

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 2016¹.

The Group's considerations culminated in a 'Framework for Action'² 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

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

² 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 21st Century School bidding and funding process to ensure that PRUs (and other EOTAS settings, where appropriate) are considered in local authority bids. 21st 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, 21st 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.