

# Agenda – Children, Young People and Education Committee

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Meeting Venue:	For further information contact:
<b>Video Conference via Zoom</b>	<b>Llinos Madeley</b>
Meeting date: 25 February 2021	Committee Clerk
Meeting time: 09.15	0300 200 6565
	<a href="mailto:SeneddCYPE@senedd.wales">SeneddCYPE@senedd.wales</a>

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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)

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

(09.15)

## 2 COVID-19: statutory education

(09.15–10.15)

(Pages 1 – 20)

Luke Sibieta, Research Fellow at the Institute for Fiscal Studies and Education Policy Institute

Professor Chris Taylor, Professor of Education and Academic Director of the Social Science Research Park (SPARK) – Cardiff University

Attached Documents:

Research Brief

## Break

(10.15–10.30)

## 3 COVID-19: statutory education

(10.30–11.30)

Gareth Evans, Director of Education Policy, University of Wales Trinity Saint David



Professor Dylan Jones, Deputy Vice Chancellor and Executive Dean of the  
Institute of Education, University Wales Trinity St David

## **4 Papers to note**

(11.30–11.35)

- 4.1 Letter from the Chair of the Children, Young People and Education  
Committee to the Deputy Minister for Health and Social Services regarding  
safeguarding referrals and Looked After Children**

(Pages 21 – 22)

Attached Documents:

CYPE(5)–06–21 – Paper to note 1

- 4.2 Letter from the Minister for Education to the Chair of the Children, Young  
People and Education Committee regarding the Additional Learning Needs  
(ALN) Code and associated regulations**

(Pages 23 – 24)

Attached Documents:

CYPE(5)–06–21 – Paper to note 2

- 4.3 Letter from the Chair of the Children, Young People and Education  
Committee to the Minister for Education regarding the impact of COVID–19  
on children and young people returning to education**

(Pages 25 – 26)

Attached Documents:

CYPE(5)–06–21 – Paper to note 3

- 4.4 Letter from Her Majesty's Chief Inspector of Education and Training in Wales  
to the Chair of the Children, Young People and Education Committee  
following the meeting on 14 January 2021**

(Pages 27 – 29)

Attached Documents:

CYPE(5)–06–21 – Paper to note 4

- 4.5 Letter from the Chair of the Children, Young People and Education Committee to the Minister for Education regarding the implementation of the Additional Learning Needs and Education Tribunal (Wales) Act 2018**  
(Pages 30 – 33)

Attached Documents:

CYPE(5)-06-21 – Paper to note 5

- 4.6 Additional information from Local Government representatives following the meeting on 28 January 2021**  
(Pages 34 – 35)

Attached Documents:

CYPE(5)-06-21 – Paper to note 6

- 4.7 Letter from the Minister for Education to the Chair of the Children, Young People and Education Committee following Stage 2 proceedings**  
(Pages 36 – 41)

Attached Documents:

CYPE(5)-06-21 – Paper to note 7

- 5 Motion under Standing Order 17.42(ix) to resolve to exclude the public for the remainder of the meeting**  
(11.35)

- 6 COVID-19: Consideration of evidence**  
(11.35-11.50)

- 7 COVID-19: Update on the engagement with university students**  
(11.50-12.20) (Pages 42 – 65)

Attached Documents:

Online Focus Groups – Summary Note

Document is Restricted

Senedd Cymru

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

Welsh Parliament

**Children, Young People and Education Committee**

Julie Morgan MS, Deputy Minister for Health and Social Services

Dyddiad | Date: 29 January 2021

Pwnc | Subject: **Safeguarding referrals and Looked After Children**

Dear Julie,

Thank you for attending Committee on 21 January 2021 as part of our scrutiny of the Draft Budget 2021-22.

During that session you were asked about safeguarding referrals and you told us that there is "...a weekly data collection process with the local authorities and that data shows how the local authorities are dealing and coping with the services". You also told us "...in the first lockdown, there was a drop in safeguarding referrals" but that you have been assured by the chairs of the safeguarding boards that they have "recovered" and that referrals are "more average now than they were before".

As part of our on-going scrutiny of the impact of the COVID-19 pandemic, we are writing to request some additional information from you in respect of the numbers of both safeguarding referrals and looked after children.

We note concerns expressed last week by the Children's Commissioner in England that vulnerable children have become "invisible" due to COVID-19. We further note that she reported a "significant fall" in referrals to children's services in England, of 10%, between the end of April and November 2020.

You will be aware that recent press coverage in Wales has reported comments made by the Royal College of Paediatrics and Child Health suggesting that the number of child safeguarding referrals has dropped and concerns that vulnerable children may have "dropped off the radar".

In that context we would be grateful for an update on both of the following points:

- The position on the number of child safeguarding referrals in Wales since March 2020 and a comparison with the equivalent figures for the same time period for the previous year.
- The latest position on the numbers of looked after children in Wales, including information about whether the number of children entering the system remains stable and whether there has been a drop in the number of children leaving the system.



**Senedd Cymru**

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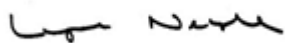
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Yours sincerely,

A handwritten signature in black ink, appearing to read 'Lynne Neagle'.

**Lynne Neagle MS**  
**Chair**

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

CYPE(5)-06-21 - Paper to note 2

Kirsty Williams AS/MS  
Y Gweinidog Addysg  
Minister for Education

Ein cyf/ MA-KW-4238-20

Lynne Neagle MS

Chair

Children, Young People and Education Committee

National Assembly for Wales

Ty Hywel

Cardiff Bay

CF99 1NA



Llywodraeth Cymru  
Welsh Government

2 February 2021

Dear Lynne

You will recall I wrote to you in September outlining a revised plan for laying the Additional Learning Needs (ALN) Code and associated regulations. I also committed to update you on plans for the implementation of the Additional Learning Needs and Education Tribunal Act from September 2021.

In 2018, I published a draft implementation plan setting out how learners would move from the existing special educational needs (SEN) system to the ALN system over a three year period.

Since publication of the plan, Covid has had a significant impact on Wales. As a result, I have carefully considered my aims for implementing the new system, based on what I believe is reasonably deliverable in the current circumstances.

Therefore from 1 September 2021, the ALN system will commence for children of compulsory school age and below who:

- attend maintained schools in Nursery Years 1 and 2 and Year 1, Year 3, Year 5, Year 7 and Year 10) who have special educational provision via school action or school action plus;
- are detained; and
- do not have special educational needs on or before that date, regardless of their year group or setting - including those that may attend an EOTAS setting, an independent school or who are electively home educated.

This means that children who currently have special educational provision via a statement and those who are in any form of post-16 education, will not be included in the first year of implementation. It remains important that we have a system that operates effectively and there is a need to continue to work through the complexities of the transition between the new and existing system and I hope to provide a further update before the end of this Senedd Term.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
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[Gohebiaeth.Kirsty.Williams@llyw.cymru](mailto:Gohebiaeth.Kirsty.Williams@llyw.cymru)  
[Correspondence.Kirsty.Williams@gov.wales](mailto:Correspondence.Kirsty.Williams@gov.wales)

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

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

As part of that update, I intend to issue an implementation guide to support planning for the commencement of the new system and the aims and objectives for years 2 and 3 of the plan. In the meantime, through our Transformation Leads we continue to engage with those at the forefront of preparing for the transition to the new system.


I am therefore aware that we need to keep a close eye on the continued impact of the Covid-19 pandemic, given how rapidly circumstances can develop and change. In line with the 21 day review during the February half term, I will take the opportunity to consider conditions and if necessary revisit plans to see if further changes are required to reflect the situation and to alleviate pressure.

The aim of a phased approach to implementation is to provide all partners – schools, pupil referral units, local authorities and those supporting learners with the opportunity to gradually implement a new system over time. This will allow partners to incorporate any lessons learned during the first year of implementation to improve implementation in subsequent years.

I remain committed to the delivery of these reforms, and on 4 January, in line with the commencement of the statutory roles of the additional learning needs co-ordinator (ALNCo), the designated education clinical lead officer (DECLO) and the early years additional learning needs lead officer (EY ALN LO), I published non-statutory guidance to ensure that those undertaking these roles were enabled to do so with the most up to date information from the revised ALN Code.

As always, I am grateful for your support in delivering these challenging and transformational reforms.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kirsty Williams', is written over a light grey rectangular background.

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

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: 3 February 2021

Pwnc | Subject: **The impact of COVID-19 on children and young people – return to education**

Dear Kirsty,

Thank you for attending Committee on 21 January 2021 to answer our questions on the impact of COVID-19 on the education of children and young people.

As you are aware, in response to the most recent restrictions on face-to-face learning (in place in Wales since December 2020), we have undertaken a series of urgent public evidence sessions with trade unions and local government representatives, the Children’s Commissioner for Wales, and you as the Minister for Education. The purpose of these sessions has been to hear from key stakeholders to help us identify constructive, practical, and realistic options to plan a safe return to face-to-face learning as soon as possible for our children and young people.

We commend the hard work and innovation demonstrated by many schools and colleges, and their staff, to deliver remote learning during these difficult times. However, in circumstances where most children and young people must remain at home, we are clear that further work is needed to achieve a minimum education offer for them.

Furthermore, we believe that blended learning must be a short term option that is adopted only where absolutely necessary. Concerns about the negative impact of these arrangements on children’s well-being and education are well-documented, particularly for our most disadvantaged children. As such, they should be in place for the minimum amount of time possible.

We have been clear throughout this pandemic that providing face-to-face learning must be a priority, and we re-iterate this message following our latest evidence sessions. As soon as transmission rates allow, children’s right to an education, and their physical and mental well-being, must be put first.

On that basis, we welcome the Welsh Government’s statement on Friday 29 January 2021 that, if rates of the virus continue to fall, the opening up of education is its top priority, and will be undertaken on a phased basis, beginning with our youngest learners, from 22 February 2021.



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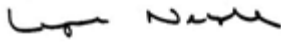
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No stone should be left unturned in relation to getting our children and young people back in to school or college. To achieve this, it is essential that all key stakeholders work together to consider the benefits and feasibility of all available options. These options include (but are not restricted to) consideration of revising term dates, rotas for learners' attendance and phased returns, the potential use of other public buildings, and testing children, young people and staff.

We agree that the advice of the Joint Committee on Vaccination and Immunisation (JCVI), as the relevant UK-wide independent statutory body, should be used as the basis for prioritising the vaccine's allocation. When the most clinically vulnerable to serious disease and death have been vaccinated in the first phase of the vaccine programme, it is our view that consideration should be given to how key workers can be prioritised, including those staff who are vital to delivering our children and young people's education.

Yours sincerely,



**Lynne Neagle MS**  
**Chair**

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



Arolygiaeth Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru  
Her Majesty's Inspectorate for Education and Training in Wales

Lynne Neagle  
Chair  
Children, Young People and Education Committee  
Welsh Parliament  
**Sent by email only**

16 February 2021

Dear Lynne

Thank you for the opportunity to provide additional information in relation to the non-maintained sector following my appearance at committee on 14 January 2021.

### **Continuation of learning**

The national continuity of learning plan focused predominantly on children of statutory school age (5+). There was no specific guidance on continuity of learning for the non-maintained sector. We are also concerned that this sector has not been included in the grant funding for recruit, recover, raise standards: the accelerating learning programme. The problem arises in part because these are childcare settings funded by local authorities to deliver foundation phase education. During the pandemic decisions were being made either for education in maintained schools or for childcare and this meant that sometimes the education needs of children attending non-maintained settings were not considered well enough at a strategic level.

Most non-maintained settings closed at the beginning of the first lockdown and many placed staff on furlough. There was confusion for a minority of settings at the beginning on whether practitioners who were on furlough could provide remote support for education, such as providing learning activities for children to complete at home. Practitioners in these settings were concerned about who should be responsible for ensuring continuity of learning for young children when settings were closed and staff on furlough. However, many settings continued to support children and families throughout the pandemic, for example by sharing activities for children through social media platforms. A few settings also delivered learning packs to parents for them to help their children with their learning at home.

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Mae Estyn yn croesawu gohebiaeth yn Gymraeg a Saesneg. Bydd gohebiaeth a dderbynnir yn y naill iaith neu'r llall yn cael yr un flaenoriaeth. Estyn welcomes correspondence in both English and Welsh. Correspondence received in either language will be given equal priority.

Generally, local authority advisory teachers and umbrella organisations helped settings with ideas for activities to share with parents, but this was not consistent across Wales.

There is concern about the parity of provision for children who receive their education in non-maintained settings and those who receive education in schools. Although work is progressing at pace on a curriculum for non-maintained settings, and in general local authorities have continued to provide support for settings, there is no national approach to making sure that children who receive their education in settings have access to continued support during lockdown. For example, settings do not have the same access to HWB as schools.

## **Financial position**

Historically, the funding for education has been very low for non-maintained settings and significantly lower than the childcare offer's daily rate. Across local authorities, there are inconsistencies in the amount paid to settings to deliver early education and inconsistencies in how settings receive this funding. There are also inconsistencies in how local authorities use the Early Years Development Grant. We welcome the recent announcement that there will be increased foundation phase nursery funding to align education and childcare rates within the childcare offer.

Settings report that during the initial lockdown, there were inconsistencies as to when local authorities stopped funding settings who offered early education. This contrasts with schools who continued to receive funding. Before the pandemic, many settings were concerned about their sustainability and finances and the removal of funding exacerbated this.

Most settings report increased costs in providing effective virus controls to meet the requirements of their risk assessments. These include increasing staffing ratios and providing personal protective equipment (PPE). A few settings report that they were not supported with PPE provision, although the local authority provided PPE free of charge to schools. Settings must source and fund their own equipment and were often not part of a local authority purchasing system that would have helped them to reduce costs.

In a few local authorities, settings reported that they received good support to carry out risk assessments and to produce policies and procedures to help them reduce the spread of infection. However, in a few cases, relationships between settings and the local authority were fragile. For example, a few settings reported concerns around the application of the Coronavirus Childcare Assistance Scheme (C-CAS) grant, and this added to their financial pressures. These settings reported that they were told they would receive a daily rate for eligible children attending the setting and would need to submit registers to claim this funding. However, they later faced clawbacks of this funding, for example if a child had been collected earlier in the day than originally planned. The settings noted that this situation created additional financial pressure.

Settings are often concerned in the delay of funding from local authorities for children eligible for early education. In some local authorities, funding is retrospective, and this can mean that staff are not paid until funding is received.

Many settings are concerned that they have not been able to fundraise as previously. This has often been a lifeline to settings and has helped them with finances during the autumn term, when generally there were less children attending the setting. The latest lockdown is once again exacerbating the situation. Parents are removing their children from settings as they are often

working from home themselves and choosing to provide their own childcare. This has an impact on the funding settings receive and also makes it difficult for them to know how many staff they will need in the future to meet required ratios. The childcare offer is based on children's attendance. This makes it challenging for settings to plan and is likely to have an impact on their future viability. Most recently settings have been expressing concerns about the end of furlough in April combined with a rise in the living wage and increased business rates. These combined with anticipated redundancies may make settings that are just about managing at present unsustainable.

### **Other issues**

During the spring term, many settings report concerns about staying open while schools are closed and an increase in anxiety amongst staff. They are concerned that schools, who offer education to children of the same age, are closed due to the risk of transmission, yet settings can stay open for all children. They report that parents do not always understand the rationale for this and are therefore more likely to keep their children at home. We welcome steps taken to align some of the issues raised by the sector such as the increased testing in settings and changes to the vaccination groups for practitioners who provide intimate personal care on a regular basis to those who are clinically vulnerable to Covid-19.

Settings experience additional burdens when responding to guidance published by Welsh Government about keeping children safe. Settings who offer early education have been told that they need to take account of the document for childcare settings as well as the one for schools. These are detailed documents, and settings report that it is not always easy to navigate both documents and to note where changes have been made when they are updated.

Yours sincerely

A handwritten signature in blue ink that reads "Meilyr Rowlands".

**Meilyr Rowlands**

Her Majesty's Chief Inspector of  
Education and Training in Wales

# Agenda Item 4.5

CYPE(5)-06-21 - Paper to note 5

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: 19 February 2021

Pwnc | Subject: **Implementation of the Additional Learning Needs and Education Tribunal (Wales) Act 2018**

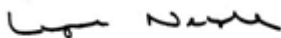
Dear Kirsty,

Throughout this Senedd term, the Children, Young People and Education Committee has taken a keen interest in the development and implementation of the Additional Learning Needs and Education Tribunal (Wales) Act 2018.

The Third Sector Additional Needs Alliance (TSANA) has written to the Committee this week, outlining its concerns relating to both the ALN Code and to the legislation's implementation more broadly. A copy of TSANA's correspondence is attached as an Annex to this letter.

In advance of laying the Code before the Senedd, the Committee would be grateful if you could provide a response to the points contained in the Annex, and would welcome reassurances that you and your officials are working with TSANA to address the concerns raised.

Yours sincerely,



**Lynne Neagle MS**

**Chair**

Cc Karen McFarlane, Chair of TSANA

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



**Senedd Cymru**

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## ANNEX – Correspondence received from Chair of TSANA, 17 February 2021

**From / Oddi wrth:** Karen McFarlane <karen.mcfarlane@childreninwales.org.uk>

**Sent / Anfonwyd:** 17 February 2021 15:09

**Subject / Pwnc:** Concerns related to the ALN Code

Dear Children and Young People Committee

Following our meeting with Committee Chair, Lynne Neagle, on 16 February we write to reiterate TSANA's concerns on the implementation of Additional Learning Needs (ALN) Transformation prior to the laying of the ALN code next month.

TSANA recognises that the current statementing system is not sufficiently supporting our learners, and that there is a need for change. For this reason, there are many aspects of the reforms that we welcome and look forward to seeing implemented. Nevertheless, there remain a number of points that were mirrored in key concerns raised by the Children and Young People Committee in its scrutiny process, that we believe remain unaddressed and could have grave consequences.

Prior to the Covid-19 pandemic, learners with ALN were already experiencing significant attainment gaps and we are profoundly concerned that existing inequalities will be exacerbated by the ALN reforms. It is well recognised that throughout the pandemic, ALN learners have faced additional barriers in terms of a lack of access to the specialist support they would usually receive, as well as problems around the accessibility of remote learning resources. Despite best efforts, the experiences of children and young people with ALN have shone a light on the barriers within our systems preventing effective support. TSANA believes that if we are to move toward a system that places more emphasis on individual teachers, Additional Learning Needs Co-ordinators (ALNCos) and schools, then more must be done at a statutory level to ensure staff are equipped to fulfil their duties effectively.

Key issues relating to the ALN Code are outlined below followed by related concerns that sit outside the code.

### **Code related concerns**

**The ALN Code is not a code of practice.** In communication with civil servants, we have, on numerous occasions, been referred to the principle that as the ALN Code is not a code of practice comparable to that implemented by the Department for Education following special education needs and disability (SEND) reform in England or the existing SEN Code of practice in Wales, that amendments we have sought have been disregarded.

That the Code constitutes statutory guidance but does not offer guidance on implementation will, we believe, result in great disparity and unequal access for children and young people to appropriate additional learning provision (ALP). This is of relevance to how the role of the ALNCo is implemented, access to information and advice, and post-16 options for young people whose ALP requires specialist placements.

**Information and advice.** We remain hugely disappointed that the ALN Code backtracked on a commitment to invite a careers advisor to attend an annual review from year 9. Children and young people with ALN and their families require more specialist support on careers advice and post-16 options, not less. That

there are only limited stipulations on how schools, FEIs and local authorities manifest the requirement to provide information and advice is likely to result in inequitable access to such support across Wales. Despite repeated concerns on this matter and the recommendation of the Committee, our discussions with civil servants lead us to believe little has been done to address this fundamental concern.

This is also of particular concern when considering post-16 options for young people with low incidence and complex needs in light of planned changes to funding mechanisms for specialist placements. The arguments are well rehearsed that the devolution of funding from a centrally administered reserve will disincentivise local authorities from securing placements for children and young people at specialist institutions. We believe it is wholly unacceptable to systematically disadvantage children and young people in this way by the nature of their ALP. TSANA has not yet seen any details of how the Code will seek to address this issue. We recognise that the Act cannot at this time, be altered and to this end have sought that the Code be amended to ensure the provision of '*quality assured*' impartial information and advice'.

**Post-16 learners with ALN.** We remain extremely concerned about how plans will be co-ordinated for learners transitioning to FEIs and specialist further education colleges in circumstances whereby it is disputed whether their needs can be met by an FEI or not, or in circumstances when attendance at an FEI is contingent upon on learners getting requisite grades and on the timely co-ordination of specialist equipment.

To be able to meet their education and training needs and best prepare them for their post-college adult lives, young people with ALN require collaborative and well-planned transitions to new providers of ALP. We have not yet seen any details of transition guidance in the Code, but based on our correspondence, we are concerned that accountability mechanisms in this regard could be weak. We believe that a lack of firm arrangements outlined in the Code will lead to late decision making, poorly planned transitions, the danger of placement breakdowns and an increase in Tribunals and the number of young people not in education, employment or training.

**ALNCo guidance.** We believe that the chapter which sets out the duties on ALNcos, alongside guidance on how this role should be fulfilled, should include more detail on the specific skills, knowledge and experience that ALNcos are expected to have, or acquire. We are concerned that the additional responsibilities on ALNcos are not matched by further training. In particular, we believe that ALNcos should have a basic awareness of individual ALN types, as well as clear pathways through which they can access more specialist advice and expertise as required. In our view, it is crucial that the Code is amended to reflect this necessity.

### **Key concerns outside the Code**

**Reasonable adjustments allied to the Equalities Act.** We are aware of regional ALN Transformation Leads implying that where a learner has accessed reasonable adjustments under the Equalities Act, this could negate a requirement for them to receive an Individual Development Plan (IDP). Legal advice offers that this is completely inappropriate. It is a point that the National Deaf Children's Society is currently liaising with the Welsh Government on and is an issue of grave concern as the implementation of the reforms draws closer.

### **Investment in professional development**

TSANA has growing concerns that workforces are not being invested in to deliver for the extended age range under the reforms. TSANA has always welcomed the 0-25 age range and regards statutory support from the early years as crucial to the success of children and young people. However, on the ground there is much talk of not investing in or expanding workforces and instead of only moving over those with the

most complex needs onto IDPs. This is outside of the spirit of the reforms and we are very concerned that those with less complex needs will fall through the net and be very vulnerable.

TSANA has long been discussing with the Welsh Government the need for training on specific ALN types given the increased responsibilities at the door of mainstream education professionals. We have been delighted to start working with the Welsh Government on an e-learning module to this end. We are keen to push for some mandatory status to this training.

### **Post-16 Pathways**

**Engagement and access to pathways post 16 is reliant on identification and support through the IDP. For young people to access support and provision through apprenticeships and supported internships, both leading to sustainable employment, they will need an IDP. Successful claims for job coaching and work place adaptations within the Access to Work programme currently require a copy of a young persons statement. It is therefore vital that young people are supported through to 25 providing opportunity for further education and pathways into employment alongside their non disabled peers.”**

This is not an exhaustive list but it does recognise some of our key concerns. We appreciate the attention that you and the Children and Young People Committee can give to these matters and are keen to work with you in any way we can.

We acknowledge that the demands of the pandemic have increased pressures and that the time available to for the Code to pass through the Senedd is limited. However, we believe that there may be some small amendments that could make a significant difference to the delivery of the reforms and would welcome any support you can provide in this regard. Given the complexity of the issues outstanding, TSANA would also be keen to secure a commitment from the Welsh Government to review the Code’s effectiveness and make necessary amendments where needed within a relatively short time frame following the implementation of the reforms.

Yours sincerely

Karen McFarlane  
Chair of TSANA

Karen McFarlane  
Policy Officer / Swyddog Polisi  
Children in Wales / Plant yng Nghymru

# Agenda Item 4.6

CYPE(5)-06-21 - Paper to note 6

## **Additional information from Local Government representatives following the meeting on 28 January 2021**

**The Recruit and Recover Programme: £29 million announced to be provided to schools, funding the equivalent of 600 extra teachers and 300 teaching assistants throughout the next school year, targeting extra support at Yrs 11, 12 and 13, as well as disadvantaged and vulnerable learners of all ages.**

- Some evidence from local authorities suggests that schools are utilising existing staff for RRRS purposes. In one local authority, only a few schools (20%) have used agency staff to cover the RRRS programme, in those circumstances, the agency staff were already known to the school. Some of the agency staff are covering pre-existing duties so that the school-based staff can support the learning of vulnerable pupils. In some cases, the extra staff are being deployed as additional one to one coaching for pupils who have fallen behind in their learning. They support pupils to complete work in a range of subjects and links have been made with home to strengthen the partnerships. Many schools are operating additional mentoring for pupils. This again gives additional help to vulnerable pupils who may require a greater level of additional support (e.g. eFSM, ALN and LAC).
- WG note that the RRRS scheme is for a range of roles, and they have asked agencies to be clear on if they are recruiting for QTS or other – and to check with the school if this is not clear.
- TUs have expressed concern regarding RRRS funding being channelled through supply agencies who are advertising for qualified teachers at rates as low as £58 a day. This was discussed through the Schools Social Partnership Forum following a discussion paper regarding the current position of supply teacher in Wales which highlighted some of these concerns. The Forum agreed on the following recommendations:
  1. Schools are required to enter into a voluntary supply agency pledge whereby they only procure from agencies identified on the NPS Framework Approved Supply Agencies, each school being requested to include an appropriate statement of intent about supply teachers' pay in their School Pay Policy.]
  2. Schools agree to commit to a minimum daily rate of £132 ( $M1 \div 195$  days).
  3. Agencies on the National Procurement Service (NPS) Framework are required to publish daily rates on their websites.
  4. The NPS Framework is owned by WG and it should be for them to assure adherence.

These have been endorsed by all 22 Education Cabinet Members and Leaders. It was also agreed to endorse a similar principle in R2 with Teaching Assistants,

however, recognising that further work would be needed to ascertain the minimum wage.

### **Science of transmission in schools and educational settings**

- PHW colleagues attend various meetings giving updates : Leaders meetings with Ministers also in attendance, Schools Social Partnership Forum, ADEW, promoting discussions around current position and next steps.
- School environment remains safe – risk assessments reviewed regularly, social – distancing rules applied, sanitation, additional cleaning, face coverings, etc.
- PHW data dashboard – schools surveillance shows that the rolling 3 day average has significantly reduced since mid-December and continues to reduce.

### **Medium to long term: pupil well-being and academic progress**

#### **Summer 2021 examinations and assessments**

- GCSE, AS and A levels approved by Qualification Wales will be awarded through a Centre-Determined Grade model – grades will be determined by schools or college on an assessment of the learner's work.
- Schools and colleges will be able to use a range of evidence, including Non Examination Assessment elements, mock exams, and classwork – in addition, WJEC will offer a set of adapted past papers which can be used to help assess learning within teaching plans.
- The announcement of the above is a positive move but the detail in the assessment framework will be key and needs to be shared as soon as possible so enable schools and colleges to plan effectively.
- Geraint Rees, chair of the DDAG attended a WLGA Education Cabinet Members meeting on the 1<sup>st</sup> February and discussed concerns raised by members regarding the need to share the detail of the assessment framework and the possibility of using teaching time up to July to give learners every opportunity to succeed.

#### **Steps we can start now to address long term impact – developing a 'catch up' plan**

- As mentioned above – additional funding for further catch-up programme.
- The new curriculum to be relooked/reviewed to include blending learning opportunities.
- Review of the school term – holidays, term times, school day.
- Research into the impact of COVID 19 across the whole education sector – lessons learnt to influence next steps and highlight the gaps/deficits to better plan for the future.
- Ongoing discussions with key stakeholders on this matter to ensure collaboration as this will be key in a recovery programme. The need to understand how well-being is supported is critical. Also, we need to understand the capacity in terms of competing priorities – concentrate on where the focus is needed.

# Agenda Item 4.7

CYPE(5)-06-21 - Paper to note 7

Kirsty Williams AS/MS  
Y Gweinidog Addysg  
Minister for Education



Llywodraeth Cymru  
Welsh Government

Lynne Neagle MS  
Chair of Children, Young People and Education Committee  
Welsh Parliament  
Ty Hywel  
Cardiff Bay  
CF99 1SN

16 February 2021

Dear Lynne,

Following the Stage 2 Committee on 29 January, I thought it would be helpful if I set out some of the areas I have instructed my officials to progress, including where I gave a commitment to work with members of the Committee.

## Amendments 41 & 42

**To specify an understanding of the History of Wales in all of its diversity, including Black and People of Colour History to the Humanities AoLE; and as an additional mandatory element of the curriculum.**

As you are aware I appointed Professor Charlotte Williams OBE, to chair a Black, Asian and Minority Ethnic Communities Contributions and Cynefin in the New Curriculum Working Group in the summer of 2020.

The work of the Group includes, but goes beyond, history as a subject. This builds on the established approach, set out by the Learned Society of Wales (and others), that to gain knowledge and understanding of Wales we must thread it through language, literature, geography and sciences and across the curriculum, as well as history.

I received the interim report from the group in November 2020 and I confirmed that I would be taking forward all the recommendations within the report. I will respond formally when the final report is submitted in the spring which will cover areas around professional learning.

I am updating the statements of what matters to include specific references to the stories of Black, Asian and minority ethnic people in both the humanities AoLE and the statutory guidance to ensure it is embedded across the curriculum. We are also reviewing the statements of what matters in respect of Welsh history to ensure that this is fully reflected and understood within the Code. The statements of what matters will be included in the statutory What Matters Code.

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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.

As a result of this, these areas will be mandatory in the Curriculum for Wales. We have discussed the changes with Professor Williams and she has confirmed that she is content.

#### **Amendment 54**

**Places a statutory requirement on the Welsh Ministers to publish the initial RSE Code by 31/03/22.**

The drafting of the RSE Code will be concluded by 31/03/2021 and will be published for public consultation as soon as possible after that date. The intention is to publish the final version of the RSE statutory guidance and RSE code to aid schools and settings by the end of 2021. As such, specifying a timeframe on the face of the Bill is unnecessary.

#### **Amendments 71 and 72**

**Insert duties on listed persons to have regard to the UNCRC and UNCRPD in exercising their functions under the Bill and that any guidance issued under section 66 must set out what is required of those persons in order for them to discharge those duties.**

This Bill has been developed with children's rights at the forefront and these rights are embedded throughout. These amendments would create a significant bureaucratic burden on schools, and there is a concern that this could make them risk averse in their decisions (as they could be subject to legal challenge), which could undermine the principles of the Bill. I am very keen to avoid doing anything that will significantly increase the burden on schools and settings in terms of reporting.

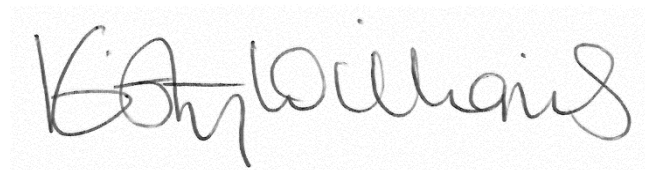
My intention is to bring forward an amendment to the Bill on the UNCRC and UNCRPD in a way that improves the quality of teaching in a comprehensive way. This links with the CYPE Committee's Children's Rights report, published in August 2020, specifically recommendations on awareness raising of the UNCRC. The intention is for the proposed amendment to be designed to demonstrably improve understanding and awareness of children's rights in a way that is supportive of practitioners and can be embedded in teaching and learning. Work on this is ongoing and I will update you on progress later this month.

As I have said before the Conventions are aimed at states and, accordingly, it is for governments to ensure compliance through their laws, administrative actions and other appropriate measures. This is an important principle and, unless the state is directly providing the service, this Convention is not targeted at frontline providers of services such as governing bodies and head teachers.

Front line service providers are not international law experts and should not be expected to interpret the fine detail of the international treaty and its articles, and apply them to a multitude of decisions made under the Bill. It is for government to decide whether sufficient has been done in laws and administration to ensure that government fulfils its obligations under the UNCRC. The Bill, once enacted, will add to a statutory framework that we consider fulfils those obligations. Ultimately the responsibility falls on the government in this respect.

I also attach at Annex A a rationale for the mandatory subjects, which is in response to recommendation 6 of the Committee's Stage 1 report.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kirsty Williams', is centered on the page. The signature is written in a cursive style with a large initial 'K'.

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

This Technical Briefing is in response to Recommendation 6 of the Children and Young People's Committee Stage 1 Report:

Recommendation 6: That the Welsh Government set out, as a matter of priority, the principles and reasoning that has guided—and will continue to guide—decisions about what aspects of teaching and learning merit being included on the face of Bill as mandatory elements.

The Curriculum for Wales sets out a framework for learning within which practitioners have more scope for agency and creativity in developing a curriculum that meets the needs of their learners. This agency is provided within a clear statement of what is important in delivering a broad and balanced education.

The What Matters Code has been designed to ensure certain learning forms part of a school's curriculum, without adding these to the face of the Bill. This recognises they are the product of co-construction with teaching professionals and provides greater flexibility for these to evolve and adapt over time than if they were on the face of the Bill.

**The concepts and areas of learning within the What Matters Code are already mandatory and required for all schools.**

These include Welsh history, diversity and the diverse nature of societies. They also include physical health and personal care. These statements will be reviewed to identify points which can be strengthened, such as black, Asian and minority ethnic history.

Over the course of development of the Curriculum for Wales Framework, we have received a very large number of requests to include other aspects of learning on the face of the Bill in order to guarantee that they are taught.

These aspects are argued to be currently at risk in some way and critical to learners' development, well-being or broader experiences. However, there are key concepts in the What Matters Code that address them and so placing them on the face of the Bill would add no substantive benefit.

The purpose of placing the four elements on the face of the Bill is because they are unique in that the Bill needs to mention them in order to address a specific issue or set of circumstances, detailed below.

They also represent clear, identifiable subjects, rather than simply an aspect of learning in an area and they provide a unique contribution to the four purposes which goes beyond the scope of the six areas of learning and experience.

In addition to the Areas of Learning and Experience, there are a very small number of mandatory elements on the face of the Bill:

- English

- Relationships and Sexuality Education (RSE)
- Religion, Values and Ethics (RVE)
- Welsh

The specific reasons for why the subjects currently listed are unique and need to be addressed on the face of the bill are dealt with below.

### *RSE*

RSE is vital to a child's development and therefore it is included as a mandatory element to ensure that it is taught to learners in all schools and settings. This follows the independent expert panel's recommendation that Relationships and Sexuality Education should be statutory.

RSE covers a range of disciplines beyond the scope of the Health and Well-being Area of Learning and Experience alone and therefore specific provision has to be made to ensure that it is taught in its entirety. Additionally, the issues covered by RSE are complex and the importance of providing developmentally appropriate learning is critical to learners' safety and well-being. Placing this on the face of the Bill will also ensure legislative safeguards around the age and developmental appropriateness of teaching in this subject.

As well as being a mandatory element, the Bill also places the Welsh Ministers under a duty to issue an RSE Code that sets out the 'themes and matters' to be covered in teaching the mandatory element of RSE. The duty to issue a Code further safeguards provision in terms of what is considered developmentally appropriate. This not only supports schools to make decisions in a uniquely contentious and sensitive element of the curriculum but also provides assurance to parents about how it will be taught rather than, as with the majority of the curriculum, leaving it to schools to decide. The Code will, in effect, be a curriculum for RSE that schools must implement. This is especially important as parents no longer have a right to withdraw children from RSE.

### *RVE*

Recommendation 9 of Successful Futures emphasised the integral and unique role that religious education plays in enabling learners to develop respect for and understanding of other cultures.

As a result, it was recommended and agreed that this would remain a "statutory" curriculum requirement. While much of this learning might sit in Humanities, it requires a range of disciplinary approaches and is broader than simply an Area of Learning and Experience. This is distinct and unique as a subject because it has very specific implications for its delivery in schools with a religious character.

There will be no right to withdraw and therefore it also raises the same issues as RSE in terms of its content. However, it is not dealt with by placing the Welsh Ministers under a duty to make a code. This is due to an existing legislative

framework of an Agreed Syllabus Conference for the current curriculum of religious instruction. This approach is maintained to produce an agreed syllabus that is pluralistic and therefore does not affect parents' own religious and philosophical convictions.

### *English and Welsh*

Both languages are clearly part of the Languages, Literacy and Communication Area of Learning and Experience but they are also crucial for the development of the mandatory cross curricular skill of literacy. To enable the development of literacy it is important that the Bill is clear in which languages this should take place.

Language is the key for accessing the whole curriculum and realising the four purposes. English and Welsh are listed as mandatory elements on the face of the Bill to ensure learners are equipped undertake the curriculum and develop as learners that embody the four purposes.

These languages therefore do not simply represent subjects within an Area but through literature, unlocking other languages/cultures and etymology they also link to the languages of instruction and learning. This makes them distinct and unique.

Learning Welsh was identified in Successful Futures as having unique cultural, cognitive and practical benefits. The intention is to enable all learners in Wales to be able to use the Welsh language by the time they reach 16 years old. For this to happen, the teaching and learning of Welsh needs to be recognised and valued as an integral component of the Curriculum for Wales.

Welsh as a mandatory element begins from age three whilst English becomes mandatory at age seven. This is both to enable to continuation of Welsh language immersion but also to ensure a foundation in Welsh at those schools and settings that do not practise immersion. It is a clear reflection of the importance of learning Welsh and the priority this government attaches to this.

To summarise, the four mandatory elements are clear, identifiable subjects which make a unique contribution to the four purposes which goes beyond the scope of the six Areas of Learning and Experience. This is not about guaranteeing teaching or to give them additional status: but that the bill needs to deal with them to address very specific, unique issues.

# Agenda Item 7

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

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