

This response was submitted to the [Children, Young People and Education Committee inquiry into Implementation of education reforms](#)

IER 02

Ymateb gan: Comisiynydd Plant Cymru

Response from: Children's Commissioner for Wales

To: Jayne Bryant MS

Dear Jayne Bryant,

Chair
Children, Young
People and Education
Committee
Senedd Cymru

I welcome the recently launched inquiry of your Committee into the implementation of education reforms. There are indications that the legislative changes have already led to a shift away from historic approaches to curriculum design, assessment and the provision of support for children with additional learning needs, and the implementation of these reforms has the potential for significant impacts to the lives of children and young people.

Via email only

7th July 2022

As I understand, this inquiry will run over the duration of the Senedd term, and it is my intention to contribute more fully to your evidence in due course, when my office will have a wider base of evidence on which to base our assessment of implementation and its impacts. My nationwide consultation: *Ambitions for Wales*, will give a valuable insight into children and young people's experiences and priorities at the outset of the next academic year, and will also gather the views and concerns of professionals and parents. Evidence gathered from my case work service over the next period may also highlight areas where policy or practice can improve. I look forward to opportunities to share pertinent findings with you as this inquiry unfolds.

At this point, I am sharing some initial suggestions to help inform your early considerations about themes and engagement activities.

First, I welcome your current invitation to pupils to submit their views. As you would expect, I consider the views and experiences of children and young people as essential evidence in understanding the true impact of education reforms. With this in mind, I would like to share with you newly published [resources that support accessible participation](#). My office developed these resources to support the children's rights duties of the additional learning needs legislation, and the toolkit is designed to support participation opportunities with children and young people, in a way that is inclusive of children with additional learning needs. This could be a helpful resource for your inquiry as it provides a method to support all children, including those with additional learning needs to share their views and experiences. Using this resource with a range of targeted groups of



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children would enable your Inquiry to hold focussed check-ins with children on your chosen thematic areas.

Second, I would like to welcome the wide scope of this inquiry, which encompasses the implementation of both new Acts. There is a need to align evaluation of the 2018 and the 2021 Acts and an ongoing assessment of how well these two pieces of legislation and supporting guidance are working together to change children's experiences. My office has recommended this approach to Government as evaluation of both Acts at a national level, at a local and setting level, should not be conducted separately. To reflect children's holistic experience all evaluation needs to look at how these reforms are working as a whole.

Last, at this stage, I would also like to highlight the duties to children's human rights included in both Acts. My predecessor as Commissioner, and your predecessor Committee, strongly recommended the inclusion of duties to children's human rights on both Acts through the scrutiny of the legislation. These calls achieved a due regard duty to the UN Conventions on the Rights of Children and the Rights of People with Disabilities in the 2018 Act. This strategic duty, set out in Sections 7 and 8, applies to relevant bodies, defined by the act as local authorities and NHS bodies.

In relation to the Curriculum and Assessment (Wales) Act 2021, recommendations from this office and your predecessor Committee succeeded in ensuring the Section 64 duty on head teachers and governing bodies (or their equivalents) to promote knowledge and understanding of the same two conventions amongst all staff involved in the planning and delivery of the curriculum.

As your predecessor Committee was so integral to ensuring children's rights were included in the legislation for education reform, this would be a highly relevant theme on which to focus, and would give evidence that may be useful in informing how children's human rights are reflected in other pieces of future legislation passed by the Senedd. I would suggest that considerations could include the extent to which there is sufficient understanding and awareness of these duties, whether there is more support needed in order to ensure these duties are implemented, and what impact these duties are having on children's experiences of their rights.

My office has produced guidance to support public bodies, school leaders and professionals to fulfil the duties to human rights included in both Acts. [The Right Way: a children's rights approach to education in Wales](#) supports this at a setting level, and [The Right Way: a children's human rights approach to Additional Learning Needs](#) support the strategic duties of the 2018 Act on public bodies.



During the development and trial of these resources in early 2022, it appeared that awareness and understanding of the 2021 Act Section 64 duty was not widespread in school leadership. This was understandable at this point, given the huge pressures of the pandemic on settings, and in light of the fact that this was a late-stage amendment to the legislation, so had not been integral to the co-construction phase with pioneer schools. It also appeared that some local authorities and health boards were at this stage struggling with capacity to deliver the children's rights duties of the 2018 Act; again, at this point this was understandable and seemed to reflect both the impacts of the pandemic and decisions to prioritise other areas of the legislation in the initial phases of implementation. However, as implementation develops these statutory duties to children's human rights must become integral for the legislation to make a substantive difference to enabling children's rights in Wales. I therefore recommend this an ongoing area of focus as your inquiry develops.

Yours sincerely,



Rocio Cifuentes MBE
Children's Commissioner for Wales