

## **Agenda – Y Pwyllgor Plant, Pobl Ifanc ac Addysg**

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Lleoliad: I gael rhagor o wybodaeth cysylltwch a:  
Hybrid – Ystafell Bwyllgora 4 Tŷ Hywel a Naomi Stocks  
fideogynadledda drwy Zoom Clerc y Pwyllgor  
Dyddiad: Dydd Iau, 18 Mai 2023 0300 200 6565  
Amser: 09.15 [SeneddPlant@senedd.cymru](mailto:SeneddPlant@senedd.cymru)

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### **Rhag-gyfarfod preifat**

(09.00 – 09.15)

#### **1 Cyflwyniad, ymddiheuriadau, dirprwyon a datgan buddiannau**

(09.15)

#### **2 A yw plant a phobl ifanc anabl yn cael mynediad cyfartal at addysg a gofal plant? : sesiwn dystiolaeth 1**

(09.15 – 10.15)

(Tudalennau 1 – 25)

Rocio Cifuentes, Comisiynydd Plant Cymru

Sara Jermin, Pennaeth Cyfathrebu a Pherfformiad

**Dogfennau atodol:**

Briff Ymchwil

Comisiynydd Plant Cymru – CYPE(6)–15–23 – Papur 1

### **Egwyl**

(10.15 – 10.30)

#### **3 A yw plant a phobl ifanc anabl yn cael mynediad cyfartal at addysg a gofal plant? : sesiwn dystiolaeth 2**

(10.30 – 11.30)

(Tudalennau 26 – 34)

Ruth Coombs, Pennaeth y Comisiwn Cydraddoldeb a Hawliau Dynol yng

Nghymru

**Dogfennau atodol:**

Y Comisiwn Cydraddoldeb a Hawliau Dynol yng Nghymru – CYPE(6)–15–23 –

Papur 2 (Saesneg yn unig)



## **4 Papurau i'w nodi**

(11.30)

### **4.1 Gwrandawriad cyn penodi ar gyfer Prif Weithredwr y Comisiwn Addysg Drydyddol ac Ymchwil**

(Tudalennau 35 – 36)

#### **Dogfennau atodol:**

Llythyr gan Gadeirydd y Pwyllgor Plant, Pobl Ifanc ac Addysg at Weinidog y  
Gymraeg ac Addysg – CYPE(6)-15-23 – Papur i'w nodi 1

### **4.2 Gwybodaeth gan Randdeiliaid**

(Tudalennau 37 – 39)

#### **Dogfennau atodol:**

Llythyr gan Gomisiynydd Gogledd Iwerddon ar gyfer Goroeswyr Cam-drin  
Sefydliadol yn ystod Plentyndod – CYPE(6)-15-23 – Papur i'w nodi 2 (Saesneg  
yn unig)

## **5 Cynnig o dan Reol Sefydlog 17.42(ix) i benderfynu gwahardd y cyhoedd o weddill y cyfarfod hwn**

(11.30)

## **6 Mynediad i addysg i blant a phobl ifanc anabl – trafod y dystiolaeth**

(11.30 – 11.45)

## **7 Memorandwm Cydsyniad Deddfwriaethol ar y Bil Mudo Anghyfreithlon – trafod y dull gweithredu**

(11.45 – 12.15)

(Tudalennau 40 – 58)

#### **Dogfennau atodol:**

Briff y Gwasanaeth Ymchwil – Memorandwm Cydsyniad Deddfwriaethol y Bil  
Mudo Anghyfreithlon – CYPE(6)-15-23 – Preifat papur

Nodyn Cyngor Cyfreithiol – y Bil Mudo Anghyfreithlon – CYPE(6)–15–23 –  
Preifat papur

## **8 Diweddariad ar weithgareddau'r Pwyllgor**

(12.15 – 12.30)

Mae cyfyngiadau ar y ddogfen hon

## CYPE(6)-15-23 - Papur 1

### Ymchwiliad Pwyllgor Plant, Pobl Ifanc ac Addysg y Senedd – Mynediad at addysg i blant a phobl ifanc anabl

#### Briff gan Gomisiynydd Plant Cymru, Rocio Cifuentes MBE

##### Hawliau dynol plant o dan Gonfensiwn y Cenhedloedd Unedig ar Hawliau'r Plentyn

Mae 18% o blant oedran ysgol uwchradd yn adrodd bod ganddynt broblem iechyd hirdymor neu anabledd sy'n cyfyngu ar eu gweithgareddau o ddydd i ddydd<sup>1</sup>. Mae gan bob plentyn yr un hawl i addysg (erthygl 28, CCUHP), sy'n datblygu personoliaeth, doniau, a gallu meddyliol a chorfforol y plentyn i'w llawn botensial (erthygl 29, CCUHP). Mae hyn yn cynnwys plant anabl. Mae Pwyllgor y Cenhedloedd Unedig ar Hawliau'r Plentyn wedi gwneud Sylw Cyffredinol ar hawliau plant ag anableddau<sup>2</sup> sy'n nodi'n glir bod 'yn rhaid sicrhau mynediad effeithiol plant ag anableddau at addysg' er mwyn cyflawni nodau erthyglau 28 a 29. Croesawaf ffocws y Pwyllgor ar fynediad plant anabl at addysg.

##### Beth mae plant, pobl ifanc a theuluoedd yn dweud wrthon ni?

Dangosodd y canfyddiadau o fy arolwg *Gobeithion i Gymru* gyda dros 10,000 o blant, pobl ifanc, rhieni / gofalwyr a gweithwyr proffesiynol, a gynhaliwyd ym mis Hydref a Thachwedd 2022, y canlynol:

- Mae plant anabl rhwng 7 ac 11 oed yn llawer mwy tebygol yn ystadegol o boeni am fynd i'r ysgol.
- Mae pobl ifanc rhwng 12 a 18 oed a nododd eu bod yn anabl yn llawer mwy pryderus nag eraill am fwlio a cham-drin, arholiadau a phrofion, a mynd i'r ysgol, coleg neu brifysgol.
- Ymhlith y bobl ifanc rhwng 12 a 18 oed sydd wedi profi bwlio, roedd 90.9% o'r rhai ag anableddau yn cael eu bwlio yn yr ysgol
- Ymhlith y plant rhwng 7 ac 11 oed, mae plant ag anableddau yn llawer mwy tebygol yn ystadegol o fod wedi cael eu bwlio neu ddioddef camdriniaeth (yn ogystal â merched a'r rhai a oedd yn adrodd y lefel isaf o gyfoeth teuluol) na phlant na wnaeth nodi eu bod yn anabl (a bechgyn a phlant o gartrefi mwy cefnog)
- Mae 59.1% o bobl ifanc rhwng 12 a 18 oed a nododd eu bod yn anabl yn adrodd eu bod wedi profi bwlio
- Adroddwyd amlaf gan y gweithwyr proffesiynol a holwyd mai pobl ifanc anabl oedd fwyaf mewn perygl o gael eu bwlio (43.4%)

<sup>1</sup> Page N., Angel, L., Ogada, E., Young H., Murphy S., 2023.

Iechyd a Lles Myfyrwyr yng Nghymru: Adroddiad Arolwg o Ymddygiad Iechyd mewn Plant Oedran Ysgol 2021/22 ac Arolwg

Iechyd a Lles Myfyrwyr y Rhwydwaith Ymchwil Iechyd mewn Ysgolion. Prifysgol Caerdydd.

<https://www.shrn.org.uk/wp-content/uploads/2023/04/SHRN-2021-22-National-Indicators-Report-FINAL-cy.pdf>

<sup>2</sup>[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FGC%2F9&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FGC%2F9&Lang=en)

- Adroddwyd amlaf gan y plant ag anableddau dysgu dwys a lluosog (ADDLI) fod mynd i'r ysgol yn rhywbeth maen nhw'n ei wneud i deimlo'n hapus (43.7%), ond adroddwyd amlaf fod mynd i'r ysgol yn bryder gan y grŵp hwn hefyd (18.8%).
- Mae pobl ifanc rhwng 12 a 18 oed a nododd eu bod yn anabl yn llawer mwy tebygol nag eraill yn ystadegol o gael eu trin yn wahanol yn yr ysgol, coleg neu brifysgol, ar y stryd, neu yn eu tref neu bentref, mewn clybiau ac ar-lein
- Dywedodd 14.8% o'r bobl ifanc rhwng 12 a 18 a nododd eu bod yn anabl nad oedden nhw byth yn teimlo'n ddiogel ar y bws, y bws ysgol na'r trê
- Dywedodd 17.4% o'r bobl ifanc rhwng 12 a 18 oed a nododd eu bod yn anabl nad oedden nhw byth yn teimlo'n ddiogel yn yr ysgol, y coleg, na'r brifysgol
- Gofynnwyd i'r cyfranogwyr fyfyrion ynghylch beth fyddai'n gwneud bywydau plant yn well; cytunodd 31.3% o'r plant a'r bobl ifanc sydd ag ADDLI ei bod yn bwysig bod 'pob plentyn cael eu trin yr un fath ac yn cael y cymorth sydd ei angen arnynt'. Galwodd rhieni a gofalwyr am 'ailwampiad mwy dychmygus o addysg yng Nghymru'. Argymhellon nhw fod plant yn cael eu haddysgu am anabledd o oedran ifanc, i godi ymwybyddiaeth ac i leihau stigma anabledd a gwahaniaeth, ac i ddathlu a darparu ar gyfer anghenion a gallu amrywiol dysgwyr ifanc. Argymhellwyd cynhwysiant yn yr ysgol ac mewn gofodau cyhoeddus a grwpiau, er mwyn sicrhau bod modd i bobl ifanc ag anableddau ymuno i mewn a theimlo'n ddiogel a bod croeso iddynt. Argymhellodd rhieni a gofalwyr hefyd ddysgu hyblyg a chyfunol, ac addasiadau i amserlenni er mwyn cefnogi 'dysgwyr sy'n ei chael yn anodd mewn addysg amser llawn i wneud dysgu cyfunol ar ddiwrnodau anodd'. Yn gyffredinol, nid yw rhieni a gofalwyr yn cefnogi'r ymagwedd 'un dull i bawb', ac maent yn argymhell y dylai'r system addysg fod yn fwy hyblyg i gefnogi ac i feithrin pob plentyn.

### Enghreifftiau gwaith achos

Mae fy ngwasanaeth Ymchwiliadau a Chyngor yn clywed yn rheolaidd gan deuluoedd sydd â phlentyn anabl sy'n ei chael hi'n anodd cael mynediad at yr addysg y mae ganddynt hawl iddi.

- **Nid yw ysgolion bob amser yn amgylcheddau hygyrch** – mae ein gwaith achos yn awgrymu bod y darlun yn amrywio rhwng awdurdodau lleol o ran pa mor dda maent yn gweithredu eu dyletswyddau hygyrchedd. Roedd un achos a ddaeth i'n swyddfa yn ymwneud â'r nifer cynyddol o ddisgyblion sy'n mynd i ysgol arbennig a'r diffyg lle sydd ar gael iddyn nhw, yn enwedig y rhai sy'n defnyddio cadeiriau olwyn a chymhorthion cerdded. Roedden nhw hefyd yn pryderu y byddai'r amgylchedd yn cael effaith niweidiol ar eu cyfleoedd addysgol o gymharu â'u cyfoedion prif ffrwd.
- **Ymgynghori â dysgwyr** – dylai ysgolion ymgynghori â disgyblion ynghylch eu cynlluniau gweithredu hygyrchedd o dan ganllawiau statudol 2018, ond rydyn ni'n clywed am achlysuron lle nad yw hyn yn digwydd.
- **Gweithredu Deddf ADY a niwroamrywiaeth** – mae'r oedi yn rhoi'r cod anghenion dysgu ychwanegol ar waith, yr amrywiaeth mewn cynnydd ledled Cymru, a'r dryswch i deuluoedd wrth symud i'r system newydd yn gwaethygu'r rhwystrau rhag mynediad at addysg addas a

gwasanaethau cymorth angenrheidiol i blant anabl. Yn rhy aml, nid yw plant niwroamrywiol yn cael cymorth os nad ydynt yn bodloni'r gofynion i gael cymorth ADY. Roedd hwn yn brofiad a adroddwyd gan blant a theluoedd yn ein hadroddiad diweddar - *Dull Dim Drws Anghywir i Niwroamrywiaeth: Llyfr o brofiadau*.<sup>3</sup>

- **Cael mynediad at addysg arbenigol** – mae'r ddwy enghraifft ddilynol o fis Ebrill 2023. Clywson ni gan deulu â dau blentyn sy'n awtistig ac yn ddi-eiriau. Roedd gan un ohonynt oedi datblygiadol cyffredinol ac ADHD posib. Mae'r ddau ar restr aros am ddarpariaeth addysgol arbenigol. Dywedwyd wrthon ni fod yr awdurdod lleol wedi gofyn i'r rhieni, pe bai lle'n codi, pa blentyn hoffai hi i gymryd y lle. Dywedwyd wrthon ni bod yr awdurdod lleol yn gweithio'n galed i ganfod lle, ond yn y cyfamser, nid yw'r plant yn cael mynediad at addysg addas. Rydyn ni hefyd wedi clywed gan deulu lle nad yw plentyn yn cael mynediad llawn at eu lleoliad addysg mewn Canolfan Adnoddau Dysgu sy'n rhan o ysgol brif ffrwd, a'u bod yn cael trafferth yn y lleoliad. Mae'r ysgol yn cytuno y byddai'r plentyn yn elwa ar ddarpariaeth fwy arbenigol. Serch hynny, mae'r awdurdod lleol wedi datgan nad oedd llefydd ar gael, ac nad oes lle ym mis Medi 2023 wedi'i warantu. Roedd gan y rhiant a'r ysgol bryderon sylweddol am yr effaith roedd y lleoliad yn ei chael ar iechyd meddwl y plentyn. Ar ôl i'n swyddfa gysylltu â nhw, dywedwyd wrthon ni fod lle wedi'i drefnu ar gyfer mis Medi, a bod cymorth un i un wedi'i drefnu yn y cyfamser.
- **Cael mynediad at addysg drwy gyfrwng y Gymraeg** – mae plant ag anghenion dysgu ychwanegol sy'n dymuno astudio drwy gyfrwng y Gymraeg yn wynebu rhwystrau ychwanegol. Dywedwyd wrth blentyn mewn ysgol Gymraeg na allai'r ysgol ddiwallu eu hanghenion, a'r unig opsiwn arall iddynt oedd mynd i ysgol Saesneg.
- **Cludiant i'r Ysgol** – nid yw plant anabl bob amser yn cael cludiant hygyrch a diogel at addysg wedi'i ddarparu iddynt. Rhannwyd un enghraifft â ni lle nad oedd darpariaeth bws mini yn addas i anghenion penodol unigolyn, gan olygu nad oeddent yn defnyddio'r bws, ac roedd yr ysgol yn gwrthod darparu tacsî. Mae plant eraill wedi wynebu dim opsiwn sy'n hygyrch i gadair olwyn ar gyfer cludiant ysgol. Mae hyn yn fater rydyn ni wedi'i godi â Llywodraeth Cymru dro ar ôl tro. Rydyn ni'n falch bod adolygiad parhaus o'r Mesur Teithio gan Ddysgwyr ar waith, ond rydyn ni wedi cael ein siomi â'r cynnydd araf, sydd wedi bod yn wir am flynyddoedd lawer.

#### Rhywfaint o waith fy swyddfa yn y maes hwn:

- Bydd y pwyllgor yn ymwybodol o waith fy rhagflaenwyr ar hygyrchedd adeiladau ysgolion. Fel comisiynydd, cyhoeddodd Keith Towler, 'Bywydau Llawn: Mynediad Cyfartal' yn 2014, ac yn 2018, cyhoeddodd yr Athro Sally Holland fel Comisiynydd, adroddiad dilynol. Amlygodd yr adroddiad diweddaraf hwn ddiffyg cynnydd go iawn gan rai awdurdodau lleol i weithredu eu dyletswyddau o dan y Ddeddf Cydraddoldeb, a rhwystredigaeth o ran diffyg cyflymder gan Lywodraeth Cymru i gyhoeddi canllawiau statudol newydd. Pan gysyllton ni ag awdurdodau lleol ar gyfer yr adroddiad dilynol, nid oedd y data a gawsom mor gyflawn ac y byddem yn ei obeithio. Er enghraifft, disgrifiodd awdurdodau lleol lawer o ysgolion fel 'rhannol hygyrch' heb

<sup>3</sup> <https://www.childcomwales.org.uk/wp-content/uploads/2023/03/Dull-Dim-Drws-Anghywir-i-Niwroamrywiaeth.pdf>

esboniad beth oedd hyn yn ei olygu yn ymarferol. Cyhoeddodd Llywodraeth Cymru ganllawiau wedi'u diweddarau yn y pen draw ym mis Mawrth 2018<sup>4</sup>, a oedd wedi'u gwella, ond credwn y gellid eu cryfhau ymhellach drwy wneud cysylltiadau agosach â mabwysiadu dull gweithredu yn seiliedig ar hawliau plant a chynnwys dysgwyr a chymuned yr ysgol yn fwy mewn penderfyniadau a wneir am gyfleusterau ysgolion, er enghraifft. Ym mis Medi 2018, rhannon ni ein safbwyntiau gyda Llywodraeth Cymru ar sut gellid cryfhau'r canllawiau ymhellach drwy gysylltu hyn â dull gweithredu sy'n seiliedig ar hawliau plant. Serch hynny, ni chafodd y safbwyntiau hyn eu gwreiddio yn y canllawiau fel y gobaith.

- Ym mis Mawrth eleni cyhoeddod ni ein hadroddiad – *Dull Dim Drws Anghywir i Niwroamrywiaeth: llyfr o brofiadau*<sup>5</sup>. Roedd hwn yn cyflwyno'r heriau y mae plant a theuluoedd yn eu hwynebu wrth geisio cymorth a chefnogaeth, yn aml â niwroamrywiaeth sydd heb gael diagnosis. Yn aml, caiff y profiadau hynny eu siapio gan ryngweithiadau gydag ysgolion, rhai cadarnhaol a negyddol. Clywson ni am ysgolion yn gwrthod cyfeirio plant at y tîm niwrodatblygiadol; a phlant yn methu â chael mynediad at leoliadau addysgol arbenigol.

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<sup>4</sup> <https://www.llyw.cymru/gwella-mynediad-i-ddisgyblion-anabl-canllawiau-cynllunio>

<sup>5</sup> <https://www.childcomwales.org.uk/wp-content/uploads/2023/03/Dull-Dim-Drws-Anghywir-i-Niwroamrywiaeth.pdf>



# Eitem 3

**CYPE(6)-15-23 - Papur 2**



## **Children, Young People and Education Committee inquiry on education access for disabled children and young people**

### **Equality and Human Rights Commission**

The Equality and Human Rights Commission is Britain's national equality body and a UN-accredited A-status National Human Rights Institution (NHRI).

Our job is to promote and uphold equality and human rights standards across Britain so that everyone gets a fair chance in life.

We do this by using the full range of our statutory powers to challenge discrimination, promote equality of opportunity, protect and promote human rights, and by safeguarding and enforcing the laws that protect people's rights to fairness, dignity and respect.

### **UN Convention on the Rights of Persons with Disabilities (CRPD)**

The CRPD includes Article 24 – a right to inclusive education. This guarantees all disabled learners a right to participate in all forms of mainstream education with appropriate support.

When the UK Government ratified the CRPD it placed restrictions on its obligations and two of these relate to Article 24. The first changes the UK's definition of a 'general education system' to include segregated education. The second reserves the UK's right to send disabled children to special schools outside their local area. The UK is one of only two signatories to retain a reservation and an interpretive declaration to Article 24.

In 2017 the UK's progress against the CRPD was reviewed by the UN Committee. Issues raised included the UK's reservation on Article 24, meaning that the UK does not fully accept the requirements of inclusive education. According to the UN

Committee inclusive education means that all parts and levels of the education system should meet the requirements of all students, so that disabled learners can learn alongside their non-disabled peers within mainstream school classrooms. This means that resources for improving education for disabled children should be focused on improving provision in mainstream schools, rather than on maintaining separate special schools. All parts of the education system – including teacher training, the curriculum and the physical school environment- should be reformed to be inclusive of all learners.

Therefore, the UN Committee recommended the UK should:

- Remove its reservations to this Article, so that it fully accepts that all disabled children should receive an inclusive education within their own communities.
- Develop laws and policies to support inclusive education, set a timeframe for improving the way schools include disabled children, and make sure that all teachers and all other professionals who work with children understand the importance of inclusive education.
- Do more to check whether schools are enrolling disabled children, and tackle disability-related discrimination or harassment.
- Put in place a fully-funded strategy with concrete timelines and measurable goals, to make education more inclusive. This strategy should cover implementation of laws and policies, teacher training, awareness-raising among parents of disabled children, and data collection about where disabled children go to school.

### **UN Convention of the Rights of the Child (CRC)**

In January 2023 the Commission submitted its report to the UNCRC. It covers a range of topics including the right to education. Within our report we highlighted the issue with Article 24 of the UNCRPD and how trends point to a system that may be becoming less inclusive.

The report highlights that the number of children in Wales with ALN has been decreasing since 2017/18. In February 2022 74,661 pupil with ALN were reported to

be in maintained school in Wales. This was down from 92,668 pupils in April 2021<sup>1</sup>. Welsh Government have explained this is likely due to the new ALN system and changes in the way that ALN are identified.<sup>2</sup>

Evidence within the report also shows that there has been a consistent increase in the percentage of children with ALN, being educated outside mainstream schools. In Wales, the percentage of children with ALN attending special schools has increased every year since 2013/14, rising from 4.1% of pupils to 7.3% of pupils in 2021/22.

Challenges remain in ensuring appropriate provision of education for children with ALN in mainstream schools in Wales, including where there have been reports of funding pressures and insufficient staff training.<sup>3</sup>

In September 2021, the Welsh Government began a three-year phased implementation of a new statutory framework to support children with ALN<sup>4</sup> in which every learner with ALN will be given a statutory Individual Development Plan. Before this, only those with the most complex needs, about 15%, had a statutory plan.<sup>5</sup> However, funding uncertainty remains<sup>6</sup> and, following significant delays, there are concerns about implementation. Since we published our report the Minister has announced extending the implementation of the ALN Act from three years to four years.

Recommendations for Welsh Government (and UK Government) in our UNCRC report included:

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<sup>1</sup> StatsWales, [Pupils with additional learning or special educational needs by sector and year](#) [accessed: 1 December 2022].

<sup>2</sup> Welsh Parliament, Senedd Research (2022), [Identifying additional learning needs: has the bar been raised or was it previously too low?](#) [accessed: 1 December 2022].

<sup>3</sup> [Special educational needs and disabilities](#); Welsh Parliament Children, Young People and Education Committee (2019), [Education committee response to Welsh Government Consultation: Draft Additional Learning Needs Code](#), for example see pp. 56–60.

<sup>4</sup> [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018](#).

<sup>5</sup> Welsh Parliament, Senedd Research (2022) [The new Additional Learning Needs system: the tough task of implementation](#) [accessed: 6 April 2022].

<sup>6</sup> Welsh Parliament Children, Young People and Education Committee (2022). [The 2022-23 Welsh Government Draft Budget](#) [accessed: 6 April 2022], pp. 48–49.

- Remove the reservation and interpretive declaration on Article 24 of the UN Convention on the Rights of Persons with Disabilities, and take concrete steps to facilitate genuine family choice and realise the right of disabled children to inclusive education. (While the Welsh Government may not be able to do this this principal could be adopted).
- Ensure the long-term sustainability of ALN provision, including by ensuring that teachers and other school staff are equipped to support the needs of children with ALN.
- Monitor implementation of the Additional Learning Needs and Education Tribunal (Wales) Act for any disproportionate impacts on particular groups.

## **Equality Act 2010**

### Accessibility strategies and plans

Schedule 10 of the Equality Act 2010 states that:

- A local authority must, in relation to a school for which it is a responsible authority, prepare, implement, review and update written accessibility strategies
- The responsible body for a school must prepare, implement, review and update written accessibility plans

An accessibility strategy must be in writing and local authorities must keep accessibility strategies under review and if necessary revise it. A local authority in Wales must, if asked by the Welsh Ministers, give them a copy of its accessibility strategy.

An accessibility plan is a plan for, over a prescribed period;

- a) Increasing the extent to which disabled pupils can participate in the school's curriculum
- b) Improving the physical environment of the school for the purpose of increasing the extent to which disabled pupils are able to take advantage of education and benefits, facilities or services provided or offered by the school, and

- c) Improving the delivery to disabled pupils of information which is readily accessible to pupils who are not disabled.

An accessibility plan must be in writing and the responsible body must implement its accessibility plan. A relevant inspection may extend to the performance by the responsible body of its functions in relation to the preparation, publication, review, revision and implementation of its accessibility plan.

In March 2018 the Children's Commissioner for Wales published '[Full Lives: Equal Access. A follow up report on wheelchair accessibility in schools in Wales](#)'. This was follow up research carried out in 2014. It reported that while there were some improvements in the overall level of accessibility strategies and plans in place, the Commissioner was not confident that all local authorities and schools were complying with their duties under the Equality Act 2010. It was also concerned to find that local authorities are not routinely consulting with children and their families when drawing together their strategies despite a statutory duty to do so.

In March 2018 Welsh Government updated its guidance [Planning to increase access to schools for disabled pupils](#). The guidance focuses on the preparation of accessibility strategies and plans and ensure local authorities and responsible bodies meet their statutory duties under Schedule 10 of the Equality Act 2010.

### Public Sector Equality Duty

The Public Sector Equality Duty (PSED) is also part of the Equality Act 2010. It includes a 'general duty' and 'specific duties.' The general duty sets out what local authorities, schools and other public bodies in Wales need to consider when making decisions and developing policies that affect learners with different protected characteristics, such as disability. They are required to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
- advance equality of opportunity between people who share a relevant protected characteristic and those who don't, and
- foster good relations between people who share a relevant protected characteristic and those who don't.

The aim of the specific duties is to support a public body in meeting the general duty. They include preparing and publishing equality objectives and having a strategic equality plan to improve outcomes and document the steps that will be taken.

Last year we commissioned [desk based research](#) to review the Strategic Equality Plans published by secondary schools, special schools and Pupil Referral Units (PRUs) in Wales. We found the overall proportion of schools with a strategic equality plan accessible on their website currently stands at about a quarter. Just over half of this number were out of date, having expired and not being reviewed from the autumn term 2021 onwards. Therefore, in total 33 schools, 12.4% of the total appear to have a current Strategic Plan accessible on their website.

Evidence collected by the Children's Commissioner for Wales in the report Full Lives: Equal Access, found that some local authorities have included their Accessibility Strategies within their wider Strategic Equality Plans. However, it was not clear whether these links were routinely being made by every authority.

Public bodies including Welsh Government, local authorities and schools must review and revise all its equality objectives at least once every four years. We are expecting updated objectives and strategic equality plans to be published by April 2024. In our role as regulator we will be working with organisations in Wales to help inform the equality objectives they set. As part of this we have recently published [PSED guidance for schools in Wales](#)

### **Impact of the pandemic**

The pandemic presented particular challenges for disabled pupils, including access to remote learning, therapies and equipment.<sup>7</sup> While schools closed to all except vulnerable children and the children of critical workers, attendance levels for vulnerable children remained low. We also know the shift to remote learning

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<sup>7</sup> Welsh Parliament Equality, Local Government and Communities Committee (2020), [Into sharp relief: inequality and the pandemic](#) [accessed: 16 September 2020], pp.30–32.

exacerbated some existing educational inequalities.<sup>8</sup> Many children lacked adequate access to computers and the internet at the start of the pandemic.

Welsh Government's 'Renew and reform: supporting learners' wellbeing and progression education recovery plan' was published in 2021. It recognised the particular impact of the pandemic on 'disadvantaged and vulnerable learners', including those with additional learning needs.<sup>9</sup> However, it is unclear how the Welsh Government's evaluation of the recovery plan's success will reflect children's rights and protected characteristics.

In 2022 Welsh Government announced additional funding to provide tailored support for children with ALN who have been affected by the pandemic.<sup>10</sup> At the moment it is not clear whether this will be sufficient to reduce the effects of the pandemic on disabled children.

A recommendation for Welsh Government from our CRC report included to:

- ensure that the education recovery programme takes into account the particular challenges faced by different groups of children during, and as a result of, the pandemic, including disabled children and additional learning needs.

## **Access to education**

Persistent absence<sup>11</sup> from school was rising before the pandemic and continues to do so. In Wales, the data shows a continued increase in the number of children who

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<sup>8</sup> Pensiero, N., et al. (2021), [Learning inequalities during the Covid-19 pandemic: A longitudinal analysis using the UK Understanding Society 2020 and 2021 data](#), School of Education, University of Southampton [accessed: 5 December 2022], for example see pp. 5–7.

<sup>9</sup> Welsh Government (2021), [Review and Reform: supporting learners' wellbeing and progression](#) [accessed: 22 February 2022], pp. 11-13.

<sup>10</sup> Welsh Government (2022), [Written statement: additional funding for additional learning needs provision](#) [accessed: 29 September 2022].

<sup>11</sup> A pupil enrolment is identified as a persistent absentee if they miss 10% or more of their possible sessions.

are absent for significant periods, with a particularly high rate among children with additional learning needs.<sup>12</sup>

Evidence suggests that the number of children who are in elective home education (EHE) has increased significantly in recent years.<sup>13</sup> National data is not yet collected, but evidence suggests that certain groups, including those with ALN, may be over represented among those in EHE. While EHE is a positive choice for many families, other reasons for EHE can include health anxieties related to COVID-19, insufficient ALN support in the school system, and the prevalence of bullying which may be related to a child's protected characteristics.<sup>14</sup> There are concerns that not all children in EHE will be receiving appropriate education and that, for some, there may be 'exposure to greater safeguarding risks'.

The Welsh Government delayed the introduction of statutory guidance and regulations governing the collection of data on EHE in 2020,<sup>15</sup> meaning that many local authorities continue to have limited responsibilities for and powers over children educated at home.<sup>16</sup>

Recommendations for Welsh Government from our CRC report included:

- Prioritise the introduction of statutory guidance on elective home education and the collection of data on those educated at home, including data on protected characteristics.

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<sup>12</sup> Welsh Government (2022), [Attendance review – implications of the COVID-19 pandemic for school attendance](#) [accessed: 6 October 2022], pp. 5–9.

<sup>13</sup> Welsh Government (2022), [Pupils educated other than at school: September 2021 to August 2022](#) [accessed: 6 October 2022], p.4.

<sup>15</sup> Welsh Government (2020), [Written statement: home education statutory guidance and draft database regulations](#) [accessed: 6 October 2022].

<sup>16</sup> Children's Commissioner for Wales (2021), [A review of the Welsh Government's exercise of its functions, by the Children's Commissioner for Wales](#) [accessed: 6 October 2022], p.24–25.



- Ensure that policies to improve school attendance rates include tackling barriers to education faced by children with particular protected characteristics, and ensure compliance with the Public Sector Equality Duty in the development and delivery of such policies.
- Use evidence on access to, and outcomes from, education recovery programmes for protected characteristic groups to ensure that support is tailored to meet their needs. This evidence should also inform wider programmes, such as those aimed at improving regional inequalities in educational performance.

## CYPE(6)-15-23 - Papur i'w nodi

### Y Pwyllgor Plant, Pobl Ifanc ac Addysg

### Children, Young People and Education Committee

#### Senedd Cymru

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#### Welsh Parliament

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Jeremy Miles AS

Gweinidog y Gymraeg ac Addysg

Dyddiad | Date: 10 Mai 2023

Pwnc | Subject: Penodi Prif Weithredwr, Y Comisiwn Addysg Drydyddol ac Ymchwil

Annwyl Jeremy,

Yn ein cyfarfod Pwyllgor ar 3 Mai, buom yn ystyried a chytuno ar ein dull gweithredu o ran y gwrandawriad cyn penodi sydd i ddod yn fuan o ran yr ymgeisydd a ffefrir ar gyfer swydd Prif Weithredwr y Comisiwn Addysg Drydyddol ac Ymchwil ("y Comisiwn"). Yn dilyn gwybodaeth a ddarparwyd gan Lywodraeth Cymru ar y broses benodi, buom yn trafod hyn ymhellach ar 10 Mai, a chytunwyd i ofyn am ragor o wybodaeth cyn y gwrandawriad.

Rydym wedi nodi bod y broses, ar yr achlysur hwn, wedi arwain at benodiad uniongyrchol. Bydd hyn yn haeddu ystyriaeth bellach a gwaith craffu fel rhan o broses cyn penodi dryloyw a thrylwyr.

1. Cyn i'r panel wneud ei argymhellion ffurfiol i chi, a gawsant unrhyw adborth – naill ai'n ffurfiol neu'n anffurfiol, neu unrhyw gyfeiriad neu arwydd gennych chi neu rywun sy'n gweithredu ar eich rhan ynghylch pa mor dderbyniol neu fel arall oedd unrhyw rai o'r ymgeiswyr?
2. Pa ran oedd gennych chi yn y broses cyn eich cyfarfod ym mis Mawrth, ar ôl i'r broses recriwtio ddod i ben, i drafod camau nesaf?
3. A allwch roi rhagor o wybodaeth ynglŷn â pham y gwnaethoch benderfynu mynd ymlaen i apwyntio'n uniongyrchol yn hytrach nag ail-hysbysebu?
4. I ba raddau yr oedd y panel recriwtio gwreiddiol yn ymwneud â'r penderfyniad i fynd ymlaen i benodi'n uniongyrchol, a nodi ymgeiswyr posibl? Mae'r papur a ddarparwyd i'w weld yn awgrymu bod un aelod o'r panel yn rhan o'r trafodaethau hyn, ond a oedd aelodau eraill yn cymryd rhan? Os nad oedd y panel cyfan yn rhan o'r trafodaethau a'r penderfyniadau hyn, a allwch amlinellu pam nad oeddent, a phwy a benderfynodd pa aelodau o'r panel a fyddai'n cymryd rhan?



5. Pan benderfynoch symud at benodi'n uniongyrchol, sut y nodwyd ymgeiswyr posibl, a phwy a arweiniodd ar y gwaith hwn?
6. A oedd unrhyw gyrff allanol, fel asiantaethau recriwtio, yn ymwneud â'r broses o nodi ymgeiswyr?
7. Faint o ymgeiswyr posibl y cysylltwyd â nhw fel rhan o'r broses recriwtio uniongyrchol?
8. A oedd unrhyw wrthdaro buddiannau canfyddedig neu wrthdaro buddiannau posibl a nodwyd rhwng y bobl hynny a oedd yn ymwneud â'r recriwtio uniongyrchol a'r bobl a nodwyd fel ymgeiswyr posibl drwy'r cam recriwtio uniongyrchol?
9. A yw'r ymgeisydd a ffefrir wedi datgan unrhyw weithgarwch neu ymlyniad gwleidyddol?

Er mwyn llywio ein hystyriaeth o'r penodiad a'r broses, gofynnwn fod yr wybodaeth hon ar gael cyn y gwrandawriad cyn penodi, a dim hwyrach na 19 Mai.

Fel Pwyllgor, ac yn seiliedig ar ein profiadau gyda thri phenodiad cyhoeddus gwahanol, mae gennym rai pryderon o hyd ynghylch rôl gyfyngedig Pwyllgorau'r Senedd yn y prosesau penodiadau cyhoeddus hyn. Amlinellwyd y pryderon hyn yn fanylach gennym yn ein [llythyr diweddar](#) at y Pwyllgor Cyfrifon Cyhoeddus a Gweinyddiaeth Gyhoeddus. Nodwn mai penodiad gweinidogol yw hwn, yn hytrach na phenodiad cyhoeddus, ond erys y pryderon hyn yr un fath ar gyfer y penodiad hwn.

Mae'r Pwyllgor Cyfrifon Cyhoeddus a Gweinyddiaeth Gyhoeddus wrthi'n edrych ar y broses penodiadau cyhoeddus ar hyn o bryd. Rydym yn anfon copi o'r llythyr hwn at y Pwyllgor hwnnw yng ngoleuni ein safbwyntiau ehangach a'n bod yn cydnabod arwyddocâd y penderfyniad i fynd ymlaen i benodiad uniongyrchol yn dilyn proses recriwtio aflwyddiannus ar gyfer rôl gyhoeddus mor bwysig.

Yn gywir,



Jayne Bryant AS

Cadeirydd

Cc: Mark Isherwood AS, Cadeirydd y Pwyllgor Cyfrifon Cyhoeddus a Gweinyddiaeth Gyhoeddus

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

**CYPE(6)-15-23 - Papur i'w nodi 2**



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Our ref: FR/BD/0107

4 May 2023

Jayne Byrant MS  
Chair of Welsh Children, Young People  
and Education Committee

Dear Ms Byrant

**RE: Northern Ireland Commissioner for Survivors of Institutional Childhood Abuse to launch international awareness raising initiative for Northern Ireland victims and survivors of historical institutional childhood abuse**

My name is Fiona Ryan and I am Northern Ireland Commissioner for Survivors of Institutional Childhood Abuse. I am getting in touch because my Office is running an awareness initiative in several countries aimed at reaching Northern Ireland victims and survivors of historical institutional childhood abuse who may be resident elsewhere including Wales. I am contacting you as I am aware the Committee may have a particular interest in this area.

I have been concerned for some time that Northern Ireland victims and survivors of historical institutional child abuse may not be aware of available supports, including dedicated services provided by the Victims and Survivors Service, or know that they may be able to apply for financial redress compensation through the Historical Institutional Abuse Redress Board. I am mindful that victims and survivors who left Northern Ireland may be at additional risk of not being aware of their entitlements.

In March, my office began an awareness raising initiative in Great Britain, the Republic of Ireland, Canada and Australia to inform survivors of historical institutional childhood abuse who have left Northern Ireland of their entitlements to support, services and financial redress compensation. The initiative is delivered through advertising, press and publicity and engagement with organisations, particularly those at community level who may be in contact with victims and survivors.

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The application process for financial redress compensation and access to support services are available to any victim or survivor who suffered or witnessed abuse while they were a child (under 18 years) and were living in a residential institution (such as, a state or religious care home, training school or borstal) in Northern Ireland between 1922 and 1995 or were sent to Australia from Northern Ireland as part of the Child Migrant Scheme. Applications for financial redress compensation can be made by victims, or if they are deceased, by a surviving spouse, partner or child.

If you would like any further detail in relation to these matters, please do not hesitate to contact me. Victims and survivors, family members and professionals can contact my Office directly for information and general advice.

It is my sincerest wish that victims and survivors and their families who are not aware of their entitlements will find the necessary information and support they need to make informed choices regarding accessing supports, services and financial redress compensation. For those who are already aware of this but have not yet sought to access services or redress, I hope that they may be encouraged to consider further their entitlements.

I would appreciate if this correspondence could be be circulated to Members of the Committee.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Fiona Ryan', enclosed within a circular scribble.

**Fiona Ryan**  
**COMMISSIONER**



Commissioner  
for **Survivors**  
of Institutional  
Childhood Abuse

# If you experienced or witnessed abuse as a child under 18 while living in a residential institution in Northern Ireland between 1922 and 1995

For example, a children's home, training school or borstal

**You may be eligible for support services  
and financial redress compensation.**

*For more information and advice contact the*  
**Northern Ireland Commissioner for Survivors of  
Institutional Childhood Abuse**

✉ [info@cosica-ni.org](mailto:info@cosica-ni.org)

🌐 [www.cosica-ni.org](http://www.cosica-ni.org)

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Tudalen y pecyn 39



# Eitem 7

Yn rhinwedd paragraff(au) vi o Reol Sefydlog 17.42

Mae cyfyngiadau ar y ddogfen hon

Mae cyfyngiadau ar y ddogfen hon