

Y Pwyllgor Plant a Phobl Ifanc

Lleoliad:
Ystafell Bwyllgora 1 – Y Senedd

Dyddiad:
Dydd Mercher, 6 Chwefror 2013

Amser:
09:00

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



I gael rhagor o wybodaeth, cysylltwch â:

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Agenda

Cyfarfod cyn y cyfarfod ffurfiol (09.00 – 09.15)

- 1. Cyflwyniad, ymddiheuriadau a dirprwyon**
- 2. Ymchwiliad i Bresenoldeb ac Ymddygiad – Sesiwn dystiolaeth (09.15 – 10.00)** (Tudalennau 1 – 19)

Comisiynydd Plant Cymru

Keith Towler

Egwyl (10.00 – 10.15)

- 3. Adolygiad o Gymwysterau – Sesiwn dystiolaeth (10.15 – 11.15)**
(Tudalennau 20 – 29)

CBAC

Gareth Pierce, Prif Weithredwr

- 4. Adolygiad o Gymwysterau – Sesiwn dystiolaeth (11.15 – 12.00)**

OCR Cymru

Robin Hughes, Rheolwr Cenedlaethol OCR Cymru

5. Cynnig o dan Reol Sefydlog 17.42 i benderfynu gwahardd y cyhoedd o'r cyfarfod ar gyfer y busnes a ganlyn:

Eitemau 6 a 7.

6. Trafod y flaenraglen waith

7. Trafod llythyr y Pwyllgor Busnes ynghylch amserlenni'r pwyllgorau

8. Papurau i'w nodi (Tudalennau 30 - 43)



Comisiynydd Plant Cymru Children's Commissioner for Wales

Keith Towler

Ymateb i Ymgynghoriad / Consultation Response

Date/Dyddiad

28 January 2013

Subject/Subject

National Assembly for Wales' Children and Young People Committee's Inquiry into Attendance and Behaviour

Background information about the Children's Commissioner for Wales

The Children's Commissioner for Wales is an independent children's rights institution established in 2001. The Commissioner's principal aim, under the Care Standards Act 2000, is to safeguard and promote the rights and welfare of children. In exercising his functions, the Commissioner must have regard to the United Nations Convention on the Rights of the Child (UNCRC), as stipulated in regulation 22 of the Children's Commissioner for Wales Regulations 2001. The Commissioner's remit covers all areas of the devolved powers of the National Assembly for Wales insofar as they affect children's rights and welfare.

The UNCRC is an international human rights treaty that applies to all children and young people up to the age of 18. It is the most widely ratified international human rights instrument and gives children and young people a wide range of civil, political, economic, social and cultural rights which State Parties to the Convention are expected to implement. In 2004, the Welsh Assembly Government adopted the UNCRC as the basis of all policy making for children and young people and in 2011, Welsh Government passed the Rights of Children and Young Persons (Wales) Measure.

1. Strategies and support in place to address behaviour and attendance

The National Behaviour and Attendance (NBAR) report (2009) sets out the importance of a whole-school approach supported by strong leadership. There is considerable evidence that a whole school approach is essential for effective approaches to improve school attendance and behaviour. Welsh Government's Circular on Inclusions and Pupil Support (2006)ⁱ sets out the benefits of such an approach and a recent review of international evidenceⁱⁱ provides clear evidence on the positive impacts of such approaches. The research review, undertaken by the University of Leicester on behalf of the National Council for Special Needs concludes that whole-school behaviour management programmes can act as a universal programme for all students, but can also enhance the abilities of those with additional needs to engage with learning in a safe environment. An evaluation of the first three years of the RAISE programme was published by Welsh Government in 2012ⁱⁱⁱ and suggests that the programme has been most effective in *'schools with strong leadership, which know their pupils and families well and understand what they as a school can do and how they can work with others to tackle the link between socioeconomic disadvantage and poor educational attainment'*. The report also notes that schools that were less effective and had a less holistic analysis of need and a narrower view of their role used the funding opportunity offered through the RAISE programme less effectively.

Bryngwyn Comprehensive School in Llanelli has been identified as a best practice case study in relation to the RAISE programme.^{iv} The school has adopted a 'Triple A' strategy (attendance, attitude and achievement) with a clear focus on pupils wellbeing, engagement with parents/carers and making pupils feel valued.

As part of my role I regularly visit schools across Wales. I have visited a number of schools where I have witnessed the positive impact that whole school approaches with a focus on pupil wellbeing can have on education engagement. I visited Goetre Primary School in the summer term of 2012. The school serves a community where there are high indicators of multiple deprivation, and where a lot of parents are young parents, many of whom have basic skills issues themselves. There are currently six mainstream classes and three Learning Resource Base Units catering for pupils with additional learning needs in the Junior Department. In the Infants Department there are Lower and Upper Foundation Phase Units and two Learning Resource Bases catering for the needs of approximately 350 children. The school has employed an Education Family Support Officer who is driving forward action on working with families and the community to ensure that children are accessing and benefiting from an education. The decision to create this post is part of the wider ethos of a school that is truly community focused. The work has a clear focus on promoting a strong and positive relationship between the school, families and the community. The school is a hive of activity that includes practical support as well as work to engage families in education.

The school also participated in an Action Research project introduced as part of the Welsh Government's RAISE programme work in schools in the Pen-Y-Dre school cluster. Goetre School developed a Whole School Approach to SEAL through the project. The school rewrote the behaviour policy with a focus on reward for making good choices and SEAL themes are used to develop motivation through activities to foster the achievement of personal, academic and pro-social goals. The school is able to evidence outcomes in terms of improved Emotional Literacy for pupils.

Townhill Community School in Swansea is a restorative school. Restorative practice empowers teachers to be successful and effective practitioners within their classroom, raising standards and achievement across the school and developing aspirational, motivated and responsible pupils. I attended one of the school's morning 'check-in' circles where pupils are given the opportunity to talk about their feelings and any concerns they have and I was impressed with the ways in which the school works to ensure that the pupils feel happy and comfortable throughout their school day and makes their emotional wellbeing a priority.

Estyn's 2012 report on effective practice in tackling poverty and disadvantage in schools^v also identifies the importance of taking a whole-school approach to tackling disadvantaged. Estyn found that effective schools have a persistent focus on good attendance, punctuality and positive behavior, had suitable sanctions in place but found that reward systems work particularly well.

In 2001, the United Nations Committee on the Rights of the Child published its General Comment on education^{vi}. Within the comment, the Committee states at Paragraph 8 that:

Compliance with the values recognised in Article 29 (1) clearly requires that schools be child-friendly in the fullest sense of the term and that they be consistent in all respects with the dignity of the child. The participation of children in school life, the creation of school communities and student councils, peer education and peer counselling, and the involvement of children in school disciplinary proceedings should be promoted as part of the process of learning and experiencing the realisation of rights.

In 2009, the Committee published a General Comment on Article 12 entitled 'The right of the child to be heard'^{vii}, and made the following statements about the right of the child to be heard in school:

- *Respect for the right of the child to be heard within education is fundamental to the realization of the right to education (para 105)*
- *Children's participation is indispensable for the creation of a social climate in the classroom, which stimulates cooperation and mutual support needed for child centred interactive learning. Giving children's views weight is*

particularly important in the elimination of discrimination, prevention of bullying and disciplinary measures. (para 109)

- *Steady participation of children in decision-making processes should be achieved through, inter alia, class councils, student councils and student representation on school boards and committees, where they can freely express their views on the development and implementation of school policies and codes of behaviour. (para 110)*

There is strong evidence to support the validity of a whole-school approach with a clear focus on pupil wellbeing where pupils feel listened to and valued as the best solution to the issues raised through the NBAR enquiry. There is a clear need to support schools in the adoption of evidenced whole-school approaches.

Case example 1

My office supported a child receiving exclusions related to their behaviour where the school struggled to manage and were aware that additional intervention from external agencies was required. However the local authority was reluctant to provide any additional support until school could evidence that all avenues had been exhausted. The school identified that they did not have the necessary resources to support. Contact with local authority confirmed to my office that additional support would not be forthcoming until school had exhausted the process. This case also highlighted that educational psychology intervention is not always forthcoming as children are put on a waiting list in order of priority due to resources.

This case also highlighted the difficulties in supporting parents and child. The parent was intimidated by the head and meetings with the school were difficult. Although the parent was in agreement that the child has issues she was frustrated at a process driven mechanism for support rather than a needs or rights led mechanism.

1a. Teacher training and development

The NBAR Review 2008^{viii} identified evidence to suggest that large numbers of education professionals had received little or no training in their roles in managing attendance or behaviour. The Welsh Government's NBAR Action Plan was published in 2009^{ix} and committed to the development of an overarching Professional Development Framework for teaching staff covering knowledge and skills on aspects of promoting positive behaviour and attendance.

A handbook on practical approaches to behaviour management in the classroom for secondary schools was published by Welsh Government in 2010 while a handbook for primary schools followed in 2012. These appear to be useful resources aimed at positive behaviour management practices within the classroom however there does not appear to be any clear framework through which these resources are disseminated and promoted among teaching staff.

Welsh Government published a behaviour and attendance Action Plan in 2013^x to reflect the Minister's priorities and with the aim of embedding behaviour and attendance in initiatives around education improvement. The Plan sets out actions to develop training modules on behaviour management and attendance to be delivered through Initial Teacher Training, Induction and Continuing Professional Development and funding in well evaluated behaviour management programmes. The Welsh Government has also launched the Learning Wales website to provide information, guidance, case studies in relation to improvement areas. I welcome the fact that behaviour and attendance have been included as one of the first improvement areas to be covered on the website. However it is disappointing that the Welsh Government's recently launched virtual learning 'Hwb' that provides classroom based resources appears to be clearly focussed on curriculum issues and does not cover positive behaviour management and attendance issues.

Evidence from research on illegal school exclusions commissioned by Welsh Government and published in 2011^{xi} found that parents reported that teachers lacked knowledge to successfully manage behaviour and discussed how teachers struggled to meet the needs or offer appropriate support to children who had disabilities, poor mental health or a physical condition. Parents reported concern over a lack of coherent behaviour strategies within school. These issues are mirrored in some of the cases that have been brought to the attention of my independent advice and support service. My office has dealt with cases where teaching staff are not equipped to deal with challenging behaviour from pupils (including primary school children) leading to escalation of problems for both child and school over a period of time.

There is clearly a strong case for the current measures in place to be maintained and I would like this supported by a programme of training on positive behaviour management programmes as part of the work of the new education Consortia. Estyn's inspection of arrangements in pupil referral units (2012)^{xii} found that units that had adopted behaviour management strategies, restrictive physical intervention and restraint methods accredited by the British Institute for Learning Disabilities were most effective. This was linked to the units having staff that were well trained and confident in using techniques to defuse potentially challenging situations. The Welsh Government review of 'Education Otherwise Than at School and Action Plan' (2011) sets an action to ensure that those delivering EOTAS are included in the implementation of new elements on behaviour and additional learning needs within the Welsh Government's new approach to the continuing professional development of practitioners. I am not aware of any recent update from Welsh Government in relation to progress against the Action Plan (2011-13) - a statement on progress could usefully inform scrutiny of these issues.

Equipping teachers with the knowledge and skills they need to support behaviour in the classroom positively and to handle challenging behaviour effectively will benefit pupils, teachers and schools. Further it will progress work to realise the right to education of children and young people in Wales under the UNCRC.

Case example 2

My office was involved in the case of a child with behavioural difficulties who was placed in an assessment unit following temporary exclusion where he did well. Following assessment the child returned to mainstream school where the placement broke down rapidly as no reintegration strategy had been put in place and a request was made for by the school for the child to return to the assessment centre. The school was ill-equipped to meet the needs of the child whereas the staff at the assessment centre were trained and able to manage the child's behaviour.

1b. Provision to pupils who are Educated Otherwise than at School (EOTAS) including pupil referral units.

The NBAR Report (2008) identified issues related to limitations in EOTAS in terms of provision of an adequate education offer to children and young people. The Welsh Government Action Plan (2009) committed to carrying out a review on provision of EOTAS, including pupil referral units. This review was published in 2011 and highlights a number of issues of concern:

- wide variety in the type and level of EOTAS provision across Wales;
- the need to improve information on children and young people educated outside school and to relate this to performance frameworks for local authorities;
- the lack of minimum standards of provision for those receiving EOTAS in terms of hours of provision, variety of curriculum and inequity of provision; and
- the need for new guidance on commissioning alternative provision.

I am concerned that this provides a grim picture of the education offer provided to children and young people EOTAS. Every child has a right to an education that will develop their abilities and talents to the full (Article 29, UNCRC) and evidence according to the Welsh Government review suggests that we cannot have confidence that children who are EOTAS will have this right realised.

Estyn's report on a survey of arrangements for pupils' wellbeing and behaviour management in pupil referral units found that: *staff do not do enough to monitor and evaluate for themselves the impact of their day-to-day practice on pupils' wellbeing and behaviour* (2012:2). While pupils felt cared for and treated with respect they also reported being physically and forcibly taken to 'time out' spaces which they disliked and described as poor environments and viewed as a punishment'. This is of great concern to me, as is the fact, reflected in the report, that complaints by parents and pupils against staff following restraints were not always recorded, reported or investigated in a timely manner.

Welsh Government's guidance on exclusion from schools and pupil referral units (2012)^{xiii} suggests that individual tuition, particularly in the learners' home is not usually well suited to meeting the needs of learners except in the short term as part of a carefully coordinated package. However in 2010/11,^{xiv} 30% of permanently excluded pupils were given home tuition as their education provision. This individual tuition was the most frequently used provision for pupils whose main education is other than at school. At the same time evidence from research in relation to exclusions (2011)^{xv} found that few pupils who were officially excluded received any tuition or learning support during periods of time spent out of school.

Case example 3

My office became involved in the case of a young person who had been out of education for 12 months. There had been behavioural issues in school he had been excluded and the school refused to take him back. This young person had also been in trouble with the police and was waiting for a court appearance. During the 12 months that this young person had been without an education placement there had been no work sent home and no alternative placement sought. Neither education nor the YOT had ensured that procedures had been followed that would have ensured that this young person received appropriate education for 12 months. This situation was only resolved when our office became involved.

Welsh Government statistics found that 2,577 pupils were recorded as being educated other than at school, with 1,026 of these receiving their main education outside of school.^{xvi} These children and young people have a right to an education. The Welsh Government must take urgent action to implement and report on the action plan on improving 'Education Otherwise Than at School' (2011), a commitment made in their 'Making a Difference on Behaviour and Attendance Action Plan 2011-2013'. There is also a clear need for Welsh Government to closely monitor and scrutinise progress against the recommendations for local authorities and pupil referral units made by Estyn in its 2012 report.^{xvii}

1c. Use of exclusion (including permanent/fixed term/illegal exclusions)

I welcome the fact that there has been a continued decrease in permanent exclusions from schools in Wales over the past five years. However in 2010/11 there were still 158 permanent exclusions from maintained primary, secondary and special schools and pupil referral units. Research consistently cited in studies^{xviii} strongly evidences the on-going negative outcomes for children and young people who are permanently excluded as they grow into adulthood.

Evidence from the case work undertaken by my independent advice and support service and reported in Welsh Government commissioned research^{xix} suggests that fixed term exclusions are used too often as an ineffective behaviour management tool with continued instances of fixed term exclusions increasing the risks of permanent exclusion in the future. While the number of fixed-term exclusions of six days or more dropped in 2010/11 this was matched by an increase in fixed-term exclusions of five days or fewer.^{xx} The most common reason given for fixed-term exclusions in the period 2010/11 was 'defiance of rules'. The Welsh Government's guidance on exclusion from schools and pupil referral units was released in 2012^{xxi} and is clear that *'a decision to exclude a learner should only be taken: in response to serious breaches of the school's behaviour policy and if allowing the learner to remain in school would seriously harm the education or welfare of the learner or others in the school'* (2012:8). I am not clear what processes are in place to support pupils and their parents/carers awareness and understanding of schools behaviour policies and I am concerned that there is such a high rate of fixed term exclusions for 'defiance of rules'. Evidence presented in Welsh Government commissioned research^{xxii} found that some children and young people were excluded for not having completed homework, for uniform appearance issues or for 'causing trouble'. I would like to see measures put in place to ensure pupils and parent/carers are made aware of the contents of the schools behaviour and attendance policy and of the measures that will be taken in circumstances where the policy is breached.

Although the 2012 Welsh Government guidance on exclusions includes a statement on the use of exclusions in relation to set issues such as breaches of uniform and failure to do homework, the procedure driven nature of the guidance is not helpful in clearly setting out the need to consider the best interests of the child in relation to decisions about excluding a child or young person from school. The guidance includes a section on the UNCRC (2012:24-27) however this presents a list of relevant UNCRC Articles without relating these to the issue of decisions about the exclusion of children and young people. The Children's Commissioner in England published the first year report of her on-going School Exclusions Inquiry in 2012^{xxiii} and this presents its findings through an assessment of compliance with the Articles of UNCRC against exclusions policy and practice in England. This is a useful approach that may be of interest to the Committee. Framing the Committee's deliberations on NBAR issues in this way would enable consistency with the Minister's obligations in relation to the Rights of Children and Young Persons (Wales) Measure 2011. By drafting the

Committee's report findings and recommendations within this context, it would facilitate and enable Welsh Government to respond to the issues with regard to the UNCRC.

The evidence included in the Welsh Government commissioned study of illegal school exclusions (2011)^{xxiv} is of great concern to me. There is clear evidence to suggest that there are cases where children and young people are having their right to an education unlawfully removed.

The report also includes evidence in relation to poor practice in the management of official exclusions as well as illegal exclusions. There a number of key findings that need to be addressed, including:

- a lack of communication and information sharing on procedures or decisions between schools and parent/carers and pupils;
- use of multiple exclusions as a form of sanction or behaviour management; a lack of agreed, shared or consistent behaviour management strategies;
- lack of supportive reintegration processes and lack of knowledge and support for teachers in responding to children and young people with Additional Learning Needs; and
- the reported negative impact of exclusions on the wellbeing of children and young people.

The educational attainment of looked after children and young people remains significantly below that of other children. The Wales Audit Office (WAO) study of the educational attainment of looked after children and young people was published in 2012^{xxv} and found that attendance was similar to that of all children but that many looked after children still experience disruption in their education. The WAO report that the number of permanent exclusions of looked after children and young people has fallen to very low levels partly due to the increased use of managed moves between schools. However, the WAO also report that the number of fixed term exclusions of looked after children has risen in recent years from 232 in 2007-08 to 304 in 2010-11. The average length of each exclusion was 7.6 school days compared to 7.1 in 2009-10. The number of looked after children who are excluded for a fixed period is not known, as a child or young person may be excluded on more than one occasion in the year. The lack of coherent and consistent support to improve the educational attainment of looked after children is identified by the WAO. Welsh Government must provide a robust response to these findings that includes measures on behaviour and attendance.

Case example 4

My office was asked to intervene in the case of a looked after child who had been placed out of county had been excluded and was not receiving any tuition. The local authority advised they had no specialised provision for children with behavioural difficulties in the county. The young person had been placed with the home authority without

consultation with the receiving authority in relation to their educational needs. The young person was receiving a minimum amount of home tuition – 10 hours per week.

I am surprised and concerned that although Welsh Government guidance sets out the nature of unlawful exclusions and the reasons why they must always be considered illegal it also includes a section on ‘voluntary withdrawals’ (2012:17). The guidance states that ‘influencing or encouraging parents/carers to ‘voluntarily withdraw their child from school as a way of dealing with difficult or challenging behaviour is not an appropriate response’ and states that local authorities will need to consider what action is appropriate where schools are found to be practising ‘voluntary’ withdrawals. I would suggest that the practice of ‘voluntary withdrawals’ represents permanent exclusions by another name without any of the safeguards and educational entitlements associated with official procedure. Welsh Government should adopt a stronger position in relation to non-tolerance of ‘voluntary withdrawal’ practice as it clearly runs contrary to the best interests of the child principle.

There is a weight of evidence to suggest that exclusions are used inappropriately, that children and young people subject to exclusion are not always offered an adequate package of support in the period leading up to an exclusion, during a period of exclusion or during reintegration. These issues must be addressed as they indicate a lack of consideration for the rights or best interests of children and young people. The 2012 Welsh Government guidance on exclusion is clear in setting out procedures but does not go far enough in restating the need for exclusion to be seen as a last resort following a period of planned behaviour management and additional support apart from in exceptional circumstances.

Welsh Government’s information on effective managed moves was published in 2011^{xxvi} and I welcome the Government’s support for this approach. Managed moves can provide a positive outcome for children and young people who might otherwise have their educational offer restricted through exclusion. My independent advice and support service has been involved in a number of cases where they have advocated successfully for a managed move as a solution in the best interests of the child. However I am aware that the Welsh Government commissioned research on illegal exclusions^{xxvii} found that parents spoke negatively of managed moves which parents perceived were used as a threat or as a means to avoid responsibilities. Parents also reported a lack of engagement or information from the school in terms of discussions or decisions about managed moves. Welsh Government should look at the issue of managed moves in more detail to ensure that they are utilised to provide a positive and appropriate outcome for relevant children and young people and not viewed as a form of sanction.

1d. Education Welfare Services

I welcome the fact that Welsh Government has committed to developing a training, development and career framework for the Education Welfare Service (EWS). My independent advice and support service frequently communicate and work with EWS in relation to cases that come into my office. Commonly my Investigations & Advice Officers are the first people to make contact with the EWS in relation to a case that has come to the attention of my office, it appears that clear systems for alerting the EWS to cases where there are concerns may not be operating effectively. My officers report that relationships with and responses by some Education Welfare Officers are positive and productive, however this is not the case across all areas and they report an inconsistency in response and approach between different areas and in relation to different officers. Welsh Government published the All Wales Attendance Framework^{xxviii} in 2011 to provide standards and guidance for practitioners with the aim of ensuring greater consistency of practice throughout Wales. This is welcomed, however, Welsh Government should outline their intentions to monitor and assess the impact of the Framework in securing consistent good practice across Wales.

2. Support to pupils with Additional Learning Needs in respect of behaviour and attendance

We know that the groups included in the 'Inclusion and Pupil Support' guidance (2006) are more likely to face barriers to educational engagement and achievement than their peers. Evidence that things are not improving fast enough continues to come to my attention. Established research^{xxix} found that 27% of young carers aged 11-15 experience difficulties or miss school, rising to 40% where children are caring for a relative with drug or alcohol problems. In 2009 over a third of young carers participating in my report, 'Full of Care: Young Carers in Wales', reported that the support they received from school/college was 'poor' or 'awful'. Evidence published in 2011^{xxx} in relation to young people detained in custody suggests that 86% of boys and 82% of girls reported having been excluded from school and around half reported that they were 14 years or younger when they were last in education. Estyn reported in 2011^{xxxi} that attainment and attendance remains below expected levels for Gypsy Traveller pupils and that there are 'marked inconsistencies' across local authorities in their quality of provision for Gypsy Traveller children. The Wales Audit Office reported earlier this year^{xxxii} that the attainment of looked after children and young people is improving slowly but that many are not achieving their potential and that there is too much variation in attainment.

My independent advice and support service continues to receive calls about children and young people who are not receiving the educational offer they deserve because their emotional and behavioural difficulties are not being addressed and schools are unable to manage them. Many of these children and young people do not satisfy the criteria for the statementing process but their parents are left feeling that without a statement there will be no opportunity to secure support to meet their additional needs.

In my response to Welsh Government's consultation on proposals for reform of the legislative framework for special educational needs^{xxxiii} I have welcomed the adoption of this revised term as it reflects the wide range of circumstances that can impede a child or young person's ability to learn and to realise the fullest potential of their abilities. As Children's Commissioner for Wales I am very aware of the diversity of ways in which children and young people may face barriers to their right to an education and their ability to learn. The intention to retain 'entitlement protection' for children and young people who already hold a statement of Special Educational Needs (SEN) is also welcomed. Children, young people and their parents and carers should have this clearly communicated to them to help allay the considerable concerns and anxieties they have expressed to my officers. I welcome the intention to introduce a process of integrated assessment and planning contained within the proposed reforms. The development of models of Provision Pathway as an outline of the level of support that providers should aspire to deliver and including benchmarks for measuring the quality of service delivery is welcomed. I would expect the measures on protecting entitlement included in the Pathways to relate directly to the 7 Core Aims for all children and young people, the Welsh Government's representation of the UNCRC.

I would expect Provision Pathways will be provided in a format that is easily accessible to children, young people and their families so that they can have a proper understanding of the support they are entitled to. This will allow for children, young people and those who represent them to evidence the basis of those challenges they may need to make when they do not receive the support they need to realise their potential. However I have called for clarity on the intended legal status of the Code of Practice. I am aware that the status of many current Codes of Practice such as that currently placed for SEN means that it cannot be used to hold agencies to account in a robust manner. I would hope that the Code of Practice proposed in relation to the reforms outlined in this consultation will have the legal standing of regulation and will be fit for purpose as an accountability framework.

The Committee may wish to note that the consultation document on proposals for reform of the legislative framework for special educational needs does not include reference to behaviour and attendance issues. However the introduction of a process of integrated assessment and planning contained within the proposed reforms has the potential to act as a vehicle for the positive management of behaviour and attendance issues for pupils with additional learning needs.

Case example 5

A young person moved back into area with his mother following major family disruptions that had caused a lot of emotional distress. The young person had been diagnosed with Oppositional Defiance Disorder and Attention Deficit Hyperactivity Disorder. His mother attempted to get him back on the school role at the school he had previously

attended – admission was denied as he had known behavioural difficulties. The child was given a place at a school that was not in his catchment area. This case also highlighted the confusion various professional have as to who makes referrals to CAMHS for assessments.

3. Collaborative working arrangements

The policy drive for joint working, pooled resources and integrated services has been with us for some time however implementation is inconsistent. My independent advice and support service is often involved with cases where children and young people are let down while agencies argue over responsibility and funding to meet the needs of the child or young person.

Welsh Government has put in place a number of family support programmes such as Flying Start, Families First and Integrated Family Support Services all of which provide a team around the family approach. I am aware that some local authorities have a clear focus on delivering Families First through a school cluster approach and I will wait with interest to see what impact this has on attendance and behaviour as demonstrated through evaluation.

Welsh Government legislative proposals including the Social Services and Wellbeing (Wales) Bill; Mental Health (Wales) Measure 2010, Carers Measure (Wales) 2010 and proposals for reform of the legislative framework for special educational needs all include proposals to introduce regulation and guidance to make arrangements more robust and to put duties on statutory partners to contribute to the construction and discharge of multi-agency care and support plans. However there is a need to rationalise the means through which the outcomes of integrated working are captured in order to support joint working to a shared purpose and to provide clarity to service users.

I raised concern in my response to the Social Services and Wellbeing (Wales) Bill that the duty to promote the welfare of children and young people as contained in the 2004 Children Act has had limited impact on the lived experiences of children and young people. Robust measures are needed to ensure that there is accountability in relation to the implementation of the wellbeing general duty contained in the Bill. It is important that this general duty is extended to statutory partners including education and I hope that this will assist in developments that are focused on service user needs. It is clear to me that securing good outcomes for individuals is not in the gift of any single agency.

The domains of wellbeing identified in the Social Services and Wellbeing (Wales) Bill could be usefully adopted as policy and delivery drivers across the policy areas that impact on the lives of children and young people. The Welsh Government current working definition of well-being is:

- (a) physical and mental health and emotional well-being

- (b) protection from abuse and neglect
- (c) participation in education, training or recreation
- (d) domestic, family and personal relationships
- (e) contribution made to society
- (f) securing rights and entitlements
- (g) social and economic well-being.

In relation to a child well-being includes:

- (a) physical, intellectual, emotional, social and emotional development
- (b) the meaning of “welfare” for the purposes of the Children Act 1989.

I believe that the application of outcomes clearly directed at the identified domains of wellbeing across policy areas would support a shared purpose and collaborative working between agencies. In this way responding positively to behaviour and attendance issues in order to avoid poor outcomes for children and young people would be a clear and shared aim across agencies. This is particularly relevant for those vulnerable groups of children and young people who are most at risk of reduced education offers because of behaviour and attendance issues.

4. Other evidence of relevance to the terms of reference

4a: Use of physical interventions and seclusion

The current policy guidance in relation to the use of restrictive physical interventions on children and young people is contained across a number of documents, is procedural in nature and emphasis on considerations of best interest or the rights of the child is arguably weak. I was publicly critical of the education guidance when it was published in 2010.^{xxxiv}

In contrast the Association of Directors of Children’s Services in England have produced a ‘Protocol for Local Children’s Services on Restrictive Physical Interventions in Schools, Residential and Other Care Settings for Children and Young People’^{xxxv} that appears to provide a clear set of procedures presented in the context of a focus on regard to the best interests of the child. I am seeking options for dialogue with key agencies as to how best to develop a similar approach for use in Wales and believe Welsh Government are ideally placed to progress this agenda.

4b. Equalities

The Children’s Commissioner for England’s inquiry into school exclusions^{xxxvi} outlined particular concerns that some groups of learners were more likely than others to be excluded from school. The report suggested that the Department for Education should collaborate with the UK Government’s Equality Unit and the Equality and Human Rights Commission to look at how to support schools and other public bodies in interpreting their duties under the Equality Act 2010. General guidance for schools has now been produced in England, however, I believe the guidance for schools on implementing their public sector equality duties in Wales^{xxxvii} is more comprehensive and is a useful source of information for schools.

Similarly with the England analysis, boys in Wales are far more likely to be excluded from school than girls and account for almost three quarters of permanent exclusions.^{xxxviii}

The statistics also show that pupils with special educational needs accounted for about half of all exclusions. These disturbingly strong predictors are concerning and suggests, particularly in relation to SEN, there are steps that need to be taken. The Children’s Commissioner for England has suggested that an exclusion should trigger a review of a child’s statement. These issues need to be carefully considered as Welsh Government commits to their reform of the statutory frameworks for ALN. It is critical that we monitor statistics relating to protected characteristics so that we can respond accordingly if issue arises.

I believe it is worth quoting an extract from the Welsh guidance for schools on the Public Sector Equality Duties for Wales where it offers an example of how schools could utilise their obligations under the Equality Act:

Under the equality duties, a maintained school carries out regular monitoring and evaluation of its data on exclusions for pupils with protected characteristics, and finds that a disproportionately high number of pupils who are either temporarily or permanently excluded are black boys and pupils with a learning difficulty.

The school behaviour and discipline policies are prioritised for an equality impact assessment (EIA) which uncovers that certain aspects of the policy are discriminating against these pupils. This includes a lack of a differentiated behaviour policy for those on the autistic spectrum and with moderate learning difficulties, and a lack of awareness and training of teachers in relation to how to support black boys in the classroom.

Following the EIA, a new policy is developed, with an action plan and training for staff, and a whole school behaviour and discipline strategy is implemented.^{xxxix}

The initial NBAR report also referred to the importance of equality when it recommended:

The Welsh Assembly Government should ensure that Estyn places more emphasis in its reports upon the ways in which schools' Disability and Equality schemes include responding to the needs of pupils with significant emotional and behavioural difficulties.

Estyn did produce a thematic report on disability schemes within schools in 2009 which evidences the importance of data collection and analysis:

Analysis of data is also used well to inform referral to appropriate outside agencies such as where pupils' attendance and behaviour require additional support from education social workers or behaviour support teams.^{xi}

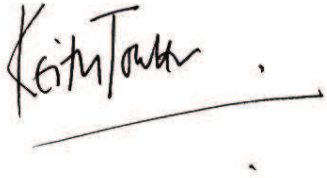
Bearing in mind the new legislative and policy context in relation to equalities, perhaps it would be timely to look at whether Welsh Government and schools ensured that all NBAR related policies and guidance are up to date and reflect the relatively new Public Sector Equality Duties in Wales under the Equality Act 2010.

An area which I believe would be useful to clarify is defining disability within the education context. The reform of the ALN framework in Wales means that it will be important for children and families to understand potential avenues of recourse. There currently appears to be confusion at times as to what constitutes a disability and therefore which children and young people may be protected under the Equality Act 2010. The Act may be relevant to some learners with additional needs, but not others and schools, parents / carers, professionals and learners would benefit from some clarity in this regard.

I welcome the commitment in the Welsh Government's Strategic Equality Plan to *analyse information and identify issues where interventions are needed to drive up attainment amongst those groups with protected characteristics who are under-achieving*. There is also an associated action to *Commission research to determine what evidence there is regarding differences in attainment, progress and exclusions between the different ethnic groups and the link between attainment and exclusion*.

Revisiting policies would also facilitate a raising of awareness of the specific needs of young carers in education. This would be as a result of provisions regarding 'discrimination by association' which are provisions resulting from the Equality Act 2010.

Continued recording and monitoring by schools is essential to assist the agenda and it is important that each school takes their equalities obligations seriously in relation to attendance and behaviour.

A handwritten signature in black ink that reads "Keith Towler". The signature is written in a cursive style and is positioned above a horizontal line that extends to the right.

Keith Towler

Children's Commissioner for Wales

ⁱ Welsh Government (2006) *Inclusion and Pupil Support, National Assembly for Wales Circular No: 47/2006*, Cardiff: WG

ⁱⁱ P.Cooper and B.Jacobs, (2011) *Evidence of Best Practice Models and Outcomes in the Education of Children with Emotional Disturbance/Behavioural Difficulties, An International Review*, National Council for Special Education Research

ⁱⁱⁱ Welsh Government, (2012) *Evaluation of the first three years of RAISE: Final Report, Social research: Number 15/2012*, Cardiff: Welsh Government

^{iv} <http://learning.wales.gov.uk/resources/improvedattendance/?skip=1&lang=en>

^v Estyn, (2012) *Effective practice in tackling poverty and disadvantage in schools*, Cardiff: Her Majesty's Inspectorate for Education and Training in Wales

^{vi} [http://www.unhchr.ch/tbs/doc.nsf/\(symbol\)/CRC.GC.2001.1.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(symbol)/CRC.GC.2001.1.En?OpenDocument)

^{vii} United Nations Committee on the Rights of the Child (2009) *General Comment No 12 The right of the child to be heard*

^{viii} *National Behaviour and Attendance Review (NBAR) report, An Independent Review conducted on behalf of the Welsh Assembly Government*, (2008) chaired by Professor Ken Reid

^{ix} Welsh Assembly Government, (2009) *Behaving and Attending: Action Plan Responding to the National Behaviour and Attendance Review*, Information document No 076/2009

^x Welsh Government (2011) *Making a Difference on Behaviour and attendance: An Action Plan for 2011-2013, Improving behaviour and attendance to help raise standards in schools*, Cardiff: Welsh Government

^{xi} V.Butler and SNAP Cymru, (2011) *Experience of illegal school exclusions in Wales: a qualitative study*, Cardiff: Welsh Government

^{xii} Estyn (2012) *A survey of the arrangements for pupils' wellbeing and behaviour management in pupil referral units*, Cardiff: Her Majesty's Inspectorate for Education and Training in Wales

^{xiii} Welsh Government, (2012) *Exclusions from school and pupil referral units: Guidance*, Document no: 081/2012

^{xiv} Statistics for Wales, (February 2012) *Exclusions from Schools in Wales, 2010/11*, Welsh Government: SDR 33/2012

^{xv} See 6 above

^{xvi} Statistics for Wales, (August 2012) *Pupils Education Other than at School, 2011/12 (Experimental Statistics)*, Welsh Government: SDR 140/2012

^{xvii} See 7 above

^{xviii} J. Evans, (2010) *Not present and not correct: Understanding and preventing school exclusions*, Barkingside: Barnardo's

^{xix} See 6 above.

^{xx} See 9 above

^{xxi} See 8 above

^{xxii} See 6 above

^{xxiii} Office of the Children’s Commissioner England (2012) *They never give up on you, Office of the Children’s Commissioner: School Exclusions Inquiry*, London: OCC

^{xxiv} V. Butler and SNAP Cymru, (2011) *Experience of illegal school exclusions in Wales: a qualitative study*, Cardiff: Welsh Government

^{xxv} Wales Audit Office (2012) *The educational attainment of looked after children and young people*, Cardiff: WAO

^{xxvi} Welsh Government (2011) *Effective managed moves: A fresh start a school for children and young people*, Information document No: 096/2011

^{xxvii} See 19 above

^{xxviii} Welsh Government (2011) *All Wales Attendance Framework: An operating toolkit for the Education Welfare Service*, Cardiff: Welsh Government

^{xxix} See The Princess Royal Trust and The Children’s Society, (2012), *Supporting Young Carers: A resource for schools: An Overview- Updated chapter*.

^{xxx} Summerfield, A. (2011) *Children and Young People in Custody 2010-2011*, London: HM Inspectorate of Prisons and Youth Justice Board.

^{xxxi} Estyn, (2011) *The education of Gypsy Traveller pupils: An update on provision in secondary schools*, Cardiff: Her Majesty’s Inspectorate for Education and Training in Wales

^{xxxii} Wales Audit Office, (2012) *The educational attainment of looked after children and young people*, Cardiff: WAO

^{xxxiii} Welsh Government, (2012) *Consultation Document: Forward in partnerships for children and young people with additional needs: Proposals for reform of the legislative framework for special educational needs*, Cardiff: WG

^{xxxiv} [TES Article, quotes 2010](#)

^{xxxv} [English ADCS Protocol 2009](#)

^{xxxvi} See above 18

^{xxxvii} http://www.equalityhumanrights.com/uploaded_files/Wales/PSED_Wales_docs/education_nsg_wales_-_final.pdf

^{xxxviii} See above 9

^{xxxix} http://www.equalityhumanrights.com/uploaded_files/Wales/PSED_Wales_docs/education_nsg_wales_-_final.pdf

^{xl} <http://www.estyn.gov.uk/english/docViewer/202101.9/review-of-disability-equality-schemes-and-practice-in-schools-and-pupil-referral-units-june-2011/?navmap=30,163>

Eitem 3



Christine Chapman AM
Chair, Children and Young People Committee
National Assembly for Wales
Cardiff

11 January 2013

Dear Christine

14-19 Qualifications Review and “Qualifications Wales”

We followed with interest your Committee’s discussion of the 14-19 Qualifications Review with Huw Evans and Kate Crabtree on Wednesday, which was particularly timely as the Minister had issued a statement the previous day in relation to “Qualifications Wales”.

WJEC’s brief initial response to the overall 14-19 report was issued on 28 November, and is included as an annexe to this letter. We welcomed the overall recommendations, but on the report’s proposals on matters such as regulation and organisational structures we indicated that these “merit further evaluation and detailed discussion”, and suggested that “these must not distract from the urgent need to develop 14-19 qualifications and learning programmes which fully meet the needs of young people in Wales”.

Whilst we agree with Huw Evans that Wales can indeed build “world class” arrangements for 14-19 qualifications, we have several real concerns that the overall vision and strategy is not being helped by the sequence in which matters are currently being addressed by the Welsh Government. Given the scrutiny role of the Children and Young People Committee, we thought that it might be helpful if we shared with you the following perspective on this week’s developments:

- i. we fully agree with the Minister’s statement that regulation needs to be “strengthened and separated from Government” (first stated on 5th Dec and reaffirmed in 8th Jan statement)
- ii. the need to strengthen regulation in Wales is urgent in order to deal with the major development agenda that’s being set out for 14-19 qualifications
- iii. the independence of the regulator for Wales, from government and from awarding organisations, will (amongst other things) ensure that it is better placed to engage with the other nations on the current and evolving provision of qualifications that come within the GCSE and GCE frameworks, including work relating to comparability of standards

- iv. Huw Evans is therefore absolutely right in his suggestion, as conveyed to the Children and Young People's Committee (9th Jan) that the "Qualifications Wales" organisation needs to be established in the first instance as a regulatory body, reflecting the wording of recommendation 5 of the 14-19 Qualifications Review
- v. in order to do this, the urgent priority is to achieve clarity on (a) what policy role will be retained by Welsh Government in relation to curriculum, skills and qualifications frameworks for Wales, and (b) what regulatory functions does government want "Qualifications Wales" to undertake on its behalf, in relation to general qualifications and vocational qualifications; it then becomes possible to define the kind of arm's length relationship which "Qualifications Wales" as regulator should have with Welsh Government; any due diligence exercise (for which a specification has already been issued by Welsh Government) in relation to "Qualifications Wales" is potentially meaningless unless (a) and (b) have been clearly defined
- vi. in the interests of learners in Wales, the strengthened regulatory arrangements should be in place as early as possible; this is because a considerable proportion of the 14-19 qualifications development work will need to be instigated in 2013, for completion and accreditation in 2014 so that the resulting programmes of learning can be delivered by schools and colleges from September 2015
- vii. our understanding is that the technical/legal aspects associated with establishing "Qualifications Wales" as a regulator in the first instance are considerably more straightforward than the very different set of issues that would need to be addressed in order that it should also be an awarding organisation; hence it would not be unreasonable to aim for a twelve-month timeline to set up "Qualifications Wales" as a strong regulator that's independent of government and of awarding organisations; this would allow "Qualifications Wales" to be the organisation which accredits several new qualifications which will need to reach that stage in 2014 if they are to be delivered in 2015 as recommended by the 14-19 Qualifications Review; we believe that the alternative is unacceptable to stakeholders, i.e. that current regulatory arrangements (not strengthened and not separated from Government) continue to oversee a major part of the intended 14-19 qualifications reform programme
- viii. the new regulatory model for Wales needs to be carefully defined to be fit for purpose in the systems context within which it is to work: key features of that systems context include whether the regulator (a) will be working solely with qualifications frameworks which are Wales-specific, or whether there needs to be engagement with frameworks which are shared with other nations; (b) will be working with one or several awarding organisations; (c) will be regulating Wales-based awarding organisations only, or will also be regulating provision in Wales by awarding organisations that are based outside Wales
- ix. the key features of the systems context can be different for vocational and general qualifications, and this will need to be reflected in the design of the regulatory model
- x. whilst the regulatory model for Scotland is one which is well worth studying in further detail, transference to Wales of what can be learned from it needs to take account of very important differences in the systems contexts of the two countries
- xi. doing anything other than pressing ahead urgently with designing and implementing a strengthened regulatory model for Wales adds huge risk to current arrangements in Wales and prejudices the quality of the excellent set of 14-19 qualifications development proposals that are contained in the Huw Evans report

- xii. unfortunately, the statements and documents that have emerged from Welsh Government this week provide little assurance that addressing the regulatory model is being recognised as an urgent priority in its own right; there is potential to do immense damage by getting this wrong, especially by focusing instead on the different and more complex issues which arise in the context of designing a single organisation that fulfils regulatory and awarding functions; such a model, at best, can't be in place until late 2015, and even then it might not be the optimal model for Wales' systems context; we consider the strategic implementation of the vision for 14-19 qualifications set out in the Huw Evans report to be currently at risk, and this should be a matter of major concern to all learners and stakeholders in Wales.

The above high level perspective is not the right vehicle for us to clarify more detailed specific issues, some of which have been handled with considerable inaccuracy in the public domain this week. We are therefore in the process of compiling a summary of such issues, which we will forward to you once it is completed.

In terms of forthcoming discussions with Welsh Government, WJEC is focussing on the early priorities within the 14-19 qualifications development proposals. These include the proposed qualifications for literacy, numeracy and digital literacy, the proposed evolution of the Welsh Baccalaureate framework and its component parts, and the IVET/CVET proposals. We have no formal meetings scheduled to discuss "Qualifications Wales", but we will do all that we can to encourage urgent consideration of the regulatory model in the context of the imminent qualifications development work.

In closing your Committee's session on Wednesday, you indicated that you would expect to be returning to the 14-19 Qualifications theme over the coming months. Please be assured that WJEC will be very willing contributors to any discussion which you would wish to have, and indeed would be pleased to meet with you and/or the Committee.

Yours sincerely,

Gareth Pierce
Chief Executive

cc Members of Children and Young People Committee
Minister and Deputy Minister
other Stakeholders

WJEC's response to the publication of 14-19 Qualifications Report
[20th November 2012]

WJEC welcomes the thorough approach taken by Huw Evans and his review board in addressing a range of complex and important educational issues. As the major organisation in Wales tasked with delivering qualifications and providing related support to schools and colleges, we also welcome the report's recognition of the central role WJEC plays at the heart of the nation's education system.

Huw Evans' report makes a number of significant recommendations regarding 14-19 qualifications, which are of vital importance because of their influence on learning programmes for this age group. We must ensure that these programmes and the qualifications to which they lead are of the highest quality and that the public can have full confidence in their integrity and their international comparability.

It is WJEC's priority in Wales to support the Welsh Government in meeting the educational needs of the young people of Wales. We endorse the report's recommendation that qualifications in Wales should diverge from those in other parts of the UK where this is the best way of achieving this aim.

We agree that the Welsh Baccalaureate framework should be developed further, and we are already working on refinements to the qualification with the Welsh Government. We also agree that A levels should be retained in Wales; these are an important part of WJEC's services for learners in Wales, England and Northern Ireland. In addition to supporting new general and vocational qualifications for Wales we are also committed to continuing our current provision of qualifications in England, including GCSEs and any proposed successor qualifications.

The report's proposals on matters such as regulation and organisational structures merit further evaluation and detailed discussion, however these must not distract from the urgent need to develop 14-19 qualifications and learning programmes which fully meet the needs of young people in Wales. We look forward to studying the report's recommendations in detail and contributing to opportunities for debate during the period leading up to policy decisions by the Welsh Government.



Christine Chapman AM
Chair, Children and Young People Committee
National Assembly for Wales
Cardiff

16 January 2013

Dear Christine

“Qualifications Wales” – statement and related questions, 8th January

In my earlier letter of 11 January, I indicated that we were in the process of compiling a summary of those issues relevant to the 14-19 Qualifications Review, and “Qualifications Wales” specifically, which we consider to require clarification because of some lack of precision in the way they were handled in the public domain last week.

Whilst an interesting breadth of issues was raised during the plenary questions which immediately followed the Welsh Government statement of 8th January, it seemed that the nature of the session (and possibly its timing) did not yield an appropriate depth of information on a number of key issues. As a consequence, there is potential for some stakeholders to be unclear and possibly misinformed on several matters. In order to clarify some of these issues for the benefit of your Committee and others, I attach a brief commentary on some key themes, in a form which will hopefully be a constructive contribution to the progress which needs to be made.

Through the nature of our work as an awarding organisation, we have a profound professional concern about the reputation of qualifications – and the regulatory function is a key element in upholding that reputation. In last summer’s consultation on the first report of the Review of 14-19 Qualifications, there was one question which related to regulation. At a conference in November, the Chair of the Review Board referred to regulation as one of several “holding pen issues” which had been added to his Board’s initial brief and said that this was not a matter which had been considered in depth. And yet, it seems that we have suddenly arrived at a point where Welsh Government is embarking on a due diligence exercise on one regulatory model only, with a target implementation date of September 2015 for a new organisation, “Qualifications Wales”, which is also to fulfil awarding functions.

WJEC’s view is that the principle of keeping regulatory and awarding functions independent of each other is an important one, especially so in the context of several mainstream qualification brands in Wales being shared with England and Northern Ireland, currently and for the immediate future. We also understand that there are technical/legal issues that are likely to emerge which make it important that such an option is kept open. Your Committee may therefore wish to consider whether, within its scrutiny role, it should review the appropriateness of the proposed due diligence exercise for “Qualifications Wales”, and in

doing so consider whether it would be more appropriate for the merits of the two most obvious models to be explored, i.e. one in which regulatory and awarding functions are undertaken by separate organisations, and one in which these are brought together within a single entity.

In order to keep overall system risk to an acceptable level, we consider that the following are amongst the most fundamental steps that should be taken within the overall process:

- (1) determine the role to be retained by the Welsh Government (for policy in relation to curriculum and skills and in relation to the overall qualifications framework), and define the role that is hence required of a regulator
- (2) determine the arm's length status that is appropriate for a regulatory organisation, "Qualifications Wales", that can fulfil the regulatory functions which government allocates to it
- (3) set up that organisation, "Qualifications Wales", as a regulator in the first instance, as suggested by Huw Evans in discussion with your committee on 9th January, in order to deliver as early as possible the benefits that arise from strengthening regulation and separating it from government
- (4) progress the 14-19 qualifications development agenda as a five-year process as mapped out by the Huw Evans report
- (5) towards the end of this period, review the appropriateness of moving to a situation in which the regulatory organisation, "Qualifications Wales", also awards at least some of the 14-19 qualifications that are needed in Wales.

If further clarification would be helpful, I would be very pleased to meet with you, and with other committee members if you think appropriate.

Yours sincerely

Gareth Pierce
Chief Executive

“Qualifications Wales” – statement and related questions, 8th January 2013

WJEC aide-memoire on some issues which require clarification

1. Future Regulatory Arrangements in Wales, including timing of change

There appears to be a very strong consensus around the Minister’s proposal that qualifications regulation in Wales should be “strengthened and separated from government”. Key issues requiring clarification would therefore seem to include the nature of an arm’s length body that would fulfil the regulatory function, the extent of externality, and the timeline to which such an organisation can be set up so that it plays a role in taking the agenda forward.

“Arm’s length” (*referred to in a question and reply*): In responding to a question about “how much of an arm’s length organisation” is envisaged, reference was made to “elbow-length organisations” and to the detail not yet having been addressed, in terms of “whether this would be developed through a remit letter or otherwise”. In fact, this is one of the most fundamental issues that need to be addressed, as it provides a reference point for the due diligence exercise. Three well-known variants of arm’s length organisations are Executive Agencies (with responsibility for a business area, but part of, and accountable to, the government department); Special Authorities (independent bodies, but can be subject to ministerial direction); and Non-departmental Public Bodies (having a role in the process of national government, but are not part of a government department). Identification of the optimal form of “arm’s length” organisation to fulfil qualifications regulation responsibilities as defined by the Welsh Government would seem to be a necessary precursor to considering the possibility that such an organisation would also undertake awarding functions.

“Externality” (*in the delivery of quality assurance - referred to in a question*): The reply to the question referred only to “external advice in the development of the quality-assurance arrangements”. However, externality of the quality assurance (or regulatory) work itself is a different matter, and is closer to what is referred to in recommendation 3 of the final report of the 14-19 Qualifications Review, i.e. “independent verification of standards”.

“Qualifications Wales ... lead role in taking this agenda forward” (*referred to in the statement – final paragraph*): It is stated in the final paragraph of the statement that “Qualifications Wales will be well placed to play a leading role in taking the agenda forward”. However, if it is not set up until autumn 2015 (as an organisation that is also able to undertake awarding functions), all proposed qualifications to be trialled in 2014 as well as those for first teaching from 2015 and 2016 will have been designed, developed and accredited before Qualifications Wales is in existence. Unless it is set up to a shorter timeline, as a regulatory body in the first instance, it seems that Wales will not have the benefit of a regulator that is strengthened and separated from government until much of the development agenda is completed. This would also mean that three further summer award cycles for GCSEs and GCEs (2013, 2014, 2015) would need to be completed under current arrangements, i.e. with the Welsh Government as regulator.

2. Development and current/imminent issues relating to 14-19 Qualifications

Whilst future regulatory arrangements in Wales are being considered, a challenging development agenda is set out in the recent report, and there are some key issues relating to current qualifications (A Levels and GCSEs) which require resolution.

"remaining 41 recommendations" (*referred to in the statement – 2nd para*): The Welsh Government response to these proposals will confirm the direction of travel, and given the priority which we place on Wales' needs within our mission, WJEC has a particular interest in contributing to this work. In December, we shared with Welsh Government officials our initial observations on these recommendations, and for nearly all of them we have identified actions which WJEC needs to take. We consider that the highest priority development themes include literacy, numeracy and digital literacy qualifications; the Welsh Baccalaureate framework; and the proposed Initial Vocational Educational Training (IVET) qualifications. In each of these areas, our view is that substantial work is needed in order to take the outline proposals offered in the final report of the 14-19 Qualifications Review through to a set of deliverables that will best serve the needs of learners in Wales.

"A Levels" (*referred to in the statement – 3rd para*): It is suggested in the statement of 8th January that "current (three-country) arrangements and structures are becoming untenable" and yet recommendation 25 of the final report of the 14-19 Qualifications Review suggests that Wales should "maintain the same A Levels as England and Northern Ireland where possible". The next cycle of A Level developments is potentially imminent, and is already under discussion in England with a view to new specifications being available for teaching from September 2015 at the latest. It is therefore essential that the position for Wales is clarified urgently by Welsh Government in order to avoid uncertainty for learners who are considering A Level courses as their progression route, and to provide guidance to those who develop and deliver these qualifications.

"Grade Boundaries" (in the context of "issues that led to the situation in August" - *referred to in a question and reply*): It was indicated in a reply that in relation to this year, "conversations continue with other regulators" and that the issue has been resolved for 2014 by having "a new basis for the English exam". However, it is essential to the interests of learners in Wales that comparability of standards continues to be a major consideration for awarding organisations and regulators, and clarity is needed on how the regulator for Wales (currently the Welsh Government) proposes to engage with that, for GCSE English Language as well as for other GCSEs and GCEs. In order to encourage an early conclusion to discussions relating to GCSE English Language, WJEC wrote to the Minister on 8th January seeking assurances by 29th January on four matters relating to assessment and awards in this subject for the January and June series, 2013.

3. Models for “Qualifications Wales”

Arrangements in Scotland clearly merit detailed exploration, but it would not seem appropriate at this stage for Wales to restrict itself to consideration of just one model. Although alternative proposals may not have had much attention recently, there is one arrangement (described below) which may be relevant for Wales in the short term as well as possibly for a longer term.

"Proposals" (better proposals not having been heard from anyone else - *referred to in a comment preceding a question*): The alternative proposal, which could well prove to be better suited to Wales' needs, is more transparent and has a more straightforward implementation pathway, is based on defining three independent sets of responsibilities and functions: (i) governmental responsibilities, for policy in relation to curriculum and skills and in relation to the overall qualifications framework; (ii) regulatory functions, which need to be strengthened and separated from government, and defined as the remit for the new organisation, "Qualifications Wales"; (iii) awarding functions, which are already well defined and typified by WJEC's full range of current activities in relation to qualifications. It is this proposal which WJEC believes should be included as a comparator within the due diligence exercise.

"Scotland" (*referred to in the statement – 6th and 7th paras*): In his foreword to *Knowledge, Skills and Competence in the European Labour Market* ⁽¹⁾, Tim Oates refers to the perils of 'policy borrowing' and 'educational tourism' with the cautions that "all aspects of education and training in a nation exist in strong dependent relations" and "when policies migrate, they typically fall short of policymakers' and others' expectations". The two essentials when making comparisons with Scotland are to understand how their context is different, and to get facts absolutely correct. Unfortunately, there are inaccuracies in the material relating to Scotland included in the statement of 8th January, and it may be that the Welsh Government will be correcting these. The existence of the errors raises concerns about the extent to which the arrangements for Scotland, and their evolution, have been understood. Our understanding is that the former Scottish Examination Board and the Scottish Vocational Education Council, each of which had been set up by government in the first instance, were dissolved in 1997 and their functions had therefore already transferred to SQA well ahead of the period 2004 to 2008 referred to in the statement. During that latter period, the process of change within SQA related to their acquisition of additional accreditation rights. Major contextual features which differ between Wales and Scotland include the fact that WJEC is a charity, whereas SQA is not, and that the mainstream general qualifications proposed for Wales (if the recommendations of the final report of the 14-19 Qualifications Review are accepted) are ones which are currently offered under three-country working arrangements, whereas in Scotland its mainstream general qualifications are not shared with any other part of the UK.

(1) Brockmann, M., Clarke, L., and Winch, C. (2011), *Knowledge, Skills and Competence in the European Labour Market*, London: Routledge.

4. Organisational matters and process

"Collapsed into Qualifications Wales" (*referred to in a reply*): It was suggested in a reply that creating the new body will "essentially involve WJEC being collapsed into Qualifications Wales". The use of the unusual phrase "collapsed into" suggests a lack of recognition that any process whose intended outcome involves a relationship between WJEC and "Qualifications Wales" needs to be described in terms which makes sense in the context of legal frameworks and human resource management.

"Due diligence" (*referred to in the statement – 7th and 8th paras*): The scope of the specification for the due diligence exercise, issued on 8th January, contains much of what would be expected in the context of a commercial acquisition or merger. However, it is perhaps surprising that some of the most fundamental issues relating to the context are embedded as sub-points rather than being given the required status of being main determinants of the direction of travel. This applies specifically to 4.2.2 (b) "(provide) advice on what business activity should remain within Welsh Government" and also to a point embedded within section 6.2 – "assessment of what qualification functions should remain within Welsh Government". WJEC's view is that unless such matters of policy and principle have been addressed by Welsh Government at the outset, in order to provide a clear context, there is no guarantee that the due diligence exercise will deliver relevant and useful information.

"Nationalising" (of WJEC - *referred to in a reply*): Although this is mentioned, in a reply, in the context of "not want(ing) to have to nationalise WJEC", this is one of a range of potential considerations which, relative to WJEC's current charity status, would have implications for the public purse. WJEC needs to re-scope the legal advice which it is commissioning, to take account of the wider range of scenarios that are being mentioned.

"Shareholders" (*referred to in a reply, "local government as shareholders of WJEC"*): As WJEC is a charity and company limited by guarantee, "shareholding" is not a relevant concept.

Submission to Children & Young People Committee, National Assembly for Wales 28 January 2013

AQA and its predecessor boards have been providing valued qualifications to Welsh students and working with teachers in Wales for over 50 years, and we are pleased to have this opportunity to provide some comments on the establishment of Qualifications Wales. AQA has a longstanding track record for producing qualifications that are recognised as maintaining high standards. AQA, including CERP (our Centre for Education Research and Policy), is keen to work with the National Assembly for Wales and to provide access to our research evidence on the development and delivery of qualifications and assessments.

While we can understand some of the reasons for setting up Qualifications Wales, we would wish to contribute to the discussion of a number of the risks in doing so.

1. The risks of systemic failure increase with any major reform of the provision of qualifications, particularly as it appears that Qualifications Wales will hold what is likely to become a monopoly position in providing most general or academic qualifications in Wales. If Qualifications Wales becomes in effect both regulator and provider of qualifications, any delivery failure will affect all Welsh students taking end of key stage qualifications.

Paragraph 2.6 of the independent *Review of Qualifications for 14 to 19-year-olds*¹ identifies the need for there to be “appropriate separation of responsibilities within Qualifications Wales between the regulation and awarding of qualifications”, but does not seek to define how these should be separated; nor does it form part of recommendation R5. However, we appreciate that the SQA has successfully managed both of these issues to date.

Recommendation R35 in the report seeks to strengthen the “gatekeeping process for the accreditation and approval of all qualifications for use by 14 to 16-year-olds and 16 to 19-year-olds in Wales”. While we welcome the opportunity to demonstrate that AQA’s qualifications provide relevance, value and progression, we note the conflict of interest that Qualifications Wales will have by its position as regulator and defender of its own market share.

2. Recommendation R6 sets an expectation that by 2015 any provider of general qualifications will be required to provide both English- and Welsh-medium versions of assessments and question papers.

¹ *Review of Qualifications for 14 to 19-year-olds in Wales, Final report and recommendations*, November 2012.

AQA is already the sole provider of GCSE and A-level qualifications that are assessed via the Welsh language: GCE Accounting, GCSE Economics and GCSE Law (via direct entry with WJEC)². For these subjects, WJEC accepts the entry applications from schools, co-ordinates the marking, awards grades and issues results, based on the qualification and assessments developed by AQA.

We believe that requiring the assessment of all qualifications in Wales to be made available in Welsh as well as English will reduce the breadth of qualifications provided to students in Wales compared with the number provided to their peers in England. We believe this requirement threatens to reduce the range of qualifications offered in Wales because it presents logistical difficulties for providers (unless Qualifications Wales funds this provision) which are likely to prove prohibitively expensive. This raises the risk that Welsh students will be given less choice in the subjects they select, and it may compromise their progression routes to further and higher education.

The issue of choice can be illuminated by comparing provision at A-level. AQA, due to its size, business model and charitable status, is able to offer the following A-levels which WJEC does not currently provide:

Accounting	Communication and Culture	Leisure Studies
Anthropology	Critical Thinking	Modern Hebrew
Applied Art and Design	Dance	Panjabi
Archaeology	Environmental Studies	Philosophy
Bengali	General Studies	Polish
Citizenship Studies	History of Art	Science in Society
Classical Civilisation		

Recommendation R25 argues for the maintenance in Wales of the same A-levels as in England and Northern Ireland. However, recommendation R6 could prevent the realisation of recommendation R25 if A-levels delivered by English awarding organisations to a comparatively smaller number of candidates have to be delivered in the Welsh medium.

3. We note that the Scottish model of regulation, development and delivery of qualifications will be considered in establishing Qualifications Wales. Where qualifications (including vocational qualifications) offered in Wales continue to be the same as those in England and Northern Ireland, it will be essential that the same standards are applied across all jurisdictions. Even where Qualifications Wales develops qualifications that are *different from* those offered in England and Northern Ireland, clear equivalences will need to be drawn. We believe it is essential that maintaining the integrity of the standard and ‘currency’ of qualifications across jurisdictions is carefully planned and agreed with important stakeholders, including Ofqual and UCAS.

Employers considering Welsh and English students for the same job may well be confused by the different qualifications and the standard of attainment they each represent. Clarity and agreement over equivalences will be needed to avoid confusion which could damage the life chances of young people applying for such jobs or competing for training opportunities. Only with well-established equivalences will it be possible for the National Assembly for Wales to meet fully the requirement of recommendation R3 that “qualifications in Wales are of a standard comparable with the best in the world, so that they offer portability”. Recommendation R4, to “launch a substantial, long-term, UK-wide communication strategy to promote and explain the qualifications available in Wales”, will have

² By agreement through the Joint Council for Qualifications, OCR and Edexcel also offer access to qualifications which are not currently provided by WJEC.

a much greater impact if it builds on the application of common standards for UK-wide qualifications and can demonstrate equivalent standards where expected.

4. We welcome the prospect of A-levels being retained in Wales; however, in England we await greater clarity about the policy review by the Department for Education, which will affect the structure and content of these qualifications. It is essential for students in Wales and England that A-levels represent the same level of achievement, regardless of the UK country in which they are awarded. Not to secure this comparability would severely undermine the credibility of A-levels and the way they are used by higher education and employers.
5. On a more practical note, there is a limited pool of subject experts who are in a position to evaluate the quality of new qualifications, in respect of: their content; the structure of their assessment; and their standard (or level of difficulty). It is likely that, with the creation of Qualifications Wales, intense demand will be placed on this limited pool of experts as qualifications are being first developed and then reviewed for their quality, leading to shortages experienced by regulators and awarding bodies alike. This could hinder the achievement of recommendation R25, which seeks the involvement of higher education institutions in Wales in the development and/or accreditation of A-levels. However, the recommendation does not take into account groups such as the 14,978 Welsh students who chose to study at English universities in 2012, and whether A-levels accredited for delivery in Wales will readily support transition to universities outside of Wales.

PAPER 4: A SUPPLEMENTARY PAPER DRAFTED IN RESPONSE TO CONCERNS EXPRESSED BY THE CHILDREN'S COMMITTEE ON ISSUES RELATING TO THE NBAR REPORT AND SPECIFICALLY, MATTERS ON TRAINING ON BEHAVIOUR AND ATTENDANCE.

The entire first six months of the NBAR Review exercise was spent collecting data on professionals' needs from a range of specifically-arranged meetings throughout and across Wales (eg at St Asaph). These meetings were attended by a wide range of professionals from different LA's, schools, health, social service and voluntary body organisations. They included for example, behaviour support staff, education welfare officers/education social workers, head teachers, deputies, middle managers, new teachers, classroom assistants, learning school mentors, etc. At these sessions, a series of questions and issues were presented and discussed using a rotating group methodology and feedback process. The detailed findings gathered were collected and fed back and agreed and amended as necessary by the delegates. The evidence gathered from these regional meetings was then collated after being further evaluated and analysed and provided the basis of the interim Report (NBAR, 2007).

The idea behind the Interim Report was to present our initial evidence and particularly to provide at an all-Wales level, a degree of coherence and clarity on the training needs of staff engaged in managing pupils' behaviour and attendance; not least for all those engaged in schools and in supporting schools. The evidence gathered also provided the clearest possible recognition of the required training fields and the areas which needed to be covered. Therefore, the Report containing the detailed analysis was approximately fifty pages long.

After completing a draft of the Interim Report (2007), at a meeting held in Carmarthen, we were told two things by the DCELLS representatives:

- 1) They wanted a much shorter Report; it was suggested three or four pages would suffice;
- 2) They required us to hand over all the evidence which we had collected for their safe keeping.

Following a seriously heated debate, we refused to either amend, change or reduce the scale of our interim Report which had taken a considerable amount time to draft, edit, analyse and plan as this represented the evidence provided by the practitioners in the field. However, despite our reservations, we reluctantly agreed to hand over the evidence for their safe keeping.

The contents contained in the Interim Report provided a clear, concise record of the national training needs of appropriate staff in Wales based on good practice in research evidence gathered from in-service and professional development studies.

In the final NBAR Report (2008, pages 45-67), we presented further evidence on training gathered from the second stage round of evidence gathering, more especially from the practitioner working groups. Training was also one of the key issues from the sub-group findings (see pages 83-102, more especially pages 99-102) Training recommendations featured prominently in both the core and supporting recommendations (see pages 9-19, 137-140 and 141-153). These recommendations, including those on training, featured prominently at the launch of the Report and in follow up work and discussion with the Minister (J H).

The importance of the training needs of staff in Wales, and of the NBAR recommendations, appeared to be well understood by all concerned. For example, they were widely endorsed by the Welsh Assembly Government, professionals, professional bodies and teaching unions in a wave of sustained good publicity and media coverage, including support from the Children's Commissioner's Office. The event at the Senedd included representatives from the primary, secondary, and out-of-school children who had participated in the CAZBAH (2008) study into children's views on behaviour and attendance; a world first.

This recognition was further endorsed by the official response from the Welsh Government in *Behaving and Attending: Action Plan Responding to the National Behaviour and Attendance Review* (Welsh Assembly Government, 2009). In fact, professionals' training needs were at the heart of the response (see especially pages 33-37 and 38-48).

After a meeting to agree *Behaving and Attending*, and an official launch of the Welsh Government's response which was held at Cefn Hengoed School, the Minister and I participated in the formal launch, which included a press release and a key announcement on training which again, was widely welcomed by the profession and served to heighten professional expectations.

From this point onwards, things started to spiral downhill for a variety of reasons. First, I was told that I no longer had any future role in any of the implementation and follow up work by an official inside DCELLS; something which was subsequently repeated on several occasions to me in person and on the phone, despite the Minister clearly asking me to follow through with the work. Indeed, prior to the NBAR launch, she specifically asked me to undertake several tasks. Subsequently, I completed them all. However, she said that: 'for my part, I will ask my officials in DCELLS to arrange for you to be engaged in a number of follow up tasks' which she then listed. Subsequently, none of these were ever arranged or, to the best of my knowledge, occurred. Around this time, the special educational need MAG Group (which was doing much good work) was also disbanded without any prior warning.

Around a year later, I was asked to attend a second new Implementation Group meeting at Merthyr Tydfil. The membership, composition of the Group, Chairmanship, and terms of reference of this new Group had changed, and, apart from one other person, no longer contained any other of the original NBAR members. A new document was produced which included new priorities. I tried to ascertain why some of the changes were being made but did not get any clear responses. My question on training needs which was at the heart of *Behaving and Attending* was met with silence; it was almost as if this document no longer existed. Clearly, some strategic changes had been made within DCELLS; but without any discussion with myself.

Second, staff responsibilities within DCELLS had changed as a result of new appointments being made following internal reorganisations, and a crucial staff transfer (and subsequent retirement). Some of the new appointments were either on fixed-term or temporary contracts.

Third, a new agenda was starting to be promulgated focussing upon school effectiveness and raising school standards.

For a while, I had no involvement whatsoever. Then, immediately prior to the New Minister's (LA) 20-point plan speech given at Cardiff University in February, 2011, the Minister called me to his

office. He was extremely positive about both NBAR and my role. He announced a renewed review of the Report. He asked me to provide him with an update document on attendance (given to you as Paper 3 last week). We had an enjoyable and productive meeting thereafter. He seemed very pleased with my document. We discussed at length both the original NBAR Report and its aftermath. He asked for me to be re-engaged by the now renamed DfES. This instruction was given in my presence.

As training needs focussed in our discussion and in my paper, a meeting on this issue was soon arranged. This involved Helen Arthur, Head of Professional Development in the DfES and one of her colleagues. I asked for Mark Provis (Director of Education for Torfaen and a specialist behavioural psychologist) to be allowed to accompany me and this was agreed. At this meeting we were told that:

- a) The Department apologized for the slow progress made on the issue. We were told this was because of an internal review on future training needs and priorities.
- b) Nothing further would happen without another consultation with us as nothing was likely to occur in the near future for a variety of reasons.
- c) We were asked if we would be prepared to advise them on specific training needs and content on any future behaviour and attendance courses/modules and we agreed to do so. They told us they would come back to us with their proposals in due course.

We reminded them of the needs analysis conducted by NBAR and of the content of the Interim Report. Since then, we have heard no more.

Thereafter, a meeting was held with a senior official (CB) and some of his key staff on behaviour and attendance. At this meeting, the professional training needs of staff in Wales on behaviour and attendance was raised once again. It was agreed that I would be called into the Department regularly to be given an update and for my advice to be sought in a constructive manner. This has never since occurred.

Therefore, I will now outline some of the main issues on professionals' training needs.

First, NBAR provided a systematic and informed schedule of training needs on behaviour and attendance required at all levels across Wales by staff engaged in this work.

Second, we stressed the needs for this work to be properly accredited.

Third, we stressed the need for a national plan of coherent training which was properly co-ordinated and evaluated. We even suggested some models for how this training could be best delivered.

Since then, I understand some ad hoc training on behaviour with sums of money allocated have been given to some LA's/consortia by the DfES. If so, although meeting training needs is always welcome, this would not necessarily conform with the suggested NBAR objectives or the perceived Welsh training needs or meet with the professional development good practice agenda. Why?

First, different LA's/consortia would follow different priorities, methods of delivery and tackle differing staff needs on a semi-random and ad hoc basis.

Second, there would be no systematic record of proper evaluations in clearly-defined areas of national need.

Third, there would remain no national plan on behaviour and no clearly conceived implementation strategy.

Fourth, the programmes would not connect up with any other emerging opportunities such as the new master's degree for NQT's.

Fifth, there appears to be no plan on school attendance; a much neglected area.

Sixth, the money being spent on behaviour, without any corresponding coherent strategy, fails to show how this work relates to or is embedded through schools/LA's without having pre-defined clear criteria.

Seventh, it is not clear how these ad hoc programmes would meet either the needs or requirements of children and young people or of teachers' concerns about the perceived erosion of their authority and of recent professional and trade unions' warnings about either violence towards staff, verbal abuse or safety fears.

Eighth, given the economic downturn, the impending welfare reforms and their consequent pressures upon families, it is likely that more of our children and young people will at times bring their problems and difficulties to school. We need to see it as a duty that these young people, experiencing difficulties, are taught by confident, competent, well-trained professionals who are skilled in sustaining their interest in learning. This is particularly so for those pupils who have special or additional learning needs and/or those who emanate from deprived, working class or low socio-economic backgrounds or have related mental health or other medical needs.

Finally, as NBAR recognised, the Welsh Government has an obligation to help teachers to manage behaviour and attendance appropriately and to give them the relevant skills training at a variety of hierarchical levels; both at a classroom level after taking account of pupils' learning needs as well as at a managerial one. This requires a great deal of careful thought and appropriate strategic planning.

Professor Ken Reid, OBE.

January, 2013.

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2470 words.

PAPER 5 FOR CHILDREN'S COMMITTEE: RESPONDING TO SPECIFIC QUESTIONS.

QUESTION 1: THE POSITION OF CHILDREN.

Research shows that up to 80% of all children who miss school are parental condoned absentees; more especially of younger- aged children. However, significantly, approx one in four skip school against the specific wishes of their parents.

Research (eg Reid (1999) *Truancy and Schools*, Routledge) indicates that some parent/s/carer/s are frustrated by the failure of officials to make sure that their children attend school regularly despite their own best endeavours. Some parents, in order to avoid their children missing school, take them to their schools daily (eg as some do not like travelling on school buses) and even return them to school when they are found to be truanting. However, these pupils often simply go through one school gate and out of another. Scotland introduced checks on this post Dunblane but similar measures have not been introduced in the rest of the UK.

Research (see: Reid, K (2005) *The causes, views and traits of school absenteeism and truancy: an analytical review*, *Research in Education*, 74, 59-82; and Reid, K et al (2010) *The views of primary pupils at key stage 2 on school attendance in Wales*, *Educational Studies*, 36,5, 465-479) conducted with children shows that:

- 1) Other children consider it to be 'unfair' that their truant peers get away with so much, including both school work and homework;
- 2) Other children and non-attendees both understand the short and long-term consequences of missing school and/or behaving badly (eg achieving poorer academic results at school);
- 3) Secondary-aged children believe it is unfair that their parent/s or carer/s (often mothers) take the blame for their non-attendance and can be punished (eg fines/jail) when it is their own fault and often, specifically, not the fault of their parents.

It has therefore, been suggested that the laws relating to school attendance (eg *The Education Act, 1944*) may be out-of-date and need amendment given the much earlier maturation of children today, the current state of family life, and the fact that it is often parent/s or carer/s from deprived, working class homes (often mothers) who bear the brunt of both the blame and any legal penalties (eg fines). Many of these families are already reliant on state support so such penalties are inappropriate.

Most existing legal penalties do not work well in practice and are generally ineffective. However, they provide useful measures for both schools and LA's to keep some pupils' non-attendance in check. Some have suggested (especially on the right of politics) that if these penalties were removed, there would be a kind of 'truancy explosion' amongst those pupils who attend regularly but who actually dislike going to school and learning or participating in certain subjects.

Others feel that it is wrong for the children who play truant to get away with their actions without any penalty. Otherwise, how they ever change or progress? Certainly, my view is that children who miss school should be made to catch up with their work whenever possible. This may, in some cases, necessitate the introduction of 'catch up' classes.

Others argue that with the increase in children's rights, there should be an acceptance of greater personal responsibility for children's (especially mature adolescents) own actions. This is probably a majority view amongst head teachers and teachers. However, head teachers are especially sensitive to any action which could either worsen or destroy their relationships with either parent/s or carer/s or their pupils (eg fixed penalty notices).

QUESTION 2: GAPS IN DATA COLLECTION.

Apart from my own work, and a few minor small-scale studies, there has been little research or funding in this field in Wales. This is because Wales has never had a proper educational research fund of its own. For me to carry out my own research, I have had to reach agreement with individual LA's, schools or professional organisations (eg NASWE). Therefore, when I was at SMU, I had to agree to work with and assist for example, LA's in return for them allowing me to be able to publish my findings. I did this for around 20 years.

Every application I made in Wales for funding in this field was rejected. After 1999, when I applied for funds from England (ef DfES), I received written replies saying that I was ineligible for funding and should re-apply in Wales to DCELLS. What could I do? After being asked to return to SMU to manage their attempt to expand and improve their research profile, I was suddenly given one month's notice without any redundancy payment, after the HEFCW decided, as part of their educational 'cuts' programme, to immediately stop their QR Research Funding for Education, despite my reputation in international research in the field and my results in successive Research Assessment Exercises (RAE). Since then, I have continued with my work entirely in my own time and at my own expense out of my commitment and interest in the field.

Therefore, it may be unrealistic for you to ask this question without finding ways of overcoming inherent difficulties (eg having a funding base). These difficulties have been exacerbated in another way as well. Twice recently, post NBAR, I have received warning letters from the DfES when my name was used in making 'bids' to carry out work related to the NBAR recommendations; once when I helped an outside organisation to make a bid and once when my name was included in a bid without my prior knowledge (I subsequently received a written apology from this organisation for doing so. They indicated that they had intended to approach me subsequently to ask for my help in advising them about carrying out the research if their bid was accepted). It seems my former Chairmanship of NBAR now excludes me from further activity for some reasons related to probity which are beyond my understanding!

But, for the record (unlike Ireland, Scotland and England), there has never been an all-Wales study on pupils' attendance and behaviour; therefore, we are forced to rely on studies and findings conducted elsewhere. This is one reason why the data obtained for the NBAR study was so important. For example, there is no research at all on 'patterned absence' (eg pupils who skip Monday and Friday's regularly).

There is much too little research into:

- a) The bully;
- b) Bullying in Wales.

A weakness of existing data on bullying in Wales is that it is collected differently by different LA's and schools in Wales. Currently, it is most unlikely to be accurate. There is no universal template for the task. There is no proper auditing of these data. The same is true for managed moves.

QUESTION 3: ANALYSIS FRAMEWORK

A good start but much more rigour required.

QUESTION 4: COLLABORATIVE ARRANGEMENTS.

It is probably fair to say that Education has suffered because of drafting errors in the Children Act (2004) legislation. I gave clear warnings about this at the time (see: Reid, K (2005) The implications of Every Child Matters for schools, Pastoral Care in Education, 23, 1, 12-18).

The key issues remain:

- 1) Differences in training and philosophy;
- 2) Staffing shortages/constant changes within the Social Services;
- 3) Professional pressures within the Health Services;
- 4) Time constraints within Education.

It would be much better (and this is the key thrust of the Children Act (2004) legislation but is still not happening properly), if the three agencies could agree who is the lead worker in each case for each particular family. There should be a single point of contact. Otherwise, as is currently happening all over Wales, it leads to:

- a) Duplication;
- b) Confusion for parents/carer/s (see: NBAR Report);
- c) Professional disagreements;
- d) Wasting scarce public resources;
- e) Diversity in practice
- f) A lack of consistency both locally and nationally.

QUESTION 5: GOVERNMENT INITIATIVES.

Families First is an excellent idea. The idea of supporting those families at risk of having children who may not reach or fulfil their potential is both an entirely correct philosophy and policy and is certainly worthwhile.

However, we need to develop proper Family Engagement Models. We should either join up the three services properly or enable them to work coherently and effectively on an individual basis. Families require consistency in approach.

A good example of a family-friendly approach is the Family Values Scheme (see: Ellis, Morgan and Reid (2013) Better Behaviour through Home-School Relations, Routledge) which was originally developed in South Wales but is now spreading out across the UK. Despite a presentation being given to officials within the DfES (formerly DCELLS) which was well received, nothing further has been heard from them despite:

- a) On three occasions supplying them with the requested CD's of the work, including examples of the practical work with families and children;
- b) Asking Herefordshire to carry out their own evaluation of the Scheme at the request of the DfES. Although this evaluation was sent twice to the designated official electronically (within the short timescale agreed and Herefordshire undertaking the task gratis), and by surface mail, no acknowledgement of its safe receipt has ever been received, despite follow up e-mail's.

QUESTION 6: THIRD SECTOR ORGANISATIONS.

Third sector organisations can provide useful support functions (eg with out-of-school, alternative curriculum or PRU work), especially when they are being used to enhance capacity and their work has an appropriate structure, purpose and content. However, this work should be properly accredited, evaluated and staff trained along 'fitness for purpose' guidelines.

QUESTION 7: PRIORITY ISSUE.

There could be several issues vying for this role. Personally, I believe that what is crucially overriding is that we achieve excellence in teaching and learning for all pupils irrespective of background, ability or any other needs (eg gender, race, disability or special or additional learning needs requirements). Without national improvements in pupils' performance at all levels, Wales will not climb international league tables. We must therefore, get our standards of teaching and learning right in all our schools.

However, even if this was achieved, there is likely to remain a core of troubled young people (and their families) who are entitled to be educated in mainstream provision and in high quality lessons, but who will continue to give children's services, education departments and teachers some difficulties. It is important therefore, that those staff who are engaged in both the teaching and management of these children are appropriately trained for their tasks. It is also worth considering whether the families of these often vulnerable children and young people also require some additional help and support.

ADDITIONAL ISSUE: HOME EDUCATION

I am adding this issue as it did not come up in our discussion or subsequently, but it is one which I think is worthy of your further consideration.

I understand that the DfES recently intended to issue new guidelines on home education. I looked at their document and considered it to be 'sound' with an appropriate 'hands off' approach. Despite this, I understand the DfES may have decided to withdraw this document following an outcry from a powerful home education lobby-group campaign. If so, I am disappointed. Why?

First, you need to ask whether it is right that the State should take an interest in children educated outside the mainstream (for whatever reason and these reasons can vary considerably).

Second, if so, you need to ask whether it is reasonable and fair for LA's to be responsible for local safeguarding issues in this field when they may not have any knowledge about these children's home education (and these children/families may not even be properly registered or accredited).

Third, under these circumstances, how can LA's be expected to give guarantees that these children are being properly looked after?

Professor Ken Reid, OBE.

January, 25, 2013.

1947 words.