

EB 10

National Assembly for Wales

Children and Young People Committee

Education (Wales) Bill : Stage 1

Response from : Diverse Cymru

### **Organisation Background**

Diverse Cymru is an innovative new organisation in the Welsh Third Sector, created in recognition of the realities faced by people experiencing inequality in Wales.

Diverse Cymru promotes equality for all. We believe that we can work together to challenge discrimination in all its forms and create an equitable future for the people of Wales.

Diverse Cymru aims to make a real difference to people's lives through delivering services that reduce inequality and increase independence; supporting people to speak for themselves and to connect with decision makers; creating opportunities for participation and development; raising awareness of equality issues; and inspiring people to take action against inequality.

Our current services include direct payments, self directed and independent living support, befriending and advocacy. We produce information resources, run a service user involvement project and co-ordinate volunteer placements. We facilitate forums and groups that work on various issues, from improving disability access to equality impact assessments. We provide consultancy services and deliver a range of training courses on equality related topics.

This response focuses specifically on the impacts on people from protected characteristic (equality) groups. We would be delighted to assist with the development of specific work programmes, and with engaging service users in future. We are happy for our response to this consultation to be published and would be happy to give evidence at an oral evidence session.

### **Submission to the committee**

#### **General principles of the Bill and the need to legislate**

#### **Registration and regulation of teachers and the wider education workforce**

1. We are generally in favour of proposals to extend the categories of education professionals who are required to register with the Education Workforce Council and the requirements for such professionals to have achieved specified standards of qualifications, training and practice and to be subject to disciplinary action for certain failures.
2. We feel that this is particularly important with regard to ensuring that standards of teaching and support are of consistently high quality and therefore able to adapt to the needs of individual learners. Many disabled pupils and learners with Additional Learning Needs require and receive additional support from learning support workers. This support is critical to overcoming barriers to learning and ensuring that every young person receives the support and education they need, tailored to their specific circumstances and learning styles, in order to provide the best start in life, improve educational attainment of protected characteristic groups, and enable progression into further education, employment or training.

3. Furthermore informal education, including Independent Living Skills, communication skills, ESOL, confidence-building activities, and the ability to socialise in a discrimination-free environment and receive support from specific services, are often vital to the in-school success and future opportunities for many young people. In particular BME pupils, LGBT pupils and disabled pupils often receive this support through youth services and youth workers, especially through specialist services designed to meet the particular needs and barriers to participation and learning that these young people face.
4. We therefore welcome the inclusion of learning support workers and further education teachers and support workers in registration, qualification and training requirements and the future extension of these requirements to youth workers, in order to ensure consistent high-quality teaching and support, especially to young people from protected characteristic groups and those with Additional Learning Needs.
5. We are, however, concerned that the proposals do not include teachers or support workers in independent schools. We feel that all young people in Wales should benefit from assurances that their teachers and support workers have met qualification, training, and continuing professional development requirements. As the quality of learning support services is vital to overcoming disadvantage, barriers to learning, and ultimately barriers to progression to independent living, further education or training, and employment for many people from protected characteristic groups, and disabled young people in particular, we feel that not providing quality assurance for these vital services and professionals could leave disabled young people in independent schools at risk of exclusion and disadvantage. Such a failure to overcome barriers to learning and progression within a school environment has been shown to be directly related to lower aspirations; lower educational attainment; disengagement from education, training and employment; higher unemployment rates; and lower earnings from employment for disabled adults.
6. **We therefore strongly recommend that all teachers and support workers in educational settings are subject to the registration, qualification, training and related requirements in the Bill in relation to the Education Workforce Council.** Failure to do so could risk the benefits of these proposals not being realised for disabled young people and those from protected characteristic groups in independent schools.
7. We also feel that effectiveness of the forthcoming Bill in relation to Additional Learning Needs may be dependent on the powers of the Education Workforce Council and the provisions of this Bill in relation to SEN. In this regard there may be matters in relation to qualifications and training of professionals, especially support workers, where the Council may identify specific issues or needs in relation to disabled learners or overcoming barriers to education and disadvantage for protected characteristic groups in the course of its work. In these cases it will be vital that the Council can provide this information and advice to Ministers, without having to have received their consent to provide advice.

8. **We therefore feel that it is essential for the Council to have the power to provide advice, to be taken into account only, to Welsh Ministers, without having to request permission to do so.**

**Reform of the registration and approval of independent schools in respect of special educational needs;**

9. We welcome simplification and clarification of the process of registration of schools in respect of SEN/ALN provision and feel it is essential that decisions are made in a fair and transparent manner as soon as possible. Any delays in decisions on placements for disabled children can lead to a severe impact on young people's educational attainment, which is already lower amongst disabled children.
10. We also welcome the quality assurance provided by ensuring that all schools providing education related to SEN needs are inspected routinely by Estyn. Given the lower educational attainment and aspirations of disabled children, which can have a severe impact on their chances, prosperity and quality of life throughout their life course, it is vital to ensure that SEN/ALN education is of the highest quality and meets the needs of each individual child.
11. However this quality assurance will be dependent on improving the training of all Estyn inspectors in assessing not only whether IEPs and SEN statements are being developed, reviewed annually, and implemented appropriately for each individual pupil, but also the quality of teaching and holistic support offered to each pupil and the mechanisms used to ensure that their views are ascertained and acted upon.
12. We are, however, concerned that not allowing independent schools to register to provide for the SEN/ALN of a specific child who wishes to attend that school could reduce the ability of parents and children to choose a school that meets their needs and wishes. In this context there is a need to ensure that schools are able to easily change their registration and apply to be able to admit a child or children with a specific type of learning provision needs to meet an application or enquiry from a family who wish to attend that school and feel that a certain school will best meet that child's needs in a timely manner. This should then initiate the requirement to have SEN/ALN provision inspected by Estyn and the change should be widely publicised to ensure that other families are aware of the SEN/ALN education provisions and support now offered by that school.

**Post-16 assessment of educational and training needs and specialist Further Education;**

13. We welcome the transfer of assessments from Careers Wales to Local Authorities, given the role of Local Authorities in assessing and arranging provision to meet the needs of young people during compulsory schooling. We feel that this will not only ensure that access to information on needs and possible provision to meet these needs will be easier and quicker, but also young people will be able to continue to receive support and assessment from an individual with whom they have built a relationship and understanding during this key transition phase. Ensuring that assessments are started well in advance of ending compulsory education and can be completed in sufficient time to apply for post-16 courses and specialist education providers with full information on education and support needs, is vital to ensuring that young people receive timely and appropriate support to access post-16 education or training and develop as individuals.

14. We also warmly welcome the provisions in the Bill to extend the entitlement to appeal decisions to the SENTW for all young people accessing post-16 education, regardless of the provider, and to allow learners to have a “case friend” and independent advocate to represent them at the Tribunal. Given the impacts of appropriate education and provision for ALN/SEN on not only educational outcomes, but also employment prospects, independent living, social support and quality of life, the ability to appeal decisions not to undertake assessments and the outcomes of assessments is vital to ensuring that disabled young people have the same life chances as their non-disabled counterparts. In this context it will be vital to ensure that dispute resolution processes are sufficiently thorough and speedy to ensure that where a satisfactory outcome is not achieved there is enough time for a learner or their parents to appeal to the SENTW and complete the Tribunal process without resulting in a delay to commencing their further education or receiving the support they need.
15. We are concerned that the timescales within the Bill could result in such a delay to securing appropriate and necessary support for a learner, due to the provision allowing for appeals to be processed in relation to non-completion of assessments 6 months after a request made in the final year of compulsory education. This would then necessitate an appeal decision, assessment and securing provision of support and education in less than 6 months. We feel that this is not sufficient time to ensure that a learner will have their needs met and **therefore propose that Local Authorities should be under a duty to respond to a request for an assessment within 6 weeks and to provide a date for that assessment if agreed to occur no more than 6 months before the end of the school year.**
16. Furthermore we are concerned that in the current financial climate, if finances for assessment and subsequent placements for disabled young people are not ring-fenced there is a danger of relying on older evidence, as many SEN statements are not reviewed and updated annually; not conducting thorough assessments of need; not ensuring appropriate communication methods are utilised to ascertain the young person’s views and wishes; and not investing in comprehensive training for assessors. In these circumstances the needs and wishes of the young person risk being overlooked in favour of cheaper assessments and arrangements in order to meet budget reduction targets. In order to make substantial savings in the longer-term by supporting disabled young people to develop the skills they need to access employment or higher education and to live independently it is vital to ensure that sufficient funding is in place to support the speedy resolution of disputes; SENTW’s role in the assessment process; and conducting thorough re-assessment of all needs, through ring-fenced budgets for these purposes.
17. When undertaking these assessments it is vital that Local Authority assessors are fully trained in communication methods to enable young people to express their views and needs and taking these into account during assessments. For example many young people with mental health issues or learning disabled young people are deemed unable to express their own views, whereas Talking Mats or visual engagement methods can be used to draw out a young person’s views.
18. Additionally we feel that decisions that local post-16 education providers are able to meet an individual’s needs are often made purely in relation to costs and strictly educational needs. This

approach overlooks skills such as independent living skills, communication skills, social skills, ability to navigate public transport to reach educational establishments and other areas of life which are essential to developing the future prospects for an individual. For many disabled young people and young people with SEN/ALN there is a need to identify their wider skills and support needs to ensure that education provision can meet all of a young person's needs and overcome the barriers to entering employment that many disabled people face. Specialist residential colleges may be the best providers to develop all the skills that a young person needs to be able to live independently and to access further education, training and employment. Whilst we recognise that such provision is expensive in the short-term, the impact on individual outcomes and life prospects and related long-term savings in terms of contribution to the economy of Wales, reduced health and social care costs, reduced housing costs and reduced benefits costs often produce long-term savings whilst providing an individual with the best possible start to their working life and greatly increased chances of accessing employment.

19. Therefore **we strongly recommend that assessments of learning need for post-compulsory education take into account the wishes and views of the young person and ensure a balanced provision for all needs, including educational, skills, independent living, social life, and health and social care needs**, not merely strictly education-related provisions.
20. We also feel that there is a need to ensure that Local Authority compliance with timescales; duties to assess all needs, not merely educational needs; and involvement of young people and their wishes at all stages is closely monitored and that a thorough annual report is required to the Welsh Ministers, who must be able to make statutory recommendations for improvements to any Local Authority. We have noted that some Local Authorities are not re-assessing and updating individual SEN statements and IEPs on an annual basis, despite their being a duty and clear rationale for doing so and feel that there is a need to ensure that sufficient evidence is gathered and assessed to ensure that the duties in this Bill are complied with.