

Background information about Estyn

Estyn is the Office of Her Majesty's Inspectorate for Education and Training in Wales. As a Crown body, Estyn is independent of the Welsh Government.

Estyn's principal aim is to raise the standards and quality education and training in Wales. This is primarily set out in the Learning and Skills Act 2000 and the Education Act 2005. In exercising its functions, Estyn must give regard to the:

- Quality of education and training in Wales;
- Extent to which education and training meets the needs of learners;
- Educational standards achieved by education and training providers in Wales;
- Quality of leadership and management of those education and training providers;
- Spiritual, moral, social and cultural development of learners; and,
- Contribution made to the well-being of learners.

Estyn's remit includes (but is not exclusive to) nurseries and non-maintained settings, primary schools, secondary schools, independent schools, pupil referrals units, further education, adult community learning, local government education services, work-based learning, and teacher education and training.

Estyn may give advice to the Assembly on any matter connected to education and training in Wales. To achieve excellence for learners, Estyn has set three strategic objectives:

- Provide accountability to service users on the quality and standards of education and training in Wales;
- Inform the development of national policy by the Welsh Government;
- Build capacity for improvement of the education and training system in Wales.

This response is not confidential.

Introduction

Estyn welcomes the continued focus on ensuring that the principles enshrined in the UNCRC and Rights of Children and Young Persons (Wales) Measure 2011 become a reality for children and young people in Wales. In summary:

- We welcome the strong role that the UNCRC plays in education policy development in Wales, especially in ensuring the rights of particularly vulnerable learners such as young offenders and those with additional learning needs.
- We find effective practice in how schools and other providers promote children and young people's participation and involvement in decisions that affect them, although this practice is not widespread enough. In particular, we welcome the creation of the Welsh Youth Parliament.
- We are positive about the strong emphasis on the rights of children and young people and on person-centred approaches within the Additional Learning Needs and Education Tribunal (Wales) Act and within the draft ALN Code. We are seeing increasing evidence of person-centred practice within schools. We identified that the draft Code would benefit from broadening its narrative to include the General Principles of the UNCRC and in particular Articles 2, 3, 6 and 12.
- We welcome the inclusion of human rights education as a cross-cutting theme in the new school curriculum. An Equality Impact Assessment or a Children's Rights Impact Assessment was not available at the time of submitting our response to the consultation on Relationships and Sexuality Education (RSE). These assessments could have demonstrated how Welsh Government's renewed approach to RSE helps to meet the UN Committee on the Rights of the Child's recommendations¹

Consultation Questions

The Children, Young People and Education Committee is undertaking a short inquiry on children's rights in Wales to review the impact of the Rights of Children and Young Persons (Wales) Measure 2011. It will consider:

- ***the extent to which the Rights of Children and Young Persons (Wales) Measure 2011 has influenced the Welsh Government's decision making, including its financial allocations and whether it has fulfilled the Convention's 'general measures' of implementation;***
- ***evidence of whether the Measure has led to improved outcomes for children and young people;***
- ***whether the duties within the Measure have been embedded effectively across Welsh Government cabinet portfolios and policy;***
- ***the extent to which the Welsh Government has sought to ensure that its duties within the Measure are translated into the work of the public bodies it provides funding to, including local authorities and NHS bodies;***
- ***the extent to which the Welsh Government has implemented its duty to promote knowledge and understanding of the UNCRC amongst the public, including children and young people;***
- ***how the duty to have 'due regard' to the Convention on the Rights of the Child is being implemented in practice and whether Child Rights Impact Assessments are being used as a meaningful tool;***

¹ UN Committee on the Rights of the Child (2016) Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland.

- ***the effectiveness of the Children's Right's Scheme and the most recent Welsh Government compliance report, and the extent to which they evidence sufficient action on the part of Welsh Government to ensure full implementation of the Measure;***
- ***how effectively the Welsh Government responds on a strategic basis to the Concluding Observations of the UN Committee on the Rights of the Child.***

Estyn welcomes the continued focus given by the Welsh Government to UNCRC. A positive step forward over the last year has been the establishment of a Welsh Youth Parliament. Elections took place in November 2018 and resulted in 60 young people aged 11 - 18 as members. The Welsh Youth Parliament has identified early priorities and received positive support from Ministers and officials. However, it is too early to evaluate the impact of the Youth Parliament on pupil voice and participation, outcomes for young people.

There is evidence that the focus given to UNCRC through the Measure is having a positive impact on policy. For example, Estyn has welcomed the explicit and strong emphasis given to furthering the United Nations Convention on the Rights of the Child (UNCRC) through the Additional Learning Needs and Education Tribunal (Wales) Act and Draft ALN Code. The guidance issued by the Welsh Government around person-centred practice is starting to have an impact within schools. Estyn's report on schools' 'Readiness for ALN reforms' identifies that many schools and staff are aware of person-centred practice and a majority of schools are already introducing the approach with staff, pupils and parents.

The Rights of Children and Young Persons (Wales) Measure 2011 has influenced education in Wales and schools in Wales promote pupil participation and decision making. Estyn's response draws together inspection evidence relating to the impact of the Rights of Children and Young Persons (Wales) Measure 2011 on improved awareness within schools and others providers and improved outcomes for children and young people.

A report by Estyn on 'Pupil Participation – a best practice guide' in December 2016 explores four characteristics of schools with strong pupil participation and identifies the contribution pupil participation can make to school improvement as well as the benefits to pupils themselves. Participation is defined as pupils having their voice heard when decisions are been made that affect their education and their lives more generally, and being actively involved in that decision making – this relates to Article 12 of the UNCRC.

Main findings from the report on features of school with strong practice:

- There are clear roles and structures in place across the school to capture the views of all pupils on a wide range of issues relating to school improvement. Staff take the views of pupils seriously and act on them. Pupils, staff and governors understand their roles and responsibilities in relation to participation. Leaders can demonstrate the impact of participation on school improvement planning.
- Pupils have a breadth of opportunities to participate within and beyond the school to contribute to debate and influence decisions across a wide range of issues that affect them. These opportunities encourage pupils to develop the skills needed to become active citizens
- Pupils and staff access good quality training and continuous professional development that is well targeted to develop the skills, knowledge and understanding needed to have pupils' voice heard in discussions and in decision-making.
- Where pupil participation is strong, pupils make a valuable contribution to school improvement by influencing decisions on wellbeing, learning experiences, and the quality of teaching, and by helping to identify the school's future priorities. Many schools report that pupil participation contributes to an improved school environment and ethos, and to better relationships between all in the school community.

- There are also benefits for pupils in greater participation, including improved health and wellbeing, improved engagement and behaviour, and improvements in learning, achievements and school performance. Through their greater involvement in decision making, pupils develop valuable personal and social skills, such as listening, communication, negotiation, prioritising, and working with others. They also gain a better understanding of the rights of other members of the school community and of the consequences of actions that affect others. Pupils are better prepared to become ethical, informed and active citizens of Wales and of the world, and attitudes towards active citizenship become more positive.

The report includes a series of case studies to exemplify the main findings above.

More recently, the [Chief Inspector's Annual Report 2017-2018](#) highlights the latest findings of strengths and areas of developments within pupil voice and participation. Below, we summarise the findings from various sectors inspected during 2017-2018.

Primary Schools

Many pupils take on responsibilities to support school life and other pupils, for example in their roles as playground buddies and digital leaders. However, in around half of schools, pupils do not influence important school decisions. In many excellent schools, pupil leadership groups influence all aspects of school life, including curriculum development and pedagogy.

In around a fifth of schools, the provision for listening and responding to the views of pupils is exemplary. In these schools, leaders seek pupils' views about the strategic direction of the school. For example, pupils contribute to the school improvement plan and take part in evaluation activities, such as learning walks. Many other schools do not give pupils enough opportunities to contribute to the life of the school beyond planning charitable events, or buying and organising playground equipment.

Case studies

[Ysgol Gymraeg Treganna](#)

[Ysgol Pen y bryn](#)

[Glan Usk Primary School](#)

[Ysgol Dolbadarn](#)

Secondary Schools

A notable feature in many schools is the willingness of pupils to take on leadership roles and responsibilities. They contribute to the life and work of the school in many ways, for example as members of school councils, as digital leaders and sports ambassadors, and by providing peer support to other pupils. A majority of pupils develop well as ethical and informed citizens and have a strong awareness of fairness, equality and tolerance.

In three-quarters of secondary schools, the care, support and guidance of pupils has strong features. These schools have a positive, inclusive and caring ethos and a culture of respect that support pupil wellbeing. As a result, pupils make good progress in their personal development. These schools have suitable arrangements to monitor pupils' academic progress and their wellbeing. In the best examples, schools use a range of evidence to develop a rounded view of each pupil. They use these arrangements well to celebrate achievement, as well as to identify underperformance or barriers to learning. This enables them to intervene promptly to meet the needs of individual pupils. In these schools, pupils with special educational needs and those experiencing emotional or social difficulties are supported well. The schools make effective use of partnerships with other agencies in this work.

In around three-in-ten schools there is a culture of high expectations, and consideration for others pervades all aspects of school life. In these schools, pupils learn to respect the values and beliefs of others and many develop particularly high levels of self-confidence. There are extensive opportunities to develop pupils' skills through participation in pupil-led policy groups, acting as mentors or tutors for younger pupils, or volunteering to lead activities in the local community. This is very effective in fostering pupils' decision-making skills and self-esteem.

Case Study on pupil participation [Bishop of Llandaff High School](#)

Independent Mainstream Schools

Pupils with leadership roles take their responsibilities seriously and are proud of their positions. In half of schools, a few pupils rely too heavily on the teacher to support their learning or have limited opportunities to develop their leadership roles and influence the work of the school.

In schools with exceptional practice Members of staff promote the importance of good citizenship well and provide pupils with many opportunities to take on roles and responsibilities.

Case study [Redhill Preparatory School](#)

Pupil Referral Units

A majority of pupils engage well in learning activities, concentrate on completing tasks to the best of their ability and have positive attitudes towards learning. This is particularly the case where pupils have choice over what and how they learn. However, at each of the PRUs, pupils do not have a strong enough voice about what and how they learn.

Further education

Learner representatives, elected by their peers, work well with managers to identify ways to improve their college experiences. They help to steer the work of the college by making useful contributions to governing body meetings and by providing their views on key developments, such as the design of new buildings. Most learners feel that college managers value their views.

Youth Services in Wales

Estyn's thematic review, 'Youth Support Services in Wales. The Value of Youth Work' (July 2018), recognises the impact of the United Nations Convention on the Rights of the Child on this important sector in Wales.

The review identifies that in 2004, the Welsh Assembly Government decided that whenever it develops policies for children and young people it would do so with the aim of achieving for them the rights, which are set out in the UNCRC, as well as those in other legislation.

Welsh Government has developed the National Youth Work Strategy for Wales 2014-18. This is aimed at organisations providing statutory and voluntary youth services for young people aged 11 to 25. The strategy reflects European agendas for the integration of young people into society and their equality of access to education and the labour market. The strategy states that the actions of the Welsh Government and its partners should support six strategic outcomes, one of which is that: 'Youth work provision evidence how it supports cross-governmental priorities (including UNCRC, education, health and wellbeing, tackling poverty).

The Wales Charter for Youth Work (Welsh Government, 2016) sets out what young people can expect from youth services across Wales. In its Developing Youth Work in Wales document, the Welsh Government states that all young people will be entitled to easy access through the medium of English or Welsh to have opportunities to:

- participate in decision-making via informal and formal structures for youth engagement locally and nationally (e.g. young mayors, youth councils, and Senedd): such arrangements to have clear references to participation standards; to be based on UNCRC principles; and seek to engage young people in shaping and scrutinising the services which affect them.

Through the Welsh Assembly's adoption of the United Nations Convention on the Rights of the Child, and its statutory guidance Extending Entitlement (Welsh Assembly Government, 2002), all young people in Wales are entitled to have access to youth support services. These services provide activities and opportunities for young people; they challenge and support them, introduce them to new experiences in a safe environment, and help them to make relationships, build friendships and learn new skills. There are many varied and effective youth support services available to young people in Wales underpinned by a wide range of legislation and policy. However, these services are not available in all areas or to all young people who need them.

Inquiry into prison provision in Wales

In our response to the Welsh affairs select committee on provision for women prisoners and young offenders in Wales, Estyn identifies the role that the UNCRC plays for this group of vulnerable learners.

Every child in Wales has the right to grow up healthy, happy, safe and supported to be the best they can be. This includes the right to an education that makes the most of their individual interests, talents and abilities (Articles 28 and 29 of the United Nations Convention on the Rights of the Child (UNCRC)).

Children and young people in receipt of a custodial sentence are among Wales' most vulnerable learners and their rights to an education do not end at this point. Articles 37 and 40 of the UNCRC further guarantees young offenders' right to access education and training. Although it relates to the whole of the UK, the UN Committee on the Rights of the Child expressed concern that "access to education and health services, including mental services, is insufficient for children in custody" (p.21). It recommended that the UK Government "bring its juvenile justice system, including in all devolved administrations,...fully into line with the Convention and other relevant standards" (p.22).

Her Majesty's Prison (HMP) Parc is the only Young Offenders Institution (YOI) in Wales and has been providing education and training to children and young people for over 10 years. During this time, senior leaders and managers have developed a clear focus on education as a driver for improvement planning. They have strengthened the resources allocated to developing young people's skills by:

- Extending the range of courses and qualifications they offer to young people;
- Improving the relevance of its provision to the labour market;
- Improving the quality and consistency of teaching
- Improving its focus on developing young people's literacy and numeracy skills.

It is clear that the focus on education and training is a key driver for supporting young people's rehabilitation and preparing them for reintegration back into the wider community. HMP Parc's leaders take prompt action to respond to and address the recommendations of

inspections that relate to young people's education and training provision.

CYPE Committee Inquiry – Progress on Curriculum Reform

In Estyn's response to the committee inquiry into the progress on curriculum reform (December 2018), we identify that the steps being taken to ensure that the new Curriculum for Wales complements other Welsh Government priorities, including (but not restricted to) Cymraeg 2050.

Estyn welcomes the Welsh Government's commitment to increase the number of Welsh speakers to a million by the year 2050. The vision laid down in Successful Futures supports this commitment and a new school curriculum will play a vital role in promoting and celebrating learners' Welsh language, heritage and culture (Article 30 of the UNCRC).

Action on Disability: The Right to Independent Living

In our consultation response to Welsh Government to 'Action on Disability: The Right to Independent Living' January 2019, Estyn recognises that people with disabilities are among Wales' most vulnerable learners. They often have to overcome significant barriers just to access and make the most of the education and training opportunities available to them. Reports published by both the United Nations' Committee on the Rights of Persons with Disabilities² and the Committee of the Rights of the Child³ found that disabled people are more likely to experience prejudice, discrimination and segregation from education.

The Additional Learning Needs and Education Tribunal (Wales) Act received Royal Assent in January 2018. This is a key piece of legislation for children and young people with an additional learning need or a learning disability. It extends the entitlement of support to children and young people aged between 0-25 years old. This increased support enhances national commitments to secure person-centred practice and creates provision to ensure that due regard is paid to international human rights treaties (UNCRC and UNCRPD) by relevant bodies named by the Act.

Draft Additional Learning Needs Code of Practice

When considering the draft Additional Learning Needs Code of Practice (March 2019), Estyn notes that the Additional Learning Needs and Education Tribunal (Wales) Act 2018 has overhauled the education system of support available to children and young people in Wales with an additional learning need or a learning disability. Creating a new Additional Learning Needs Code (ALN) in light of whole-system change has been a significant undertaking.

In particular, Estyn welcomes, among other elements, the explicit and strong emphasis given to furthering the United Nations Convention on the Rights of the Child (UNCRC) and the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). However, participation in decisions forms only part of the rights-based approach set out by the UNCRC and UNCRPD, to which relevant bodies now have duties to pay due regard. Therefore, Estyn identified that the draft Code would benefit from broadening its narrative to include the General Principles of both international Conventions. For example, Article 3 of the UNCRPD and Articles 2, 3, 6 and 12 of the UNCRC. Highlighting these general principles within the draft Code's rights-based approach will help all relevant bodies to meet their new due regard duty and ensure that the overall support system is guided by intentions to respect and preserve the dignity and best interests of learners with additional learning needs.

² United Nations Committee on the Rights of Persons with Disabilities (2017) Concluding observations on the initial report of the United Kingdom of Great Britain and Northern Ireland.

³ United Nations Committee on the Rights of the Child (2016) *Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland.*

We also considered whether the draft ALN Code was clear about what is expected of local authorities and NHS bodies when discharging their duties to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). In our response we identified that the draft Code would benefit from more explicitly setting out how this duty can be met to help support the named relevant bodies to pay due regard to the UNCRC and UNCRPD in a meaningful and appropriate manner.

Our National Mission: A Transformational Curriculum White Paper

When considering the Welsh Government's white paper on curriculum transformation (March 2019) we recognise that the Welsh Government's children's rights impact assessment provides a useful narrative of the policy intention of curriculum reform. In terms on assessing impact, it is clear the policy change will positively contribute to the United Nations Convention on the Rights of the Child (UNCRC), in particular to Articles 28 and 29.

Estyn considers that the CRIA could have demonstrated how the approach meets a number of recommendations issued by the UN Committee on the Rights of the Child in their most recent Concluding Observations. For example, policy intentions to place children's rights as a core feature of the Humanities and Health and Well-being Areas of Learning and Experience would help to meet international obligations to support children to learn about their rights – as required by Articles 4, 29 and 42 of the UNCRC.

Relationships and Sexuality Education in schools

When considering the Welsh Government's draft guidance on Relationships and Sexuality Education in schools (March 2019), Estyn welcomes the Welsh Government's intention to make RSE a mandatory part of the new curriculum and supports its efforts to provide updated guidance during this period of transformation.

We note that international evidence shows that the most successful RSE approaches are rooted in the values and principles laid down by international human rights treaties, including the UNCRC and welcome the reference to rights made in the draft guidance. However, further improvements could be made to ensure the realisation of rights uniquely underpins the proposed policy approach and flow the document.

We were disappointed that an Equality Impact Assessment or a Children's Rights Impact Assessment was not available at the time of submitting our response. Analysis could have demonstrated how Welsh Government's renewed approach to RSE helps to meet the UN Committee on the Rights of the Child's recommendations⁴.

Draft Curriculum for Wales 2022

When providing feedback to Welsh Government on the draft curriculum (July 2019), Estyn welcomes the inclusion of human rights education as a cross-cutting theme in the new curriculum. The proposal set out in the consultation document offers a significant step forward in meeting Wales' international obligations in relation to Article 29 of the United Nations Convention on the Rights of the Child (UNCRC).

The Humanities area of learning and experience clearly and explicitly connects its achievement outcomes and experience, knowledge and skills sections to the UNCRC across each of the progression steps. This will enable practitioners to embed rights as they design their local curriculum and will help them to identify links with the other areas of learning and experience.

⁴ UN Committee on the Rights of the Child (2016) Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland.

The importance given to learning through and about the Expressive Arts supports the principles of human rights education in the overarching draft guidance. It provides an empowering framework for practitioners to design a curriculum that broadens learners' exploration of rights, culture, identity and justice through the Expressive Arts. However, reference to the UNCRC is not always used in context and may lead to some confusion. This section could be strengthened by presenting a strong rationale for how the arts supports the UNCRC and universal human rights, particularly in relation to the what matters statements that the arts can be a force for personal and societal change.

The Expressive Arts guidance identifies appropriate opportunities for learners to develop their understanding of relationships and sexuality education. However, the reference to the UNCRC is not necessarily used in context in this section and might lead to some confusion.

Languages, Literacy and Communication makes a significant contribution to delivery of human rights education. The what matters statements reflect the principles of Article 29 of the UNCRC well, incorporating provision to promote literacy, communication skills, conflict resolution skills and respect for different cultures and identity through deepening the use of languages.