

# Agenda – Children, Young People and Education Committee

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Meeting Venue:

Committee Room 1 – Senedd

Meeting date: 22 January 2020

Meeting time: 09.15

For further information contact:

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Committee Clerk

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## Private pre-meeting

(09.15 – 09.30)

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

(09.30)

### 2 Scrutiny of Qualifications Wales Annual Report 2018 – 2019

(09.30 – 10.30)

(Pages 1 – 24)

David Jones, Chair – Qualifications Wales

Philip Baker, Chief Executive – Qualifications Wales

Attached Documents:

Research Brief

CYPE(5)–03–20 – Paper 1 – Qualifications Wales Annual Report 2018 – 2019

## Break

(10.30 – 10.40)



Cynulliad  
Cenedlaethol  
Cymru

National  
Assembly for  
Wales

### **3 Education Otherwise than at School – evidence session 1**

(10.40 – 11.40)

(Pages 25 – 82)

Ann Keane, Former Chair of the Welsh Government EOTAS task and finish group (group ceased to exist early 2017)

Professor Brett Pugh, Chair of the Welsh Government delivery group for EOTAS (current group)

Attached Documents:

Research Brief

Analysis of consultation responses

CYPE(5)-03-20 – Paper 2 – Ann Keane

CYPE(5)-03-20 – Paper 3 – Professor Brett Pugh

CYPE(5)-03-20 – Paper 4 – Note from visits on 28 November

### **4 Papers to note**

(11.40)

#### **4.1 Letter from the Chair to the Economy, Infrastructure and Skills Committee – update following the Ministerial draft budget scrutiny session on 8 January**

(Page 83)

Attached Documents:

CYPE(5)-03-20 – Paper to note 1

#### **4.2 Letter from the Minister for Housing and Local Government regarding clarification about Indicator Based Assessments and their purpose within the Local Government Settlement calculations**

(Page 84)

Attached Documents:

CYPE(5)-03-20 – Paper to note 2

- 5 Motion under Standing Order 17.42(ix) to resolve to exclude the public from the remainder of the meeting and for the whole meeting on 30 January**  
(11.40)
- 6 Education Otherwise than at School – consideration of the evidence**  
(11.40 – 11.45)
- 7 Welsh Government Draft Budget 2020 – 2021 – consideration of the draft report**  
(11.45 – 12.15)

Document is Restricted

**CYPE(5)-03-20 – Paper 1**

Qualifications Wales Annual Report 2018 – 2019

<https://www.qualificationswales.org/media/5246/qw-annual-report-2019-e.pdf>

Document is Restricted

Document is Restricted

## CYPE(5)-03-20 – Paper 2

Cynulliad Cenedlaethol Cymru  
Y Pwyllgor Plant, Pobl Ifanc ac Addysg  
Ymchwiliad i Addysg Heblaw yn yr Ysgol  
EOTAS 27  
Ymateb gan: Ann Keane - EOTAS Grŵp  
gorchwyl a gorffen

National Assembly for Wales  
Children, Young People and Education Committee  
Inquiry into Education Otherwise than at School  
EOTAS 27  
Response from: Ann Keane – EOTAS Task and  
Finish

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### Introduction

This paper is sent to the Committee in December 2019 by Ann Keane and is a summary of the work of the Education Otherwise than at School (EOTAS) Task and Finish Group between September 2015 and March 2017, when it was replaced by the EOTAS Delivery Group, chaired by Dr Brett Pugh.

In my last *Annual Report* (page 35, pub. 2015) as HMCI at Estyn I drew a comparison between the success of the special school sector and the challenges in the pupil referral unit sector:

‘Since 2010, we have inspected 26 PRUs. A few are excellent, with sector-leading practice. However, for the most part, inspection outcomes are generally worse for PRUs than for any other sector, with half having only adequate or unsatisfactory standards and provision...too many learners remain in PRUs for too long, do not re-integrate into mainstream schooling, do not attend well enough, do not achieve appropriate qualifications or move successfully to further education, employment or training.

This is usually because the quality of teaching varies too much. The curriculum is often limited and uninteresting...Partnerships with other schools are also weak in many cases...In all cases, these features link with shortcomings in leadership and management in the PRU, by the local authority through the PRU’s management committee and officers. There is limited or no professional development for leaders or support for teachers-in-charge...Overall, the provision in too many PRUs fails the vulnerable learners who attend them.’

At the time, around half of children whose education was otherwise than at school were registered at PRUs.

## **The EOTAS Task & Finish Group**

Given the concern I had expressed about this sector while at Estyn I felt that I could contribute positively by accepting the Ministerial invitation to chair the Task & Finish Group being set up in 2015 to identify how to make progress in this troubling sector.

In addition to Estyn's reports on the sector there had been two other influential publications: one a review of the sector commissioned by Welsh Government from Edinburgh University (2012) and the other a report by the Children's Commissioner for Wales i.e. *The Right to Learn - Supporting children and young people at pupil referral units to reach their potential* (2014).

When the Task & Finish Group began its work in September 2015, six key areas for improvement had already been identified in workshops held at previous PRU and EOTAS conferences. These six areas were:

Leadership/Accountability/Resources/Structures/Learner  
Wellbeing/Outcomes

In order to help to focus the work of the group I devised a matrix that could be populated from the recommendations of all the relevant published reviews/reports and which would identify and capture the actions/duties for policy and delivery agencies (see Appendix 1). This was completed by civil servants and provided a starting point for discussion at the meetings where representatives from the sector, from local authorities and consortia as well as HMI were present, supported by a civil service secretariat. In addition to our meetings we held annual EOTAS conferences and circulated an informal paper for Group members to discuss with colleagues in order to test out views and feed back to the Group (see Appendix 2). The fruit of our deliberations and consultations finally appeared in the 2017 *Education otherwise than at school (EOTAS) Framework for Action*. The proposed actions were prioritised/synchronised as short, medium or long-term and related either to specific recommendations in reports or to actions that had been agreed in the T. & F. Group. Several proposals involved the commissioning of further pieces of research or analysis that would be required to inform further thinking, action and/or guidance.

The issues and concomitant actions that mainly concerned us as a Group may be summarised as follows:

- Establishing multi-agency referral panels in all LAs that would ensure that children were placed in a setting and/or with support that met their needs. Managed moves can be informal and undertaken without scrutiny.

- Developing commissioning frameworks and quality assurance arrangements for all non-school, non-PRU settings and provision whether it is used as part of EOTAS by LAs or by schools as 'alternative provision'.
- Meeting the training needs of staff and management committees.
- Including the sector in pioneering new curriculum and assessment arrangements.
- Standardising pupil and PRU registration practices.
- Improving and standardising the collection of data about pupils (and MIS).
- Developing an appropriate benchmarking framework for evaluating pupil outcomes (one that reflects progress in achievement and improvements in wellbeing).
- Sharing responsibility for accountability metrics with schools from which referrals made whether or not there is dual registration.
- Strengthening curriculum and support links with schools to enhance opportunities for re-integration and joint provision.
- Ensuring that PRUs and EOTAS where appropriate are included in arrangements for consortia support, funding for 21<sup>st</sup> century schools, general professional development (and School as a Learning Organisation) activity.

The Framework for Action reflects these concerns. We also discussed the status of PRUs, which both are and are not schools. In the main the Group favoured a view of PRUs as part of what Estyn describes as a 'continuum of provision' and to retain PRUs within LA control offers greater flexibility in that continuum. However, there was also a strong voice in favour of giving PRUs the autonomy of mainstream schools.

## **Appendix 1**

### **EOTAS matrix for areas and aspects to target (2015 paper)**

Here is a draft outline matrix that can be used to link the 6 areas you have already identified for 'targeted and strategic policy interventions' to aspects and actions for the different agencies involved. This can be used to inform your work plan which sets out actions and milestones for these interventions. The matrix can also be used to check against recommendations from different reviews (Edinburgh, Estyn, Children's Commissioner etc) and against issues raised by the Minister and DfES officials to make sure that everything that WG accepts or would consider accepting can be covered.

<b>Areas</b>	<b>Aspects</b>	<b>WG</b>	<b>Consortia</b>	<b>LA</b>	<b>School</b>	<b>PRU</b>	<b>Other</b>
Leadership	Policy						
	Guidance						
	Registration						
	Regulations						
	Governance:						
	of PRUs	Clearer model/ Definition					
	of partnerships						
	Info for pupils/ Parents						

<b>Areas</b>	<b>Aspects</b>	<b>WG</b>	<b>Consortia</b>	<b>LA</b>	<b>School</b>	<b>PRU</b>	<b>Other</b>
Resources	Funding model/ formula						
	ITET						
	Staff development						
	Accommodation				Shared	sites	

<b>Areas</b>	<b>Aspects</b>	<b>WG</b>	<b>Consortia</b>	<b>LA</b>	<b>School</b>	<b>PRU</b>	<b>Other</b>
Structures/ organisation	Curriculum				Pupils	register jointly	
	Info-sharing						

	Partnership working on the continuum of provision:	Joint DfES approach to NEETS/ Youth Eng Strategy					
	Referrals						
	Exclusions						
	Managed Moves						
	Appeals						
	Reintegration						
	Pathways						

<b>Areas</b>	<b>Aspects</b>	<b>WG</b>	<b>Consortia</b>	<b>LA</b>	<b>School</b>	<b>PRU</b>	<b>Other</b>
Outcomes	Tracking progress:						
	credits/ qualifications attained						
	destinations						
	reintegration rates.						
	Record-keeping (behaviour)						
	Reporting						

<b>Areas</b>	<b>Aspects</b>	<b>WG</b>	<b>Consortia</b>	<b>LA</b>	<b>School</b>	<b>PRU</b>	<b>Other</b>
Accountability	PIs						
	Standardised National Benchmarking Framework						
	Self- evaluation						
	inspection						

<b>Areas</b>	<b>Aspects</b>	<b>WG</b>	<b>Consortia</b>	<b>LA</b>	<b>School</b>	<b>PRU</b>	<b>Other</b>
Learner wellbeing	Behaviour support						
	ALN support						
	Safeguarding arrangements						
	Learner voice						

Ann Keane  
15.07.15

## **Appendix 2**

### **Education other than at school (EOTAS) task and finish group**

#### **Framework for Action – Discussion Paper – February 2016**

##### **Introduction**

Following a number of reports on PRUs and other EOTAS provision in Wales, the Minister for Education and Skills made it clear that current standards within the sector were not acceptable. The Minister established a Task and Finish Group and invited Ann Keane to take up the position of Chair. The Group has been tasked with developing practical solutions that will deliver improved outcomes and standards of wellbeing and accountability in the sector for pupils and staff alike.

The work of the Group has been divided into two tranches. The first tranche, which began in September 2015, has focussed on PRUs. The second will focus on wider EOTAS provision.

##### **Framework Development**

The Framework seeks to reflect the many and varied views of stakeholders.

In February 2015, the Welsh Government hosted a PRU conference in which six key areas were discussed, and stakeholders were asked to highlight issues and propose solutions. The engagement informed the development of proposals which were then presented at a follow-up conference in November 2015. As before, stakeholders were actively engaged in discussion at dedicated conference workshops and were asked to provide feedback on draft proposals. This feedback has been used to further refine a draft framework, which Task and Finish Group members are now considering.

##### **Framework for Action – PRU stage – FEEDBACK REQUIRED**

The draft proposals set out in this discussion paper are still in development.

The paper is a summary of the actions that are being proposed at this stage. It is being circulated for wider discussion by the sector and for feedback to and by the members of the Task and Finish Group.

All current and further proposals will be subject to agreement by Group consensus and subsequently to agreement by the Minister for Education and Skills.

##### **Proposals**

##### **Short-term work (2016)**

- Welsh Government to commission analysis and evaluation of the access/referral panels operating in local authorities.
- Welsh Government to commission an evaluation of 'best practice' in relation to how pupils are referred to PRUs and how they are reintegrated into mainstream schools.
- Welsh Government to commission WLGA-led analysis of training needs for management committees, PRUs and challenge advisers.
- Welsh Government to explore the feasibility of adapting support material produced by Governors Wales to support the work of management committees.
- Welsh Government to commission analysis of pupil registration practices to enable better data collection.
- Welsh Government to further consider how a more appropriate range of outcomes for EOTAS can be measured and incorporated into a benchmarking framework.
- Welsh Government to continue its work to make the PDG available to pupils in PRUs.
- Welsh Government to review the '21<sup>st</sup> Century school buildings' bidding process to ensure that PRUs are included within local authority bids where this is appropriate.

### **Medium-term work (2016-17)**

- Welsh Government to develop non-statutory, best-practice guidance on how to establish and sustain local authority access/referral panels as well as establishing better referral and integration procedures.
- Welsh Government to consider support arrangements for PRUs and local authorities to make sustainable improvements to resources (staff training, MIS infrastructure, management committee training).
- Welsh Government to explore the options for supporting the tailoring and delivery of specific PRU staff and management training modules.
- Welsh Government to introduce non-statutory guidance on PRU opening and closing procedures.
- Welsh Government to consider the results of the analysis of pupil registration practices and the potential introduction of standardised procedures, which could include increased requirements for dual registration.
- Welsh Government to commission a review of how well the current management committees are working.

### **Long-term work (2017-19)**

The long-term work of the group will be informed by the results of the work undertaken in the short and medium terms.

Initial discussions have indicated that this could include the introduction of primary and secondary legislation that will change the way that EOTAS

services and provision are organised and commissioned currently. Any legislative changes would be accompanied by supporting statutory guidance.

The Task and Finish Group has been asked to discuss the options outlined above and identify issues for inclusion in a final paper to be considered by the group in March 2016.

## **CYPE(5)-03-20 – Paper 3**

### **Paper submitted to the Children, Young People and Education Committee- Professor Brett Pugh**

#### **Introduction**

This paper is submitted to the Committee in January 2020 by Brett Pugh in his capacity as Chair of the Education Otherwise than at School (EOTAS) Advisory Group (formerly Education Otherwise than at School (EOTAS) Delivery Group). It provides the context for the establishment of the Delivery Group during the summer term 2017, its terms of reference and a summary of its work to date. It concludes by outlining its current position and its future work priorities and functions.

#### **Context**

In September 2015 the EOTAS Task and Finish Group was established with the purpose of driving forward improvements within the sector and promoting EOTAS services as a fully integrated aspect of the continuum of education provision. It was chaired by the former Estyn Chief Inspector Ann Keane, and included representatives from the Welsh Government, local authorities, schools, pupil referral units (PRUs), Estyn and the Office of the Children's Commissioner for Wales.

The first phase of the Group's work looked at all facets of PRU provision and the legislative basis on which they operate. The second phase considered wider EOTAS provision, and was informed by Estyn's thematic review report, which was published in June 2016<sup>1</sup>.

The Group's considerations culminated in a 'Framework for Action'<sup>2</sup> which was issued for consultation in summer 2017 and published in December 2017. The Framework was divided into the following key provision areas: EOTAS access panels, training for PRU management committees, EOTAS commissioning frameworks, data and information sharing, successful futures and collaboration and partnership working. Welsh Government decided that the actions within the Framework should be introduced on a phased basis over the short, medium and long term. Welsh Government felt that before medium and long term non-statutory and statutory requirements could be established, short term proposals needed to be undertaken to expand the current evidence base on EOTAS provision and practice, so as to inform the development of model policy options.

The EOTAS Task and Finish Group disbanded in March 2017 and was replaced by the EOTAS Delivery Group. The Delivery Group's role was to oversee the implementation of the work identified in the Framework for Action and act as a consultative group for the development of guidance and legislation (see Appendix 1

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<sup>1</sup> Estyn (2016) Education Other Than at School. Available at: <https://www.estyn.gov.wales/thematic-reports/education-other-school>

<sup>2</sup> Welsh Government (2017) Education Other Than at School (EOTAS) Framework for Action. Available at: <https://gov.wales/sites/default/files/publications/2018-03/education-otherwise-than-at-school-framework-for-action.pdf>

for the Terms of Reference of the Group). The membership of the Group was made up of Welsh Government officials, some members of the previous EOTAS Task and Finish Group, Estyn and other stakeholders working within local authorities, PRUs and EOTAS providers.

## **Consultation and publication of the Framework**

The EOTAS Delivery Group's initial task was to work with the Welsh Government to undertake the Framework for Action's consultative phase, engaging with stakeholders to facilitate consultation responses and identify unintended consequences, practical barriers to implementation and gaps in proposals.

A number of consultation events were held and extensive responses received as part of the consultation which took place between 5 June and 31 July 2017. A summary of the responses from the EOTAS Framework for Action consultation can be accessed at:

<https://gov.wales/sites/default/files/consultations/2018-02/171204-summary-of-responses-en.pdf>

The Framework was published in December 2017 and formed the action plan for the Delivery Group's work. The Framework is available at:

<https://gov.wales/education-otherwise-school-eotas-framework-action>

## **Outline of the work of the Delivery Group**

Following the publication of the Framework the work of the Delivery Group was to advise Welsh Government and stakeholders and to focus on the short term actions within the framework. These actions were designed to provide an evidence base to inform policy models and to support the delivery of the provisions and actions within the medium and long term sections of the Framework. Amongst the key deliverables covered under the short term actions were:

- Welsh Government to commission WLGA led analysis of training needs for management committees. The analysis was published in August 2017 see:

<https://gov.wales/pupil-referral-unit-management-committees-analysis-training-and-development-needs>

Subsequently, in 2018, A Handbook for Management Committees of Pupil Referral Units was published on the Framework):

<https://gov.wales/sites/default/files/publications/2018-11/handbook-for-management-committees-of-pupil-referral-units.pdf>

- Welsh Government to commission analysis of local authority access/referral panels. This was published in October 2018 see:

- <https://gov.wales/sites/default/files/publications/2018-10/an-analysis-of-local-authority-pupil-registration-practices-for-learners-accessing-pru-and-eotas-provision.pdf>
- Welsh Government to commission analysis of pupil registration practices across Wales to better enable data collection and establish best practice regarding accountability and outcomes. This analysis was published in October 2018: <https://gov.wales/sites/default/files/publications/2018-10/an-analysis-of-local-authority-referral-panels-and-or-practices-for-learners-accessing-eotas-provision.pdf>
- Welsh Government to undertake research into best practice for commissioning frameworks and quality assurance for EOTAS provision. Research into current approaches to commissioning EOTAS provision has been undertaken. A report of the findings is expected to be published in Spring 2020.
- Welsh Government to explore the feasibility of expanding the support available, via various stakeholders, to management committee members. Estyn have undertaken a remit review into the effectiveness of PRU management committees. The findings will inform consideration of any additional support management committees require. The report is expected to be published in February 2020.
- Welsh Government to undertake an analysis of pupil registration and exclusions data. Estyn undertook a review of pupil registration practices which was published in October 2018: <https://gov.wales/review-registration-process-learners-accessing-pupil-referral-units-pru-and-education-other-school>
- Welsh Government to work with Careers Wales and local authorities to explore the options for improving the collection of data from former EOTAS learners to identify effective interventions and inform future provision. Initial discussions have taken place to explore options for improving data collected from former EOTAS pupils. Further meetings are planned with key stakeholders.
- Welsh Government to work with regional consortia to assess learning and development requirements for challenge advisors working with PRUs. Since January 2018, strategic advisors for the Pupil Deprivation Grant (PDG) have been appointed. Each advisor champions a specific area. One of the four strategic advisors is an EOTAS champion.
- Welsh Government to continue to make PDG available to PRUs for single registered pupils and to consider amending PDG guidance. The PRU PDG has been extended to all those pupils who are single registered at a PRU.

- Welsh Government to review the 21<sup>st</sup> Century School bidding and funding process to ensure that PRUs (and other EOTAS settings, where appropriate) are considered in local authority bids. 21<sup>st</sup> Century Schools policy officials now scrutinise business cases to ensure that PRUs and EOTAS provision are being considered effectively by local authorities. A number of local authorities have considered PRU and EOTAS facilities as part of their second wave, 21<sup>st</sup> Century Schools and Colleges Programme. These projects are subject to the usual satisfactory completion of the business case process. In addition, Welsh Government has increased its programme funding intervention rate for special schools to 75% for Band B to support these projects (this was 50% in Band A).

A full update of progress on the Framework has already been provided for the Committee by the Minister for Education and should be used to access detailed information.

### **Current position and future priorities**

The baseline work has now been largely completed and it is important to move forward with the medium and long term actions set out in the Framework. Focus is currently being given to the following key areas:

1. increasing access to the curriculum for EOTAS pupils;
2. improving the commissioning of EOTAS provision and establishing EOTAS referral panels; and
3. standardising EOTAS pupil registration practices.

These three areas are integral to supporting children and young people, wherever possible, to remain in mainstream education. Also, key is the interconnectedness between the actions in the framework: policies need to be designed and implemented so that they support and reinforce one another, e.g. the commissioning guidance will need to make reference to access to the curriculum.

Essential to this aim will be the use of Welsh Government's new approach to accountability. The new accountability measures will need to include a measure of how socially inclusive schools are and to reduce incentives for schools and local authorities to off-roll pupils. Estyn's report into pupil registration practices (October 2019) provides some very useful data, information and recommendations to support this (see <https://www.estyn.gov.wales/thematic-reports/pupil-registration-practices>).

In addition, there will need to be strong cohesion between Welsh Government policy areas and stakeholders in developing a whole school approach to mental health and well-being that can provide guidance to schools and support them to understand why some children have behaviour difficulties that can lead to exclusion. Welsh Government's work to tackle adverse childhood experiences (ACEs) will support this. Welsh Government has supported the creation of an ACE Support Hub for Wales,

which has developed a programme of ACE awareness training for schools. By March 2020, all schools in Wales will have been able to access this training. The training will enable schools to understand behaviour and to put in place ACE informed practices to support children who are at risk of exclusion.

With all the above in mind Welsh Government has reviewed the terms of reference of the Delivery Group in order to ensure the expertise of its members is being utilised to best effect. A greater emphasis is now being placed on the advisory capacity of the Group. Its name has been amended to become the EOTAS Advisory Group. The role of the EOTAS Advisory Group is to:

- provide expert advice to the Minister on the implementation of the EOTAS Framework for Action.
- provide advice to officials on the development of policy to implement the Framework.
- be updated on progress of the work plan.
- raise awareness of the work being undertaken to implement the Framework.

(See Appendix 2 for details.)

Two important elements of the Advisory Group's work are its engagement with stakeholders and its role in awareness raising. A good vehicle for both these elements is the annual EOTAS Conference. Last year the EOTAS conference was held on 24 September. The agenda included a presentation by Estyn on the findings of its review into off-rolling and a breakout session on the duties of schools and PRUs being introduced as part of the Additional Learning Needs and Education Tribunal Act (Wales) 2018. In addition, delegates had the opportunity to network with organisations represented in the 'marketplace', amongst these were Careers Wales, Estyn, NHS Wales (Together for Children and Young People programme) and Welsh Government officials from the whole school approach to mental health and wellbeing.

**Paper submitted to the Committee on 6 January 2020.**

**Professor Brett Pugh**

## Appendix 1



### 1. Introduction

1.1. The EOTAS Task and Finish Group was established in September 2015 with the purpose of driving forward improvements within the sector and promoting EOTAS services as a fully integrated aspect of the continuum of education provision.

1.2. It was chaired by the former Estyn Chief Inspector Ann Keane, and included representatives from the Welsh Government, local authorities, schools, PRUs, Estyn and the office of the Children's Commissioner for Wales.

1.3. The first phase of the group's work looked at all facets of PRU provision and the legislative basis on which they operate. The second phase considered wider EOTAS provision, and was informed by Estyn's thematic review report, which was published in June 2016.

1.4. The Group's considerations culminated in a 'Framework for Action' which subject to agreement by the Cabinet Secretary for Education will be published for consultation in the Spring 2017.

### 2. Purpose

2.1. The EOTAS Task and Finish Group disbanded in March 2017 and has been replaced by the EOTAS Delivery Group. The Delivery Group will act as a consultative group for the development of guidance and legislation and oversee the implementation of the work identified in the Framework for Action.

2.2. The EOTAS Delivery Group will be expected to work with the Welsh Government through the Framework for Action's consultative phase, engaging with other stakeholders to facilitate consultation responses and identify unintended consequences, practical barriers to implementation and gaps in proposals.

2.3. During the EOTAS Task and Finish Group's considerations, it was evident that some existing Welsh Government guidance, information and policy documents acted to complicate the delivery and monitoring of EOTAS provision.

2.4. This added complication included, but was not limited to, the use of different terminology, the ability to record certain registration practices - despite legislation and guidance prohibiting them - and mechanisms for measuring outcomes contradicting the Welsh Government's promotion of inclusive education.

2.5. The Group will be expected to review the identified documents and recommend changes to the Welsh Government policy team.

2.6. Following the launch of the final Framework for Action, the Group will be expected to act as a consultative group overseeing the implementation of the Framework for Action and acting as a 'critical friend' to the Welsh Government, as officials develop the fine detail of the guidance and legislative proposals outlined in the Framework.

### **3. Key tasks**

3.1. The key tasks of the EOTAS Delivery Group will be to:

- facilitate discussions at the Framework for Action consultation events for stakeholders
- consider the analysis of consultation responses to the Framework for Action
- review the Welsh Government's PLASC technical completion notes
- review the Welsh Government's 'Exclusions from Schools and Pupil Referral Unit guidance'
- review the Welsh Government's 'Guidance on School Attendance Codes' review the Framework for Action for unintended consequences
- act as the consultative group for the development of guidance and legislation as outlined in the Framework for Action.

### **4. Membership**

4.1. The membership of the Group will comprise of Welsh Government officials, some members of the previous EOTAS Task and Finish Group, Estyn and other stakeholders working within local authorities, PRUs and EOTAS providers.

4.2. Members will be able to nominate a substitute if they are unable to make a meeting. They will be required to inform Welsh Government officials with as much prior notice as possible.

4.3. Non-members will be invited to attend specific meetings when appropriate.

## **5. The Chair's role**

5.1. The EOTAS Delivery Group will be chaired by Dr Brett Pugh. The role of the secretariat and related administrative support will be undertaken by Welsh Government officials from the Pupil Wellbeing Team within the Education and Public Services Group, Welsh Government.

5.2. The planning and scheduling of meetings is the responsibility of the Chair. In order to make maximum use of the meeting time available, a work plan will be set up for the Delivery Group, based on the key tasks outlined in 3.1. Group members will be expected to work on agreed actions in between the main meetings of the group, and occasionally take part in sub group meetings to address specific items.

5.3. All agreed tasks will be sent by e-mail to the Chair and lead official two weeks before the scheduled meetings

5.4. The Chair will agree the overarching work programmes with lead officials and present it together with these draft terms of reference to the first meeting of the Delivery Group. The work plan will be divided into short, medium and long term actions. Stocktakes will be held with officials at each meeting to check on implementation.

5.5. The Delivery Group will agree on a timescales for reporting to Ministers and ADEW, Consortia and other relevant groups.

## **6. Meetings**

6.1. In addition to attending the consultation events between April and September 2017, overview meetings of the Group will be held three times a year and, if required, additional meetings will be scheduled.

6.2. From time to time, group members may be required to attend ad-hoc meetings on a specific work item(s), separate to the overview meetings, and share electronic communication in the interim periods.

## **7. Planning and communications**

7.2. The Pupil Wellbeing Team has prepared a communication and engagement plan and group members may be asked to contribute to news and social media articles published by the Welsh Government. Members will also be expected to engage with, and disseminate information to, their respective groups and networks using an agreed statement format. At the end of the each meeting an appropriate communication will be agreed and a timescale for dissemination.

## Appendix 2

### **Education Otherwise than at School (EOTAS) Advisory Group Terms of Reference and Membership**



Llywodraeth Cymru  
Welsh Government

The role of the EOTAS Advisory Group is to:

- Provide expert advice to the Minister on the implementation of the EOTAS Framework for Action.
- Provide advice to officials on the development of policy to implement the Framework.
- Be updated on progress of the work plan.
- Raise awareness of the work being undertaken to implement the Framework.

#### **Timing**

Meetings of the Group will be held quarterly and, if required, additional meetings will be scheduled.

#### **Membership**

Meetings will be chaired by Professor Brett Pugh.

Membership will be by Ministerial invitation. As agreed by the Minister for Education, membership of the group comprises of Welsh Government officials, some members of the previous EOTAS Task and Finish Group, Estyn, EOTAS providers and stakeholders working in local authorities and pupil referral units (PRUs).

Members will be able to nominate a substitute if they are unable to attend a meeting.

#### **Supplementary work**

From time to time, group members may be invited to ad-hoc meetings and/or comment on documents. Documents not in the public domain should not be shared via email. Welsh Government will disseminate confidential papers using Objective Connect.

#### **Administration**

The role of the secretariat and related administrative support will be undertaken by officials from the Learner Inclusion Team within the Education and Public Services Group, Welsh Government.

# Education otherwise than at school: Note of committee visits on 28 November 2019

Thursday 28 November 2019

On 28 November 2019, Committee members visited three settings supporting children and young people receiving education otherwise than at school (EOTAS). These settings were located in Bridgend, Cardiff and Caernarfon.

Pupils had a mixture of needs and abilities, some relating to mental health (including significant self-harm and suicidal ideation at times) and others to social, emotional and regulation of behaviours.

The primary purpose of the visits was to enable face-to-face discussions with pupils, to gain an understanding of their experiences of receiving education outside their mainstream school. Members also spoke with staff, parents and carers. The Committee undertook the visits at the beginning of the inquiry to ensure that the first-hand experiences of those engaged in EOTAS are at the forefront Members' thinking as the Committee explores this area in more detail.

This note has been prepared with the permission of all the settings visited. Its purpose is to inform oral evidence sessions, and the Committee's final report and recommendations. In order to maintain the privacy of those with whom Members spoke, comments have not attributed to individuals.

The Committee would like to thank all the children, young people, staff, parents and carers who enabled these visits to take place and gave their time to help Members with this work.



## Support in mainstream school

1. The majority of learners and parents/carers reported that **little or no support was available** in their mainstream school to enable children and young people with difficulties to remain there. Comments included:

“There was no support structure.”

“I was out of lessons 24/7. I wasn’t learning.”

“Teachers didn’t pay attention – I didn’t learn.”

“I was made to feel naughty.”

“I was scared to ask for help.”

“Teachers need to better understand how to help us.”

“The teachers didn’t like me so they kicked me out.”

“They lose their tempers so quickly [...] They think we’re trying to get attention. But we just want someone to listen.”

“Ro’n i’n cael help ond yn hapus i ddod yma i osgoi cael bai ar gam.”  
*[“I was getting help but I was happy to come here to avoid being blamed unfairly.”]*

2. Issues learners and parents/carers reported at mainstream schools included distress caused by:

- bigger class sizes;
- the use of isolation;
- withdrawal of break/lunchtimes and school trips, concerts, and sports days;
- their needs not being listened to/understood;
- little or no connection being built between pupils and teachers;
- frequent changes of approach within the school to behavioural, emotional and social difficulties (BESD) and mental health;

- being labelled and stigmatised, leading to further deterioration in behaviour; and
- having to move mainstream schools/provision, becoming “lost” in the system.

**3.** The small number of learners and parents/carers who stated that they had received some support in their mainstream school referred to the following as important tools:

- **time out cards** - to show to get permission to leave the classroom when they felt the need;
- “**learning houses**” / “**restorative zones**” – to visit when they were unable to remain in their mainstream class;
- **reduced timetables** – to increase the manageability of time spent in the formal school environment.

**4.** Learners explained, however, that there were a **number of challenges in relation to these tools**. These included being too afraid at time to show their time out card, feeling “naughty” or isolated when they left their mainstream classes to go to learning houses/restorative zones, and feeling that they were not learning particularly well despite these mechanisms being in place. The majority of those who commented positively about their mainstream schools referred to the **importance of particular staff** who had listened to them, understood their issues, and provided tailored support.

**5.** Asked **what could have been better** in their experience, the learners and some parents/carers suggested:

- teachers should be **better trained** to improve their understanding of BESD, neurodevelopmental and mental health needs, and to enable them to be better able to handle positive/negative feelings. Learners felt that their challenges were regularly mislabelled as misbehaving. Parents/carers felt that this would be a good investment given the growing prevalence of mental illness and suicide into adulthood;
- **more warning** should be given / steps should be taken before a learner is “kicked out” of a class;

- school staff should **take more time to understand learners' needs** – patience and understanding are needed to help them overcome the issues they are facing;
- a **more proportionate approach to exclusion** – learners felt that they were being excluded because of a number of small incidents that built up rather than serious matters warranting such action; and
- greater **parity between the importance placed on wellbeing and attainment** – some parents/carers feared that schools did not engage for fear of damaging performance measures, particularly exam results.

## Alternative options to mainstream and the level of choice

**6.** Mixed experiences were reported in relation to the **options and choices available beyond mainstream school**.

**7.** Learners in the Bridgend setting felt that they had alternative options close to their homes. As well as the unit itself, they were aware of options for home schooling. They also highlighted the fact that they were able to access provision in further education colleges during years 10 and 11, in combination with their attendance at the PRU. They felt that these were very helpful in enabling them to consider and prepare for their post-16 education options. In contrast, learners in the Cardiff setting reported that they were presented with only one option, rather than a range.

**8.** Most learners across the three settings reported feeling **nervous before entering EOTAS** about what would happen after leaving mainstream provision. Concerns included:

- missing friends;
- missing out on learning;
- the stigma of being in EOTAS, including being considered “naughty”; and
- struggling to return to mainstream school.

**9.** Some parents/carers felt that there was a **lack of information** about the alternative options available to them and their children. They felt this affected their ability to make an informed choice, and in one case delayed their decision to move their child from the mainstream school for fear of limiting their future prospects and attainment.

**10.** While a number praised the mainstream school and local authority staff, they commented that it had been a “long struggle” to identify the right people. Some also felt that securing EOTAS could hinge on the **level of parental support/knowledge**, and their **proximity to a town/city** with a population sufficient in size to maintain such provision.

#### Time to secure alternative provision

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**11.** **Mixed experiences** were reported in relation to the time it took to secure provision otherwise than at school, and the nature of support that was provided during the interim period. Waits reported ranged from very little to 16-18 months.

**12.** In the cases of delay, interim support ranged from “some home tuition” (for the individual waiting 16-18 months) to “nothing” (for another waiting 6-7 months). In contrast, another learner reported a much shorter gap of 2-3 months in her education, during which a range of support, activities and time with youth workers was provided. There was a consensus among those who commented about the time it takes to secure alternative that any gap was unhelpful and could affected mental health, wellbeing and attainment.

**13.** Some parents/carers reported that their child remaining in a mainstream school without the necessary level of support had **impacted the wider family unit**. They commented that other siblings were affected and at risk of mirroring behaviours. They also explained that their own jobs were being affected due to the number of times they had to leave work to collect their children early following a request from school.

#### Support in EOTAS provision

**14.** The majority of learners across the three settings reported feeling **very well supported once they joined their EOTAS provision**. Many added that their experience had made a **significant and positive difference to their education**.

#### Benefits of EOTAS

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**15.** The main aspects learners and their parents/carers emphasised as being better in EOTAS were:

- **teaching and support staff** taking the time to listen to them and being more experienced in dealing with and understanding their needs;

“The staff don’t have short tempers here.”

“There is understanding and trust between the pupils and staff. We fit in here.”

“The staff have all had training in mental health.”

“We all get along here. We’re like a family.”

- smaller number of learners, particularly in terms of **small class sizes**, meaning that they were given the attention they needed, were not so anxious to ask for help, and did not feel overcrowded by others;

“Staff can get to know children much more because it’s smaller than a mainstream school.”

“It’s not as noisy as my other school.”

- the **flexibility and nature of support** being more conducive to learning;

“They explain things here.”

“It’s easier to ask for help.”

“It helps to have shared experiences. We can open up here.”

- the **pace of learning** being much more tailored to their individual needs;

“Teachers don’t rush us here.”

“Mainstream is focused on grades.”

- **parents/carers being involved and well-informed** about their child’s education.

“I can ask for a chat at any time...the communication is excellent.”

**16.** They reported that the support they received at **the unit improved their learning**. Comments included:

“It’s improved my learning because I actually come to school now. I used to have weeks off in my other school.”

“I’m doing more work here.”

“I’m back to a full day of learning here, rather than a reduced timetable.”

“It’s more relaxed here so I’m more engaged.”

“I’m no longer scared to ask for help. I talk more and I’m less anxious,”

“My confidence has increased.”

“I’m more confident and more independent.”

“My behaviour has improved.”

“She’s flourished here.”

“I’ve not had to pick him up early once from here.”

“Dwi’n canolbwyntio ac yn gwrando’n fwy ar yr athrawon.”

*[“I concentrate and listen to the teachers more.”]*

“Dwi’n llai hyper a dwi ddim yn codi ffræ na chwffio cymaint.”

*[“I’m less hyper and I don’t argue or fight as much.”]*

#### Range of subjects and support

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**17.** The range of subjects available to learners ranged from setting to setting, however all three delivered **core subjects** (English/Welsh and Maths, including GCSE qualifications where appropriate). In certain cases, core subjects were delivered through more practical tasks (for example mathematics being picked up in cookery sessions through weighing ingredients), and **a much greater emphasis placed on nurture, behaviours and emotions** than on the formal curriculum.

**18.** A **more limited curriculum** was cited by some pupils/parents as a concern which had initially deterred them from wanting to enter EOTAS provision (and a factor that would attract them back to their mainstream school). Nevertheless, some young people and their parents/carers felt that the support provided in EOTAS enabled them to be **more likely to succeed in learning and/or gaining qualifications**, even if more limited in scope or number. One pupil commented, however, that he was concerned about returning to mainstream and needing to “catch up” with work:

“Be’ sy’n weindio fi fyny yw dal fyny efo gwaith ysgol.”  
[“What winds me up is catching up with school work.”]

**19.** Much emphasis was placed in the three settings on:

- the pupils’ **wellbeing, resilience, and nurture**;
- **work-related education and life skills** for young people, especially those nearing the school leaving age;
- **good links with other services** such as CAMHS and ALN support for those with specific needs – one parent described the EOTAS provision as  
“...the anchor to everything”
- **good links with parents/carers** to ensure that they are involved where possible/appropriate and able to learn more about BESD. The availability of a Family Engagement Officer in Bridgend to support parents/carers was given as an example of good practice in this regard;
- the **facilities** available, including features such as breakout areas with bean bags/quiet areas, kitchens for learners, the library and sports facilities that enabled their wider development; and
- **providing protected time** at the beginning and the end of each day to celebrate successes, or to speak about anything that had happened or was concerning the children and young people, to ensure that worries or issues did not escalate.

**20.** Many pupils and their parents/carers emphasised the **value of this wider support**, explaining that it was not available in their mainstream schools. Examples included mandatory “well-being and skills interventions” such as cooking and mindfulness, “enrichment sessions” which included forest walks and sport, and voluntary work in the community which helped develop their people skills. It was felt that all of these aspects **helped bridge an important gap between the EOTAS provision and future learning settings/work**.

#### Length of time in EOTAS

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**21.** All three settings aimed to ensure that the children and young people were **enabled to return to mainstream school**.

**22.** In the Caernarfon setting, pupils attended from a number of local primary and secondary mainstream schools for a temporary 6-week period, to focus on

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wellbeing and social/emotional needs. As they largely had time away from the curriculum to concentrate on nurture and behaviour, re-integration into mainstream school is done slowly, first visiting the previous school with EOTAS staff.

**23.** In Bridgend, while learners in year 10 and 11 could be in EOTAS on a permanent, full-time basis, younger age groups were first put on a **“revolving door” programme**. While parents/carers recognised that the aim of this approach was to act as early intervention, they were **not confident that the necessary adjustments would be made in mainstream schools** in preparation for their child’s return. They questioned how effective programmes could be if staff, as well as learners, were not changing their behaviours and approaches.

**24.** In Cardiff, although all learners reported that they enjoyed their EOTAS provision, they were **unanimous in their desire to return to their mainstream schools**. Their reasons varied, with some missing their friends and others believing they would achieve more GCSEs putting them in a better position for later life.

**25.** There was a view that **starting afresh in a new school, rather than returning to the previous mainstream school, could often be preferable**. This was based on the fact that many learners had reputations in their previous schools which made starting from a clean slate very difficult. Staff and parents/carers explained that while some learners’ behaviour was not overly problematic by the time they left EOTAS returning to their old mainstream school could on occasion see the return of challenging behaviours.

## Transport

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**26.** Arrangements for transport ranged across settings, but included **taxis and buses** funded by local authorities, and support from parents/carers. Learners in Caernarfon and Bridgend spoke warmly about their drivers and chaperons, explaining that they often lifted their mood in the morning when they arrived to take them to school.

**27.** Some learners in the Cardiff setting reported a journey by car of 30-40 minutes each way, but no significant concerns were raised about transport to/from any of the settings. Some parents/carers noted that they had been concerned about transport initially, but no problems had emerged in reality.

## CYPE(5)-03-20 – Paper to note 1

**Cynulliad Cenedlaethol Cymru**  
Y Pwyllgor Plant, Pobl Ifanc ac Addysg

**National Assembly for Wales**  
Children, Young People and Education Committee

Russell George AM  
Chair  
Economy, Infrastructure and Skills Committee  
By email

15 January 2020

Dear Russell,

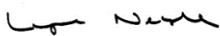
### **Welsh Government Draft Budget 2020-21: research and innovation**

In summer 2019 the CYPE Committee wrote to the Minister for Education requesting a written paper to inform our scrutiny of the Draft Budget 2020-21. In this **letter** we indicated that we would work with other committees with shared interests and responsibilities – including the Economy, Infrastructure and Skills (EIS) Committee – to avoid any unnecessary duplication of effort for the Welsh Government and Assembly Committees.

As agreed with you, and to use the Minister for Education's and Committees' time as effectively as possible during the tight timetable associated with the budget round, questions about research and innovation were posed to the Minister for Education during our budget scrutiny session on 8 January 2020. As a member of both the CYPE and EIS Committees, Hefin David AM led on this aspect of our scrutiny. The relevant aspects of the discussion can be seen in paragraphs 158 – 181 of the **Record of Proceedings**.

In recognition of your Committee's remit, and your responsibility for scrutinising the Welsh Government's work in relation to research and innovation, I understand that the EIS Committee intends to consider this information and reflect it in your report. As such, I wanted to write to refer this evidence to you formally and to place on the record that, while the evidence was gathered in the CYPE Committee for efficiency purposes, issues relating to research and innovation in the Welsh Government Draft Budget 2020-21 will be considered and reported on by the EIS Committee.

Yours sincerely,



**Lynne Neagle AC / AM**  
**Cadeirydd / Chair**



# Agenda Item 4.2

CYPE(5)-03-20 - Paper to note 2

**Julie James AC/AM**  
**Y Gweinidog Tai a Llywodraeth Leol**  
**Minister for Housing and Local Government**

Chair,  
Children, Young People & Education Committee



Llywodraeth Cymru  
Welsh Government

16 January 2020

Dear Committee Chair,

Following on from the Children, Young People and Education Committee's report on School Funding in Wales and the Welsh Government response, I am writing to offer further clarification about Indicator Based Assessments and their purpose within the Local Government Settlement calculations.

It is important that Assembly Members appreciate how such a large proportion of the Welsh Government budget is distributed between local authorities, the sources of data used to drive allocations and the rigour and independence that is built into formula and the processes to update it each year.

I am happy to issue written guidance over and above that available in the "Green Book", which is the background information for Standard Spending Assessments published following the final budget each year. Alternatively if you or any member of your committee or your committee clerk would prefer a face to face technical briefing I am happy to arrange some sessions.

I look forward to your response.

Yours sincerely

**Julie James AC/AM**  
**Y Gweinidog Tai a Llywodraeth Leol**  
**Minister for Housing and Local Government**

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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.