

Comisiynydd
Plant Cymru
Children's
Commissioner
for Wales

To: Kirsty Williams
Minister for Education

Dear Minister,

Regulation of Independent Schools

Via email only

As noted in my public statement dated 3rd February 2020, I was pleased to note that the Council of Management had taken decisive action to dismiss the Principal of Ruthin School with immediate effect.

10 February 2020

I will continue to track progress at the School closely; the immediate focus now should be on ensuring the critical recommendations from Wales' inspectorates are acted on without delay; this includes the Council of Management reviewing its own effectiveness. I am aware that the Welsh Government and Estyn will be closely monitoring the implementation of the Action Plan by the Council of Management. I'd like to state my ongoing concern about the ability of the Council of Management to make and sustain the required changes in order to ensure that pupils are safeguarded and their well-being is promoted in a consistent and positive way, based on their involvement in such policies to date and the noted lack of scrutiny that has taken place.

As well as monitoring this particular school's actions, I would urge the Welsh Government to move without delay to ensure that the independent schools regulations are fit for purpose, to ensure every pupil, wherever they're educated in Wales, are safe. I believe that this particular case has brought into sharp focus the current lack of enforcement power in relation to these schools and the relative 'grey areas' between Government and arms-length bodies' powers in order to take actions where concerns are identified.

I've seen the responses to the three written questions tabled by Darren Millar AM from last week and note particularly in response to question WAQ79389 (e) "work has already commenced on updating the independent school regulations, ensuring they are strengthened and reflect current safeguarding guidance and practice" and that revised regulations will be "subject to a public consultation in due course".

My team and I have met with your officials (and others) in November 2019, December 2019 and January 2020 to discuss these policy issues, and I am now seeking written clarification from you as Minister that such consultation will commence in sufficient time to ensure that the subsequent amendments to



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Croesawn ohebiaeth yn y Gymraeg yn ogystal â'r Saesneg ac mewn amryw o fformatau
We welcome correspondence in the medium of Welsh and English as well as alternative formats

regulations will be tabled before the Senedd for approval well before the end of the term in May 2021.

Assembly Members from Labour, Plaid Cymru and the Welsh Conservatives have already been in contact with my office regarding these matters and have indicated their support for strengthening the regulatory position in respect of independent schools, particularly safeguarding.

I am aware that advice has also been requested from officials in relation to changes to require teaching staff at independent schools to register with the Education Workforce Council. I am also in support of this proposal and hope that the same can be brought forward along with the strengthened regulations as noted above. I understand that the legislative position is less clear in this regard and there may be a requirement for primary legislation to achieve this. If it is possible I'd strongly welcome both sets of changes to be brought forward together given the close alignment between the issues. However, should it be more difficult to achieve the professional registration changes, I would not wish to see the independent schools regulations delayed as well.

As ever my office and I will be active and willing to support officials in the development of any revised regulations and supporting guidance.

As you'll be aware the Education Workforce Council have been raising this issue for many years now, and the previous Minister for Education paused work on this issue at the end of the last Assembly term. Mindful of the length of time required to comply with relevant consultation procedures, I feel it is incumbent upon me to raise this once again in order to ensure time is not lost within this term.

I am encouraged that the statements you and your officials have made over the last couple of weeks signal a strong intention to act swiftly and that the regulations will be strengthened. I have for several months been monitoring this case and have made preliminary preparations to use my legal powers to commence a review or case examination to ensure that any safeguarding gaps are highlighted and remedied. I am hopeful that such a step will not now be necessary but I would appreciate a formal written response to confirm your policy intent and that changes will be implemented before the end of the Assembly term, as I am concerned about the relatively tight timescales that will be involved.

I will be meeting Director of Education, Steve Davies, on 19th February 2020, and will be discussing this alongside a wide range of education matters.

Yours sincerely,





Sally

Sally Holland
Comisiynydd Plant Cymru
Children's Commissioner for Wales

Cc. Meilyr Rowlands, Estyn
Gillian Baranski, CIW
Haydn Llewellyn, Education Workforce Council
Nicola Stubbins, Denbighshire Local Authority