term break?
- What specific arrangements have the Welsh Government, in cooperation with the higher education sector, ensured are in place in relation to student well-being, support and accommodation during this two week fire break, and beyond?

*[NB we welcome the £10 million funding **announced** on 22 October 2020 to support students through the pandemic and the speed with which the distribution methodology was decided.]*

- What arrangements have the Welsh Government put in place to work, coordinate and liaise with higher education providers? What significant issues or risks have providers raised with the Welsh Government in relation to both the fire break and longer term measures, and which of these remain to be resolved?
- What work will take place during this two week fire break to monitor and assess its impact on children and young people (including those in further and higher education)? What plans are in place to learn lessons – and inform the principles that should be adopted – for decisions about any potential future fire breaks?
- Can you confirm the main factors and sources of advice you will be taking into account when deciding on arrangements for awarding qualifications in 2021 and the timescale for making and announcing this decision?

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# Agenda Item 8

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

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