

Cynulliad Cenedlaethol Cymru | National Assembly for Wales  
Y Pwyllgor Plant, Pobl Ifanc ac Addysg | Children, Young People and  
Education Committee

Blaenoriaethau ar gyfer y Pwyllgor Plant, Pobl Ifanc ac Addysg |  
Priorities for the Children, Young People and Education Committee

CYPE 05

Ymateb gan : Ymgyrch Anaffylacsis

Response from : Anaphylaxis Campaign

The National Assembly for Wales' Children, Young People and Education Committee (the Committee) was established by the Assembly on 28 June 2016 with the remit '*to examine legislation and hold the Welsh Government to account by scrutinising its expenditure, administration and policy, encompassing (but not restricted to): the education, health and well-being of the children and young people of Wales, including their social care*'.

**Question 1** – Within the remit set out above: what do you consider to be the priorities or issues that the Children, Young People and Education Committee should consider during the Fifth Assembly?

1. Managing medical conditions in schools – introduction of a statutory duty of care
2. Ensuring all children and young people with medical needs have an individual care plan

**Question 2** – From the list of priorities or issues you have identified, what do you consider to be the key areas that should be considered during the next 12 months (please identify up to three areas or issues)? Please outline why these should be considered as key priorities.

1. Medical needs in schools:

There is a need for a change in legislation in Wales to introduce a statutory duty of care for children with medical needs in schools. There is an opportunity to include this within the newly proposed Additional Learning Needs (ALN) Framework.

The Welsh Government's proposed ALN Framework documentation states that children with medical needs will not be covered by the ALN Bill (see page 30 of the draft ALN Code of Practice).

We ask the Committee to consider the inclusion of medical needs in the Additional Learning Needs Framework.

The current guidance framework for the management of medical conditions in a school setting differ in Wales and England. In England, the Children and Families Act 2014 came into force on 1 September 2014. Section 100 contains a statutory duty to support pupils with medical conditions, meaning that in practice schools **must** make additional arrangements for supporting pupils at schools with medical conditions.

The legislation does not apply to schools in Wales. The rights of children and young people with medical needs in Wales during the school day are not protected in law to the same level as children in England. The current system in Wales puts children with medical conditions in Wales at an academic disadvantage in comparison to their peers in England and does not protect them whilst they are at school. We regularly receive enquiries from families of children whose attendance, attainment and overall educational experiences are compromised because of their condition and the lack of guaranteed support from the current framework. It is vital that children are kept safe and healthy whilst they are learning to enable them to achieve their full potential.

Providing support to children and young people with medical conditions to enable them to participate in all aspects of school life requires a co-ordinated effort. As a patient organisation, we represent the views of families affected by severe allergy most of whom carry adrenaline auto-injectors for use in the case of an emergency. These children and young people must have an individual emergency care plan agreed by both parent, school and doctor in order that there is a clear pathway to follow in case of a severe and potentially life threatening allergic reaction. At present, there is no duty on schools to organise this and provide the necessary training to staff meaning that there is a hit and miss approach to schools management. Our helpline hears regularly from families living in Wales who are struggling to feel their child is safe during school hours and whilst in England we can refer people to the relevant section of the Children and Families Act 2014, in Wales there is no such back up.

We ask the Committee to consider the current situation and agree there is a need to bring the rights, support and protection provided to children and young people living with severe allergy and potential anaphylaxis in Wales in line with those in England.

There is currently a unique and rare legislative opportunity to do this during this Government's legislative programme.

We welcome the Chair of the Committee, Lynne Neagle AM's comments to the First Minister on 28<sup>th</sup> June 2016:

*I do believe that the Welsh Government has a unique opportunity here, given the unprecedented cross-party support that there is for this legislation, to actually make a difference to children and young people's lives. The children and young people's committee scrutinised the draft Bill and responded to the legislation, and one of the key concerns we had was that the draft Bill didn't do enough to actually tie in the health service. We all know from our own casework that that is absolutely fundamental—the connection between health and education.*