

Agenda – Children, Young People, and Education Committee

Meeting Venue:	For further information contact:
Video Conference via Zoom	Naomi Stocks
Meeting date: 10 March 2022	Committee Clerk
Meeting time: 09.15	0300 200 6565
	SeneddChildren@senedd.wales

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

Private pre-meeting

(08.45 – 09.15)

1 Introductions, apologies, substitutions and declarations of interest

(09.15)

2 Peer on peer sexual harassment among learners – evidence session 2

(09.15 – 10.15)

(Pages 1 – 38)

Dafydd Llywelyn, Police and Crime Commissioner

DCC Amanda Blakeman, Child Centred Policing lead

Jon Drake, Director of the Violence Protection Unit for Wales

DCC Claire Parmenter, Policing in Wales Lead

DPCC Emma Wools, Policing in Wales Lead

Stephen Wood, Youth Offending Team Manager

Kirsty Davies, Operational Manager, Newport Youth Offending Service

Attached Documents:

Research Brief

Legal Advice Note



Break

(10.15 – 10.25)

3 Peer on peer sexual harassment among learners – evidence session 3

(10.25 – 11.25)

Sharon Davies, Director of Education, Welsh Local Government Association
Sue Walker, Chief Education Officer, Merthyr Tydfil and representing the Association of Directors of Education in Wales

Break

(11.25 – 11.35)

4 Peer on peer sexual harassment among learners – evidence session 4

(11.35 – 12.35)

(Pages 39 – 49)

Maxine Thomas, Designated Senior Lead Safeguarding & Learner Wellbeing, Pembrokeshire College and representing ColegauCymru
Jamie Insole, Policy Officer, University and College Union

Attached Documents:

CYPE(6)-06-22 – Paper 1

CYPE(6)-06-22 – Paper 2

Lunch

(12.35 – 13.15)

5 Peer on peer sexual harassment among learners – evidence session 5

(13.15 – 14.00)

(Pages 50 – 67)

Sally Holland, Children's Commissioner for Wales
Jane Houston, Policy Adviser – Office of the Children's Commissioner for Wales

Cecile Gwilym, Policy and Public Affairs Manager, NSPCC

Attached Documents:

CYPE(6)-06-22 – Paper 3

CYPE(6)-06-22 – Paper 4

6 Papers to note

(14.00)

6.1 Papers to note 01 – 16 are in response to a letter from the Committee seeking information on pupil attendance and training for school governors

(Pages 68 – 157)

Attached Documents:

CYPE(6)-06-22 – Paper to note 1

CYPE(6)-06-22 – Paper to note 2

CYPE(6)-06-22 – Paper to note 3

CYPE(6)-06-22 – Paper to note 4

CYPE(6)-06-22 – Paper to note 5

CYPE(6)-06-22 – Paper to note 6 (Welsh only)

CYPE(6)-06-22 – Paper to note 6 (Translation)

CYPE(6)-06-22 – Paper to note 7 (Welsh only)

CYPE(6)-06-22 – Paper to note 7 (Translation)

CYPE(6)-06-22 – Paper to note 8

CYPE(6)-06-22 – Paper to note 9

CYPE(6)-06-22 – Paper to note 10

CYPE(6)-06-22 – Paper to note 11

CYPE(6)-06-22 – Paper to note 12

CYPE(6)-06-22 – Paper to note 13

CYPE(6)-06-22 – Paper to note 14

Paper to note 15 (Welsh only)

CYPE(6)-06-22 – Paper to note 15 (Translation)

CYPE(6)-06-22 – Paper to note 16

6.2 Papers to note 16 – 22 are in response to a letter from the Committee seeking information on Health Visitor visits

(Pages 158 – 173)

Attached Documents:

CYPE(6)-06-22 – Paper to note 17

CYPE(6)-06-22 – Paper to note 18

CYPE(6)-06-22 – Paper to note 19

CYPE(6)-06-22 – Paper to note 20

CYPE(6)-06-22 – Paper to note 21

CYPE(6)-06-22 – Paper to note 22

6.3 Papers to note 23 – 35 are in response to a letter from the Committee seeking information on the Legislative Consent: The Nationality and Borders Bill

(Pages 174 – 235)

Attached Documents:

CYPE(6)-06-22 – Paper to note 23

CYPE(6)-06-22 – Paper to note 24

CYPE(6)-06-22 – Paper to note 25

CYPE(6)-06-22 – Paper to note 26

CYPE(6)-06-22 – Paper to note 27

CYPE(6)-06-22 – Paper to note 28

CYPE(6)-06-22 – Paper to note 29

CYPE(6)-06-22 – Paper to note 30

CYPE(6)-06-22 – Paper to note 30a

CYPE(6)-06-22 – Paper to note 31

CYPE(6)-06-22 – Paper to note 32

CYPE(6)-06-22 – Paper to note 33

CYPE(6)-06-22 – Paper to note 34

CYPE(6)-06-22 – Paper to note 35

6.4 Welsh Government Draft Budget 2022–23

(Pages 236 – 237)

Attached Documents:

CYPE(6)-06-22 – Paper to note 36

6.5 Welsh Government Draft Budget 2022 – 23

(Pages 238 – 239)

Attached Documents:

CYPE(6)-06-22 – Paper to note 37

6.6 Forward work programme

(Pages 240 – 241)

Attached Documents:

CYPE(6)-06-22 – Paper to note 38

6.7 Tertiary Education and Research (Wales) Bill

(Pages 242 – 247)

Attached Documents:

CYPE(6)-06-22 – Paper to note 39

6.8 Pre-appointment hearing of the Children Commissioner for Wales

(Pages 248 – 256)

Attached Documents:

CYPE(6)-06-22 – Paper to note 40

6.9 Legislative Consent: The Nationality and Borders Bill

(Pages 257 – 258)

Attached Documents:

CYPE(6)-06-22 – Paper to note 41

6.10 Welsh Government Draft Budget 2022–23

(Pages 259 – 260)

Attached Documents:

CYPE(6)-06-22 – Paper to note 42

6.11 Tertiary Education and Research (Wales) Bill

(Pages 261 – 262)

Attached Documents:

CYPE(6)-06-22 – Paper to note 43

6.12 Tertiary Education and Research (Wales) Bill

(Page 263)

Attached Documents:

CYPE(6)-06-22 – Paper to note 44

6.13 Scrutiny of Accounts – Senedd Commission

(Pages 264 – 265)

Attached Documents:

CYPE(6)-06-22 – Paper to note 45

7 Motion under Standing Order 17.42(ix) to resolve to exclude the public from the remainder of the meeting

(14.00)

8 Consideration of papers to note 1 – 22

(14.00 – 14.05)

(Pages 266 – 275)

Attached Documents:

Summary note – Pupil absence and school governor training

Summary note – Health visitor services

9 Peer on peer sexual harassment among learners – consideration of the evidence

(14.05 – 14.15)

10 Priorities for the Children, Young People and Education Committee – update on Welsh Youth Parliament

(14.15 – 14.35)

Document is Restricted

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

Document is Restricted

Senedd Children, Young People and Education Committee
inquiry into Peer on peer sexual harassment among learners

25 February 2022

About Colegau Cymru

Colegau Cymru is a post-compulsory education charity; we promote the public benefit of post-compulsory education and learning. We also convene the further education (FE) Principals' Forum which represents Further Education colleges and FE institutions (FEIs) in Wales. Colegau Cymru also undertakes research, policy development and provides practical support to FE colleges in Wales, including on work-based learning (WBL) which is a key part of FE college activity.

Colegau Cymru welcomes the opportunity to submit an evidence paper to the Senedd's Children, Young People and Education Committee inquiry into Peer on peer sexual harassment among learners. This paper has been prepared in advance of the oral evidence session scheduled for 10 March 2022 and Colegau Cymru will consider whether to submit further evidence in advance of the inquiry's closing deadline of 1 April 2022.

Colegau Cymru is grateful for the input of the colleges who provided feedback to help inform this response.

1.0 The scale and nature of the issue in education settings and how many learners are affected.

1.1 It will be important to define what exactly is meant by 'peer on peer sexual harassment'. Further education colleges suggested that this might include, but not be limited to, the following: stalking, unwanted attention, inappropriate touch, online bullying and harassment, and assault and/or threatening behaviour in the street.

1.2 Colleges reported that it is very difficult to quantify the scale of this issue in post 16 education because they often only tend to become involved when learners report issues to the college to which they then respond. There is evidence through the safeguarding and disciplinary processes that matters of this nature can and do occur. Learners frequently become affected in their peer relationships which can break down and can lead to factions in peer and in some instances in course groups.

1.3 Some colleges noted an increase in concerns relating to peer on peer abuse. One college disclosed that they had seen an increase in the number of students who are making allegations of sexual assault or rape which has taken place inside and outside college property. A few, but not all colleges use MyConcern, a software monitoring tool which enables colleges to manage and categorise concerns identified via referrals from staff, learners and external partners. In some colleges, this has enabled identification of an increase in concerns regarding consent and potential inappropriate sexual behaviour. As a result, one college has engaged an external company to work with wellbeing staff to facilitate and deliver tutorial sessions to learners on 'responsible use of social media, how to avoid threats through making better life choices and consent'. The sessions

will initially be delivered in those academic divisions where an increase in disciplinarys and concerns relating to peer on peer abuse has been identified.

1.4 Another college noted an increase in reports of harassment and sexual harassment over the last three years, with a dip in reports during 2020/21 – likely to be as a result of lockdown restrictions. The most significant finding is that over half of incidents reported involved learners with ALN as the alleged perpetrators. Further research is needed into this, although anecdotal evidence suggests that this could partly be a result of learners with ALN finding managing relationships difficult, combined with difficulties in reading social cues. It is also possible that staff and learners lack an understanding of ALN, leading to misinterpretations of behaviour. This particular college is exploring support available for young people with ALN that can help them to manage relationships successfully and keep themselves and others safe online.

1.5 It is also worth bearing mind when trying to assess the scale of the issue that it is not uncommon for individual concerns to relate to/ include several learners. For example, in one concern of alleged sexual assault, four learners were involved (all of whom were studying at the same college on three different courses).

1.6 Colleges have different processes for reporting concerns. One college highlighted that learners are able to disclose harassment by calling into a wellbeing hub or sending an email to a confidential email address (viewed only by the safeguarding leads in the college). Once a concern has been reported the wellbeing/safeguarding coordinators triage the concern to add a ‘category’ and allocate the appropriate support.

1.7 Where MyConcern has been introduced into a college in recent years, it is possible that an increase in concerns reported could, in part, be as a result of an increase in staff awareness of the system rather than a definite increase in incidents.

1.8 However, the potential for under-reporting cannot be ruled out either. Where learners do not want to report incidents to the police, one college noted that they encourage use of Fearless to report anonymously. They will also include the information gathered (without using the learner’s name) in local tension-monitoring and contextualised safeguarding meetings. They also work closely with colleagues in other colleges and local high schools to share information.

2.0 2.0 The extent to which this issue also occurs outside the formal education setting, including online.

2.1 Much of the content of the response to the previous question is also relevant here. Incidents frequently take place outside of colleges and are often online. Matters can also be referred in via the police or parents. However, incidents can often be a mixture of in-person and online. The constant use of online messaging apps means inappropriate behaviour can be continuous rather

than localised to a particular setting. What is reality and what exists in a virtual environment seems to be becoming blurred for some young people.

2.2 One college noted that although they had not seen an increase in reported cases the 'explosion' of use of social media during lock down on platforms such as Tiktok and Snapchat has made sharing of sexual images easier.

2.3 This relates to the experience of another college who noted a number of incidences relating to harassment/bullying occur online, with messaging apps such as Snapchat/WhatsApp being used. When speaking with learners who have sent such messages or images, it takes some time to explore with them the impact receiving such messages has on a person. This appears to be due to the fact they cannot see a person's reaction immediately, unlike if they were saying something face to face, and hence this seems in their view to "reduce" the seriousness of the actions.

2.4 Another college had seen 41 per cent of reported incidents relate to harassment of learners outside the college and 15 per cent related to online harassment or abuse. While it is harder for the college teams to manage these incidents, the college emphasised that support for learners is constantly reviewed as well as significant effort made to improve collaboration with external support organisations. Learners who disclose incidents at this college are encouraged to report to Fearless or 101 and regular reminders are sent to staff and learners via internal communications. The local police sergeant has also informed the college of a new service about to be released in this area – Streetsafe – for female staff and learners to report if they feel vulnerable or uneasy walking to college.

3.0 The impact on pupils' learning, mental health and well-being.

3.1 Unsurprisingly, learners who are subject to the inappropriate conduct are generally upset and distressed by the experience. This can lead to anxiety/ panic attacks or even increased use of alcohol or other substances.

3.2 There can be significant impact on learners and their mental health and well-being. Family and peer relationships are also affected. There is also potentially an effect on learners' attendance and behaviours. Situations can then arise that place learners in a disciplinary position. Many learners will keep things to themselves and only disclose when a situation has spiraled. Colleges are also mindful of the potential impact on young people when they do not speak to someone. It is important that platforms like Togetherall.com are available to learners in order that support can be provided 24/7.

3.3 Where those who are alleged to have been abused, and those who are alleged to have abused their peers are studying in college, significant support is required to ensure that both parties feel supported and safe – especially where there may be an ongoing court case for example. This

might mean that timetables need to be adjusted to ensure that opportunities for learners in related concerns to 'meet' are negated as far as possible. Attendance may also be negatively impacted; learners may disengage in class or struggle to complete work they ordinarily would manage without problems.

3.4 Following the reporting of a small number of serious incidents, some colleges recorded that some students are on safeguarding plans, and certain cases have resulted in police investigations. One college reported a few incidences of students in the current academic year who have been pregnant or recently experienced a termination who have since received bullying about their decision to either continue the pregnancy, or end the pregnancy. This has been from peers who were their friends or previous partner.

3.5 Friendship issues can be identified and have led to allegations of harassment/ bullying. Learners may have moved groups to avoid those who are causing issues. This can lead to disruptive/ aggressive behaviour which may be out of character

3.6 Learners may disclose historical abuse on hearing of others' experiences. They may not have been aware that they have experienced peer sexual abuse (they were drunk; the abuse was perpetrated by someone known to them; online abuse) but then make the connection. Disclosures can be challenging as learners may feel they won't be believed; they feel guilty/ responsible for the abuse or feel it may cause more 'issues' with the alleged abuser.

4.0 The impact on education settings and staff, for example in terms of discipline and the extent to which harassment among learners has become 'normalised'.

4.1 Many colleges believed that learners have normalised some aspects of these types of behaviour (for instance, where learners respond to requests from their friendship groups to share information) with some being comfortable sharing naked images with their peer groups. However, colleges noted that they do not have evidence about how widespread this is other than in the specific cases where they have taken action.

4.2 There is certainly evidence in disciplinary hearings where peer relationships have broken down that learners have normalised their behaviours. For staff, behaviour is becoming more of an issue to deal with. One of the impacts of the pandemic report by several colleges is that there is a lack of maturity with learners, compared to pre-Covid cohorts. One college observed that the general behaviour issues are those usually expected among slightly younger learners, such as those aged around 14. The pandemic may appear to have had a significant impact on the social-emotional development of adolescents. There is also a lack of understanding about the online world and again in that regard, behaviours have become normalised.

5.0 The specific impacts on particular groups of learners, for example older pupils, girls and LGBTQ+ pupils.

5.1 Colleges did not report a consensus on this issue. Some highlighted the impact on LGBTQ+ learners and noted that they had experienced control in relationship issues particularly with girls. Another college had experienced only two significant reported incidents, both of which involved 16-19 age learners without protected characteristics and others noted the greatest impact was on girls and young women.

6.0 The effectiveness of existing policies and guidance, and the identification of potential solutions and improvements.

6.1 Some colleges reported reviewing their policies in this regard in order to be consistent with the Keeping Learners Safe (KLS) guidance. They reported that policies and procedures are appropriate and are implemented.

6.2 It is important to work with the perpetrators of harassment to ensure behaviour change and not just disciplinary consequences in order to secure better long-term outcomes. One college highlighted the instance of a male learner with communication difficulties who messaged female students within the class individually. The communication took a concerning turn when he started to ask questions about bra sizes with the peer group. He was asked to stop but continued. One of the female learners discussed this with her peers and discovered that they were all receiving similar communication. The male learner received a disciplinary and was referred to college welfare services and engaged with the 'Stop it Now' campaign from the Lucy Faithful Foundation. The female learners received support via their personal tutor and welfare staff. Welfare staff went through Childline sexting information and CEOP resources. Parents were notified.

6.3 As referenced above, colleges have employed a variety of solutions including engaging external companies to work with wellbeing staff to facilitate and deliver tutorial sessions to learners on 'responsible use of social media, how to avoid threats through making better life choices and consent'.

6.4 In relation to prevention, colleges identified the provision of appropriate and regular staff training; challenging inappropriate behaviours, and delivering an educational, preventative tutorial programme (including digital literacy & safety) as constructive solutions, along with bilingual resources that can be used with learners. Staff in some colleges have also undertaken training and activities to enable a strengthened approach to safeguarding, for example on exploring anxiety; making sense of mental health problems; young people's wellbeing; safeguarding children; domestic abuse, coercive control, and; Peer on peer abuse: management and reporting.

6.5 One college noted that they had recently submitted a bid for funding to create a three strand initiative around these issues through the use of a six week workshop led by sexual health professionals. This would illustrate different types of relationships so the students can discuss what they observe in a safe environment along with safety measures for students moving around their local communities or to and from college. The same college also recently became a pilot college for a sexual health clinic to try to promote safe and healthy, intimate relationships.

6.6 Support strategies need to be focused towards friendship and relationship boundaries, robust education sexual health programmes and education, information and managed debate about what constitutes a healthy relationship. This needs to take place in post-16 settings rather than simply being seen in the context of the new Curriculum for Wales in compulsory education and waiting for more positive behaviours and attitudes to filter through.

7.0 The effectiveness of the roles of a wide range of statutory bodies in respect of this issue, including the police, social services, local authority education departments, pupil referral units and schools themselves, and the extent to which a multi-agency approach is being taken where appropriate.

7.1 Colleges noted that multi agency approaches are taken in regards to these matters when they arise and when appropriate. However, some identified that more work and clarity is needed in this regard.

7.2 Colleges noted incidents of involving police in regard to vulnerable learners who have been involved in such incidents and ensuring that appropriate guidelines are followed. Some colleges reported making use of the “Stop It Now” foundation to support learners who were subjected to inappropriate conduct.

7.3 It is important for each body to be clear about its responsibilities and the limits of those responsibilities.

8.0 The effectiveness of the Welsh Government’s joint response across all its relevant departments with a focus on education, social services and community safety and its inclusion of non-devolved services such as the police and the criminal justice system.

8.1 Some colleges noted that this is well represented in KLS.

9.0 The impact of online content and influences on young people's attitudes, and the wider context of online safety and potential legislation at Westminster.

9.1 Colleges agreed that this needs to remain an ongoing focus, with one highlighting that it would be helpful if legislation prevented the use of anonymised clone social media accounts which can hide the identity of people who behave inappropriately.

9.2 It will be important for the Welsh Government to engage fully with the relevant Westminster legislation to ensure that the issue of peer on peer sexual harassment and online harm more generally is addressed in an appropriate way. Potential unintended consequences must be taken into account. Some learners (and others) may wish or need to access certain online services anonymously. They should not be prevented from seeking help and support by having to verify their identity or age, for example in cases of sexual abuse or even for issues such as eating disorders etc.

10.0 Schools, colleges and local authorities' collection and use of bullying and harassment data, as relevant to this issue.

10.1 Approaches to collection and use of data connected to this issue varied. Some colleges noted that they have an extensive data set on interventions (which include sexual harassment) and attitudes to welfare (where the focus mainly on mental health). One is considering looking at extending the "I'm OK" survey to include sexual health as this is an important issue.

10.2 Several colleges reported that they use MyConcern, a software monitoring tool which enables them to manage and categorise concerns identified via referrals from staff, learners and external partners. Another college highlighted that this needs to be actioned by the Regional Safeguarding Boards.

10.3 Consistent data collection, recording, categorising (and sub-categorising) of incidents is crucial to understanding the extent and nature of peer on peer sexual harassment. Some colleges suggested that the development of a standardised approach across the education sector – schools, colleges, local authorities and higher education – could be beneficial.

11.0 The role of families, parents, and carers, as relevant to this issue.

11.1 Colleges wanted to see greater family, parental or carer awareness and education on this issue.

12.0 The role of the new Curriculum for Wales in developing healthier attitudes towards relationships and sexuality issues.

12.1 While the new Curriculum for Wales can play a positive role over the years ahead, this cannot be seen as the complete solution to this issue. It will also take several academic years for the impact to be felt in post-16 provision. Colleges noted that healthier attitudes to relationships and sexuality need to be included in post 16 and higher education.

12.2 Some colleges said that they would welcome the development of bilingual post 16 resources which could help educate learners about appropriate behaviour and support interventions where learners behave inappropriately.

13.0 Welsh language

13.1 The Committee needs to take into account any Welsh language dimensions to this inquiry or the potential solutions and recommendations that result. This means that recording systems for cases, supporting resources etc. to use with learners must be bilingual. Likewise, there may be a staff training or development aspect to ensure that learners who wish to report or discuss cases through the medium of Welsh can be supported to do so. The ability of a person to use their first language when discussing incidents that are likely to have caused distress is vital.

14.0 Other relevant issues

14.1 Good practice

14.1.1 There is much good practice in colleges to raise awareness and address these issues as evidenced elsewhere in this submission. In addition, one college highlighted how they shared information during a campaign in 'Sextember' to highlight the dangers, and share information about support services along with information about the law. They also regularly advertise services such as welfare drop in and staysafe email as well as linking with external agents to provide expert support and training. The college also recommends apps such as 'Zipit' which are available from Childline. These suggest humorous gifs in response to requests for sexualised images and are used as a diffusion technique for those who do not want to report.

14.2 The wider picture

14.2.1 Some colleges were keen to emphasise that the issue of peer on peer sexual harassment should not be viewed in isolation. It should be seen as part of a bigger picture of concerns, for instance around knife crime and/or other types of non-sexual harassment, aggression or behavioural issues. Solutions therefore should not be limited to just specific resources to deal

with peer on peer sexual harassment (although welcome) but need to look at the wider spectrum of support and engagement of learners to enable them to fulfil their potential as future citizens and responsible members of communities.

14.2.2 A toolkit focused on peer on peer sexual harassment or a new way of consistently recording incidents will not be sufficient to achieve this. Neither will a cautious approach, relying on the new Curriculum for Wales with its focus on developing healthier attitudes towards relationships and sexuality issues to solve this issue over time. Attitudinal change takes time to embed but we cannot simply hope that future generations of young people will not be subject to or take part in peer on peer sexual harassment. There is a limit to what any education system can achieve on its own: this is part of a wider societal problem. A holistic approach that goes beyond existing activities and thinking is required.

Dr Rachel Bowen

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Peer on Peer Sexual Harassment

Data & Reporting

Whilst the impact of lockdown and disrupted learning has prompted compassionate concern surrounding certain learner behaviours, UCU Cymru has heard little from our members around peer-on-peer sexual harassment amongst learners in FE.

This does not mean that it does not exist. As one FE Lecturer suggested, "it is so difficult to get data on this as not everyone will report it. We need to think about do people know and recognise the issue when it occurs."

Currently, we are aware of no centrally organised data or standard reporting procedures around this issue. Consequently, it is almost impossible to judge the scale of the problem or identify patterns and trends.

Conclusion: work is required to capture data and collate accounts and stories. This project should also take account of possible underreporting and might be run with simultaneous attempts to raise awareness and provide safe feed-back mechanisms.

Response

In the absence of evidence, it might be considered irresponsible to speculate on the character or extent of peer-on-peer sexual harassment amongst learners in FE. However, depending upon the outcome of further investigation, it is possible to sketch a response across three key axis;

1: Awareness & Response: how staff detect/report harassment and deal with situations as they arise. This can be usefully addressed through collaborative professional learning.

2: Awareness & Education: how (in an FE context) we challenge sexual harassment through the curriculum. Whereas the new school curriculum provides more tools, there is still space in FE to address this issue.

3: Long Term Institutional Intervention: how we change institutional cultures and establish peer-to-peer networks of empowerment. Learners must feel empowered to challenge and speak up!

There might also be scope to examine issues around transition from school to college. Whereas learner intake might differ from college to college, it is feasible that young people arriving in college might need support in building healthy social and support networks. Following on from the shock of the Pandemic, the issue of transition is already an active focus across various Welsh Government plans. Consequently, any response might sit well within some of these existing workstreams.

Agenda Item 5



Ymateb i Ymgynghoriad / Consultation Response

Date / Dyddiad: 28th February 2022

Subject / Pwnc: Peer on peer harassment among learners

Background information about the Children's Commissioner for Wales

The Children's Commissioner for Wales' principal aim 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). The Commissioner's remit covers all areas of the devolved powers of Senedd Cymru that 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. The Welsh Government has adopted the UNCRC as the basis of all policy making for children and young people and the Rights of Children and Young Persons (Wales) Measure 2011 places a duty on Welsh Ministers, in exercising their functions, to have 'due regard' to the UNCRC.

This response is not confidential.

Introduction

During my seven year term as Children's Commissioner for Wales, young people have repeatedly told me that they see and experience sexual harassment and that better education about relationships and sexuality is needed to prevent this. Young people's voices and experiences must be central to this discussion, and here are some quotes from members of my young people's advisory panel on this topic:

"I personally think younger years need to be taught on sexual health e.g. year seven because in my school we weren't taught about it until year nine but by then it was too late because I heard numerous stories from friends who've experienced sexual harassment which otherwise would've been avoided if we were educating in the younger school years."

"I think starting from a young age is really important - not necessarily sexual health, but about respecting everyone irrespective of gender/sexual education. By exposing children to these discussions early on they will grow up understanding the importance of respect and consent."

“my friend recently came out as gay and has been scared to come out due to hate that he might receive in our school. An example of hate that he’s received was from a boy in our year, and the boy went on to call him the F-slur and proceeded to call him something racist. Nobody in our school is ever taught more about LGBTQ+ and because of this, a lot of people within my school do not see how hurtful their comments are, it’s so disappointing.”

“We honestly do more days about fire safety and smoking than this.”

“I didn’t know what the LGBTQ was until I asked my friends”

Given these type of experiences, the prevalence of peer sexual harassment in education settings shown by Estyn’s recent review¹ is highly concerning, but sadly not surprising. My lack of surprise at the findings has been shared by many other adult professionals who work with young people. During my seven year term as Commissioner, young people have consistently told me the following:

- That RSE under the current curriculum is insufficient and poor quality, and is sometimes completely absent;
- That identity-based bullying is prevalent and that this includes gender based bullying and bullying of LGBTQ+ children and young people (this is detailed in my 2017 report into bullying² and my 2019 report into cyberbullying³);
- That describing some experiences as ‘bullying’ dismisses their seriousness, particularly where language such as ‘harassment’ or ‘abuse’ would describe equivalent behaviour when experienced by adults;
- That school staff, school leaders and other adults do not always respond consistently to incidents of peer sexual harassment, and sometimes incidences can be dismissed entirely;
- That whole school culture can be inconsistent with gender equity, with staff using gender stereotypes to describe behaviour or set expectations;
- That such gender stereotypes are sometimes used by staff to dismiss peer-harassment, with messages such as, ‘boys will be boys’;
- And linked to the above, that girls in particular can experience high levels of scrutiny in relation to their bodies and appearance, with a great deal of focus on the length of their skirts, but also in relation to other aspects of appearance such as hair and make-up. I see this also reflected in media reporting around school uniform, and I include recent examples from Wales Online⁴, and the BBC⁵ as a reference.

All of the above observations are consistent with the findings of Estyn’s review. But it is important to note, as noted by Estyn, that the experiences described here by children and young people reflect wider culture and society. We must ensure that young people themselves are not inordinately condemned or demonised for peer-harassment. We must also ensure that we do not focus unwarranted condemnation on teachers or education settings.

Instead, it is my hope that Estyn’s review instigates a step-change, whereby policy and approaches at a national, local and setting level take every measure to prevent and suitably respond to peer sexual harassment. This is a

¹ [We don’t tell our teachers - Experiences of peer-on-peer sexual harassment among secondary school pupils in Wales | Estyn \(gov.wales\)](#)

² [Sams-Story.pdf \(childcomwales.org.uk\)](#)

³ [Don't Worry, I'm here for you: Children's experiences of cyberbullying in Wales - Children’s Commissioner for Wales \(childcomwales.org.uk\)](#)

⁴ [These are the different rules on skirts worn in schools across Wales - Wales Online](#)

⁵ [School skirts ban: St Martin's in Caerphilly changes uniform - BBC News](#)

matter of children's human rights, and it is incumbent on Government, and on educational professionals, to ensure this step-change in order to uphold children's rights under the UNCRC. Children and young people in education settings should be experiencing their human rights, which include their rights to:

- non-discrimination (Article 2);
- active participation in decisions (Article 12);
- the ability to join groups (Article 15);
- privacy (Article 16)
- accurate information (Articles 13 and 17);
- safety and protection from harm (Articles 19, 34, 46);
- an holistic education (Article 29);
- active participation in culture, arts, leisure and sports (Article 31).

A culture that includes frequent or unchallenged peer sexual harassment is not a culture in which these rights can be realised. This is an issue that has clear equalities impacts and that extends beyond the school; it can affect young people on school transport, walking home, at social or youth group settings, in their families, in their communities and significantly in online contexts. However, within education settings stereotypes can be challenged, incidents can lead to teachable moments, and young people can be empowered with a full understanding of their rights.

At a national level, there are very clear ways that this step-change can be supported, and that young people's experience of these rights can be better secured. Some of these measures are already underway, and several of these I have called for strongly and repeatedly. It is these solutions that I focus on in the remainder of this response. In summary these areas are:

- The need to ensure that the RSE Code and Guidance can be effectively delivered. Extensive and in-depth **professional learning** across the whole education sector is necessary to achieve the step-change required in setting-level curriculum design and pedagogy. Without this RSE cannot meet the needs of children and young people, and the aspirations reflected in the Curriculum and Assessment (Wales) Act 2021, and the Code and Guidance itself, will not be achieved.
- The need to ensure a **rights-based wider school culture** with a whole school approach that is consistent with the principles of the RSE guidance. This should include the development of specific advice for how settings support trans children and young people, a strengthening of existent anti-bullying guidance, and a consideration of how settings ensure gender equity across their practice, including through their uniform requirements and how these are communicated to young people.
- Parallel to these previous elements, the need to **ensure children and young people are listened to**. Their views and experiences, including their own ideas for solutions to this issue, need to be put at the centre of approaches in settings, and need to be central to national approaches to professional learning, inspection and future guidance.
- Wider system culture. Relationships and Sexuality Education is a key route by which peer harassment can be addressed and prevented, but this is not an issue solely for education settings and education professionals. Schools need support from their families, communities, and wider public services. I commend particularly the role of the School Police Support Programme, but also note the possibility of additional support, including from youth work services, the third sector, and health. In addition there is an ongoing need for Welsh Government to create and make available high quality information about RSE for families and communities.

Relationships and Sexuality Education (RSE)

The inclusion of provision for mandatory RSE within the Curriculum and Assessment (Wales) Act 2021 is a principle with strong international support. The 2017 European Network of Ombudspersons for Children (ENOC) position statement on Comprehensive Relationship and Sexuality Education⁶, states that all children and young people have the right to high quality, holistic and inclusive education about sexuality and relationships. This echoes the 2016 Concluding Observations of the UN Committee on the Rights of the Child.⁷ In response to the Committee's concerns about the variability of relationships and sexuality education, and the lack of accurate information for young people (Section 63b) the Committee recommends State Parties ensure education around relationships and sexuality is mandatory within the school curriculum (Section 64b). A list of international binding and non-binding legal instruments underpinning the requirement to deliver high quality RSE are listed on p.1 of the ENOC 2017 statement⁸. UNESCO's evidence-informed approach⁹ also explains how human rights are enhanced by effective RSE and effective RSE is underpinned by human rights.

In Wales, the inclusion of RSE is compatible with the commitment in Wales to the UNCRC guaranteed by the Rights of Children and Young Persons (Wales) Measure 2011. In a policy context in Wales this develops the inclusion of Sex and Relationships education in Successful Futures¹⁰, and Objective 2 in the Welsh Government's National Strategy on Violence against Women, Domestic Abuse and Sexual Violence (2016-2021)¹¹ which states that the new curriculum must include the importance of safe, equal and healthy relationships.

In light of this context and also in light of the strong messages I have received from children and young people, I have strongly welcomed the RSE statutory Code and Guidance¹², as passed by Senedd at the end of 2021. My office was a member of the SRE Expert panel recommending in 2017 that new statutory RSE guidance was required¹³ and I subsequently reinforced the recommendations of the SRE Expert Panel in my 2017-18 Annual Report.¹⁴ My office then supported the development of this guidance through observer membership of Welsh Government's working group.

Professional Learning and an Expert Network

In my 2020-21 Annual Report¹⁵ I have again made recommendations in relation to RSE. In full, my recommendation is that,

Welsh Government must develop and fund a national offer for high quality professional learning so that by September 2022 each setting in Wales has benefitted from this professional learning, and has identified a specialist RSE lead practitioner who can oversee a whole-setting approach to RSE that is integrated with the curriculum.

⁶ <http://enoc.eu/wp-content/uploads/2017/10/ENOC-position-statement-on-CRSE.pdf>

⁷ Committee on the Rights of the Child, Concluding Observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland, CRC/C/GBR/CO/5, 03/06/16, available at:

http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/GBR/CRC_C_GBR_CO_5_24195_E.docx

⁸ <https://www.niccy.org/media/2931/enoc-position-statement-on-crse-21-sept-17.pdf>

⁹ UNESCO (2009) *International guidelines on sexuality education; an evidence informed approach to effective sex, relationships and HIV/STI education*. Paris: UNESCO.

<https://reliefweb.int/sites/reliefweb.int/files/resources/8556521DD9D4A9E64925762000240120-UNESCO-Aug2009.pdf>

¹⁰ <https://gov.wales/docs/dcells/publications/150225-successful-futures-en.pdf>

¹¹ <https://gov.wales/docs/dsjlg/publications/commsafety/161104-national-strategy-en.pdf>

¹² [Cross-cutting themes for designing your curriculum - Hwb \(gov.wales\)](#)

¹³ [the-future-of-the-sex-and-relationships-education-curriculum-in-wales.pdf \(gov.wales\)](#)

¹⁴ [Annual-Report-2017-18.pdf \(childcomwales.org.uk\)](#)

¹⁵ [Children's Commissioner for Wales Annual Report 2020/21 \(childcomwales.org.uk\)](#)

This recommendation has been fully accepted by Welsh Government, and in their response to my Annual Report¹⁶ the following is stated, *“The Welsh Government is committed to supporting schools and settings with high quality professional learning for this mandatory and cross-cutting area of the curriculum. It is also committed to the whole setting approach to Relationships and Sexuality Education (RSE), which will be outlined in the RSE Statutory Guidance due to be published in January 2022. Regions are working with schools, and will continue to do so, to support them with this new and important area of the curriculum.”*

I welcome this acceptance but I am yet to be assured that the plans are in place to ensure lead practitioners are in place, and have engaged in professional learning by September 2022. The Minister noted that a mapping exercise of a designated lead in local authorities and settings was underway last summer¹⁷ but I am unclear as to the outcomes of this exercise. I am also unclear as to the specifics of a professional learning plan, and the timelines that this will entail. I would urge that at a minimum this group of lead practitioners should have had meaningful and extensive professional learning opportunities prior to September 2022, and that they can be a cornerstone of developing this understanding more widely in the profession.

I would also urge that a lead practitioner role in settings should be seen as an important and exciting opportunity for professionals: it is an opportunity to develop knowledge and expertise that is valuable across the curriculum, in pastoral roles, and in supporting other colleagues within and between settings. It offers a chance to develop leadership in a new curriculum area, and to research, pilot and refine new approaches. I would suggest that lead practitioners form expert networks, at a regional or indeed a national basis, and that this network would also include representation from the consortia, Estyn and Higher Education Institutions in Wales. The network should also integrate cross-sector approaches, and link to Public Health Wales, school nursing and the third sector, for example, organisations such as Brook Cymru.

Such a network would respond to the specific recommendation around developing an expert network in the 2017 SRE Expert Panel report¹⁸, and I would stress as well that this is an opportunity for the whole education sector to develop this knowledge together, and support each other to form a shared understanding. This is essential for this new curriculum area as there is not currently the degree of expertise available in Estyn or regional consortia to support or inspect settings with the same knowledge that is brought to more established areas of practice. This group could also be instrumental in developing a suite of much-needed nationally available teaching and learning resources, including those suitable for learners with additional learning needs, and these can be shared through Hwb.

Continuing through and beyond 2022, this professional learning should be continued and also extended so that all school leaders, all staff involved in teaching and learning, and all students in Initial Teacher Education can benefit in order to ensure the step-change required.

In terms of the content of professional learning, it is essential that this includes the ability for teachers to gain confidence in using participatory methods for teaching and learning, whereby the content of RSE is determined by the needs and experience of the learners themselves. Basing RSE in a participatory approach is essential to ensure it is developmentally appropriate, and therefore safe for children and young people. Without careful and emotionally safe participation it will not be possible for teachers to ascertain the needs and prior knowledge of

¹⁶ [Written Statement: The Welsh Government response to the Children’s Commissioner for Wales’ Annual Report 2020-21 \(26 November 2021\) | GOV.WALES](#)

¹⁷ [Written Statement: Sexual harassment and abuse in education settings \(16 June 2021\) | GOV.WALES](#)

¹⁸ [the-future-of-the-sex-and-relationships-education-curriculum-in-wales.pdf \(gov.wales\)](#)

their learners, which is required in order to ensure developmentally appropriate RSE. A pedagogical approach also needs to ensure sensitivity to the direct and indirect experiences of children and young people when ensuring RSE is delivered. To do this well requires skilled, conscious and sensitive teaching, including sensitive teaching of topics related to RSE in other curriculum areas, such as through learning relating to humanities and sciences, and in particular in learning related to Religion, Values and Ethics, which is required to be 'objective, critical and pluralistic'. There are many examples of where this learning is done well and which enable listening to young people, acknowledging and valuing the importance of emotions and experience, and ensuring their rights to privacy are maintained. Such approaches enable sources of support to be actively signposted and encouraged, and can be achieved through using a wide range of discursive, creative and participatory techniques, in which adult professionals facilitate young people to safely explore issues with their peers. Examples of the types of activities that can enable this are included in *Agenda: a young people's guide to making positive relationships matter*¹⁹ and its partner resource for primary schools, *Agenda: supporting children in making positive relationships matter*²⁰.

However my office is also aware of a few examples where RSE topics have not been managed in an emotionally safe way. For example, in the consideration of ethics and different worldviews, topics that will have directly impacted the lives of young people or their families can be positioned as the subject of class debate. Such topics include abortion, views around contraception, or views around gender and gender stereotypes. This type of approach, whilst perhaps enabling the plurality and critical discussion required in the teaching of Religion, Values and Ethics, can leave some young people feeling exposed and vulnerable, or feeling that they or their family members are being indirectly criticised for actions or opinions. It is very different from a discursive approach that ensures young people feel supported to explore RSE topics and develop their critical thinking in an emotionally safe way.

Professional learning will also need to ensure practitioners have the skills and understanding to meet the RSE needs of learners with Additional Learning Needs, and I stress that this is a need in mainstream settings in addition to specialist provision. Inclusive RSE means that all children need to be able to benefit from RSE, and that it is inclusive of LGBTQ+ lives and identities, as well as inclusive of the lives and experiences of disabled people. This inclusivity is needed to ensure that RSE is effective in preventing peer harassment of children and young people with protected characteristics. Professional learning will need to address this expressly, and will also need to encourage professionals to challenge their own views, experiences and unconscious biases in relation to all protected characteristics. This should also ensure gender equity is integral to the approach: as the Estyn review²¹ illustrates professionals, as members of our wider society, also can use and model gender stereotyping, dismissing sexual harassment as 'banter' or 'being silly' or 'boys will be boys'. This reduces the confidence of young people in reporting harassment, and responding to harassment in a way that protects the rights of all, including girls, LGBTQ+ and disabled learners is an essential part of the professional learning needed for a whole school approach to RSE.

Role of Estyn

In addition to participating in professional learning, Estyn has an important role in capturing case studies of effective practice in RSE, and this should be a priority as soon as possible, and subsequently ongoing. It should aim to create a developing bank of available information for teachers around effective pedagogy, for school

¹⁹ [Agenda](#)

²⁰ Ibid.

²¹ [We don't tell our teachers - Experiences of peer-on-peer sexual harassment among secondary school pupils in Wales | Estyn \(gov.wales\)](#)

leaders around effective whole setting approaches, and for local authorities around effective practice at a local level, which links to other statutory services (e.g. health) and non-statutory services (e.g. voluntary sector). Case studies that show how RSE can be integrated into rest of curriculum would also be valuable. The integration of the cross-cutting requirements across the Areas of Learning and Experience may throw up particular challenges for settings in their local curriculum design. These cross-cutting themes, which include RSE, Human Rights Education and Diversity, were largely outside of Successful Futures²² and therefore have not been integrated into the work of pioneer settings in the same way. Many settings across Wales have developed curriculum approaches without integrating later additions to the statutory requirements. I would recommend early case studies are available around this, particularly in secondary settings where the challenges of integrated cross-disciplinary teaching and learning can be more significant.

I would also recommend case studies that focus on effective family and community engagement and communication in relation to RSE, perhaps integrating this theme into the development of community schools. Case studies can be collected from ongoing inspection, but I would also welcome a specific thematic focus on RSE during the initial period of curriculum implementation.

I must also commend Estyn for the participatory approach they took to their recent review²³. My office supported Estyn in developing this approach, and I am heartened by the success with which inspectors implemented this in settings, as evidenced by the high quality engagement of learners. This approach should be key to Estyn's ongoing work, in particular in relation to RSE, and case studies that are collected by Estyn should put children and young people's voices and experiences at the centre. I would welcome Estyn developing the participatory practice they have begun by considering case studies written from the point of view of a young person, for example learner stories, or through participatory research, where learners themselves identify key research questions and methodologies. Of course, there are additional learning benefits to such approaches, which could be done in combination with other university-led research, or work done by the National Academy of Educational Leadership.

Wider school culture

A culture of participation

Children are rights holders and I am hopeful that the cross-cutting theme of human rights education²⁴ within the new curriculum will be instrumental in bringing about a culture of participation and listening seriously to the views and experiences of learners. I am currently updating my guide, *The Right Way: A children's rights approach to education in Wales*²⁵ to reflect the new statutory requirements on settings in relation to children's human rights, and also to illustrate examples of practice where children and young people can genuinely participate in curriculum design, school policies, monitoring and evaluation and decision making in a setting. This could include for example decisions about uniform, or sports choices. This is an essential part of a national response to peer harassment. If children and young people genuinely feel they can raise concerns and be listened to and changes will be made as a result, then harmful experiences such as harassment can be far better prevented. This culture of participation and listening should happen within settings, but it should also be part of inspection, and school improvement on a setting, regional and national level. Estyn, consortia, local authorities and national government all have a part to play in ensuing genuine participation of children and young people in policy development and evaluation.

²² [successful-futures.pdf \(gov.wales\)](#)

²³ [We don't tell our teachers - Experiences of peer-on-peer sexual harassment among secondary school pupils in Wales | Estyn \(gov.wales\)](#)

²⁴ [Cross-cutting themes for designing your curriculum - Hwb \(gov.wales\)](#)

²⁵ [The-Right-Way-Education.pdf \(childcomwales.org.uk\)](#)

Settings should also consider an equalities approach to participation, given the disproportionate effect of peer harassment experienced by some groups of children and young people as illustrated in Estyn’s review. Specific participation groups for LGBTQ+ learners and or girls can give a focus for the specific needs of young people. Settings should also consider how equitable opportunities are for wider participation: my 2021 report into school councils²⁶ illustrated that some learners, including those who are less academically or socially confident, have far fewer opportunities to participate.

Whole-school approach to RSE

The importance of a whole school approach to RSE is included in the Code and Guidance, but this will need to become more than words by ensuring a practice change through professional learning as specified above. This will ensure that children and young people’s learning in RSE is consistent with their experiences in all aspects of school life. Learning needs to be reinforced by the language professionals use, the behaviour that adults model and an approach to gender equity in sports, arts and culture, and in the policies and wider practice of a school, for example in whole school approaches to mental health and wellbeing, and in policies and practice in relation to positive relationships / anti-bullying / uniform / behaviour / online safety / careers and work experience. Below I highlight three specific areas that require particular attention at a national level: anti-bullying guidance; guidance to support trans children and young people; and expectations around school uniform.

Anti-bullying statutory guidance

As noted by the Minister in his response to the Estyn review²⁷, there is more that can be done to prevent and respond to identity based bullying, which can include gender-based bullying and bullying of LGBTQ+ learners. This should build on the rights-based and participatory approaches of Welsh Government’s 2019 anti-bullying guidance²⁸, the preventative and restorative approaches to responding to bullying that are already set out should be maintained. However guidance could go further in the requirements around recording and analysing data at a setting and local authority level. The current guidance specifies expectations for how local authorities should monitor equality data and prejudice related bullying, setting out the following:

3.6 The Welsh Government expects all prejudice-related incidents to be accurately recorded to enable schools to monitor patterns and prevent discrimination. Local authorities frequently monitor prejudice-related incidents and require schools to report these. This is appropriate to enable schools and local authorities to monitor their compliance with the PSED.

3.7 Effective schools take a proactive approach to preventing all bullying and to mitigating its effects when it occurs. This includes teaching learners and training staff about stereotypes and challenging prejudice, and not being afraid to challenge unacceptable language.

3.8 The Welsh Government expects local authorities to encourage schools to take this approach and to record incidents so that patterns of prejudice-related behaviour can be identified ‘advise schools on local trends by monitoring equality data, in accordance with data protection requirements and initiating responses or interventions as appropriate.’

It also specifies,

²⁶ [AMPLIFY: How to maximise young people’s voices through your secondary school council - Children’s Commissioner for Wales \(childcomwales.org.uk\)](#)

²⁷ [Written Statement: Peer on Peer sexual harassment in education settings \(8 December 2021\) | GOV.WALES](#)

²⁸ [School bullying | Sub-topic | GOV.WALES](#)

4.4 Local authorities should also:

- *advise schools on local trends by monitoring equality data, in accordance with data protection requirements and initiating responses or interventions as appropriate.*

I welcomed these aspects of this statutory guidance, which responded directly to recommendations made in my Sam's Story report²⁹ and in my 2017-18 Annual Report³⁰. However, it should be considered whether the corresponding guidance for school governing bodies can reflect similar expectations, so that these expectations can be reinforced at a setting level in addition to a local level.

I also suggest that the guidance for governing bodies, local authorities and young people themselves expands on the definition of prejudice based bullying to include gender based bullying specifically, and goes further in identifying the types of behaviour and language that constitute sexual harassment. I would note as well that defining incidents as bullying can result in young people feeling that harassment or abuse is being dismissed. This is particularly the case when a similar incident would be described as harassment or abuse if experienced by an adult. An expansion of this guidance should develop how professionals describe, identify and monitor incidents of sexual harassment. This should emphasise the need for incidents to be taken seriously, and then responded to using restorative approaches so that this is a teachable moment where a child or young person who is harassing another can reflect, learn and change this behaviour. This approach should also ensure a child or young person who is being harassed feels heard, safe and that their experience validated. Clearly, very serious incidents or persistent behaviour may require a different approach, and this is where education settings should also be supported by wider public sector services, including the police school support programme. Please refer to the final section of this response for more details on this area.

Guidance for supporting trans children and young people

I have welcomed the plan to create guidance on trans inclusion in schools, as set out in Welsh Government's recent consultation on the LGBTQ+ Action Plan.³¹ I believe this is urgent as the lack of national guidance on trans inclusion is difficult for schools who are seeking to provide support and practical arrangements for their pupils. There is no available national or local authority guidance in Wales to advise education settings about how best to support trans children and young people and ensure their rights and welfare. This guidance gap has consequences in protecting children's rights – we know from our case work service that trans children and young people can suffer from direct and indirect discrimination, that education settings don't always know how best to support their welfare, and that the result of this can be that children do not access their human rights, in some cases meaning that children withdraw and disengage from education entirely.

Guidance documents recently produced by the Scottish Government and by Brighton and Hove Council provide examples that the Welsh Government can build on and improve to ensure a suite of guidance suitable for Wales. Careful consideration should be given as to whether this guidance should be statutory or advisory, as advisory guidance may be able to set out more comprehensive, practical and supportive steps that education settings can follow to ensure the rights of children and young people. Learning should be sought from the Scottish Government, particularly as to whether non-statutory guidance could actually better protect the rights of trans children and young people, to ensure fuller discussion and exploration of the key issues, and ensure that trans

²⁹ [Sam's Story - Children's Commissioner for Wales \(childcomwales.org.uk\)](https://www.childcomwales.org.uk/sams-story)

³⁰ [Annual-Report-2017-18.pdf \(childcomwales.org.uk\)](https://www.childcomwales.org.uk/annual-report-2017-18.pdf)

³¹ [LGBTQ+ Action Plan | GOV.WALES](https://www.gov.wales/lgbtq-action-plan)

young people's views and priorities as rights-holders are taken into account. National leadership is needed urgently on this issue.

Uniform

Welsh Government has statutory guidance for governing bodies on formulating and revising their school uniform policies³². This specifies that school uniform policies should not create grounds for bullying, and should also safeguard and promote the welfare of learners. It also specifies that governing bodies 'ensure an inclusive school uniform policy that does not discriminate on the basis of sex or gender identity.' Guidance also specifies a need to review policies regularly and to ensure the consultation of children and young people as part of this review.

However, despite this guidance, the prominence of school skirts are notable in Estyn's review, in which the word skirt appears 23 times. The report also highlights that, *"Most girls and the majority of boys discuss issues around the length and fit of the school skirt. They say that girls are bullied by other girls if their skirts are too long and sexually harassed by boys if they are too short."* In addition, the report finds that, *"The majority of girls have some experience of having their skirt lifted up during their time in school."*

In light of this, I suggest there is a need for Governing Bodies to specifically consider how skirts feature in the experiences of their pupils. Schools should consider doing their own consultation with young people to find out their own views and experiences in relation to their school uniform, and enable learners themselves to consider if their uniform is appropriate, and what learning is needed across the whole school community in relation to harassment and clothing. School councils and pupil voice equality groups should play an important role here. I suggest that consideration could also be given as to whether Welsh Government can do more work through local authority Governor support units, or through the Association of Directors of Education Wales, in order to raise the awareness of this guidance with Head teachers and Governing Bodies, and to raise the issues around school skirts that have been flagged in the Estyn report³³, and the consequential need for schools to consult with learners and be aware of issues around skirts in periodical revision of uniform.

Wider system culture

Whilst Relationships and Sexuality Education is a key route by which this peer harassment can be addressed and prevented, this is not an issue solely for education settings and education professionals. Schools need support from their families, communities, and wider public services. Estyn's review found that, *"In all schools, the whole school community speak highly of the work of the School Police Officer, not only their delivery of the Wales Police Schools Programme but about their supportive school policing initiative as School Beat officers."* This highlights the value of the police and in particular their important role in education settings through the Wales School Police Programme. I, too, have heard directly from some schools about how they value the advice of Police School Liaison Officers on how to respond to specific incidents such as sexting, as well as the preventative lessons they deliver.

Youth workers also have a valuable role to play in RSE through informal education methodologies, and secondary settings should explore how youth workers can help create and deliver their own RSE curriculum. Local authorities could explore how this collaboration could take place at a local level, and this could be a specific role for RSE leads within local authorities. The third sector also has much to offer as a potential delivery partner. For

³² [School uniform and appearance: policy guidance for governing bodies \[HTML\] | GOV.WALES](#)

³³ [We don't tell our teachers - Experiences of peer-on-peer sexual harassment among secondary school pupils in Wales | Estyn \(gov.wales\)](#)

example, Welsh Government-funded Spectrum delivers high quality bilingual healthy relationships lessons in both primary and secondary schools. Again, this is something that RSE designated leads in settings could explore, perhaps on a cluster basis, and it is also an area of delivery that could be explored at a local authority level.

The RSE Code and Guidance also refers to online contexts, and I would like to commend the work of Welsh Government's digital resilience team, in particular around their creation of a range of teaching and learning resources that relate to ensuring rights in a digital context. These include learning resources around online privacy, online hate speech, online sexual harassment, hoaxes and fakes, sharing nudes and semi-nudes, sexting and online relationships. All are available bilingually on Hwb³⁴. Recent resources have included a focus on children's rights, and this positive language is important to model so that children and adults develop an understanding that their human rights are the same, regardless of whether they are in an on offline or online environment.

However, more could be done to ensure cross-governmental working in relation to this issue, in particular between safeguarding and education, so that developments in relation to the RSE professional learning can make meaningful links with safeguarding requirements in education settings. Similarly, work in education can be meaningfully informed by health information, and vice versa, particularly through utilising the School Health Research Network surveys to ensure there is a relevant focus on policy and education priorities at a setting, local and national level. Link up should also be ensured with work to implement the Violence Against Women Domestic Abuse and Sexual Violence National Strategy, for example, ensuring campaign materials (as for the current Call Out Only campaign) are also appropriate for, and shared with young people and education settings.

At a UK level, the Online Safety Bill will provide Ofcom with a regulatory role in relation to some online platforms. Welsh Government has a role here in ensuring that Ofcom's role is informed by children's rights, and there could also be work across the Governments of the UK to ensure that children and young people from each jurisdiction can participate in the work of Ofcom, for example through a young person's advisory group. I have met with board members of Ofcom to advise such action, and to offer the ongoing advice of my office in ensuring the regulator responds to the specific needs of children and young people.

I also urge Welsh Government to continue the information and reassurance campaign that was begun during the time that the RSE Code and Guidance passed through the Senedd. Misinformation about RSE persists and there are ongoing risks that families and communities may oppose the delivery of RSE in settings, and some families may even de-register children due to concerns about content. All actions must be taken to ensure there is clear and accurate information about RSE available to families, and that settings are supported to engage directly with families in planning their RSE curriculum. In addition to an ongoing national campaign on this issue, local authorities should take a role in supporting effective community and family engagement on this issue across different departments of the local authority, including through education welfare support.

Submitted by:



Professor Sally Holland

Children's Commissioner for Wales

³⁴ [Repository - Hwb \(gov.wales\)](https://www.gov.wales/repository)

NSPCC's written evidence for CYPEC's Peer on Peer Sexual Harassment Inquiry

Key points for the committee to consider:

- **Contacts to Childline are increasing about peer sexual abuse – as demand rises so too should resource to support young people.**
- **The gendered nature of online abuse and how this is impacting girls' experiences of sexual harassment in school.**
- **The high number of LGBTQ+ young people who experience both online and offline abuse.**
- **The central role professional learning must play in the new curriculum.**
- **How contextual safeguarding can enable 'context weighting' to understand the spaces that are most harmful to peer groups.**
- **How pornography is shaping attitudes to sex and consent and the role of the Online Harms Bill in Wales.**
- **Schools need the right kind of training, time and support to successfully implement a whole school approach to RSE.**

Strategic Context:

NSPCC Cymru urge the Committee to consider the various strategies and action plans that already exist and are relevant to this inquiry. Including:

- National Action Plan for Preventing and Responding to Child Sexual Abuse
- VAWDASV Strategy
- LGBTQ+ Action Plan
- Anti-Racism Action Plan

Scale and nature in education settings:

Report Abuse in Education Helpline - Department of Education commissioned helpline in response to Everyone's Invited:

- As of December 2021, the Helpline had handled a total of 979 contacts across the UK.

Childline Counselling about Peer Sexual Abuse:

- Between April 2021 and January 2022, Childline delivered 522 **counselling sessions** about peer sexual abuse. This figure is already higher than the whole of 2020/21, when we delivered 512 counselling sessions about peer sexual abuse.

Scale and nature outside educational settings and online:

Figures obtained by the NSPCC show that there were more than 300 offences involving sexual communications with children - which can include asking children to send explicit images - in Wales between April 2020 and March 2021.

Between April 2021 and January 2022 Childline delivered 103 counselling sessions about online peer sexual abuse.

Impact

For children subjected to technology-facilitated abuse, the impacts can be devastating, long-lasting and life-changing. The impact of 'online' and 'offline' abuse is the same, no matter how the abuse took place.ⁱ

Adults who contacted the Report Abuse in Education Helpline spoke of the lasting impact of their experiences of childhood abuse. Some disclosed for the first time because they didn't feel they had the opportunity to previously.

The impact on specific groups of learners

Girls

While all children are at risk of, and experience online abuse, girls' exposure to harm within online spaces can often be very different to that of boys. Research shows they are more likely to experience online abuse than boys. Research undertaken by NSPCC shows over 80% of victims of online child sexual abuse crimes were girls.ⁱⁱ

Solutions:

Any work to tackle peer harassment must centre the prevalence of sexual harassment of girls in schools. The stories shared by Everyone's Invited have highlighted the role that intimate images play in the gendered abuse that girls experience at school and beyond, and their experiences of pressure, coercion and control facilitated through images shared non-consensually online. We must recognise this context of toxic masculinity. Any guidance for schools should make it clear sexual insults such as 'slut' or 'whore' amount to gendered harassment and should be treated appropriately.

We also hosted a roundtable event on the necessity for the Online Safety Bill to consider harm against women and girls and want to see recognition of the additional challenges girls face online.

LGBTQ+

Evidence suggests that LGBTQ+ children and young people may be more at risk of abuse, including emotional, physical, and sexual abuse, than their heterosexual counterparts¹.

LGBTQ+ children and young people can also be at risk of experiencing online harms. The Stonewall School Report Cymru (2017) shows that nearly all (97 per cent) LGBTQ+ young people have seen homophobic, biphobic or transphobic content online, and 40 per cent have been the target of online homophobic, biphobic, or transphobic abuse².

A report from the LGBT+ charity Just Like Us in 2021 found that LGBT+ young people are more likely to experience sexual harassment than their straight counterparts. 7% of LGBT+ young people and 2% of non-LGBT+ young people say they have experienced unwanted sexual touching over the last 12 months.ⁱⁱⁱ

Solutions:

Evidence shows that trans children and young people face particular challenges at school^{iv}, and are more likely to experience social isolation and bullying than their peers. This can have a devastating effect on trans children's mental health, and on their ability to learn. In the LGBTQ+ Action plan, we welcomed an action to provide statutory national trans guidance for schools and local authorities. It is vital that this guidance is developed and sets out concrete steps for how schools and local authorities can prevent and tackle transphobic bullying and effectively support and safeguard trans and gender questioning young people.

One key tool for tackling sexual harassment of LGBTQ+ pupils, is good quality, inclusive RSE (further detail below). Teachers must feel confident to talk openly with their pupils about bullying, harassment or abuse.

Effectiveness of interventions

NSPCC Cymru/Wales was jointly commissioned with Barnardo's Cymru to write the guidance on safeguarding children from harmful sexual behaviour in schools. As such, it would not be appropriate for us to comment on the effectiveness of this guidance.

NSPCC Cymru/Wales hosted the cross-party group on preventing child sexual abuse on 15th February. The meeting heard from Professor EJ Renold and Professor Carlene Firmin. The meeting found the role of professional learning is essential to improving outcomes for young people harmed by peer sexual abuse and Welsh Government should invest in this as part of the new curriculum (more detail under the role of the new curriculum below).

The meeting also considered the vital role of contextual safeguarding to tackle peer sexual abuse. For example,

- Building a school's capacity to play a protective role in safeguarding young people.
- The importance of assessing an entire peer group rather than an individual young person/family to avoid 'victim vacuums'
- Mapping activities around the school – context weighting to understand the most significant context that is likely to cause the most harm.

The wider context

An online survey carried out by the NSPCC with 1,001 girls and boys aged 11-16 across the United Kingdom^v found that 476 young people (48%) had seen online pornography, whilst 525 (52%) reported not seeing online pornography.

In 2020, Ofcom also reported that 31% of surveyed 12- to 15-year-olds said they had seen something online that they found worrying or nasty in some way that they didn't like.^{vi}

We know that being exposed to pornography, violent and inappropriate content online shapes young people's perceptions of relationships and can have a negative impact on the way they interact with their peers online and offline.

Today, social media is a ubiquitous part of childhood, and an inescapable utility. Around half of UK children aged 12 have at least one social media account, despite the minimum age requirements for most sites being 13. By age 13, that figure rises to almost two-thirds^{vii}. The pandemic underlined the central role technology plays in children's lives. In England and Wales, since 2017/18 there have been over 10,000 police-recorded offences for sexual communication with a child. 70% of offences took place on just three sites: Facebook, Snapchat and Instagram.

Solutions:

In England, the recent Ofsted review has rightfully highlighted the potential of the Online Safety Bill to transform the online space for children, and the Children's Commissioner has been commissioned jointly by the Department for Digital, Culture, Media and Sport and the Department for Education to look at the wider societal factors influencing sexual violence and rape culture in schools - in particular how attitudes are shaped by access to pornography and driven through online channels. **We would like to see a similar exercise carried out for Wales.**

Role of families, parents and carers

Families have a key role to play in educating young people and building respectful and inclusive cultures in and outside school. They are also crucial to helping young people stay safe online.

Solutions:

It is important that families can have open conversations about online risks, but to do this, they need support to navigate a fast-changing environment. The NSPCC has produced a number of resources to help parents understand their children's online world.^{viii}

Role of the new Curriculum for Wales:

RSE has the potential to prevent sexual abuse and harm to children - in two key ways:

- by enabling more adults to identify concerning behaviour, and children to recognise abuse and seek help;
- and reducing instances of peer sexual abuse by supporting children to recognise how concepts like consent must also apply to their own actions with their peers.

The Estyn report demonstrates what a pivotal role high quality and inclusive RSE can play in creating a culture that fosters healthy relationships and challenges harassment and abuse^{ix}.

Solutions:

Estyn's report was clear about the need for training and support for all schools to design and deliver RSE. As a key priority, we believe there needs to be a distinct strategy/coherent plan for professional learning on RSE, and a commitment for ringfenced investment in ongoing professional development on RSE for teachers and wider school staff. This would support schools to map out the issues that are most relevant to their learners and be more confident in creating and delivering their new inclusive RSE curriculum in a trauma-informed way. It would also support schools to be equipped with the tools to help spot signs and symptoms of trauma and abuse, sensitively interact with a child who is disclosing and be confident in taking action and supporting children through the disclosure journey.

We feel it is very important for the designated RSE leads in schools and local authorities to be identified by September 2022. We also believe that dedicated investment will be needed to ensure that these leads^x have protected hours for RSE and specific training to help schools implement a whole school approach to RSE.

To help oversee the implementation of RSE, we suggest Welsh Government convene a RSE implementation group, made up of cross sector stakeholders to help monitor and support the development of RSE within the new curriculum.

ⁱ NSPCC research Hamilton-Giachistis 2017

ⁱⁱ NSPCC news report on online grooming of girls 2021 <https://www.nspcc.org.uk/about-us/news-opinion/2021/online-grooming-crimes-girls/>

ⁱⁱⁱ Growing Up LGBTQ+ Report (2021)

<https://www.justlikeus.org/wp-content/uploads/2021/11/Just-Like-Us-2021-report-Growing-Up-LGBT.pdf>

^{iv} Stonewall School Report 2017

https://www.stonewall.org.uk/system/files/the_school_report_2017.pdf

^v Martellozzo, E., Monaghan, A., Adler, J.R., Davidson, J., Leyva, R. and Horvath, M.A.H. 2016. I wasn't sure it was normal to watch it. London: NSPCC

^{vi} Ofcom (2021) Children and parents: media use and attitudes report 2020. London: Ofcom.

^{vii} Ibid

^{viii} [Keeping children safe online | NSPCC](#)

^{ix} HSee Estyn (2021) [“We don't tell our teachers” Experiences of peer-on-peer sexual harassment among secondary school pupils in Wales, Welcome - Everyone's Invited; Our abuse in education helpline receives hundreds of calls since launching in April | NSPCC](#); Ofsted (2021) [Review of sexual abuse in schools and colleges](#) [London]: Ofsted.

^x [Written Statement: Sexual harassment and abuse in education settings](#). June 16th, 2021

Agenda Item 6.1

Agenda 0224 Paper to note 01

Children, Young People and Education Committee

Request for information on Pupil attendance & training for school governors

Response from: Torfaen County Borough Council



TCBC response to the request for information regarding:

Pupil attendance & training for school governors

05/01/2022

Please can you provide us with:

- information about how you are you working with schools to monitor and improve the attendance of pupils who have not returned to school since the two periods of general school closures, have done so on a very limited basis, or have been regularly/persistently absent: and
- any data you hold on the numbers and absence rates of these pupils?

Response

All pupils were identified who had not returned to school following the initial and second lockdown periods of school closures since the full reopening of schools in September 2020, liaising with school staff to address the area of need, contacting parents & pupils to determine the reasons and aiding all parties involved to ensure a provision has been identified that is suitable and appropriate to the need of the pupil.

Following the initial shut March 2020 to July 2020 the EWS carried out the following: -

- We met with the schools on a regular basis following the first lock down and discussing with them all children under 95% in Primary Schools and 90% in Secondary Schools with the odd exception where we had to lower the threshold. We recorded all discussions on the Record of Consultation Sheet (ROC). The Record of Consultation document was introduced in 2010 to schools as a way of recording pupils whose attendance and punctuality is of concern. This information will include what actions are to be taken and by whom, therefore the ownership of the document lies solely with the school, however we advise and support the school during these discussions.
- The ROC was devised to be used from the start of the academic year as an accumulative document, to illustrate the discussions and subsequent actions taken by school-based staff and the EWS in addressing areas of concern relating to school attendance.
- The expectation remains, and it is good practice, that schools update the information on a regular basis in between the pre-arranged meetings with the EWO to ensure that actions are taken in a timely manner in order to improve pupil attendance at school.
- Schools are responsible for compiling and updating the information as necessary, whilst the EWS provides advice on a case by case basis.
- The information is readily available, and school do not have to go through the case history again. You can easily monitor what actions have been taken and by whom to determine the next steps following the Strive for 95 which is our internal process for monitoring attendance which clearly outlines the school's responsibilities before referring to the EWS.

Julian Doroszczuk

Head of Learning / Pennaeth Dysgu

Education Service/Gwasanaeth Addysg

Torfaen County Borough Council/Cyngor Bwrdeistref Sirol Torfaen

- The Strive for 95 Attendance Framework provides a clear consistent approach for all Torfaen schools to adhere to in addressing attendance concerns, we will continue to use this approach.
- If the school cannot not contact the parent after 3 days, the schools will request a home visit from the EWS. In most cases a home visit was not necessary as we managed to speak to the parents on the phone and feed the conversation back to the school to pick up with the parents.
- In the event that school had contacted the family and appropriate referrals to other agencies had been made whilst the child still was not attending school then a referral was made to the EWS. We would then arrange a meeting via the phone or Teams to discuss the reasons why the child has not returned to school and support the parents to encourage them to do so.
- We made appropriate Safeguarding and Child Protection referrals where we had concerns.
- The Welsh Government Guidance stated that punitive measures were not to take place for absence related to Covid, as a result no warning were issued, and no prosecutions took place.
- It was noted that some of the families whose children had not previously attended since March 2020 advised that their child return to school in September.
- The EWS regularly liaised with all schools as to updated WG Guidance in terms of Attendance, ensuring schools adhere to the amended Attendance codes since the start of the Outbreak to ensure that attendance returns have been accurate and to identify any safeguarding concerns from the school registers. Reminding schools of their responsibility in maintaining regular contact with those pupils who are not attending school/accessing blended learning as a result of medical issues to ensure that wellbeing check ins remain in place and to ensure the pupil does not feel further isolated from staff.
- September 2020 to October 2020 and then September 2020 to December 2020 we asked for a list of the children on 0% and enquired with the school what action had been taken to encourage the children to return to school.
- Where some pupils were not be able to return to school, the school was aware of this and therefore coded the absence appropriately for example for blended learning.
- Schools sent letters, text messages and e-mails to those who could not be contacted by phone.
- School and the EWO spoke to other services involved with the family to ask if they can ask the parents to contact the school or the EWO and when they last saw the child.
- Home visits were carried out by the EWS in cases of non-engagement with the school.
- Schools and the EWS established with families the reasons why they were not sending their child back to school, as a result of this plans were put in place for the child's return to school or blended learning put in place.
- The school and the EWS explained to parents that every school should continue to be "Covid Protected" - having carried out risk assessments and mitigated them with a combination of controls such as hand and surface hygiene, one-way systems and so forth.
- Meetings were arranged with schools via teams or a conference call as this was the most successful and safe way of meeting with parents.
- Referrals were made for the child/family to the appropriate mental health services to deal with any form of anxiety or who need support.

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Torfaen County Borough Council/Cyngor Bwrdeistref Sirol Torfaen

- In the event of a family’s refusal to return their child to school despite all avenues of support explored with the family and the persistent failure to meet a child’s basic physical and/or psychological needs is likely to result in the serious impairment of the child’s health or development therefore requiring a referral being made to Social Care.
- Schools were aware that they must engage with parents/carers to understand why they are not attending and ensure there are not any concerns about their well-being or alternative support options that could be arranged to enable the pupils to attend.
- The school and EWS reviewed the situation with the learner and parents or carers on a regular basis to avoid any prolonged absence.
- We compiled a report in July 21 of all those children who still had not returned to school since Easter providing information on how each child is being supported to return to school or if they are unable to return to school how they are being supported to work from home. Every child was either being supported by the school, EWS and other internal or external agencies.

Comprehensive	29
Primary	14

The EWS amended current working practices to provide additional support to schools, pupils & Families following the outbreak of the Covid pandemic. Such measures to date include.

- The introduction of an additional referral pathway for schools in assisting communication, & engagement of pupils in accessing home learning and aiding school staff with regular wellbeing check ins with pupils & Parents via Covid Communication Requests.

Since the last school closures December 2020 to March 2021 we continued in the same way as above until the Autumn term of 2021 as a response to the evolving situation affecting schools in their capacity to address long-term pupil absenteeism, the EWS propose amending current working practices to undertake additional home visit welfare checks. Initially this was in respect of pupils whose attendance had fallen below 10% in the first instance, however this was increased to pupils with less than 30% attendance as part of a graduated response. The purpose of the visits was to check the physical wellbeing of the pupil, to discuss reasons for absence with the Pupil and Parent and to understand the factors affecting a full reintegration back into education. This was deemed to be a priority in line with Torfaen’s safeguarding protocol and acted as a catalyst for further dialogue between home and school.

The table below illustrates the number of pupils of concern across all Torfaen schools.

Number of pupils below % Attendance Sept - 21.10.21

Comprehensive	less than 80%	less than 50%	less than 30%	less than 10%
Total Number of pupils	1615	251	114	56

Primary	less than 80%	less than 50%	less than 30%	less than 10%
Total number of pupils	1075	70	16	11

Julian Doroszczuk

Head of Learning / Pennaeth Dysgu

Education Service/Gwasanaeth Addysg

Torfaen County Borough Council/Cyngor Bwrdeistref Sirol Torfaen

We continue to work in partnership with the schools in providing support, guidance and intervention in respect of cases of concern where school attendance remains an issue.

During these times a multi-agency approach is critical and if the school has any concerns about the harm, neglect or abuse of learners this should be reported to the Designated Safeguarding Person who will liaise with children’s services and other agencies as appropriate.

There is ongoing multiagency partnership collaboration with schools, agencies, departments for appropriate provision to be implemented for pupils, including.

- Additional Learning Needs team
- Education Psychologists
- Outreach
- CAMHs
- Social Care
- Families First
- Space wellbeing referrals for mental health support
- Mental Health in Reach Practitioners
- Pupil Referral Unit

Attendance % analysis all Torfaen Schools From 02/09/21 to 17/12/21 Reception to Year 6 Primaries & Years 7 to Year 11 Comprehensives

Name of School	Pupils with attendance <50%	Pupils with attendance <60%	Pupils with attendance <70%	Pupils with attendance <80%
Blaenavon Primary	7	12	24	77
Cwmffrwdroer Primary	2	7	12	40
Garnteg Primary	4	5	18	46
George Street Primary	2	8	19	56
Griffithstown Primary	4	8	22	52
New Inn Primary	3	5	17	50
Penygarn Primary	1	5	23	52
Ponthir Primary	0	0	1	2
Pontnewydd Primary	4	8	17	40
St David's Primary	0	1	1	2
Maendy	2	2	6	20
Coed Eva	6	10	21	54
Nant Celyn	3	5	20	50
Greenmeadow	3	7	13	21
Blenheim Road	2	4	14	37
Henllys	0	0	0	9
Woodlands	0	1	3	21
Ysgol Bryn Onnen	2	2	4	15
YGC	2	2	12	28
Ysgol Panteg	0	1	7	25
Padre Pio	3	4	5	18
Our Ladies	0	2	6	24
Llantarnam	1	1	3	8
Croesyceiliog	1	5	19	44
Llanyravon	1	4	9	26
Crownbridge	5	17	11	21
TOTAL NO	58	126	307	838

Julian Doroszczuk

Head of Learning / Pennaeth Dysgu

Education Service/Gwasanaeth Addysg

Torfaen County Borough Council/Cyngor Bwrdeistref Sirol Torfaen

Name of School	Pupils with attendance <50%	Pupils with attendance <60%	Pupils with attendance <70%	Pupils with attendance <80%
West Mon	69	102	147	265
Abersychan	40	64	109	189
CH5	67	108	172	303
Croesyceiliog	54	75	122	224
YGG	13	19	37	84
St Albans High	13	17	39	93
TOTAL NO.	256	385	626	1158

Please can you provide us with information about the support you provide to school governors, including how you are encouraging school governors to take up Estyn's lay inspector training programme?

Response

The Local Authority's support to governors is provided in partnership with the Education Achievement Service (EAS). Support is delivered through the EAS Service Level Agreement (SLA) with schools which includes both support and access to professional learning from both the Governor Support Team and colleagues across the service. Professional Learning activity for governors has been offered virtually since June 2020, including all Welsh Government mandated training. A high-level summary of the regional approach and future planned developments are attached as a Word document, along with the full regional programme for Autumn 2021 and Spring 2022. In addition to this regional programme the LA delivers professional learning to governors in areas such as: Safeguarding, Finance and HR processes. This additional LA specific programme is also attached. The 'live' versions are accessible here on the EAS area of the Hwb platform: [Governor PL Programme.](#)



1a. - EAS Regional Governor PL Menu - SPL - Torfaen LA OfferSupport - PL - High L

Regarding the promotion of any information for Governors from Estyn or any other organisation, this would be done in partnership with the EAS. Any request to share useful information or opportunities with governors, would be promoted through the [EAS Supporting our schools Site - School Governance](#) and where urgent, backed up with an email to the approximately 3000 governors across the region. Similarly, where the EAS Governor Support Service had any enquiry from a Governor about the programme we would direct them to the Estyn page on the Lay Inspector role, which has more information: <https://www.estyn.gov.wales/working-us/inspector-roles#layinspector>

Julian Doroszczuk

Head of Learning / Pennaeth Dysgu

Education Service/Gwasanaeth Addysg

Torfaen County Borough Council/Cyngor Bwrdeistref Sirol Torfaen

CYPE(6)-06-22 - Paper to note 02

Children, Young People and Education Committee

Request for information on Pupil attendance & training for school governors

Response from: Blaenau Gwent County Borough Council

I refer to your recent correspondence sent to the Managing Director on the 17th December regarding the work of the Local Authority relating to school pupil attendance. Firstly, I would like to make the point that this is a priority area of work within the Education Directorate and in particular the Education Welfare Service (EWS) are working closely with schools to improve pupils attendance. Some of the strategic approaches and activity that services are involved in to support pupil attendance includes:

- Since the initial COVID pandemic lockdown and the re-purposing of schools, extensive work has been done to encourage pupils to attend school and welfare visits made to check on wellbeing for both pupils and their families . Prior to schools reopening, following the first lockdown work was done with schools to identify which pupils were less likely to return and home visits were made by EWS officers to look at what support could be put in place and to offer assurances that schools were COVID safe, in line with national guidance and local risk assessments. During the Summer term 2020, when schools did return to face to face learning, the main focus the EWS service was on visiting the pupils that were identified as being more vulnerable and to support their families;
- During the 2020/2021 academic year, this work continued although as time has progressed a firmer approach has been taken with some families where there has been need to intervene. The attendance management system for schools (SIMS) is regularly checked for children with below 80% attendance. Visits are made where there has been 3 days of non-contact and re-integration packages are in place for some pupils that are struggling with the return to school. The Education Directorate also encourages pupils and families to work with other corporate services and professionals such as Families First etc.;
- In addition to the usual approaches, the EWS team are undergoing 'Trauma Informed' training and schools are being encouraged to use trauma informed practices. The EWS have also worked with Children and Mental Health Services (CAMHS) 'in-reach' services to develop trauma informed awareness governor training and the first session is being offered to school governors across Blaenau Gwent in

January 2022. The Education Directorate are also looking at how we can use emotionally based school avoidance strategies with pupils and schools;

- The Local Authority's support to governors is provided in partnership with the Education Achievement Service (EAS). Support is delivered through the EAS Service Level Agreement (SLA) with schools which includes both support and access to professional learning from both the Governor Support Team and colleagues across the service. Professional Learning activity for governors has been offered virtually since June 2020, including all Welsh Government mandated training. A high-level summary of the regional approach and future planned developments are attached as a Word document, along with the full regional programme for Autumn 2021 and Spring 2022. In addition to this regional programme the LA delivers professional learning to governors in areas such as: Safeguarding, Finance and HR processes. This additional LA specific programme is also attached. The 'live' versions are accessible here on the EAS area of the Hwb platform: Governor PL Programme;
- Regarding the promotion of any information for Governors from Estyn or any other organisation, this would be done in partnership with the EAS. Any request to share useful information or opportunities with governors, would be promoted through the EAS Supporting our schools Site - School Governance and where urgent, backed up with an email to the approximately 3,000 governors across the region. Similarly, where the EAS Governor Support Service had any enquiry from a Governor about the programme we would direct them to the Estyn page on the Lay Inspector role, which has more information: <https://www.estyn.gov.wales/working-us/inspector-roles#layinspector>; and,
- Finally, regarding the Blaenau Gwent attendance data that was requested:
 - o there were a total of 3,719 pupils that did not return to school in the summer term 2020 - this figure also includes nursery and reception pupils.
 - o there were a total of 12 pupils that did not attend school during the 20/21 academic year - this figure also includes nursery and reception pupils.
 - o At the end of the autumn term this academic year there are 18 pupils that have not attended at all, 5 of those pupils have not been in since schools locked down initially, there are 51 pupils with below 20% attendance (have attended for less than 1 day per week), there are a further 209 pupils with between 20% and 50% attendance and 1,648 pupils with between 50% and 80% attendance (persistent absenteeism is considered as 80% and below in Wales).

CYPE(6)-06-22 - Paper to note 03
Children, Young People and Education Committee
Request for information on Pupil attendance & training for school governors
Response from: Carmarthenshire County Council

Attendance

Attendance data for all schools is monitored on a weekly basis and is shared with all headteachers through a weekly Business Letter from the Head of Education Services.

Low attendance is identified by the School Safeguarding and Attendance Team. This team continues to raise awareness of the regularly updated Welsh Government guidance with all schools in order to promote consistent and accurate recording of pupil absence. This is done via regular bulletins to headteachers and through direct contact with the schools. The data team also reviews the registration data and draws any identified coding issues to the attention of the School Safeguarding and Attendance Team so that they can be addressed with the school. Each school has a named, linked social worker from the team who they can contact for advice, support and guidance regarding any concerns about engagement, attendance or the welfare of a learner. Schools are aware that any such concerns need to be followed up immediately by them. During periods of school closure, the team continues to maintain contact with schools and follows up on any learners who had not maintained regular contact with schools. The School Safeguarding and Attendance Team also utilises a duty system where there is always a social worker on duty to respond to any queries or referrals from schools. The service also offers schools advisory meetings whereby their attendance data can be reviewed, and any pupils with high levels of unauthorised absence/ persistent absence can be discussed. The social worker will work with the school to review the bespoke plans in place for these pupils and advise on next steps. This often prompts schools to make direct referrals to the team. Following referral, the team will implement a support plan to help re-engage the learner and address any wider support needs. The School Safeguarding and Attendance Team sits within the same service area as Team Around the Family and the Young Carers Service so a multi-agency approach is promoted in order to meet the needs of these learners and their families.

Last academic year, the School Safeguarding and Attendance Team had 457 referrals. There was, on average, an increase of 10.82% in pupil attendance from the point of referral to the six-week review.

Governors

Estyn processes are weaved into numerous training opportunities for Governors throughout the academic year. For example, officers will discuss monitoring, safeguarding, data usage as well as the Estyn inspection process. Any information reading opportunities for Governors to train as lay inspectors would be shared with Governors through our well established communication channels.

CYPE(6)-06-22 - Paper to note 04
Children, Young People and Education Committee
Request for information on Pupil attendance & training for school governors
Response from: Powys County Council

Lynette Lovell
Cyfarwyddwr Addysg
Director of Education

Atebwch os gwelwch yn dda /Please reply to:

Gwasanaeth Ysgolion / Schools Service
Cyngor Sir Powys / Powys County Council
Neuadd y Sir / County Hall
Llandrindod Wells
Powys LD1 5LG

E-bost / Email:

anwen.orrells@powys.gov.uk

Dyddiad / Date: 10th January, 2022

Children, Young People and Education Committee.

Dear Jayne Bryant,

Many thanks for your letter. Please find answers to the two important issues you raised from Estyn's 2020 – 21 annual report.

1. Attendance: As a Local Authority we are working with schools and hard to reach families in one of three ways.

Firstly, our Educational Welfare Officers (EWO) has been working very closely with the schools and Youth Services to identify at risk and hard to reach families. Working within the Multi Agency Team framework they have undertaken calls, video calls and regular home visits. Where suitable, reintegration, phased returns, support, and attendance plans has been put in place which are monitored and reviewed carefully by the school and EWOs. The Education Welfare Service (EWS) has continued to adapt and further developed its Multi Agency Team framework as part of the Local Authority Emotional and Wellbeing Working group and the development of the Emotionally Based School Avoidance (ESBA) pathway alongside the Educational Psychology Service. The EWS has adapted and increased their referral threshold from 80% - 85% to support early intervention from January 2022 and re-instated fortnightly attendance panels to discuss bespoke and integrated practice alongside punitive measures to discharge our statutory obligations. Parental communications has also been adapted to facilitate a more holistic approach to building relationships and a EWS "Duty Cover" triage system introduced to support families, schools and other agencies to help support, guide and advise. The EWS team has also continued to work closely with Careers Wales and Youth Services to identify potential NEETS.

Secondly, due to the increase in demand and level of anxiety across the school, the Service has been successful in securing an additional Local Authority Covid recovery grant to fund additional EWO support for the 2022 Spring term. This additional support has been critical in ensuring equitable support county wide for our most vulnerable learners and allows the team to support more schools and their families to encourage



pupils safely back to school and to ensure that pupils are seen. New referrals procedures and monitoring outcomes has enabled and complemented enhanced provision via the TYFU system for anxious learners with increased resources.

Thirdly, as a result of the increase in number of families moving to Elective Home Education (EHE), the Service has employed two EHE support officers to make contact with the families, to ensure that the pupils are safe and where possible support the pupils back to mainstream education or at the least ensure that they are receiving an appropriate level of education. The EHE grant has been used for these roles as well as using the EHE element of the Local Authority Education grant to provide educational vouchers for families to access appropriate resources and to support the learning of the pupils.

Since the start of the pandemic the School Service reports attendance rates of Powys' schools to the Local Authority's Senior Leadership and Executive Management teams, including the Chief Executive on a weekly basis. This provides an oversight of the impact of the pandemic to all senior leaders within the authority. Information shared includes data regarding the % of in school face to face and remote learning for all Powys learners for the previous week and comparison and cumulative data for the term and academic year. This is then broken down to individual groups such as ALN, FSM, EAL, CLA and Gypsy Roma Traveller learners as well as the % of learners absent due to COVID. The overall attendance figure is also compared to the published National data. This data provides part of the evidence for key areas of work such as the EWS team, Youth Service and our Mental Health and Wellbeing Policy.

Based on the data available for the Autumn 2021 term, the Local Authority recorded an 86.83% attendance rate, with 70.76% present in school and 16.07% receiving remote learning. This is above the National average. Of the 13.17% not present, 0.4% Reception age to Year 14 pupils from across the Local Authority recorded zero attendance rates for the Autumn term and along with other low and vulnerable learners are being supported by the EWS team and Youth Services.

2. Governors:

Powys governors are supported through a comprehensive training programme along with half termly Chairs of Governors meetings and termly briefing sessions. These sessions are well attended by many governing bodies and allow the Local Authority the opportunity to update governors on the latest local, regional, and national developments. In addition, governors are able to access additional support and advice through the Hwb team and Facebook page. Sharing information regarding the lay inspector programme for governors is an intention for the spring and summer 2022 term governor briefing sessions as we update governors on the most recent Estyn guidance.

Yn gywir / Yours sincerely

Service Manager for Education Support Services.

Yn agored a blaengar - Open and enterprising

www.powys.gov.uk

Pack Page 80

CYPE(6)-06-22 - Paper to note 05
Children, Young People and Education Committee
Request for information on Pupil attendance & training for school governors
Response from: Vale of Glamorgan Council

April 2021 to January 2022 Vale of Glamorgan – Inclusion Team

How the VOG is working with schools to monitor and improve the attendance of pupils who have not returned to school since the two periods of general school closures, have done so on a very limited basis, or have been regularly/persistently absent; and data on the numbers and absence rates of these pupils

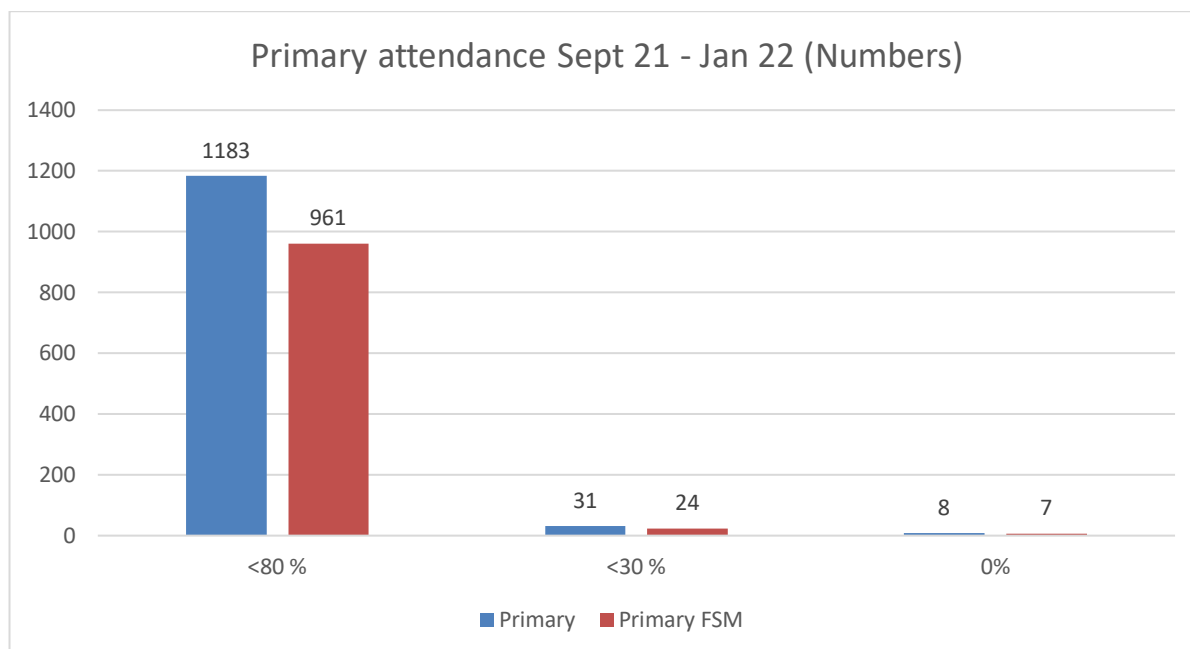
Overall Autumn Data – Vale of Glamorgan (VOG)

Autumn term Sept - Dec 2021 SECONDARY SCHOOLS

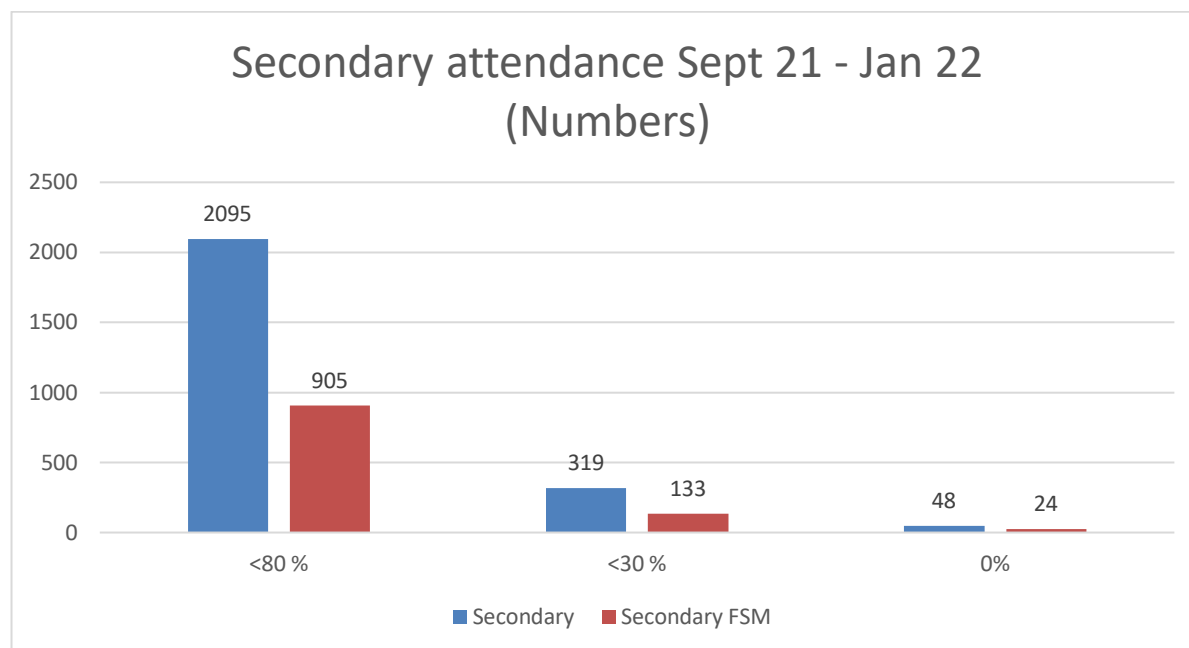
Target figure 94 % Overall attendance rate 86.5 %
 Approved absence rate 8.7 %
 Unapproved absence rate 4.9 %

Autumn term Sept - Dec 2021 PRIMARY SCHOOLS

Target figure 94% Overall attendance rate 90.4 %
 Approved absence rate 7.8 %
 Unapproved absence rate 1.7 %



April 2021 to January 2022 Vale of Glamorgan – Inclusion Team



Attendance – Covid related changes:

Covid has necessitated a significant change in approach to what used to be seen as minor illnesses (e.g. coughs, colds and even flu). Pre-covid, many learners with these ailments would have been in school, whereas now, this is discouraged as the symptoms could indicate covid and a symptomatic child's attendance could undermine overall pupil and staff attendance through spread and fear of infection from someone with apparent symptoms. School Risk Assessments state that only healthy staff and learners are to be in school.

Additionally, many parents now work from home (WFH) making it easier for sick children to take time off school as parental care is now always in place in WFH households. Given the aversion to risk and the increased availability of parental supervision in the school day, the lower overall attendance rate is no surprise.

These factors, plus the ongoing WG framework guidance (see below) which has been in existence since schools reopened in April 2021, means that it is not 'business as usual' and so, for many parents, the pre-covid deterrent effect of penal measures for low attendance no longer exists.

Welsh Government advice:

*Under the current circumstances the Welsh Government's view remains that punitive measures, including fines, may not be appropriate, except in a small number of cases relating to persistent absence which are unrelated to the COVID-19 pandemic; where there are concerns about the welfare of the child; and where there have been extensive efforts to try and re-engage with the family by the school and / or the Education Welfare Service. Authorities should continue to follow guidance set out in the **All Wales Attendance Framework**.*

Any concerns about engagement, or the welfare of a learner, should be followed up immediately by the school. Concerns should only be escalated to the Education Welfare Service after the school has made every attempt to engage the family. During these times a multi-agency approach is critical and if the school has any concerns about the harm, neglect or abuse of learners this should be reported to the Designated Safeguarding Person who will liaise with children's services and other agencies as appropriate.

Punitive measures should only be used where all other attempts to engage have been exhausted. Schools may wish to use a bespoke plan to support transition to face to face learning at the earliest opportunity. Children and young

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people under 18 are no longer required to self-isolate unless they have symptoms themselves or have tested positive, or are requested to do so by TTP or have received advice from their clinician. However we recognise that some anxiety will remain amongst some families around the risks of COVID-19. Engagement should be ongoing with the family so that schools, settings and local authorities understand any barriers to learners returning to school and identify any further support that may be needed to enable a full return to the educational setting at the earliest opportunity.

Whilst this remains advice in the public domain and, whilst measures such as those necessitated by the Omicron variant such as: mask wearing and lateral flow testing etc, WFH for Wales where possible etc. remain in force, it would be very contentious to compel attendance on the basis that learner or parents covid-based anxieties are unreasonable.

There are also a small, but significant number of learners, who have family abroad and who have been unable to make home visits for the past two years but are now able to do so and are requesting extended periods of absence. Again, there are multiple and complex issues at play here. Provided that these absences are monitored by the schools, safeguards are in place, academic support is provided and the child is kept on roll, they will avoid becoming CME or requiring transportation to a new school out of their local area on their return.

The Inclusion Team supports schools with advice and guidance as to the safeguarding, religious, cultural and education factors to consider ensuring that any extended absences are approved only when it appears to be in the learner's best interests and is implemented in a way that is transparent and fair using objective criteria and WG guidance.

In VOG, the focus has been on supporting attendance but also on ensuring that learners do not make a knee-jerk decision with potentially negative long-term implications, for both the learners, schools and the LA by electing to become home educated (EHE).

Comparative data on the numbers of deregistrations by LA will be available after February 2022 but, in past years, the VOG approach has been shown to lead to significantly fewer deregistrations into EHE than in many other LAs.

Short-term EHE can lead to disruption to learning as well as pressure on school admissions and transport. We have deliberately sought to encourage ways of maintaining learners in formal education where it is in the learner's interest to do so and where the poor attendance and risk of EHE is covid-linked. In such cases, the LA supports the learner, family and school by way of a Pastoral Support Plan (PSP). Reviews of these occur at 6-8 week periods and, in many cases, have enabled learners to access remote school provision as well as additional support from the Attainment, Wellbeing and Engagement (AWE) team.

The AWE team was established January 2021 in direct response to covid and the envisaged return to school scenario when schools might reopen but where many learners would have become disengaged / dysregulated or would be unlikely to return at pre covid levels. In April 2022 (when schools did fully reopen), although shielding ended, there were many learners fearful of return. WG advice limited any penal options regarding non-returners to the usual gatekeeping criteria for LAs of ensuring that penalties are only applied when it is in the public interest to do so.

The Inclusion Team is currently supporting 56 learners via AWE (January 2022) with a further 8 learners pending allocation once new officers are fully inducted. Many of these learners are from potentially vulnerable groups (a very high ratio of FSM and non / low attendance linked to physical / mental health needs). Some learners have also found managing their behaviours difficult since returning to school and the AWE Team also supports such learners where there is a risk of exclusion.

April 2021 to January 2022 Vale of Glamorgan – Inclusion Team

FSM support – Carousel Days

We also set up additional alternative provision as part of the Inclusion/ AWE remit including 2 days of a wellbeing carousel day based out a central Barry Alternative Provider. The 2 wellbeing carousel days were so predominantly for FSM learners that we made lunch provision part of the actual activities to ensure a fair and discreet FSM provision on these days. All those who attended in the Autumn term sessions were FSM 7/7 or 100%, of the nine places offered 7/9 or 78% were FSM.

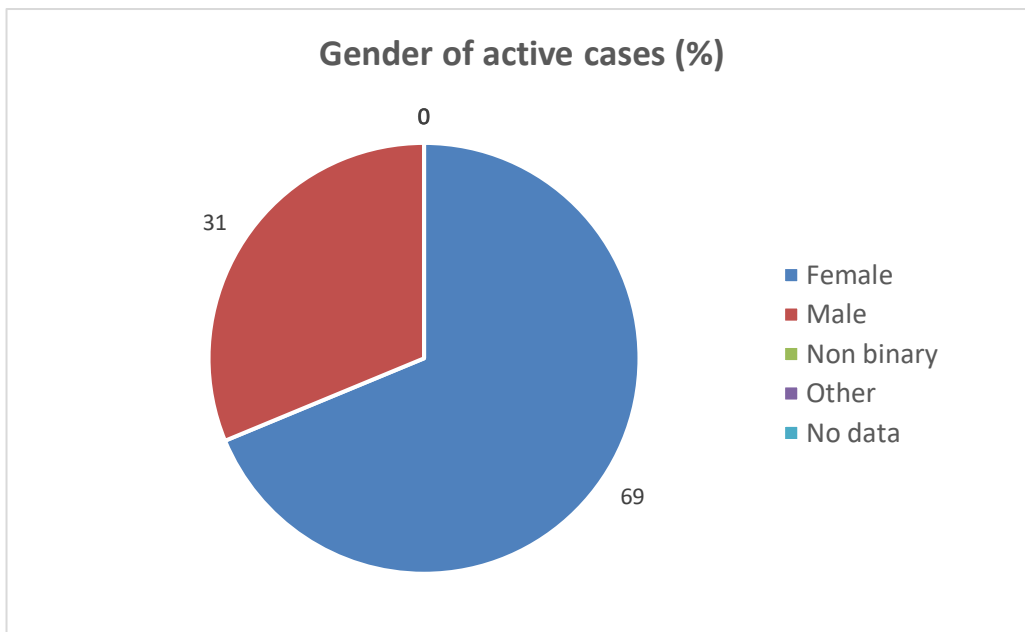
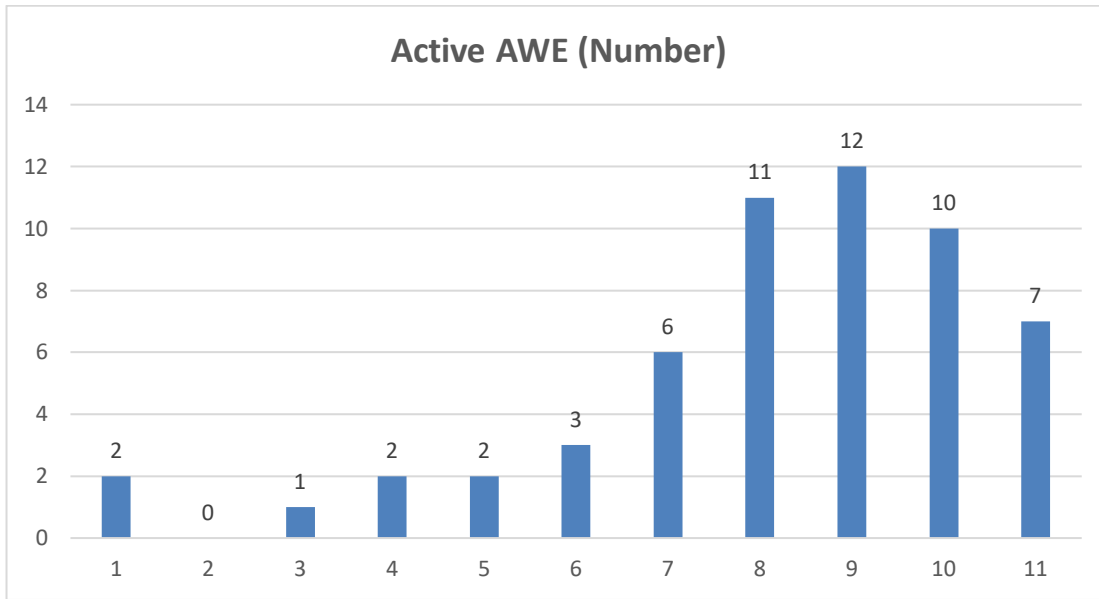
As at 20th October 2021 of the 44 cases open to AWE 61.3% were FSM. But as at January 2022 the open AWE cases of 56 represent 54.7% FSM.

The AWE Team sits within the Inclusion Team which itself incorporates the remit of the Education Welfare Service. Referrals come to AWE via the Inclusion Team where non-attendance is the primary concern or via the Social, Emotional and Mental Health Panel (SEMHP) which schools can refer in to.

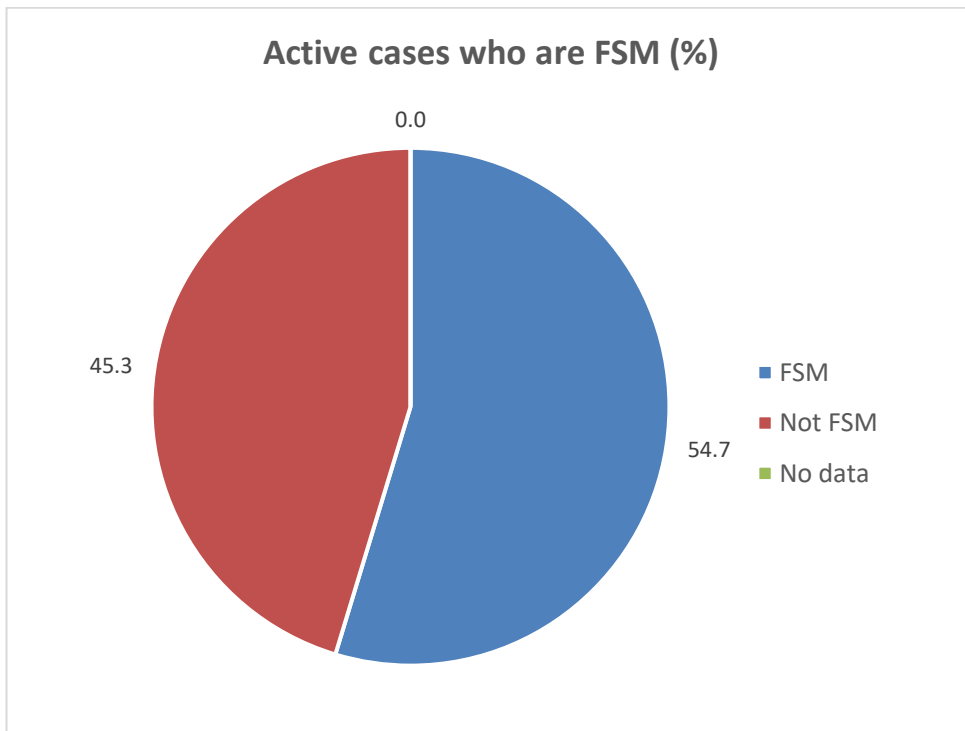
Cases open to AWE have allocated LSAs or teachers and a standard offer of 3 hours per week of bespoke support to encourage attendance and minimise disruption to learning from non-attendance. A key focus is on wellbeing. All the team are trained in a trauma-informed approach, mental health first aid and a range of wellbeing approaches. The team support the ongoing school offer and contact the child's school sending a weekly report to ensure and enable correct coding/ mirroring on offsite attendance sessions as well as regular 6 weekly PSP reviews. The AWE Team are all able to work remotely and learners are also given the resources to do this (by their schools) but also makes use of school sites where possible. In addition, sessions are held in the children's homes and at the LA funded temporary wellbeing hub building in central Barry.

Internal step-up, step-down and liaison meetings occur on a weekly basis to discuss learners who are not progressing or where the AWE provision is not improving the situation. Where learners do not make progress under AWE, the Inclusion Officer reviews the case to consider other routes of action such as multi-agency referrals to Social Services (via a MARF) or a prosecution under the Education Act (provided that covid forms no basis for the non-attendance).

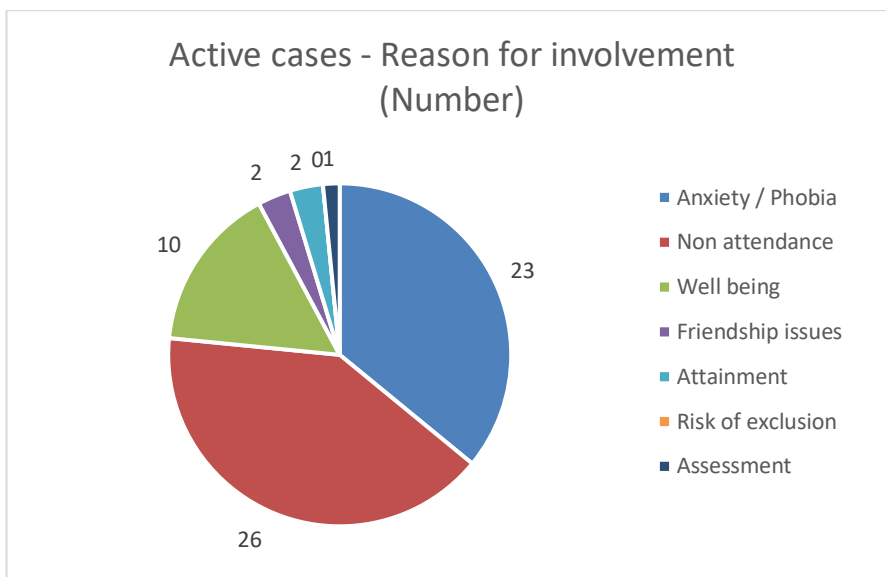
April 2021 to January 2022 Vale of Glamorgan – Inclusion Team



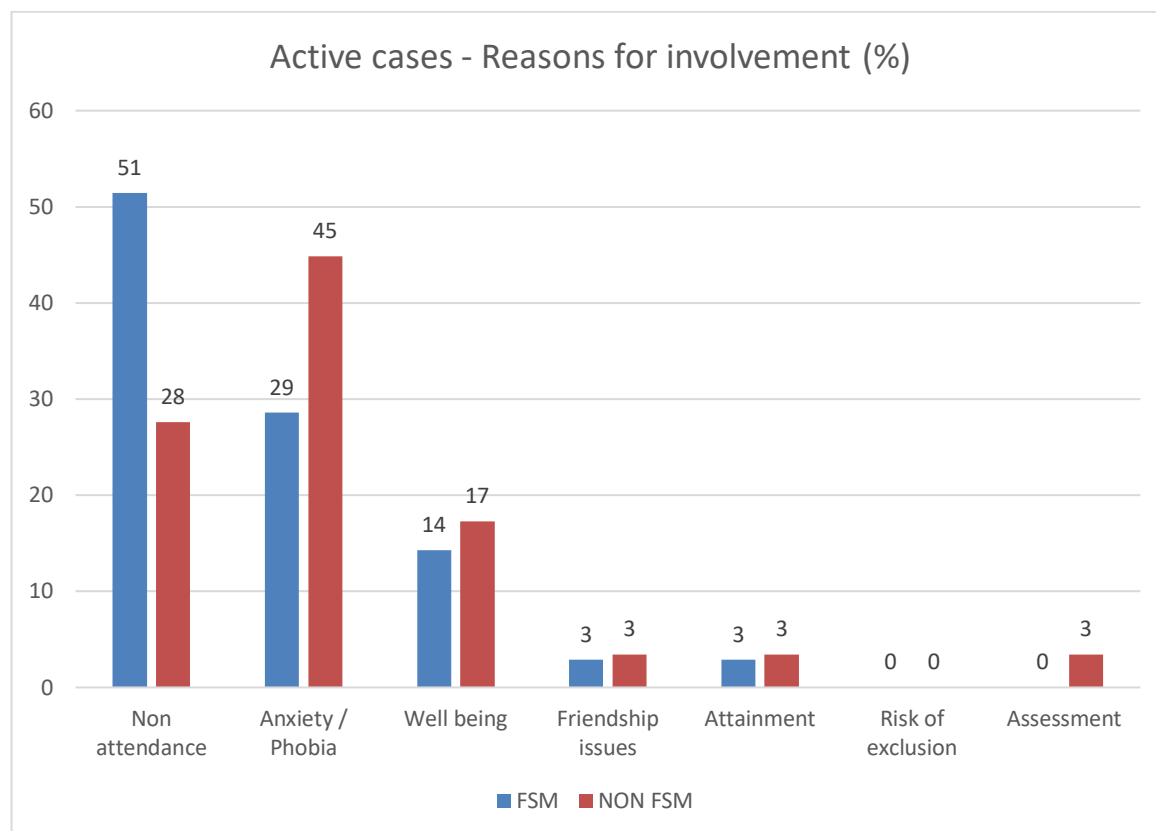
April 2021 to January 2022 Vale of Glamorgan – Inclusion Team



As at January 2022 it is also clear that AWE is supporting FSM non-attendance issues for mental health and more generalised school refusal and disengagement reasons.



April 2021 to January 2022 Vale of Glamorgan – Inclusion Team



The Inclusion Team complete a range of universal and targeted actions to ensure schools are aware of the LA's role, how to access support advice / guidance and how we are able to monitor / challenge areas of concern. In some schools, we run regular 'Inclusion Surgeries' with Inclusion Team officers and Heads of Year. Termly liaison meetings are held with secondary schools where persistent absences and low and non-attenders are discussed. Regular communications are emailed to each school to keep them up-to-date with changes. Due to the large numbers of VOG pupils with attendance under 80%, the LA is having (in line with what is happening across Wales) to focus its efforts on unapproved absences non-attenders.

Each school is encouraged to adhere to first-day absence monitoring good practice and to ensure that regular sightings are made of any learner who is not attending at all. We consider all referrals for welfare checks on a daily basis and will prioritise these even if the referral does not merit an immediate ongoing involvement by the Inclusion Team. In these cases, we will give schools clear advice and guidance as to what school-based measures can be put in place.

Bespoke email updates are sent at intervals to each school focussing on their non-returners and those with under 30% attendance in the preceding 10 days. These emails remind the school that, where absences are unauthorised, there are sighting obligations and that Inclusion Team referrals are encouraged. Where the absences are authorised, the schools are reminded of the need for ongoing reviews as per the Pastoral Support Plan (PSP) Protocol and to ensure that any off-site attendances are also logged by way of mirroring reports.

Monthly reporting on both attendance and exclusions to the local authority's (LA's) Directorate Management Team meeting has been in place since September 2021, with scrutiny of data by the Director for Learning and Skills and Heads of Service. Improvements have also made to the reporting on ONE to ensure the duty under the Public Sector Equality Act is fully adhered to.

April 2021 to January 2022 Vale of Glamorgan – Inclusion Team

Termly data on ranges of attenders and non-attenders : under 80%, under 30% and zero% is part of the data shared to Consortium improvement partners in the Wellbeing Improvement Matrix (WIM) and associated board meeting to discuss the data. Positive links to and relationships with Early Help (Families First), Social Services, Youth Services (NEET, Inspire, Youth Workers and wellbeing teams) and with the Youth Offending Service (YOS) have been established.

Extensive training has been organised over the last two years for all officers within the Inclusion Team covering a range of relevant areas to ensure a holistic and learner-focused approach to non-attendance and engagement. Training sessions have included mental health first aid, the NHS resilience programme of courses for anxious and phobic learners and trauma-focused issues. Increased focus on public sector equality duty –whole team training on Trans support via Mermaids and No Outsiders – LGBTQ+ training cascade.

Training and support for Inclusion Officers (IOs) has been provided following an internal restructure to create a year-round rather than term-time only support service. Inclusion Officers (IOs) are now employed on 52-week contracts and work in roles where there is a focus on supporting the journey of a learner with their education not just their attendance. The IOs have been trained to support learners in multi-agency meetings around a range of issues such as establishing PSPs, challenging exclusions, supporting EHE and CME aspects.

The IOs are also trained in using ‘Tis Motional’ and ‘Selfie’ - the wellbeing tools used to profile learner wellbeing and to encourage the use of these at an early stage with learners and schools to prevent deterioration of attendance and to encourage learner-voice and participation. They have also taken part in Mental health first Aid training and Resilience Project training to enable them to be better equipped to deal with the reasons for non-attendance arising from covid lock downs. In addition to the AWE Team being established and increased in capacity from its initial 2 LSAs (now 3 LSAs and 3 part-time teachers), we have procured alternative providers to hold wellbeing carousel days for targeted year groups where anxiety has been exacerbated by covid or where transition to secondary has been impacted by covid. Years 4 to 6 and 7 to 8 have been supported by these carousel days.

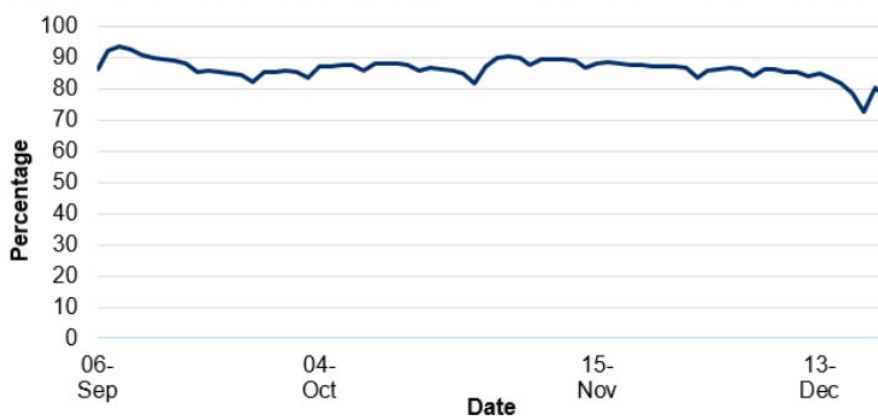
AREA	AUTUMN TERM DATA
PRIMARY SCHOOLS	
Overall attendance rate (%)	90.4
Approved absence rate (%)	7.8
Unapproved absence rate (%)	1.7
SECONDARY SCHOOLS	
Overall attendance rate (%)	86.5
Approved absence rate (%)	8.7
Unapproved absence rate (%)	4.9
ALL SCHOOLS	
Overall attendance rate (%)	89.7
Approved absence rate (%)	7.8
Unapproved absence rate (%)	2.6
SPECIAL SCHOOLS	
Overall attendance rate (%)	80.2
Approved absence rate (%)	17.6
Unapproved absence rate (%)	2.2

April 2021 to January 2022 Vale of Glamorgan – Inclusion Team

EHE	
Primary - Number of deregistrations	15.0
Secondary - Number of deregistrations	21.0
Overall - Number of deregistrations	36.0
All active EHE YR - Y11 on 31/12/21	135.0

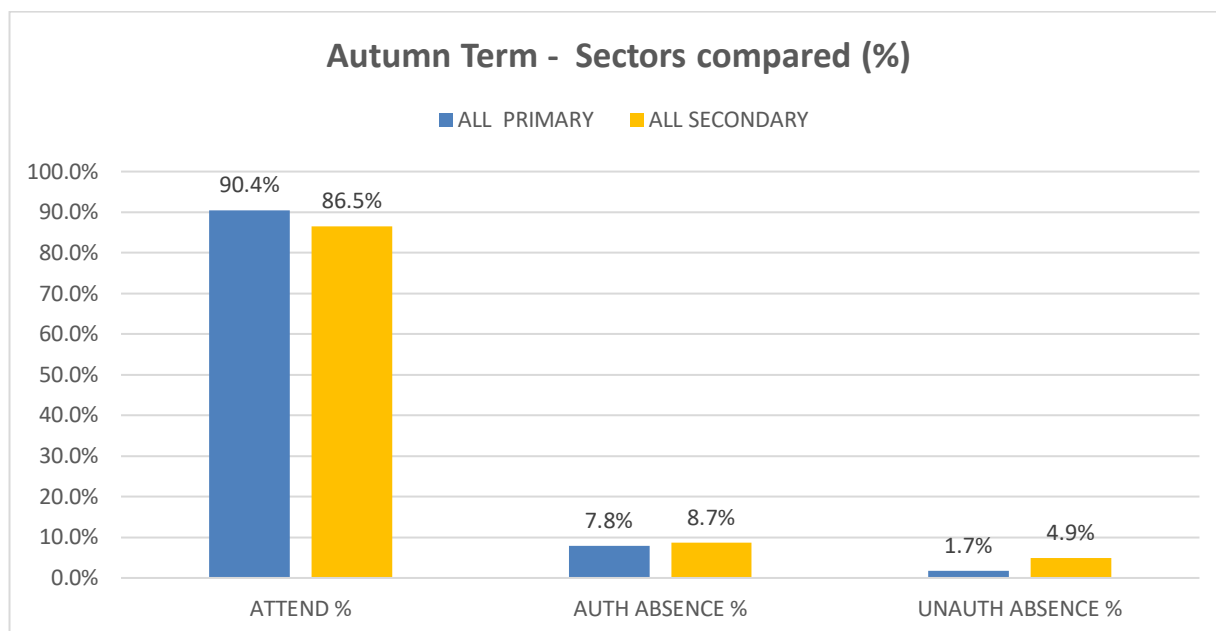
Wales Overall

Attendance of pupils by day, 6 September 2021 onwards



Source: Schools in Wales

VOG Autumn Term



April 2021 to January 2022 Vale of Glamorgan – Inclusion Team

BH Case study

Year 6 2019/2020 attendance **90.1%**

Attended primary school in Llantwit. Applied for Llantwit High School, not accepted as residential address was now in Bridgend. Older sibling attending Llantwit High school and younger siblings attending primary school in Llantwit. Parental split led to mum moving to Penarth, applied, and accepted at St Cyres. BH missed out on any transition due to lockdown in March 2020.

Feb 2021 St Cyres submitted a welfare request for BH as not attending - attendance **15.6%**.

April 2021 St Cyres submitted an inclusion referral for BH – attendance **14.4%** open to inclusion team Initial meeting with BH identified – anxiety – Covid, friendship groups, parental split, dislike for PE. BH made it clear she wanted to attend Llantwit school to be with friends.

May 2021 PSP meeting, BH refused to attend. Above anxieties discussed, parents considering re applying for Llantwit. BH refusing to engage in online work and attending school. PSP agreed 2.5hrs a day with support. I2A, youth service and Awe referral made.

June 2021 parents considering EHE. Implications and concerns discussed.

July 2021 BH and mother met with IO and AWE. End of year attendance **9.21%**

September 2021 BH has now permanently moved in with father in Bridgend. Application for Llantwit school made. BH refuses to attend ST Cyres on a PSP but agrees to attend Carousel at Inspired learners on a Tuesday. Attendance sept to oct 21 – **0%**

October 2021 accepted at Llantwit high school. Continues to attend Carousel on a Tuesday as agreed with school

December 2021 IO met with BH at Carousel Christmas fair. BH settled and happy in school, enjoyed her sessions at Carousel.
Carousel attendance **100%** School Attendance **76%**

Support provided to school governors on attendance related matters:

The Inclusion Team supports the governor training programme for the Vale of Glamorgan and has delivered sessions to VOG governors on the evening programme of training in 4 key areas that sit within the Inclusion Team remit and which support school attendance and engagement.

Governor training delivered in the past 12 months:

- 1 Elective Home Education (EHE) and Children Missing Education (CME),
- 2 Inclusion/ exclusion,
- 3 Pastoral Support Plans (PSPs) and reduced timetables
- 4 Restraints and restrictive practices.

The Inclusion Team also recently delivered an awareness / training session to the Chairs of Governors in VOG advising them of the Inclusion remit, the training offer and also all the ways the LA and schools can and should be supporting attendance within the current WG guidelines.

CYPE(6)-05-22 - Paper to note 5
Children, Young People and Education Committee
Request for information on Pupil attendance & training for school governors
Response from: Vale of Glamorgan Council



Agenda Item:

Meeting of:	Learning and Culture Scrutiny Committee
Date of Meeting:	Thursday, 14 October 2021
Relevant Scrutiny Committee:	Learning and Culture
Report Title:	Governor Training Report for the 2020/21 Academic Year
Purpose of Report:	To report on governor training for the 2020/21 Academic Year
Report Owner:	Paula Ham, Director of Learning and Skills
Responsible Officer:	John Sparks, Head of Governor Support
Elected Member and Officer Consultation:	Consultation is not applicable
Policy Framework:	This is a matter for noting by the Learning and Culture Scrutiny Committee
<p>Executive Summary:</p> <ul style="list-style-type: none"> • This report provides commentary and a statistical summary of the attendance and evaluations received for online governor training courses held during the 2020/21 academic year. • Despite Covid 19 and its restrictions, training opportunities for Vale governors were not adversely affected during the 2020/21 academic year. A record number of governors attended a record number of training sessions/courses. A summary of attendance over the last 6 years is provided in the report. • 51 virtual courses/sessions were held, and 682 Vale governors attended last academic year. This is an increase of an additional 12 courses and 117 more Vale governors trained during an academic year than the previous record. • A survey has been circulated to all Vale governors seeking their views on future governor training provision and suggestions for future courses. This feedback will inform governor training provision for the 2021/22 academic year. 	

Recommendations

1. That Learning and Culture Scrutiny Committee consider the report.

Reasons for Recommendations

1. This report was previously requested by the Chairman of Scrutiny Committee (Lifelong Learning) and is now an annual item. It will be presented annually to report on governor training for the preceding academic year.

1. Background

- 1.1 There are approximately 850 governors managing 55 schools within the Vale of Glamorgan. Governors play a key role in school improvement. Welsh Government has made legislation that introduced mandatory training for school governors for certain elements from September 2013. The mandatory elements cover induction, data, chair and clerk training and as such are a major focus of our governor training programme.

2. Key Issues for Consideration

- 2.1 Due to Covid 19 restrictions it was not possible to hold any physical governor training sessions during the 2020/21 academic year. However, from the second half of the 2020 Autumn Term through to the end of the 2021 Summer Term, 51 virtual courses/sessions were held and in total 682 Vale governors attended. That is 12 more courses than have ever been held previously and 117 more Vale governors trained during an academic year than the previous record, when 565 governors attended 39 courses during the 2017/18 academic year.
- 2.2 As well as the 51 courses/sessions provided there were also a number of drop-in sessions held throughout the year by the Central South Consortium (CSC) that attracted high numbers of governors. Unfortunately, although the numbers of attendees for these sessions were recorded, the names and local authorities these governors were from were not recorded so that information is not included within this report.
- 2.3 Although a record number of Vale governors attended training sessions during the 2020/21 academic year the completion of evaluation forms was significantly down on previous years at 49.5%. This is a pattern reflected with other virtual training courses run by both CSC (average 50%) and other local authorities across the region and despite the fact that the Vale virtual evaluation form at Appendix A is only a few questions and one page long. Although Appendix A appears as 2 pages that is due to the print layout, it is only 1 page online.

- 2.4** Another factor this year in the reduced number of evaluations received is that CSC significantly changed their evaluation form, which had previously mirrored the Vale’s evaluation form. Therefore, it is not possible to record responses from CSC and Vale run courses in a single analysis as has happened in previous years. The Vale’s evaluation form asks 3 questions whereas the revised CSC evaluation form asks 7 questions, none of which are compatible. We also did not circulate evaluation forms for the 2 Education Update & Briefing Sessions held in December 2020 and June 2021 where a total of 93 governors attended.
- 2.5** In terms of consistency with this report in previous years, 140 evaluations were received from 283 governors attending 16 Vale run courses during the 2020/21 academic year and a summary table of the data from these evaluations is included below. Whilst these percentages are lower than in previous years, they all still exceed 90% of governors saying the courses were either good or very good. The actual number of attendees per course is provided at Appendix B.

Question	% of good or very good evaluations
How well did the course meet its stated aims and objectives?	92.76
How useful was the course content to your needs?	90.45
How effective were the course providers?	93.20

- 2.6** In conclusion, despite Covid 19 and its restrictions, training opportunities for Vale governors were not adversely affected and in fact a record number of governors attended a record number of training sessions/courses during the 2020/21 academic year as previously referenced at paragraph 2.1.
- 2.7** Going forward, governor training opportunities will continue to be held virtually during at least the Autumn Term 2021 due to the current uncertainty and it will be reviewed accordingly. A survey has been circulated to all Vale governors seeking their views on future governor training provision, virtual, physical or a combination of both, preferred times (if virtual) and suggestions for future courses. This feedback will inform governor training provision for the 2021/22 academic year.

	Q1	Q2	Q3	Courses held	Governors attended	Evaluations received
2014/15	97.20%	94.30%	95.80%	29	457	359 (78.6%)
2015/16	97.60%	96.30%	97.30%	31	490	437 (89.2%)
2016/17	98.50%	97.30%	98.60%	30	437	397 (90.8%)
2017/18	98.10%	97.60%	97.80%	39	565	484 (85.7%)
2018/19	96.30%	95.80%	97.80%	32	535	465 (86.9%)
2019/20	98.60%	96.90%	98.80%	15	289	251 (86.9%)
2020/21	92.76%	90.45%	91.49%	51	682	*140 (49.5%)

*This figure relates to 140 evaluations received from 283 governors attending 16 Vale courses which is considerably lower than in previous years but is attributable to far less governors completing virtual evaluations as explained at paragraphs 2.3 and 2.4.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1** The Well-being of Future Generations Act 2015 (“the 2015 Act”) requires the Council to think about the long-term impact of their decisions, to work better with people, communities and each other and to prevent persistent problems such as poverty, health inequalities and climate change.
- 3.2** The Council has committed as part of the Corporate Plan 2020-2025 to achieving a vision of ‘Working Together for a Brighter Future’. This plan is reflective of the Welsh Government’s Well-being of Future Generations Act and is comprised of four Well-being objectives to deliver this vision:
- Objective 1 - To work with and for our communities
 - Objective 2 - To support learning, employment and sustainable economic growth
 - Objective 3 - To support people at home and in their community
 - Objective 4 - To respect, enhance and enjoy our environment
- 3.3** Governor training is an essential component of the school improvement agenda and it is a statutory requirement that all Local Authorities provide it. It enables governors to fulfil their roles effectively by challenging schools to improve and contributes to the Council's Wellbeing Objective 2: To support learning, employment and sustainable growth by raising overall standards of achievement.

4. Resources and Legal Considerations

Financial

- 4.1** All training was delivered by Council or Consortium employees online so there were no additional costs for delivery.

Employment

- 4.2** None.

Legal (Including Equalities)

- 4.3** All Local Authorities must provide training for governors in accordance with The Education Measure (Wales) 2011 to enable them to fulfil their roles. Mandatory elements for induction, data, chair and clerk training are required by The Government of Maintained Schools (Training Requirements for Governors) (Wales) Regulations 2013.
- 4.4** Governor training opportunities within the medium of Welsh will continue to be available during the 2021/22 academic year.

5. Background Papers

The Education Measure (Wales) 2011.

The Government of Maintained Schools (Training Requirements for Governors) (Wales) Regulations 2013.



Cyngor Sir
CEREDIGION
County Council

Meinir Ebbsworth

Swyddog Arweiniol Corfforaethol : Ysgolion
Corporate Lead Officer : Schools

Canolfan Rheidol, Rhodfa Padarn,
Llanbadarn Fawr, Aberystwyth. SY23 3UE
www.ceredigion.gov.uk

Dyddiad
Date 18 Ionawr, 2022

Fy nghyf
My ref ME/SAD

Eich cyf
Your ref

Drwy e-bost yn unig:

SeneddPlant@senedd.cymru

Annwyl Gadeirydd Pwyllgor Plant, Pobl Ifanc ac Addysg,

Diolch am eich llythyr dyddiedig 17eg Rhagfyr, 2021 parthed argymhellion adroddiad blynyddol Estyn.

Presenoldeb disgyblion:

Mae ein swyddogion cynhwysiant yn dadansoddi presenoldeb disgyblion, ynghyd â phresenoldeb grwpiau penodol, yn wythnosol. Mae gan bob ysgol swyddog cynhwysiant penodol a chyson, sy'n gweithio gyda disgyblion a'u teuluoedd. Ar ddiwedd tymor y Nadolig 2021, roedd y swyddogion hyn yn gweithio gyda 107 o achosion o bresenoldeb isel (dan 90%) a 53 o achosion ble roedd gwaith ataliol er mwyn osgoi presenoldeb isel. Mae'r camau er mwyn ail-integreiddio disgyblion yn llwyddiannus i'r ysgol yn cynnwys cynlluniau ail-integreiddio unigol sy'n ffocysu ar yr hyn sydd o ddiddordeb i'r plentyn neu berson ifanc, ynghyd â mewnbwn unigol e.e teithiau lles i fynd i'r afael gyda gofidiau megis gor-bryder unigolion. Yn aml hefyd, mae'r swyddogion yn cymryd rôl arweiniol yn trafod mesurau diogelu Covid ysgolion gyda rhieni/gofalwyr er mwyn iddynt gael sicrwydd bod gweithdrefnau cadarn mewn lle gydag ysgolion. Mae 4 disgybl yng Ngheredigion sydd heb ddychwelyd i'r ysgol ers y cyfnodau clo, ac mae gwaith arbenigol e.e. CAMHS yn gweithio gyda'r unigolion hynny.

Llywodraethwyr:

Mae ein Cyrff Llywodraethwyr yn cael cynnig rhaglen hyfforddiant bwrrpasol, sy'n ymwneud ag hyfforddiant mandadol yn ogystal ag elfennau eraill. Mae fforymau penodol llwyddiannus eraill ble mae Llywodraethwyr o bob ysgol yn dod ynghyd i dderbyn gwybodaeth e.e ar y cwricwlwm, deddf ADY ayyb a hefyd i rannu syniadau ac arferion ymysg ei gilydd. Er ein bod yn annog Llywodraethwyr i fynegi diddordeb pan mae Estyn yn hysbyebu am Arolygwyr Lleyg, nid ydym wedi gwneud hynny ers cyn y pandemig. Mae cyfarfod nesaf Fforwm Llywodraethwyr Ceredigion ar Chwefror 16eg ble fyddwn yn cymryd y cyfle i'w hatgoffa eto o'r cyfleoedd hyn.

Yn gywir,

MEbbsworth

Meinir Ebbsworth

Prif Swyddog Addysg

Rydym yn croesawu gohebiaeth yn Gymraeg a Saesneg. Cewch ateb Cymraeg i bob gohebiaeth Gymraeg ac ateb Saesneg i bob gohebiaeth Saesneg. Ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome correspondence in Welsh and English. Correspondence received in Welsh will be answered in Welsh and correspondence in English will be answered in English. Corresponding in Welsh will not involve any delay.

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

Document is Restricted



CYNGOR SIR
YNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL

Jane Bryant

Cadeirydd y Pwyllgor Plant, Pobl Ifanc ac Addysg

Anfonwyd drwy ebost:- SeneddPlant@senedd.cymru

20 Ionawr, 2022

Annwyl Cadeirydd

Cydnabyddaf derbyn eich llythyr dyddiedig 17 Rhagfyr, 2021.

Gweler isod ymatebion i'r cwestiynau o fewn eich llythyr.

Mae Llywodraeth Cymru yn cyhoeddi ystadegau presenoldeb wythnosol, ond nid yw rhai grwpiau o blant y mae'r pandemig wedi effeithio'n arbennig o andwyol ar eu presenoldeb wedi'u cynnwys yn y data hyn.

- Swyddog lles ynghlwm ym mhob Ysgol Uwchradd penodol a chlwstwr ysgolion cynradd
- Adroddiad wythnosol yn cael ei lunio o fas data ONE yn wythnosol.
- Ysgolion wedi eu hannog i drafod unrhyw fater o bryder yn fuan gyda'r swyddogion Lles er rhoi cefnogaeth a bod neges wedi rhaeadru gyda'r rhieni bod disgwyliad i unigolion o oed statudol Ysgol i fynychu.
- Ymweliadau cartref
- Ffocws ar les emosiynol yr unigolyn. Codi ymwybyddiaeth o faterion sydd wedi amlygu yn dilyn y cyfnodau clo, materion o fewn y cartref ac effaith hirfaith hunan ynysu ac ar angen i fynd i afael yn yr achosion yma.
- Trafodaethau rheolaidd yn aml asianteithiol er adnabod y gweithiwr allweddol er i beidio gorlethu drwy ymweliadau cartref, (1 swyddog yn cyd-lynu unrhyw ddarpariaeth gyda'r teulu)
- Adborth a thrafodaethau aml
- Cyd weithio gyda rhanddeiliaid er cynnig gwasanaeth ymestyn allan gyda'r nod o ail ymgysylltu y disgyblion sydd yn profi presenoldeb isel/gwan
- Addasiadau rhesymol i amserlen a hyn yn cael eu fonitro yn fisol

Unrhyw ddata sydd gennych ynghylch nifer y disgyblion hyn yn ogystal â'u cyfraddau absenoldeb.

26 o ddisgyblion sydd yn amlygu gyda chanran isel o ran presenoldeb mewn perthynas gyda'r pandemig.

Annwen Morgan
Prif Weithredwr
Chief Executive

CYNGOR SIR YNYS MÔN
ISLE OF ANGLESEY COUNTY COUNCIL
Swyddfa'r Sir
LLANGEFNI
Ynys Môn - Anglesey
LL77 7TW

Gofynnwch am - Please ask for:
☎ (01248) 752102

E-Bost-E-mail: vickyljones@ynysmon.gov.uk

Ein Cyf - Our Ref. AM/VLJ/SeneddPlant
Eich Cyf - Your Ref.

Hyfforddiant i lywodraethwyr ysgolion

Mae'r Gwasanaeth yn cynnig ystod o gefnogaeth i Lywodraethwyr ysgolion Ynys Môn, gan gynnwys hyfforddiant amrywiol i Lywodraethwyr sy'n berthnasol i'w rôl nhw a chynghor a chefnogaeth arbenigol ar faterion unigol e.e. sut i ddelio â cwyn, y broses gormodedd ayb. Rydym hefyd yn cydweithio â Consortiwm GwE sy'n darparu hyfforddiant 'cwrwlaidd/addysgol' i Lywodraethwyr e.e. hyfforddiant i Lywodraethwyr ar ofynion y Cwrwlaidd i Gymru. Maent hefyd yn darparu sesiwn hyfforddiant/cefnogaeth a chynghor i Gyrrff llywodraethol cyn arolwg Estyn. Bydd unrhyw hyfforddiant/cefnogaeth sydd yn cael ei hysbysu gan LIC/Estyn ayyb hefyd yn cael ei hysbysebu ac annog i pob corff llywodraethol

Yn gywir,



Annwen Morgan
Prif Weithredwr

Document is Restricted

CYPE(6)-06-22 - Paper to note 08

Children, Young People and Education Committee

Request for information on Pupil attendance & training for school governors

Response from: Caerphilly County Borough Council

1. Attendance

The Local Authority works with education settings to identify individual learners who require assistance, encouragement or specialist help to return to school. We monitor attendance data on a monthly basis, working directly with senior leaders, pastoral teams and family liaison officers in schools to support pupils with attendance below 85%.

Traditional indicators of vulnerability such as 'Looked after' or 'Free School Meals' are currently used in a limited way because we have found them less helpful in supporting vulnerable learners with individual needs and priorities. More helpful is the work of our Inclusion team to identify vulnerability and our EWS team to support them using suggested strategies. The education team is currently in the process of utilising additional funding from Welsh Government to develop the range of support to improve the attendance of vulnerable groups.

We don't share aggregated data widely as it is less useful in supporting groups of disadvantaged learners and individuals to return to school. It is also challenging to discern meaningful trends in data over short periods.

Since September 2021, pupil attendance has generally been approximately 6% lower than attendance rates before the pandemic. This is partly due to the high numbers of pupils who are symptomatic, have covid or are required to self-isolate.

Attendance for November 2021 is detailed below.

	All pupils	Free school meal pupils	Looked after pupils
	%	%	%
Secondary	86.0%	79.1%	87.2%
Primary	90.2%	86.2%	91.9%
3-18	86.7%	81.7%	90.6%
Special	82.3%	82.3%	74.8%
All	88.3%	83.2%	89.4%

2. Training for school governors

The Local Authority's support to governors is provided in partnership with the Education Achievement Service (EAS). Support is delivered through the EAS Service Level Agreement (SLA) with schools which includes both support and access to professional learning from both the Governor Support Team and colleagues across the service.

Professional Learning activity for governors has been offered virtually since June 2020, including all Welsh Government mandated training. A high-level summary of the regional approach and future planned developments are attached as a Word document, along with the full regional programme for Autumn 2021 and Spring 2022. In addition to this regional programme the LA delivers professional learning to governors in areas such as: Safeguarding, Finance and HR processes. This additional LA specific programme is also attached. The 'live' versions are accessible here on the EAS area of the Hwb platform: [Governor PL Programme](#).

Regarding the promotion of any information for Governors from Estyn or any other organisation, this would be done in partnership with the EAS. Any request to share useful information or opportunities with governors, would be promoted through the [EAS Supporting our schools Site - School Governance](#) and where urgent, backed up with an email to the approximately 3000 governors across the region.

Similarly, where the EAS Governor Support Service had any enquiry from a Governor about the programme we would direct them to the Estyn page on the Lay Inspector role, which has more information: <https://www.estyn.gov.wales/working-us/inspector-roles#layinspector>

CYPE(6)-06-22 - Paper to note 09

Children, Young People and Education Committee

Request for information on Pupil attendance & training for school governors

Response from: Denbighshire County Council

Pupil Attendance

- *information about how you are you working with schools to monitor and improve the attendance of pupils who have not returned to school since the two periods of general school closures, have done so on a very limited basis, or have been regularly/persistently absent; and*
- *any data you hold on the numbers and absence rates of these pupils?*

Position Statement

Denbighshire County Council has worked closely to support the needs of families and has encouraged parents to work with schools, education and the local authority services to access education . This includes the periods of remote learning through the pandemic where regular contact from pastoral staff in schools and education services took place with additional close monitoring of families in particular need.

There has been a significant change in the autumn term September 2021 with a wide range of reasons reported why families are not engaging with the learning of their child in school that relates to the impact of the pandemic . The majority of referrals sent by schools to the Education Welfare Service have details of children displaying mental health needs, high levels of social anxiety and acute mental health need. Many of these children are accessing health services such as CAMHS , GP or Neuro – developmental services.

Following an audit of the referrals in the last six weeks to the EWO service, all cases have some correlation and patterns of health concerns being evidenced from schools. All cases referred by schools are allocated weekly and immediate contact is made with families and the schools to develop an attendance support plan and reintegration back to school where possible.

Regular meetings with schools are undertaken to develop these plans of support with weekly tracking of pupils progress re-engaging with their learning takes place . Where evidence is not clear further discussions with schools ,other support services and legal services take place. Where entrenched attendance concerns are clear but not supported by genuine concerns, steps are actioned with the appropriate order. Fixed Penalty Notices are not currently used as these have been withdrawn in the current Welsh Government guidance.

Many parents are raising that social needs and anxiety of pupils is at a high level and as a result cases are identified as not accessing school regularly due to this. Most parents however do deem school important but this is sometimes mitigated against the well-being of their child's mental health. Access to routine mental health appointments are currently 11 weeks before first the appointment. The increase in infection by the OMICRON virus has also heightened these concerns in the last month.

The current levels of unauthorised absence in the Primary and Secondary sector is outlined below :

Overall The Secondary Schools total for the year Sept – Dec 2021 86.6% with an average 3.7 % absence rate across the high schools.

Sept-Nov attendance report from SIMS data .The O code column shows the number of times that the code has appeared (one school day = two entries), followed by the equivalent number of days lost to unauthorised absence. Data relates to the period 1st September and 17th December.

	O codes	Equivalent days
Primary	13,044	6,522
Secondary	23,081	11,540.5

Training for School Governors

Please can you provide us with information about the support you provide to school governors, including how you are encouraging school governors to take up Estyn's lay inspector training programme?

Mandatory Governor training is supported by the local authority and is available to every governor. All Denbighshire schools are also supported to access the guidance provided by Governors Cymru. Governors Cymru provide a wealth of information and resources and schools are encouraged to use this service regularly. Schools also have access to the Governor Audit Toolkit that identifies strengths and areas for further development. Termly meetings of the Denbighshire Governors Association are held and information shared as appropriate. Information received from Estyn regarding training opportunities are forwarded although schools already receive them on the Estyn mailing list themselves. We actively encourage all governors to undertake training offers and offer various internally arranged training events as required. We have provided bespoke training when required and work closely with our schools to meet their needs.

CYPE(6)-06-22 - Paper to note 10
Children, Young People and Education Committee
Request for information on Pupil attendance & training for school governors
Response from: Conwy County Borough Council




Cyfarwyddwr Strategol Gwasanaethau Gofal Cymdeithasol ac Addysg
Strategic Director of Social Care and Education Services
Jenny Williams

Pennaeth Gwasanaethau Addysg (Prif Swyddog Addysg)
Head of Education Services (Chief Education Officer)
Dr Lowri Brown

Cyfeiriad Post / Postal Address: Adran Addysg Blwch Post 1, CONWY, LL30 9GN / Education Department, PO Box 1, CONWY, LL30 9GN

Jayne Bryant
Chair of the Children, Young People and
Education Committee
Welsh Parliament
SeneddChildren@Senedd.Wales

Gofynnwch am / Please ask for: **Dr Lowri Brown**

 **1492 574532**

 **Dr.lowri.brown@conwy.gov.uk**

Ein Cyf / Our Ref:

Eich Cyf / Your Ref:

Dyddiad / Date: **17/01/2022**

Annwyl Jayne Bryant,

RE: School Attendance feedback to Senedd

I refer to your letter dated 17th December in relation to monitoring school attendance and governor training and support.

Monitoring Pupil attendance in Conwy

Conwy Education Social Work Service have continued to apply a number of interventions and support strategies to support learners and their families with attendance during period of COVID restrictions. It has been imperative that the Service has maintained regular visual, telephone and email contact with families where learners have been classed as vulnerable, have found transition difficult and have struggled to re-engage with their education in order to monitor any changes for concern in the parents and/or children's presentation.

The points listed below reflect the operational strategies that have been undertaken, which have sat within wider strategic planning with Gold and Silver Command for Conwy Local Authority planning during COVID period.

- The development of Emotional Based School Attendance [EBSA] Guidance which will provide training to staff on EBSA and how to identify/support. This is alongside the design and development of a research EBSA programme, which incorporated 50 young people identifying the thoughts and worries of pupils during lockdown and how they felt about returning to school following lockdown.

Prif Switsfwrdd / Main Switchboard: 01492 574000
www.conwy.gov.uk
DX 24628 Conwy
Ni ddylid cyflwyno dogfennau llys drwy ffacs
Fax not to be used for serving proceedings
Minigyf neu Ffôn Testun / Minicom or Text Phone: 01492 515892



- Welfare visitations to learners' homes have been undertaken throughout the pandemic. These have been completed through door step checks, garden meetings and in latter stages home visits inside homes. Door step checks assisted in our monitoring of vulnerable learners during school closure alongside supporting re-engagement for those whom found it difficult to return to an educational setting.
- Regular welfare walks and activities undertaken with learners
- Assisting schools and families to assess learner needs which resulted in bespoke integration packages based on identified needs.
- Encouraging families to work with school and Education Social Work Service where families have proposed to electively home educate in order to manage their child's anxieties around the return and school attendance
- Multi agency working with parents to offer effective support for managing learner and parental anxiety. We have jointly worked over the period with School Nurses, Conwy Family centres, Social Care, CAMHS and Conwy Youth Service.
- Joint working opportunities with local Youth Workers in supporting learners to re-engage in their community and offer opportunities for activities and continuous support.
- Participation in multi-agency meetings with schools to target hard to reach families and provide bespoke plans for re-engagement
- Maintaining connection with learners through a variety of methods digital, face to face, text, phone that met the learners preferred way of communication.
- Providing previous experience/knowledge and historical background to schools to help them make effective and informed judgements around individual cases where COVID posed increased risks due to health complications within the family.
- Utilising established relationships with families to make contact, inform and reassure of COVID measures within schools in order for parents to have an accurate, local picture of events in their area. Prior to each re-opening period identified list of families were contacted in order to ensure that discussion and information had been shared to support re-engagement
- Supporting school settings as a point of contact for vulnerable learners where additional support to engage in blended learning was required. This included making application for resources, grants, delivering dongles, laptops and paper packs and resources to families.
- Supporting schools to develop specialist resources to accommodate pupils with COVID anxiety who would/could not attend mainstream lessons. This included supporting with familiarisation sessions for learners outside of school hours, welfare and confidence checks.
- The development of the Pastoral Support Programme in Conwy with regard to children who did not return to school. This guided and supported schools through process of re-engaging learner incorporating registration, assessment and regular review of learners holistic and education needs.
- Attendance at the Vulnerable Learner's Operational Group to ensure families in need of support received a service.

Governor support in Conwy

In order to support our School Governors, we offer a wide range of online training modules, comprising of:

- Safeguarding – Module 1 on HwB - with modules 2, 3 and 4 optional for completion;
- Online Safety for Governors
- GDPR
- Violence Against Women, Domestic Abuse & Sexual Violence (VAWDASV)
- Modern Slavery and Adult Safeguarding
- Enhanced Safeguarding training for Designated Safeguarding Persons
- New Governor
- New Chair
- New Clerk
- Understanding Data
- The Effective Governing Body.

Governors Virtual Training sessions have been held - namely:

- School Complaints
- Finance
- Exclusions

All sessions have been very well attended, therefore we will be continuing to use the virtual training session process as a method to deliver training and aim to introduce two training aspects per term where possible.

A termly Governors Newsletter is produced and shared to keep Governors up to date with information and developments, which has been very well received.

A Governors Handbook has been produced which we hope will assist new Governors with their induction process and aid all Governors to fulfil their role and responsibilities in supporting their schools to ensure the best possible outcome for learners and staff in a practical and user-friendly way. The aim of the handbook is to accompany, not replace the WG School Governors' guide to the law.

In order to assist Headteachers and Governing Bodies, a new policy and document platform for Conwy schools has been developed on TEAMS where Headteachers and School Business Managers have access to three folders consisting of 'Statutory Policies', 'Non-statutory Policies' and 'Other Documents'. The platform will continue to be populated over time to also include Welsh Government documents. A Statutory and Non Statutory Policy List has been developed for Headteachers/Clerks to update accordingly and keep abreast of its adopting cycle. This will ensure that Governing Bodies have a current policy in place in case a dispute arises (e.g. Complaint, Child Protection, and Redundancy).

We will continue to encourage Governors to take up Estyn's lay inspector training programme as part of our next Governors Newsletter as well as through our communication around re-scheduling meetings of the Governors Association virtually. We also re-iterate the message at virtual training sessions when they take place.

In relation to our attendance monitoring processes I have included relevant and key documentation as appendices which clearly demonstrates our approach here in Conwy LA in monitoring attendance and supporting learners, their families and schools.

Should you require any further information, please do not hesitate to contact me.

Yours sincerely



Dr Lowri Vaughan Brown
Prif Swyddog Addysg/Chief Education Officer
Pennaeth Gwasanaethau Addysg/ Head of Education Services

Rydym yn croesawu gohebiaeth yn Gymraeg. Byddwn yn ymateb i unrhyw ohebiaeth yn Gymraeg ac ni fydd hyn yn arwain at unrhyw oedi. Gwnewch yn siŵr fod unrhyw ohebiaeth wedi'i labelu'n glir gydag enw, teitl ac/ neu enw llawn yr Adran fel y nodir uchod.

We welcome correspondence in Welsh. We will respond to any correspondence in Welsh which will not lead to a delay. Please ensure any correspondence is clearly labelled with the name, title and/or full name of the department as detailed above.



**CYFEIRIAD I'R GWASANAETH GWAITH CYMDEITHASOL ADDYSG
REFERRAL TO EDUCATION SOCIAL WORK SERVICE**

Dyddiad % Presenoldeb (6 wythnos diweddaraf)
Date..... **% Attendance (previous 6 weeks)**.....

Enw'r Disgybl Name of Pupil	Ysgol School
Dyddiad Geni Date of Birth	Bl/Yr
Enw'r rhiant/gwarcheidwad Name of parent/guardian	
Cyfeiriad Address	
Ffôn Mobile: Tel	

Tarddiad Ethnic Origin	P.a.e.a.h. L.a.c Ia/Yes Na/No	Datganiad Statement Ia/Yes Na/No	Cofrestr G.P C.P. Register Ia/Yes Na/No	Iaith Language English
Paeah = Plentyn a edrychir ar eu hôl G.P. = Gwarchod Plant LAC = Looked After Child C.P. = Child Protection				

Rheswm am y Cyfeiriad / Reason for Referral
Unrhyw risg hysbus I weithiwr/Any known risk to worker
Ymglymiad asiantau eraill / Other agencies involved
Strategaethau a ddefnyddiwyd gan yr Ysgol (gweler drosodd) / Strategies used by the school (see over)
Telephone calls (dates)
Letter 1 (date)
Letter 2 (date)
Issues identified at meeting
Cyfeiriwyd gan / Referred by
Swydd / Post

Ymateb/Response Referral accepted (please input tick box) Referral declined (please input tick box) Reason Llofnod/ Signature	Dyddiad Date
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**GWASANAETH GWAITH CYMDEITHASOL ADDYSG CONWY
PRESENOLDEB YSGOL - CANLLAWIAU YMYRRAETH**

YSGO

= Polisi presenoldeb clir. Cadw

TIWTOD / ATHRO

↓
Monitro presenoldeb yn ofalus.
Gofyn am nodyn / rheswm am absenoldeb.
Edrych os oes anghenion addysgol arbennig, anawsterau cymdeithasol.
Darparu cyngor sylfaenol a rhaglenni ar gyfer gwelliant.
Monitro nifer absenoldebau meddygol

DEINIATLUR / WYDDYLL /

↓
Cefnogi'r athro dosbarth i fonitro ac ymchwilio, cysylltu â rhieni:
Anffurfiol - ffôn
Ffurfiol - llythyr at rieni
Cyfarfod yn yr ysgol

Yn ystod y cyfarfod, asesu'r broblem a datblygu cynllun gweithredu e.e. addasu'r cwricwlwm, ymchwilio AAA, materion bwlio, cyfeirio at asiantaethau eraill neu pobl broffesiynol

CYFEIRIO AT

↓
Asesiad GCA o'r sefyllfa, ymchwiliad e.e. ymweliadau cartref, cyfarfod staff yr ysgol a chysylltu ag asiantaethau eraill, cyflogi anghyfreithlon?
CYNLLUN GWEITHREDU - Cyngor i'r ysgol, cysylltu ag asiantaethau eraill, cyngori disgyblion / rhieni, monitro, gwerthuso. Cynhadledd trafod achos. Archwiliad meddygol? Cynllun addysg priodol arall / profiad gwaith / coleg.
DIM GWELLIANT - symud i Gam 3

UWCH WCA / RHEOLAETH

↓
Trafod addasrwydd Gorchymyn Rheolaeth Addysg / trafod gyda Adran Gwasanaethau Cymdeithasol
AMHRIODOL - Asesu addasrwydd Eryln Rhieni
PRIODOL - Cyfarwyddwr Addysg - Llythyr Rhybudd Swyddogol
DIM GWELLIANT - Uwch WCA/GCA i gyfarfod Cyfreithiwr y Sir. Cychwyn erlyn y rhieni
GCA yn parhau i gefnogi'r teulu a monitro presenoldeb ar ôl achos llys.

**CONWY EDUCATION SOCIAL WORK SERVICE
SCHOOL ATTENDANCE - GUIDANCE FOR INTERVENTION**

SCHO

= Clear attendance policy. Accurate

TUTOR / CLASS

↓
Close monitoring of attendance. Request notes / reasons for absence. Identify possible special education needs, social difficulties. Provide basic counselling and programmes for improvement. Monitor number of medical absences.

HEAD OF YEAR / PRIMARY

↓
Support class teacher in monitoring and investigation, communication with parents:
Informally - telephone
Formally - letter to parents
Meeting in school

During the meeting, assessment of problem and develop action plan e.g. curriculum modification, SEN investigation, bullying issues, referral to other agencies or professionals

REFERRAL

↓
ESW assessment of situation, investigation e.g. home visits, meeting school staff and liaison with other agencies, illegal employment?
ACTION PLAN. Advice to school, liaison with other agencies, counselling pupils / parents, advocacy, information / advice to parents, monitoring, evaluation. Case conference. Medical examination? Appropriate alternative education plan / work experience / college.
NO IMPROVEMENT - move to stage 3

SENIOR ESW / ESW SERVICE

↓
Discuss appropriateness of Education Supervision Order / Liaise with Social Services Department
NOT APPROPRIATE - Assessment of appropriateness of Parental Prosecution
APPROPRIATE - Director of Education - Official Warning Letter
NO IMPROVEMENT - Senior ESW / ESW meet with County Solicitor Instigate Parental Prosecution
ESW continues to support family and monitor attendance following court case.

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GWASANAETH CYMDEITHASOL ADDYSG
EDUCATION SOCIAL WORK SERVICE

School Attendance Policy

[Insert school name]

Delete and
replace with
school logo

Approved by:

Last reviewed on:

Next review due by:

Contents

1. Aims

We are committed to meeting our obligations with regards to school attendance by:

- Promoting good attendance and reducing absence, including persistent absence.
- Ensuring every pupil has access to full-time education to which they are entitled.
- Acting early to address patterns of absence.
- The School will give a high priority to conveying to parents and pupils the importance of regular and punctual attendance. We recognise that parents have a vital role to play and there is a need to establish strong home-school links and communication systems that can be utilised whenever there is concern about attendance.
- If there are problems that affect a pupil's attendance we will investigate, identify and strive in partnership with parents and pupils to resolve those problems as quickly and effectively as possible. We will adopt a clearly focused approach aimed at returning the pupils to full attendance at all times.

2. Legislation and guidance

This policy meets the requirements of the All Wales Attendance Framework. These documents are drawn from the following legislation setting out the legal powers and duties that govern school attendance:

- Inclusion and Pupil Support Guidance 27/2006
- Revised behaviour and attendance action plan (2011)
- Welsh Government – All Wales Attendance Analysis Framework (2012)
- National Assembly for Wales' Children and Young People Committee's Inquiry into Behaviour and Attendance in Schools (2013) and Welsh Governments response
- Welsh Governments Guidance on penalty notices for regular non-attendance at school 2013
- National review of behaviour and attendance (NBAR) (2008) and resulting NBAR Action plan

- Education (Pupil Registration) (Wales) Regulations 2010
- Education Act 1996
- Keeping Learners Safe Guidance 2021

3. Roles and responsibilities

3.1 Whole School

A Whole School Attendance Policy is one that requires commitment from all staff employed within the School, together with governors, parents, pupils and the officers of the Local Authority.

A Whole School Approach to attendance relates to a wide range of other school issues including punctuality, behaviour, mental health, emotionally based school refusal, additional learning needs behaviour management, anti-bullying schemes, equal opportunities, rewards and incentives, re-integration of absentees, curricular differentiation, school-home relationships and the role of the Education Social Work Service and Social Inclusion Service (see section 9).

Our school wants to encourage and promote good attendance in as many ways and for as many of our learners as possible, taking into account the balance of appropriate measures to address the needs of those children who find it difficult to attend in certain circumstances e.g. medical issues, young carers, gypsy/traveller families, emotional based school avoidance (EBSA). With this in mind early intervention with learners who experience poor school attendance is vital. We will be vigilant to early indicators and employ a thorough assessment that includes a plan of do and review cycle, placing the child at the heart of the intervention.

Our school has a framework on which to build our individual Whole School Attendance Policy which is highlighted within this policy.

3.2 The Local Authority

Will provide a collaboration of support, guidance, and consultancy to all schools, focusing resources on those schools with the most identifiable needs.

Develop a range of performance indicators and subsequent setting of realistic yet challenging targets using the Core Data Set.

Provision at school level to support individual pupils who experience difficulties in attending school regularly, assessing and working with parents/carers and other agencies to achieve improvement and commitment to the pupils' education (where there is an SLA in place).

Provision of assessing and providing/recommending equitable support to parents, balancing assistance with insistence to ensure that all parents meet their legal responsibilities in relation to school attendance.

Development of effective multi-agency working practices at school level in order to facilitate early intervention and sustained and improving levels of attainment of pupils.

Developing the policy and practice for promoting school attendance, Conwy Education Services will recognise the national context and central government priorities and balance this with the need to respond to the local context and particular priorities in Conwy.

Has the responsibility of enabling pupils and parents/carers who experience difficulty in maintaining regular or punctual attendance at school, and to enforce attendance where appropriate through legal

proceedings. In Conwy, these tasks are undertaken by the Educational Social Work Service, although other services will regularly offer significant input in the process.

The Local Authority lead officer with responsibility for the development of school attendance policy and practice is the Education Social Work Service Manager, with input as necessary from the Senior Leadership Team.

3.3 The Governing Body

The Governing Body is responsible for monitoring attendance figures for the whole school on at least a termly basis. It also holds the Head-teacher to account for the implementation of this policy.

If you have a link Governor for attendance, or a committee responsible for attendance, add details of their role in the monitoring of pupil attendance.

3.4 The Head-teacher

The Head-teacher is responsible for:

- Implementation of this policy at the school.
- Monitoring school-level absence data and reporting it to Governors.
- Supporting staff with monitoring the attendance of individual pupils.
- Authorises the issuing of FPN warning letters and FPN's by the Local Authority.
- Agrees to any applications made by LA in respect of Education Supervision Orders.
- Ensures accurate signed attendance certificates and data for any parental prosecutions.
- Obligated under the Education Pupil registration (Wales) Regulation 2010 to notify the LA of pupil absence.
- Ensures there are established processes and procedures in place to improve attendance and enough time is allocated to allow staff to deal with the complexities of non-school attendance related matters.

3.5 [Class teachers/form tutors/attendance officer] – change to whomever it is in your school

- Monitors attendance data across the school and at an individual pupil level.
- Reports concerns about attendance to the head-teacher.
- Works with the * to tackle persistent absence.
- Arranges calls and meetings with parents to discuss attendance issues.
- Advises the head-teacher when the threshold for a fixed penalty notice warning letter has been reached and monitors pupil attendance following the issuing of the fixed penalty warning letter.

3.6 [Class teachers/form tutors]

[Class teachers/form tutors] are responsible for recording attendance on a daily basis, using the correct codes, and submitting this information to the school office.

3.7 School [admin/office] staff

School [admin/office] staff are expected to take calls from parents about absence and record it on the school system.

3.8 Parents/Carers

- Parents/carers are responsible for ensuring that their child attends the School regularly, punctually, properly dressed and equipped and in a fit condition to learn.
- Parents/carers are responsible for informing the school by letter, telephone, or a personal visit of the reason for any absence on the first morning of that absence.
- Parents/Carers can expect the school to keep them fully informed of their child's progress.
- Parents/Carers to be aware of letters from school which the child brings home.
- Parents/Carers to attend Parents evening and other events.
- Parents/Carers to ensure that their child completes his/her homework and has a good school routine.
- Parents/carers to avoid booking holidays during term time, unless it is regarded by the head-teacher as exceptional circumstances.
- Contact the school promptly if they have any concerns that their child is reluctant to attend school, and work with the school to address any issues at an early stage

3.9 Learners

- Learners will ensure that they attend school regularly and on time.
- Learners will attend all lessons punctually.
- Learners will be listened to and respected.
- Learners will have individual records of attendance/punctuality acknowledged by the school.
- Learners will be treated as individuals and their voice heard when addressing issues of non-school attendance and a plan of action to support them implemented.

Recording attendance

4.1 Attendance register

We will keep an attendance register, and place all pupils onto this register.

We will take our attendance register at the start of the first session of each school day and once during the second session. It will mark whether every pupil is:

- Present
- Attending an approved off-site educational activity
- Absent
- Unable to attend due to exceptional circumstances

Any amendment to the attendance register will include:

- The original entry
- The amended entry
- The reason for the amendment
- The date on which the amendment was made
- The name and position of the person who made the amendment

See appendix 1 for copy of the Welsh Government attendance codes.

Learners must arrive in school by [time] on each school day.

The register for the first session will be taken at [time] and will be kept open until [time]. The register for the second session will be taken at [time] and will be kept open until [time].

Any learner arriving after above times will be recorded as unauthorised.

4.2 Unplanned absence

The learners's parent/carer must notify the school on the first day of an unplanned absence by [time] or as soon as practically possible (see also section 7).

Add details of notification procedures for your school.

We will mark absence due to illness as authorised unless the school has a genuine concern about the authenticity of the illness.

If the authenticity of the illness is in doubt, the school may ask the pupil's parent/carer to provide medical evidence, such as a doctor's note, prescription, appointment card or other appropriate form of evidence. We will not ask for medical evidence unnecessarily.

If the school is not satisfied about the authenticity of the illness, the absence will be recorded as unauthorised and parents/carers will be notified of this in advance.

Where absence is authorised, the school will remain vigilant to emerging patterns of non-attendance and seek to address reasons as a priority

4.3 Planned absence

Attending a medical or dental appointment will be counted as authorised as long as the pupil's parent/carer notifies the school in advance of the appointment.

Add details of notification procedures for your school.

However, we encourage parents/carers to make medical and dental appointments out of school hours where possible. Where this is not possible, the pupil should be out of school for the minimum amount of time necessary.

The pupil's parent/carer must also apply for other types of term-time absence as far in advance as possible of the requested absence. Go to section 5 to find out which term-time absences the school can authorise.

4.4 Lateness and punctuality

A pupil who arrives late:

- Before the register has closed will be marked as late, using the appropriate code
- After the register has closed will be marked as absent, using the appropriate code

Add details of how your school identifies and responds to ongoing punctuality issues. Could include something like below:

A learners's punctuality for school is a legal requirement (Inclusion & Pupil Support Welsh Government Circular 47/2006) and the parents/carers of a pupil who is persistently late after registration closes are guilty of an offence under the Education Act 1996 and could be prosecuted in the Magistrates Court, or issued with a Fixed Penalty Notice for the unauthorised absences.

A careful balance needs to be struck between being too punitive and too accepting of a pupil's lateness. Once the reasons for lateness have been established, the school, parents and pupils need to work in partnership to resolve difficulties. Where the home situation makes it difficult for the pupil to arrive on time, the school may need to refer the case to the Education Social Work Service or Social Services for further investigation.

4.5 Following up absence

Where any child we expect to attend school does not attend, or stops attending, the school will:

- Follow up on their absence with their parent/carer to ascertain the reason, by [add details of how and when your school will do this]
- Ensure proper safeguarding action is taken where necessary
- Identify whether the absence is approved or not
- Identify the correct attendance code to use

4.6 Reporting to parents

Explain when and how your school reports to parents on their child's attendance record. For example - annually in the written end-of-year report, or via a termly written report.

5. Authorised and unauthorised absence

5.1 Approval for term-time absence

The head-teacher will only grant a leave of absence to learners during term time if they consider there to be 'exceptional circumstances'. A leave of absence is granted at the head-teacher's discretion.

We define 'exceptional circumstances' as [add your school's definition here].

The school considers each application for term-time absence individually, taking into account the specific facts, circumstances and relevant context behind the request.

Valid reasons for **authorised absence** include:

- Illness and medical/dental appointments (see sections 4.2 and 4.3 for more detail)
- Religious observance – where the day is exclusively set apart for religious observance by the religious body to which the pupil's parents belong. If necessary, the school will seek advice from the parents' religious body to confirm whether the day is set apart
- Traveller pupils travelling for occupational purposes – this covers Roma, English and Welsh Gypsies, Irish and Scottish Travellers, Showmen (fairground people) and Circus people, Bargees (occupational boat dwellers) and New Travellers. Absence may be authorised only when a Traveller family is known to be travelling for occupational purposes and has agreed this with the school but it is not known whether the pupil is attending educational provision

You can add further examples here, for example:

- Other possible 'exceptional circumstances' where the [headteacher/head of school] may grant term-time holiday
- Study leave
- Flexi-schooling requests – your schools can add details of their procedures for requesting and deciding on this

5.2 Holidays in term time

See separate policy in relation to holidays in term-time, extended overseas visits and policy for Looked after Children

5.3 Reducing persistent absence

Explain your school's procedures for targeting unauthorised absence. For example – meetings, letters, closer monitoring.

See **appendix 2 and 3** for flow-chart example of trigger points which could be used by the school in cases of authorised and/or unauthorised absence.

5.4 Legal sanctions

The school or local authority can fine parents for the unauthorised absence of their child from school, where the child is of compulsory school age.

If issued with a fine, or penalty notice, each parent must pay £60 within 21 days or £120 within 28 days. The payment must be made directly to the local authority.

Penalty notices can be issued by a head-teacher, local authority officer or the police, in Conwy these are issued by Education Services.

The decision on whether or not to issue a penalty notice may take into account:

- The number of unauthorised absences occurring within a rolling academic year
- One-off instances of irregular attendance, such as holidays taken in term time without permission
- Where an excluded pupil is found in a public place during school hours without a justifiable reason

Under Section 136 of the Education Act, 1996, (Ref.3), parents of children of compulsory school age are required to ensure that their children receive suitable full-time education, whether by regular school attendance or otherwise. In most cases, children become registered pupils at a school. Parents/carers therefore hold the prime responsibility for ensuring that their children attend school regularly and punctually, and that they are ready and able to learn both physically and emotionally. It is also parents' responsibility to inform schools of a child's absence as soon as possible and to provide further information as required as previously cited. . For the purposes of education legislation the definition of parent/carer is set out in Section 576 of the Education Act 1996. 'Parent means all natural parents/carers, whether they are married or not; it includes any person who although not a parent, has parental responsibility (as defined in the Children Act 1989) for a child or young person, and any person who although not a natural parent, has care of a child or young person. Having care of a child or young person means that a person with whom the child lives and who looks after the child, irrespective of what their relationship is with the child, is considered to be a parent in education law.

6. Strategies for promoting attendance

- Explain your school's strategies for rewarding and improving attendance (see **appendix 4 for more examples**)
- See Welsh Government Guidance for ideas.
- Use an attendance support plan (**appendix 5**) for any reintegration plan

7. Attendance monitoring

The attendance officer at our school monitors pupil absence on a [daily/weekly/monthly] basis.

A pupil's parent/carer is expected to call the school in the morning if their child is going to be absent due to ill health (see section 4.2).

If the pupil's parent/carer is expected to call the school each day their child is ill, state it here.

If a pupil's absence goes above [number] days, the school will contact the parent/carer of the pupil to discuss the reasons for this.

If a pupil's absence continue to rise after contacting their parent/carer, we will consider involving an education welfare officer.

There are clear protocols in place for addressing persistent absence. See separate Local Authority protocol for intervention.

Pupil-level absence data will be collected each term and published at national and local authority level through the WG's school absence national statistics releases. The underlying school-level absence data is published alongside the national statistics. The school will compare attendance data to the national average, and share this with the Governing Body.

Explain how your school collects and stores attendance data, and how it may be used for internal purposes. For example, to:

- Track the attendance of individual pupils
- Identify whether or not there are particular groups of children whose absences may be a cause for concern
- Monitor and evaluate those children identified as being in need of intervention and support

Appendix 6 – suggested letters to be used

8. Monitoring arrangements

This policy will be reviewed as guidance from the local authority or Welsh Government is updated, and as a minimum [insert frequency] by [name/job title of individual]. At every review, the policy will be approved by the full governing board.

Our school hold a great deal of information about attendance which will be used for strategic planning and effective liaison with the ESW Service to manage attendance issues more effectively. We use weekly sampling of data for specific sessions which are helpful in highlighting regular patterns of non-attendance and may reveal for example, an association with certain subjects, teachers or teaching groups. Such analysis can draw attention to the deterioration or improvement in the attendance of individual learners and helps us to target intervention more selectively and help establish the causes of absence before they become entrenched.

The school will also undertake an annual audit of its attendance data, a key feature of which enables us to record key actions and areas for improvement. The audit forms part of the work of the LA to address areas identified within the School Improvement Plan and the support it will receive in this process.

The audit tool addresses;

- Analysing attendance data
- Examining existing procedures
- Inspecting attendance-related documentation
- Assessing communication with parents
- Considering strategies used to promote attendance
- Evaluating the response to Local Authority enquiries
- Identify training needs in the school

9. Links with other policies, procedures and protocols

This policy links to the following documents:

- School Child Protection and Safeguarding Policy
- School Behaviour Policy
- School Anti Bullying Policy
- School Attendance Procedure
- School Attendance Policy: Coronavirus Addendum
- LA Attendance Protocol
- EBSA protocol
- Additional Learning Needs
- Equal opportunities
- Elective Home Educating
- Looked After Children
- Children Missing Education

9.1 - CHILDREN MISSING EDUCATION

All agencies have a clear role to play in helping to trace children who go missing from schools in Conwy or who go missing from schools from other authorities, and who may have moved into Conwy

Parents/carers can support the smooth transition of their children's education provision between Conwy and other Local Authorities, where a move is required for any reason, by notifying the child's registered school.

Schools are expected to follow corresponding procedures in relation to those learners who are removed from school by their parents without a named-school destination being provided and confirmed and following the CME (children missing education) procedures.

9.2 - SAFEGUARDING

We take safeguarding as paramount in our school. Please see separate safeguarding policy. There is a clear link with safeguarding and attendance which requires us to know where our learners are at any time during the school day. This therefore requires accurate recording of attendance registers, communication from parents and outside providers to clarify where any non-attenders may be. We will follow robust safeguarding processes in ensuring this takes places and responding to any advice, support, guidance and recording mechanisms as necessary.

9.3 - ELECTIVE HOME EDUCATION

Parents or carers have the primary responsibility for ensuring that their child receives a suitable education and some choose to discharge this duty by electing to home educate.

Schools must ensure that they receive the request to home educate in writing from the parents or a person with parental responsibility. On receipt of this notification, a copy must be sent by the school to the local Authority within 10 working days on the EHE referral form. If a child has a Statement of Special Educational Needs they cannot be removed from the school roll without the consent of the Local Authority Statementing Officer.

Parents will need to provide evidence to the Local Authority as to how they propose to undertake EHE.

For further information please refer to Conwy Education Services guidance on educating your child at home.

9.4 - BULLYING/ANTIBULLYING STRATEGIES

Many learners do not attend because they are afraid of bullying or behaviour which may frighten or alarm them. Our school will consider this possibility when investigating individual cases of poor attendance and will promptly address the problem by adopting procedures and practices in a whole-school approach to bullying following the Welsh Government's Rights, Respect, Equality Guidance

9.5 – Looked After Children

Our School alongside the Local Authority is committed to securing the best possible educational outcomes for 'Looked After Children' (LAC). It believes that regular, punctual, uninterrupted attendance at school is vital to help ensure that Looked After Children are able to make the most of the educational opportunities which are available to them. (add in here anything else that you do in relation to LAC)

Appendix 1: KEY TO ATTENDANCE CODES (currently under review)

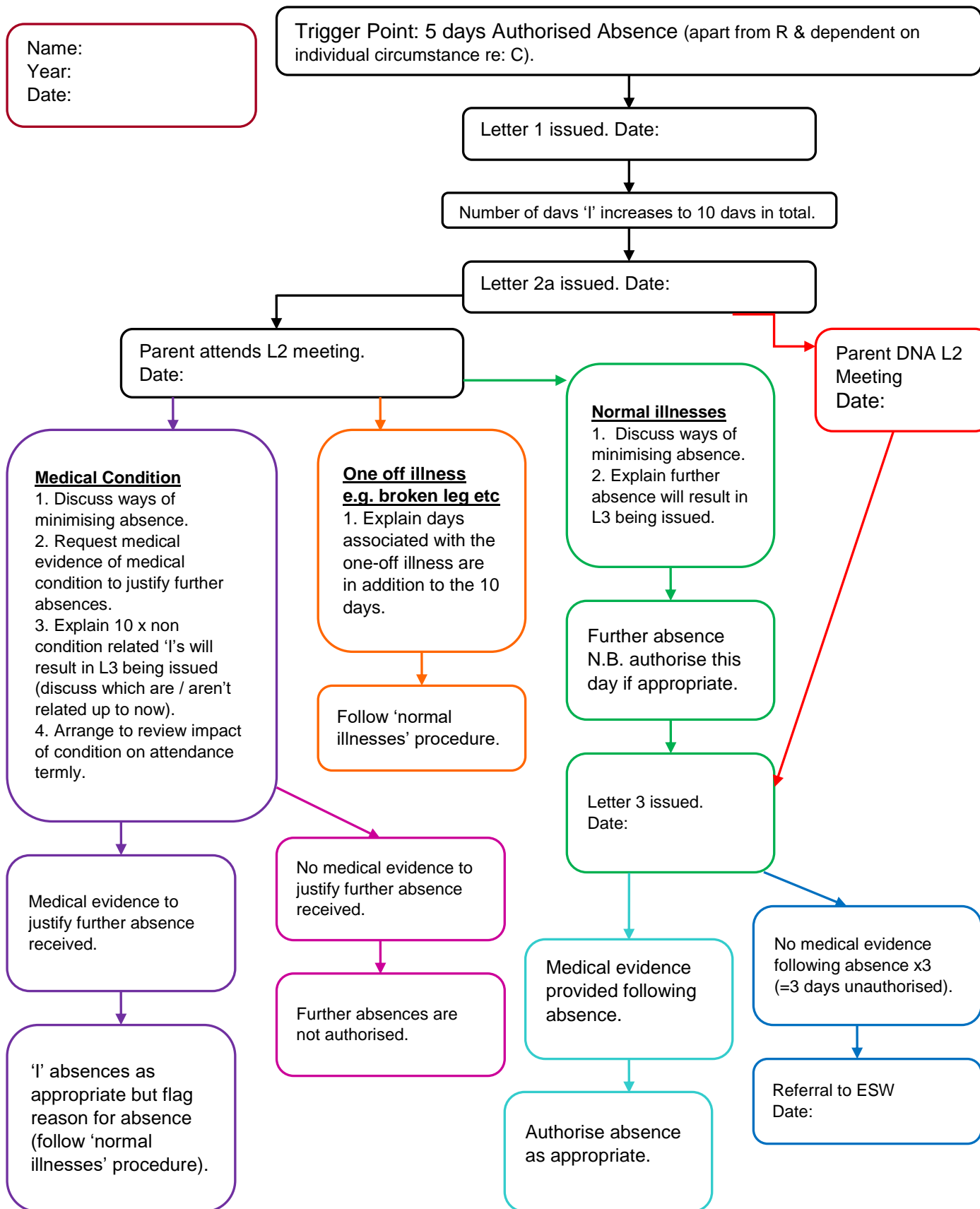
The recommended codes are grouped under the following 5 statistical categories:

- present;
- approved educational activity (treated as present);
- authorised absence;
- unauthorised absence;
- not required to attend.

Code	Meaning	Statistical category
A	Present at registration	present
L	Late but arrived before the register closed	present
B	Educated off-site (not dual registration)	present
D	Dual registered (ie present at another school)	approved educational activity
P	Approved sporting activity	approved educational activity
V	Educational visit or trip	approved educational activity
J	Interview	approved educational activity
W	Work Experience (not work based training)	approved educational activity
C	Other authorised circumstances (not covered by another appropriate code/description)	authorised absence
F	Agreed extended family holiday	authorised absence
H	Agreed family holiday	authorised absence
	Illness	authorised absence
M	Medical or dental appointment	authorised absence
S	Study Leave	authorised absence
E	Excluded but no alternative provision made	authorised absence
R	Day set aside exclusively for religious observance	authorised absence
T	Traveller absence	authorised absence

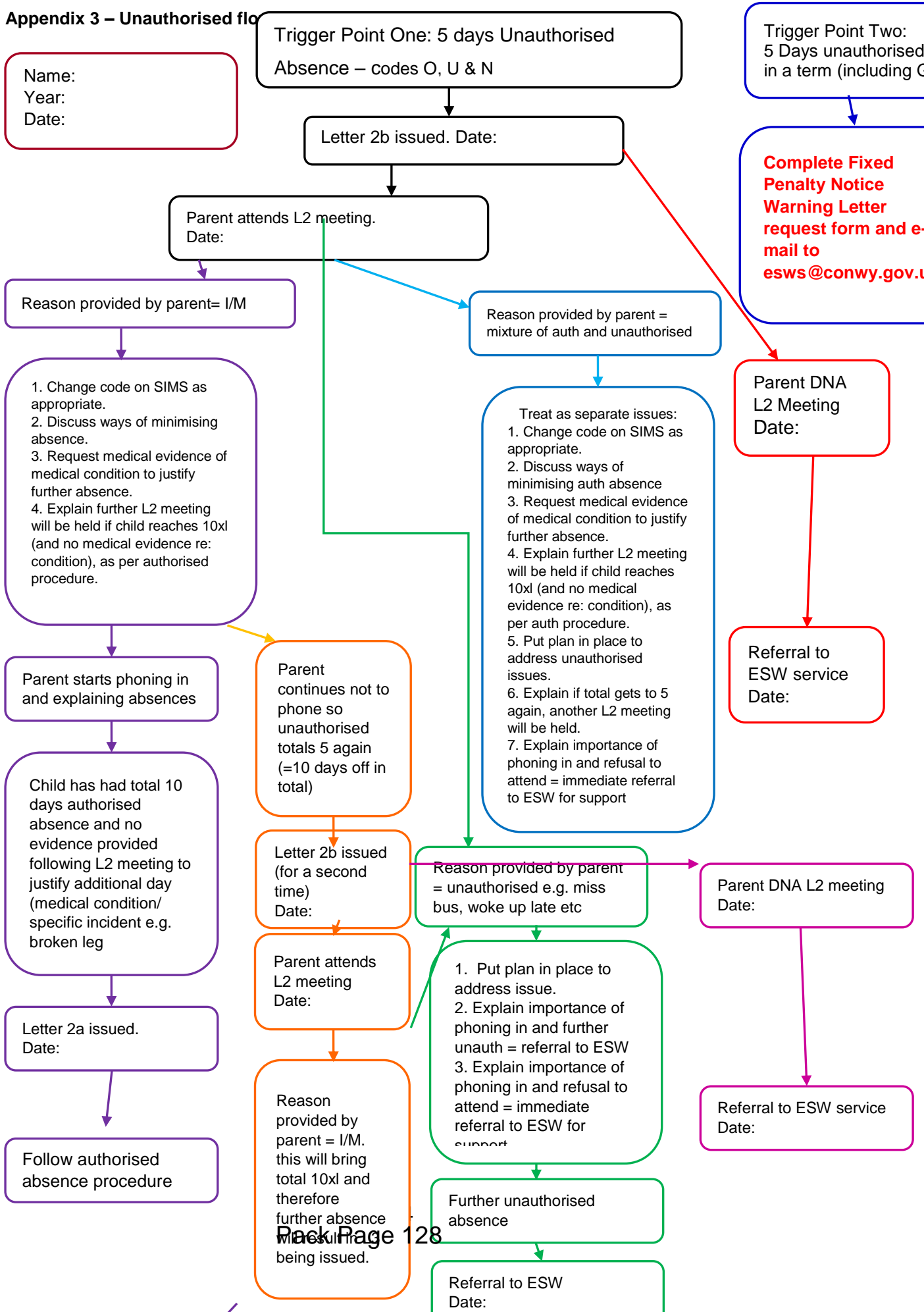
N No reason for the absence provided yet	unauthorised absence
O Other unauthorised (not covered by other codes or descriptions)	unauthorised absence
G Family holiday (not agreed or sessions in excess of agreement)	unauthorised absence
U Late and arrived after the register closed	unauthorised absence
X Untimetabled sessions for non-compulsory school- age pupils	not required to attend
Y Partial and forced closure	not required to attend
Z Pupil not on roll yet	not required to attend
# School closed to all pupils	not required to attend

Appendix 2 – Authorised flow-chart



Appendix 4

Appendix 3 – Unauthorised flow









Appendix 4

STRATEGIES FOR IMPROVING SCHOOL ATTENDANCE

The school's commitment to achieving high levels of attendance should be explicit and clear to pupils, staff and parents. This is achieved by;

- Learners are to be constantly reminded of the importance and value of good attendance and punctuality.
- All staff are aware of correct registration codes for late arrivals which are consistently utilised
- We ensure that the classroom experience is positive and enriching
- All staff are trained on the appropriate use of registration codes – this training should be undertaken regularly
- The curriculum will be monitored and developed flexibly to meet the needs of all learners
- Look at alternative curriculum for learners who are hard to engage
- Attendance statistics and individual lesson attendance statistics will be collected and used to inform pastoral and curriculum practices and identify patterns of absence and problem areas.
- The Form Tutor/Head of Year will promptly investigate all issues that may lead to pupil absence.
- Plan an annual attendance week to focus on attendance issues – with awards, activities, and parental involvement.
- Identify pupils at risk of poor attendance before they transfer to another class, group or school and devise ways of supporting them.
- Include attendance targets in the induction programme for all new staff and in particular for newly qualified teachers.
- Discuss individual attendance targets with all learners
- Parents will be kept regularly and fully informed of all concerns around attendance and punctuality.
- Learners whose attendance falls beneath 90% will be set targets for improvement. The Form Tutor/Head of Year will regularly review these targets.
- The school will write to parents of learners whose attendance is a cause for concern every half term
- Parents, learners and staff need to be regularly reminded of the types of absence that are recognised as authorised and unauthorised displayed in the school foyer.
- Regular, structured meetings will be held with the school's ESW/EWO in order to identify and support those pupils whose attendance/punctuality is causing concern.
- Primary & Secondary Schools set out clear guidelines regarding authorising holidays during term time (see section on holidays during term time above)

- Engage School Council/pupils views regarding the importance of regular attendance and how this can be improved
- Strengthen links with outside agencies that assist in supporting families
- Comply with pupil registration regulations with families that withdraw pupils to educate at home, and when removing pupils from the school roll
- Evaluate strategies to improve attendance in a robust manner and evaluate their effectiveness
- Utilising School Attendance Panels Ensure that opportunities to reward attendance are scheduled into the school calendar.
- Use the school web-site to promote the school's performance in school attendance weekly.
- Use the media to promote good attendance at your school
- Work closely with the governing body of the school and provide updates in governor meetings relating to attendance.
- Use the Attendance Audit to evaluate your school systems yearly.
- Use reward systems to celebrate success for pupils and inform parents
- Ensure all schools staff are alert to and trained on identifying issues around bullying, safeguarding and the needs of vulnerable groups (i.e. Young Carers, Looked after Children, Gypsy Travellers, Safeguarding issues including those pupils on the Child Protection Register, or Children in Need of Support)
- Ensuring staff do not promote other methods of educating learners when this would not be conducive or indeed ethical to do so eg (encouraging EHE)
- Utilising Education Services School Attendance Self Evaluation Audit Tool that looks at areas such as :-

-  Strategic Management
-  The Attendance Policy
-  Managing Attendance
-  Collection and Analysis of Data
-  Communication
-  Safeguarding

Attendance Facts

- If a Child has 100% attendance in school, they will be able to make the best of all the opportunities available to them;
- Children who have very good attendance are more likely to gain 5 or more A-C GCSEs or equivalent qualifications;
- 91.1% attendance equates to missing 17 days of school in one year. Missing 17 days a year also means dropping 1 GCSE grade (on average);

- Children with poor attendance are less likely to gain 5 A* - C GCSEs;
- 82.1% attendance equates to missing 34 days of school in one year;
- Poor attendance will have a serious impact on education, work ethic and life chances;
- A Child who ends the school year with only 90% attendance will have missed four complete weeks of school;
- 90% over 5 years at secondary school equates to half a school year;
- Under 92% Missing more than 3 weeks of education;
- 95% Missing in excess of two weeks of education;

Appendix 5

Attendance Support Plan (ASP)

Date of meeting	Name	Date of Birth	
School	Year group/class	Attendance %	Punctuality
What are the specific issues impacting upon school attendance in each of following areas?			
School	Home	Community	
Strengths			
Record actions/services to address specific issues identified above. Record by whom and by when. Build on strengths. Record also if support offered but declined with reasons and if no service available to meet identified need			
School	Home	Community	

Signature of school staff	Signature of parent/carer	Signature of pupil
Date of review meeting		

Appendix 5 – letters

Letter 1 - primary

Name

Address

Date

Dear parents

Re: NAME OF PUPIL's Attendance

NAME OF PUPIL's attendance is currently *%. This means that NAME OF PUPIL has missed NUMBER OF DAYS days of school, this is a cause for concern. You have informed us that pupil's absences are due to medical reasons or other authorised absence.

Poor attendance can impact negatively on academic achievement as well as social relationships. I urge you to ensure that pupil attends school regularly and takes the necessary steps to catch up on work missed.

If the medical condition or other authorised absence is likely to be ongoing or if there are any other issues that are preventing Pupil from attending school regularly and on time, you may be asked to provide the school with medical evidence in order for further absences to be authorised. If you would like to discuss this further please contact the School on the above number.

Thank you for your support in this matter.

Yours sincerely

Letter 1 - secondary

Name

Address

Date

Dear parents

Re: PUPIL NAME's Attendance

As part of our commitment to improving the attainment of our pupils we monitor attendance on a regular basis and identify any pupil whose attendance causes concern. We are therefore writing to you due to your child's current level of attendance.

Overall School Attendance	*%
Of which Authorised Absence is	*% / * Days
Of which unauthorised Absence is	*% / * Days

This means that PUPIL NAME has missed TOTAL NUMBER OF DAYS days school.

Your child's absence will have an impact on his education and on the education of the class. Recent studies indicate that pupils who are consistently absent are more likely to under achieve academically, they find it harder to make and keep friends, are more likely to breach the law and will miss opportunities in further education and employment.

We would like to discuss this matter with you and a meeting has been arranged. At this meeting we would like to give you the opportunity to discuss any issues which are preventing your child from attending school regularly and agree on a plan to work together to improve your child's attendance. The meeting will take place on: **DATE & TIME.**

If you are unable to attend this meeting please contact the Guidance Mentor on the number above to arrange a more convenient time. Failure to attend the meeting or contact us within one week to arrange another time then the matter will be considered as you failing to work with us to improve your child's attendance, and you will be requested to provide medical evidence for any future absences.

Thank you for your support in this matter.

Yours sincerely

Letter 2a – illness (primary)

Name

Address

Date

Dear Parent / Guardian

Re: PUPIL NAME's Attendance

As part of our commitment to improving the attainment of our pupils we monitor attendance on a regular basis and identify any pupil whose attendance causes concern. We are therefore writing to you due to your child's current level of attendance.

Overall School Attendance	*%
Of which Authorised Absence is	*% / * Days
Of which unauthorised Absence is	*% / * Days

This means that PUPIL NAME has missed TOTAL NUMBER OF DAYS days school.

Your child's absence will have an impact on his education and on the education of the class. Recent studies indicate that pupils who are consistently absent are more likely to under achieve academically, they find it harder to make and keep friends, are more likely to breach the law and will miss opportunities in further education and employment.

We would like to discuss this matter with you and a meeting has been arranged. At this meeting we would like to give you the opportunity to discuss any issues which are preventing your child from attending school regularly and agree on a plan to work together to improve your child's attendance. The meeting will take place on: **DATE & TIME.**

If you are unable to attend this meeting please contact the Guidance Mentor on the number above to arrange a more convenient time. Failure to attend the meeting or contact us within one week to arrange another time then the matter will be considered as you failing to work with us to improve your child's attendance, and you will be requested to provide medical evidence for any future absences.

Thank you for your support in this matter.

Yours sincerely

Letter 2A – illness - secondary

Name

Address

Date

Re: NAME OF LEARNERS's Attendance

NAME OF Learner's attendance is currently *%. This means that NAME OF LEARNER has missed NUMBER OF DAYS days of school, this is a cause for concern. You have informed us that the absences are due to medical reasons or other authorised absence.

Poor attendance can impact negatively on academic achievement as well as social relationships. I urge you to ensure that LEARNER attends school regularly and takes the necessary steps to catch up on work missed.

If the medical condition or other authorised absence is likely to be ongoing or if there are any other issues that are preventing LEARNER from attending school regularly and on time, you may be asked to provide the school with medical evidence in order for further absences to be authorised. If you would like to discuss this further please contact the Guidance Mentor on the above number.

Thank you for your support in this matter.

Yours sincerely

Letter 2b – unauthorised - primary

Name

Address

Date

Dear Parent / Guardian

Re: PUPIL NAME's Attendance

As part of our commitment to improving the attainment of our pupils we monitor attendance on a regular basis and identify any pupil whose attendance causes concern. We are therefore writing to you due to your child's current level of attendance.

Overall School Attendance	*%
Of which authorised absence is	*% / * Days
Of which unauthorised absence is	*% / * Days

This means that PUPIL NAME has missed TOTAL NUMBER OF DAYS days school. Continuation of this pattern of unauthorised absence could result in you being issued with a fixed penalty notice under The Education (Penalty Notices) (Wales) Regulations 2013.

Your child's absence will have an impact on his education and on the education of the class. Recent studies indicate that pupils who are consistently absent are more likely to under achieve academically, they find it harder to make and keep friends, are more likely to breach the law and will miss opportunities in further education and employment.

We would like to discuss this matter with you and a meeting has been arranged. At this meeting we would like to give you the opportunity to discuss any issues which are preventing your child from attending school regularly and agree on a plan to work together to improve your child's attendance. The meeting will take place on: **DATE & TIME.**

If you are unable to attend this meeting please contact the School Office on the number above to arrange a more convenient time. Failure to attend the meeting or contact us within one week to arrange another time will be considered as you failing to work with us to improve your child's attendance and the matter will be referred to the Education Social Work Service.

Thank you for your support in this matter.

Yours sincerely

Letter 2b – authorised - secondary

Name

Address

Date

Dear Parent / Guardian

Re: PUPIL NAME's Attendance

As part of our commitment to improving the attainment of our pupils we monitor attendance on a regular basis and identify any pupil whose attendance causes concern. We are therefore writing to you due to your child's current level of attendance.

Overall School Attendance	*%
Of which Authorised Absence is	*% / * Days
Of which unauthorised Absence is	*% / * Days

This means that PUPIL NAME has missed TOTAL NUMBER OF DAYS days school. Continuation of this pattern of unauthorised absence could result in you being issued with a fixed penalty notice under The Education (Penalty Notices) (Wales) Regulations 2013 (as per leaflet distributed December 2014).

The table below highlights the impact of absence for one school year.

School Year Attendance	Number of days	Number of weeks	Number of lessons
90%	19	4	95
80%	38	8	190
70%	57	11.5	285

Your child's absence will have an impact on his education and on the education of the class. Recent studies indicate that pupils who are consistently absent are more likely to under achieve academically, they find it harder to make and keep friends, are more likely to breach the law and will miss opportunities in further education and employment.

We would like to discuss this matter with you and a meeting has been arranged with PUPIL NAME's Guidance Mentor. At this meeting we would like to give you the opportunity to discuss any issues which are preventing Pupil from attending school regularly and agree on a plan to work together to improve your child's attendance. The meeting will take place on: **DATE & TIME.**

If you are unable to attend this meeting please contact the Guidance Mentor on the number above to arrange a more convenient time.

Failure to attend the meeting or contact us within one week to arrange another time will be considered as you failing to work with us to improve your child's attendance and the matter will be referred to the Education Social Work Service.

Thank you for your support in this matter.

Yours sincerely

Letter 3 Unauthorised - primary

Name

Address

Date

Dear Parent / Guardian

Re: PUPIL NAME's Attendance

Concern regarding PUPIL NAME's attendance is ongoing despite attempts to work with you to improve the situation. Your child has already missed 10 days and missing a further day of school will result in him failing to achieve the target level of attendance set by the Welsh Government which is 94%. It is noted that the reason provided for the majority of PUPIL NAME's absences is linked to illness and/or medical reasons.

Due to the level of illness and/or medical absence, I must ask that if any further absence occurs where the reason is illness and/or medical reasons, medical evidence must be received by the school. Some examples of evidence that could be used are: prescriptions, appointment cards, doctor's notes, etc.

If this evidence is not supplied when your child returns after an illness or medical absence, your child's absence will be recorded as an unauthorised absence. It is the school's policy to refer the matter to the Education Social Work Service if a pupil has three days unauthorised absence following this letter.

We would appreciate your support to ensure PUPIL NAME's attendance improves.

Yours sincerely

Letter 3 – unauthorised - secondary

Name

Address

Date

Dear Parent / Guardian

Re: PUPIL NAME's Attendance

Concern regarding PUPIL NAME's attendance is ongoing despite attempts to work with you to improve the situation. As previously highlighted to you, 90% attendance is equivalent to missing 19 days of school per year, your child has already missed 10 days and missing a further day of school will result in him failing to achieve the target level of attendance set by the Welsh Government which is 94%. It is noted that the reason provided for the majority of PUPIL NAME's absences is linked to illness and/or medical reasons.

Due to the level of illness and/or medical absence, I must ask that if any further absence occurs where the reason is illness and/or medical reasons, medical evidence must be received by the school. Some examples of evidence that could be used are: prescriptions, appointment cards, doctor's notes, etc.

If this evidence is not supplied when your child returns after an illness or medical absence, your child's absence will be recorded as an unauthorised absence. It is the school's policy to refer the matter to the Education Social Work Service if a pupil has three days unauthorised absence following this letter.

We would appreciate your support to ensure PUPIL NAME's attendance improves.

Yours sincerely

CYPE(6)-06-22 - Paper to note 11
Children, Young People and Education Committee
Request for information on Pupil attendance & training for school governors
Response from: Rhondda Cynon Taf



STRONG HERITAGE | STRONG FUTURE
RHONDDA CYNON TAF
TRETTADAETH GADARN | DYFODOL SICR

The Pavilions, Cambrian Park
Clydach Vale, Tonypanyd, CF40 2XX
Y Pafiliynau, Parc y Cambrian
Cwm Clydach, Tonypanyd, CF40 2XX

Tel/Ffôn: 01443 424026, Fax/Ffacs: 01443 424027

To: Jayne Bryant

Chair of the Children,
Young People and Education Committee
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

Gofynnwch Am:

Please Ask For: Chris Bradshaw
Rhif Est: 01443 424026
Telephone N°:
Ffacs:
Fax:
E-Bost:
E-Mail:
Cylchlythyr:
Circular:

Fy nghyf: CB/GD/DW
My Ref:

Eich Cyf:
Your Ref:

Dyddiad: 19th January 2022
Date:

Dear Ms Bryant,

Thank you for your recent communication on behalf of the Children, Young People and Education committee, following the committee's review and scrutiny of Estyn's annual report for 2020-21.

In Rhondda Cynon Taf, we undertake a range of activities aimed at supporting schools, learners and their families to ensure good school attendance. This includes reintegrating learners following poor attendance related to the COVID-19 pandemic, as well as our standard response to poor attendance unrelated to the pandemic. Operationally, we have changed the way our Attendance and Wellbeing Service (AWS) delivers services since the onset of the pandemic in order to better support the increased number of learners who were absent from education. The AWS operate Wellbeing Response Visits where any child is absent without reason; where the reason is COVID-19 anxiety related; or where the reason provided is disputed by the school, is visited on the day of referral and the learner and the family are offered support and intelligence gathered so that the school, AWS or a referral agency can provide enhanced support aimed at a return to school.

From the first lockdown until the end of the 2020-21 academic year, these took place on a rota system where schools could refer every 3 days. This has been slightly reduced in the 2021-22 academic year, to once per week per school so that AWS staff can offer intensive support to long-term absentees alongside the Wellbeing Response Visits. Intensive support is currently aimed at learners who have attendance below 40% in the previous half-term.

Chris Bradshaw
Chief Executive / Prif Weithredwr

Pack Page 143



Each half-term, we provide all education settings with a detailed Attendance Monitoring Report from the LA. This is used as a tool for support and challenge and allows schools to work collaboratively and seek support and advice from schools with similar demographics where their performance is more positive. I have provided a breakdown of the report for your information:-

- Section 1 and 2 of these reports holds information on code usage for each school in numeric and percentage terms as well as cluster averages.
- Section 3 breaks down each school into their FSM band. This is provided for each half-term of the current year, as well as percentage comparisons for overall attendance for the last 3 years and LA averages. This allows schools to ascertain where they are in comparative terms to the LA average and other schools within their FSM band.
- Section 4 of the report is entitled 'Vulnerable Groups' and provides breakdowns of attendance for all pupils; FSM; non-FSM; CLA; EAL; SEN and persistent absence in terms of numbers of pupils in these categories and their average attendance. This section will show those who have failed to return following school closure periods and shows how the whole school figure may differ dependent on vulnerability and will support schools to target groups where necessary with additional resources and support.
- Section 5 is a comparative table of Key Absence Reasons.
- Section 6 provides LA attendance averages by school phase, gender and school year.

From these data reports we can see that in Autumn 1, primary school attendance in RCT was 90.5% with 2,640 pupils classified as persistent absentees (defined as attendance less than 80%). This cohort had an average attendance of 68.4%. In Autumn 1 in secondary schools, the attendance was 85.5% with 3,099 pupils classified as persistent absentees. The average attendance within this cohort was 64.1%. These figures do not include our through schools, special schools or PRU's which have an additional 1,352 persistent absentees.

Using data from these reports coupled with other data sources including the Welsh Index of Multiple Deprivation, exclusion rates, etc. has led to RCT Cabinet investment in areas such as Step 4 provision and a pilot of Family Engagement Officers (FEOs) in 13 primary schools and 6 secondary/through schools in recent years which is ongoing. The aim of the FEO pilot in particular has been to support learners and their families with outcomes aimed at increasing attendance levels in some of our communities with high deprivation.

In relation to the second query and support for school governors, governors in Rhondda Cynon Taf have access to a team of governor support officers to provide advice and support when required. Central South Consortium (CSC) provides the mandatory training for governors. CSC also provides briefing session for governors in relation to school improvement, ALN and other relevant priorities, and the Director of Education and Inclusion Services convenes termly meetings with chair of governors.

RCT provides a very comprehensive training brochure on a termly basis, which includes additional training opportunities including safeguarding, attendance and wellbeing, human resources, dealing with complaints, finance, exclusions and health & safety.

The promotion of the Estyn Lay Inspector role will be included as part of the training promotion in the future.

We hope that this has provided some clarity around the queries raised and would be happy to provide further clarity or information where needed.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Chris Bradshaw', with a large, stylized flourish at the end.

Chris Bradshaw
Chief Executive

CYPE(6)-06-22 - Paper to note 12
Children, Young People and Education Committee
Request for information on Pupil attendance & training for school governors
Response from: Swansea Council



Jayne Bryant,
Chair of the Children, Young People &
Education Committee

SeneddChildren@Senedd.Wales

Corporate Management Team

The Guildhall,
SWANSEA. SA1 4PE
www.swansea.gov.uk

Please ask for: Phil Roberts
Direct Line: 01792 637525
E-Mail: Phil.roberts@swansea.gov.uk
Our Ref: PR/ajw/JB2001
Your Ref:
Date: 20th January 2022

Dear Ms Bryant,

Pupil Attendance and Training for School Governors

Attendance

In Swansea we are committed to ensure optimum engagement of all our learners through inclusion in all medium and long term planning at a senior leadership level. We scrutinise all attendance data to understand trends and anomalies, adapting our practice accordingly. Through regular data monitoring and close working partnerships with schools, we have identified learners who fall into the category described as, pupils who have not returned to school since the two periods of general school closures, have done so on a very limited basis, or have been regularly/persistently absent.

In the Autumn term there were 14 children in primary school in this category, which equates to 0.03% of the school population. Interestingly there is a slight rise in this category for primary school children, from the previous term. When analysed further we found that the number of families remain the same however younger siblings are now included in the data collection. In the Autumn term there were 61 children from secondary school assessed as falling within this category which is 0.1% of the total school population. Pleasingly, of these children we have seen a 43% increase in the children who are attending on part time basis since the Summer term, which can be attributed to the success of our implementation of reintegration plans through close collaboration between our Education Welfare Service, schools and families.

Through embedding school attendance as a key contributor to Swansea COVID recovery plan our Education Welfare Service are able to ensure the changing needs of families and schools have been met. The service always works flexibly and are adaptable where needed. The service has forged close relationships with schools and other agencies to ensure that families, children and young people can be supported holistically. Examples of such collaboration are as follows:

- The EWO meets with schools on a weekly basis to analyse data, looking at specific attendance issues and vulnerable groups.
- The service is embedded within the local authorities Early Help Hubs so have access to information from other important services.
- Close working with schools and families to formulate bespoke timetables and reintegration plans to encourage children and young people to attend school.
- Referrals to agencies to support families and young people with their anxieties and worries.
- Good relationships with ALN case workers have provided opportunities to look at any undiagnosed or already diagnosed needs and have helped identify support.
- The EWS have formed an attendance panel to look at and implement strategies for those families who have been difficult to engage with, sharing good practice throughout the service.

Throughout the pandemic, regular home visits have been undertaken to look at support for families, and check-ins have been commenced on a regular basis. The use of alternative methods of communication such as TEAMS have provided a direct access to the EWO and have facilitated positive working relationships.

Governor Support

Our Governor support team provide all school governors with a termly newsletter highlighting training opportunities. Estyn inspection arrangements training is included in this newsletter. Officers have also highlighted this training in our Education newsletter which is distributed to every school in Swansea.

Yours sincerely,



Phil Roberts
Chief Executive

CYPE(6)-06-22 - Paper to note 13
Children, Young People and Education Committee
Request for information on Pupil attendance & training for school governors
Response from: Newport City Council

Beverly Owen
Our Ref/Ein Cyf BO/DA
Your Ref/Eich Cyf
Tel/Ffôn 01633 233693
Direct Dial/Rhif Union
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E-Mail/E-Bost Beverly.owen@newport.gov.uk



Jayne Bryant MS
Chair of the Children, Young People
and Education Committee
Senedd Cymru

Civic Centre/Canolfan
Ddinesig
Newport/Casnewydd
South Wales/De Cymru
NP20 4UR

Sent via email

20th January 2022

Dear Chair of the Children, Young People and Education Committee,

Re: Pupil attendance and training for school governors

Thank you for your letter of 17th December 2022.

We are able to provide the following information in response to your request for:

- information about how Newport City Council is working with schools to monitor and improve the attendance of pupils who have not returned to school since the two periods of general school closures, have done so on a very limited basis, or have been regularly/persistently absent; and
- any data the local authority holds on the numbers and absence rates of these pupils;
- information about the support Newport City Council provides to school governors, including encouraging school governors to take up Estyn's lay inspector training programme.

Pupil attendance

Rates of pupil attendance are monitored on an ongoing basis by schools and the Education Welfare Service with weekly and monthly attendance reports being reviewed.

It is essential that pupils maintain the habit of attending school regularly and punctually. The local authority expects schools to engage pupils who are not attending on a regular basis and establish contact with their families. It is recognised that parents may still need additional reassurances that schools are safe places for their children to attend. Where schools are unsuccessful engaging parents, or where continued absences are unauthorised, schools may refer the pupil and their family to the Education Welfare Service for follow up.

Whilst there is no expectation on schools to set attendance targets or report attendance data for national purposes, schools still keep an accurate record of pupil attendance for monitoring and evaluation purposes. Schools have been asked to set their own internal targets for attendance and share these with the Education Welfare Service to help direct the work of Education Welfare Officers. Monthly attendance data for each school is collected, analysed and tracked against the previous academic year. This data is then circulated to all schools on a monthly basis.

The Education Welfare Service consists of an Education Welfare Service Manager who is currently supported by a Senior Education Welfare Officer and the equivalent of 4 Education Welfare Officers. A named Education Welfare Officer is allocated to each school.

The frequency of meetings with school attendance leads is agreed with the school using prior attendance data, their support needs and the school's internal attendance target as the basis for this. Discussions with school attendance leads focus on individual learner absences and the circumstances related to this including how the school has followed this up; strategies implemented to date (reintegration timetables, key support staff, etc.), the support being provided to the family; any medical advice or feedback from CAMHS.

The local authority holds data on the rates of persistent absence from school for the period 1st September 2021 to 30th November 2021.

Pupils With Attendance 80% or Less - 1st September to 30th November 2021				
		Male	Female	All
Primary	Number of pupils	593	583	1,176
	% of cohort	9.67%	10.03%	9.85%
Secondary	Number of pupils	742	786	1,528
	% of cohort	15.31%	16.68%	15.99%

Pupils With Attendance 50% or Less - 1st September to 30th November 2021				
		Male	Female	All
Primary	Number of pupils	38	38	76
	% of cohort	0.6%	0.7%	0.6
Secondary	Number of pupils	115	124	239
	% of cohort	2.4%	2.6%	2.5

Pupils With Attendance 20% or Less - 1st September to 30th November 2021				
		Male	Female	All
Primary	Number of pupils	6	4	10
	% of cohort	0.10%	0.07%	0.08%
Secondary	Number of pupils	30	39	69
	% of cohort	0.62%	0.83%	0.72%

To exemplify how the Education Welfare Service provides direct support to schools, pupils and families, activity data from November 2021 is also available. During this period, Education Welfare Officers attended 75 school meetings and received 93 referrals in relation to the persistent absence of individual pupils. Each attendance referral is followed up either by phone or email contact with a parent or by a home visit.

In November 2021, Education Welfare Officers completed 189 home visits. In 109 of these, Education Welfare Officers engaged with parents and pupils to discuss the reasons for non-attendance. The main reasons given for persistent absence this academic year to date were: Covid-19 positive cases; Covid-19 self-isolation; Covid-19 anxiety; other illnesses; mental health issues related to the child or their family; or family holiday during term time. Education Welfare Officers provided reassurances about the Covid secure practices being used in schools and also provided advice, guidance, advocacy and signposting to other services.

Where a home visit is made and there is no reply from the child or the family, a calling card is left and a follow up visit carried out. Many parents make contact with the Education Welfare Officer on first receipt of a calling card.

A local authority media attendance campaign is ready for introduction when the number of cases of Covid-19 begins to reduce. Campaign materials include social media posts, posters, publicity resources and banners for display in schools.

In addition to their work with schools, Education Welfare Officers provide support to families who home educate their children. As of 1st November 2021, 184 children were known to be home educated in Newport. The Senior Education Welfare Officer leads on the work to ensure that home educating families are supported and that a programme of regular visits to home educating families is in place.

Welsh Government grant funding has been used to introduce a Family Liaison Officer for Home Educating families who has provided extra capacity for this work.

Training for School Governors

Governor Support Services are provided via the Education Achievement Service (EAS) for all local authorities and schools across the South East Wales region with the aim of ensuring that the organisation and management of governing bodies is effective and meets both statutory requirements and national priorities. These services include:

- Professional Clerking Services (through SLAs with individual Governing Bodies);
- Statutory Committee and Specialist Governance Support, and;
- The EAS Excellence in Governance Framework;
- Access to an ongoing and regular programme of training and development which includes curriculum, evaluation, safeguarding, attendance, exclusion and ALN workshops.

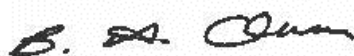
The Local Authority provides information to governors in a range of ways, including:

- Chief Education Officer Annual Briefings e.g. Safeguarding, EdTech, Cyber Resilience, Inclusion Funding and HR.
- School Budget Forum – Terms of Reference include governor representation and minutes shared with all governors.
- School Finance Training – bespoke training for individual schools and general governor training.
- School Development Plan (SDP) Professional Discussions, Team Around the School, Multi-Agency Meetings – including the Chair of Governors
- Provision of local authority developed policies which the governing body can adopt for use by the school. For example, Attendance, Information Security, Management of Staff Absence, Pay and School Admissions

As part of National Categorisation, Governors were provided with a summary report which included performance data. Delivery was differentiated according to support category. Given the cessation of National Categorisation and the collection of performance data, this can no longer be provided.

In relation to the Lay Inspector role, providing information for Governors from Estyn is completed in partnership with the EAS. Any request to share useful information or opportunities with governors about this role, would be promoted through the [EAS Supporting our schools Site - School Governance](#) and where relevant, an email to governors would also be issued. Similarly, where the EAS Governor Support Service had any enquiry from a Governor about the programme, they would direct them to the Estyn page on the Lay Inspector role.

Yours sincerely



Mrs Beverly Owen
Chief Executive

CYPE(6)-06-22 - Paper to note 14
Children, Young People and Education Committee
Request for information on Pupil attendance & training for school governors
Response from: Wrexham County Borough Council

Cyngor Bwrdeistref Sirol Wrecsam/ Wrexham County Borough Council
Neuadd y Dref, Wrecsam. LL11 1AY
Guildhall, Wrexham. LL11 1AY
www.wrecsam.gov.uk www.wrexham.gov.uk
Cyfnewid Testun/Text Relay: 18001



Jayne Bryant
Chair of the Children, Young People and
Education Committee
Welsh Parliament
Cardiff Bay
Cardiff CF 99 1SN

Eich Cyf/Your Ref	KE/ELL
Ein Cyf/Our Ref	20 January 2022
Dyddiad/Date	Karen Evans
Gofynner am/Ask for	01978 295401
Rhif Cyswllt/Contact No	karen.evans@wrexham.gov.uk
E-bost/E-mail	

Dear Ms Bryant

PUPIL ATTENDANCE AND TRAINING FOR SCHOOL GOVERNORS

Thank you for your letter dated 17 December 2021 which I have been asked to respond to on behalf of the Chief Executive regarding pupil attendance and training for school governors.

In response to your request, please see below information:-

Information about how we are working with schools to monitor and improve the attendance of pupils who have not returned to school since the two periods of general school closures, have done so on a very limited basis, or have been regularly/persistently absent; and any data you hold on the numbers and absence rates of these pupils?

The department has developed an MIS system which tracks pupils with attendance below 95%. This information is collated on a weekly basis and monitors attendance by school and national curriculum year. The data is matched with the rate of current covid cases in schools and support is made available as required.

The Education Social Work Team and Attendance Support Officers provide support to schools and individual pupils and regularly make home visits, as required.

Education Social Workers and Attendance Officers, regularly meet with allocated schools to review attendance, identify trends and concerns, and agree action. There is a close working relationship between the LA staff and school pastoral teams. From 1 September 2021, a total of 1,535 interventions have taken place. This includes visits, meetings and telephone calls.

Half termly Education Support Meetings take place with all secondary schools with the Education Support Manager. These meetings focus on attendance and exclusion data, and check the accuracy of coding. Trends are identified and additional targeted resources are agreed.

Regular meetings have been held the ALN lead, LAC Education Officer, YJS officer and EAL/Gypsy and Traveller Inclusion Officer to review attendance and exclusions of these cohorts. Additional support is actioned following these meetings via home visits, letters or multiagency support meetings arranged.

Attendance Improvement Plans have been put in place to support individual pupils.

Information about the support you provide to school governors, including how you are encouraging school governors to take up Estyn's lay inspector training programme?

Most of our headteachers are trained Estyn inspectors as part of their continued professional development and as such bring their knowledge and experience back to their own schools and governing bodies. They are, therefore, well placed to encourage their school governors to train as lay inspectors to gain insights into how school inspections work.

We will use our Wrexham Schools Governing Body Association meetings and communication platforms in future to promote this programme and other opportunities for governors to engage with external training.

In addition to this, all Wrexham schools are currently subscribed to Governors Cymru Services whom collaborate with Estyn on various training and development projects. As part of their subscription, Wrexham governors have preferential access to these sessions.

Yours sincerely



Karen Evans
Chief Officer Education and Early Intervention

cc Chief Executive

CYPE(6)-06-22 - Papur i'w nodi 15

Y Pwyllgor Plant, Pobl Ifanc ac Addysg

Cais am wybodaeth am bresenoldeb disgyblion a hyfforddiant i lywodraethwyr ysgol Ymateb gan Gwynedd

Mae Llywodraeth Cymru yn cyhoeddi ystadegau presenoldeb wythnosol, ond nid yw rhai grwpiau o blant y mae'r pandemig wedi effeithio'n arbennig o andwyol ar eu presenoldeb wedi'u cynnwys yn y data hyn.

- Swyddog lles ynghlwm yn mhob Ysgol Uwchradd penodol a chlwestwr ysgolion cynradd
- Adroddiad wythnosol yn cael ei echdynnyn o fas data ONE yn wythnosol.
- Ysgolion wedi eu hannog i drafod unrhyw fater o bryder yn fuan gyda'r swyddogion Lles er rhoi cefnogaeth ac bod neges wedi rhaeadru gyda'r rhieni bod disgwyliad i unigolion o oed statudol Ysgol i fynychu.
- Ymweliadau cartref
- Ffocws ar les emosiynol yr unigolyn. Codi ymwybyddiaeth o faterion sydd wedi amlygu yn dilyn y cyfnodau clo, materion o fewn y cartref ac effaith hirfaith hunan ynysu ac ar angen i fynd i afael yn y achosion yma.
- Trafodaethau rheolaidd yn aml asianteithiol er adnabod y gweithiwr allweddol er i beidio gorlethu drwy ymweliadau cartref, (1 swyddog yn cyd-lynu unrhyw ddarpariaeth gyda'r teulu)
- Adborth a trafodaethau aml
- Cyd weithio gyda rhanddeiliad er cynnig gwasanaeth ymestyn allan gyda'r nod o ail ymgysylltu y disgyblion sydd yn profi presenoldeb isel/gwan
- Addasiadau rhesymol i amserlen a hyn yn cael eu fonitro yn fisol

Unrhyw ddata sydd gennych ynghylch nifer y disgyblion hyn yn ogystal â'u cyfraddau absenoldeb.

39 o ddisgyblion sydd yn amlygu gyda chanran isel o ran presenoldeb mewn perthynas ar pandemig.

Hyfforddiant i lywodraethwyr ysgolion

Mae'r Uned Gefnogi Llywodraethwyr yn cynnig ystod o gefnogaeth i Lywodraethwyr ysgolion Gwynedd, gan gynnwys hyfforddiant amrywiol i Lywodraethwyr sy'n

berthnasol i'w rôl nhw a cyngor a chefnogaeth arbenigol ar faterion unigol e.e. sut i ddelio â cwyn, y broses gormodedd ayb. Rydym hefyd yn cydweithio â Consortiwm GwE sy'n darparu hyfforddiant 'cwricwlaidd/addysgol' i Lywodraethwyr e.e. hyfforddiant i Lywodraethwyr ar ofynion y Cwricwlwm i Gymru. Maent hefyd yn darparu sesiwn hyfforddiant/cefnogaeth a chyngor i Gyrrff llywodraethol cyn arolwg Estyn

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

Document is Restricted

CYPE(6)-06-22 - Paper to note 16
Children, Young People and Education Committee
Request for information on Pupil attendance & training for school governors
Response from: Cardiff Council



Neuadd y Sir
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www.caerdydd.gov.uk
County Hall
Cardiff,
CF10 4UW
Tel: (029) 2087 2087
www.cardiff.gov.uk

Cyf/My Ref:: MG/HAE
Eich Cyf/Your Ref::

Dyddiad/Date: 24th January, 2022

Ms Jayne Bryant,
Chair of the Children, Young People and Education Committee,
Welsh Parliament,
Cardiff Bay,
CARDIFF.
CF99 1SN

Dear Ms Bryant,

Pupil Attendance and Training for Governors

Thank you for your letter of 17th December asking for information regarding:

- Information about how you are not working with schools to monitor and improve the attendance of pupils who have not returned to school since the two periods of general school closes, have done so on a very limited basis, or have been regularly/persistently absent; and
- Any data you hold on the numbers and absence rates of these pupils?
- Training for school governors

Please see attached response to the questions above.

Yours sincerely

Melanie Godfrey
Director of Education and Lifelong Learning/
Cyfarwyddwr Addysg a Dysgu Gydol Oes

GWEITHIO DROS GAERDYDD, GWEITHIO DROSOCH CHI
Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg, Saesneg neu'n ddwyieithog.
Byddwn yn cyfathrebu â chi yn ôl eich dewis, dim ond i chi roi gwybod i ni pa un
sydd well gennych. Ni fydd gohebu yn Gymraeg yn arwain at oedi.

WORKING FOR CARDIFF, WORKING FOR YOU
The Council welcomes correspondence in Welsh, English or bilingually. We will
ensure that we communicate with you in the language of your choice, as long as
you let us know which you prefer. Corresponding in Welsh will not lead to delay.



Information about how you are you working with schools to monitor and improve the attendance of pupils who have not returned to school since the two periods of general school closures, have done so on a very limited basis, or have been regularly/persistently absent; and - any data you hold on the numbers and absence rates of these pupils?

Cardiff LA delegates funding to High Schools to employ their own School Attendance Officers who are responsible for working both in the high school and with their cluster primaries to work with families to address attendance and well-being issues. We have a 5-step framework and approach to attendance, where schools and School Attendance Officers are responsible for early intervention to address attendance concerns at steps 1 and 2. If there is no improvement, then cases are escalated for Education Welfare Service involvement and potential statutory action (steps 3 to 5).

Following a return to school after the first lockdown, the Education Welfare Service undertook attendance reviews in every school to ensure that attendance concerns had been effectively followed up as well as provide advice to schools and School Attendance Officers regarding appropriate interventions and identify any further support that may be needed to enable a full return to the school.

This exercise was repeated in secondary schools in April 21 with further reviews commencing again in November 2021. These are undertaken to ensure that EWS advice has been followed and that where pupils have not returned or made a poor return that these pupils are being appropriately referred to the EWS. Reviews have been completed in all 18 secondary schools and are currently underway in our 96 primary schools.

The initial reviews in January 2021 focused on pupils who had not returned and those with under 25% attendance. The current round of reviews is interrogating registers to identify those with below 50% attendance.

In January 2021 during the first review, there were 307 secondary pupils and 189 primary pupils who had not return or had made a poor return and had under 25% attendance. During the subsequent review in April, the figure had reduced to 155 secondary pupils. A primary review was not undertaken in April 2021.

The November 2021 review identified 729 secondary pupils with under 50% attendance with year 11's accounting for 223 of this number. Further advice regarding suggested interventions, support available from other agencies to address specific concerns as well as referral into EWS was given in feedback to schools. Primary reviews have not yet been completed.

The reviews have highlighted a significant number of pupils where anxiety has been identified as a barrier to attending. The Education Psychology Service has produced a guidance document and toolkit on Anxiety Based School Avoidance (ABSA) to support schools and parents in talking to children and young people regarding their anxiety and to provide strategies to improve attendance which has a useful resource for schools.

Welsh Government's decision not to reinstate FPN's deeming them inappropriate under current circumstances has been disappointing to many schools as they feel that these would potentially be a useful tool in certain circumstances in helping to re-focus families and re-establish a return to good attendance patterns.

In addition to the reviews which are very time and labour intensive we are working closely with data colleagues in Children's Services to match the attendance data against children and young people open to Children's Services. This is so that we can monitor and scrutinise this data between reviews and identify any attendance concerns are followed up in a timely way to ensure that children do not fall from view. We are working towards extending the categories of pupils that we will report against including those who have been recently closed to Children's Services and then potentially those pupils referred to Children's Services but who did not meet the threshold for involvement.

We heard from Estyn about the support they provide to school governors, including their lay inspector programme, which enables school governors to train as lay inspectors to gain insight into how Estyn carries out its evaluations of schools.

Please can you provide us with information about the support you provide to school governors, including how you are encouraging school governors to take up Estyn's lay inspector training programme.

Cardiff Council recognises the key role of school governing bodies in driving excellence in Cardiff's schools and is committed to providing high quality support and training for its governors. The importance of high quality governance is a key focus for Cardiff 2030 and there is a commitment to strengthen school governance across the city.

The Council's Governor Services team works with schools in securing highly effective governance through the provision of advice, guidance, training, support and challenge to school governors.

The team provides reliable, prompt and relevant advice and guidance on all aspects of school governance, supporting chairs of governors, governors and clerks in their roles and enabling them to comply with the law. The service also works closely with the Central South Consortium on school improvement strategies, monitoring progress and in developing training and development opportunities for governors. A full training programme is available on all aspects of the governor's role and consists of on-line training, briefing sessions and events.

The Education Directorate encouraged school governors to take up the lay inspector training programme when Estyn was seeking new nominations. Opportunities were shared widely and also raised with Cardiff Governors Association (an independent organisation led by and managed by Cardiff Governors) who are a key partner of the Education Directorate.

Agenda Item 6.2



Bwrdd Iechyd Prifysgol
Caerdydd a'r Fro
Cardiff and Vale
University Health Board

Executive Headquarters / Pencadlys Gweithredol

Woodland House
Maes-y-Coed Road
Cardiff
CF14 4HH

Ty Coedtir
Ffordd Maes-y-Coed
Caerdydd
CF14 4HH

Eich cyf/Your ref:
Ein cyf/Our ref: SW-jb-0122-9161
Welsh Health Telephone Network:
Direct Line/Llinell uniongychol: 029 2183 6010

Prof Stuart Walker
Interim Chief Executive

19 January 2022

Jayne Bryant MS
Chair, Children, Young People and Education Committee
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

Dear Ms Bryant

Health Visitor Visits

Further to your letter dated 17 December 2021, requesting information on the above, please find attached a table which shows the total number of HCWP completed by a Health Visitor during the financial year to date. The table is broken down into our three health visiting services, all three services provide the Healthy Child Wales Programme.

For your information The Did Not Attend (DNA) data recorded does not factor in any contacts subsequently completed at a later date there is no way to identify this via electronic record currently.

The data provided does not include the 8-, 12- and 16-week HCWP contacts as these are mostly clinic contacts. Health Visitor activity such as recording of records, completing referrals, and attending safeguarding meetings is not captured in this data.

Additionally, the data does not include contacts and visits completed that are not core HCWP contacts. Examples of such contacts would be visits to support follow up weights, to provide emotional wellbeing support, and breastfeeding support. The data provided is for registered health visiting contacts only and does not include additional community nursery nurse visits. Community Nursery Nurses provide visits to implement a programme of care directed by a health visitor.

I hope that the data is helpful to you. Please do not hesitate to contact me again, should you require further information, or explanation of data already provided.

Yours sincerely



Prof Stuart Walker MD FRCP
Interim Chief Executive

Enc



GIG
CYMRU
NHS
WALES

Bwrdd Iechyd Prifysgol
Aneurin Bevan
University Health Board

Our Ref: GJ/RM

Direct Line: 01633 435958

26th January 2022

Email: SeneddChildren@senedd.wales

Jayne Bryant AM
Chair, Children, Young People and Education Committee
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

Dear Jayne

Response to Children, Young People and Education Committee - Health Visitor Visits

Thank you for your letter of 17th December 2021 regarding information on the proportion of standard Health Visitor Contacts that have been carried out by health visitors in Aneurin Bevan University Health Board.

As you are aware the latest data available on the Welsh Government site is for December 2020. I am happy to provide the data for the subsequent quarter, January-March 2021. The information is provided in the table below.

	10-14 days	6 weeks	8 weeks	12 weeks	16 weeks	6 months	15 months	27 months	3.5 yrs
ABUHB	95%	75%	59%	38%	33%	86%	85%	77%	54%
Blaenau Gwent	93%	91%	42%	50%	43%	79%	83%	61%	63%
Caerphilly	95%	85%	54%	35%	27%	88%	84%	79%	66%
Monmouthshire	92%	82%	77%	32%	32%	88%	87%	82%	50%
Newport	97%	66%	62%	45%	37%	90%	85%	80%	44%
Torfaen	95%	58%	60%	30%	28%	79%	85%	75%	47%

Cont/d

Bwrdd Iechyd Prifysgol Aneurin Bevan

Pencadlys,
Ysbyty Sant Cadog
Ffordd Y Lodj
Caerllion
Casnewydd
De Cymru NP18 3XQ
Ffôn: 01633 436700
E-bost: abhb.enquiries@wales.nhs.uk

Aneurin Bevan University Health Board

Headquarters
St Cadoc's Hospital
Lodge Road
Caerleon
Newport
South Wales NP18 3XQ
Tel No: 01633436700
Email: abhb.enquiries@wales.nhs.uk

Pack Page 162

Compliance has improved from the previously published report (December 2020) with the exception of the 8/12/16 week contacts which remain low.

These contacts are intended to take place in a clinic setting and a combination of parental reluctance to bring young babies to a clinic due to concerns regarding Covid-19 and the practical challenges of finding suitable Covid-19-safe settings has resulted in the contact being targeted at vulnerable families. The Health Board will continue to drive improvements regarding all contacts despite ongoing Covid-19 pandemic, recovery and workforce challenges.

The Health Board is planning for increased compliance during 2022, which is seen as an opportunity to improve efficiency and accessibility for all parents to attend clinics. We will be adopting an easily accessible booking system to provide flexible access for parents. This system can be used remotely via a secure digital platform. This is a new service that offers us another important way to increase compliance and early feedback indicates families feel this is a useful tool to enable them to access Health Visiting support without difficulty.

The Health Board will continue to deliver the core Healthy Child Wales Programme (HCWP) contacts throughout the current Covid-19 situation in line with the principles outlined in a letter from Sue Tranka, Chief Nursing Officer, and Professor Chris Jones, Deputy Chief Medical Officer, on the 17th December 2021. Furthermore, the delivery model of our service continues to adapt to include Hub and Virtual contacts which enable safe and effective service delivery. The Health Board's Executive Team has supported the principle that no health visitors be deployed to support wider Health Board activities, including the Mass Vaccination programme.

The Health Board has workforce challenges regarding health visitors, with a significant number of vacancies running at 15%. This is a national issue and impacts on ability to deliver the HCWP. In mitigation of this, the Health Board has reviewed our workforce and is introducing, as a new development, registered nurse posts into the service. These nurses will support delivery of the HCWP core contacts and ensure health visitors focus of safeguarding activity.

In response to increasing safeguarding and child protection concerns in the post-Covid-19 recovery period, the health visiting service has developed and recruited a new senior clinical post, to provide supervision and governance to health visitors, aiming to ensure resources are focussed on the most vulnerable children and families. This will also assist with reduction of staff turnover.

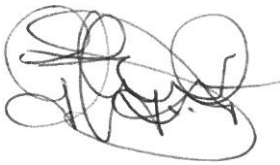
Additionally, the Health Board has developed and is implementing a revised assessment tool which supports the professional judgment of Health Visitors to assess and identify the needs of families, supporting the prioritisation and additional support for families throughout the health board area.

Strategically, we are working with the ABUHB Informatics Department to develop and roll-out the Welsh Community Care Information System (WCCIS) with the aim of deploying this system in the 2022/23 financial year, which we believe will improve the recorded compliance and allow process efficiency to be able to increase Health Visiting Contacts (HCWP and additional visits). This is the agreed national system that, once roll-out is completed, will ensure we have Wales-wide means of recording and data collection.

We hope this will provide the assurance required to demonstrate our commitment to quality and patient safety in provision of our Health Visiting Services.

Should you have any queries please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Glyn Jones', with a stylized flourish at the end.

Glyn Jones
Prif Weithredwr Oros Oro/Interim Chief Executive



Bwrdd Iechyd Prifysgol
Cwm Taf Morgannwg
University Health Board

Your ref/eich cyf:

Our ref/ein cyf:

Date/Dyddiad:

Tel/ffôn:

Email/ebost:

Dept/adran:

PM/TLT

14 February 2022

01443 744803

Paul.Mears@wales.nhs.uk

Chair and Chief Executive

Ms Jayne Bryant, MS

Chair

Children, Young People and Education Committee

Welsh Parliament

Cardiff Bay

Cardiff

CF99 1SN

Dear Ms Bryant

Health Visitor Visits

Thank you for your correspondence on the 3rd February 2022 in reference to the letter dated from 17th December 2021.

Unfortunately we do not hold this data within our data warehouse at this time. It is contained within our workplan and roadmap for the data team to capture this information in the future.

Having discussed this with my Head of Nursing for Children and Young People, we therefore access and work from the data that is held centrally by Welsh Government.

Quarterly data is published on the Health Child Wales Programme (HCWP) Stats Wales website.

The most recent data published covers the period **April – June 2021** and the next quarterly release will cover **July-September 2021**. This is due to be published on the 24th February 2022. [Healthy Child Wales Programme | GOV.WALES](https://gov.wales/healthy-child-wales-programme)

Croeso i chi gyfathrebu â'r bwrdd iechyd yn y Gymraeg neu'r Saesneg. Byddwn yn ymateb yn yr un iaith a ni fydd hyn yn arwain at oedi.

You are welcome to correspond with the health board in Welsh or English. We will respond accordingly and this will not delay the response.

Cyfeiriad Dychwelyd/Return Address:

Bwrdd Iechyd Prifysgol Cwm Taf Morgannwg, Pencadlys, Parc Navigation, Abercynon, CF45 4SN
Cwm Taf Morgannwg University Health Board, Headquarters, Navigation Park, Abercynon, CF45 4SN

Cadeirydd/Chair: Emrys Elias Prif Weithredwr/Chief Executive: Paul Mears

Bwrdd Iechyd Prifysgol Cwm Taf Morgannwg yw enw gweithredol Bwrdd Iechyd Lleol Prifysgol Cwm Taf Morgannwg
ICwm Taf Morgannwg University Health Board is the operational name of the Cwm Taf Morgannwg University Local Health Board

The reasons why standard visits have not been made will also be included in this data.

This is the latest information we have access to at this time.

I hope this is satisfactory. Please do not hesitate to contact me if you require further points of clarification.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Paul Mears', with a stylized, cursive script.

Paul Mears
Prif Weithredwr/Chief Executive



Bwrdd Iechyd Prifysgol
Betsi Cadwaladr
University Health Board

Jayne Bryant MS

Y Pwyllgor Plant, Pobl Ifanc ac Addysg

Chair, Children, Young People and
Education Committee

Dear Jayne

Re: Health Visitor Visits

Thank you for your letter of the 17th December seeking information on the proportion of standard contact Health Visitor visits that have been carried out within Betsi Cadwaladr University Health Board (BCUHB).

For both Quarter 1 and Quarter 2 (2021) BCUHB followed the National trend for Wales, for all contacts. Please see embedded extract:



[Healthy Child Wales Programme | GOV.WALES](#)

StatsWales website
does have data for t

Quarter 3 (July to Sept 2021) reporting is due to be published on the 24/02/2022.

According to the Child Health information system CYPrIS for this period, BCUHB carried out the full range of HCWP contacts in 2021 with 83% completed with an additional 6% showing as unable to complete. These 'unable to complete' contacts will be due to contact refusal, no access or children that have transferred in or out of BCUHB following the reporting period. 11% of core contacts were not completed, reporting delay will account for some, as will significant service pressures due to staff absence due to Covid and vacancies.

All core HCWP contacts are face to face, unless there is a clinical risk or reduced workforce capacity.



BCUHB HCWP FINAL
CYPrIS JULY TO SEP 2

Yours sincerely

Jo Whitehead, PSM
Prif Weithredwr/Chief Executive

Bloc 5, Llys Carlton, Parc Busnes Llanelwy,
Llanelwy, LL17 0JG

Block 5, Carlton Court, St Asaph Business
Park, St Asaph, LL17 0JG

Ein cyf / Our ref: JW/AC/MD/CE22-241/3059

Eich cyf / Your ref:

☎: 01745 448788 ext 6364

Gofynnwch am / Ask for: Dawn Lees

E-bost / Email: Dawn.Lees@wales.nhs.uk

Dyddiad / Date: 14th February 2022

CYPE(6)-06-22 - Paper to note 21

Children, Young People and Education Committee

Request for information on the proportion of standard contact Health Visitor visits that have been carried out.
Response from Swansea Bay University Health Board



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WALES

Bwrdd Iechyd Prifysgol
Bae Abertawe
Swansea Bay University
Health Board

Cadeirydd/Chair: **Emma Woollett**
Prif Weithredwr/Chief Executive: **Mark Hackett**

gofalu am ein gilydd, cydweithio, gwella bob amser
caring for each other, working together, always improving

Rydym yn croesawu gohebiaeth yn v Gvmraea ac vn v Saesnea.

We welcome correspondenc

Swansea Bay University Health Board
Headquarters
One Talbot Gateway
Seaway Parade
Port Talbot SA12 7BR
01639 683302
WHTN: 1787 3302

Date: 18th February, 2022

Jayne Bryant MS
Chair, Children, Young People and Education Committee
SeneddChildren@senedd.wales

Dear Jayne,

Re: Request for information on health visitor visits

Thank you for your letter of 17th December 2021 requesting the above information. I am happy to respond as follows:

Your reference to 2020 data may be to the annual published statistics. As a Health Board, we provide input quarterly in relation to contacts and visiting arrangements for the National Community Child Health Database. We understand that Digital Health and Care Wales use that data to enable the Welsh Government Health and Social Services Group to publish data on the Healthy Child Wales Programme quarterly on the Stats Wales website [Healthy Child Wales Programme | GOV.WALES](#)

Due to the pandemic's impact on staff sickness, and health visitor vacancies, we have been managing caseloads under a reduced staffing risk plan since the Programme's reinstatement on 3rd March 2021. Welsh Government issued guidance throughout the pandemic to try and support contact arrangements for the service.

Our workforce staffing levels have now improved, and our monthly audit of contacts has been demonstrating an ongoing improvement. We expect this to be reflected in our reporting in the coming quarters.

The most recent data published covers the period April–June 2021 <https://gov.wales/healthy-child-wales-programme-contacts-children-april-june-2021>.

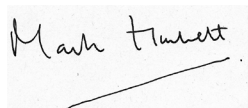


Pencadlys BIP Bae Abertawe, Un Porthfa Talbot, Port Talbot, SA12 7BR
Swansea Bay UHB Headquarters, One Talbot Gateway, Port Talbot, SA12 7BR

Bwrdd Iechyd Prifysgol Bae Abertawe yw enw gweithredu Bwrdd Iechyd Lleol Prifysgol Bae Abertawe
Swansea Bay University Health Board is the operating name of Swansea Bay University Local Health Board

The next quarterly release covering July-September 2021 is due to be published on the 24th February 2022.

Yours sincerely

A handwritten signature in black ink that reads "Mark Hackett". The signature is written in a cursive style and is positioned above a horizontal line.

Mark Hackett
CEO



Pencadlys BIP Bae Abertawe, Un Porthfa Talbot, Port Talbot, SA12 7BR
Swansea Bay UHB Headquarters, One Talbot Gateway, Port Talbot, SA12 7BR
Bwrdd Iechyd Prifysgol Bae Abertawe yw enw gweithredu Bwrdd Iechyd Lleol Prifysgol Bae Abertawe
Swansea Bay University Health Board is the operational name of Swansea Bay University Local Health Board



HYWEL DDA UNIVERSITY HEALTH BOARD'S SUBMISSION to the CHILDREN, YOUNG PEOPLE AND EDUCATION COMMITTEE

Date of submission: 18 February 2022

1. Hywel Dda University Health Board (the Health Board) welcomes the opportunity to contribute to the Children, Young People and Education Committee's work into the proportion of standard contact Health Visitor visits that have been completed.

About the Organisation

2. The Health Board is responsible for the health and well-being of its resident population and plans, provides and oversees delivery of NHS healthcare services for people in Carmarthenshire, Ceredigion, Pembrokeshire and its bordering counties. Our 11,000 members of staff provide primary, community, in-hospital, mental health and learning disabilities services for around 384,000 people across a quarter of the landmass of Wales. We do this in partnership with our three local authorities and public, private and third sector colleagues, including our volunteers.

Health Visitor visits

3. A breakdown of the compliance for individual contacts within Quarter 3 (October – December 2021) (Q3) is provided within the table overleaf.
4. It is important to note that there have been significant staffing challenges within the Health Board's Health Visiting service, particularly in the Ceredigion and Pembrokeshire areas, due in part to the challenges of recruiting further away from the M4 corridor.
5. In Ceredigion, reduced staffing levels are presenting challenges affecting service delivery; county-wide risk assessments are in place illustrating priorities in each area. During Q3, Ceredigion county has been prioritising the primary birth visit (10-14 day contact); families assessed as requiring intensive support are offered all core contacts as identified under the Healthy Child Wales Programme.
6. The introduction of electronic patient records initially created workload pressures for the service, but this has been resolved with the purchase of additional equipment. In addition, staffing pressures were exacerbated by COVID related absence.
7. The three counties have been working under a risk assessment this year, which has enabled the service to prioritise those contacts for primary birth visits, families seen as requiring intensive intervention and transfers into the counties. Outside of this criteria, as many other contacts as possible were completed. The decision was taken to prioritise the workload in this way as these areas were the ones where the most risk to children and families is carried. Where risk assessments are in place, each is reviewed monthly and priorities identified.

8. Following identification of the staffing challenges, and implementation of some risk mitigating actions, the Health Board recruited nine student Health Visitors, with four of these based in Ceredigion and due to qualify in October 2022.
9. A Health Visitor Response Team (HVRT) was implemented in the Aberystwyth area, staffed by Health Visitors living and working in Carmarthenshire. The HVRT work additional shifts on weekends to provide the following services:
 - A clinic-based service on weekends to deliver 15-month and 27-month developmental assessments, to include anticipatory guidance on key public health messages, along with completing relevant referrals to other agencies, such as Speech and Language if needed, and in discussion with parents.
 - A home visiting service for children aged 16-18 months (this is the cohort that were identified as not being seen for several months), to include observation and discussion with parents on their child's development, providing anticipatory guidance on key public health messages, discussing any identified unmet needs and necessary referrals to other agencies, in partnership with parents.
10. In October 2021, Health Visitor students from the 2020/21 cohort qualified, and although the majority of them lived and wished to work in Carmarthenshire, they agreed to take up posts in Ceredigion and Pembrokeshire, with the addition of incentives of mileage from Carmarthen and travel time. This has helped to sustain a level of service to children in Ceredigion and Pembrokeshire.
11. Within the service, there is always a percentage of no contacts, caused by families cancelling appointments. Some of these contacts will be rearranged for a more suitable date; however, a number of families decline all contact from Health Visiting.
12. The following tables provide the numbers due to be seen, the numbers seen, the numbers not seen and the reasons:

10 – 14 day contact (primary birth visit)

Compliance (%)	Comments
97.1%	<p>Seven hundred and eighty three (783) children were due to receive their primary birth visit during Q3. Twenty-two (22) children were not seen during the required period, but were subsequently seen in following weeks:</p> <p><u>Carmarthenshire</u></p> <ul style="list-style-type: none"> • Eight (8) children in hospital • Three (3) families wanted to rearrange or were not contactable <p><u>Pembrokeshire</u></p> <ul style="list-style-type: none"> • Two (2) children in hospital • Nine (9) families wanted to rearrange or were not contactable

6-month contact

Compliance (%)	Comments
67%	<p data-bbox="360 264 1465 331">During Q3, six hundred and fifty three (653) children were due their six month contacts; two hundred and thirteen (213) of these were not seen.</p> <p data-bbox="360 376 603 409"><u>Carmarthenshire</u></p> <ul data-bbox="360 416 1465 633" style="list-style-type: none"> • Two hundred and fifty one (251) contacts were due • Twenty five (25) were not seen, of these: <ul style="list-style-type: none"> ○ Thirteen (13) cancelled their appointments ○ Two (2) did not attend ○ Ten (10) were not completed due to workload pressures caused by IT challenges <p data-bbox="360 674 579 707"><u>Pembrokeshire</u></p> <ul data-bbox="360 714 1473 931" style="list-style-type: none"> • Two hundred and forty six (246) were due • Thirty two (32) were not seen, of these: <ul style="list-style-type: none"> ○ Seven (7) cancelled their appointment ○ Eight (8) did not attend ○ Seventeen (17) were not appointed due to the team being unable to contact them, staff sickness or the family declining the contact <p data-bbox="360 972 517 1005"><u>Ceredigion</u></p> <ul data-bbox="360 1012 1441 1155" style="list-style-type: none"> • One hundred and fifty six (156) contacts were due • Only 42% of these children were seen; ninety-two (92) children were not seen due to reasons detailed above in accordance with the county's risk assessment

15-month contact

Compliance (%)	Comments
60%	<p data-bbox="360 1379 1441 1447">Eight hundred and thirty (830) children were due their fifteen-month contact; three hundred and thirty two (332) of these were not seen.</p> <p data-bbox="360 1491 603 1525"><u>Carmarthenshire</u></p> <ul data-bbox="360 1532 1406 1821" style="list-style-type: none"> • Three hundred and fifty one (351) children were due to be seen; one hundred and fifteen (115) were not seen because: <ul style="list-style-type: none"> ○ Eleven (11) cancelled their appointment ○ Two (2) transferred out of area ○ Four (4) did not attend ○ Eighty four (84) were not completed due to workload pressures ○ Fourteen (14) declined the contact or the family were not contactable

	<p><u>Pembrokeshire</u></p> <ul style="list-style-type: none"> • Three hundred and seventeen (317) were due for their visit; of these: <ul style="list-style-type: none"> ○ Four (4) did not attend their appointment ○ Ten (10) cancelled their appointment ○ One (1) transferred out of area ○ Seventeen (17) were not seen due to workload pressures ○ Twenty-three (23) were not seen because of staff sickness, families declining the contact or not being contactable. <p><u>Ceredigion</u></p> <ul style="list-style-type: none"> • One hundred and sixteen (116) children were due to be seen; the County had 32% successful contacts • One hundred and eleven (111) were not completed in line with the risk assessment referred to above.
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27-month contact

Compliance (%)	Comments
50%	<p>Seven hundred and eighty nine (789) children were due to receive their 27-month contact; three hundred and ninety six (396) were not successful.</p> <p><u>Carmarthenshire</u></p> <ul style="list-style-type: none"> • Three hundred and thirty five (335) were due; of these, one hundred and forty four (144) were not seen: <ul style="list-style-type: none"> ○ Three (3) did not attend ○ Seventeen (17) cancelled their appointment ○ Three (3) transferred out of area ○ Thirty four (34) were not seen as the team was working under a risk assessment ○ Seventy nine (79) were not completed due to workload pressures ○ Eight (8) were not seen because of staff sickness, families declining or not being contactable. <p><u>Pembrokeshire</u></p> <ul style="list-style-type: none"> • Three hundred and ninety three (393) contacts were due; of these ninety one were not successful: <ul style="list-style-type: none"> ○ Eleven (11) did not attend ○ Ten (10) cancelled their appointment ○ Six (6) transferred out of area ○ Fifty three (53) were not completed due to workload pressures ○ Eleven (11) were not seen due to staff sickness, families declining or not being contactable

	<p><u>Ceredigion</u></p> <ul style="list-style-type: none"> • One hundred and sixty one (161) contacts due; 29% success rate in that group • One hundred and sixteen (116) were not seen as per the County's risk assessment.
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3½-year contact

Compliance (%)	Comments
61%	<p>Six hundred and twenty eight (628) contacts were due; two hundred and forty five of these were not seen.</p> <p><u>Carmarthenshire</u></p> <ul style="list-style-type: none"> • Three hundred and fifty two (352) contacts were expected; one hundred and forty seven (147) of these were unsuccessful: <ul style="list-style-type: none"> ○ Ten (10) did not attend ○ Eleven (11) cancelled their appointments, ○ Thirty nine (39) were not seen due to a risk assessment being in place ○ Seventy seven (77) were not seen due to workload pressures ○ Ten (10) others were not seen as families were not contactable, families declined and staff sickness <p><u>Pembrokeshire</u></p> <ul style="list-style-type: none"> • Two hundred and seventy six (276) contacts were due; of these ninety-eight (98) were not seen: <ul style="list-style-type: none"> ○ Twelve (12) did not attend ○ Twenty two (22) cancelled their appointments ○ Three (3) transferred out of the area, ○ Nineteen (19) were not seen due to workload pressures ○ Forty two (42) were not seen as families were not contactable, families declined and staff sickness <p><u>Ceredigion</u></p> <ul style="list-style-type: none"> • One hundred and eighty six contacts (186) were due; 8.7% of these were successful • One hundred and sixty eight (168) contacts were not made due to the County's risk assessment

Conclusion

13. A series of service control measures are in place to mitigate risks; these measures include long, medium and short-term actions, which are reviewed regularly.

Agenda Item 6.3



CYPE(6)-06-22 - Paper to note 23

Royal College of Psychiatrists Wales
Suite 206, Creative Quarter, Morgan Arcade
Cardiff, CF10 1AF
18 Jan 2022

Health and Social Care Committee
SeneddHealth@senedd.wales

RE: The Nationality & Borders Bill

The Nationality and Borders Bill has proposed various changes to the current immigration and asylum system, some of which are likely to have an adverse effect on those who require and use mental health services – the Asylum Seeking and Refugee (ASR) population, and on psychiatrists and other clinicians providing mental health services.

The key areas of concern are as follows:

- Limitations in protection under international law, routine quasi-detention using reception centres and contingency asylum accommodation, and other changes, will negatively impact on the mental health of asylum seekers
- Asylum seekers with mental health problems will not be able to access suitable assessment and treatment
- The proposed changes are likely to raise challenging ethical issues in relation to the core principles of medical practice

The Royal College of Psychiatrists in Wales (RCPsych Wales) recognises that reform of the present system is required, however the tone of the legislation raises concerns that this will be perceived as being counter to the work across sectors to reduce the inequalities in our society, particularly regarding BAME communities.

International recruitment is crucial for fulfilling workforce commitments required to support strategy in Wales. To meet these, we need to ensure that we are training more of the people we need domestically and recruiting internationally. Members have raised concerns that the perceptions of this Bill will potentially undermine international recruitment and cause unease amongst international colleagues.

We have provided further detail on the Bill and hope it will help inform and be of use to the Committee.

Kind Regards

Coordinator
Royal College of Psychiatrists Wales

Briefing on the Nationality & Borders Bill

As a group, asylum seekers are an inherently vulnerable population, having fled persecution, conflict, and human rights violations. They are likely to have experienced adverse events (which may have included detention and associated torture, trafficking, and multiple traumatic bereavements and separations – both in their country of origin and during their journey to the UK. They have a high prevalence of mental health problems including trauma-related symptoms, post-traumatic stress disorder (PTSD), complex PTSD, depression, and anxiety disorders. Some are at high risk of self-harm and suicide, and substance misuse.¹

Asylum seekers face additional difficulties in accessing healthcare. For example, many are unable to advocate sufficiently for themselves due to multiple reasons, including language barriers or lack of understanding of NHS mental health services.² They are likely to require active inclusion health approaches through targeted action.³ Recent policy changes regarding eligibility for free healthcare, the effects of upfront charging for services, and data-sharing between the NHS and Home Office are likely to have deterred many vulnerable individuals from presenting to services. Additionally, healthcare services have at times also wrongly refused asylum seekers access to healthcare to which they were eligible.⁴

The assessment and identification of mental health problems requires appropriately trained staff in a facilitative environment, as well as close multidisciplinary working.

The treatment of mental illness requires a multidisciplinary, holistic approach, and continuity of care. In line with good psychiatric practice, this refers not only the treatment of an episode of mental ill health but ongoing therapeutic input focusing on recovery and relapse prevention, rather than mere symptom reduction, as part of a long-term holistic model of care. Management of the complex mental health conditions that many asylum seekers have may also require more specific specialist therapeutic interventions that may not be routinely available.

A background context of basic physical and emotional security, including an assurance of safety and freedom from harm, is a key factor in recovery from most, if not all, mental disorders. Many people with a mental illness will not even be able to engage in specialist psychological treatment without this. Discontinuity of care can be a further obstacle to achieving full recovery.

Summarised below are the key concerns that are directly within the remit of the Royal College. However, good mental health is dependent on multiple factors, including the interplay of social, economic, and environmental influences. The role of the social determinants of health, particularly among asylum seekers who are disproportionately vulnerable to social inequalities such as unstable housing and poverty, and separation from families and communities should be recognised.

Key areas of concern

1 – Changes to, and limitations on, protection

The proposed changes would limit access to protection in the UK, effectively leading to a downgrading of protection for, and in some cases criminalisation of, asylum seekers who reach the UK by what are seen as irregular means. The creation of a two-tier asylum system based on criteria that are not accepted under international law, will mean that, irrespective of their protection needs, many asylum seekers will only be eligible to limited protection, or their claims may be completely inadmissible. The changes will increase the risk of refoulement and will also mean that many will have only short periods of leave to remain or remain in uncertain limbo situations. These factors are likely to compromise their sense of safety and security and thereby have a significant adverse impact on their mental health.⁵ This will disproportionately impact the most vulnerable and those with mental health problems.

2 – Reception centres and contingency asylum accommodation

The Royal College is concerned about these on several grounds:

- a) **Reception centres and contingency accommodation (such as former military barracks and hotels), constitute *de facto* immigration detention.** It is likely that the environment and setting of these would reflect that of detention settings, and be similar to 'open prisons', with people remaining there for prolonged, and uncertain, periods of time, perhaps up to years. The adverse mental health effects of quasi-detention mirror those of immigration detention, impacting both on those with no history of mental health problems, as well as those with pre-existing mental health problems. Detention is associated with severe mental health consequences amongst detainees across a wide range of settings and jurisdictions.⁶ The Royal College of Psychiatrists' recent Position Statement on the Detention of People with Mental Disorders in Immigration Removal Centres ⁷ notes that people with mental disorders should only be subjected to immigration detention in very exceptional circumstances. It states that detention is likely to precipitate a significant deterioration of mental health in the majority of cases, greatly increasing both the suffering of the individual and the risk of suicide and self-harm, as consistently indicated by research evidence.^{8,9}

In the view of the Royal College, such quasi-detention is likely to have adverse consequences similar to those of immigration detention. Such accommodation is associated with an adverse impact on mental health. Over the preceding year or so, asylum seekers have been placed in temporary communal accommodation in former military barracks and in hotel contingency accommodation. Such accommodation has been widely criticised because of low standards and lack of access to physical and mental healthcare, with particularly unsuitable conditions for disabled and vulnerable people. The available evidence regarding the effects of this indicates that in itself, this has been harmful to the mental health of residents, particularly those who are already vulnerable, and may have experienced torture or ill-treatment.

Contributory factors include cramped conditions, lack of privacy and freedom of movement, lack of Covid compliance, isolation from communities, and real or perceived hostility and feelings of being unwelcome, discriminated against, and punished. This has resulted in severe distress, including self-harm and suicidality, in some cases, people experiencing this for the first time in their lives having been placed in barracks accommodation.¹⁰ There have been concerns about increased rates of death, including those where mental health problems were presumed to be a contributory factor.¹¹ Institutional accommodation placements have been noted to be particularly triggering and harmful to the mental health of those who have experienced torture and sexual abuse, which may have occurred in similar facilities.

- b) **Such accommodation is not suitable for the assessment and treatment of physical health problems.** Poorer physical health, particularly chronic illness, is associated with poorer mental health. Survivors of torture and trafficking often have lasting physical health consequences and poorer health outcomes overall. For survivors of torture and ill-treatment, there is a complex relationship between physical and mental health, which requires a high level of specialist integrated input to take into account, *inter alia*, difficulties in accessing services and somatic symptoms.
- c) **Such accommodation is not suitable for the assessment of mental health problems.** Given their pre-existing vulnerabilities, residents should be subject to screening and vulnerability assessments, full assessments of mental health by appropriately qualified and trained healthcare staff and have access to required treatment.

Mental health deterioration in people with pre-existing mental illness needs to be identified consistently and promptly to ensure that they receive appropriate treatment. This requires trained staff as well as timely access to appropriate specialist assessment/expertise. Evidence from former barracks accommodation has highlighted significant concerns regarding the inadequate screening for vulnerabilities, leading to people with mental health problems, victims of torture and trafficking, and age-disputed children not being identified, and therefore not receiving appropriate input.

- d) **Such accommodation is not suitable for the treatment of mental health problems.** It is not possible to manage serious mental health conditions like PTSD and severe depression in such settings, and there would be no facilities to deal with mental health emergencies. Given that physical and emotional security and safety are pre-requisites for trauma-focused therapy, it is unlikely that such an environment will allow for the delivery of effective psychological therapies for people with mental health problems. All treatment for mental illnesses is dependent on a holistic biopsychosocial approach with effective therapeutic relationships, and multidisciplinary and multi-agency input which cannot be delivered in such settings. There is increasing evidence of residents of current asylum barracks and other contingency accommodation experiencing mental health crises including self-harm and suicidality being unable to access to appropriate healthcare.
- e) **Asylum interviews conducted in such settings may be distressing, impact adversely on the mental health of those with mental health problems, and lead to omissions and inaccuracies** which may result in inappropriate discrediting of their protection claims.¹² For psychiatrists involved in conducting medico-legal assessments as independent

expert witnesses, such environments are unsuitable for the specialist psychiatric assessments that may be required as part of the asylum claim. The environment would not be conducive for these to be undertaken in the ideal manner¹³, and may impact conclusions drawn. Full disclosure of trauma histories requires time, an environment of safety and trust; and survivors of torture and persecution often have difficulties with trusting authority figures, and feel ashamed, meaning that disclosure is a gradual process.^{14,15} Avoidance of thinking or speaking about trauma is a key feature of PTSD, and memory and recall are also affected by trauma. Any accelerated process, and in such conditions, would disadvantage the most vulnerable, and may lead to incomplete or inaccurate information, for both legal and clinical purposes. It is anticipated that people would encounter difficulties with accessing specialist legal representation, and this may also impact the nature and quality of instructions received by doctors, and thereby the benefit and value of reports provided.

3 – Overall impact on mental health of asylum seekers, and specifically children and young people

As a whole, it is likely that the proposed changes will adversely impact the mental health of a group of people with pre-existing vulnerabilities and complex needs. Such people are already more likely to experience discrimination and face barriers to accessing suitable mental healthcare services in a timely and appropriate manner. Together this would lead to an increase in morbidity across all settings.

The proposed changes in relation to children and young people are especially concerning and will adversely impact their mental health and wellbeing. These include the absence of details of the process and scientific methods for age assessments, (introduced in new clauses 48 – 56 by the Government in Part 4 of the Bill) and raise safeguarding concerns such as children being treated as adults, being detained, inappropriately supervised, or being accommodated in unsuitable accommodation with adults. Age assessments for vulnerable young people require a safe and holistic, multi-agency assessment that recognises the importance of developmental age as well as chronological age, and the specific needs of vulnerable young people. Childhood and adolescence are formative periods of development, which determine longer term mental health outcomes.

Children and young people with mental health problems, particularly those separated from their families, are vulnerable and require specialist mental health assessment and support. Asylum seeking young people have high rates of self-harm, and there are already significant concerns regarding the high numbers of suicides in young people seeking asylum.^{16,17}

4 – Implications for psychiatrists

For psychiatrists, the proposed changes, insofar as they reflect a divergence from international law and enforce arbitrary and non-clinical categorisation of patients, may conflict with the fundamentals of medical ethics and good medical practice, which assert that the care of patients must be the first concern of doctors. Similar concerns have already been raised in the context of healthcare charges, which has had both direct and indirect adverse mental health impacts for those affected.¹⁸

With consultant vacancies overall in the UK running at around 10 per cent¹⁹ for many years, recruitment and retention of psychiatrists remains a major concern in commissioning and providing mental health services, let alone delivering upon aspirations within long term strategy for mental health. More than ever, we need to think practically and creatively about how we can recruit and support the psychiatric workforce that is needed – and to take a holistic approach to support and retain our existing mental health workforce. Members of the Royal College have raised concerns that the perceptions of this Bill will potentially undermine international recruitment and cause unease amongst international colleagues already making vital contributions to our health and care services.

¹ Fazel, M., Wheeler, J., & Danesh, J. (2005). Prevalence of serious mental disorder in 7,000 refugees resettled in Western countries: A systematic review. *The Lancet*, 365, 1309–1314.

² Pollard T and Howard N. (2021) Mental healthcare for asylum-seekers and refugees residing in the United Kingdom: a scoping review of policies, barriers, and enablers *Int J Ment Health Syst* 15:60

³ Campos-Matos I, Stannard J, de Sousa E, O'Connor R, Newton JN. (2019) From health for all to leaving no-one behind: public health agencies, inclusion health, and health inequalities. *The Lancet Public Health*. Dec 1;4(12):e601-3.

⁴ Bates E. (2019) Safe surgeries: how Doctors of the World are helping migrants access healthcare. *BMJ*. 364: 88.

⁵ Walker S, von Werthern M, Brady F and Katona C. (2020). Mental health of forced migrants recently granted leave to remain in the United Kingdom, *International Journal of Social Psychiatry*, 67: 2, 188-196

⁶ Von Werthern, M., Robjant, K., Chui, Z. et al. The impact of immigration detention on mental health: a systematic review. *BMC Psychiatry*. 18, 382 (2018).

⁷ Royal College of Psychiatrists (2021). *Position Statement on Detention of People with Mental Disorders in Immigration Removal Centres*. Royal College of Psychiatrists. Available from: https://www.rcpsych.ac.uk/docs/default-source/improving-care/better-mh-policy/position-statements/position-statement-ps02-21---detention-of-people-with-mental-disorders-in-immigration-removal-centres---2021.pdf?sfvrsn=58f7a29e_4

⁸ Bosworth M. *Mental Health in Immigration Detention: A Literature Review*. Review into the Welfare in Detention of Vulnerable Persons, Cm 9186. Criminal Justice, Borders and Citizenship Research Paper No. 2732892. London: HSMO. 2016. Available at SSRN: <https://ssrn.com/abstract=2732892>.

⁹ Von Werthern, M., Robjant, K., Chui, Z. et al. The impact of immigration detention on mental health: a systematic review. *BMC Psychiatry*. 18, 382 (2018).

¹⁰ Helen Bamber Foundation, Freedom from Torture, Doctors of the World and Forrest Medico-Legal Services. (2021) *Submission to the Home Affairs Select Committee on Asylum Accommodation: clinical harm caused by the use of barracks as housing for asylum seekers*

¹¹ Taylor D. (2021) More than 50 died in Home Office asylum seeker accommodation in past five years. *The Guardian*. Available at: <https://www.theguardian.com/uk-news/2021/jul/25/more-than-50-died-in-home-office-asylum-seeker-accommodation-in-last-five-years>

¹² Herlihy, J., Jobson, L. and Turner, S. (2012). Just Tell Us What Happened to You: Autobiographical Memory and Seeking Asylum. *Applied Cognitive Psychology* 26 661–676

¹³ RCPsych. (2015). Psychiatric reports: preparation and use in cases involving asylum, removal from the UK or immigration detention. Available from: https://www.rcpsych.ac.uk/docs/default-source/improving-care/better-mh-policy/college-reports/college-report-cr199.pdf?sfvrsn=5e1642a2_2

¹⁴ Herlihy J, Turner SW (2007) Asylum claims and memory of trauma: sharing our knowledge. British Journal of Psychiatry, 191: 3–4.

¹⁵ Bögner D, Herlihy J, Brewin CR (2007) Impact of sexual violence on disclosure during Home Office interviews. British Journal of Psychiatry, 191: 75–81.

¹⁶ Doctors Without Borders (2018). MSF Pulse: Suicide attempts and self-harming among child refugees in Moria, Greece. Available from: <https://www.doctorswithoutborders.ca/article/msf-pulse-suicide-attempts-and-self-harming-among-child-refugees-moria-greece>

¹⁷ Taylor D. (2021). Charities raise alarm over suicides of young asylum seekers in UK. The Guardian. Available from: <https://www.theguardian.com/uk-news/2021/jul/19/charities-raise-alarm-suicides-young-asylum-seekers-uk>

¹⁸ Jayanetti, C. (2021) NHS trust apologises over trauma caused by charging 'overseas' patients. The Guardian. Available from: <https://www.theguardian.com/uk-news/2021/jul/11/nhs-trust-apologises-over-trauma-caused-by-charging-overseas-patients>

¹⁹ Royal College of Psychiatrists Workforce Census 2021, December 2021



28 January 2022

Legislative Consent Memorandum for the Nationality and Borders Bill

RCP Cymru Wales response

Name of organisation: Royal College of Physicians (RCP) Cymru Wales

Lead contact:

Contact details:

While the Royal College of Physicians (RCP) represents medical specialties that mainly treat adults, we have taken advice from our colleagues at the Royal College of Paediatrics and the Royal College of Psychiatrists to inform our response.

We strongly support their view that healthcare professionals should not be using age assessment techniques on Unaccompanied Asylum Seeker Children and we endorse the following position statements from the Royal College of Paediatrics and Child Health, the British Society for Paediatric Endocrinology and Diabetes and the Royal College of Psychiatrists Wales. We are also concerned that proposals for a compulsory medical exam contravene Article 16 of the [United Nations Convention on the Rights of the Child](#), that is, a child's right to privacy:

'No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation. The child has the right to the protection of the law against such interference or attacks.'

[Refugee and unaccompanied asylum-seeking children and young people - guidance for paediatricians](#) (RCPCH)

'It is not possible to accurately assess a child's age based on physical examination or bone age assessment. It is therefore important for paediatricians, when contacted, to explain to social workers that dental x-rays, bone age and genital examination will currently not add any further information to the assessment process.'

[Position statement on paediatric age assessment \(reviewed in 2020\)](#) (BSPED)

'It is not possible to accurately assess a child's age based on physical examination or bone age assessment. Children and young people mature at very different rates and an examination can only demonstrate the stage of physical development that child is at, on that day. For example, an

11 year old girl who had an early puberty and has started her periods will be physically indistinguishable from a 15 year old girl who is at the same stage of puberty.

'The converse is also true – it is not possible to physically differentiate a young person who has delayed puberty from a younger child who is at the same pubertal stage. Bone age X rays will only report the degree of maturity of the bones, which is highly dependent on the child or young person's pubertal stage and physical development. For the same reasons as given above, they cannot be used to accurately age a child or young person. For these reasons, we do not support the use of physical examination or bone age X ray assessment as tools for age assessment in children and young people.'

Position statement on the Nationality & Borders Bill (RCPsych Wales)

'The role of the social determinants of health, particularly among asylum seekers who are disproportionately vulnerable to social inequalities such as unstable housing and poverty, and separation from families and communities should be recognised ... It is likely that the proposed changes will adversely impact the mental health of a group of people with pre-existing vulnerabilities and complex needs. Such people are already more likely to experience discrimination and face barriers to accessing suitable mental healthcare services in a timely and appropriate manner.'

About the RCP

Through our work with patients and doctors, the Royal College of Physicians (RCP) is working to achieve real change across the health and social care sector in Wales. Our 40,000 members worldwide (including 1,450 in Wales) work in hospitals and the community across 30 different clinical specialties, diagnosing and treating millions of patients with a huge range of medical conditions. We campaign for improvements to healthcare, medical education and public health.

We organise high-quality conferences and teaching. Our work with the Society of Physicians in Wales showcases best practice through poster competitions and trainee awards. We work directly with NHS bodies, we carry out hospital visits, and we collaborate with other organisations to raise awareness of public health challenges.

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24 January 2022

Legislative Consent Memorandum for the Nationality and Borders Bill

BMA Cymru Wales response

Dear Russell, Jayne

Many thanks for the letter inviting BMA Cymru Wales to comment on the Legislative Consent Memorandum for the Nationality and Borders Bill.

Due to the rather tight timescale for response in order to meet the Senedd Business Committee deadline, we are unable to give full detailed consideration to the questions posed.

However, as an Association we have been active in lobbying MPs and Peers to convey our views on the Bill as it progresses through Westminster. Our views on the bill are summarised in Annex A, which is a recent briefing paper provided to members of the House of Lords¹.

Hopefully, this information will be sufficient to inform the work of the Health and Social Care and Children, Young People and Education Committees in considering this Bill.

BMA Cymru Wales

¹ Briefing also available online at: <https://www.bma.org.uk/media/4935/bma-briefing-nationality-and-borders-bill-second-reading-house-of-lords-22-dec-21.pdf>

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Nationality and Borders Bill

House of Lords, Second Reading

5 January 2021

About the BMA

The BMA is a professional association and trade union representing and negotiating on behalf of all doctors and medical students in the UK. It is a leading voice advocating for outstanding health care and a healthy population. It is an association providing members with excellent individual services and support throughout their lives.

Key points

- **The BMA calls on peers to oppose Clause 11 of the Bill**, which would create a two-tier system for asylum seekers based on their mode of travel to the UK. The policy creates unnecessary barriers for enabling refugees, including health care professionals, to contribute to British society and risks leaving individuals vulnerable to exploitation and trafficking.¹
- **The BMA has significant concern over proposals relating to accommodation centres in Clause 12 of the Bill**. The proposals would expand the use of accommodation schemes, such as the use of military facilities and hostel-style accommodation, that have been proven to have a detrimental impact on mental and physical health.² We urge peers to support amendments that would scrap the expansion of institutional accommodation schemes, and ensure asylum seekers are housed in humane conditions with accessible healthcare.
- **The BMA calls on peers to oppose proposals for offshoring in the Bill**. We supported Conservative MP David Davis' amendment at Report Stage that would have done this. International examples of offshoring have been found to contribute towards health problems, limit access to medical care and have been declared "unlawful" by the International Criminal Court's Prosecutor. We set out our concerns over both offshoring and the expansion of institutional accommodation centres in a [joint letter](#) to the Home Secretary highlighting the significant negative health implications of such measures.
- **The BMA also calls on peers to oppose Clause 9 of the Bill**, which would enable the Secretary of State to deprive UK nationals of citizenship without notice. Citizenship is a right not a privilege and we see the clause as a breach of a fundamental principle of the rule of law. As a minimum, individuals must be given notice of a decision before their rights are adversely affected.
- **The BMA has serious concerns about the Bill's potential for ionising radiation to be used for assessing the age of asylum seekers**. Our concerns were raised by MPs in relation to the provisions on 'scientific methods' in Clause 51 [previously 'New Clause 32']. We urge peers to restate the BMA's concerns and probe the intention behind this clause further, in particular the extent to which Clause 51's safeguards would address the BMA's ethical concerns given that, as we understand it, the Bill facilitates the use of scientific methods that need not be set out in regulations (and, therefore, would be out of scope for such safeguards).

¹ The Guardian (May 2021) ['We thank your government for our full pockets' – Calais smugglers speak](#)

² The Red Cross (2021) [Far from a home: Why asylum support accommodation needs reform](#)

Clause 11 – Differential treatment of refugees

The BMA has significant concern over Clause 11 of the Nationality and Borders Bill which would create a two-tier system for asylum seekers based on their mode of arrival to the UK. Those who arrive by a means other than via a resettlement programme risk having their claim dismissed or being given temporary asylum status with significant restrictions on family life and financial support. Under the proposals, the Home Office will attempt to remove them to another safe country and they could face criminal charges and a four-year prison sentence for 'entering illegally'.

Whilst we do not know what proportion of refugee health and care professionals arrive to the UK via irregular means, the Bill creates unnecessary barriers for enabling refugees to contribute to British society and risks leaving individuals vulnerable to exploitation and trafficking.³

Many of the refugees who thrive in our communities today, such as Dr Waheed Arian, now an NHS doctor who fled forced conscription to the Taliban as a child and made an irregular journey, would be potentially expelled under the provisions in the Bill, instead of offered the protection and opportunity this country has historically provided.⁴

The BMA supports the development of a single, fair, humane and effective refugee system, in keeping with our obligations under international humanitarian and human rights law, including rights to necessary and appropriate health care irrespective of an individual's route into the UK.

Health implications of temporary status

Under the Bill, refugees who arrive in the UK by an irregular route would only be eligible to receive a new form or temporary protection, which would be valid for 30 months. People holding this status would have limited rights to settlement in the UK and to reunification with family who remain overseas. Those with temporary protection status would also be under No Recourse to Public Funds (NRPF) conditions. Evidence shows that individuals under NRPF conditions are prevented from receiving adequate income and housing,⁵ which can force families into destitution, further exacerbating health inequalities in the UK.

Extended periods of uncertainty faced by asylum seekers in the UK and the NRPF condition already contribute to poor health.⁶ Increasing the uncertainty under which people who have fled violence and trauma live will only increase their psychological distress, with the potential to create or compound underlying physical conditions linked to chronic stress, anxiety and depression.⁷ Clinicians who care for refugees and asylum seekers also sight concern about family members left behind as a substantial source of poor mental health, and reducing the already limited rights of refugees in this regard would be detrimental.⁸

The addition of a temporary protection status for some refugees will also exacerbate existing complexity over entitlement to NHS care in the UK and risks deepening exclusion from healthcare for vulnerable groups.

Although refugees and asylum seekers are entitled to free care on the NHS, the system is complex and asylum seekers can move in and out of entitlement depending on the status of their claim or appeal, their

³ The Guardian (May 2021) [‘We thank your government for our full pockets’ – Calais smugglers speak](#)

⁴ Politics Home (July 2021) [‘Under the Nationality and Borders Bill I could not become an NHS doctor’](#)

⁵ Doctors of the World, *‘A Rapid Needs Assessment of Excluded People in England During the 2020 COVID-19 Pandemic’*, (2020); The Joint Council for the Welfare of Immigrants, *‘Migrants with No Recourse to Public Funds’ Experiences During the COVID-19 Pandemic* (2021).

⁶ Haroon, S. (2008) *‘The Health Care Needs of Asylum Seekers’*, Faculty of Public Health, Briefing Statement; Scottish Refugee Council (2013) [In Search of Normality, Refugee Integration in Scotland](#)

⁷ British Red Cross (2017) [Can't stay. Can't go. Refused asylum seekers who cannot be returned](#)

⁸ All Party Parliamentary Group on Refugees (2017) [Refugees welcome? The experience of new refugees in the UK](#)

Annex A

degree of vulnerability and whether they have dependent children under 18.⁹ As a consequence, many experience blockages when registering with a GP or face being incorrectly denied/charged for secondary care due to confusion over their entitlement.¹⁰ A survey of BMA members found that 55% of doctors who work with refugees and asylum seekers were frequently or sometimes uncertain about their entitlement to care.¹¹

Some refused asylum seekers with NRPF may be eligible to receive treatment for certain conditions free of charge, or receive local authority support where there is a medical need. Doctors play a key role in identifying these cases and advocating on behalf of particularly vulnerable individuals. However, the excessive complexity of the current system of NHS entitlements and charging deters appropriate use of the healthcare system, wastes the valuable time of medical professionals and has a detrimental impact on individual and public health.¹²

The BMA urges peers to oppose Clause 11 and instead support the development of a single, fair, humane and effective refugee system, in keeping with our obligations under international humanitarian and human rights law.

Clause 12 - Accommodation for asylum seekers etc.

In December, the BMA joined other healthcare organisations in writing a [joint letter](#) to the Home Secretary raising concern over the health implications of the Bill, particularly in relation to offshoring and expanding institutional accommodation centres.

Clause 12 would give Government powers to expand asylum accommodation schemes, such as the use of military facilities¹³ and hostels, that have a detrimental impact on physical and mental health. A British Red Cross investigation found that unsuitable and poor facilities were having a severe impact on the wellbeing of asylum seekers, including children.¹⁴

People housed in asylum accommodation are generally not registered with a GP, and therefore face significant challenges in accessing appropriate healthcare, particularly for more complex mental and physical health conditions.¹⁵ People who are not registered with a GP and do not have an NHS number are also unable to access Covid-19 vaccines through regular channels, making them largely dependent on outreach and walk-in clinics, which poses a challenge for timely follow-up and identification of those who need additional doses as a result of clinical vulnerability.

Where people living in asylum accommodation are able to register with a local GP practice, this can place a significant burden on local health services as practices may need to register and provide care for a large number of patients, often with complex health issues,¹⁶ in a short period of time. Given this, and in the context of NHS services facing enormous pressure due to the ongoing pandemic and unprecedented backlog

⁹ Asylum support appeals project (2016) [Section 4 support](#)

¹⁰ The Equality and Human Rights Commission (2018) [The lived experiences of access to healthcare for people seeking and refused asylum](#)

¹¹ BMA (2019) [Refugee and asylum seeker patient health toolkit](#)

¹² BMA (2018) [Delayed, deterred, and distressed: The impact of NHS overseas charging regulations on patients and the doctors who care for them](#)

¹³ The use of Napier barracks in Kent to accommodate over 400 asylum seekers as been described as a 'prototype' for the mass reception accommodation set out in the Bill - [Home Office letter re: Extension of Home Office's tenure of the Napier Barracks](#), 27 August 2021.

¹⁴ The Red Cross (2021) [Far from a home: Why asylum support accommodation needs reform](#)

¹⁵ Written evidence submitted to Home Affairs Committee by Doctors of the World UK, the Helen Bamber Foundation, Forrest Medico-Legal Services and Freedom from Torture, available at <https://committees.parliament.uk/writtenevidence/22982/html/>

¹⁶ Maternity Action and Refugee Council (2013) [When maternity Doesn't matter: dispersing pregnant women seeking asylum](#); Aspinall, P. (2014) [Hidden Needs, Identifying Key Vulnerable Groups in Data Collections: Vulnerable Migrants, Gypsies and Travellers, Homeless People, and Sex Workers](#)

Annex A

of care, the scale of planned new reception centres intended to house thousands of people is deeply concerning.

The BMA has previously [written](#) to the Home Secretary and Health Secretary calling for an end to the use of institutional accommodation to house asylum seekers. In June 2021, a High Court judgment in a case brought by six asylum seekers who had been housed in the Napier Barracks in Kent found inadequate health and safety conditions, a failure to screen victims of trafficking and other vulnerabilities, and false imprisonment of residents.¹⁷ Evidence presented to the court showed the Home Office continued to house people at the barracks against advice from Public Health England. A Covid outbreak was found by the court to be “inevitable” and did in fact occur in January 2021, with nearly 200 people testing positive

The BMA urges peers to support amendments to the Bill that would scrap the use of MoD facilities for housing asylum seekers, and that would ensure asylum seekers are housed in humane conditions with accessible healthcare.

Clause 28 and Schedule 3 – Removal of asylum seeker to safe country

The BMA is strongly opposed to Government proposals to send people seeking asylum in the UK abroad while their claims are being considered.

The use of offshoring has previously led to asylum seekers being accommodated in countries where they are unable to access medical care they may need and has had a detrimental impact on the mental health of asylum seekers effected. This is evident in problems created by Australia’s offshoring of asylum seekers to countries like Manus Island in Papua New Guinea, which the UN has declared “violates the convention against torture” and the ICC prosecutor has described “unlawful”.¹⁸

The BMA strongly calls on peers to oppose the implementation of offshoring as set out within the Bill.

Clause 9 - Notice of decision to deprive a person of citizenship

The BMA opposes the inclusion of a clause to retrospectively deprive somebody of their citizenship with particular concern that this could be achieved without notice. This clause would apply to those with a tie to another country and disproportionately impact those of migrant heritage. We know the Windrush scandal placed a huge strain on the health and wellbeing of those affected and their families and we would not wish to see it repeated. The knowledge citizenship could even be revoked without any warning will inevitably lead to stress and anxiety amongst a community that is already vulnerable.

Citizenship is a right not a privilege and we see the clause as a breach of a fundamental principle of the rule of law. As a minimum, individuals must be given notice of a decision before their rights are adversely affected.

Despite considerable concern over the proposals raised at Report Stage by both sides of the House, proposals to deprive people of citizenship without notice have not been amended. The BMA urges peers to rectify this and support amendments that would remove Clause 9 from the Bill.

Clause 51 – use of ionising radiation for age assessment

The BMA has serious concerns about the use of ionising radiation for the age assessment of asylum seekers, which MPs highlighted to the Government at the Bill’s Committee Stage¹⁹. Regrettably, our concerns were not

¹⁷ Royal Courts of Justice (June 2021) [Nappier Barracks judgement](#)

¹⁸ The Guardian (October 2021) ‘[Australia to end offshoring in Papua New Guinea](#)’

¹⁹ MPs raising our concerns at the Bill’s Committee Stage can be read here (2 Nov 2021): <https://bit.ly/3FHw6Jh>

Annex A

allayed during these debates on the Bill. Our understanding is that the Government confirmed that it intends²⁰ to keep ionising radiation open as an option for verifying the age of asylum seekers - whether through:

- methods to be specified in regulations under ‘imaging technology’ in new clause 51; or
- a “pre-existing legal position that scientific methods not specified by the Secretary of State under subsection (1) of NC32 [now Clause 51] may continue to be used”,²¹ preserved by Clause 51(9) of this Bill.

The use of ionising radiation for age assessment involves direct harms without any medical benefit to the individual and, as such, we do not believe it would be appropriate to expect doctors to participate in such a practice.

Safeguards

The Government has stated that the safeguards outlined in Clause 51 are to assuage “ethical concerns about the use of certain scientific methods”²², such as our concerns about using ionising radiation to assess an asylum seeker’s age. Yet, the Government has also made clear²³ that there will be some scientific methods for age assessment that fall outside of Clause 51’s safeguards as the Bill seeks to preserve a “pre-existing legal position” for decision-makers to use methods of age assessment that are not specified in regulations under this Bill.

Consequently, we do not see how the safeguards in Clause 51 address ethical concerns from the BMA and others if, for example, the requirement on the Secretary of State to seek scientific advice (Clause 51(3)) does not consistently apply to any, and all, uses of scientific methods for assessing the age of an asylum seeker.

The focus of Clause 51 seems to be about the creation of a new category of scientific methods for age assessment that cannot be reasonably rejected without “damaging the age-disputed person’s credibility”²⁴; it appears that safeguards are only considered under this lens.

December 2021

For further information on the BMA’s position on Clause 51, please contact:

For further information on the BMA’s view on other aspects of the Bill, please contact:

²⁰ The Government’s response to concerns from the BMA and others can be read here (2 Nov 2021): <https://bit.ly/3rOnd9t>

²¹ Letter from the Government to the Public Bill Committee, further to concerns raised about New Clause 32 - now known as Clause 51 - can be read here (4 Nov 2021): <https://bit.ly/3DH7akx>

²² At Committee Stage, Craig Whittaker MP, Government Whip, said: “We are aware there are ethical concerns around the use of certain scientific methods for age assessment, which is why new clause 32 [now clause 51] includes a number of changes to the Bill to ensure proper safeguards are in place for those who are asked to undergo a scientific age assessment” (2 Nov 2021), available at: <https://bit.ly/2ZcX2AR>

²³ Letter from the Government to the Public Bill Committee, further to concerns raised about New Clause 32 - now known as Clause 51 (4 Nov 2021) - can be read here: <https://bit.ly/3DH7akx>

²⁴ See subsection (7) of Clause 51, available at: <https://publications.parliament.uk/pa/bills/cbill/58-02/0187/210187v1.pdf>



Consultation Response

Health and Social Care and Children, Young People and Education Committees' scrutiny of the Legislative Consent Memorandum ('the LCM') on the Nationality and Borders Bill

27 January 2022

About The Fostering Network

The Fostering Network is the UK's leading fostering charity. We are the essential network for fostering, bringing together everyone who is involved in foster care. We support foster carers to help transform children's lives and we work with fostering services and the wider sector to develop and share best practice. We work to ensure all children and young people in foster care experience stable family life and we are passionate about the difference foster care makes. We champion fostering and seek to create vital change so that foster care is the very best it can be.

The Fostering Network's response

Owing to the short timescale for responses to this consultation, we are not in a position to answer all questions.

However, our views for your consideration are as follows:

- **The establishment of a National Age Assessment Board (NAAB) and the making of Regulations by the Secretary of State in respect of procedures to be followed in the age assessment process**

The Fostering Network understands that the NAAB is to be an England-only body. Limited information is provided about the constitution and functions of the NAAB. The full devolvement of social services functions to Wales appears not to have been considered, in that there are no specific proposals about the representation of Wales. We would hope that these factors are addressed to ensure alignment with Welsh social services powers and UNCRC legislative requirements.

- **Our view on whether the proposals will undermine compliance with the UN Convention on the Rights of the Child to act in the best interests of children.**

When the 2014 Act brought into Welsh domestic law compliance with the UNCRC, Welsh Ministers were clear in their Senedd election manifesto that they will ‘continue to uphold the rights and entitlements of unaccompanied asylum-seeking children’

The ‘child first, migrant second’ which upholds the best interests, rights and entitlements approach to providing care and support to children in Wales must be upheld. Any policy proposal which appears to diminish this statutory position is not one which we would support.

The safety and best interests of asylum-seeking children must be at the heart of any reforms.

- **The extent to which it could undermine the requirements placed on Welsh local authorities, set out in the Social Services and Wellbeing (Wales) Act 2014, which determines whether children have care and support needs which need to be met?**

Local authorities, within children’s services strategic plans, should recognise these tensions and consider policies and procedures which ensure that unaccompanied young people have the same opportunities as any other care experienced young person. Social work with unaccompanied young people does not happen in isolation. Social workers and local authorities need to understand the impact of immigration control on young people they are looking after, and ensure this is acknowledged and addressed at both practice and strategic levels.

There is a role for Welsh Government in developing policy and good practice guidelines to address tensions between immigration legislation and policy, and child welfare legislation and policy. It is essential that these are developed further, along with opportunities for learning and development. We would also raise the need for greater investment to ensure sufficiency of placements and staff in children’s services. This will support services in Wales to fulfil the functions set out in SSWBA 2014 and ensure that every child in receipt of ‘corporate parenting’ thrives and fulfils their potential.

- **The use of use of ‘scientific methods’ to determine age**

Determining the age of an unaccompanied child is extremely important as it governs a child’s access to education and support. It also affects the way in which their asylum claim is processed and, in turn, can be the decisive factor in a claim for asylum. The Fostering Network believes that age is central to each child’s and young person’s identity. However, the proposed age assessment process can be traumatic and damaging for children whose age is challenged. We are of the view that age assessments should only be carried out where there is significant reason to doubt the child’s or young person’s age.

Age determination cannot be regarded an exact science to determine an individual's fate - the margin of error can sometimes be as much as five years either side, especially around the time of puberty - and, at best, scientific methods can only be regard as an estimate. There is no single reliable method for making precise estimates, and no conclusive medical test. We question there is a 'scientific' test that will tell precisely the age of individuals claiming to be children.

Ongoing commitment from The Fostering Network

The Fostering Network in Wales has developed [resources](#) and training to help support the ongoing commitment from Welsh Government to fulfil the aspiration that all unaccompanied asylum-seeking children (UASC) have access to the care, services and support that they need.

We will continue to support and offer further bespoke and responsive consultancy-based services and interventions as Welsh Government develops its UASC strategy.

The Fostering Network would welcome further dialogue on the issues raised in this consultation and will continue to play a key role in the capacity to support the needs of unaccompanied asylum-seeking children and young people.

For more information, please contact:

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CYPE(6)-06-22 - Paper to note 27

Russell George MS

Chair, Health and Social Care Committee

Jayne Bryant MS

Chair, Children, Young People and Education Committee

Welsh Parliament

Cardiff Bay

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gwasaanaeth eiriolaeth
ieuenctid cenedlaethol

national youth
advocacy service

27 January 2022

Nationality and Borders Bill – NYAS Cymru letter to Committee Chairs

Dear Russell and Jayne,

To inform the Health and Social Care and Children, Young People and Education Committees' scrutiny of the Legislative Consent Memorandum ("the LCM") on the Nationality and Borders Bill ("the Bill"), please see below NYAS Cymru's views on the matters listed in your communication requesting organisational responses.

Overall views

1. Your overall views on part 4 of the Nationality and Borders Bill which involves the age assessment of Unaccompanied Asylum Seeker Children, and includes:
 - a. the establishment of a National Age Assessment Board
 - b. the making of Regulations by the Secretary of State in respect of procedures to be followed in the age assessment process
 - c. the use of scientific methods to establish age; and proposals to reform appeals arrangements.

At NYAS Cymru we work to protect, support, empower and safeguard every child and young person who we come into contact with. We support the commitments of Welsh Government in the current Refugee and Asylum Seeker Plan, and have worked constructively through our '[Place of Safety?](#)' campaign to improve the 'asylum journey' for unaccompanied asylum-seeking children in Wales. NYAS Cymru currently provide both independent advocacy and "Independent Persons" for children and young people to uphold their rights and entitlements during age assessment processes. This role will become even more critical throughout Wales with the implementation of this Bill and guidance will need to be produced on the processes and rights of the individual.

The Nationality and Borders Bill currently says that an 'age disputed person' is a person who the Secretary of State, public authorities, and local authorities have insufficient evidence to be sure of their age. This places the burden of proof on a child to prove that they are under 18. NYAS Cymru feel this presumption should be reversed. Instead, an 'age disputed

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person' should be where an authority or the Secretary of State or an authority has significant doubt about the child's age.

NYAS Cymru has significant concerns regarding the accompanying policy proposal of a National Age Assessment Board (NAAB), see response to Q2 and Q3, as well as the use of "scientific methods" to determine age, see response to Q5 in particular.

Impact on areas of devolved competence

2. To what extent the proposals set out in the Bill could undermine the Senedd's devolved responsibilities by requiring referral of age-disputed children to other decision-makers, including the establishment of a National Age Assessment Board?

In broad terms, the Bill taken risks undermining the compassion that Welsh Government have committed to, for Wales to be a nation of sanctuary for all asylum-seeking people.

A specific impact is that the proposed NAAB will be able to overrule a local authority age assessment and carry out their own if required to by the Secretary of State or a designated person on their behalf, rather than just act in a supportive or advisory capacity to local authorities. We share the concerns of the [British Association of Social Workers](#) (BASW) that age assessments could be used as a political tool by the UK Government to order age assessments on persons who have attracted media attention. NYAS Cymru is concerned at the lack of transparency and accountability of the NAAB, including to Welsh Government or Senedd Committees. Levels of independence from the Home Office in this process are also currently unclear.

3. To what extent it could undermine the requirements placed on Welsh local authorities set out in the Social Services and Wellbeing (Wales) Act 2014 which determines whether children have care and support needs which need to be met?

The powers set out in our response to Q2 could also be used to override professional judgement, undermining the responsibilities and duties of Welsh local authorities.

UN Convention on the Rights of the Child

4. Your views on whether the proposals will undermine compliance with the UN Convention on the Rights of the Child to act in the best interests of children.

The duty to act in the best interests of children certainly does not appear to be the foundation of this legislation. The risk that best interests are undermined becomes greater if decision-making is not child-centred. If inflexible processes are developed to mandate so-called 'scientific' methods to determine age or allow the Secretary of State to make sweeping determinations or policy changes, this risk becomes greater.

Article 22 of the UNCRC sets out that child refugees have the same rights as children born in the country they move to.

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In all actions concerning children, States should be guided by the overarching UNCRC principles of non-discrimination (Article 2); the best interests of the child (Article 3); the right to life, survival and development (Article 6); and the right of the child to express his or her views in all matters affecting him or her, and to have those views taken into account (Article 12).

NYAS Cymru are unaware of any attempt to involve children and young people in the development of this legislation, as would reflect Article 12, nor to enhance this right within any new processes or structures.

‘Scientific’ methods and assessments

5. Your views on the use of “scientific methods” to determine age.

NYAS Cymru has significant concerns about the vaguely termed “scientific methods” set out in the Bill to determine the age of people seeking asylum. We understand there is no known scientific method that can precisely determine age, and that the preference in Wales has always been for a multi-agency approach. “Scientific methods” can be very invasive and traumatic for the individual. This is especially true for those who have suffered torture, inhuman and degrading treatment before arriving in Wales. We support the [British Association of Social Workers](#) (BASW) position on this:

“We are opposed to the use of the term ‘scientific methods’ as a panacea for age assessments, and as a safeguard, we are calling for the requirement of the relevant professional body to approve the use of a ‘scientific method’ as a valid way to determine age assessment before it is used. We also do not agree that the Secretary of State should be able to determine appropriate ‘scientific methods’, and fear that this could result in methods around sexual maturity or other invasive, traumatic procedures.”

NYAS Cymru also wish to echo the recent recommendation of the UK Parliament’s [Joint Committee on Human Rights](#) (JCHR) on this point:

“The Government must ensure holistic assessments are undertaken and will not be able to rely upon scientific methods as a replacement for holistic assessments. The use of scientific methods as set out in any regulations in the future will need to be scrutinised to ensure that they do not breach the right to be free from inhuman and degrading treatment (Article 3 ECHR) and the right to privacy (Article 8 ECHR). If it is the case that scientific methods will not offer any greater accuracy than the current holistic methodology, the use of such methods may not constitute necessary and proportionate incursions of the right to privacy. Further, we suggest that where holistic assessments already exist as an alternative, it would not be in the best interests of the child to subject them to scientific procedures.”

Consent is required from the age disputed person before a “specified scientific method” is used, as long as they have capacity to give it. However, if the age disputed person should choose to refuse to consent, there appear to be no legal protections or principles that

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prevent their decision from negatively influencing the state's view of their asylum application or age assessment.

6. The anticipated implications for local authorities and the NHS who may be required to carry out "scientific" assessments of age.

Local authorities automatically assume a corporate parenting responsibility for unaccompanied asylum-seeking children, regardless of whether their age is disputed at that time. Potentially invasive or traumatic procedures are not compatible with the role of a corporate parent. A similar conflict exists for NHS colleagues, and NYAS Cymru has been campaigning for a 'do no harm' principle that extends across agencies to recognise and reduce the likelihood of traumatising or retraumatising young people with certain policies and decision-making.

Implications for mental health and community cohesion

7. The potential mental health impact for those who are age-disputed.

NYAS Cymru worked closely with Welsh Government last year on our call for unaccompanied asylum-seeking children to be provided with clear summaries in their first language as to the mental health and wellbeing offer in Wales, including how to access that support.

Our concern is if this new legislation negatively affects unaccompanied asylum-seeking children's mental health, which is more likely if it includes so-called "scientific methods and assessments", then signposting to mental health services afterwards appears to contradict the stated aims of early intervention and prevention in local authorities and the NHS.

8. To what extent the proposals would undermine community cohesion in Wales.

Any legislation or policy that publicly emphasises an institutional lack of trust between governments and asylum-seeking children could undermine community cohesion. The UK Government messaging around the Nationality and Borders Bill has often contradicted the attempts in Wales to be inclusive and welcoming as a 'nation of sanctuary'.

Best regards,

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NYAS Cymru

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CYPE(6)-06-22 - Paper to note 28

PHW response to Overall views

Your overall views on part 4 of the Nationality and Borders Bill which involves the age assessment of Unaccompanied Asylum Seeker Children, and includes:

- a. the establishment of a National Age Assessment Board
- b. the making of Regulations by the Secretary of State in respect of procedures to be followed in the age assessment process
- c. the use of scientific methods to establish age; and proposals to reform appeals arrangements.

Public Health Wales supports the ambition of Wales working towards being a Nation of Sanctuary. As such we have concerns about the impact of the Bill on the competence of Welsh Government and partners to implement policy that underpins that vision. Overall, the view of Public Health Wales is that all of these matters need extensive consultation with the Welsh Government, as set out in the memorandum as they may impact on Welsh legislative competence. In addition, to ensure that the process for age assessment does not adversely impact on the health and well-being of the age disputed person, it will be essential to consult with delivery partners in social services and the NHS on how this will work in practice. Engaging with people who have lived experience of the age assessment process would also add significant value, particularly with regards to the making of Regulations and procedures and methods to be used.

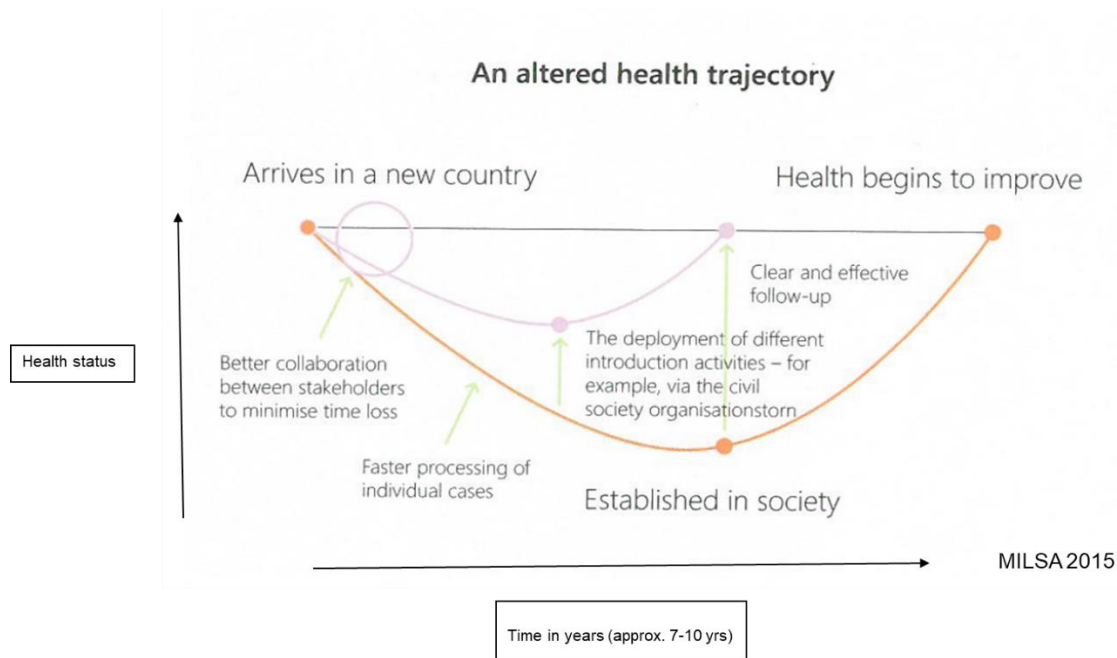
- a) By the very nature of the description, the proposal to establish a 'National Age Assessment Board' immediately suggests that there is either a lack of understanding of the fact that there are four nations of the United Kingdom, or that this is a national board for England only. We agree that however this is interpreted, there would need to be discussions as to how any England-only Board would engage with Wales and take into account the areas devolved to the Welsh Government that are fundamental to any assessment process (regardless of who undertakes it). This is in terms of both the assessment process and the impact of those decisions; namely, education, health, child and adult social services, amongst others. Decisions made by this Board may have an effect in Wales either at a) a legislative competence level, b) a local and regional governance level and c) practical application in Wales. It is entirely possible that a child assessed in England may come to Wales as part of the National Transfer Scheme for example. There would therefore need to be some form of agreement around the acceptance of a decision made in England and endorsed by an England-only Board, which would rely on acceptance of the procedures and methods undertaken. The establishment of this Board would need to involve and consult partners such as the Welsh Local Government Association, NHS Wales, Public Health Wales, third sector providers etc. The impact of not doing so carries the risk of establishing a different approach to the consideration of asylum applications in England and Wales, by definition of how age is assessed.
- b) It is not clear under what powers the Secretary of State would be able to make Regulations that may include areas that are devolved to Wales, namely Health, Local Government and Social Services. There would need to be a legislative process to work through this as identified in the memorandum. Given the UK Government proposals to include use of scientific methods to establish age, which is not based on robust evidence (see below), Public Health Wales would have reservations about the power to make Regulations reverting to UK Government.
- c) Public Health Wales will not support so-called 'scientific' methods to assess age until such a time that compelling evidence is available. Age assessment is an imprecise science and the

benefit of the doubt must be granted, especially if welfare and access to essential services is to depend on this. Those who have been subject to stress/trauma with natural high steroid responses to these may appear older as impact on ageing process is accelerated. We have previously advised that methods such as dental examination, bone density and other previously suggested methods of scientific evaluation are not underpinned by robust and scientific evidence to merit an intervention that would be supported by Welsh partners. The following guidance the Royal College of Paediatrics and Child Health should be heeded: 'The use of radiological assessment is extremely imprecise and can only give an estimate of within two years in either direction, and the use of ionising radiation for this purpose is inappropriate. The British Society for Paediatric Endocrinology and Diabetes are clear that it is not possible to accurately assess a child's age based on physical examination or bone age assessment. It is therefore important for paediatricians, when contacted, to explain to social workers that dental x-rays, bone age and genital examination will currently not add any further information to the assessment process. However, this may change in the future if there is new evidence.' ([RCPCH](#), 2021)

There is additional evidence from various sources about the inappropriateness of medical examination as part of age assessment in the Welsh Government's [Age Assessment Toolkit](#) (see more below).

We agree with the position in the Memorandum and in addition we would have significant concerns around any procedure that may, inadvertently or deliberately, 1) re-traumatise individuals who have already experienced significant adversity and trauma in their lives, 2) suggest that there is clarity around what is still an debated procedure for determining age in terms of the evidence base (notwithstanding the traumatic effect of the procedure itself) and 3) lead to practice that does not take into account the significant physical and mental impact that toxic stress and trauma can have on children and young people that may affect their physical appearance and their survival instinct. This may have helped them overcome trauma and accelerated emotional maturity, or the need to take on more adult roles which again may be perceived as an indicator of age rather than something that has taken their childhood from them.

It is essential that the age assessment process is efficient and effective, leading to a rapid and accurate decision so that the age disputed young person can begin the process of integration and settling into their new lives. Research from MILSA (2015) demonstrates the impact of collaboration between stakeholders to minimise time loss and the deployment of introduction activities in building an altered health trajectory; one which minimises the negative impact on health and speeds up the time it takes for health to start to improve as they establish themselves in society. These factors must be taken into account when considering changes to the appeals process.



Impact on areas of devolved competence

To what extent the proposals set out in the Bill could undermine the Senedd's Devolved responsibilities by requiring referral of age-disputed children to other decision-makers, including the establishment of a National Age Assessment Board?

There needs to be an urgent conversation between the UK and Welsh Government to determine where this Bill crosses into areas of devolved competence, around the expectations that may be placed on Welsh public servants, which may not be in the power of the UK government, and the interface with existing Welsh Government legislation; namely the Social Services and Wellbeing Act 2014, the Wellbeing of Future Generations Act 2015, and related legislation in regards to social care, homelessness and housing, children and adult mental health and safeguarding amongst others.

There also needs to be a clear understanding on the issue of the term 'National' and how that applies to the nation of Wales; which is separate to the nation of England.

To what extent it could undermine the requirements placed on Welsh local authorities set out in the Social Services and Wellbeing (Wales) Act 2014 which determines whether children have care and support needs which need to be met?

As above there needs to be an urgent conversation between UK and Welsh Government to determine legal competence issues. The SSWB Act 2014 is clear that the responsibility of the support and care for children and adults who seek sanctuary in Wales is the responsibility of Welsh Government, regardless of whether they are migrants, asylum seekers or refugees. The age assessment in Wales is currently carried out by Social Services who treat UASC in the same way as it would any looked after child, under the competence of the Act. It is supported by a toolkit developed with the Wales Strategic Migration Partnership, of which PHW is a member: [42834 Age Assessment Toolkit for UASC \(gov.wales\)](#) We believe that it is not in the competence of the UK Government to designate other bodies to do an assessment that would interfere with the Welsh Government competence in social care, as set out in the SSWB Act 2014, without consent. This would not change regardless of the method of identification of age.

As part of our commitment to the ambition of Wales being a Nation of Sanctuary, Public Health Wales is involved in discussion with government and partners around support in Wales for people with No Recourse to Public Funds. We see some synergy with the competence issues raised in this memorandum and suggest that there may be an opportunity to consider learning from both exercises together, in particular around strengthening awareness of what the SSWB Act 2014 already enables Welsh public services to do. We are concerned that the proposals set out for age assessment may increase the numbers of those who have No Recourse to Public Funds, as distrust in service becomes a barrier to accessing them as well as wider implication of the Bill as a whole. Our work on violence against migrant, refugee and asylum seeking women highlights the increased risk such an outcome for this group. [Uncharted Territory Review - World Health Organization Collaborating Centre On Investment for Health and Well-being \(phwwhocc.co.uk\)](#)

UN Convention on the Rights of the Child

Your views on whether the proposals will undermine compliance with the UN Convention on the Rights of the Child to act in the best interests of children.

Public Health Wales is committed to the child first, migration second approach in Wales. The approach outlined by UK Government does not seem to be in line with that commitment or the UNCRC, as set out in the Memorandum. There are various rights that may be threatened by the UK Government approach, some of which are enshrined in Welsh legislation. For example, the Social Services and Well-being Act imposes a specific duty requiring those exercising any function under the Act to have due regard to the UNCRC including Article 12 which affords children with the right to be listened to and participate in decisions affecting them. The UNCRC appears to be undermined by any proposal to include 'scientific' methods, as the Committee on the Rights of the Child confirmed in 2017 that: "States should refrain from using medical methods based on, inter alia, bone and dental exam analysis, which may be inaccurate, with wide margins of error, and can also be traumatic and lead to unnecessary legal processes" ([Age Assessment Toolkit](#), 2021).

'Scientific' methods and assessments

Your views on the use of use of "scientific methods" to determine age.

As above.

The anticipated implications for local authorities and the NHS who may be required to carry out "scientific" assessments of age.

In addition to concerns around the interplay between this Bill and existing legislation in Wales, notably the Social Services and Well-being Act, we are also concerned that requiring the NHS to carry out any element of age assessment would further increase the current issues around access to healthcare for this group. In particular, this would have major implications for the ability of unaccompanied asylum seeking children to develop a trusting relationship with healthcare providers. Trusting relationships between health professionals and patients are a key enabler of access to health. The [Health Experiences of Asylum Seekers and Refugees in Wales \(HEAR\)](#) report (PHW & Swansea University, 2019) found that challenges to building trust between health professionals and people seeking sanctuary included suspicion by patients that health professionals might contact immigration authorities. This will be entrenched if health professionals are part of an age assessment process overseen by the Home Office. Lack of trusting relationships will further encourage hesitancy in seeking healthcare or public health interventions such as vaccinations. The HEAR study also suggests that a compassionate, non-judgemental approach to providing care

supports people seeking sanctuary to access healthcare with potential to reduce health inequities. Involving the NHS in age assessments which by definition have an element of judgement, will be counterproductive in this regard.

Implications for mental health and community cohesion

The recent experience of the use of Penally camp in West Wales is an example of how divisive the issue of 'age' and legitimacy' can be, and how age assessment can exacerbate this in the community. By definition, those who come to Wales to seek sanctuary and claim asylum are entering the UK through so-called 'spontaneous' routes, which means there are uncertainties not just about age, but about identity and motivations for coming.

These uncertainties can translate into fear for some 'host' communities who already perceive the 'spontaneous route' as an abuse of UK protection, welfare system etc., while others perceive this group to be the most vulnerable, placing themselves at the most risk to seek sanctuary. This leads to a polarised set of views, that can manifest as we have seen in Penally, in the expression of extremist, racist views. In some cases this leads to distress and self-harm within an already traumatised group; and the infiltration of outside influences into small, close-knit and in this case rural communities that do not have the infrastructure to support unrest or disturbance of this nature. Many of the people who travel to the UK to seek asylum are single young men, and the continued focus on whether they are or are not deserving of compassion and support on account of their age is a damaging and dehumanising position that values the life of one person over another. This has implications for Public Health in terms of protecting and improving health at the population level and system leadership of health services who are trying to support and help all members of the community. Examples of this include requirements for police support to protect NHS staff and further strain on healthcare services as mental health declines.

There are also implications in terms of taking a perceived 'scientific view' of age assessment; that it therefore must be right and anyone who may have claimed to be a child would be seen as someone who has lied or tried to cheat their way to the UK. Our position is child first, migration second. So-called 'scientific' methods do not take into account cultural differences in understanding of the definitions of children and adult (but which often define adults at a much lower age for the purposes of marriage, for example).

Health and community cohesion are devolved matters in Wales, so we agree that consent may be required for anything that affects these areas as a result of the proposals within this Bill.

The potential mental health impact for those who are age-disputed.

The definition of a 'child' in terms of traumatised people is more complex than the day that they turn 18. Young people who have experienced significant trauma including witnessing and experiencing violence, parental separation, severe deprivation, exploitation etc. may also be suffering from mental a physical health issues. The transition from children to adult mental health services and the difference that mesa in terms of how they are treated and what services they access may not reflect that persons' social, emotional and educational attainment. Safeguarding concerns aside (of placing an adult in a child setting) it is simply not clear cut in terms of the experience of these young people to define some as a child one day and an adult the next. See the work of Sara Wood et al [ACES-in-Child-Refugee-and-Asylum-Seekers-Report-English-final.pdf](https://phwwhocc.co.uk/ACES-in-Child-Refugee-and-Asylum-Seekers-Report-English-final.pdf) (phwwhocc.co.uk)

Also there is learning from historical experience of the children of 1930s: [ACEs and the Child Refugees of the 1930s in the UK: History Informing the Future by ACESupportHub - Issuu](#)

Some age assessments carried out by the Home Office have been subject to dispute with some young people subsequently assessed to be minors. Further information about age disputes is available from the [Coram Children's Legal Centre](#). Inaccurate age assessment leads to a delay in the person being able to access the essential services that they need, which delays the integration process and has subsequent impacts on health and well-being. This has implications for the young person, but also on the resources of the NHS as the opportunity to avoid escalation and more resource-intensive intervention is required to protect and improve the mental health of those who are age-disputed. Although focused on adults seeking sanctuary, it is relevant to note that the *Health Experiences of Asylum Seekers and Refugees in Wales* study (PHW and Swansea University, 2019) found that some asylum seeking participants reported the stress of being an asylum seeker or refugee contributed to their poor physical and mental health; delays and disputes in the asylum process compound this.

To what extent the proposals would undermine community cohesion in Wales.

See above.



Ymateb i Ymgynghoriad / Consultation Response

Date / Dyddiad: 28th January 2022

Subject / Pwnc: Legislative Consent Memorandum: Nationality and Borders Bill

Background information about the Children's Commissioner for Wales

The Children's Commissioner for Wales' principal aim 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). The Commissioner's remit covers all areas of the devolved powers of the Senedd that 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. The Welsh Government has adopted the UNCRC as the basis of all policy making for children and young people and the Rights of Children and Young Persons (Wales) Measure 2011 places a duty on Welsh Ministers, in exercising their functions, to have 'due regard' to the UNCRC.

This response is not confidential.

Overall views

The proposals outlined in Part 4 of the Nationality and Borders Bill raise significant concerns. My apprehensions centre on the objective of the proposals to introduce the use of "scientific methods" to assess age, alongside wider concerns that it may increase the use of age assessments, even where there is no reason to doubt age (Clause 48). I believe this poses a risk to the rights of children under the United Nations Convention on the Rights of the Child (UNCRC) with the potential to cause distress and harm.

There are no tried and tested medical assessment models that I am aware of that would enable an accurate and swift age assessment as suggested in this Bill. Whilst the Bill states in Clause 51 that methods may involve "examining or measuring parts of a person's body, including by the use of imaging technology; or the analysis of saliva, cell or other samples taken from a person (including the analysis of DNA in the samples)", further clarity is needed as the procedures are not expressly defined and are subject to change at the discretion of the Secretary of State (Clause 52). This undermines the existing guidance already in place in [Wales](#), developed with a multi-disciplinary approach with professionals in the field. I would be very concerned by the introduction of invasive or intrusive physical or medical examinations for children and young people, particularly as there is no clear consensus or reliable methodology for this.

Further to this, the proposals to revise the age assessment process to make it more 'robust' also raises concern. It is unclear what the authority and role of the proposed National Age Assessment Board would be around this, what the background or expertise of members would be and what their influence would be in resulting policies and processes.

'Scientific' methods and assessments

Several different methods to determine age are used widely across Europe but to my understanding there is no common practice regarding procedure, with [criticism](#) regarding the lack of standardised protocol. [The Royal College of Paediatrics and Children's Health](#) have rejected the use of x-rays, dental records and genital assessments as being inaccurate in assessing age. Further to this, implementation of "scientific" assessments would be in contradiction of current [Welsh Government guidance](#) which states "the science

underpinning the determining of age is inconclusive, unclear and in any event, subjecting young people to invasive medical examinations is judged to be morally wrong".

[Analysis](#) highlights the inaccuracies of the assessment procedures that are used across Europe, which have been found to be especially inexact around the crucial age of 18, and, based on evidence gathered from white European/American populations, failing to differentiate for ethnic background. Notably, a Swedish case in 2019 involving analysis of wisdom teeth and knee joints, lead to conflicting conclusions on the young person's likely age. Ultimately, on appeal, with further examination and on production of some personal documents and a second medical opinion, it was determined that the young person was a minor. This case highlighted the controversial and mixed nature of the various medical approaches, and the unnecessary use of radiation when, as in this case, a variety of social evidence was able to establish age more reliably.

Where dental assessment is used, it is found that there is a variation of four years when considering ethnicity, which demonstrates the inaccuracy and need for understanding of differentiation in this process. In General Comment 24, the UN Committee on the Rights of the Child say that in situations where there is doubt as to a child's age: "States should refrain from using only medical methods based on, inter alia, bone and dental analysis, which is often inaccurate, due to wide margins of error, and can also be traumatic. The least invasive method of assessment should be applied. In the case of inconclusive evidence, the child or young person is to have the benefit of the doubt."

The leading case in the UK is the 'Merton' case, which requires a multitude of factors to be taken into consideration, with young people given the benefit of the doubt and treated as a child in need until otherwise decided. The approach does not recommend medical assessments, and the current Home Office guidance on age assessments (2020) says "All accessible sources of relevant information and evidence must be considered, since no single assessment technique, or combination of techniques, is likely to determine the individual's age with precision." It is therefore concerning to see the proposals in this bill being suggested which mark a significant shift from their own existing guidance, without any evidence for this apparent about-turn. I would anticipate strong and vociferous challenge to these proposals, including legal challenge through the courts, should such assessment methods be introduced. In addition, the current Home Office guidance indicates the need to treat someone as a child unless they very strongly

appear to be above 25; these proposals would change this to appearing to be "significantly over 18". This would be a major shift in practice with courts, as recently as this month ([MA & Anor, R v Coventry City Council & Anor](#)), reconfirming the Merton guidance as the appropriate approach, and that anyone who is not *clearly 25+* should have a full Merton compliant assessment otherwise their detention may be unlawful.

With regards to the impact on local authorities and the NHS in conducting age assessments, Clause 48 of this Bill must be considered. This proposes conducting an age assessment where there is "insufficient evidence of age", which risks age assessments becoming a routine procedure as firm evidence is very often unlikely to be available. This goes against recommendations from the [European Asylum Support Office](#), and current [statutory guidance](#) from the Department of Education, that age assessments should not be part of routine practice. If this threshold for age assessment is implemented it will place additional burden on the multi-disciplinary teams tasked to undertake them. The assessment process is a core duty of social services in Wales under the Social Services and Well-being (Wales) Act, (2014), and any expectation to conduct "scientific assessments" without the relevant expertise, training or experience could be at the detriment of children and their rights.

UN Convention on the Rights of the Child

When considering proposals in relation to migration and asylum, almost every single one of the 42 Convention Rights would be actively engaged. As the Bill stands, I believe it will be detrimental to children's fundamental rights set out within the UNCRC. Particular consideration to how these proposals would potentially undermine the UNCRC to act in the best interests of children are outlined below:

The best interests of the child (Article 3 CRC)

Best interests of the child should be considered throughout these proposals and given the likelihood of increased age assessments due to Clause 48, this is questionable. In addition to this, the methods proposed present risk of harm, which could be argued to be against a child's best interests. Whilst the processes have not been outlined explicitly, as an example, X-rays of joints have been raised as children's rights issues due to the exposure of radiation unnecessarily.

Right to non-discrimination (Article 2 CRC)

Some 'scientific methods' of assessment have been criticised for failing to recognise the different outcomes amongst diverse ethnicities; or the results are based upon studies within European/American populations. This could indirectly discriminate against some children, systematically placing them at an unfair disadvantage during the age assessment process.

Right to identity (Articles 1, 7 and 8 CRC)

As part of a child's right to identity, they are entitled to their age. An incorrect age assessment could impede access to their rights, potentially causing permanent harm and place a child in a vulnerable position. Given the inaccuracies highlighted, there is a risk associated with the age assessment process which could result in an incorrect age assessment.

Respect of dignity and right to integrity (Articles 3 and 37 CRC)

Any proposed assessment process should consider the integrity and dignity of the child and ensure this is upheld throughout. Without explicit confirmation of age assessment processes being published, these rights cannot be assured.

Recovery from trauma and reintegration (Article 39)

The migration journey and asylum process can be a cause of trauma. To uphold their rights, children should be given the benefit of doubt, allowing the care and support to recover from trauma and reintegrate. The assessments proposed have the potential to re-traumatise and cause further harm from a wellbeing and safety perspective.

In addition to this I'd expect children's rights to be a key and relevant consideration in any proposals around changes to family reunification and entitlements, any proposals that would affect a child's nationality or status as a result of their parents' status, and any changes to the rules around arrival in the UK and securing safe passage for unaccompanied asylum seeking children. One of the key principles stated in this Bill is around deterring illegal entry to the UK and this is backed up by proposals to limit the attainable status for those who have entered illegally. I do not think that the current proposals present sufficient consideration of the position for children in this regard and therefore expect to see this being worked through in detail before any further steps are taken to bring forward legislation.

Impact on areas of devolved competence

In Wales, social work practice is underpinned in legislation by a statutory duty for public bodies to have due regard to the UNCRC in exercising their functions. It is therefore surprising and a significant omission that there is no mention of the UNCRC within the published plan. In developing a White Paper and any further details of these plans, I would expect to see consistent and meaningful reference to the UNCRC and how children's rights have been considered in developing the proposals, as this is a convention ratified by the UK Government and clearly applicable here in Wales. Without due regard to the UNCRC and a consideration of how this will impact on children's rights, it would be my opinion that this Bill has the *potential* to undermine Welsh Minister's duty to uphold children's rights under the Children and Young Persons (Wales) Measure 2011.

It is unclear from the proposals what role Wales will have in the establishment of a 'National Age Assessment Board', if any, and given the concerns raised earlier, what impact it will have on children's rights in Wales and how this will impact on legislative and policy in the devolved settlement of social care practice. The Social Services and Well-being (Wales) Act (2014) outlines the duty of local authorities to assess the care and support needs of children in Wales. Good practice in Wales seeks to promote a 'child first, migrant second' approach to age-assessments when considering the care and support needs of children and I am concerned the changes proposed may undermine this approach.

Implications for mental health

Wales recognises that Asylum Seekers have often experienced traumatic experiences and through the [Nation of Sanctuary Refugee and Asylum Seeker Plan](#) outline how individuals will be supported to rebuild their lives in Wales. By acknowledging trauma it is important consider the impact of Adverse Childhood Experiences (ACEs) and the impact this has on mental health. A [third of settled young asylum seekers in Europe](#) are thought to be affected by a mental disorder, with experience of ACEs increasing the risk of PTSD, depression and anxiety. The age assessment process can cause fear and anxiety, and I am concerned that by introducing "scientific" age assessment methods it could increase anxiety and have further negative impact on mental health. A report by [The Council of Europe Children's Rights Division](#)

highlighted the invasive nature of some methods may cause mental harm to the person undergoing assessment, and could be a cause of concern from an ethical perspective.

In my opinion, taking a trauma-informed approach to the age assessment process, as outlined within [Welsh Government guidance](#), would reduce the risk of re-traumatising individuals, carefully considering the role post-migration processes play in the exacerbation of mental health difficulties.

In addition to the increased risk of negative mental health impacts caused by the assessment process, the increased risk of inaccurate age decisions being made is also a concern. If children are wrongfully identified as adults and care and support is withdrawn, children will be placed in a vulnerable position, which could lead to negative impacts on mental health and social development. [The Council of Europe Children's Rights Division](#) reference the far-reaching impact of the age assessment, highlighting the denial of accurate age recognition could have impact on a child's safety, wellbeing and development. This raises safeguarding concerns alongside the wider concerns that children's rights may be impeded.

Submitted by:



Professor Sally Holland

Children's Commissioner for Wales

Dear Chairs and Committee members,

RE: Legislative Consent Memorandum for the Nationality and Borders Bill

Thank you for the opportunity to contribute to your scrutiny of the above.

We welcome the rights-based approach being taken to understanding these issues in Wales and the careful analysis of whether these proposals are in compliance with provisions within the UN Convention on the Rights of the Child to act in the best interests of children; and any potential impact on areas of devolved competence where there are now established ways of working based on approaches informed by the UNCRRC.

As Officer for Wales at the Royal College of Paediatrics and Child Health (RCPCH), which is the membership body for paediatricians, I will comment primarily on the issues around age assessment of Unaccompanied Asylum Seeker Children.

We have published [guidance for paediatricians](#) on Refugee and unaccompanied asylum seeking children and young people which aims to support paediatricians in the assessment and management of children and young people of refugee background. I note that the Welsh Government's [Unaccompanied asylum seeking children: age assessment toolkit](#) references this guidance in its list of guidance and best practice documents. Please note that at the time of writing, we are reviewing this guidance and may update the guidance over the coming weeks, in which case we will let you know. Drawing upon this guidance, I would highlight a number of principles to Committee members:

Overview of RCPCH position on age assessments

- Most refugee children and young people will not have a passport, although some may be given a passport to help them to leave a situation where they are at risk.
- Sometimes a child's stated age may be disputed, with serious implications for the outcome of their asylum claim and for their ability to access health services, education and welfare support.
- There are considerable risks to children who are identified as adults. However, it is also true that adults wrongly identified as children may pose a risk to the children that they then subsequently encounter.

Proposed methods for conducting age assessments

- There is no single reliable method for making precise age estimates.
- The use of radiological assessment is extremely imprecise and can only give an estimate within two years in either direction. The use of ionising radiation for this purpose is inappropriate.
- On this basis, it is a concern that Clause 51(2)(a) suggests "examining or measuring parts of a person's body, including by the use of imaging technology" as a possible scientific method for making an age assessment.
- Paediatricians should not need to be involved in age assessments as they won't add any further information to the process.
- It is important for paediatricians, if contacted, to explain that dental x-rays, bone age and genital examination will currently not add any further information to the assessment process.

My thanks once again for the opportunity to add a paediatric perspective you your scrutiny.

For further discussion of any of the points made above, please contact

With kind regards,

RCPCH Officer for Wales

Update to RCPCH evidence on age assessment provisions in the Nationality and Borders Bill, February 2022

Last week we provided evidence in relation to the above. We noted in our evidence that we were reviewing our [position statement](#) and that we would write to you with an update when we had completed this review.

RCPCH position on age assessments

- The RCPCH **updated our position on age assessments** in February 2022.
- Many asylum-seekers will have no documentary evidence of their birth date and therefore other methods of age assessment are currently being undertaken within the UK to establish whether they are under the age of 18 years.
- This has implications for the outcome of their asylum claim and for their ability to access health services, education, and welfare support.
- The RCPCH does not support paediatricians being involved in age assessments of asylum-seeking young people because of the concerns regarding the evidence base for accurate age assessment and the ethical consideration relating to the impact on children.
- **Article 3(1) of the Convention on the Rights of the Child** gives every child the right to have his or her best interests assessed and taken into account as a primary consideration in all actions or decisions that concern him or her.

There are two main factors to consider regarding assessments: accuracy and ethics.

The accuracy of age assessments

- It is difficult to determine a young person's age accurately. A child's physical, emotional, and developmental presentation is influenced by factors including but not limited to their ethnicity, socio-economic environment and nutritional status.
- It is especially important to acknowledge the impact of adverse experiences, conflict, trauma, violence and forced migration.
- Age assessment by examination and X-rays is imprecise and at best can determine what stage of puberty a child is at with an estimated age range.
- The **British Society for Endocrinology and Diabetes states** that the timing of puberty is extremely variable and impacted by genetics as well environmental and social factors.
- Completion of growth occurs at the end of puberty, so if a child starts puberty early, they will finish growing whilst still in their early teens.
- Conversely, if a child starts puberty late, they may not finish growing until well over the age of 18 years.
- Current methods for bone age X-ray assessment, such as the Greulich and Pyle method, use X-rays taken from 'average' Caucasian children and again will vary enormously depending on what stage of puberty a child is at.

- The **British Dental Association has vigorously opposed the use of dental X-rays** to determine whether asylum seekers have reached the age of 18, stressing they are not a reliable way of establishing age.

The ethics of undertaking these assessments

- Exposing anyone to radiation from X-rays unnecessarily should be carefully considered and for non-clinical purposes the RCPCH considers it unethical.
- The Care Quality Commission regulates the use of ionising radiation and state that “justifying each exposure to ensure the benefits outweigh the risks”.
- There have been several judgements in case law about who should hold the burden of proof about a child’s age. Given the lack of evidence regarding the accuracy of age assessment, the RCPCH believe that young people should be given the benefit of doubt with regards to their age.
- We are of the view that age assessments require informed consent, which has to be freely given, and it is difficult to ensure this is taking place if vulnerable young people are assessed under duress.
- Consent is not valid if coerced. Young people may feel that they are compelled to agree to the process. In addition, given their past adverse experiences, young people in this situation may not have the capacity to consent to the age assessment process.
- We believe there is a potentially harmful impact of enforced age assessment on a child’s physical and emotional well-being. As well as the harmful impact of inaccurately assessing a young person as being an adult, we also acknowledge concerns around wrongly assessing an adult as a young person due to the risks adults may pose to children in care placements and education settings.
- We acknowledge there are implications for resource allocation, such as access to health services, education and welfare support, for children in care if adults are incorrectly placed as children.

About RCPCH

The Royal College of Paediatrics and Child Health (RCPCH) is the membership body for paediatricians, representing more than 20,000 child health professionals in the UK and abroad. We are responsible for the training, examinations and professional standards of paediatricians across the country, and we use our research and experience to develop recommendations to promote better child health outcomes.



**Ethnic Minorities
& Youth Support
Team Wales**

Tîm Cymorth
Lleiafrifoedd Ethnig
& Ieuenctid Cymru

EYST response to inform the Health and Social Care and Children, Young People and Education Committees' scrutiny of the Legislative Consent Memorandum ("the LCM") on the Nationality and Borders Bill ("the Bill")

Prepared by: EYST Sanctuary Team Lead and EYST Wales All Wales Black, Asian and Minority Ethnic Programme Team Lead

On behalf of: EYST Wales www.eyst.org.uk

Date: 28th January 2022

1. Overall Views – see below

2. Impact on Devolved Competence:

If the Senedd disagrees with specific aspects of the bill it may not have control over it. For example, implementing "scientific measures" is in direct conflict with Wales' commitment to becoming a Nation of Sanctuary. If devolved control or competence is impacted this will be completely undermined.

3. Please see comments below under point 6.

4. UN Convention on the Rights of the Child

We are disgusted by the negative impact this bill will have upon the rights of the child. It directly undermines many of the Articles but specifically:

- Article 22: Refugees having the same rights as other children.
- A child should not have to undergo "scientific methods" because they are seeking asylum when others do not. Children who are traumatised are protected and those seeking asylum should not be treated differently or physically discriminated against because of their circumstances.
- Article 12: A child should have the right to say what they think should happen when adults are making decisions that affect them and to have their opinions taken into account.
- A child who has experienced significant trauma, potentially abused, trafficked, raped, seen family members being killed, lost their home etc. May not have the confidence to speak up

when asked to undergo a “scientific process”. Even with the help of an interpreter they will listen to the adult and authority figure.

There is no way that any of Part 4 of the Anti Refugee Bill/Nationality and Border’s Bill supports the right of the child. It challenges many of the articles within the convention and puts our most vulnerable children in situations that risk their wellbeing further.

5. The use of “Scientific Methods” for age assessment purposes.

Below is an excerpt of the bill which is truly worrying:

Clause 51 allows for: a) the Secretary of State to make regulations specifying scientific methods that may be used for the purpose of age assessment. These may include: i) examining or measuring parts of a person’s body (e.g. imaging technology) ii) analysis of saliva, cell or other samples, including DNA b) The Secretary of State must seek scientific advice before determining whether the scientific method is appropriate; c) The use of scientific methods may only be carried out if consent is given (either by the individual concerned or, where they do not have capacity, a parent, guardian or another person set out in the regulations); d) Where consent is not given and “there are no reasonable grounds for that decision”, this will be taken into account when assessing the credibility of the age-disputed person.

The bill states that this may include measuring body parts. Not only is this a move towards implementing racist, ignorant, and homogenous practices within systems it will also delay and make mistakes.

It does not take in account physical issues such as growth delays or disability. It entrenches the hostile environment and instead of improving a flawed system a new and hugely flawed methods are being introduced. We need to be putting systems in place to safeguard our most vulnerable children instead of finding new ways to penalise them.

The bill is in place to find ways in which to move people up and out of migration processes. Unfortunately, this section of the bill is finding ways to scrutinise a child’s biological identity.

There is no information about what stage this will be implemented, will it be at initial accommodation, screening? If it is at the earliest stages, then the young person will have no support in place and potentially no advocate/appropriate adult. They will be completely alone.

Social workers may be experienced but they may lack cultural competency, language, culture and lived experience. I attended an age assessment once as an appropriate adult and the social workers commented on the young person’s shoes as a point of reference for his youth. We need to focus on developing a quality service that moves quickly to support people in genuine need.

These new methods alongside the flawed age assessments will create delays, trauma and put children at risk. This is truly concerning and a move backwards towards the use of phrenology and racial profiling. The implications of such a move are dangerous and sickening and we in no way support this aspect of the new bill.

6. Impact on NHS and Local Authorities

We would like to ask if the front-line workers who will be carrying out “scientific methods” have been consulted about this?

We suspect a negative impact on the nurses' mental and emotional wellbeing.

How will they be trained? Who will they be?

A general nurse may not be culturally competent and a young person may have language barriers. They may have religious or cultural beliefs that would not allow a physical examination. This lack of understanding could have a negative implications for many young people.

Will there be specific centres for this? The concern is that this will impact our hostile environment and lends itself to racist segregation.

If the NHS are responsible for aspect of the age assessment then it will impact other services. There are already delays (especially after COVID 19). If the age assessment is in two parts, the interview and the "scientific part" then they may be waiting for the latter for some time. This in turn will create longer waits for asylum decisions, impacting mental health and costing more money regarding NASS/LA support long term.

7. Mental Health Impact on Age Disputed children

Young people from BME backgrounds and are seeking asylum who are going through an age assessment will be alone. They are already isolated, they may struggle with language, have religious/cultural beliefs that differ from those in the country are in, could be traumatised, may have experienced, rape, trafficking, FGM, physical abuse. They may have come from camps, without education and quite often have unrecognised learning difficulties. The impact that a "scientific method", measuring body parts, taking blood/saliva could have upon someone's identity and mental health will undoubtedly be huge. It's feeding into increased segregation and hate and will leave young people at risk.

8. Community Cohesion

EYST originated in Swansea and we are proud to commit to Swansea's City of Sanctuary vision and working towards the implementation plan set by WAG to be a Nation of Sanctuary. Swansea is also working towards being a Human Rights City. We also welcome the Welsh Government's commitment to being an Antiracist Wales by 2030 as set out by their Race Equality Action Plan. Sadly this bill and its actions will undermine all of this good work and hope.



	The Welsh NHS Confederation response on the LCM for the Nationality and Borders Bill.
Contact:	Policy and Public Affairs Officer, Welsh NHS Confederation. _____
Date:	28 January 2022

1. The Welsh NHS Confederation welcomes the opportunity to respond to the letter from the Health and Social Care and Children, Young People and Education Committees seeking our views on LCM for the Nationality and Borders Bill.
2. The Welsh NHS Confederation represents the seven Local Health Boards, three NHS Trusts, Digital Health and Care Wales and Health Education and Improvement Wales (our Members). We also host NHS Wales Employers.

Overall views on part 4 of the Nationality and Borders Bill

The establishment of a National Age Assessment Board

3. Although immigration is a reserved matter, it is important to consider the elements of devolved policy which are fundamental to the age assessment process and will be impacted as a result of any decision. Therefore, Members felt it was crucial that the UK and Welsh Government discuss how the National Age Assessment Board will engage with Wales and Welsh organisations. The establishment of the Board will require consultation with partners, including the Welsh Local Government Association, Health Boards, Public Health Wales, third sector providers etc. The impact of not doing so carries the risk of establishing a different approach to the consideration of asylum applications in England to Wales, in relation to the definition of how age is assessed.

The making of Regulations by the Secretary of State in respect of procedures to be followed in the age assessment process

4. It is not clear under what powers the Secretary of State would be able to make Regulations that may impact areas that are devolved to Wales, namely health, local government and social services.
5. Members felt there would need to be a legislative process to work through this as identified in the memorandum. Public Health Wales (PHW) have expressed reservations about the power to make Regulations reverting to UK Government as the UK Government proposals include use of scientific methods to establish age.

The use of scientific methods to establish age; and proposals to reform appeals arrangements. Impact on areas of devolved competence

6. Members have raised concerns surrounding the use of so-called 'scientific' methods to assess age until such a time when compelling evidence is available, with their current reliability disputed. It is felt that age assessment is too imprecise to base access to essential services on its outcome. PHW has previously advised that methods such as dental examination, bone density and other previously suggested methods of scientific evaluation are not underpinned by robust and scientific evidence to merit an intervention that would be supported by Welsh partners. There is additional evidence from various sources about the inappropriateness of medical examination as part of age assessment in the Welsh Government's [Age Assessment Toolkit](#).
7. Members also highlighted that a standardised approach with a standard age assessment panel appears to be taking the view that those seeking asylum will withhold the truth about their age. However, there are important cultural differences which may lead to a child being vague about the date they were born. In 2001, UNHCR estimated that there were about 40 million unregistered births around the world. In some places calendars are not used and the passing of time is measured by seasons rather than calendar dates.

Impact on areas of devolved competence

To what extent the proposals set out in the Bill could undermine the Senedd's devolved responsibilities by requiring referral of age-disputed children to other decision-makers, including the establishment of a National Age Assessment Board?

8. With Wales working to become a Nation of Sanctuary, concerns have been expressed by Members that the Bill could interfere with the ability of the Welsh Government, and partners, to bring about that vision. Again, conversations are required between the UK and Welsh Government to determine where this Bill crosses into areas of devolved competence, the expectations that may be placed on Welsh public servants, and the interface with existing Welsh Government legislation; namely the Social Services and Wellbeing Act 2014 and the Wellbeing of Future Generations Act 2015.

To what extent it could undermine the requirements placed on Welsh local authorities set out in the Social Services and Wellbeing (Wales) Act 2014 which determines whether children have care and support needs which need to be met?

9. Members have highlighted that that the responsibility of the support and care for children and adults who seek sanctuary in Wales is the responsibility of Welsh Government, with age assessment currently carried out by social services in Wales. It is understood that it is not in the competence of the UK Government to designate other bodies to do an assessment that would interfere with the Welsh Government competence in social care without consent.

10. There are concerns that the proposals set out for age assessment may increase the numbers of those who have No Recourse to Public Funds, as distrust in services becomes a barrier to access. PHW's work on [violence against migrant, refugee and asylum seeking women](#) highlights the increased risk such an outcome for this group.

UN Convention on the Rights of the Child

Your views on whether the proposals will undermine compliance with the UN Convention on the Rights of the Child to act in the best interests of children.

11. Members have highlighted that various rights may be threatened by the UK Government's approach, some of which are enshrined in Welsh legislation. For example, the Social Services and Well-being Act imposes a specific duty requiring those exercising any function under the Act to have due regard to the UNCRC, including Article 12 which affords children the right to be listened to and participate in decisions affecting them. The UNCRC appears to be undermined by any proposal to include 'scientific' methods, as the Committee on the Rights of the Child confirmed in 2017: *"States should refrain from using medical methods based on, inter alia, bone and dental exam analysis, which may be inaccurate, with wide margins of error, and can also be traumatic and lead to unnecessary legal processes"* ([Age Assessment Toolkit](#), 2021).
12. Members awarded the Welsh Government Participation Standards for Children and Young People, which is underpinned by the UNCRC, have also raised questions as to whether a Health Board would be contravening these rights by 'requiring' a young person to comply with invasive testing before being able to access services.
13. Health Boards and local authorities would require clear guidance on the responsibilities to children and young people regardless of their status. The removal of citizenship change in the Bill is of particular concern as this may disrupt care for those people and can affect children as much as adults.
14. Members raised concerns that the Bill appears to penalise asylum seekers and refugees and discriminate between categories of asylum seekers, which is contrary to international law and violates the UK's commitments under the UNCRC.
15. It was highlighted that no parallel Child Rights Impact Assessment was published alongside the Equality Impact Assessment for the Bill, with no provision to suggest that a Child Rights Impact Assessment will be made under the new rules or regulations.

‘Scientific’ methods and assessments

Use of “scientific methods” to determine age and anticipated implications for local authorities and the NHS.

16. Concerns were raised by Members around the ability for healthcare providers to build trusting relationships with unaccompanied asylum-seeking children if the NHS is required to carry out any element of the age assessment.
17. Trusting relationships between health professionals and patients are a key enabler of access to health and a lack of trust could drive hesitancy in seeking healthcare or public health interventions, such as vaccines. Members have also said consideration needs to be given to the consent required of young people to undergo these potentially invasive procedures and the potential resource implications. Members were also concerned about whether Health Board staff would be ethically prepared to be involved as it may not be in the best interest of the child to undergo an age assessment which would stand contrary to the ‘Do Not Harm’ principle.
18. Members also highlighted that NHS organisations may need to create a specified electronic health record for those individuals under the assessment process. A separate database may be required for associated data capture and assessment, so that a record of decision making can be maintained and scrutinised when required, especially if the assessment entails a similar approach where individuals are subjected to radiation via X-ray and other imaging technology which rely on other forms of ionizing radiation. Information may also need to be interoperable with other UK administrations if assessment processes are combined or centralised across borders.
19. There were also concerns raised by our Members about how and where age assessments for children and young people in Wales were carried out (e.g within primary care, community paediatrics, radiology etc).

Implications for mental health and community cohesion

To what extent the proposals would undermine community cohesion in Wales.

20. Members highlighted the recent experience around the use of Penally Camp in Pembrokeshire (and in the Hywel Dda University Health Board area) as an example of how divisive the issue of ‘age’ and legitimacy’ can be. It also demonstrated how polarised views within a host community can manifest in extreme acts, impacting on an already traumatised group. There were also concerns over potential increased numbers of asylum seekers being placed in similar unsuitable accommodation and not having access to appropriate health assessment or screening for mental health issues as well as physical health issues.
21. The continued focus on the legitimacy and whether an individual is deserving of compassion and support on account of their age is a damaging and dehumanising position that values the life of one person over another. This has implications for public

health in terms of protecting and improving health at the population level and system leadership of health services who are trying to support and help all members of the community.

The potential mental health impact for those who are age-disputed.

22. Members did have concerns around any procedure that may re-traumatise individuals or suggest there is clarity around what is still a debated procedure for determining age in terms of the evidence base. It could also lead to practice that does not take into account the significant physical and mental impact that toxic stress and trauma can have on children and young people that may affect their physical appearance. Some age assessments carried out by the Home Office have been subject to dispute, with inaccurate age assessment leading to a delay in the person being able to access the essential services they require. This has implications for NHS resources as the opportunity to avoid escalation and more resource-intensive intervention is required to protect and improve the mental health of those who are age-disputed. Age assessment must then lead to a rapid and accurate decision so the age-disputed person can begin the process of integration.
23. The definition of a 'child' in terms of traumatised people is complex and the transition from children to adult mental health services may not reflect that persons' social, emotional and educational attainment. It is simply not clear cut in terms of the experience of these young people to define some as a child one day and an adult the next.
24. The Bill also does not make it clear as to how the mental health and wellbeing of children will be protected during the assessment process, with Members reporting the mental deterioration, self-harm and suicidal ideation of young people being witnessed by clinical colleagues.

Consultation Response

To - Children, Young People and Education, & Health and Social Care Committees

Submitted by Children in Wales, with and on behalf of the Wales UNCRC Monitoring Group

Legislative Consent Memorandum for the Nationality and Borders Bill

Introduction

We welcome the opportunity to contribute comments to inform the joint Health and Social Care and Children, Young People and Education Committees scrutiny of the Legislative Consent Memorandum for the Nationality and Borders Bill.

We note that the UK Government Bill is presently at Committee Stage in the House of Lords, and many suggested amendments have been put forward by a broad range of UK human rights non-governmental organisations, legal professionals and multi-agency coalitions with expertise in this policy area¹. This includes proposals in respect of the creation of two-tier category of asylum seekers which is not in line with the UNCRC².

Consistent with our mandate, our response is principally focused on Children's Rights and the United Nations Convention on the Rights of the Child (UNCRC), and the importance of all Government Ministers observing existing duties in respect of due regard to the UNCRC when discharging all of their functions as prescribed in Wales through the Rights of Children and Young Persons (Wales) Measure 2011.

The UNCRC Monitoring Group response will mainly address the following point of enquiry, although points made within our response will also be relevant to several of the other areas of enquiry.

Your views on whether the proposals will undermine compliance with the UN Convention on the Rights of the Child to act in the best interests of children.

The Rights of Children and Young Persons (Wales) Measure 2011 requires Welsh Government to pay due regard to the UNCRC when exercising any their functions.

¹ For example, <https://media.refugeecouncil.org.uk/wp-content/uploads/2021/12/25115540/Nationality-and-Borders-Bill-House-of-Commons-Report-Stage-Refugee-Council-briefing.pdf>

² Nationality and Borders Bill 2021 Briefing by the Refugee and Migrant Children's Consortium House of Lords

Through the Children's Scheme, which sets out the arrangements Welsh Ministers are required to consider to secure compliance with the duty, a comprehensive Child Rights Impact Assessment (CRIIA) should be undertaken and published on any decision which will have an impact on children. This is in line with the expectations of the UN Committee in respect of all governments demonstrating compliance with the UNCRC following ratification.

As the UK Government has failed to incorporate the UNCRC into domestic legislation, and as there is no equivalent legislation to that of the Welsh Measure at a Westminster level, ascertaining whether full compliance with the Articles and key principles of the UNCRC, notably non-discrimination (Article 2), best interest (Article 3), protection (Article 19) or participation (Article 12) becomes somewhat more challenging.

We are not aware of any CRIIA having been developed or published by the UK Government in respect of this Bill, or any involvement of children and young people in the decision making process or during the detailed drafting (Article 12)

Much has however been written in respect of the threat to the rights of children, and the incompatibility of the Bill to obligations as set out in the UNCRC (including the more detailed CRC General Comment No 6 – Treatment of unaccompanied and separated children outside their country of origin³); the 1951 UN Refugee Convention and the European Convention on Human Rights. This includes significant concerns with regards to the proposed two-tier immigration system; the detention and appeals arrangements, and the measures for age verification through the introduction of 'scientific methods' for assessing the age of asylum-seeking children, which could put vulnerable and traumatised children's wellbeing and protection at greater risk.

Children seeking asylum, especially those unaccompanied and separated (UASC), are extremely vulnerable, often at risk of exploitation, abuse, gender based violence and trafficking. Many have experienced trauma, been victims of criminal exploitation and will require specialist interventions and support on arrival in Wales. The majority of UASC arrive in Wales spontaneously, and precise figures are difficult to obtain.

Wales has a proud tradition of taking a 'child first, migrant second' approach and in welcoming refugees and asylum seekers, recognising the valuable contributions they make to our society. The vision of Wales as a Nation of Sanctuary is to be commended and forms a key strand of the Welsh Governments current Programme for Government. The Nation of Sanctuary Plan⁴ has been endorsed by the UN's High Commissioner for Refugees. The Bill however encroaches on devolved issues and has been accused of

³ <https://www2.ohchr.org/english/bodies/crc/docs/GC6.pdf>

⁴ https://gov.wales/sites/default/files/publications/2019-03/nation-of-sanctuary-refugee-and-asylum-seeker-plan_0.pdf

severely undermining this vision⁵. Members of the Senedd tabled a Statement of Opinion calling for the complete withdrawal of the Bill⁶ and the Welsh Refugee Coalition have been vocal in their opposition to the Bill.

Article 1 of the UNCRC ensures that every child under 18 is entitled to all of the rights as prescribed regardless of their characteristics and circumstances. For unaccompanied children, age is a key determinant for being able to access support, protection and interventions to aid their recovery from trauma in line with Article 39.

The application of the age assessment process in Wales is undertaken by children's social services, informed by case law and underpinned by existing duties prescribed by Welsh legislation, most notably the Social Services and Well-being (Wales) Act 2014. All persons determined to be children are granted looked after status, and should have access to a range of care and support services to aid recovery and the statutory entitlements that this status offers. This extends to the added safeguards and protections the UNCRC provides, including the requirement that all decisions made by professionals are always made in the child's best interest.

Social service functions delivered by Welsh local authorities are subject to the due regard duty to the UNCRC under Part 1 of the Social Services and Well-being (Wales) Act 2014. To satisfy compliance with UNCRC legislative requirements, employees conducting age assessments should have the required expertise, experience and skills when making decisions, acquired through training and peer-learning opportunities, and informed by the recently revised Welsh Age Assessment Toolkit⁷. The assessment process should be carried out in a friendly and safe atmosphere by qualified professionals who are trained in age and gender sensitive related interviewing techniques.

The introduction of a new National Age Assessment Board (NAAB), and the lack of detail around its function, power, constitution and independence, as well as its interaction with the age assessment process in Wales raises several concerns, given that Welsh legislation is far stronger in Wales in respect of the incorporation and application of the UNCRC as described above.

We would not wish to see any diminution of existing rights and entitlements through any centralisation of the age assessment decision making processes or the use of disputed methods of age assessment practices, which could result in the rights of asylum seeking children, including child victims of trafficking and criminal exploitation, being undermined and the best interest principle compromised.

⁵ <https://gov.wales/written-statement-uk-nationality-and-borders-bill>

⁶ <https://record.senedd.wales/StatementOfOpinion/238>

⁷ <https://gov.wales/unaccompanied-asylum-seeking-children-age-assessment-toolkit>

The UK Parliamentary Joint Committee on Human Rights (JCHR)⁸ have described the use of scientific age assessments for asylum seeking children as being unethical, with medical experts questioning the accuracy of such methods to test the age of children. Children wrongly assessed as being an adult would be denied access to education (Article 28); additional support and protection from children's services (Article 20), and could be accommodated in inappropriate settings, including adult detention centres and thus subject to heightened risks. This would be a clear breach of international protections. The British Association of Social Workers⁹ have warned that plans to reform age assessments will put the safeguarding and wellbeing of children at risk.

An additional concern is that any refusal to consent to potentially invasive medical procedures would be taken into account when determining the credibility of an age-disputed individual who could in fact be a child. The Refugee and Migrant Children's Consortium believe that this may force some children to undergo harmful assessments for fear of negatively impacting on their asylum claim.¹⁰¹¹ Again, this would be incompatible with the UNCRC.

Conclusion

The Bill as currently introduced should be amended to ensure that it is fully compatible with international obligations and domestic Welsh law which incorporates the UNCRC and fully adheres to the best interest principle. A CRIA should be urgently undertaken, published and subject to periodic review to demonstrate compliance with the UNCRC and to safeguard from any regression of existing rights entitlements and protections.

Depending on whether further changes are to be made to the current Bill, the Welsh Government may be required to introduce protective measures to mitigate any negative impact on vulnerable children, and to engage with the UK Government in respect of the implications of many strands applying in Wales to children and young people.

NB This response is written from a policy, not a legal perspective.

January 2022

About

The **Wales UNCRC Monitoring Group** (est. 2002) is a national alliance of non-governmental and academic agencies, tasked with monitoring and promoting the United Nations Convention on the Rights of the Child

⁸ <https://committees.parliament.uk/committee/93/human-rights-joint-committee/news/160367/asylum-reforms-would-undermine-uks-human-rights-obligations/>

⁹ <https://www.basw.co.uk/media/news/2022/jan/basw-uk-welcomes-jchr-report-age-assessments>

¹⁰ https://www.childrenslegalcentre.com/wp-content/uploads/2021/10/RMCC-briefing-Committee-stage-NC29_37-Age-assessments-Nationality-and-Borders-Bill.pdf

¹¹ <https://www.ecpat.org.uk/Handlers/Download.ashx?IDMF=82080fd5-6c8f-4f54-8ab8-92c525159910>

(UNCRC) in Wales and is facilitated by Children in Wales. The Group has engaged with the UN Committee on the Rights of the Child and submitted civil society reports to inform successive UK State Party Examinations in 2002, 2008 and 2016, and is currently engaged in the 2020-23 reporting cycle. The Groups most recent State of Children's Rights in Wales report to inform the UNs priorities can be accessed [here](#). The Group is also engaged in other opportunities to forward children's rights, through other UN treaty mechanisms, Welsh Government and Senedd policy and legislative processes.

Further information on the work of the Wales UNCRC Monitoring Group can be found here <http://www.childreninwales.org.uk/our-work/rights/wales-uncrc-monitoring-group/>



Royal College of Nursing Wales response to Health and Social Care Committee's inquiry into the Legislative Consent Memorandum Nationality and Borders Bill

The Royal College of Nursing Wales (RCN Wales) welcomes this opportunity to respond to Legislative Consent Memorandum of the Nationality and Borders Bill. This written evidence outlines two key areas of concern: restricting access to secondary care and age assessments.

The Nationality and Borders Bill creates a two-tier system for individuals applying for asylum and allows for differential treatment based on method of arrival to the UK. This includes aspects such as granting leave to remain, the requirements an individual applying for asylum status must meet in order to be granted leave to remain, access to public funds, and also to have access to family reunification.

It is the Royal College of Nursing's view that these proposals significantly narrow access to the asylum system for those arriving through irregular routes. Irregular migration is defined as migration which takes place outside the laws, regulations, or international agreements governing the entry into a State.¹ However, the presence of irregular migration does not relieve States of their obligations to uphold the rights of refugees.²

The United Nations Refugee Agency (UNHCR) has raised that the proposal for differential treatment contravenes international law (1951 Refugee Convention) by denying refugees access to the rights enshrined in the Convention and the right to family reunification.³

Across the UK there are currently 131,640 registered international nurses.⁴ This information is not published for Wales, but we know health boards and social care providers are reliant on international nurses to provide care. The Welsh Government is currently developing an All-Wales International recruitment process.

In June 2019 Aneurin Bevan University Health Board had 350 Full Time Equivalent (FTE) registered nurse vacancies. In May 2021 the health board had only 165 and expected

¹ [Key Migration Terms, Migration Glossary | IOM, UN Migration](#)

² [Key Migration Terms, Migration Glossary | IOM, UN Migration](#)

³ [UNHCR - UNHCR Summary Observations on the Nationality and Borders Bill, Bill 141, 2021-22](#)

⁴ [The NMC Register Mid-year update: 1 April to 30 September 2021](#)

this to decrease further to 121 by August 2021. This success is largely due to a successful international recruitment campaign. The health board has extensively engaged with overseas recruitment companies and since September 2019, the health Board has appointed 160 FTE overseas nurses. Cwm Taf Morgannwg University Health board have also successfully attracted international nurses to the health board. The health board commenced an overseas nurse recruitment campaign in June 2019 and has since recruited 213 FTE nurses.⁵

Social care is also reliant on international nurses and care workers as we don't have a big enough population to provide care for the ageing population. In Wales it is projected that by 2038 1 in 4 of the population will be over 65.⁴ Between 1998 and 2018, the proportion of the population aged 65 and over has increased from 17.4 per cent to 20.8 per cent, while the proportion of the population aged 15 and under has fallen from 20.6 per cent to 17.9 per cent.⁵

As there may not be enough working age people in Wales to provide social care in the near future we need to ensure routes of international recruitment remain open. To meet the growing demands of the sector it is imperative that international care workers are given a workable route to employment in Wales and are not hindered by unachievable salary thresholds. Without a significant pay rise, the current salary threshold of £20,480 is unworkable. Care workers should be added to the Shortage Occupation List.

Every day international nurses and care workers make enormous contributions within the health and social care sector across the UK and are a vital part of the workforce. International nurses and care workers arrive to the UK through several immigration routes, including sometimes as refugees.

In March 2020 the Royal College of Nursing signed the Welsh Government's position paper on migration⁶

Key area of concern

The Bill creates additional barriers for individuals navigating the system for applying for asylum status, including those who might be internationally qualified as nurses. The Bill also presents a challenge to these registered nurses as professionals in age assessments.

Age assessments

It is important that any changes to age assessments, including regulations, use of scientific methods and appeals, that may impact on the devolved functions and legislative remit of the Social Care and Wellbeing (Wales) Act 2014 would be subject to Legislative Consent Memoranda.

⁵ <https://ctmuhb.nhs.wales/about-us/our-board/board-papers/2021-board-papers/27-may-2021/2-2-14b-appendix-a-annual-assurance-report-on-compliance-on-the-nurse-staffing-levels-wales-act-2019-2020-1-pdf/>

⁶ <https://gov.wales/wales-position-paper-migration>

The Royal College of Nursing would seek to ensure scientific methods of age assessment would not be used in Wales.

The practice of assessing age is primarily carried out to determine an individual's right to child social services. It applies in relation to the arrival of unaccompanied asylum seeking individuals in the UK without proof of age documentation. The Royal College of Nursing Wales is concerned about the lack of recognition that social services is devolved and there is existing Welsh social services legislation that provides guidance for age-assessments.

In Wales, unaccompanied asylum seeking children are looked after in line with the Social Services and Well-being (Wales) Act 2014. The Act provides a range of assessment functions including a 'what matters' assessment that includes a holistic, multi-agency age assessment approach. The Welsh Government recently published a toolkit to provide guidance for age-assessments.⁷ The toolkit does not recommend or support the use of medical examinations as determinants of age. This is in contrast to the Bill which suggests plans to use dental x-rays to determine age.

The Royal College of Nursing shares the Welsh Government's concern in regard to the UK Government centralising processes which could diminish existing Welsh national duties and function. For example, the UK Government's New Plan for Immigration (NPfI) set out proposals relating to the age assessment of unaccompanied asylum seeking children and young people through the establishment of a National Age Assessment Board (NAAB). While it is our understanding that the NAAB is England-only there is little acknowledgement to the fact social care is devolved and age assessments are already established in Wales.

Considering the powers granted to the Home Secretary to determine methods for age assessments and the lack of clarity regarding the functions and constitution of the Bill and NAAB, it is the Royal College of Nursing's view that there is a risk that health and care professionals such as registered nurses may be asked to use methods which are scientifically disputed and could harm patients where they are exposed to radiation without medical benefit.⁸

The Royal College of Nursing is concerned that potential changes to age assessments at a UK level could place registered nurses at odds with their professional requirements under The Nursing and Midwifery Council (NMC) Code to always act in the best interests of people, and to always practise in line with the best available evidence.⁹ Nurses are non-judgemental and follow an evidence-base approach to ask them to do otherwise would challenge their profession. Furthermore refugee or asylum

⁷ <https://gov.wales/sites/default/files/publications/2021-06/unaccompanied-asylum-seeking-children-age-assessment-toolkit.pdf>

⁸ [Nationality and Borders Bill \(21st September 2021\) \(parliament.uk\)](https://www.parliament.uk/bills/2021-22/nationality-and-borders-bill-2021)

⁹ [nmc-code.pdf](https://www.nmc.org.uk/standards/nmc-code/)

seeker without recourse to public funds are amongst the most vulnerable people in society and registrants will bear some emotional burden for these decisions.

The Royal College of Nursing urges caution regarding Clause 51 which allows for the Home Secretary to introduce regulations specifying scientific methods to be used in age assessments.

Clause 49 - Persons subject to immigration control: referral or assessment by local authority etc.

This clause requires a local authority or public authority as specified in regulations made by the Secretary of State to refer an age-disputed individual for an age assessment, or to conduct an assessment themselves.

Subsection (4)(a) makes note that ‘a local authority needs to know the age of an age-disputed person for the purposes of deciding whether or how to exercise any of its functions under relevant children’s legislation in relation to the person’.¹⁰ In this case, the relevant children’s legislation would be the Social Services and Wellbeing (Wales) Act 2014.

Subsection (7) provides that ‘an age assessment of an age-disputed person conducted by a “designated person” following a referral from a local authority under subsection (1) or (3)(a) is binding on a local authority’.¹¹ This means that a decision made by a designated person would be binding for a Welsh local authority. A designated person is simply defined as an official of the Secretary of State who is designated by the Secretary of State to conduct age assessments. As mentioned above Wales already has existing legislation and age-assessment guidance in place. Currently age assessments are carried out by social workers as part of a multi-agency effort. If a designated person is assigned by the Secretary of State for an age-disputed person in Wales, they must ensure Welsh legislation and guidance is followed. It is the Royal College of Nursing agrees with the Welsh Government that legislative consent is required for this provision because it impacts the devolved area of social care and imposes functions on devolved Welsh authorities.

¹⁰ [Nationality and Borders Bill \(HL Bill 82\) \(parliament.uk\)](#)

¹¹ [Nationality and Borders Bill \(HL Bill 82\) \(parliament.uk\)](#)

About the Royal College of Nursing (RCN)

The RCN is the world's largest professional organisation and trade union of nurses, representing around 465,000 nurses, midwives, health visitors, healthcare support workers and nursing students, including over 27,000 members in Wales. RCN members work in both the independent sector and the NHS. Around two-thirds of our members are based in the community. The RCN is a UK-wide organisation, with its own National Boards for Wales, Scotland and Northern Ireland.

The RCN represents nurses and nursing, promotes excellence in nursing practice and shapes health and social care policy.



ADSS Cymru

Yn arwain Gwasanaethau
Cymdeithasol yng Nghymru
Leading Social Services in Wales

Legislative Consent Memorandum for the Nationality and Borders Bill – Response submitted on behalf of Welsh Local Government Association (WLGA), Association of Directors of Social Services (ADSS) Cymru and All Wales All Wales Heads of Children’s Services (AWHOCS)

Overall views

1. Your overall views on part 4 of the Nationality and Borders Bill which involves the age assessment of Unaccompanied Asylum Seeker Children, and includes:
 - a. the establishment of a National Age Assessment Board
 - b. the making of Regulations by the Secretary of State in respect of procedures to be followed in the age assessment process
 - c. the use of scientific methods to establish age, and proposals to reform appeals arrangements.

Response

Asylum seeking children arriving in this country are children and young people fleeing desperate situations and arrive here alone in search of safety, and many arrive in the UK due to their connections to this country, such as family members. The safety, well-being, meeting care and support needs, and the Best Interests of asylum-seeking children are paramount and must be at the heart of any reforms or decisions made. All eligible children and young people deserve to be given the right support to meet their needs and welfare, which means that any assessment carried out must also be child-centred, thorough, holistic, and timely. And whilst the age of an individual is in doubt they should be supported and accommodated as a child. We are clear that any reforms must focus on improving the asylum system, and not seek to find new ways to make the system ever more challenging, and the process more bureaucratic for people seeking sanctuary.

As part of the Nationality and Borders Bill, the UK Government is proposing a National Age Assessment Board (NAAB) which would set the criteria, processes, and requirements of age assessment, including the use of ‘scientific’ methods. On the face of the Bill, there is however a lack of detail on what this will mean in practice. For example, it is not clear what these ‘scientific’ methods are. The Bill also sets out that the new agency would be empowered to undertake age assessments, and whilst the proposals appear to envisage age assessments would continue to be undertaken by local authorities, and therefore social workers, the role of the NAAB in overseeing this is unclear, and raises some concern.

For example, the Explanatory Memorandum sets out that the NAAB can be asked to undertake an age assessment “if the Secretary of State has reason to doubt an age assessment conducted by a local authority on an age-disputed person or has reason to doubt a local authority’s decision not to conduct an age assessment”. This is an extremely broad power and one that has the potential to undermine the critical role that local authority social workers play; rather the focus should be on equipping social workers to perform their role well with adequate

guidance, training, and support. It is essential that social workers are conducting age assessments using a multi-agency and holistic approach, which requires social work managers, legal teams and partner agencies to engage with the [Welsh Government's Age Assessment Toolkit](#). Social workers are best supported in their assessments when all participants in the age assessment process are knowledgeable and competent – this must be the focus rather than creating a system where one part can question the decisions made by other parts of the system.

If this Board is to sit within the Home Office, there is also concern regarding the required impartiality in such decision-making, and the Governance of the Board. Any National Board would also need to be adequately resourced to ensure young people's asylum claims are not impacted on due to a delayed age assessment process; delays in determining age can have negative impacts on young people's mental health and well-being.

A recent [High Court judgment](#) in *(MA and HT) v Secretary of State for the Home Department* ruled the Home Office's process for age assessing young asylum seekers when they arrive in the UK was unlawful. Here, the Home Office recruited its own social workers to carry out "short" age assessments at the Kent Intake Unit if they were of the view that the individual claiming to be a child was potentially an adult. These assessments generally lasted no more than an hour and there was no "appropriate adult" present to support the young person, as is policy during age assessments by Children's Services. If judged to be over the age of 18, the young person was referred on to adult accommodation, usually asylum hotels rather than dispersed accommodation, due to pressures in the asylum system. Mr Justice Henshaw found that the age assessment process was "inherently unlawful in the sense that it lacks essential safeguards", and that the decision to detain young people for an age assessment and to assess them immediately upon arrival was also unlawful. It is essential that lessons are learned from this, and in light of the judgment there is a need both to clarify and provide further detail on some aspects of the Bill, including when and how 'abbreviated age assessments' would be used. We need to ensure that any changes or reform are driven by a child-centric approach.

It is a matter of great concern that the way in which the Home Office undertook such assessments - as detailed above - was ruled unlawful, while at the same time seeking powers to set standards for age assessments across the UK through a NAAB. This does not inspire confidence in the revised age assessment policy and processes outlined in the New Plan for Immigration.

Given that different legislation applies in Wales accompanied with specific guidance for councils on carrying out an age assessment, we believe that referrals to the National Age Assessment board should not be mandatory for councils in Wales.

Impact on areas of devolved competence

2. To what extent the proposals set out in the Bill could undermine the Senedd's devolved responsibilities by requiring referral of age-disputed children to other decision-makers, including the establishment of a National Age Assessment Board?
3. To what extent it could undermine the requirements placed on Welsh local authorities set out in the Social Services and Wellbeing (Wales) Act 2014 which determines whether children have care and support needs which need to be met?

Response

While immigration legislation and policy itself is not devolved to Wales, most services that children/young people receive in Wales are the responsibility of Welsh Government, local councils, and other public bodies. Any changes to procedures to be followed by social workers conducting age assessments, should be in line with all Welsh legislation and the All-Wales Age Assessment Toolkit.

The Social Services and Wellbeing (Wales) Act (SSWBA) places clear responsibilities and legal duties on local authorities in relation to promoting the wellbeing of children and young people who need care and support and meeting their needs. In relation to children looked after local authorities must safeguard and promote the child's well-being.

The SSWBA does not specifically set out a duty to assess age. However, the duty to support children entails a duty to assess eligibility for children's social services. If there is no doubt about a young person's claimed age, there is no need to assess age, however, if there is doubt then an age assessment should be carried out to determine eligibility to access Children's social services.

The SSWBA requires a person-centred approach to assessing and meeting need. Described as a 'what matters' conversation to be used with children and young people, it sets the basis for a refreshed approach to the relationship between people who use social care services and those who provide them.

The Nationality and Borders Bill has several areas in which it confers power on the Secretary of State to make regulations imposing functions on devolved Welsh authorities. For example, there is a clause that enables the Secretary of State to make regulations about age assessments under clause 49 or 50. These regulations could establish the processes for age assessment which must be followed by councils, circumstances where 'abbreviated age assessments' may be appropriate, protections and safeguarding measures, required qualifications of the person conducting age assessments, procedures for scientific methods and consequences of non-compliance. The regulations may also make provision about how and when a local council must inform the Secretary of State.

Given the devolved nature of health and social care in Wales our view is that the Bill confers power on the Secretary of State to make regulations imposing functions on devolved Welsh authorities which could potentially undermine the requirements placed on Welsh local authorities set out in the SSWBA, thereby treating asylum seeking children differently to other children in Wales. The full devolvement of social services functions to Wales does not appear to have been considered, with no specific proposals about the representation of Wales or the impact of decision-making on Welsh devolved services.

The function of assessment is a core duty for social workers and as highlighted above the assessment of age is part of this. We are concerned that the Bill as laid could diminish the lead, authoritative role social workers play, with the potential for the Bill to result in officers without the required expertise, experience, and skill conducting such assessments, including abbreviated assessments. This remains a considerable concern following the recent court case, rather than local authority's own social workers following nationally agreed approaches and good practice.

UN Convention on the Rights of the Child

4. Your views on whether the proposals will undermine compliance with the UN Convention on the Rights of the Child to act in the best interests of children.

Response

As highlighted above the SSWBA sets out the requirements placed on Welsh local authorities in determining whether children have eligible care and support needs to be met. As a result, there is legislation in place in Wales which complies with the UNCRC. The Bill would place requirements around the referral of age-disputed children to other decision-makers or mandating evidence or methods of age assessment which are not considered good practice in Wales, and indeed are not supported by the Welsh Government's Age Assessment Toolkit. As such we have concerns that the Bill may undermine the existing Welsh legislation, which could in turn impact on our ability to be compliant and able to act in the best interests of children.

Article 3 of the UNHCR states that the best interests of the child principle should be at the heart of any decision and, therefore, this must be considered in any age assessment system. The principal of Best Interests has also been incorporated into Welsh Government's Age Assessment Toolkit. The Toolkit also emphasises that age disputes should only be raised for those young people where there is significant doubt about their age.

'Scientific' methods and assessments

5. Your views on the use of use of "scientific methods" to determine age.
6. The anticipated implications for local authorities and the NHS who may be required to carry out "scientific" assessments of age.
7. The potential mental health impact for those who are age disputed.
8. To what extent the proposals would undermine community cohesion in Wales.

Response

It is important to recognise that in Wales there is already a nationally agreed Toolkit in place to support the conducting of age assessments. This Toolkit considers the use of 'scientific' methods and medical reports in age assessments, concluding that,

"This Toolkit does not recommend or support the use of medical examinations as determinants of age. The science underpinning the determining of age is inconclusive, unclear and in any event, subjecting young people to invasive medical examinations is judged to be morally wrong."

The use of 'scientific' methods is contested by a number of other organisations, for example the Royal College for Paediatrics and Child Health state: "there is no single reliable method for making precise age estimates. The most appropriate approach is to use a holistic evaluation." The College adds "the margin of error can sometimes be as much as five years either side with medical tests."

In 2017, a case in Europe was taken to the European Court of Human Rights in which the use of medical age assessments is alleged to be a violation of Article 8 of the Human Rights Act. The main argument in this application was that there is no scientific way of accurately determining age, and that exposing young people to radiation for no health benefit is invasive and unethical.

A recent legal case has also been brought before the courts in Sweden making similar points about dental x-ray age assessment conducted by the National Board of Forensic Medicine (RMV).

As evidenced, the UK Government's plans to introduce scientific methods for assessing age are not supported by the scientific community and are likely to lead to more children being incorrectly identified as adults, losing the support they need and exposing them to risk. Current [Home Office guidance](#) states that it is not policy to commission dental checks or x-rays to inform an age assessment and that scientific methods "can only estimate age and as a consequence there will always be a margin for error".

It must be recognised that age assessment is not a scientific process and so the benefit of any doubt must always be given to the unaccompanied asylum-seeking child. Given the existing policy and guidance on 'scientific' evidence in Wales, we do not support the proposals to undertake 'scientific' assessments of age.

An incorrect age assessment for an unaccompanied minor can have serious consequences for their care and support and detrimental mental health implications, given the trauma these young people will have encountered in their home countries, and on their journeys to the UK. Being subjected to intrusive methods of scientific age assessment, which does not provide an exact age, may be detrimental to their well-being, potentially unethical, and may not provide a 'silver-bullet' determination. An incorrect determination of the child as an adult will lead to young people being deprived of the support, care, and safeguarding procedures they are entitled to as children. Importantly, the significant margin of error in so-called scientific age assessment methods will increase the likelihood of children being detained in Immigration Removal Centres.

Agenda Item 6.4

CYPE(6)-06-22 - Paper to note 36

Eluned Morgan AS/MS
Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol
Minister for Health and Social Services



Llywodraeth Cymru
Welsh Government

Jayne Bryant MS
Chair
Children Young People and Education Committee

SeneddChildren@senedd.wales

9 February 2022

Dear Jayne

At the Children, Young People and Education Committee on the 13th January 2022 I agreed to provide a note with the data identifying specific spend on children and young people across my portfolio.

We are able to provide the following information in respect of NHS expenditure on children and young people:

- The cost of traditionally defined core paediatric services – for example: paediatric inpatients and outpatients, neonatal care, some paediatric surgery, health visiting and children and adolescent mental health services.
- An analysis of all services where costs are captured at a patient level, namely Accident and Emergency care, admitted patient care, outpatients across all specialties - capturing all cost and activity for specified age groups.

We are unable to separately identify costs of care for children and young people in out-of-hospital settings, such as general practice. This information is not currently available to enable age-specific costs to be calculated for these services.

We will also provide details of other non-NHS centrally held budgets within my portfolio which are supporting children and young people.

We will aim to provide this information by the end of February 2022.

The Deputy Minister for Social Services agreed to provide you with further information about the Children's Rights Impact Assessments that feed into policy decisions reflected in the Draft Budget. To support our commitment to 'Eliminate Profit from the Care of Looked After Children', the Eliminating Profit from Care Programme Board has developed an Integrated Impact Assessment (including a CRIA) which will shortly be published.

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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.

I hope I have provided clarity on these areas but if you would like further information please let me know.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'M. E. Morgan'.

Eluned Morgan AS/MS

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol
Minister for Health and Social Services

Agenda Item 6.5

CYPE(6)-06-22 - Paper to note 37

Jeremy Miles AS/MS
Gweinidog y Gymraeg ac Addysg
Minister for Education and Welsh Language

Our ref MA/JMEWL/4269/21



Llywodraeth Cymru
Welsh Government

Jayne Bryant MS
Chair Children, Young People and Education
Committee Welsh Parliament
Cardiff Bay,
Cardiff,
CF99 1SN

7 February 2022

Dear Jayne

Thank you for the opportunity to provide evidence to the Committee on the Education and Welsh Language Main Expenditure Group (MEG) plans published in 2022-23 Draft Budget. I agreed to provide further information to the Committee on two matters at my evidence session on 20 January and a response is provided below.

Raising School Standards budget

As outlined in my evidence paper, whilst budgets across the portfolio support the raising of school standards, the £25.5 million funding previously contained within the Raising School Standards Budget Expenditure Line (BEL) has now been mainstreamed into the BELs within the MEG that funding supports. As requested, the table below summarises the transfers actioned in draft budget.

Activity	Budget Expenditure Line(BEL)	£000
Leadership and Professional Learning	Teacher Development and Support	14,740
Additional Learning Needs	Additional Learning Needs	4,400
Curriculum (Books Trust, coding and digital skills, oracy)	Literacy & Numeracy	800
Foundation Phase Excellence Network	Curriculum & Assessment	60
Attendance support	Tackling Disaffection	3,000
E-sgol and immersion provision	Welsh in Education	2,500
Total		25,500

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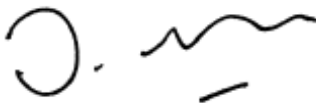
2022-23 local authority sixth form and adult community learning allocations

The 2022-23 allocations for local authority Sixth Forms and Adult Community Learning, together with 2022/23 allocations for Further Education colleges have now been approved. The allocations were published on the Welsh Government website on 2 February and are available via the link below.

[Post-16 planning and funding | Sub-topic | GOV.WALES](#)

I trust that you will find these responses helpful and look forward to receiving the Committee's report on 2022-23 Draft Budget.

Yours sincerely,

A handwritten signature in black ink, consisting of a large 'J' followed by a series of wavy lines and a short horizontal stroke at the end.

Jeremy Miles AS/MS

Gweinidog y Gymraeg ac Addysg
Minister for Education and Welsh Language

Agenda Item 0.6

Julie Morgan MS
Y Dirprwy Weinidog Gwasanaethau Cymdeithasol
Deputy Minister for Social Services



Llywodraeth Cymru
Welsh Government

Jayne Bryant, MS
Chair, Children, Young People and Education Committee
Senedd Cymru
Cardiff Bay
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10 February 2022

Dear Jayne,

Thank you for your letter of 12 January regarding the use of restraints on children and young people.

My office also received the “Hope not Handcuffs’ campaign correspondence and I asked officials to make urgent enquiries in relation to the issues raised.

Upon initial inquiry, local authorities became aware of some cases where secure transport providers have used ‘soft handcuffs’ on young people.

Albert Heaney, Chief Social Care Officer wrote to Assistant Directors of Social Services and Heads of Children’s Services on 25 January seeking assurance that urgent action is being taken by each local authority to:

- Identify whether, and how many, children in their care have been subject to this practice.
- Formally review commissioning arrangements, undertake due diligence on secure transport providers and ensure procurement arrangements include a contractual obligation to operate in line with the Welsh Government Reducing Restrictive Practices Framework.

We have asked for assurances on these two matters to be provided in writing by 11 February. The Chief Social Care Officer has also written to Gillian Baranski, Chief Inspector, Care Inspectorate Wales on 25 January.

This is to ensure that the inspection process monitors whether any care experienced children or young people are subject to these practices and that due diligence has been carried out by local authorities to ensure that secure transport providers are operating in line with the Reducing Restrictive Practices Framework and that handcuffs are never used.

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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.

In July 2021 I issued a [Written Statement: Reducing Restrictive Practices Framework \(19 July 2021\) | GOV.WALES](#).

Welsh Ministers have been clear that restrictive practices have a negative impact on the wellbeing of those subject to these practices. The Framework is clear that restrictive practices should only ever be used as a last resort to prevent harm to an individual or others. The guidance is intended to help ensure that those who work with children and adults across relevant settings and services share a common framework of principles and expectations informed by an approach that actively promotes children's rights and human rights.

The current issue you have raised with me reminds us that continued support for strong implementation of this policy is crucial.

I agreed advice that during the period between publication on 19 July 2021 and 31 March 2022, officials in relevant divisions should engage external stakeholders in those sectors that the Framework applies to, childcare, education, healthcare and social care. Working with sectors, commissioners and providers to raise awareness, and to consider and agree any work needed to support implementation through specific policy and support for practice in the period 1 April 2022 to 31 March 2023 and beyond.

The Chief Social Care Officer wrote to Assistant Directors of Social Services and Heads of Children's Services on 10 December asking for their support in the work needed to implement the Framework.

A [video](#) aimed at commissioners and providers of services and settings has been published and promoted via social media to help raise awareness. A similar video has been commissioned for those using services and will be complete by the end of March.

The indicative social care budget proposals for Safeguarding, 2022-2023 also include £35,000 to support the implementation of this policy through awareness raising and learning offers.

The justice sector including youth justice is not devolved to Wales. However the Minister for Social Justice has asked her officials to urgently consult with UK Government to better understand the position. Officials have also made our views on this restrictive practice very clear to the relevant UK Government leads.

The Minister for Health and Social Services, Minister for Social Justice, Minister for Education and the Welsh Language and the Deputy Minister for Mental Health and Wellbeing have all committed to work with me to ensure that our shared expectations are implemented in a way that will impact positively on the day to day lives of children and adults in Wales.

Yours sincerely,



Julie Morgan AS/MS

Y Dirprwy Weinidog Gwasanaethau Cymdeithasol
Deputy Minister for Social Services

Jeremy Miles AS/MS
Gweinidog y Gymraeg ac Addysg
Minister for Education and Welsh Language



Llywodraeth Cymru
Welsh Government

Jayne Bryant MS
Chair
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14 February 2022

Dear Jayne,

Tertiary Education and Research (Wales) Bill

When I attended the Children and Young People Committee in November I agreed to provide further information on my planned approach to implementation and the exercise of the associated delegated powers within the Tertiary Education and Research (Wales) Bill.

I would also like to take this opportunity to provide an indication of the areas where I am considering potential amendments based on the feedback and evidence provided by stakeholders to the Committee and directly to me and my officials, as well as wider comments and matters raised by the Committee.

Amendments

Subject to the recommendations of each of the Senedd Committee's scrutinising the Bill, I am considering the potential of bringing forward amendments in relation to:

- Institutional autonomy and academic freedom
- Ensuring both research & innovation and Welsh Language have appropriate prominence across the Bill
- The application of the mandatory ongoing registration conditions on equal opportunity to all registered providers
- Emphasising the importance of learner voice
- Quality of tertiary education
- Increasing transparency in respect of the Commission's funding decisions
- Ensuring consistency across the different funding powers
- Consent for funding to pass to collaborating bodies
- HEC dissolution
- Extension of the provisions in respect of compatibility with charity law

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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.

Implementation

As I have indicated to the Committee, I intend to establish the Commission during 2023 and adopt a phased approach to the implementation of the functions provided for in the Bill, from its establishment in 2023 and into 2024 and 2025. To support this approach, and ensure continuity of provision and a smooth transition, the closure of HEFCW has been rescheduled to early 2024.

A key principle underpinning the implementation of the Bill, and the establishment of the Commission, is that of working closely with key stakeholders to, wherever appropriate, enable co-construction of policy, subordinate legislation and guidance necessary to support that implementation. This comprehensive engagement and consultation has already started through the Strategy and Implementation Board I chair and through my officials engaging with HEFCW and other key stakeholders.

In order to ensure stakeholders are afforded ample opportunities to inform the development of the necessary regulations, and to ensure that those regulations reflect any refinement to the Bill following consideration of the Committee's recommendations, I do not anticipate being in a position to share draft regulations with the Committee whilst the Bill is undergoing scrutiny.

Staffing

The appointments of the Chair and CEO are a critical step in the establishment of the Commission, having this leadership in place to drive the development of the Commission and the embedding of its functions from the early days is essential.

It is my intention, subject to the Senedd agreeing the general principles of the Bill, to commence the recruitment process during the latter stages of scrutiny so as to allow sufficient time to complete the recruitment and appointment process. Allowing for the processes involved and the notice period to be expected for an individual at the CEO level, I anticipate the Chair and CEO recruitment completing in early 2023.

Ahead of the appointment of the CEO, work is in hand to develop the draft organisational structure later this year. Once in post the CEO will have a key role reviewing, amending and agreeing that structure, prior to a matching process where all staff will have an opportunity to engage in the process of identifying which posts are the best match in the new structure for their current role. Throughout this process active engagement with staff in Welsh Government and HEFCW will continue, to ensure we are able to maintain visibility with staff, so they can see where the opportunities are for them in the new organisation.

Lifelong Learning

Turning to the provisions of the Bill, section 91 of the Bill requires the Commission to secure proper facilities in Wales for relevant education and training for eligible persons. This duty is a central to one of my key priorities of ensuring Wales is a nation of second chances, it is essential that lifelong skills and training must become the norm and that we give every citizen the chance to benefit and I consider this duty to have a key role in helping achieve this. Fundamental to the adult further education funding duty is the capacity in the longer-term to expand provision, depending on emerging economic and social needs.

The implementation of this duty requires the making of regulations to define relevant education and training and it is my intention to also make regulations providing for the specification of an eligible person.

The development of the policy underpinning these regulations is ongoing, and is being informed by the Wales Centre for Public Policy report, '*Supporting the Welsh Lifelong Learning System*'. A constructive and informative discussion was held at a recent meeting of the Strategy and Implementation Board and this initial engagement will continue enabling the regulations to be co-constructed and informed by the expertise of the sector. As these regulations are developed they will be subject to formal consultation during 2023 and it is my intention to deliver this commitment for greater provision during the 2024/2025 academic year.

Regulatory System

Chapter 1 of Part 2 of the Bill provides for a new system of registration of tertiary education providers, the implementation of which will require the making of a package of subordinate legislation. The timeline for implementing these provisions is being informed by lessons learnt from the implementation of the Higher Education (Wales) Act 2015, balanced with the need to ensure the reforms delivered by the Bill are brought forward as soon as practicable.

It is my aim that the new regulatory arrangements set out in the Bill will be in place for the 2025/26 academic year.

In order to establish the new regulatory system there are a number of regulations which need to be made including, but not necessarily limited to, those listed below (section numbers refer to the Bill at introduction).

Section	Description
23(2)	specification of the categories of registration for which provision must be made in the register
23(5)	prohibiting the registration of a provider in one category of the register at the same time that it is registered in one or more of the other categories
25(3)	specification of further initial conditions of registration
30(2)(b)	specification of the category of registration to which a fee limit condition is to apply
44(6)	set the maximum amount that the fee limit specified in a fee limit statement may not exceed
52(5)	Specification of the periods at which higher education assessments are to be conducted and reports are to be published
77(3)	duty on the Welsh Ministers to make provision in connection with decision reviews, for example, details regarding the role of the decision reviewer and procedure to be followed
85(3)	Specification of the categories of registered provider to which the Commission may provide financial support in respect of expenditure incurred for the purposes of the provision of higher education and facilities or activities connected with the provision of higher education.
102(4)	Specification of the categories of registration which a provider must be registered in before the Commission can provide financial resource to the provider in respect of expenditure for the purpose of (or in connection with) research or innovation.

The initial policy intention in respect of these regulations is set out in the statement of policy intent which accompanied the Bill at introduction, this intention will be further refined and developed following engagement with key stakeholders.

The development and consultation on the underpinning policy and the subsequent drafting of these regulations will be a priority activity as the scrutiny of the Bill starts to draw to a close.

In addition to making the above regulations it will also be necessary to reflect the new arrangements in existing legislation, such as regulations dealing with eligibility for students support, and it is intended to address this as part of the regular annual update of those regulations.

Identification of the interdependencies between the regulations and other subordinate legislation is also being undertaken and arrangements made to address the necessary changes. All of these matters will be reflected as the timeline for implementation is refined and finalised.

The establishment of the new regulatory system includes a series of actions to be completed by the Commission, including developing and publishing the requirements that providers must meet, for it to be satisfied as to the initial conditions of registration (s.25(2)). In addition developing, consulting on and publishing the general ongoing registration conditions (s.26(1)) and preparing guidance for registered providers about those ongoing registration conditions (s.33) is required. These are activities I anticipate the Commission taking forward as soon as practicable following its establishment.

Quality framework and Learner Engagement Code

The Bill includes other provisions in respect of which the Commission will have a central role in developing the core components necessary to support implementation. These include the Learner Engagement Code and the Quality framework, it is my intention that these activities be taken forward by the Commission imminently following its establishment. I also intend to issue statutory guidance to support the Commission in the implementation of these provisions. The intention is to start issuing the draft guidance, which is being co-developed with stakeholders, for consultation towards the end of this calendar year or early 2023.

Apprenticeships

Turning to apprenticeships and the new Wales specific arrangements provided for by the Bill, the implementation of which will require the bringing together of the existing arrangements managed by the Welsh Government, in relation to standard and higher degrees, and HEFCW in relation to degree apprenticeships.

In respect of the Welsh Government arrangements, a procurement exercise was recently undertaken for the delivery of apprenticeships at levels 2 to 5 with this contract beginning on 1 August 2021 and running for four years (with an option to extend for further two years).

A programme of work will commence imminently to develop a plan for the implementation of these provisions

Transitional arrangements

As the Committee will be able to see from the above details, the implementation of some provisions will extend beyond the closure of HEFCW, as such the implementation work will include the identification and development of the necessary transitional provisions to enable the continuation of relevant existing functions, between the closure of HEFCW and the point at which all provisions are fully implemented.

Whilst this response has focused on the proposed approach to the legislative implementation plan, a significant body of work is also in hand to develop and implement the necessary arrangements in respect of finance, corporate and communication systems and processes in time for the establishment of the Commission.

I anticipate being able to provide a fuller picture in respect of the implementation plan for the Bill during Stage 2 of the Bill's scrutiny.

Sixth Forms

Finally, I am conscious that stakeholders have raised concerns regarding the use of the word "rationalisation" within the amendments to the School Standards and Organisation (Wales) Act 2013 (the 2013 Act) as provided for by paragraph 26 of Schedule 4 to the Bill.

I would like to reiterate that "rationalise" or "rationalisation" is not intended to suggest closure or reduction, rather it is intended to suggest bringing better order to things, ensuring that sixth form provision is sensible and coherent. The term reflects the language used in the 2013 Act (and before that in the School Standards and Framework Act 1998).

These powers for the Commission do not replace the powers of local authorities, who will continue to bring forward proposals.

The duty on the Welsh Ministers to consult on the draft of the Code (or revised Code) on school organisation remains, and the Commission, when exercising these functions, must act in accordance with any relevant requirements in the Code and have regard to any relevant guidelines in it.

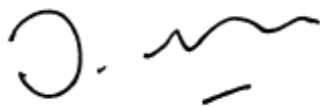
The amendments remove the automatic requirement for approval by the Welsh Ministers of school organisation proposals affecting maintained school sixth form education, but instead where a local authority has determined to approve, reject or implement such proposals and there was an objection to those proposals, the Commission will have the power to refer the proposals to the Welsh Ministers, who must then decide them.

The amendments also take away the Welsh Ministers' powers to make proposals to restructure local authority maintained school sixth form education, instead giving the Commission equivalent powers (new Chapter 3A of Part 3 on school organisation).

Those powers involve the Commission being able to direct, in certain circumstances, and in accordance with the Code, a local authority or a governing body of a foundation or voluntary school to bring forward proposals about local authority maintained school sixth form education. The Commission will have power to make its own proposals following a direction by it if the time for the local authority or governing body to make proposals has expired or they have published proposals. In the event of objections to proposals from the Commission, the matter has to be decided by the Welsh Ministers.

I would again like to take this opportunity to thank the Committee again for the valuable input to the Bill.

Yours sincerely,

A handwritten signature in black ink, consisting of a large 'J' followed by a series of wavy lines and a short horizontal stroke at the end.

Jeremy Miles AS/MS

Gweinidog y Gymraeg ac Addysg
Minister for Education and Welsh Language

Written Response by the Welsh Government to the report of the Children, Young People and Education Committee entitled Pre-appointment hearing report – the preferred candidate for the post of Children’s Commissioner for Wales

Thank you for the Children, Young People and Education Committee’s report in relation to the pre-appointment hearing for the new Children’s Commissioner for Wales on 17 December.

We would like to thank members of the Children, Young People and Education Committee for the scrutiny of the preferred candidate. This is an extremely important part of the process and we are pleased you were able to endorse the preferred candidate, Ms Rocio Cifuentes.

We would also like to extend our thanks to Laura Ann Jones MS and Sian Gwenllian MS, who were part of the Welsh Government’s cross-party recruitment panel, which included shortlisting, interviewing and scrutinising the shortlisted candidates.

The First Minister wrote to Ms Cifuentes on 20 December 2021 inviting her to formally serve as Children’s Commissioner for Wales. Ms Cifuentes accepted the post on 22 December 2021, and will commence her duties on 20 April 2022.

We would also like to thank members of the committee for their specific recommendations which are addressed below.

Detailed Responses to the report's recommendations are set out below:

Recommendation 1

The Welsh Government should involve Senedd committees more meaningfully in the recruitment process associated with ministerial appointments. This will require the government to engage with the relevant Committee at the start of the recruitment process. Depending on the post and the views of the relevant Committee, this could include:

- Providing Committee members with the application forms, CVs, etc. of any shortlisted candidates.
- A representative of the recruitment panel briefing the Committee before the pre-appointment hearing to give an overview of the recruitment process, discuss the field of applicants and respond to any questions from Committee members.
- Involving the Committee more formally in the recruitment (e.g. by Committee representatives being observer-members of the recruitment panel).

Response: Accept in principle

The current approach to public appointments was agreed by Welsh Ministers and the Senedd Commission¹. Guidance about pre-appointment hearings (i.e. the preferred candidate going forward for a pre-appointment hearing) is in line with conventional practice elsewhere in the UK.

The wider public appointment process is overseen by the Public Bodies Unit. In April 2022, a joint review will be held by the Welsh Government and the Senedd Commission to see how it can best support Senedd committees in ensuring effective pre-appointment scrutiny of Ministerial appointments. This review will consider the findings of this report.

Learning from this recruitment, we will consider updating the guidance to include confidential briefings to the chair of the relevant committee at important points in the recruitment timetable. This will provide:

- Information a recruitment campaign is being considered and to outline the proposed recruitment timeline;
- Information when the advertisement closes, including the number of applicants who applied;
- The names of the long-listed and/or shortlisted candidates and their diversity breakdown; and
- A list of shortlisted candidates invited to interview and their relevant application documentation.

We will also consider including in the guidance an expectation the chair of the recruitment panel provides a briefing to the relevant committee prior to the pre-

¹ Pre-appointment Scrutiny Guidance attached as a separate document.

appointment hearing. This will enable the chair to clarify any issues on behalf of the committee ahead of the pre-appointment hearing.

Recommendation 2

The Welsh Government should transfer responsibility for the appointment to the position of Children's Commissioner for Wales to the Senedd.

Response: Reject

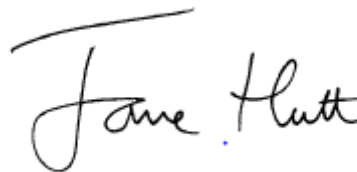
We understand the views of the committee on this topic. However, on balance, we remain of the view that the current arrangements for all commissioners are working well and we do not see the need to change these.

We do not believe the independence of the Children's Commissioner or the Office of the Children's Commissioner, is undermined by the Welsh Government being involved in the recruitment of the Children's Commissioner for Wales, or transferring responsibility for the Children's Commissioner's appointment to the Senedd would produce any significant difference in the recruitment process followed.



**Mark Drakeford, MS
First Minister**

and



**Jane Hutt, MS
Minister for Social Justice**

PRE-APPOINTMENT SCRUTINY BY NATIONAL ASSEMBLY FOR WALES COMMITTEES

Pre-appointment hearing by the National Assembly for Wales' Committees

Purpose

This document sets out the arrangements by which pre-appointment scrutiny of Welsh Government Ministerial public appointments will be undertaken by the National Assembly for Wales. These arrangements will apply to some Chair appointments and have been prepared by Welsh Ministers and the National Assembly for Wales.

Background

Welsh Ministers make a range of public appointments across all aspects of public life. These appointments are high profile and offer the opportunity to shape and inform many of the public services accessed by the people of Wales. Welsh Ministers must make regulated public appointments in accordance with the principles set out in the Governance Code on Public Appointments. The Commissioner for Public Appointments is responsible for providing independent assurance that appointments comply with the Code.

More about the Governance Code on Public Appointments, the role of the Commissioner and regulated appointments can be found on the Commissioner's website:

<https://publicappointmentscommissioner.independent.gov.uk/>

Welsh Ministers and the National Assembly for Wales have agreed to introduce pre-appointment scrutiny of some Chair appointments by National Assembly for Wales Committees in order to further improve the scrutiny and transparency of the public appointment making process. Pre-appointment scrutiny will take the form of a pre-appointment hearing of the preferred candidate conducted by the relevant National Assembly for Wales Committee.

Pre-appointment scrutiny criteria

Assembly Committees will have the option to conduct a pre-appointment hearing for significant Welsh Government Ministerial appointments to recruit a Chair to the board of a public body. The full list of posts is set out in Annex A.

The Welsh Government will notify the relevant Assembly Committee of all upcoming Chair Ministerial public appointments. A forward look will be provided at the outset of each financial year and/or by exception should a Chair vacancy arise unexpectedly.

By exception, the National Assembly for Wales can also request pre-appointment hearings for the recruitment of a Chair to a public body that meet the following criteria:

- The appointment is of significant public interest, and;
- The appointment will have a significant impact on the public.

The relevant Committee will notify the Welsh Government requesting to conduct a pre-appointment hearing for a chair appointment that is not classified as a significant appointment but meets the criteria above. The request from the relevant Committee will be considered by Welsh Ministers who will ultimately decide if a pre-appointment hearing should be held in the circumstances. If Welsh Ministers do not consider it appropriate to hold a pre-appointment hearing with the relevant Committee, they must outline the reasons.

The Committee will usually take evidence from the preferred candidate before the appointment is confirmed, but after the selection process has taken place.

The Welsh Government should engage the relevant Committee early on in the process to identify a suitable date for the eventual hearing to take place. Wherever possible, the end of the selection stage should not coincide with the beginning of any long Assembly recesses. If an incumbent is being reappointed the Committee is to be informed. However, re-appointments will not form part of the pre-appointment hearing process.

Pre-appointment hearings will normally be held in public and involve the Committee taking evidence from the candidate. The Committee will publish a report, usually within 48 hours, of the hearing setting out its view on the candidate's suitability.

Before the hearing takes place

All those involved in the selection process for a public appointment, designated as subject to a pre-appointment hearing should be made aware of the possibility of a pre-appointment hearing. This should be stated clearly in all publicity relating to the post so that all applicants are aware.

At least one week in advance of the scheduled date for the hearing, unless otherwise agreed, the Welsh Government should provide the Committee with the name and relevant details (CV, personal statement, declaration of interests etc) of the Welsh Government's preferred candidate for the appointment, together with information about the role, as well as a short outline of how the recruitment was conducted. This note should contain details of the interview panel and anonymised background information on the field of applications, for example the numbers applying, the numbers shortlisted and the number deemed appointable.

The Welsh Government should ensure that candidates are aware that the Committee may publish all information submitted to it, unless explicitly agreed otherwise. Confidential information relating to the appointments process – for example, personal information on other applicants should therefore not be shared with the Committee unless the Welsh Government recognises that these documents may be published.

The Welsh Government should ensure that candidates are properly briefed and supported before they attend a pre-appointment hearing, particularly if it is their first time in front of an Assembly Committee. Candidates should be encouraged to speak directly to the Clerk of the Committee to discuss the Committee's likely approach.

The candidate will need to be able to withstand parliamentary and public scrutiny should they take up post and the Committee may wish to test this. While the content of the questioning of the candidate during the hearing is a matter for the Committee, it is usual practice for the questions to be relevant to a candidate's professional competence, personal independence and how the individual would plan to undertake the role and the experience and expertise they would bring. Candidates would not be expected to understand the intricate workings of the body for which they would have responsibility, though such questioning may feature in evidence sessions after an individual has taken up post.

The Committee report and the Ministerial decision

Following the evidence session, the Committee will prepare a report to be laid before the National Assembly for Wales containing its views on the suitability of the candidate. The candidate and the Minister will usually receive the report under a 24 hour embargo to allow the candidate and the Minister time to consider the report and prepare a response to any specific points it contains. The report will usually be published within 48 hours of the hearing.¹

On receipt of the Committee's report, the Minister will consider the report before deciding whether to proceed with the appointment.

Concerns about an appointment of a preferred candidate should be raised in private correspondence or discussion with the Minister, prior to issuing a report. The Minister will want to consider whether or not it is advisable to approve the appointment. In these circumstances the Committee can agree that the Minister shall inform the candidate of the Committee's reservations before a formal report is published.

In a scenario where the Committee, the candidate and the Minister cannot reach any compromise (for example, the candidate choosing to withdraw), then the Committee can be expected to issue its report and the Minister will then proceed to make his or her decision.

In relation to the findings of the Committee, the Minister should weigh the views of the Committee carefully against the evidence from the appointments procedure to reach a final view to ensure that the decision is made fairly and taking all relevant considerations into account.

It is for the Minister to decide whether or not to accept a Committee's recommendations relating to an appointment. The Minister must consider any relevant observations made by the Committee before deciding whether to go ahead with the appointment. If a Committee recommendation in relation to an appointment is not accepted, the Minister should respond to the Committee explaining the reason(s) why.

If the Committee recommends against the appointment of a candidate, and where the report of the assessment panel has identified more than one appointable candidate and the Minister decides not to proceed with the appointment, the Minister may alternatively propose one of the candidates from that list for appointment. In this instance a further pre-appointment hearing would most likely be held to assess the Welsh Government's new proposed candidate. The Welsh Government should make an early approach to the Committee clerk to identify a suitable date for a second hearing. Another option open to the Minister would be to choose not to proceed with the appointment and to re-run the competition.

¹ The timescales refer to working days

Annex A

This list sets out which posts will be subject to pre-appointment hearing. It will normally be updated every year.

- Chair of National Infrastructure Commission
- Chair of Welsh Revenue Authority
- Chair of Transport for Wales
- Chair of Development Bank for Wales
- Chair of Natural Resources Wales
- Chair of Qualifications Wales
- Commissioner for Older People in Wales
- Children's Commissioner for Wales
- Commissioner for Future Generations
- Welsh Language Commissioner
- Chair of Arts Council of Wales
- Chair of Social Care Wales
- Chair of Higher Education Funding Council for Wales
- Chair of Sport Wales
- President of the Board of the National Library of Wales
- President of the Board of the National Museum of Wales
- Chair Abertawe Bro Morgannwg University Health Board
- Chair Aneurin Bevan University Health Board
- Chair Betsi Cadwaladr University Health Board
- Chair Cwm Taf University Health Board
- Chair Hywel Dda University Health Board
- Chair Cardiff and Vale University Health Board
- Chair Velindre NHS Trust
- Chair Welsh Ambulance Service NHS Trust



Llywodraeth Cymru
Welsh Government

Jayne Bryant MS
Chair, Children, Young People and Education Committee
SeneddHealth@senedd.wales

15 February 2022

Dear Jayne

Legislative Consent Memorandum on the Nationality and Borders Bill

I am grateful to you and your fellow members of the Children, Young People and Education Committee for taking the time to consider the Legislative Consent Memorandum (LCM) laid on the Nationality and Borders Bill ("the Bill"). Importantly, I note and welcome the views received from stakeholders.

I was pleased to see that with the exception of Laura Jones MS and James Evans MS, members agreed with the position I set out in the LCM; that the consent of the Senedd is required for the clauses highlighted.

Your report includes two recommendations. My response to those recommendations are as follows:

Recommendation 1. The Senedd should withhold legislative consent in relation to the Nationality and Borders Bill. Laura Jones MS and James Evans MS do not agree with this recommendation.

I am pleased the majority of Committee members agree legislative consent should be withheld in relation to the age assessment clauses in the Bill. I sincerely hope the Senedd will come to this majority view.

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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.

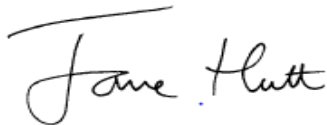
Recommendation 2. The Welsh Government should press the UK Government to ensure that scientific age assessment techniques are not introduced in Wales. Laura Jones MS and James Evans MS do not agree with this recommendation.

Should the Senedd support the Welsh Government and vote to withhold consent we will urge the UK Government to act responsibly and ensure these provisions do not apply to Wales. If the UK Government chooses to continue with the Bill as drafted, irrespective of the Senedd's view, we will explore all political and legal avenues to ensure these techniques are not utilised in Wales.

I am copying this letter to Huw Irranca-Davies MS the Chair of the Legislation, Justice and Constitution Committee and Russell George MS the Chair of the Health and Social Care Committee.

I hope my reply is helpful.

Yours sincerely,

A handwritten signature in black ink that reads "Jane Hutt". The signature is written in a cursive style with a long horizontal line above the first few letters.

Jane Hutt AS/MS

Y Gweinidog Cyfiawnder Cymdeithasol
Minister for Social Justice



Llywodraeth Cymru
Welsh Government

Jenny Rathbone MS
Chair of the Equality and Social Justice Committee

Jayne Bryant MS
Chair of the Children, Young People and Education Committee

Welsh Parliament
Cardiff Bay
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17 February 2022

Dear Jenny and Jayne,

Thank you for writing to me setting out the concerns raised by the Children's Commissioner in respect of her budget settlement for the 2022-23 financial year.

I would like to offer my assurance that the budget estimate was not rejected. I considered the budget estimate as part of the draft budget settlement and awarded an indicative 2022-23 grant allocation of £1,580,000. I can also assure you that as a government, we are committed to assessing and understanding the impacts of our spending decisions, through a Strategic Integrated Impact Assessment of the draft budget, of which children's rights is a part.

In the tight settlement for 2022-23, Programme for Government (PfG) commitments were prioritised and I agreed to maintain a flat line budget for the Children's Commissioner for Wales (CCfW) and all other Commissioners within my portfolio. However, I recognised the way the Children's Commissioner had systemically reduced her reserves alongside maintaining high performance.

My officials have been in discussion with CCfW's office since the original announcement. I am pleased to inform you that I wrote to the Children's Commissioner on 26 January confirming that an additional £115k has been allocated for the 2022-23 financial year. The Office of the Children's Commissioner will therefore receive a revenue budget of £1,695,000 in 2022-23.

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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.

This funding will be reviewed ahead of budget allocations being agreed for years two (2023-24) and three (2024-25). This will provide an opportunity for the incoming CCfW, Rocio Cifuentes, who begins her term in April 2022, to consider her requirements for future years.

Yours sincerely

A handwritten signature in black ink that reads "Jane Hutt". The signature is written in a cursive style with a long horizontal stroke above the first letter of "Jane".

Jane Hutt AS/MS

Y Gweinidog Cyfiawnder Cymdeithasol
Minister for Social Justice



Llywodraeth Cymru
Welsh Government

Elin Jones, MS
Llywydd
Senedd Cymru
Cardiff Bay
CF99 1SN

1 March 2022

Dear Llywydd

TERTIARY EDUCATION AND RESEARCH (WALES) BILL

On 1 October 2021, I submitted, for your consideration, the Tertiary Education and Research (Wales) Bill ('the Bill'), for you to determine whether it was within the legislative competence of the Senedd.

The Bill includes a provision which required the consent of the relevant Minister of the Crown under Schedule 7B to the Government of Wales Act 2006 ("GoWA"). Section 128 of the Bill provides that specified persons and bodies may give the Commission for Tertiary Education and Research ("the Commission") information for the purposes of the exercise of any of the Commission's functions. The persons and bodies specified in the provision include the Secretary of State and the Office for Students, which are 'reserved authorities' under the provisions of paragraph 8(3) of Part 1 of Schedule 7(B) to GoWA. Consequently, section 128 of the Bill is captured by paragraph 8(1)(a) of Schedule 7B to GoWA, and requires the consent of the Secretary of State to bring it within legislative competence. At the time of submission, consent had not been received.

The Bill also provides for a new apprenticeship system for Wales and repeals a number of the existing provisions in the Apprenticeships, Skills, Children and Learning Act 2009. The repeal of these sections amounts to the removal of a function of a Minister of the Crown, and consequently is captured by the provisions of paragraph 11(2) of Schedule 7B to GoWA, requiring the Welsh Ministers to consult with the Secretary of State.

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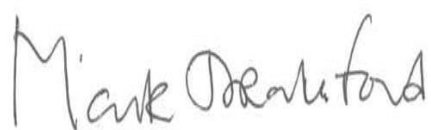
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We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

The Secretary of State for Wales has now written to the Minister for Education and Welsh Language providing consent in respect of both of these provisions of the Bill.

Yours sincerely

A handwritten signature in black ink that reads "Mark Drakeford". The signature is written in a cursive style with a large initial 'M'.

MARK DRAKEFORD



Llywodraeth Cymru
Welsh Government

Jayne Bryant MS
Chair
Children, Young People and Education Committee
Senedd Cymru
Ty Hywel
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2 March 2022

Dear Jayne

Tertiary Education and Research (Wales) Bill

Further to my letter of 4 February, I am pleased to inform the Committee that following engagement with the UK Government, Minister of the Crown consent has been received in respect of section 128 of the Tertiary Education and Research (Wales) Bill.

This letter has been copied to the Legislation, Justice and Constitution Committee and the Finance Committee.

Yours sincerely

Jeremy Miles AS/MS
Gweinidog y Gymraeg ac Addysg
Minister for Education and Welsh Language

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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.

Mark Isherwood MS
Public Accounts and Public Administration Committee Chair
[by e-mail]

15 February 2022

Dear Mark

Thank you for your letter dated 10 December 2021 regarding the use of the acronym 'B.A.M.E' by the Senedd Commission.

Early during the Autumn term 2021, Commission officials consulted with the Commission's Race, Ethnicity and Cultural Heritage workplace equality network (REACH) regarding its preferences. Network members expressed a number of opinions, and the networks' collective preference was to retain the acronym B.A.M.E. As a result of your letter, the network has worked with the Commission's Diversity and Inclusion team to revisit the position.

The Senedd Commission considered the use of the acronym 'B.A.M.E' at its meeting on 31 January. The Commission considered a paper that set out some of the wider debate surrounding the use of the acronym and recognised the difficulty of capturing the complex histories and cultures of people from ethnic minority backgrounds in a single phrase or acronym.



Commissioners agreed that the Commission would:

- a. Observe context as a key driver for use of terminology and opt for specificity when using terminology wherever possible;
- b. Where specificity is not possible, to replace use of the acronym and collective term B.A.M.E. with the collective term(s) 'ethnic minority' and 'ethnic minority community'; and
- c. regularly review use of terminology and monitor internal and external debate.



In addition they agreed that Commission officials should seek meetings with those Members of the Senedd who are from an ethnic minority background to discuss the matter further, and that the



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information Commissioners had considered should form the basis of a briefing for Members, initially committee chairs.

Commissioners agreed that the guidance contained in the paper would be published internally to support Commission officials in drafting documents.

The Chairs' Forum will consider the item on Thursday 17 February 2022.

You will be aware that the Commission's Sixth Senedd Diversity and Inclusion Strategy is currently being consulted upon. Members have been asked to engage with the consultation process through the Members' Engagement Survey which is currently live. A number of Members have indicated that they would welcome a further discussion with Commission Officials, and these are currently being arranged. Similarly, if Members of the Public Accounts and Public Administration Committee would find a similar conversation helpful, please let me know, and I can make the necessary arrangements.

Yours sincerely



Manon Antoniazzi

Prif Weithredwr a Chlerc y Senedd / Chief Executive and Clerk of the Senedd

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



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