

Agenda – Children, Young People and Education Committee

Meeting Venue:

Committee Room 1 – The Senedd

Meeting date: 28 June 2018

Meeting time: 09.00

For further information contact:

Llinos Madeley

Committee Clerk

0300 200 6565

SeneddCYPE@assembly.wales

Private pre-meeting

(08:45 – 09:00)

1 Introductions, apologies, substitutions and declarations of interest

(09:00)

2 Scrutiny session with the Cabinet Secretary for Education

(09:00 – 11:00)

(Pages 1 – 33)

Kirsty Williams AM, Cabinet Secretary for Education

Carla Lyne, Director of Operations

Steve Vincent, Deputy Director Schools Effectiveness Division

Attached Documents:

Research Brief

CYPE(5)–20–18 – Paper 1 – Welsh Government



3 Papers to note

(11:00)

3.1 Letter from the Welsh Language Commissioner to the Minister for Welsh Language and Life Long Learning – Position of the Welsh language in apprenticeship programmes in Wales

(Pages 34 – 36)

Attached Documents:

CYPE(5)-20-18 – Paper to note 1

3.2 Letter from the Cabinet Secretary for Finance – Scrutiny of the Welsh Government’s draft budget

(Pages 37 – 38)

Attached Documents:

CYPE(5)-20-18 – Paper to note 2

3.3 Childcare Funding (Wales) Bill – Additional information from Cwlwm following meeting on 24 May

(Pages 39 – 43)

Attached Documents:

CYPE(5)-20-18 – Paper to note 3

3.4 Childcare Funding (Wales) Bill – Additional information from Estyn following meeting on 6 June

(Page 44)

Attached Documents:

CYPE(5)-20-18 – Paper to note 4

3.5 Letter from the Welsh Language Commissioner – Childcare Offer

(Pages 45 – 47)

Attached Documents:

CYPE(5)–20–18 – Paper to note 5

3.6 Letter from the Cabinet Secretary for Education – 'Education in Wales: Our national mission' Action Plan

(Page 48)

Attached Documents:

CYPE(5)–20–18 – Paper to note 6

3.7 Letter from Flexible Admissions Wales group – School Admissions Policy

(Pages 49 – 57)

Attached Documents:

CYPE(5)–20–18 – Paper to note 7

**3.8 Letter from the Chair of the Petitions Committee – Petition P–05–751
Recognition of Parental Alienation**

(Page 58)

Attached Documents:

CYPE(5)–20–18 – Paper to note 8

**3.9 Letter from the Chair of Finance Committee on the Welsh Government Draft
Budget 2019–20**

(Pages 59 – 66)

Attached Documents:

CYPE(5)–20–18 – Paper to note 9

- 4 Motion under Standing Order 17.42(ix) to resolve to exclude the public from the meeting for the remainder of the meeting and the whole meeting on 4 July.**

(11:00)

Break

(11:00 – 11:10)

- 5 Consideration of the evidence received during the session with the Cabinet Secretary for Education**

(11:10 – 11:20)

- 6 Childcare Funding (Wales) Bill – Consideration of the key issues**

(11:20 – 12:10)

(Pages 67 – 89)

Attached Documents:

CYPE(5)-20-18 – Private Paper

- 7 Provision of textbooks and learning resources for pupils – Consideration of the draft report**

(12:10 – 12:55)

Document is Restricted

Children, Young People and Education Committee

From: Welsh Government

Date: 28 June 2018

Time: 09:00 – 11:00

Title: Scrutiny session with the Cabinet Secretary for Education

Introduction

1. The purpose of this paper is to provide the Committee with an update on :
 - i. Reducing infant class sizes;
 - ii. Review of current policy of surplus places with an emphasis on rural schools and taking account of the future growth trends;
 - iii. Prioritising access to super fast broadband.
 - iv. Latest position in respect of supply teaching;
 - v. Development of the new curriculum;
 - vi. Any implications for the Education MEG from the First Supplementary Budget 2018-19.

Reducing infant class sizes

2. All 22 local authorities submitted business cases for the £16m revenue element of the £36m funding to reduce infant class sizes. These were assessed to ensure they met the fundamental aim of reducing infant class sizes in schools that meet the target criteria and all proposals have now been agreed. As a result schools across Wales will benefit from 80 new teachers initially. The new teachers will be appointed to schools which have the largest classes (29 or over) and also have high levels of deprivation, special educational needs and/or where teaching and learning need to improve. Local authorities have been asked to profile their expenditure over the lifetime of the grant. The number of additional teachers will increase as further schools are targeted over the four years of the funding.
3. I recently visited Awel y Mor Primary School in Port Talbot, just one of the schools that will benefit from an additional teacher for its reception year next September. The school is a prime candidate for the grant having both high levels of pupils eligible for free school meals and/or special educational needs. The head teacher has welcomed the new funding which will enable teachers to work more closely with individual children and boost pupil standards.
4. To date, 17 local authorities have submitted bids for the £20 million capital element of the funding, in order to provide additional classroom space where reducing infant class sizes is dependent on this. Consequently, additional classroom space will potentially be created in at least 37 schools across Wales to reduce infant class sizes. The capital element of the grant is currently at its final stages of scrutiny and approval.

The impact of current policy on surplus school places is reviewed, with emphasis on rural schools, to better take account of future growth trends.

5. Committee will be aware that we have consulted on revisions to the School Organisation Code. This included strengthening the Code in respect of a presumption against closure of rural schools.
6. In order to have a presumption against the closure of rural schools it is necessary to define a rural school for that specific purpose. The consultation therefore sought views on the schools that should be considered rural and sought consultees views, based on local knowledge, on any other schools that should be included.
7. I am pleased to say that there has been broad support for the general direction of the proposals; however a number of respondents made the case that the definition should be wider to encompass more schools. I am minded to agree with this and extend the designation and list of rural schools.
8. Before doing so I am seeking the views of local authorities and diocesan authorities on the practicability of including these additional schools. Whilst I believe this further engagement is necessary and will assist me in making a final decision, it means a lengthier process in the laying of the Code and its coming into force.
9. I expect to publish the full summary of consultation responses before summer recess. The Code will then be updated to reflect responses, before being laid before the National Assembly for 40 days (which must not include any period in which the Assembly is in recess for more than 4 days). On this basis I expect the revised Code to be published in the autumn and to come into force before the end of the year.

Prioritising access to super fast broadband.

10. LiDW is an ambitious programme to improve school internet connectivity, and to roll out a range of centrally funded digital tools and resources through the Hwb platform, to all schools in Wales. To help achieve this commitment and to enable the delivery of the next steps detailed in the published Evaluation of the LiDW Programme, I announced a budget of £5m would be made available over the 2017-18 and 2018-19 financial years to allow this work to take place.
11. We have initiated the LiDW Investment in the Broadband work programme, via the Public Sector Broadband Aggregation (PSBA) network, to ensure schools have access to resilient and symmetric super-fast broadband services. Engagement with local authority and Regional Education Consortia colleagues concluded 340 schools are set to benefit from the additional investment.
12. The LiDW Investment in Broadband programme is progressing well, with delivery currently ahead of schedule. To date, 240 circuits have been completed with schools benefitting from the improved connectivity, while fibre connections have been delivered to a further 23 schools with work to complete these orders expected in the next few weeks.

13. Of the 340 schools, 81 are located in Vale of Glamorgan or Merthyr Tydfil who do not currently receive services through the PSBA network. As part of the programme, Merthyr Tydfil and Vale of Glamorgan secured approval from their respective cabinets to join the PSBA network and orders to progress their services have been placed. Once this work is complete, almost all schools across Wales will be connected to the PSBA network (there are a handful of schools who have decided to choose commercial broadband offers).
14. Eleven schools across Wales remain difficult to reach due to a lack of telecommunications infrastructure in the local area to support the delivery of adequate broadband services. Unfortunately the Superfast Cymru Programme did not reach these locations prior to the 31 December 2017 programme end date. Subsequently several teams across Welsh Government are working together with BT officers to determine what options are available to ensure these schools receive an appropriate broadband service. Orders for fibre have been placed at nine of the difficult to reach schools and discussions with BT are ongoing to explore options at the two remaining schools.
15. An agreement has been reached with the PSBA team to remove rate caps at all remaining schools. Although the vast majority of schools have adequate broadband infrastructure, this work will ensure they have access to uncontended broadband speeds to meet/exceed superfast expectations. The approach and timescales are currently being discussed to manage any impact to the PSBA network.
16. The LiDW programme has resulted in a dedicated fibre deployment to schools, meaning the infrastructure to the front door of the school is now adequate to support superfast speeds and will support the broadband targets for schools. Although the infrastructure to the school exists, the current intelligence suggests that approximately 20% of schools are without the necessary equipment e.g. router, to support the maximum bandwidth available via their connection. We are investigating a programme of work to enable these schools to reach the increased bandwidth available to them.
17. Over recent months, my officials have visited a number of schools and identified concerns regarding infrastructure in schools as well as the variance in support available to schools. Evidence would suggest the local area networks within schools are inappropriately configured, and / or ineffectively maintained to keep up with the latest technology requirements. This has resulted in schools in a position where problems are persisting in the classroom when accessing digital learning resources and services, despite having adequate broadband bandwidth and in some cases the latest classroom devices (i.e. laptops and tablets).
18. To gauge the issues and help substantiate the anecdotal evidence, we are conducting an assessment of approximately 200 school networks across Wales to provide a 'state of the nation' report on the current situation. The work is being conducted in conjunction with local authorities, given their responsibilities for managing and supporting schools. The work began in late January 2018 and is expected to be completed in July 2018 before the summer recess.

19. In December 2017 we published Education Digital Guidance for schools. The guidance will help raise awareness to schools of the importance of their local area networks, and what they need to consider prior to any financial investments in technology.

Supply teaching

20. The Committee has previously undertaken an inquiry into supply teaching and I have provided regular updates. You will be aware the Supply Model Taskforce report published in February 2017 made a number of practical recommendations for supporting and developing supply teachers. Welsh Government continues to investigate with the sector alternative models for deploying and supporting a flexible workforce. The power to set teachers' pay and conditions is due to be formally transferred to Welsh Ministers in September 2018 with September 2019 being the earliest date by which a teachers' pay system would come into force in Wales. We are currently engaging with the sector on how these powers can provide opportunities to set teachers' pay to underpin our aspirations for the wider education system, to raise standards and support and develop the teaching profession including those who undertake temporary supply work.

21. Welsh Government doesn't employ teachers. Under local management of schools regulations, school governing bodies and local authorities are responsible for ensuring an effective workforce is deployed including meeting temporary cover needs. There is more work to be done in working with the sector, including employing authorities, schools and the National Procurement Service in developing a revised managed service framework for temporary workers, to develop new ways to support the effective delivery of temporary cover arrangements. £2.7m has been set aside to support a direct employment of supply teacher trial announced in October 2007. The pilot will see eighteen school based cluster projects being developed across fifteen local authority areas with the aim of trialling a more sustainable, collaborative model of working which supports the professional learning of our newly qualified teachers whilst benefitting schools and our learners. The aim of the pilot is to recruit up to fifty recently qualified teachers to work across clusters comprising over a hundred schools in Wales. The pilot will be evaluated to see if this approach offers employers a viable alternative model that could be rolled out more widely.

22. One of the enabling objectives within *Our National Mission* is "developing a high quality education profession". Key to this is the development of a national approach to career-long professional learning that builds capacity from ITE and is embedded in evidence-based research and effective collaboration. We recognise that professional learning is crucial to translating the intentions of curriculum reform into practice. When the draft curriculum is made available in April 2019, we need time to further develop our understanding of the professional learning challenges associated with implementation in schools. An initial national professional learning approach will be made available in 2018 that will stress the entitlement to professional learning for all practitioners in the system. The national approach will be fully implemented from April 2020.

23. A consultation with middle tier stakeholders on the emerging National Approach to Professional Learning is also currently underway to ensure that the approach is co-constructed and delivered in line with *Our National Mission* commitment. Our approach to monitoring the roll-out of the professional learning offer made available by the middle

tier will include ensuring that supply teachers have equality of access in relation to specific provision to support practitioners to consider the implications of the new curriculum for their future role as 'curriculum designers.'

24. Schools and agencies are responsible for the continuing professional learning of supply teachers. To support the professional development of supply teachers arrangements are in place for all supply teachers to be registered for personal access to Hwb. To date over two hundred teachers have signed up. The Hwb networking pages are also available to offer a platform for supply teachers to share resources. This is available alongside regional Consortia options to support the on-going professional learning and development to reflect Welsh education priorities. All teachers including those who work flexibly as supply or temporary teachers should be able to access support for their on-going professional development. All registered supply teachers have access to Professional Learning Passports.

Development of the new curriculum:

25. At the Committee session on the new curriculum in December 2017, we gave evidence that the Pioneer network had, with the Curriculum and Assessment Group's (CAG) support, agreed on the approach to organising the knowledge, experiences and skills in the curriculum. This "What Matters" approach sets the scope and boundaries for each Area of Learning and Experience (AoLE), and Pioneers had developed draft "What Matters" statements with supporting rationales for each of the AoLEs.

26. Since January the Pioneer network has refined those "What Matters" statements based on comments from their colleagues and a wide range of expert input. They have also been working on the detail producing progression frameworks for each AoLE.

27. The new curriculum and its assessment arrangements – the Achievement Outcomes - will be built on progression; so it is important to get these right. This strand of development, therefore, is being delivered in collaboration with Camau, a partnership between Glasgow University and the University of Wales Trinity St David.

28. We have just reached the third checkpoint at which the CAG review progress on work to date and provide support for the working coming up. At the end of April/beginning of May, there was a detailed look at how the AoLEs were working on the progression frameworks, the approach to detail in each AoLE and the emerging curriculum structure. This took place over two days and was positive.

29. In line with the commitment to publish progress, updates following the last checkpoint were made available publically earlier this month.

30. The current phase of work over the summer term involves:

- Producing draft Achievement Outcomes - curriculum pioneers are using the progression framework to create these;
- Agreeing detail for the AoLEs – the curriculum pioneers are refining the essential knowledge, skills and experience needed to achieve the "What Matters" statements (and the four purposes). They are also working to ensure links and dependencies

between each of the AoLEs are identified and fed into the next stage of development; and

- Testing the “What Matters” and the progression frameworks with the digital and professional learning pioneers. They are now testing them in their schools and clusters and will feedback into the next stage of the process in early July.

31. In addition to the wide range of experts now being engaged by each AoLE, the output of this work will be further tested with the CAG over the summer period.

32. While AoLE work is now in its most intense period, we remain confident that we are on track to meet the timeframes circulated in the autumn and discussed in detail on 6 December 2017.

Any implications for the Education MEG from the First Supplementary Budget 2018-19.

33. You have requested details on any implications for the Education MEG from the First Supplementary Budget. Due to the timing of the First Supplementary Budget 2018-19, which is due to be published on 19 June, I am unable to provide information at this time.

34.



Comisiynydd y
Gymraeg
Welsh Language
Commissioner

Eluned Morgan AM
Minister for Lifelong Learning and Welsh Language

05 June 2018

Dear Eluned,

The position of the Welsh language in apprenticeship programmes in Wales

I write to you following the debate on the Economy, Infrastructure and Skills Committee's report, 'Apprenticeships in Wales'¹ at the Assembly on 9 May and the discussion on the Welsh language in apprenticeship programmes.

It was noted in the report and during the debate that the use of Welsh in apprenticeships is low, and that factors such as a shortage of teaching staff prevent progress. Reference was also made to the fact that the Government chooses to combine data on Welsh medium learning, bilingual learning and with an element of Welsh when reporting on the use of Welsh in the sector. You said that it is possible to study any apprenticeship through the medium of Welsh if there is a demand, but that only a small number of learners access this opportunity. You also said that many learners choose to undertake apprenticeships bilingually.

In my briefing note², published in November last year, I highlighted the fact that many factors are likely to impact the use made of the Welsh language in apprenticeships. These include a lack of interest from learners as you noted but

¹ <http://senedd.assembly.wales/documents/s72280/Report%20PDF%201.4MB.pdf>

² <http://www.comisiynyddygymraeg.cymru/English/Publications%20List/20171114%20S%20Nodyn%20briffio%20Prentisiaethau%20FERSIWN%20TERFYNOL.pdf>

Comisiynydd y Gymraeg
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Comisiynydd y
Gymraeg
Welsh Language
Commissioner

there are also other important factors. These include a lack of availability of Welsh medium and bilingual qualifications and assessments and a lack of education workforce who are able to teach and assess through the medium of Welsh. The Economy, Infrastructure and Skills Committee's report supported some of these points, noting that 'there remains a gap between the likely demand and ability to meet it'.³ In the context of all these conclusions, I therefore do not agree that it is possible to study any apprenticeship through the medium of Welsh if students wish to do so. Additionally, I would like to know the Government's view on the impact of the action taken to increase the use of Welsh in apprenticeships presented under the 'Aligning the Apprenticeship model to the needs of the Welsh economy' (February 2017) scheme; and also, whether you intend to develop further strategies to address the range of other factors which hinder progress.

I would also ask you to consider the practice of combining data for Welsh medium learning with data for learning bilingually and with an element of Welsh, a matter which was of course noted in the debate on 9 May. This was done, for example, when reporting on the position of the Welsh language in the work-based learning (and further education) sector in the Welsh Language Strategy Annual Report 2016/17. Combining these categories could undermine the reliability of the data; weaken the meaning of 'bilingual'; and lead to confusion regarding real progress in the sector. I raised similar concerns in correspondence to the Welsh Government's Chief Statistician on 21 February this year. Again, the Committee's report stated that a lack of accurate, publicly available data makes it difficult to address the issue of the gap between the likely demand for Welsh language apprenticeships and the ability to meet the demand⁴.

I trust that you will find my comments above useful. I would also welcome the opportunity to discuss the points in our next meeting.

Yours sincerely

Meri Huws
Welsh Language Commissioner

³ Ibid. p. 16

⁴ Ibid. p.16



Comisiynydd y
Gymraeg
Welsh Language
Commissioner

Copy to:

Kirsty Williams AM, Cabinet Secretary for Education

Bethan Sayed AM, Chair of the Culture, Welsh Language and Communications
Committee

Russell George AM, Chair of the Economy, Infrastructure and Skills Committee

Lynne Neagle AM, Chair of the Children, Young People and Education Committee

Mark Drakeford AM/AC
Ysgrifennydd y Cabinet dros Gyllid
Cabinet Secretary for Finance

Agenda Item 3.2



Llywodraeth Cymru
Welsh Government

Lynne Neagle AM
Chair
Children, Young People and Education Committee
National Assembly for Wales
Cardiff Bay
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11 June 2018

Dear Lynne

Thank you for your letter, dated 15 May, in relation to scrutiny of the Welsh Government's draft budget. I am replying as Cabinet Secretary with responsibility for the budget process.

Budget Transparency

In line with this government's commitment to transparency and openness, we have worked with the National Assembly over a number of years to refine the presentation and quality of budget information to help support meaningful scrutiny of the government's proposals.

This work has acknowledged the complexity of the information being presented at various points in the budget cycle and the variety of purposes for which stakeholders use the information.

Last year, in recognition of the government's new fiscal responsibilities – including new tax and additional borrowing powers – a new budget process was agreed between the National Assembly and the Welsh Government. This included a budget protocol setting out a new two-stage budget process, which has led to the publication of a greater level of detail and supporting information at both stages of the budget process.

As part of the protocol, we agreed to publish budget information at a BEL level – a more detailed level than has previously been published.

Bae Caerdydd • Cardiff Bay
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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

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

We continually keep the presentation and quality of budget information under review and will reflect on the evidence and feedback from committees, including the Children, Young People and Education Committee.

Child Rights Impact Assessment

As part of the continuous improvements to the budget process, we have taken an increasingly sophisticated approach to impact assessments through the publication of the Strategic Integrated Impact Assessment (SIIA) alongside the draft Budget.

In taking an integrated approach we continue to reflect the impacts on children's rights as well as socio-economic disadvantage, the Welsh language, equality and sustainable development through improving the economic, social, environmental and cultural wellbeing of Wales.

Impact assessments on detailed spending plans are part of the second stage of the budget process. As the 2018-19 Budget was the first year in which we published a two-stage budget, we acknowledge there is more we can do to improve the impact assessments of policy development through to the budget process.

The Finance Committee has recommended future draft budgets provide a clear explanation about how decisions are arrived at. This recommendation is consistent with a Welsh Government project to develop a new framework for impact assessment, which will be rolled out in July.

The objectives for the framework include giving clearer and more explicit purposes for impact assessments across the range of government interventions; reducing complexity and applying impact assessments to interventions in a proportionate way. Our approach will focus on the quality of understanding, evidence and judgment and integrating the impact assessment process with the Wellbeing of Future Generations Act.

I am copying this letter to the Cabinet Secretary for Education and the Cabinet Secretary for Health and Social Services.

Best wishes,

A handwritten signature in black ink that reads "Mark". The letters are cursive and slightly slanted to the right.

Mark Drakeford AM/AC

Ysgrifennydd y Cabinet dros Gyllid.
Cabinet Secretary for Finance



Local Authority Funding to Foundation Phase Nursery Non -maintained Providers

Cwlwm' brings together the five leading childcare organisations in Wales to deliver a bilingual integrated service that will ensure the best possible outcomes for children and families across Wales.

Background

Following the attendance at the Children and Young People Committee at the Senedd on 24th May 2018 to give evidence on the Childcare Funding Bill Wales, Cwlwm partners have been asked to provide the committee with a list of the different funding levels provided across Wales to Early Years providers who deliver the funded Foundation Phase Nursery (FPN). Cwlwm partners welcome the opportunity to discuss the information in this paper further.

Every child in Wales is entitled to a minimum of 10 hours per week of funded, part-time, Foundation Phase nursery provision. This could be in a non-maintained setting (which can be a day nursery, playgroup, Cylch Meithrin or childminder) approved by the local authority or in a school (maintained). A child starts Foundation Phase nursery from the term following their third birthday.

Non-maintained early years settings must be approved by a local authority (LA) to be funded to deliver the Foundation Phase either through a commissioning or a tendering process. Some LAs appear to commission 1 setting in a location and that is where parents can access their early education (EE) offer by paying the setting to deliver Foundation Phase sessions which will have a minimum number of places available. This may contribute to preventing childminders, as well as full day care nurseries and sessional providers from ever being able to offer FPN which could impact on the Welsh Government's ambitious Childcare Offer for Wales and parental choice is lacking in this model. In other LAs, a tendering process is used to approve providers. These models do not encourage parental choice. Although the majority of LA's fund non-maintained providers for Foundation Phase Nursery (FPN) there are still huge inconsistencies in the number of those LA's who will consider increasing the number of funded non-maintained settings to deliver the Foundation Phase or funding registered childminders to be a non-maintained provider.

The table below shows the different delivery models and funding provided by each Local Authority. This information has been collected and collated by Cwlwm partners based on information from early years providers. We do not have access to comparative information on the delivery and funding to the maintained sector for delivery of Foundation Phase nursery.

The information on the attached table demonstrates that across Wales the average funding to non-maintained providers for the delivery of the Foundation Phase nursery entitlement per child per hour is £3.13 per hour*

It should be noted that in most LAs, this funding has not been increased for many years, if at all, and at least one LA has decreased their EE funding to non-maintained providers. During this time, early years providers, have faced increasing costs due to the National Living wage, Employer pension contributions and business rates as well as inflationary increases for resources. One voluntary managed provider has been told by a local authority to fundraise if they could, (and not manage on the funding alone).

*Average hourly rates have been calculated by using an average 39week academic year or 2 terms/24 weeks to make comparisons of the different funding scenarios possible.

Local Authority	Funded; Autumn	Spring	Summer	Hours per week	Contribution per hour	Contribution per session	Contribution per child, per term/year	Av. Hourly Rate	Contribution towards sustainability
What the local authority funds									Many LA offer sustainability grants but criteria vary in each authority and most are only available to voluntary managed providers
Maenau Gwent	✓	✓	✓	5 x 2 hrs			£446.00 per term	£3.43	
Bridgend	x	✓	✓	10 hrs			£428.00 per term	£3.57	Sustainability grant available.
Caerphilly	x	✓	✓	10 hrs			£450.00/£480 per term	£3.75/4.00	
Cardiff	x	✓	✓	5 x 2 hrs		£8.28		£4.24	
Carmarthen	✓	✓	✓	10 hrs -5 x 2hrs or 4 x 2.5hrs)	£3.00 per hr			£3.00	Sustainability grant of £1000 available
Ceredigion	✓	✓	✓	10 hrs			£290.00 per term	£2.23	Sustainability grant of £1000 available
Conwy	x	✓	✓	10 hrs			£300.00 per term	£2.50 plus allowance for voluntary managed setting	Sustainability for all voluntary settings per places: 0-5 = £1000/5-10 = £750 10+ = £500

Denbighshire	x	✓	✓	10 hrs 4 x 2.5 hrs			£350.00 per term	£2.92	Occasionally - varies from yr-yr	
Flintshire	x	✓	✓	10 hrs 4 x 2.5 hrs			£350.00 per term/ per child (reduced from £360 in April 2017)	£2.92	Sustainability- up to £1000 per annum for voluntary managed settings	
Gwynedd	x	✓	✓	10 hrs			£5717 based on 16 children	£ 1.49	+ Variable additional payments per head for numbers above minimum	
Merthyr	✓	✓	✓	5 x 2 hrs		£7.64 per session		£3.82		
Monmouthshire	✓	✓	✓	Up to 10 hrs		£6.50 per session	£422.50 per term	£3.25		
Neath Port Talbot	Non- maintained settings are not funded to deliver Foundation Phase									
Newport	✓	✓	✓	Up to 5 x 2.5 hrs per week		£6.70 per session	.	£2.68		
Pembrokeshire	✓	✓	✓	10 hrs per week			£390.00 per term (13 wks.)	£3.00		
Powys	✓	✓	✓	Up to 12.5 hrs		Contribution to staff wages depending on no. children placed e.g. for 24 children Leader salary 16 hrs/week & 2 Assistant 14.5 hrs/week = £15498 a year plus premises costs up to £1500 for non- LA premises. Day nurseries given additional £500		£1.86 per/hr per child in group of 24 (inc staff and rent)		
Rhondda Cynon Taff	x	✓	✓	5 x 3hrs	15 hrs - Term after 3 rd birthday		£900.00 per term	£5.00		
Swansea	Non- maintained settings are not funded to deliver Foundation Phase nursery									

Torfaen	✓	✓	✓	10 hrs per week			£397.00 per term	£3.05	
Vale of Glamorgan	✓	✓	✓	Up to 5 x 2.5 sessions per week	Matches the fees of the setting	Up to max £11.50 per session		Max £4.60	
Wrexham	x	✓	✓	10 hrs			£350.00 per term	£2.92	
Ynys Mon 2 settings receive funding 3 terms	x	✓	✓	10 hrs			Funding is fixed per quota: Eg. Up to 16 places - £8064. i.e £504 per child /year	£2.10	+ £300 for equipment. 17-24 places- £11689.00 + £600.

Average Fee Received £3.13

www.cwlwm.org.uk

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Agenda Item 3.4

CYPE(5)–20–18 – Paper to note 4

Additional information from Estyn following meeting on 6 June:

The 35,000 pupils in the cohort referred to at committee reflects the typical number of pupils in a year group within the maintained schools sector.

According to the Stats Wales data there were 31,050 children accessing nursery education within the maintained sector as Nursery 2 (full nursery year) at the census point 9 January 2018. At the same census point (9 January 2018) there were an additional 5,638 children accessing Nursery 1 provision within the maintained sector. (Welsh Government, 2017). These would be autumn born children accessing the first of five terms of nursery education. There is no data available for the number of spring born children who join Nursery 1 provision in the maintained sector as they were not attending nursery at the census point.

There is no national system in place to capture the number of children accessing Foundation Phase within the non-maintained sector. We estimate that around 4,000–5,000 children attend Foundation Phase nursery provision (Nursery 1 or Nursery 2 equivalent) in the non-maintained sector. A proportion of parents opt out of Foundation Phase nursery provision but there is no mechanism in place to capture this information.

References:

Welsh Government (2017) *Pupils by local authority, region and year group*. Available from: <https://statswales.gov.wales/Catalogue/Education-and-Skills/Schools-and-Teachers/Schools-Census/Pupil-Level-Annual-School-Census/Pupils/pupils-by-localauthorityregion-yeargroup>

Lynne Neagle AC
Children, Young People and Education Committee Chair
National Assembly for Wales
Cardiff Bay
CF99 1NA

18 June 2018

Dear Lynne,

On the 27th of November 2017, we shared with the Children, Young People and Education Committee a briefing note on 'Welsh medium childcare and early years education provision'. The briefing note provides an overview of Welsh medium childcare provision, and includes a number of recommendations regarding the implementation of the 30 hours free childcare offer.

Recently, the Committee have been listening to evidence on the Childcare Funding (Wales) Bill. Due to the technical nature of the Bill, which focuses on administrative aspects of the 30 hours offer, and also in light of having already shared our briefing note, we decided against providing further evidence during the 1st stage of the Bill. Nonetheless, it has become evident that the Committee have been discussing much broader issues concerning the childcare offer during the evidence sessions. Many issues which were discussed in detail in the briefing note have been touched upon during these sessions (in particular during the session on the 14th of June). In this context, we would encourage the Committee to further consider the content of our briefing note when drafting their 1st stage report on the Bill.

Furthermore, in listening to the evidence provided so far, we have some doubts regarding some of the figures that have been alluded to when estimating the number of children who might be eligible for the offer. We have included a more detailed overview of these concerns in an attachment at the end of this letter, and these can be considered alongside the briefing note.

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Comisiynydd y
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Welsh Language
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Yours sincerely

Meri Huws
Welsh Language Commissioner



Comisiynydd y
Gymraeg
Welsh Language
Commissioner

Attachment 1: The number of children eligible for the 30 hours free childcare offer

On page 13 of our briefing note, we refer to some of the statistics that were originally published by the Government's Social Research unit on 'Childcare capacity in Wales' regarding the number of 3-4 year old children who would be eligible for the 30 hours offer. We have some concerns regarding the accuracy of these figures.

According to this report there are 70,000 3-4 year old children in Wales. It seems this figure derives from mid-year population statistics. This figure is then used to calculate how many children are eligible for the offer in light of the 'working parents' constraint. The report suggests that roughly 46,000 of these 3-4 year olds would be eligible. This figure is similar to the figure quoted in the paper that was presented to the Committee on the 18th of April, which was 'roughly 40,000'. These figures have repeatedly been used as the basis upon which to scrutinise the Bill during the evidence sessions, and they were especially prominent in the evidence provided by Social Care Wales regarding the potential workforce implications of the offer. As far as we're aware, they are also the figures used by the Welsh Government to estimate the cost of the childcare offer in the first place.

Whilst there are 70,000 3-4 year old children in Wales, some of these are already enrolled in reception classes in schools (as they had their 4th birthday before the 1st of September). It is possible that the current projections on the number of eligible children is overestimated, as too the estimated costs of the childcare offer. This has significant implications in terms of the arguments presented to the committee regarding making the childcare offer a universal one to all 3-4 year olds.

This is our understanding of the likely number of eligible children:

- According to StatsWales, there are roughly 35,000 children born each year in Wales, and this is roughly the size of a school year cohort.
- Children are eligible for the 30 hours offer at the start of the term following their 3rd birthday.
- The Welsh Government's statistics suggest that roughly 60% of children are eligible in light of the 'working parents' constraint.
- Based on the assumption that roughly 12,000 children are born during each school term (that is 35,000 divided by 3) and that 60% of these (roughly 7,000) are eligible, these are the projection for eligible children each school term from 2018 onwards:



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- **Autumn Term** – 21,000 (one full school year – those born between 2nd of September 2015 and 31st August 2016 – these will not start school until September 2019)
- **Spring Term** – 28,000 (one full school year + those who turned 3 during the autumn term 2018)
- **Summer Term** – 35,000 (one full school year + those who had turned 3 during the autumn term of spring term of 2018).

Agenda Item 3.6

Kirsty Williams AC/AM
Ysgrifennydd y Cabinet dros Addysg
Cabinet Secretary for Education



Llywodraeth Cymru
Welsh Government

Lynne Neagle AM,
Chair, Children, Young People and Education Committee

12 June 2018

Dear Lynne,

It has been six months since I launched *Education in Wales: Our national mission*, the action plan that sets out how we will transform education, and deliver the ambitious and learning element of *Prosperity for All*.

We are making good progress. In the first six months we are on track, having delivered against expectations for the 2017 milestones, and we also anticipate meeting the spring 2018 milestones. However, this is a huge reform, and despite the positive start to our Programme, there is still much more to be done.

Our Pioneer Schools represent a huge part of the work to be undertaken, and are leading the way as we develop our six Areas of Learning Experience (AoLE). I would be delighted if you could see this work first hand, and so I write to extend a warm invitation to you and the other members of the Children, Young People and Education Committee to visit our Pioneer Schools so you can see and hear about the work that is ongoing to transform education in Wales.

If you are content, invitations will be sent to Committee members from Pioneer schools within their local area, so that they can meet those working at the forefront of this reform and hear directly from young people. Of course, the offer of regular briefings by my officials to committee members also remains in place, should you and members find it useful.

I hope that the members will take up this opportunity to meet with our Pioneer School representatives and that they will find the visits useful.

Yours sincerely



Kirsty Williams AC/AM
Ysgrifennydd y Cabinet dros Addysg
Cabinet Secretary for Education

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

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

Agenda Item 3.7

CYPE(5)-20-18 – Paper to note 7

Dear Committee Members,

following a telephone conversation with the Clerk to your Committee, I welcome the opportunity to write to you, on behalf of the Flexible Admissions Group, Wales. Within this letter, I hope to outline the issues and complexities around Wales's current Admissions policy. I have also attached a Snapshot of case studies section, which will, I feel, help to add context to the problems encountered by parents who seek a more flexible, transparent and fair admissions policy for their child.

Currently in Wales, the age at which a child should legally be in formal education is the term after their fifth birthday. Overwhelmingly, children start their formal education journey at the age of four, in Reception. Reception is a crucial part of the child's early years experience, allowing for a gentle transition, sometimes from home, often from a nursery setting, where the basics of literacy; phonics, reading, writing, numeracy; numbering, counting, rules, new routines and socialising take place. This has been argued to be the most important school year of all by Ofsted's Bold Beginnings Report. If children enjoy this important transition into their formal education journey, given the opportunity to thrive, feel supported and acquire a 'zest for learning', this sets them on a positive journey for the years to follow, conversely, if this is not the case, children can often disengage with the learning process and the negative seeds are sown and can have long-term impacts.

Taking into account the above outline, this is where the problem arises for many members of our Facebook support group and in the wider community. Some children experience problems in their early childhood; a time where development is so variable. It is said that child development occurs at different rates, in the early years of life, levelling out at around the age of six or seven. When parents are faced with the need to apply for a full-time Reception place for their child, many needing to do so for children who are still only three years of age and some, who, for various reasons, are not ready for such a transition, where a delay would allow the child's problem/s to improve or even be solved, as he /she matures in all facets of development: physical, cognitive, emotional, developmental health issues. Such issues could be as a result of early years environmental problems, physical delays, premature birth, summer-born, especially later summer-born children. To not take these issues into account, where parents / health care professionals believe a delay would be in the child's best interests is, we believe, doing such young children a disservice and indeed, damaging.

The current Welsh Government School Admissions Policy Statutory Code (2013) states that:

3.30 Although most children will be admitted to a school with their own chronological age group, from time to time parents seek places outside their normal age group for gifted and talented children, or those who have experienced problems or missed part of a year, often due to ill health. While it would not normally be appropriate for a child to be placed in a year group that is not concurrent with their chronological age, admission authorities should consider these requests carefully and make decisions on the basis of the circumstances of each case and in consultation

with the parents and the school, and specifically in relation to what is most beneficial to the child. Due regard should be given to the Educational Psychologist's report, where available, and clear reasons ascertainable for such a decision to be made.

For the vast majority of parents who are faced with the likelihood that it would be in the best interests of their child to start formal schooling at Compulsory School Age (CSA), as outlined earlier in this letter, they do their due diligence and discover the above policies currently stand, showing there is the possibility to delay, they decide to exercise their right, only to face a system that can only be described as dismissive, suspicious, inconsistent, open to interpretation and mostly, closed to the idea. They are usually informed that as CSA is five in Wales, they cannot stop a parent from delaying, but crucially, the child will have to start their school journey in Year 1, being forced to miss out on the vital Reception experience, therefore, penalising parents / children for taking this decision. This often serves to influence a parent's decision, resulting in them reluctantly withdrawing their 'Out of Cohort' application / interest. The information available to the group indicates only three occasions, where the decision to allow a child to start Reception at CSA has been granted; one was done so after a lengthy battle with the local authority, the other two, fairly seamlessly, accepting medical advice and the legal argument, presented by an education-specialist lawyer. The problems, as we see them:

- Wording of the Welsh Government's Admissions Code, noted by the esteemed Education Specialist Lawyer, Michael Imperato – the word 'Should' is problematic, as it is open to the dismissiveness, often experienced by parents. The word "Must" would place an unequivocal responsibility upon the local authorities in Wales to carry out their responsibilities, as outlined in the 3.30 policy (above) and the UNCRC (detailed below).
- Local authorities in Wales consider such applications according to their 'out of cohort' policy, many of which are more relevant to applications made later in a child's school journey and have no place within the context of whether a child should be allowed to start their journey in Reception at CSA.
- Despite being required to consider each application for an out of cohort application on individual merit and in the best interests of the child, it is clear, from the experiences of our parents, that a blanket policy is being applied by the various local authorities around Wales.
- The experience of our group indicates that many LAs are immediately dismissive of a Reception start at CSA, treating parents with disdain and often, insulting the intelligence of such parents, with the information / misinformation they give. There appears to be no regard for the views of the parents of these young children, leaving them feeling judged, as if they are trying to 'hold on' to their child for as long as possible, This approach is also found in many of the schools approached by our parents, most are unaware that a delay to CSA is the legal right of a parent and refuse to allow this and often, part-time attendance is totally frowned upon, despite it being a legal right, before the child reaches CSA.
- Parents who have secured an 'Out of Cohort' place in the early years, be this through LEA agreement, Voluntary Aided or Independent Schools, fear their child being forced to join their so-called 'natural cohort', either with a change of head teacher within the school, or in the transition from primary to secondary school, such is the current policy, or lack, thereof. This causes real concern for several parents in the group.
- Whilst the Early Years Foundation Phase curriculum has been in place fully, since 2008, with an emphasis around experiential learning through play, the evidence from Estyn's recent inspection was that only 25% of schools are applying it correctly. This is also the feedback we receive from parents

in our group and beyond, from teachers practicing within Wales, who state that the pressures of formal learning, in preparation for the Year Two National Assessment are evident from Reception onwards, placing our very young children under pressure, from the outset. In a conference examining Educational Difference – Flexing and Personalising Education, (04/11/17) in Colwyn Bay), key note speaker, Sue Palmer, author of Toxic Childhood and Upstart Scotland, esteemed in the field of early years learning, described Wales' Early Years Foundation Phase in Wales as a "total contradiction". It is a well-known fact that most summer-born children struggle to apply themselves, at this early stage, to formal learning and often disengage, due to the difficulties they experience, in terms of concentration, inability to sit still and just the developmental difficulties in reading, often struggling with a lack of fine motor skills and ability to coordinate the cognitive and fine motor skills to do meaningful writing. The lack of meaningful movement on a daily basis, combined with the facts mentioned above, often result in poor behaviour and diagnoses of such conditions as ADHD, where in fact these children are just simply frustrated, too young to engage in the formal aspects of learning and all that this requires of them.

The burning question in Wales, therefore: what is the point of a policy, which on the one hand, states that compulsory school age is 5, but when parents feel their child would benefit from this, often, for genuine reasons, and enquire or apply to decelerate, they are faced with an almighty battle, on occasion, requiring legal counsel, to simply secure a place in Reception? How can it ever be in the child's best interests to be forced straight into Year One at CSA, being forced to miss, what has been described by Ofsted in its Recent Bold Beginnings Report, as the "most important year of all", and should be staffed by the "best teachers"? Such a move means the child is at a disadvantage, in all aspects, from day one. Many of the requests made for a delay by members of our group have not been made solely for summer-born reasons, most are as a result of developmental delays /issues, which have been flippantly rejected, with a standard line "he / she will be fine", rejecting the opinions of respective specialists and a failure in their duty to provide full and detailed reasoning for the decision. This is unacceptable and certainly not in the best interests of the children.

We implore you to look at the Admissions Code in Wales. Nick Gibb, Minister of State for Education in England has agreed to fully amend the Admissions Code in England, in the interests of summer-born children, reiterating England's commitment to enshrine this choice in England's Admissions Code (05/06/18). Scotland has extended the school admissions age to five and a half. Prior to the collapse of the Northern Ireland Assembly, there was a commitment to revisit the school admission age, which is currently four. Similarly, the Tynwald, Parliament for the Isle of Man has recently agreed to look into increasing the school admission age on the Island.

Where a parent is acting within the law and exercising his / her right, it can surely never be acceptable to force a child to miss a whole year of learning. Parents should not be forced to rely on the independent sector of education, in order to meet the needs of their child. Additionally, some parents within the group have been forced to educate their child in voluntary aided schools, or in North Wales border areas, in Cheshire West, in order to secure an 'out of cohort' place for their child; this is unacceptable.

In conclusion, we do not feel that the constant rhetoric peddled by the Education Minister in all correspondence and Twitter Live sessions, where the consistent and standard answer, regardless of

the child's issues or parental reasons, is that the Foundation Phase in Wales is a progressive curriculum and will meet the needs of every child in Wales; it simply does not and to apply this blanket approach and standard answer, is wholly unfair, ill-informed and often, damaging. Where a child has a specific developmental problem, be it physical, social, emotional, or any delay, relevant to this early stage of development and where a parent and indeed, other professionals feel more time would be of benefit, surely, a more fair and flexible policy is required that ensures the best possible start, to what is believed to be the greatest challenge facing a child, in these early years of their lives.

Many of us, within this group feel totally let down by the system in Wales. **This must change.** We also believe that the Welsh Government and local authorities have a responsibility to adhere to the United Nations CRC/GC/14: convention on the Rights of the Child (Article 3, para.1). In applying a blanket "no" approach to the requests for a Reception place at CSA, we believe the Welsh Government and Local Authorities are failing in their obligations:

"In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration"

The Committee underlines that the child's best interests is a threefold concept:

- a) **A substantive right:** The right of the child to have his or her best interests assessed and taken as primary consideration when different interests are being considered in order to reach a decision on the issue at stake, and the guarantee that this right will be implemented whenever a decision is to be made concerning a child, a group of identified or unidentified children or children in general. Article 3, paragraph 1, creates an intrinsic obligation for States, is directly applicable (self-executing) and can be invoked before a court.
- b) **A fundamental, interpretive legal principle:** If a legal provision is open to more than one interpretation, the interpretation which most serves the child's best interests should be chosen. The rights enshrined in the Convention and its Optional Protocols provide the framework for interpretation.
- c) **A rule of procedure:** Whenever a decision is to be made that will affect a specific child, an identified group of children or children in general, the decision-making process must include an evaluation of the possible impact (positive or negative) of the decision on the child or children concerned. Assessing and determining the best interests of the child require procedural guarantees. Furthermore, the justification of a decision must show that the right has been explicitly taken into account. In this regard, States parties shall explain how the right has been respected in the decision, that is, what has been considered to be in the child's best interests; what criteria it is based on; and how the child's interests have been weighed against other considerations.

We implore you to take on board all of the points discussed within this letter and accompanying Snapshot. We ask that you consider, just for one moment, how young these children we are discussing are at this stage of their lives; most western countries consider the ages of six and seven to be more appropriate ages to commence formal, compulsory schooling, such countries have better outcomes in terms of PISA and mental health (Scandinavian countries, Canada, Germany....). If we get children's introduction to school right, we can wholly change their experience and ultimately, their outcomes.

We thank you for taking the time to read this letter and accompanying Snapshot of case studies. This issue is not going away; with greater knowledge, understanding and guidance from the hugely successful England-based campaign, parents are intent on ensuring a fairer system, where the needs of their very young children are no longer dismissed.

Snapshot of Case Studies around Wales

****Please note that no names of councils, schools or individuals are given****

Child One, Two and Three - From one council; 3 experiences within the same academic year of applying for a Reception place at Compulsory School Age CSA

Child One –please forgive the detail; it is necessary to highlight the issues of this case:

Summer-born by C- Section; difficulties during birth resulting in delays, epilepsy, deafness and feeding issues. Additionally, needed to withdraw from birth mother's alcohol and drugs habit. Placed for adoption at two weeks of age; difficult start to life.

After enjoying the small nursery environment, a house move resulted in a change of setting to a much busier nursery environment, which catered for forty children. It was at this point, Child One regressed. Hearing loss was also diagnosed, speech was limited to vowel sounds, from being fully toileted, the child became incontinent – this June-born child's school start was fast approaching (at four years of age). With all of these factors, Child One's mother sought to delay her child's entry into formal schooling until Compulsory School Age (CSA), believing that an extra year to develop physically, emotionally and socially would be a huge benefit to her son. Clearly, Child One would need to start school in the all-important Reception; this request was denied, despite the circumstances – the parent was informed that Child One would be fine because Wales's Early Years Foundation Phase caters for every child's individual needs. No additional support was offered, despite supporting medical reports. The mother declined the child's Reception place at four years of age; Child One was placed in a private nursery, the result being an improvement in behaviour, happiness and the child absolutely thrived in this smaller, supportive setting.

Child One's parent started researching options for schooling at CSA. A local head teacher stated that the child could be supported in Reception at age four and if needs be, could repeat Reception. Such was the reassurance, the mother decided to send Child One on a part time basis, three mornings per week. Again, being in a busy setting, Child One found this difficult and behaviour deteriorated. Speech difficulties made it very difficult socially. At this point, the parent sought support from social services to assist with the difficult behaviour. CAHMS believed that Child One was struggling / reacting due to frustrations and a lack of support at school. The parent was being pressurised to send Child One to school on a full-time basis, this, despite not being of CSA. In light of the difficulties, the parent sought a different school for Child One's entry into school at CSA. The council upheld its view that Child One would not be offered a Reception place at CSA, therefore, the mother became resigned to a Year One start into formal full-time school. A school was found; offered warmth, recognising the difficulties, but as was the council's ruling, this was a Year One place.

The current situation is that Child One is half way through term three of Year One. The school is helping the child as much as is practically possible, within a class of thirty children, but there is an obvious gulf between Child One and the other Year One children; Child One has received no meaningful Reception in-put – along with developmental struggles, Child One has been forced to play 'catch up' from day one and the gap between this young child and peers, grows ever greater.

The mother feels strongly that her child has been let down, from before birth; with all of the issues, highlighted earlier in this case study, but most of all from being summer-born and struggling to catch up with children, older, stronger, more physically and socially developed. It is the mother's belief that a delayed start would have afforded Child One the much-needed extra time to mature and grow stronger, to be supported with speech and language, a Radio Aid could have been issued in a less pressurised environment and become a normal 'tool' to support the child's hearing.

It must also be noted that the manner in which the parent was treated by the LEA was referred to the Ombudsman, who investigated the process. This resulted in a payment of £250 because it was deemed that the council failed to follow the appropriate processes including the Appeals Process. The Ombudsman told the council to re-write the policy, as it was unclear. The mother believes that at this point in time, the policy remains the same.

Child Two:

Very late summer-born. Mother requested delayed start for her child, to Reception at CSA; no obvious delays, merely the feeling that the child would benefit from extra time to grow, develop and mature, before the demands of full-time school.

Over several months, the mother met with council officers, had the support of her local Councillor and Assembly Member, both of whom contacted the council and Education Minister on her behalf. Until the final hour – the first week of September, 2016, when child would be expected to start school at, just turned age four, the request for a delayed start was denied. Out of the blue, Child Two's mother received a letter, granting permission for Child Two to start Reception at CSA, citing the reason being related to the Welsh Language; the council believed that because child two was from a non-Welsh speaking family, in the event that Child Two started her school journey in Year One, it would be necessary for her to attend an Immersion Unit, which it was believed would be too disruptive for the child. This was a welcome, but shock turnaround, after rejecting the mother's request so vehemently, up until this point. Child Two commenced state Reception at CSA in September, 2017 and is doing very well.

Child Three:

Very late August born and three weeks early. Child Three suffered from a developmental bowel condition and was in nappies / pull-ups until two weeks before fifth birthday and remained under the care of a hospital paediatric team until December 2017. At the point where Child Three had just turned four, (September 2016), the bowel issue was still acute, problematic and distressing. In light of the Intimate Care Policy and the birth date of Child Three, the parents considered that a delay of a year would allow their child more time to overcome the developmental problem, seamlessly and without any added pressure, as was the advice from Wales' Senior Paediatric Gastroenterologist. The child continued to attend a private nursery over three days, where the nappy issue was dealt with, seamlessly.

Appeals for the council to support the parents' request were made over many months by Child Three's local councillor and local Assembly Member and cabinet minister. As the council appeared to be applying a blanket approach, and on advice of the council barrister, legal counsel from an education-specialist lawyer was sought and Child Three was granted a Legal Aid certificate. Weeks of misinformation from the council ensued with a complete failure to provide the lawyer and parents with full and detailed reasoning, why granting a Reception place, at CSA was not in Child Three's best interests, despite the head teacher and governors of the chosen school being supportive of such an application. Despite never meeting Child Three or speaking with the child's

nursery and despite medical support for a delay, the council stuck to the line that an out of cohort place would not be in Child Three's best interest and actually, the reasons for such an application failed to meet the council's criteria for out of cohort applications (this statement was later amended when the lawyer pointed out that this was proof of the council applying a blanket policy, despite being required to look at each case on individual merits). The council felt that missing a whole year of Reception would not be problematic, but offered no support to assist Child Three to catch up on the work that had been missed, merely an Early Years Team, covering a huge area, would keep a check on the child.

Child Three's parents approached a neighbouring council, who applied a similar blanket policy, more appropriate for an out of cohort application, much later in a child's education and wholly inappropriate for early years.

In desperation, Child Three's parents sought availability at three local independent schools. All three agreed to offer Child Three a much-needed Reception place at CSA and were dismayed at the stance held by the council. Child Three's grandfather is paying half of the fees for the infant years, in order to assist his grandchild. The child is now doing well in Reception but it is utterly clear from the teaching staff that both emotionally and academically, the council's stance, to force Child Three straight into Year One would have been hugely problematic, difficult and likely to have been damaging.

Council X

Family currently battling with LEA for child born very prematurely (three months early), at the end of August. On approach to the LEA, regarding the possibility of deceleration of their child to a Reception start at CSA, they were at best, unaware of the summer-born issue, at worst, not at all concerned with the evidence. The family has been advised to provide a developmental report on their child and they are being advised by an education-specialist lawyer.

***Recently granted a Reception place at CSA**

Council X

Late August-born child (born three months early) moved to Wales from England aged Four and a half, where a Reception start at CSA had already been agreed. With paediatric consultant support for allowing the child to start full-time formal schooling in the year above, what would be the child's so-called cohort. The LEA declined to make a decision, thus in breach of the Code. The parents approached a local school directly, who turned down their request. The child's needs were only met when the parents approached a Voluntary Aided school, where the child has now attended for a couple of years and is doing well. The child requires some support with certain aspects of learning. The child's parents are dreading the application to high school. The situation in Wales, as it currently stands means that although CSA is five and parents have a legal right to decelerate their child to the term after their child's fifth birthday, the Wales Admissions Code does not address the situation, where some councils / schools allow an out of cohort application at age five merely, resulting in the likelihood of a battle for out of cohort high school places, depending on the will of the LEA / headteacher at that time, meaning that parents and more importantly, such children, are at the mercy of these people. It cannot be right to expect children to skip a year of learning, in order to be placed with their so-called 'natural cohort' and it most certainly is not in the child's best interests.

The parent of this child has made it known that an Occupational Therapist has stated that premature born children in Wales are not given the same flexibility of school admissions, as their England counterparts and

evidence of such children, despite being diagnosed with resultant developmental delays, being forced into school too soon. Often, such children would not need support, given extra time to develop, mature, catch up and grow.

Council X

Despite a very inclusive admissions policy, mentioning summer-born children, the parent of summer-born child, wishing to start child X in Reception at CSA. Outright rejection from the council, citing reasons of such a strategy being “highly intrusive”. This particular council sent the same letter to another parent, proving a blanket approach to this issue. In a telephone conversation between the parent and council (which I have been assured can be verified), the council informed the parent that a Reception place at CSA would never be granted, because every other parent of a summer-born child would want it – unprofessional comments and factually incorrect.

The parent of this child has also approached local schools regarding the issue of a Reception start at CSA and the possibility of sending the child part-time, from age 4. Again, the parent has been treated with disdain and given factually incorrect information.

Within this council, the group is aware of at least two children who have been granted Reception places, as a last resort by Voluntary Aided schools and are doing well, within their so-called adopted cohort.

Council X

Primary school teacher in Wales, of more than ten years. Wishes their summer-born child to start Reception at CSA. This person’s experience of summer-burn struggles have been seen first-hand; the general difficulties experienced by many summer-born children mean that by the end of the Early Years Foundation Phase, such children find the transition to Year 3, more formal learning, the longer days, fewer breaks and higher academic expectations of work and maturity. Whilst teachers differentiate individually, assessments and levelling statements do not. This primary school professional believes that by the end of KS2, many summer-born children are conscious that they are behind the other children, taken out for ‘extra activities’ which has an impact on their confidence and engagement in learning. This individual also makes the point that when Estyn Inspectors visit schools, one of the requests they make is to see data and evidence of work of the summer-born children.

This application for Reception at CSA to come in about a year’s time, but the mother isn’t hopeful of a positive outcome.

Council X

Despite a very inclusive admissions policy, this council has expressed an extremely strong stance against Reception at CSA for a child, with some developmental delays. Whilst it has recognised the parent’s right to delay the child to CSA, the council stated it would not allow a Reception start, despite a belief that a delay to Reception at CSA would most certainly benefit the child, from experts who know child X, it was clear from all contacts that the council would not support this. Child X was offered special needs support at a specialist unit with the aim of the child moving to Year One after a year in this unit. The parent believes that the child, even at this stage, after several months within the unit, will struggle to cope with Year One from September 2018. The parent is dismayed, but feels powerless and daunted at a challenge with the Council, she feels sure that she will lose.

Council X

Will not allow Reception at CSA, despite medical / developmental reasons. Is allowing at least two children to attend on a part-time basis, from age 4.

Council X

Has taken on board the medical reasons for a child born prematurely, to start Reception at CSA and it has been granted, without any issues.

On a general note, we know that some parents have simply decided to home school their child / children, others on the North Wales border have opted to school their child/ren in West Cheshire Council, for a more supportive approach to meet their child's needs. Others are considering flexi-schooling, which appears to be slowly growing. Others simply give up and reluctantly send their child into the system, one they feel unable to beat!

We have struggled to obtain relevant 'raw data' regarding the outcomes of Summer-born children in Wales. However, for the majority of parents within our group, this issue is about a holistic approach to child-readiness for school; if the child is developmentally ready for the demands of full-time school, it is felt that outcomes will be improved naturally

As a group, we do not feel that an amendment to the Admissions Code would 'open the flood gates', in terms of applications to decelerate, this is mainly due to the socio-economic composition of Wales. However, offering the parents of summer-born children the choice and flexibility would mean giving these children, many of whom are developmentally struggling in some way, a kinder, positive and more supportive start to their school journey, impacting positively on their mental health. It would also mean parents / guardians not having to face months of stressful, time-consuming and deeply unpleasant battles. We recognise that many will argue that there has to be a youngest in every class, of course, we recognise this, but at such a young age, development is so variable, these extra months absolutely do make all the difference to many children, in every aspect of their development and their ability to cope with the physical, mental, emotional and cognitive demands placed upon them by compulsory full-time learning.

Agenda Item 3.8

Cynulliad Cenedlaethol Cymru
Y Pwyllgor Deisebau

National Assembly for Wales
Petitions Committee

Lynne Neagle AM
Chair, Children, Young People and Education Committee
National Assembly for Wales
Tŷ Hywel
Cardiff Bay
CF99 1NA

June 2018

Dear Lynne

Petition P-05-751 Recognition of Parental Alienation

The Petitions Committee has been considering the above petition since May 2017. This has included evidence sessions with the petitioner, the Minister for Children, Older People and Social Care and Cafcass Cymru, and a range of written evidence.

We considered the petition most recently at our meeting on 5 June and agreed that I should write to you to ask whether the Children, Young People and Education Committee has given any consideration to looking at this, or related issues, during this Assembly.

I would be grateful if you could send your response by e-mail to the clerking team at SeneddPetitions@assembly.wales.

Yours sincerely



David J Rowlands AC/AM
Cadeirydd/Chair



Cynulliad Cenedlaethol Cymru
Y Pwyllgor Cyllid

National Assembly for Wales
Finance Committee

Chair, Children, Young People and Education Committee
Chair, Climate Change, Environment and Rural Affairs Committee
Chair, Culture, Welsh Language and Communications Committee
Chair, Economy, Infrastructure and Skills Committee
Chair, Equality, Local Government and Communities Committee
Chair, External Affairs and Additional Legislation Committee
Chair, Health, Social Care and Sport Committee

21 June 2018

Dear Committee Chairs

Welsh Government Draft Budget 2019–20

At our meeting on 21 June, the Finance Committee agreed its approach to the budget scrutiny. I am writing to all Chairs of subject committees to share our thinking, and to encourage your committees to consider how you can contribute to delivering the most coherent and effective scrutiny of the Government's spending plans.

Budget focus

We have agreed to continue the approach followed in previous years, whereby budget scrutiny is centred on the four principles of financial scrutiny: affordability, prioritisation, value for money and process. The principles are:

- **Affordability** – to look at the big picture of total revenue and expenditure, and whether these are appropriately balanced;
- **Prioritisation** – whether the division of allocations between different sectors/programmes is justifiable and coherent;
- **Value for money** – Essentially, are public bodies spending their allocations well – economy, efficiency and effectiveness (i.e.) outcomes; and
- **Budget processes** – are they effective and accessible and whether there is integration between corporate and service planning and performance and financial management.

Following a stakeholder event in Swansea, we have identified a number of areas which we would like to see the focus of the scrutiny, these are:



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- *How the Welsh Government should use taxation and borrowing powers, particularly in relation to the Welsh Rate of Income Tax*
- *Approach to preventative spending and how is this represented in resource allocation (Preventative spending = spending which focuses on preventing problems and eases future demand on services by intervening early), particularly in relation to the financing of local health boards and health and social care services*
- *Sustainability of public services, innovation and service transformation*
- *Welsh Government policies to promote economic growth, reduce poverty, gender inequality and mitigate welfare reform*
- *The Welsh Government's planning and preparedness for Brexit*
- *How evidence is driving Welsh Government priority setting and budget allocations*
- *How the Future Generations Act is influencing policy making*

We would encourage you to use some of these areas as the focus for your budget scrutiny.

Draft budget consultation

As has been the previous practice, we will be undertaking a consultation on behalf of all Committees over the summer recess and the responses will be shared with you in the Autumn in order to assist your scrutiny of the draft budget.

I enclose a summary of the views we heard at the Finance Committee's pre-budget stakeholder event in Swansea on 7 June, which may inform your budget scrutiny.

Timetable

We have not yet been notified of the dates for the draft budget, the Cabinet Secretary for Finance is required to do this two weeks prior to summer recess. I have asked the Finance Committee Clerk to liaise with your Clerk once dates are known.

As you will be aware the provisions in relation to the reporting by policy committees changed in 2017, and you are now able to report in your own right (if you so wish), and your reports can be used as a supporting document to the draft budget debate.

As a Committee we are considering how we can maintain a strategic, oversight role of financial scrutiny. The Committee noted during our review of draft budget scrutiny in January 2018, the wide range of evidence gathered before and during



scrutiny last autumn, particularly in the health, local government and education areas. This led to insightful conclusions and recommendations, which we are pleased to see has been followed up throughout the year. We would welcome any views from you as to how the process may be improved.

If you have any questions about any aspect of the draft budget process, please feel free to contact me or the Clerk to the Finance Committee, Bethan Davies, 0300 200 6372, Bethan.Davies@assembly.Wales

Yours sincerely

A handwritten signature in black ink that reads "Simon Thomas". The signature is written in a cursive style with a large initial 'S'.

Simon Thomas

Chair



Stakeholder Engagement: Welsh Government Draft Budget 2019–20

Finance Committee | 13 June 2018

The Committee held an informal stakeholder event at the National Waterfront Museum, Swansea City Bay Region, on 07 June 2018. The event focussed on pre-budget scrutiny and the inquiry into preparations for replacing EU funding for Wales.

1. Preventative Spend, Health & Social Care

A major theme across all discussions was the importance of preventative spend, and putting a greater emphasis on preventative measures in the budgets for health and social care. Stakeholder views and experiences include the following:

- One delegate indicated that some preventative spend measures should act as investment on a community level, in order to continue the role that European Structural Funding has played in supporting communities and aiding prevention.
- Some stakeholders encouraged a linking of the preventative care & Future Generations agenda with regards to public health. An example offered by stakeholders is to include, within the Health Budget, specific funding for leisure centres, to help to promote long-term health through active lifestyles.
- Some stakeholders suggested that specific measures to improve health, including ring-fenced budgets, are preferable to simply allocating a larger proportion of the overall budget to Health, while others, in contrast, approved of the continued prioritisation and increases in the Health Budget.
- Another set of stakeholders suggested that consideration of greater interaction between health, research and research institutions should be made. One stakeholder indicated investing more of the Health Budget in Research and Development would lead to more targeted and efficient services.. Another stakeholder suggested that we consider how universities could be used to support the NHS and relieve it of some of its burdens.
- While stakeholders tended to agree that Active Travel is a good initiative, there were calls for a review of the degree to which it has been successful so far, of its long-term deliverability, and whether or not it requires additional funding.



- Stakeholders expressed concern that adult social services are being put under increasing pressure. Concern was expressed regarding the lack of funding allocated to older people and social care, suggesting that preventative spend is decreasing in this area.

2. Long-Term Planning & Strategies

Stakeholders consistently expressed dissatisfaction with all but NHS funding budgeted on an annual basis in Wales, calling for longer-term budgeting across the board for the sake of stability and certainty, and to enable better strategic planning, more efficient financial management and decision making.

Stakeholders said that long-term strategic planning and budgeting was also required for effective preventative & transformational spending. One third-sector organisation described a preventative care initiative of theirs which is funded – and, therefore, planned – on a rolling 6-month basis. The organisation describes this as inhibiting the initiative’s efficacy in delivering this preventative care. This sentiment was mirrored across a number of other third-sector stakeholders and local authority representatives, who claim that it will be difficult to sustain successful services over the long-term when budgeting is performed on a short-term basis. Specifically, local authority representatives suggested establishing funding arrangements for 2–3 year periods to ensure better planning and promote stability.

Stakeholders also emphasised the importance of the link between the Welsh Government’s strategic priorities and the Budget. Some delegates suggested that the Budget allocations should be more greatly influenced by the Well-being of Future Generations Act, by putting a greater focus on the environment and the need to develop skills in areas of long-term future value. Included within this is investment in skills which will prepare the workforce for automation and the widespread use of artificial intelligence throughout the economy, with one stakeholder claiming that the Government should be making far larger investments in such preparations. Further, a stakeholder stated that “the Welsh Government employability plan is good, but needs more funding allocated to it”.

Additional comments from stakeholders include the following:

- There should be officials in the Welsh Government who are tasked with discussing the impact of future legislation, policy and plans with local government, so that local authorities are aware early and can contribute to these potential changes.
- The National Farmers Union Wales currently have CAP 7-year funding programme, but are concerned this could drop to a 1-year funding programme after Brexit, meaning that the success of long-term planning may suffer.



- That Wales is very reactive in terms of construction at the moment: if we need something, we build it. Stakeholders said there was a need to be cleverer and more efficient with funding, and suggest the establishment of a hub–spoke model.
- That innovation is important to enable long–term saving.
- That there should be a clearer link between the Economic Action Plan and the Budget.

3. Economy, businesses & the Third Sector

A number of issues relating to the business and third sectors were raised by stakeholders.

A number of delegates highlighted the need for the Economic Action Plan to be reflected in the budget, to highlight where changes in government policy had led to changes in allocations.

One such issue raised by stakeholders was the lack of focus on small and medium–sized enterprises (SMEs). In particular, some stakeholders raised the problem of a limited number of exit plans available to SMEs, suggesting that options such as buy–outs from the Development Bank of Wales should be made more viable, rather than selling to large companies outside of Wales.

Another issue raised concerns grants that are available to businesses in Wales. Stakeholders noted that there are difficulties in obtaining grants from Business Wales, largely due to the lack of clarity and understanding on the criteria for eligibility for such grants. A similar uncertainty over eligibility criteria exists for the £50 million Brexit transition fund for businesses and public sector bodies: in particular, whether or not third sector organisations are eligible for funding in this manner.

Finally, some stakeholders raised concerns over the source of financing for the City Deals.

4. Education funding

Some stakeholders expressed concern that education funding had not been seen as a priority, and that other areas tended to overshadow it. They felt that this had led to the situation where capital investment in schools is now partially funded through the Mutual Investment Model, a form of Private Finance Initiative. They also highlighted that the uncertainty around annual allocations of local government revenue funding impacts on schools, who do not find out their budgets until relatively late on, which leads to redundancies.

5. Transparency & Scrutiny

Some stakeholders commented on the lack of transparency of the scrutiny process and details of spending. An example of this lack of transparency and detail raised by



stakeholders was the removal of the school uniform grant, which prompted one stakeholder to suggest that a year's notice should be provided by the Welsh Government in the event of budget cuts.

Others called for more scrutiny on budgetary increases, to ensure that value for money is achieved. The Finance Committee was asked to lead on this front, in terms of getting Committees to engage in the scrutiny process in order that the best questions are asked.

Stakeholders commented that the Assembly must ensure it has the resources and expertise to scrutinise newly devolved taxation and borrowing powers on behalf of the electorate, and that it could learn from Scotland in this regard.

The Finance Committee scrutiny of the budgets of organisations funded directly from the Welsh Consolidated Fund, such as the Assembly Commission, Auditor General for Wales and Public Service Ombudsman, should reflect changes to public sector funding.

6. Equality & Vulnerable Groups

The needs and representation of vulnerable groups, and how they are included in the Budget, were raised by a number of stakeholders. One discussion resulted in a call for more scrutiny of the "Equalities Impact Assessment", to assess and mitigate for over- or under-representation of certain interest groups in the Budget and budgeting process itself, and to assess the impact of proposals on protected characteristics. Calls were also made to engage further with disadvantaged and vulnerable groups, including young people, during the budgeting process, to remedy misrepresentation and recognise any harm to, or negligence of, such groups in the Budget.

Specific advisory comments advanced by stakeholders include: the requirement to consider the needs of people with disabilities in the Welsh Government's commitment to constructing 20,000 new homes by 2021; to continue the Independent Living Grant scheme; to consider how success will be ensured in post-16 reforms to the Additional Learning Needs Act without additional funding; and for the Welsh Government to commit to making preparations for mitigating the effects of welfare reforms.

7. Taxation

A suggestion offered by a stakeholder is to consider whether the setting of business rates should be more locally devolved, and whether taxes should be levied on income or on profits. Subsequent discussions resulted in the recommendation of thorough impact assessments to ensure that the impact of these considerations on very small businesses should be minimal, and that start-ups shouldn't be inhibited. Further, stakeholders called for efforts to be made to ensure that the tax systems isn't overly complicated.



Calls were also made by stakeholders for greater consideration of the impact of tax on incomes of people as a whole. Stakeholders suggested looking at the wider impact of tax decisions, for example by looking at demographics and the impact on the population, and how this links into council tax. Stakeholders also asked what modelling is being done in this respect, and say that greater transparency with respect to the research underpinning tax rates is needed.

8. Attitudes & Approaches

A number of general comments in relation to the required attitudes and approaches to ensure successful government were made. These include:

- The need to foster an atmosphere of ambition rather than negativity.
- An attempt to make the Budget more connected, so that the separate budgets support each other.
- The need to obtain better evidence on the degree of success of Welsh Government projects.



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