



Comisiynydd Plant Cymru Children's Commissioner for Wales

Ymateb i Ymgynghoriad / Consultation Response

Date / Dyddiad: 18th November 2016

Subject / Pwnc: National Assembly for Wales' Children, Young People and Education Committee Inquiry into the Education Improvement Grant.

Background information about the Children's Commissioner for Wales

The Children's Commissioner for Wales is an independent children's rights institution established in 2001. The Commissioner's principal aim, under the Care Standards Act 2000, is to safeguard and promote the rights and welfare of children. In exercising their functions, the Commissioner must have regard to the United Nations Convention on the Rights of the Child (UNCRC), as stipulated in regulation 22 of the Children's Commissioner for Wales Regulations 2001. The Commissioner's remit covers all areas of the devolved powers of the National Assembly for Wales insofar as they affect children's rights and welfare.

The UNCRC is an international human rights treaty that applies to all children and young people up to the age of 18. It is the most widely ratified international human rights instrument and gives children and young people a wide range of civil, political, economic, social and cultural rights which State Parties to the Convention are expected to implement. In 2004, the Welsh Assembly Government adopted the UNCRC as the basis of all policy making for children and young people and in 2011, Welsh Government passed the Rights of Children and Young Persons (Wales) Measure, which places a duty on Welsh Ministers, in exercising their functions, to have 'due regard' to the UNCRC.

This response is not confidential. I have not responded to every consultation question but only to those of direct relevance to my remit. Although the Education Improvement Grant provides support to a number of protected characteristic groups, my response focusses specifically on the impact on Gypsy and Traveller children and young people.

Submitted by:

Professor Sally Holland

Children's Commissioner for Wales

Introduction

The UN Committee on the Rights of the Child concluded in June 2016 that substantial inequalities persist in educational attainment particularly for Roma, Gypsy and Traveller children in the UK¹. It also concluded that Gypsy, Roma and Traveller children and children belonging to minority groups continue to experience discrimination and social stigmatization, including through the media,² bullying remains a serious and widespread issue for these children³ and they experience an inequality of access to health services and health outcomes.⁴ EHRC research has also shown that Gypsy and Traveller communities experience wide ranging inequalities and that accommodation issues including shortage of sites has an impact on children's education and educational attainment⁵. Indeed, addressing the end of term review for 'Travelling To A Better Future', Lesley Griffiths AM, as Minister for Communities, stated 'Educational attendance and attainment rates remain stubbornly low' and that 'there is much work still to do to ensure engrained inequalities experienced by Gypsy and Traveller communities are challenged'⁶.

There is clear evidence that Gypsy and Traveller children and young people are socially disadvantaged in relation to education, rendering it all the more important that duties under the Rights of Children and Young Person (Wales) Measure (2011) and the Equality Act 2010 are met. Gypsy and Traveller children and young people, their parents and organisations with whom they are engaged, have on several occasions raised concerns with me about access to the education system and their educational outcomes. I remain concerned about the implementation of the Education Improvement Grant (EIG) and the potential negative impact, both now and in the future, on the support and access to education for children and young people from Gypsy and Traveller backgrounds.

The issue of the EIG and its impact on Gypsy and Traveller education has previously been brought to our attention by Travelling Ahead, the Swansea Bay Regional Equality Council, and Jonathan Brentnall (Education Consultant on Race Equality), who share concerns around the rationalised Educational Improvement Grant, and the level of funding allocated through it causing a negative impact on Gypsy and Traveller Education Services (TES) and the Ethnic Minority Achievement Services more widely.

I have engaged with a number of Gypsy and Traveller children and young people since the start of my tenure, including through my Beth Nesa' consultation. My Community Ambassadors Scheme (including the New Leaf Forum for Gypsy and Traveller Young People), ensures that I hear from children and young people with expertise through their life experiences of belonging to communities including Gypsy and Traveller and Black and Minority Ethnic communities. I have also attended the All Wales Gypsy Traveller Young People's Forum and visited two Gypsy and Traveller sites.

¹ UNCRC (2016), *Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland*. Available at: <http://gov.wales/docs/dsjlg/publications/cyp/160727-final-concluding-observations-2016-en.pdf>. Accessed 07.11.2016, p18

² UNCRC (2016), *Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland*. Available at: <http://gov.wales/docs/dsjlg/publications/cyp/160727-final-concluding-observations-2016-en.pdf>. Accessed 07.11.2016, p5

³ UNCRC (2016), *Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland*. Available at: <http://gov.wales/docs/dsjlg/publications/cyp/160727-final-concluding-observations-2016-en.pdf>. Accessed 07.11.2016, p11

⁴ UNCRC (2016), *Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland*. Available at: <http://gov.wales/docs/dsjlg/publications/cyp/160727-final-concluding-observations-2016-en.pdf>. Accessed 07.11.2016, p14

⁵ The Equality and Human Rights Commission (2015) *Legal Briefing on disparaging comments about Gypsy Travellers and their sites*, p1. Available on request.

⁶ Welsh Government (2016), *Lesley Griffiths: Written statement - Travelling to a Better Future end of term review and migrant Roma consultation summary*. Available at: <http://gov.wales/about/cabinet/cabinetstatements/previous-administration/2016/romaconsultation/?lang=en>. Accessed on 01.11.2016

My response to this Inquiry focuses on the following key issues:

- Ensuring robust and effective monitoring and outcomes of the EIG;
- Tackling issues of discrimination, equalities and understanding;
- Ensuring ring-fenced funding and specialist support for Gypsy and Traveller communities.
- Reviewing *Moving Forward* (2008);
- Ensuring flexible and innovative provision to meet the needs of Gypsy and Traveller communities and learning from best practice;
- Ensuring that attention is paid to the needs of Gypsy and Traveller children in Curriculum reform and other forthcoming measures including the ALN Bill, the review of Respecting Others guidance and the ongoing debate about elective home education;
- Ensuring that Gypsy and Traveller children and young people are involved.

How the Welsh Government monitors the way local authorities use the Education Improvement Grant:

My response to this question focusses around the following key issues:

- *need for robust monitoring of the outcomes of the EIG,*
- *the lack of data collated around Gypsy and Traveller children and young people specifically through the EIG.*

It is vital that local authorities are monitored effectively around how they are implementing the EIG and that data are analysed and used to inform future work. From discussions with Local Education Authority representatives, I am aware that the delay in providing the EIG Terms and Conditions and the lack of an outcomes framework, or any detailed accompanying guidance, and the lack of apparent engagement and consultation on the changes has proven to be challenging for local authorities implementing the grant. I remain unclear about the monitoring and accountability employed to date to evaluate the effectiveness of the EIG and how adherence to the terms and conditions of the EIG are being monitored. Ensuring a comprehensive, meaningful and effective Outcomes Framework would enable more accurate and meaningful monitoring of data to inform future service delivery and budget allocation. I raised this issue in a meeting with the previous Minister for Education in September 2015, and he acknowledged the need for a more structured outcomes framework to measure the effectiveness of the Education Improvement Grant and Pupil Deprivation Grant⁷. Welsh Government's research report, *Gypsy and Traveller Education: Engaging Families* (2014), identified areas for further potential action for local authorities to improve data collection and analysis, to continue to support TES and continue to support levels of support for Gypsy and Traveller communities⁸.

Whilst having flexibility to provide resources as deemed appropriate on a local or regional level can ensure provision can be more appropriate to local need, it can create difficulties in ensuring that the move towards the EIG is leading towards improvements in educational outcomes for Gypsy and Traveller children and young people. Under the EIG there are no consistent means by which to monitor data and access to education in relation to specific subpopulation groups. This lack of data can be demonstrated through the vast disparity in figures - approximately 70% - between the Pupil Level Annual School Census (PLASC) figure of January 2015 (957) and the figure identified through Dr. Jonathan Brentnall's research on the impact of cuts to the EIG (1682) for the end of the 2014/15 academic year⁹. With numbers of Gypsy and Traveller

⁷ Children's Commissioner for Wales (2015) *Note of Introductory Meeting with Minister for Education and Skills: 09.09.2015*. Available on request.

⁸ Welsh Government (2014), *Gypsy and Traveller Education: Engaging Families – A Research Report*. p78. Available online at <http://dera.ioe.ac.uk/21443/1/141125-gypsy-traveller-education-engaging-families-en.pdf>. Accessed 07.11.2016

⁹ Jonathan Brentnall (2016) *Summary of FOI Request information on MEAG, GT Education Grant and EIG between 2013/14 and 2015/16*, p5. Available on request.

children and young people now being counted through the school roll under EIG arrangements, but with many Gypsy and Traveller children and young people not in school, the lack of accurate data will result in an under allocation of resources which will in turn affect Gypsy and Traveller children and young people's needs being met within the education system and across the community. Resources are therefore needed to identify and develop provision for those who are not currently in school.

How the new, amalgamated grant supports Gypsy, Roma and Traveller, and Minority Ethnic children, with specific reference to improving educational outcomes:

From 2015-16, the Gypsy Children and Traveller Children Grant and the Minority Ethnic Achievement Grant were merged into the new Education Improvement Grant. What impact has this had on the levels of educational support available to Gypsy, Roma and Traveller and Minority Ethnic children, and their educational outcomes? If this is a concern to you, how should this be addressed?

My response to this question focusses around the following key issues:

- *discrimination, equalities and understanding,*
- *communication and collaborative working,*
- *the availability of ring-fenced funding and specialist support for Gypsy and Traveller communities.*

I am aware of a deep concern around education for Gypsy and Traveller families. I have met with Gypsy and Traveller children and young people from a number of local authority areas and sites and have heard similar messages of concern. I have met a number of children who are not in school having not made the transition from primary to secondary school and are receiving very little alternative education. I find this very concerning. Children and young people have told me that they want to engage with the education system and want to attend and remain in school, but they feel their views are ignored and that they are discriminated against, stigmatised and bullied, to the extent that one young person expressed the view that they felt they would never be accepted as equals in society. Gypsy and Traveller children and young people participating in Travelling Ahead's 'Good Practice in Education: Peer Research Project' raised issues around bullying, discrimination and lack of understanding¹⁰, which was echoed by The Romani Culture & Arts Company (RCAC)'s research project on Educating Gypsies and Travellers, highlighting a feeling of poor communication between schools and Gypsy and Traveller parents or carers, as well as inadequate training for school staff¹¹. Welsh Government's research report, *Gypsy and Traveller Education: Engaging Families* (2014) lays out potential actions for schools to fulfil their role in working with families in facilitating attendance, transition, retention and re-engagement, and in working closely with TES and other services in implementing and supporting academic and pastoral support¹². Schools and educational services need to be more understanding, tolerant and accessible to Gypsy and Traveller communities, improve communication between families and schools, and tackle issues of bullying and discrimination effectively.

I am confident that such approaches are achievable and I have met children and their parents who feel that they have had a positive and successful experience of education where local schools have made specific arrangements to ensure that children and young people feel safe and their culture is valued. These children were being educated in Torfaen and Pembrokeshire.

¹⁰ Save the Children (Travelling Ahead) (2015), 'Good Practice in Education: Peer Research Project: Young People's Report' <http://www.travellingahead.org.uk/wp-content/uploads/2016/05/Travelling-Ahead-Young-Peoples-Education-Research-report-Eng.pdf>

¹¹ Isaac Blake RCAC, 2016, *Awards for All Research Report 2016: Educating Gypsies and Travellers: What Gypsy and Traveller children, young people and their parents really think of the education service they receive and what do they really want?*. Available on request from RCAC.

¹² Welsh Government (2014), *Gypsy and Traveller Education: Engaging Families – A Research Report*. p78. Available online at <http://dera.ioe.ac.uk/21443/1/141125-gypsy-traveller-education-engaging-families-en.pdf>. Accessed 07.11.2016

I am concerned that the move away from separate grant streams to the EIG risks the potential lack of priority afforded to Gypsy and Traveller children and young people in relation to their education and the loss of specialist, flexible and appropriate services which have built and nurtured relationships of trust with the Gypsy and Traveller community, supporting engagement and access to this population group. None of the areas of provision now served by the EIG are ring fenced, meaning consortia and local authorities can set their own priorities as they see fit, resulting in inconsistencies in funding allocations across different areas. By ring-fencing funds to support education for Gypsy and Traveller children and young people, Welsh Government and local authorities would be better placed to improve service delivery and outcomes for this population. Without ring-fencing funds it is harder to protect valuable services that were previously supported under the bespoke grant prior to the EIG, which I am concerned may result in a loss of services which have spent long periods of time engaging with Gypsy and Traveller communities, building their trust and encouraging and enabling engagement with the education system, local authorities and the Welsh Government. Further problems are also likely to arise when additional children with needs appear or needs increase during year post funding allocation, a factor which is increasingly likely for those Traveller families who are nomadic¹³ with children who attend a number of different schools, or if children's needs escalate and a higher level of support is required within the year. Jonathan Brentnall's research stated that the cuts have been significant across Wales, even with local authorities having 'allocated a proportion of the EIG to these areas of provision that is significantly above the WG notional proportion of the contributions from the MEAG and GT Education Grant going into the EIG at the start of 2015/16'¹⁴. There has been a decrease in the ratio of FTE specialist Gypsy, Roma and Traveller staff to Gypsy, Roma and Traveller pupils and an increase in the variation in the average per pupil amount designated for Gypsy, Roma and Traveller pupils.¹⁵ The availability of specialist support to enable increased engagement with this group is paramount in ensuring they can access their rights in relation to education and having their voices heard and the reduction in specialist expertise tasked with building capacity to improve practice in schools seems at odds with Welsh Government's clearly identified need for greater capacity-building in this area¹⁶.

What more could be done to support the educational attainment of Gypsy, Roma and Traveller and Minority Ethnic children: in schools; by Local Authorities; by regional consortia; and by the Welsh Government? Do you know of examples of good practice or successful policies? If so, what are they?

My response to this question focusses around the following key issues:

- *a review of Moving Forward (2008),*
- *flexible and innovative provision,*
- *ensuring the voices of Gypsy and Traveller children and young people are heard.*

'Moving Forward' (2008) is now outdated and there are inconsistencies in how this guidance is followed as well as a range of different models for engaging with Gypsy and Traveller communities effectively and administering the EIG across different Local Authority areas. A review of this guidance could work towards ensuring that education services were better supported to respond to the needs of Gypsy and Traveller children, young people and their families.

Schools and educational services need to be able to work more flexibly and innovatively to meet the changing demands and mobile nature of Gypsy and Traveller children, both in relation to pastoral and

¹³ Welsh Government (2014) *Ethnic Minority Pupils, Evidence Review and Practice in Wales*, p28. Available at <http://gov.wales/docs/caecd/research/2014/140610-ethnic-minority-pupils-en.pdf>. Accessed 02.11.2016

¹⁴ Jonathan Brentnall (2016) *Summary of FOI Request information on MEAG, GT Education Grant and EIG between 2013/14 and 2015/16*, p5. Available on request.

¹⁵ Jonathan Brentnall (2016) *Summary of FOI Request information on MEAG, GT Education Grant and EIG between 2013/14 and 2015/16*, p5. Available on request.

¹⁶ Jonathan Brentnall (2016) *Summary of FOI Request information on MEAG, GT Education Grant and EIG between 2013/14 and 2015/16*, p1. Available on request.

academic support. Research to date has shown Gypsies and Travellers have a lack of confidence in the education system overall, find the curriculum inflexible¹⁷ and do not feel that schools and the current education system met their aspirations and needs.¹⁸ I believe there is a need for more flexible and more proactive provision within schools and educational services to meet the needs of Gypsy and Traveller children and young people and to minimise lack of confidence in the system meeting their child's needs.

There is good practice evident in Wales, but it is not consistent across the nation. There is a need to determine what constitutes best practice, and determine how to effectively share examples of effective engagement where they exist. It is vital that we pay heed to the views of Gypsy and Traveller children and young people and their families to ensure that all children and young people are heard and that their rights in relation to education (UNCRC Articles 28 and 29), non-discrimination and their best interests (UNCRC Articles 2 and 3) are met. In addition to engagement and meaningful consultation overall, greater emphasis needs to be paid to transitions, admissions and enrolment and positive relationships with educational staff to decrease inequalities in accessing education. Investment in support structures across local authorities to support the inclusion and engagement of Gypsy and Traveller children and young people would also help to address barriers to access and inclusion in schools, which is vital for engagement and retention¹⁹ and would support Gypsy and Traveller children and young people's rights to education being met.

If you could recommend to the Welsh Government one thing it could do to improve the educational attainment of Gypsy, Roma and Traveller, and Minority Ethnic children, what would it be?

In order to ensure that the rights of children and young people from Gypsy and Traveller communities are upheld and that progress towards equality is maintained for these children and young people and their families, it is vital to ensure that this group remains a priority. It is my view that since the introduction of the EIG, opportunities have been lost to identify, engage with and ensure appropriate support for Gypsy and Traveller children and young people and communities. Ring-fencing funds to support education for Gypsy and Traveller children and young people, would result in Welsh Government and local authorities being better placed to work collectively to improve service delivery and educational outcomes for this population.

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

How effective are other Welsh Government policies and strategies for supporting the education of Gypsy, Roma and Traveller, and Minority Ethnic children? If this is a concern to you, how should this be addressed?

Through the Curriculum Reform process, Wales is fundamentally reviewing much of its education system and it is essential that all groups of children and young people gain from the new Curriculum. This is an ideal opportunity to ensure that all children and young people's rights in relation to education are met, including disadvantaged groups such as Gypsy and Traveller communities. The impact on Gypsy and Traveller children and young people should be fully considered in the curriculum reform process and the development of other policies, guidance and legislation including Welsh Government's review of Respecting Others

¹⁷ Save the Children (Travelling Ahead) (2015), 'Good Practice in Education: Peer Research Project: Young People's Report' <http://www.travellingahead.org.uk/wp-content/uploads/2016/05/Travelling-Ahead-Young-Peoples-Education-Research-report-Eng.pdf>

¹⁸ Isaac Blake RCAC, 2016, *Awards for All Research Report 2016: Educating Gypsies and Travellers: What Gypsy and Traveller children, young people and their parents really think of the education service they receive and what do they really want?*. Available on request from RCAC.

¹⁹ Welsh Government (2014), *Gypsy and Traveller Education: Engaging Families – A Research Report*. P22. Available online at <http://dera.ioe.ac.uk/21443/1/141125-gypsy-traveller-education-engaging-families-en.pdf>. Accessed 07.11.2016

guidance, the ALN Bill, and ongoing discussions around home education. In listening to and fully taking into account the needs of Gypsy and Traveller children and young people, we can ensure they are supported to achieve their full potential in relation to educational outcomes.