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**Barnardo's
Cymru**

Education (Wales) Bill stage one consultation response.

Dear Chair

In making comment on the Education (Wales) Bill we do so from our position of providing support to vulnerable children, their families and carers rather than as a provider of formal educational opportunities. Our response therefore will highlight our concerns rather than offer substantive arguments.

A General Issues

- In reading the Bill as tabled we firstly felt that we were not fully able to identify how the Bill will achieve the aim of improving standards. We are not concerned about broadening the criteria for registration but would welcome on the face of the Bill recognition of the role and potential benefit of community input that would not require registration such as faith or ethnic communities, parents and police and rescue services. It is also unclear as to how “educating” is defined and whether flexibility exists in a definition for those non registered referred to earlier.
- We are unclear how the registration of independent schools to provide SEN education will fit with developing ALN legislation and suggest that this might produce an anomaly rather than coherence within SEN developments in future legislation.
- We are unsure of the coherence of funding for post 16 SEN provision. In this regard there is no mention of advocacy, transition workers, particularly in regard to the ALN pilot projects and the European funded Real Opportunities project.
- Our final general concern is how registration of “person’s educating children and young people” will increase achievement, particularly for SEN pupils. It is evidenced that SEN pupils account for more than 50% of exclusions and are three times more likely than their non SEN peers to gain no formal qualifications. As disabled young people, including SEN, are most likely to be NEET, the importance of further education is not necessarily reflected in the Bill as tabled.

B Specific Issues

Part 2: Education Workforce

Section 3; we would welcome consideration of the addition of a sub section c) – Work with professional bodies in other sectors (e.g. Social Services and Health but

not an exhaustive list) to maintain and improve cross sectorial standards in educating children and young people.

Section 8, (2); consideration of inserting d) – sharing expertise across sectors to and with professionals who jointly work with teachers and support staff.

Section 14, (4); consideration of insertion of e) – professionals from other sectors working in partnership with school to support the curriculum; and f) – the recognition of the role of parents and communities.

Section 15 (1) (a); consideration of insertion of (iii) – professionals from other sectors working in partnership with a Further Education Institution to support the curriculum.

Section 16; Here we would hope for some clarity of using Direct Payments in securing support for a young person in Further Education. If so the registration categories for Further Education might need to reflect personal assistance rather than limiting registration to teaching qualifications and study experience.

Part 3; Persons with Learning Difficulties

Section 44 (40a) and (40B). We do not feel we fully understand this section and would require clarity. It appears there might be some assumptions made in relation to post 16 provisions being segregated and therefore provided through specialist provision or placement. If this is the case we are unsure how the impetus to raise standards will be achieved.

It also appears there might be an assumption that this provision will be by a college rather than an apprenticeship or work based learning scheme, both of which have demonstrated valuable results.

We feel that this section should be able to reflect the developments around ALN, transition plans and Individual Development Plans in regards of assessment and continuity of education and training provisions for learning impaired students.

We would also call for an increased focus on person centred approaches to both assessment and provision.

Section 46, (40n), (1); replace may with should.

Section 46, (40o), (1), (b); It would be helpful if the use of language was consistent across all policy areas as the Welsh Government current refers to Independent Professional Advocacy rather than just independent. We would suggest that (40o), (1), (b) could be edited to place a duty or requirement on providers to refer to Independent Professional Advocacy rather than wait for a request.

We are also disturbed that advocacy is only talk about in relation to appeal of assessment. We would expect to see recognition of the role and benefit of advocacy within other processes such as transition or development planning.

Schedule 1

Under section 3 we would suggest consideration of inserting c) - ensure that at least one member of the council is from a different profession but with education experience. This we suggest to ensure partnership working.

In addition d) – requiring one member of the council to have experience of working with children and young people as well as particular expertise in Children’s Human Right’s.

Schedule 2

We would suggest consideration of edits at section 1 table 1 to reflect our earlier comments in regards of community involvement.

Final issues

We would expect to see a thorough, comprehensive Children’s Rights Impact Assessment at this stage.

We would suggest that the balance of negative and affirmative process in relation to subordinate legislation should have increased use of the affirmative procedure particularly in matters of assessment, appeal and tribunal.

Finally it would be helpful at this stage to see tables of derivation and repeals.

Yours sincerely

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