

**Y Pwyllgor Plant, Pobl Ifanc ac Addysg - Y Bumed Senedd**  
**Children, Young People and Education Committee - Fifth Senedd**

**05/11/2020**

**Aelodau'r Pwyllgor a oedd yn bresennol**

**Committee Members in Attendance**

<a href="#">Dawn Bowden MS</a>	
<a href="#">Hefin David MS</a>	
<a href="#">Laura Anne Jones MS</a>	
<a href="#">Lynne Neagle MS</a>	Cadeirydd y Pwyllgor Committee Chair
<a href="#">Sian Gwenllïan MS</a>	
<a href="#">Suzy Davies MS</a>	

**Y rhai eraill a oedd yn bresennol**

**Others in Attendance**

Professor Sally Holland	Comisiynydd Plant Cymru Children's Commissioner for Wales
<b>Name Redacted</b>	Pennaeth Polisi a Materion Cyhoeddus, Swyddfa Comisiynydd Plant Cymru Head of Policy and Public Affairs, Office of the Children's Commissioner for Wales

**Swyddogion y Senedd a oedd yn bresennol**

**Senedd Officials in Attendance**

<b>Name Redacted</b>	Cynghorydd Cyfreithiol Legal Adviser
<b>Name Redacted</b>	Clerc

	Clerk
Name Redacted	Cynghorydd Cyfreithiol Legal Adviser
Name Redacted	Ymchwilydd Researcher
Name Redacted	Ymchwilydd Researcher
Name Redacted	Cynghorydd Cyfreithiol Legal Adviser
Name Redacted	Dirprwy Glerc Deputy Clerk
Name Redacted	Ymchwilydd Researcher
Name Redacted	All Glerc Second Clerk

## Cynnwys

### Contents

- |                                                                                              |                                                                                                            |
|----------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|
| 1. Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datgan Buddiannau                                 | 1. Introductions, Apologies, Substitutions and Declarations of Interest                                    |
| 2. COVID-19: Sesiwn Dystiolaeth gyda Chomisiynydd Plant Cymru                                | 2. COVID-19: Evidence Session with the Children's Commissioner for Wales                                   |
| 3. Craffu ar Adroddiad Blynnyddol Comisiynydd Plant Cymru 2019-2020                          | 3. Scrutiny of the Children's Commissioner for Wales Annual Report 2019-2020                               |
| 4. Papurau i'w Nodi                                                                          | 4. Papers to Note                                                                                          |
| 5. Cynnig o dan Reol Sefydlog 17.42(ix) i Benderfynu Gwahardd y Cyhoedd o Weddill y Cyfarfod | 5. Motion under Standing Order 17.42(ix) to Resolve to Exclude the Public for the Remainder of the Meeting |

*Cofnodir y trafodion yn yr iaith y llefarwyd hwy ynnddi yn y pwyllgor. Yn ogystal, cynhwysir trawsgrifiad o'r cyfieithu ar y pryd. Lle mae cyfranwyr wedi darparu cywiriadau i'w tystiolaeth, nodir y rheini yn y trawsgrifiad.*

*The proceedings are reported in the language in which they were spoken in the committee. In addition, a transcription of the simultaneous interpretation is included. Where contributors have supplied corrections to their evidence, these are noted in the transcript.*

*Cyfarfu'r pwyllgor drwy gynhadledd fideo.*

*Dechreuodd y cyfarfod am 09:15.*

*The committee met by video-conference.*

*The meeting began at 09:15.*

## **1. Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datgan Buddiannau**

### **1. Introductions, Apologies, Substitutions and Declarations of Interest**

**Lynne Neagle MS** 09:15:30

- 1 Good morning, everyone. Welcome to the Children, Young People and Education Committee—a virtual meeting. In accordance with Standing Order 34.19, I have determined that the public are excluded from the committee's meeting in order to protect public health. And in accordance with Standing Order 34.21, notice of this decision was included in the agenda for the meeting, published on Monday. The meeting is, however, being broadcast live on Senedd.tv, with everybody joining via video-conference, and a Record of Proceedings will be published as usual. Aside from that procedural adaptation relating to conducting proceedings remotely, all other Standing Order requirements for committee are to remain in place. As usual, the meeting is bilingual, and simultaneous translation from Welsh to English is available. If we become aware that there's an issue with the translation, I'll just ask for you to pause for a moment while our meeting technicians reset the system.
- 2 We've received no apologies for absence. Can I ask Members if there are any declarations of interest, please? No. Okay. Thank you. And I would just remind everyone that if I drop out for any reason, which has been known to happen, it has been agreed that Dawn Bowden MS will temporarily chair while I try to rejoin.

## **2. COVID-19: Sesiwn Dystiolaeth gyda Chomisiynydd Plant Cymru**

## 2. COVID-19: Evidence Session with the Children's Commissioner for Wales

**Lynne Neagle MS** 09:16:57

- 3 Item 2 this morning is an evidence session on the impact of COVID-19 on children and young people in Wales, with the children's commissioner. I'm very pleased to welcome Sally Holland, Children's Commissioner for Wales, and NR head of policy and public affairs at the office of the Children's Commissioner for Wales. Thank you both for joining us this morning. We'll go straight into questions, then, from Dawn Bowden.

**Dawn Bowden MS** 09:17:34

- 4 Okay, morning both. Nice to see you both. Can I just start by asking you what you think about the Welsh Government's response to COVID and the impact on children and young people, and whether you believe it's been giving it a high enough priority, particularly for those children in areas of deprivation?

**Lynne Neagle MS** 09:17:57

- 5 Okay. Sally.

**Professor Sally Holland** 09:18:00

- 6 Okay. Thank you.
- 7 Bore da, bawb, a diolch am y gwahoddiad i siarad y bore yma.

Good morning, everyone, and thank you for inviting us to speak to you this morning.

- 8 This is such a huge question, Dawn, and, obviously, one that I've been keeping a very close eye on. You'll be aware that I published an analysis of this—our coronavirus analysis report—at the end of the summer. So, I welcome the chance now to give you a bit of a summary of my thinking from that, but also to update where I think we've got to since, because, unfortunately, the pandemic is still with us and it looks likely to be for some time. So, this is an ongoing question, and an ongoing item of top-priority scrutiny for me.

- 9 I think, as you would expect, I want to give a balanced view of the Government's approach here. So, I will outline both positives and negatives, based on, as I hope you'd always expect from me, sound evidence. And that evidence comes from really something that's developed as quite a different relationship between my office and Government over this period, which I think was necessitated by the pandemic. Government's decision making, policy making and legislative change has obviously been operating at a speed previously unknown. So, whereas we would normally receive consultation papers and, over many weeks, respond to them, we've had to work hard to influence decisions in real time, and really work hard to develop children's rights discussion and expertise in Government. And I think that's been a bit of a moving feast, and I think it's one that's improved over the period.
- 10 So, if I just start with some positives, I think the Government did, alongside my office and others, prioritise early on evidence gathering of how children were experiencing the pandemic.
- 11 As you will know, they worked with us to listen to children's voices directly through the Coronavirus and Me survey, and our office led on that in every sense, including analysis and writing. But it was something that Government initially approached us about because they were keen to hear directly from children, and more than one in 20 children in Wales were heard through that process. And we continue to make that data available to Government, and I've trained nearly 200 civil servants on how to use the database and how to use it to influence their children's rights impact assessments.
- 12 They also offered us, and we took up, new opportunities to feed in the experiences of children and families from our casework. So, we were feeding in almost daily at first, but now we continue to feed in fortnightly and formally, with directors right across Welsh Government, experiences that we are picking up from families and children on an ongoing basis and asking for changes based on that alongside the survey data. We've seen that evidence gathering impact on decision making early on. It impacted clearly on decisions to reopen the schools before the summer, based on the data that had come in from the survey, and to open that up to all year groups.
- 13 In terms of provision, I think there is quite a lot to welcome as well. So, that was the evidence gathering, but when we think about provision, I think the Government's done well on free school meals. They made an early decision to provide over the holidays and have offered to continue that right up to the election, and that includes those not in school because of self-isolation, so it's not just for the holidays. And it's provided at a higher level than anywhere else in the UK, at £19.50 a week per child.

- 14 I think they also made an early decision on digital devices and access to Wi-Fi as well. I can answer more about digital devices, and it's not all a rosy picture, but if you look at the picture across the UK, it was a particularly early decision to do that. And I think there have been some other positives, like the mental health helpline, which is an all-age one, but it's open to children—a 24-hour caller helpline—and some work to ensure access to children's mental health. Again, that's a complex picture and one that I'd welcome a chance to say more about during this session.
- 15 And I think there's been some good work on structures. So, that's provision, but looking at structures, there was early action to protect—you asked specifically about disadvantaged children, Dawn—children who we think might be more disadvantaged or vulnerable during the pandemic. So, I think a lot of this was quite unseen, but I was very keen to scrutinise early on what was happening to protect those children who we know rely on being in school for all sorts of things: emotional support, mental health support, but also practical support, like, sometimes, having their clothes washed, being fed, and being listened to if something difficult has happened at home. I'm pleased to say that there was very early thought given to that, and every local authority set up early systems and made sure that all schools had early systems to really rate the potential risk to each child and to tailor the response. And I think that there was a lot of unseen work gone on by schools on a ground level: phoning some children every day, visiting, at a safe distance, children, and delivering practical support as well—resources and food.
- 16 Another structural change that I think is a positive is that Wales was the only UK country not to erode children's social care or SEN regulatory rights. And I think that was an important step by the Government to maintain rights to services. Again, that's a complex picture. It doesn't mean they will receive those services and I hope we'll have a chance to explore some of that, but that legal right remains.
- 17 So, they're the positives. I think, if we move on to where there have been gaps or negatives, I think, early on, with the speed of decision making going on, there was poor attention to impact assessments, and I wrote to the committee about that and shared letters I'd written to Government about that. I don't think that the speed of decision making is an excuse for that. In fact, we need it more than ever to protect our most vulnerable groups. We worked hard with Government to demonstrate, really, how quickly that could be done. I said, 'I don't care what forms are filled in; what I care about is the thinking that's been done. If you make this decision to be implemented this Friday, what impact will that have on disabled children? What impact will that have on our poorest children, for example?' I think that has improved, and, again, I'll be able to give you examples of that later on, and I think it's certainly improved when we looked at the very fast decision making that was done over the current firebreak. But we did see an impact from that on children.

- 18 Some of the early guidance on education, for example, and delivery of education, I think, had poor attention to children with additional learning needs, on how to deliver digital education, for example. I think that, overall, the education offer for children during the summer term in particular was very mixed, and that's very clear from our survey findings and casework that came into our office, with some children certainly feeling that they had missed out on a proactive education offer from their school, and I think that's particularly difficult for children with additional learning needs. That's not to say that schools didn't work very hard, and there were some absolutely superb examples of provision by schools. But it was mixed; we didn't see that consistent picture. And, of course, my role and your role as committee is always to look at—. We don't want any postcode lottery; we want children, wherever they are, to get access to their rights.
- 19 I think that there's been a real issue about information to children and young people and direct messaging to children and young people. We've seen that right through to the current firebreak, actually. We set up, within 24 hours of the lockdown, our bilingual information hub, which has had very heavy use by children and others. But we could only put on that quality information that was available to us to pass on to children, and I think that more could have been done on that. I had to write to all the health boards early on in the pandemic to say the quality of information about how to access mental health support, for example, was very poor, and I'm afraid to say that continues to be the case, so we're still monitoring local health board websites.
- 20 Just as a final point on this, we've seen a reinforcement of existing inequalities, and that's quite clear from the reports that my office has produced, for example, for children from black, Asian and minority ethnic backgrounds and children who would identify themselves as disabled. Right across the board, on almost every question we ask them, they had a more difficult experience than other children during the pandemic. Some of that, we might think, was difficult to avoid amongst groups who were already disadvantaged, but we know about them now and we can definitely work against that as the pandemic, sadly, continues.

- 21 I've asked Government most recently, as we continue to battle the pandemic and think about the future, to concentrate, really, on two particular principles. The first principle would be that children have a reduced developmental window, of course, in every way. So, when we're thinking about targeting services and prioritising services, we need to remember that. And that might mean, for example, not redeploying health visitors and early years workers, speech therapists et cetera, if the health service continues to be under such pressure because that's a very small developmental window where children and their families need support. Making sure children who, perhaps, need a specialist operation: again, there's a developmental window, that needs to happen and they need to still be prioritised. Mental health: they need to be supporting mental health, if they're in a crisis now, so they can recover and get on with education et cetera. So, that's really important, and it applies, of course, to decisions that are made about exams as well. We've got this developmental window for children—they need to be prioritised. And the second key principle is to pay real attention to those inequalities where we now have clear evidence that children continue to experience during a pandemic, and certainly made worse by the pandemic, and to do everything we can to mitigate them.
- 22 Chair, I know that was a long answer, but I do think it was a very big, overarching question, so I've given you a big, overarching answer.

**Dawn Bowden MS** 09:29:40

- 23 Thank you, Sally, and I think you have covered quite a bit of the other questions I was going to ask, particularly about impact assessments and so on. I just want to drill down just a little bit on two particular areas, and those are your reports and the surveys that you did with the BAME community and with disabled children. You touched on that to a degree in terms of the wider issue, but can you think of any specific or key practical actions that Welsh Government could take, particularly for those two groups of children?

**Professor Sally Holland** 09:30:14



- 24 So, at the end of those reports—and I think they were shocking reports to us, actually, to look at the statistically significantly different results for those groups of children across the board—we have outlined actions that we'd like Government to take and we have written to the Deputy Minister to ask her to look carefully right across Government at these recommendations. Some of the findings were actually difficult for us to understand completely why or how children had experienced, for example, higher food insecurity if they belonged to those groups, and we've asked Government to engage directly with representatives of those groups, both children themselves and those who support them, parents and workers, to understand more about what could be done and what could be done to increase feelings of safety and security around all sorts of issues. I think messaging that's clearer—so, there was a lot of concern about how they were more likely, both of those groups, to not know how to access school counselling, not know how to access mental health support, for example.
- 25 We've seen now the Qualifications Wales analysis of the impact of centre-assessed grades on different groups, and we know from that that children with special educational needs—or, as we now call them, additional learning needs—missed out more than expected under centre-assessed grades, so obviously that's got big implications for how we think about what should happen on exams and how we should mitigate and make sure that we moderate properly, but also some of those children will have missed out on qualifications they hope to get, and I think we should be looking at—. A very practical way to support them would be to say, 'You don't need to worry about the finances of that; you can have free resits.' So, there could be some really direct encouragements in that way. Digital devices as well—I've heard specifically from charities and others supporting children from black, Asian and minority ethnic backgrounds, and that's been a real concern, especially in larger families where they may have received support from school with one device, but if you've got several children trying to do live school work—and I'm pleased to say a lot more of it is live this time when the children are at home—they're not going to all be able to take part at once. So, I think there's some real practical help, but I think we need to listen now to find out what would help directly from people affected by these experiences themselves.

**Dawn Bowden MS** 09:32:58

- 26 That's fine. I'm fine, thank you, Chair.

**Lynne Neagle MS** 09:33:00

- 27 Thank you, Dawn. We're going to go on now to talk about the firebreak. Suzy. Suzy, you need to unmute. Suzy, you're still on mute, sorry.

**Suzy Davies MS** 09:33:23

- 28 Yes, sorry. My machine's just gone down as well. Right. Apologies for that. Welcome, Sally. Thank you very much. I wonder if you've seen any of the evidence that points to the justification for keeping years 9 to 13 out of school as a result of the firebreak. Have you heard any rumours that there might be new evidence?

**Professor Sally Holland** 09:33:50

- 29 Well, as you'll be aware, I published a statement expressing some concerns around the decision making on the specific issue of the firebreak because I wasn't clear what that decision was. I have—. There are a number of things to say about that since then. I have had the opportunity to have further discussions with a number of members of Government, both officials and Ministers, about that, and I am now clearer about the decision making behind that. However, I don't think that's yet clear to the general public and to children themselves, so I think that's an important point—that we need to make sure that that goes out further. My understanding is—and this is in the public domain—that the advice the Government received from the chief medical officer and others, from the scientific evidence, was that a number of factors would need to happen at once to keep the firebreak short, and that this was one important element, keeping those children at home. What I have had—. Some further explanation is that the sorts of issues that the Government grappled with was knowing that this would have an impact on children's rights, and I think that, in the published impact assessment, that is acknowledged. It would have an impact on their rights to education, but a longer firebreak, which they were advised would be necessary if those children were expected to go into school—a longer firebreak would impact on their rights. And of course we know from the survey, for example the Coronavirus and Me survey, that the right to see friends, even at a distance and outdoors, and other family members, and to go to clubs and sport and that kind of thing were also very important rights for them, and that they balanced up—. And, of course, the economic impact of a longer firebreak has a direct impact on children in lower income families in particular.
- 30 So, I think the explanation I've had is that that was the balance that they reached, and they decided that older young people would be able to access education for the one week after half-term—the week we're in now—more easily than younger children. Now, I do think there are some problems with that final bit of reasoning, of course, because we know again from what happened before the summer that lots of young people found it very difficult to stay motivated and to engage—. We don't know yet whether all children have access to digital devices, but the evidence that I have seen is that certainly there are gaps and certainly not every child within a family, even in that age group, would have access to a digital device, and we do know that children with additional learning needs in particular struggle to engage.

- 31 And we know for many children—this isn't their only week they've had to be at home from school—. I was talking to some children earlier this week in a youth forum and one of them said, 'We've just come back from two weeks self-isolation, we had a day in school and then we had half-term, and then we've had this week.' So, that reasoning I think is not completely sound, that they would easily be able to access education. The Government has made some mitigation around that, keeping special schools open, and there was some guidance put out to local authorities saying that pupils who would be particularly vulnerable in those age groups could go into school, and my understanding is—well, I know from our casework that a number of children, for example, who would need extra support to access online learning have been invited into school for this week, so some mitigation was put in.
- 32 But in terms of the overall assessment for the firebreak, I have seen evidence that's not published. I have seen the wider children's rights impact, information that was provided to Cabinet that's not required to be published—it's the integrated impact assessment that is published—and as we've discussed before in this committee, that gives us, often, a very sparse look at the children's rights impact. The wider children's rights impact assessment was actually very comprehensive. The Government's not required to publish that, but I have seen it and it was provided to Cabinet before the decision to inform their discussions, and it was strongly evidence-based. It drew on lots of evidence and it did lay out lots and lots of potential risks to children's rights and potential mitigation measures, and you can see some of those mitigation measures that came through, such as keeping primary schools and special schools open and younger age groups et cetera. However, I'm not saying that this was the right decision. I think it was a very difficult decision for Government, and a very complex one, but even with all that evidence in front of them, the children's rights impact assessment and the advice they were getting from the CMO and others, I still suspect that I and maybe others would have reached a different conclusion on the years 9 and above.
- 33 I think what's most important and what I've emphasised to Government now is that we evaluate young people's experiences of this firebreak period and their access to education, because we've been told quite clearly there may be future firebreaks. And I think that if we have clear evidence that they have missed out in the way they did in the summer term when online learning, I think the Government will have to reconsider that age group and have them in school.

**Suzy Davies MS** 09:39:57

- 34 Okay, thank you. Well, what I've picked up from that is that there was a pretty comprehensive impact assessment done. Should the committee be of this view? Would you support any call to publish that evidence? There's an obligation on Welsh Government to do it, but it would be extremely useful for us to have the same reassurances you did.

**Professor Sally Holland** 09:40:17

35 I think the committee may well want to ask to see that. I think what's important about children's rights impact assessments is that they are done to influence decisions as they happen, and that they are as comprehensive as possible. Of course, that means sometimes they're not put in a tidy form and sent to be translated and have ministerial approval before they're published, so it does take some time to get to that point. And what I kept emphasising to Government during this period is it's the quality of that decision making, the quality of the information you're putting forward. And I have to say that I was—this was quite, for me, an unusual sight, because it was very thoughtful and drew on lots of different evidence sources, and really laid out—. It didn't just list the rights, which is what I'm afraid we sometimes see, that might be impacted. It wasn't just presenting a glowing picture of saying—. It wasn't a retrospective justification, because it was done before the decision was made, and instead of just listing the rights it said, 'This right will be affected in these ways. We know that BAME children have been affected in this way, disabled children in that way.' And it was really drawing on a number of evidence sources.

36 So, it's obviously up to you as a committee and the Government for you to request that, but I would have thought—. I have to say, I was pleasantly surprised; I would like to see more of that. And it wasn't on a form, it didn't tick any boxes. It was a narrative, but it was what I've been wanting to see all along happening to make these decisions. So, I suppose I have confidence that the Government had some in-depth analysis of the potential impact on children's rights in front of them when they made that decision. Whether I would have made the same decision—it wasn't my prerogative to do that, and the Government has to own that decision, but I haven't been able to say to them, 'You didn't follow the process to pay due regard to children's rights', and I think that's obviously—

**Suzy Davies MS** 09:42:18

37 Okay. So, would you be expecting something of that quality and depth anytime we have a firebreak or other period of disruption?

**Professor Sally Holland** 09:42:25

38 Absolutely.

**Suzy Davies MS** 09:42:27

39 Because it's not just about the firebreak; we have entire year groups being taken out of school, and they're not getting the benefit of this kind of impact assessment.

**Professor Sally Holland** 09:42:35

40 That continues to be a concern for me—that continued repeated disruption that children are experiencing. So, if there is a need for another firebreak, then it should not only draw on the one that was already produced, but it will need to draw on the evidence from the current firebreak, and that's what's most important. Because this is a hugely movable feast, it's a huge challenge, of course, for everyone, and we are learning as we go. So, some of the—. The schools were closed early on, weren't they, of course, as we know? It was a huge impact on children. We didn't know much about the virus and its spread and its impact on different age groups at that point. Now, as there's a more sophisticated understanding, I wouldn't expect—I think we'd have to be in a very different place to expect to see all schools closed again for any period whatsoever.

**Suzy Davies MS** 09:43:25

41 Okay, thank you very much.

**Lynne Neagle MS** 09:43:26

42 Okay, thank you. Now, we've still got a lot of ground to cover, so I'm going to ask for concise questions and concise answers, please. And the next ones are from Laura.

**Laura Anne Jones MS** 09:43:41

43 Thank you, Chair. Hello, Sally. What is your view on the quality of the blended learning being offered to pupils in maintained schools? Is it satisfactory? Is this something that's been flagged up as casework to your office? As you're aware, and as a parent of a 10-year-old throughout the lockdown I was aware—as you said earlier, it was very mixed and very varied what was coming back, and how the learning was working between classes and schools and year groups. So, it was very different, and it shouldn't be that different between all of them. On the back of that as well, just a quick question, if I may, Chair: do you think there's more that can be done to support parents generally, not just leave it up to the schools, and to support them to help support their children when it comes to home learning, because, as we've said, we don't know how long this is going to last, with year groups going off and there are firebreaks when older children aren't going to school? Is there more that can be done, because it's something that, surely, we need to get right, because of the uncertainty that we're in at the moment because of this pandemic? Thank you.

**Professor Sally Holland** 09:44:50

- 44 My top priority is keeping children in school, and I think that that's definitely the best place for children who go to school to receive their education. As you know, and as you implied in the question, the answer is that it's been a very mixed picture. I think it's been a changing picture. When the first lockdown happened, I think everyone's first priority was keeping children safe, and for those vulnerable children those structures were set up, as I said. But as it became a very prolonged period—. And we were expecting teachers and schools to completely change their mode of delivery overnight, and I think that was a huge challenge for schools. It's the sort of change that you would normally take years to plan for. So, I have a great sympathy for the challenge that posed to teachers, most of whom haven't been trained in delivering online learning. However, as the period did extend over the summer period, I did expect to see more and more uplift of the offer. And I think a couple of things happened there: one is that there was a very mixed response to that. So, the evidence from our survey shows that some children continued, throughout the summer period, to just receive perhaps one long e-mail a week, listing their work for the following week, which is very—. It's going to have a very different impact on different families. You know, if a parent themselves is busy juggling work and supporting a child, might not be very confident academically themselves, they're going to be in a much less confident place to support their child than a parent who's able to devote full-time support to their child and are very academically confident themselves. So, I think that, really, as time went on, wasn't enough. I didn't understand why, even if—. I didn't expect anyone to be sat at a computer all day—teachers or children—but, even for the youngest children, a daily story, you know, to be reassured their teacher is still there for them and to keep up the language and support and relationship, and then, 'For the rest of the day, why don't you try and do a bit of this and a bit of that?' And, obviously, for older pupils, some live explanations or even pre-recorded explanations of things like, 'This is how you do this maths problem, now work through this workshop'. Some schools did do this, but not all; it wasn't consistent. And I did ask for, from the Government, including writing to the education Minister, a more confident and assertive national expectation of what home learning should look like, and I think that's still needed now, as we say, with children going home.
- 45 But there is evidence that schools really took stock over the summer period and have really stepped up their offer. What I don't know is how consistent that is. So, we know from—there's digital evidence from Hwb, for example, that there's much wider use of Hwb tools and of more of a varied electronic offer to children and young people now. And, anecdotally, you can see, just from schools' media feeds et cetera, that there's a lot more live learning gone on this week, for example. But we don't know how consistent that is. So, we are going to need to audit it, learn from it, and continue to learn from it, because, unfortunately, this pandemic is still with us.

46 Yes. Thank you for that. In my son's school, they are ensuring that we keep up digitally, even though our children are in school at the moment, just in case anything goes, so there's a bit of consistency there, which is—

**Professor Sally Holland** 09:48:41

47 Yes, and we're seeing that from lots of schools. We still don't know whether all pupils have got access to digital means, and I have suggested to Government—well, I've asked them to do an audit now, because, if there are still gaps, then I think we need to do a further funding tranche to make sure that all children have access to learn digitally, because, overnight, they can end up being asked not to come in. There's not even a chance for schools to lend them devices at that point.

**Laura Anne Jones MS** 09:49:10

48 Yes. That leads into my next question: you've already said that not everyone, still, has a digital device at home, and digital poverty on children's learning has been one of the most prominent concerns raised within our consultation of the impact of COVID-19. What is the scale of the potential inequality arising from the differing home-learning experiences, do you think, and what more should the Welsh Government be doing? You said to do an audit, but what more do you think could be done?

**Professor Sally Holland** 09:49:39

49 Well, I would like to see more assertive national expectations of what a home learning offer would look like. I would like to see, as I've said, more solid data on what any digital gaps are, and, you know, continued support for teachers and schools on this provision, which, as I've said, is a huge change for them and a huge challenge for many who haven't been trained in this et cetera—so, local authorities and education consortia really ensuring that teachers feel confident and equipped to deliver in that way. And, again, we're seeing consortia putting on lots of training, et cetera. But, again, it's about coverage: do we have all-Wales coverage of this kind of thing? You might have one consortium that's particularly go-getting on this, but not others. So, that's where Government's role comes in, doesn't it, to set the national expectations, even if the delivery is more local.

**Lynne Neagle MS** 09:50:36

50 I've got a supplementary from Suzy, briefly, and then a brief answer, please, Sally.

**Suzy Davies MS** 09:50:43

- 51 Thank you. Without actually discussing the two exam reviews themselves, do you think it's fair comment to say that with neither of them supporting the idea of formal exams as usual, there's an in-built implication there that learning from home has not been able to support young people in the way that they would normally be expected to be supported?

**Professor Sally Holland** 09:51:08

- 52 Yes, I think both of the reports that were published last week acknowledge that it's not an even playing field for children and that continued disruption will further endanger any ability to do any kind of formal exam series.

**Lynne Neagle MS** 09:51:21

- 53 Okay, thank you. We're going to have to move on, Laura, but just before we do, Sally, can I just ask you—you said that it requires a more assertive national expectation from Welsh Government: what exactly would that look like, ideally?

**Professor Sally Holland** 09:51:39

- 54 Well, we feel, for example, the guidance on blended learning has improved. It's been through several iterations, and it has improved over the period. We've provided quite a lot of feedback on it, making sure that it gives more attention, for example, to children with additional learning needs. But it still suggests, for example, that synchronous and asynchronous offers are still pretty optional and it still gives a lot of leeway. And we do want to trust our teachers and we do want to trust our schools, but I think that children should be able to have some kind of minimal expectations at least—minimal expectations of you should have someone in touch with you every day, you should be checked in with every day, you should have some feedback on work that you submitted. Again, for some schools, they'll be saying, 'Well, of course we do all this,' but evidence coming in to us in our casework, and still sometimes coming in to us, is that that's not always happening.
- 55 I think children with additional learning needs, in particular—we're still struggling to find the right support for them to get the kind of one-to-one or additional support they might need, and we need to find ways to make sure that those providing that support feel confident to do that digitally or to find safe ways to provide that in ways that aren't digital, because there are still a lot of barriers put in place, I think, in terms of guidance as to how children can be supported on a one-to-one basis, for example. There are ways that we can make sure that feels safe for everyone. The colleges, for example, Colegau Cymru, managed to put in procedures very early on to do that, admittedly with older learners.

**Lynne Neagle MS** 09:53:36



56 Okay. Thank you. We've got some questions now on exams and assessments from Siân Gwenllïan.

**Sian Gwenllïan MS** 09:53:44

57 Bore da, Sally a Rachel. Arholiadau yr haf diwethaf, o edrych yn ôl rŵan, mae rhai misoedd ers i'r ffiasco ddigwydd efo canslo'r arholiadau a sawl proses yn mynd o'u lle. Beth ydych chi'n meddwl oedd y prif effaith ar les pobl ifanc?

Good morning, Sally and Rachel. Turning to the summer exams, looking back now, some months have passed since the fiasco took place with the cancellation of the exams and several processes going wrong. So, what do you think were the main impacts on the well-being of young people?

**Professor Sally Holland** 09:54:21

58 Well, I think there was a huge impact on young people's well-being. That's quite clear from—. The good thing is that young people were particularly vocal about it and really led a campaign for change over the summer. But the evidence from our reports, and we published a report on 15 to 18-year-olds, further analysis of their experiences, which we fed into both bodies, but particularly the Casella independent review, was that this had an ongoing well-being impact on young people due to sit exams right from the beginning of the lockdown. The Government had to make an early decision around exams, but for many this was like pulling the rug from under their feet, because as we know—and I think we're not all comfortable with this—schooling that age group is very, very geared up toward this final moment of your exams, and to have that just taken away and not be quite confident about how they were going to be assessed, would they be able to get a fair hearing, was very, very difficult for them psychologically. Then, of course—. I think they had some confidence, 'Well, I will be treated fairly', et cetera, and then when we saw the impact of the algorithm on them, and, for some young people, going down not just one grade on what their teacher had assessed and what they were themselves expecting, but two or three grades in some exams, and not getting the places they'd fought for in universities and other destinations—it was really, really tough on them. I think the uncertainty was particularly difficult for them, and the worry about what was to come, and I think that's what we're starting to see replicated again this term, actually—what is it going to be, what should I expect, will I be treated fairly? And I think that's something that we now have just about enough time to avoid—that prolonged worry for young people. And they've been through an awful lot this year, and we need to make sure we don't prolong that impact on their well-being between now and next August, when they get the results.

**Sian Gwenllïan MS** 09:56:35

59 Felly, rydych chi'n disgwyl cael cyhoeddiad ddydd Mawrth nesaf a fydd yn glir iawn yn dweud beth fydd y trefniadau ar gyfer yr haf flwyddyn nesaf. Beth ydych chi wedi dweud wrth y Llywodraeth? Beth ydy'r prif faterion dylen nhw fod yn eu hystyried wrth bwyso a mesur y ddau adroddiad? Mae'r ddau adroddiad yn dod i gasgliadau gwahanol. Oes gennych chi farn ynglŷn â pha un o'r adroddiadau yma sy'n cynnig y ffordd orau ymlaen? Beth yn union ydy'ch safbwynt chi ar y pwynt yma?

So, you expect an announcement next Tuesday that will be very clear in stating what the arrangements will be for next summer. So, what have you told the Government? What are the major issues that they should be considering in weighing up the two reports? The two reports come to different conclusions, so do you have an opinion on which one of the reports offers the best way forward? And what exactly is your stance on this point?

**Professor Sally Holland** 09:57:19

60 Okay. So, this is a very difficult decision for the education Minister to make, and one thing I'm doing this week to support her in making that decision is bringing forward young people's views and experiences to her. So, later today—this evening, in fact—I'll be facilitating a session between young people from a variety of backgrounds with her, so that they can explain their views and she can do a question-and-answer session with them. And I know it wouldn't be the first one she's done this week. So, my understanding is that she's not going to finalise her decision until she's finished gathering opinions and decisions.

61 With that in mind, I wrote to her yesterday to set out some views, and I'll just share with you now some of what I set out. I think both reports that were published last week, although ostensibly quite different, acknowledge that nothing can be quite the same this year, and I think they both acknowledge in different ways the importance of avoiding some of the pitfalls we fell into last year. I set out for the Minister some key principles that I think, whatever decision she makes, must be upheld. The first one is that the well-being and mental health of young people takes primacy in considerations; I've discussed that in my last answer. The second is that any approach taken maximises learning time for these young people. We know that half of the academic year, often, in exam years is spent doing revision and practice papers. They don't have time to do that this year—they need to carry on learning, because they missed so much last term. And if you look at those two principles together, my summary of that would be that they need a year of learning this year, not a year of worries, so, whatever we do, it mustn't be so uncertain that they're worrying.

- 62 The third is that the approach must maintain equity and non-discrimination, of course, and there are risks either way around that, but I'll just say in a minute how they can be mitigated, I think. The fourth is that young people are already in a position of disadvantage, including having missed different amounts of school depending which class they're in and how much prevalence of the virus there is in their community. They mustn't be further disadvantaged by any system that's put in place.
- 63 There are two more. One is that there must be clear accountability structures in place, which includes a solid appeal system—so, the evidence that is there must be appealable against, because that wasn't in place this summer, and, for natural justice for young people, they need to be able to appeal. Lastly, young people should be able to participate in the decision and the developing approach, and, as I say, we're making a start on that today with the Minister, and we've also made some suggestions about this all along the way.
- 64 Now, I think that both of the options put forward by the two reports last week carry some risks to those principles, and the most important thing is which of those can be mitigated. So if there's any kind of formal exam series, including one with some flexibility of time, I think it really risks cancellation. If things get worse, and we all hope they won't, it risks cancellation and we know what impact that would have on well-being. And even if it's not cancelled, young people might be concerned—and teachers—all year that it might be cancelled, in which case teachers are very likely to take a belt-and-braces approach, and we're already seeing this in other nations where they've said exams will go ahead.
- 65 Teachers are quite sensibly taking a belt-and-braces approach and telling young people, 'We're going to keep assessing you in case we need to revert back to centre-assessed grades, so everything you do is really important now'. And young people are experiencing that as a real worry, because there's no system for how that should be done. So, they're having to make it up, teachers, and are having to say, 'We're going to keep testing you all the way through'. It's a real worry for young people. And, of course, it wouldn't be an even playing field, because we're seeing some young people having to self-isolate more than once. Some may have to self-isolate multiple times, and we've already discussed the problems with that in terms of equality and access to digital learning, et cetera. So they are the risks of having any kind of formal exam series, and I think it's really difficult to mitigate those risks.

- 66 The risks of going with centre-assessed grades—purely centre-assessed grades—are also evident. The most important one is in equities coming into play because of unconscious bias by teachers and schools who aren't necessarily trained in doing this. So there could be bias within the school, there could be bias between schools. Some schools might think something is an A and the next school would think it was a B. So they are real issues, and we do know from the evidence that centre-assessed grades this year did increase some of our existing inequalities—not all of them, but some of them. The gender gap and special educational needs gap were both increased this year. However, I do think those things can be mitigated. By planning now, we can know what would be expected and some kind of portfolio put forward to be assessed. There can be clear guidance on how that could be moderated, internally and between schools, and the exam board could sample examine those portfolios, as they do with coursework now. So all those risks could be mitigated.
- 67 So I do think there are fewer risks to those principles by sticking to centre-assessed grades, however I do think it's a finely balanced decision and whatever decision the education Minister makes, I will work hard to make sure that young people's well-being isn't impacted on and that everything is fair. They're, of course, always my two top principles. And I think the final point to make, and I think it's probably one that you and other members of the committee have made already, is that nobody would have wanted us to be in this situation, but it does give us one opportunity, which is to consider as a nation, really, how we want to assess children's skills, learning and knowledge in the longer term. Is the current system the right one and, under the new curriculum, might we want to do things differently? It gives us a chance to assess and to consider how well that could be done, because we've been forced into it this year.

**Sian Gwenllïan MS** 10:03:43

- 68 Diolch yn fawr iawn. Felly, dwi'n cymryd mai eich safbwynt chi ydy bod yr hyn mae adroddiad Casella yn ei gynnig yn haws i liniaru o ran y risgiau nag ydy hi i fynd efo'r hyn mae Cymwysterau Cymru yn ei gynnig, oherwydd ei bod hi ddim mor hawdd i liniaru'r risg, yn enwedig petai angen canslo'r cwbl ar ddiwedd y dydd beth bynnag, felly.

Thank you very much. So I take it that your stance is that the content of the Casella report and the proposals in that are easier in terms of mitigating the risks, as opposed to going with what Qualifications Wales propose, because it isn't as easy, then, to mitigate the risks with those proposals, particularly if there was a need to cancel the exams at the end of the day.

**Professor Sally Holland** 10:04:19

- 69 Yes, that is a correct summary, but the Casella review doesn't go into much detail about moderation et cetera, and I think Qualifications Wales, quite rightly, does highlight that as a risk—the potential for bias and just a lack of consistency. We manage it with coursework, and Wales has retained coursework in the way that they haven't as much in exam systems in England, for example. So I think that we do have systems for doing that. And beyond that, I think the WJEC and Qualifications Wales have the expertise that I don't have. But that would be my take on it.

**Sian Gwenllïan MS** 10:05:00

- 70 Ydych chi'n credu, petai'r Gweinidog yn mynd efo'r graddau mae'r canolfannau yn eu dyfarnu, bod yna ddigon o amser i liniaru rhai o'r risgiau yma, ac i gael system gymedroli sydd yn cael gwared â rhai o'r problemau sydd yn codi yn sgil graddau y canolfannau?

Do you believe that, if the Minister were to go with the centre-assessed grades, there is sufficient time then to mitigate some of the risks that you mentioned, and to have a moderation system that does eradicate some of the problems that do arise as a result of those centre-assessed grades?

**Professor Sally Holland** 10:05:25

- 71 Time is very tight, but we've got a lot more time than we had last May for the 2020 series. But it is very tight. I think a couple of things are going to be really important here. One is that, if that is the announcement next week, schools don't feel that they suddenly have to start assessing children every lesson, because that's going to put a real pressure on schools, and on pupils. We need a sensible and clear and structured approach, and that assessment should be taking place towards the end of the academic year, on the whole, rather than now. So, that's going to be important.
- 72 And moderation systems—I don't see why they couldn't be put in more quickly. We asked in May for them to be put in for the summer series, and we gave clear examples of how we thought that could happen at that point for 2020. We've got time now to provide training in unconscious bias, but also in moderation systems. Our universities have done it for years, with exam boards and internal moderation and external moderators coming in, and I think there is—. Schools haven't been set up for this in every way, but they have for things like coursework; it's not completely new territory for schools. And a lot of them put in very systematic processes this year in the summer, very quickly, with internal processes and headteachers signing off final grades, et cetera. So, it wouldn't be completely new territory for every school, but we do need to make sure it's fair between schools.

**Sian Gwenllïan MS** 10:07:05

- 73 Oes gen i amser am un—

Do I have time for one—

**Lynne Neagle MS** 10:07:07

- 74 No, I've got to move on to Hefin, I'm afraid. Hefin, briefly, and Sally, can we have a brief answer please? Hefin, are you there?

**Hefin David MS** 10:07:19

- 75 Hello. I'm having a bit of technical trouble at the minute. Hang on a second. Just bear with me. Hang on a second. Sorry. My WiFi's gone down here.

**Lynne Neagle MS** 10:07:40

- 76 We can hear you and see you.

**Hefin David MS** 10:07:42

- 77 Yes, I'm switching it all back on. Can you hear me now?

**Lynne Neagle MS** 10:07:48

- 78 Yes.

**Hefin David MS** 10:07:49

- 79 Okay. So, the committee has expressed concern that the focus on mental health has been deprioritised given the understandable focus on physical health needs. To what extent do you think the Welsh Government is taking practical steps to address the mental health needs of children and young people that have arisen as a result of the pandemic?

**Professor Sally Holland** 10:08:07

- 80 I think there's been some successes and failures, probably, during this period. That would be the shortest answer I could give, but I'm sure the Chair would like me to expand a little bit on that. There was some very early attempt at some new national structures, and new national attempts to respond to children's and adults' mental health needs, which were mainly all-age systems. I've already mentioned the 24-hour CALL helpline that was put in place. There was a national mental health COVID-19 co-ordination centre set up to look at things like capacity—both community and bed capacity in particular. Something they called 'surge beds' were put in place for the small numbers of children who desperately need tier 4 in-patient beds.

- 81 I think that on the ground level—and I'm still looking at the positives at this point—we saw both our state services, our child and adolescent mental health services, and our voluntary sector in particular actually really stepping up to move very quickly towards some very varied provision—so, online provision, online support groups, sending out packs to children, that kind of thing. I think that it was a bit slower in CAMHS because, amazingly, there was very little—. Some of our psychiatrists and other clinicians didn't actually have digital access to provide digital online appointments and that kind of thing. That did get sorted and appointments did go ahead. I think they started with telephoning, et cetera. So, there's some really good examples of that, but, of course, that kind of provision doesn't suit everybody, and some children certainly need face-to-face support, which wasn't available except in the most extreme cases early on.
- 82 I think there have been a couple of real problems that I've been very alert to in our office. One has been just knowledge of how to access services. So some services have been made, in theory, much more accessible—single points of access, being available to parents as well as to professionals, for example. But how you know about that, I don't know, because the websites tend to be quite poor. So we know about it, and we provide that information to families, but you need to know things directly if you're isolating at home.
- 83 And secondly, there have been issues, particularly more recently, with in-patient provision and a real pressure on that. We've seen a number of children, over the last few weeks, being in adult mental health wards, or on their own in physical health wards, et cetera, or paediatric wards, because there hasn't been the ability for them to move on—the surge beds have been full. So I think that has been a concern for us, and I've raised some specific anonymised cases with the health Minister, and most recently with the newly appointed mental health Minister. I was really pleased to see that appointment. I've written to her with my concerns as to what I think needs to happen quickly, with an anonymised case example, and asked to meet as soon as she's able to do so.

**Hefin David MS** 10:11:27

- 84 Can I ask—? Can you hear me?

**Lynne Neagle MS** 10:11:31

- 85 Yes, we can hear you.

**Hefin David MS** 10:11:32

86 Okay, good. I'm having real difficulties hearing everything. Just with regard the period of lockdown that happened from March into July, I've been in contact with a lot of constituents who are parents of ALN children, and one of the concerns they've had is that those children were not able to access hubs during the period of lockdown, and it's caused a lot of pressure on families. Have you received casework on that kind of thing—

**Professor Sally Holland** 10:12:05

87 We certainly have, yes.

**Hefin David MS** 10:12:07

88 —and the consequences of that? One of the things we've investigated is the fact that vulnerable children were being given hub places, but the definition of 'vulnerable' was quite a narrow thing. Can you just outline the kind of casework you've done, and how you think, in future, this might be addressed, and the consequences of what's already happened?

**Professor Sally Holland** 10:12:30

89 Yes, absolutely. We did share those experiences that you had during that period, and I think a lot of families did really struggle. It's an issue we constantly raised with Government and, indeed, with directors of education, both nationally but also on an individual case-by-case basis. Very often, when we raised individual cases, we were able to get things resolved and get services put in that were appropriate for a child and their family. But I think that, as a nation, we probably didn't do well enough for children with additional learning needs as a whole. Some special schools stayed open throughout, and were able to provide an almost full service throughout; some were closed and children went to hubs, and that hub offer was often late, so it took a long time for risk assessments et cetera to be done, so families went for many weeks before it started, and then obviously they were rarely offered full-time attendance in a hub, and that was a real struggle for families. And that continued with issues around transport as well, and getting the right transport for them, including when schools reopened before the summer.



- 90 I think that our survey, our analysis of disabled children's experiences—and obviously, disabled children and children with ALN are not quite the same group, but there's a big overlap—also really reinforced that this was a very difficult time for a lot of children and young people. Having said that, there were a small number, I think, of children with additional learning needs who found life easier at home. Some children—neurodiverse children, and children perhaps who were experiencing bullying, or found the busyness of everyday school life difficult—reported in our survey that they actually really liked being in control of their own learning, and learning away from the hassles of everyday school. I think that says much more about our school system than anything, and it's a longer-term issue for us to resolve.
- 91 I think lessons must be learned, but I think they also probably have been slightly learned. Evidence over the firebreak—it's not been perfect at all and I would have liked to have seen all children in school during the firebreak—however we did see special schools kept open, which I think was a real acknowledgement of the struggles families had had in the summer term. And also, the definition of vulnerable children, which you mentioned, in the guidance, which went out very late—I think it was the Thursday, it might have been the Wednesday evening, before the firebreak started—had a very broad definition, and it was really up to the schools to identify with families which children would most benefit from being in school. So I think that both of those are signs that that evidence from the summer term was learned, and we really must continue to build on this, because, as you know, these are our most vulnerable children.

**Hefin David MS** 10:15:27

- 92 Thank you, Chair.

**Lynne Neagle MS** 10:15:28

- 93 Okay. Thank you, Hefin, for that. We are now going to take a 10-minute break, so if Members could return by 10.25 a.m., please. Thank you.

*Gohiriwyd y cyfarfod rhwng 10:15 a 10:28.*

*The meeting adjourned between 10:15 and 10:28.*

### **3. Craffu ar Adroddiad Blynyddol Comisiynydd Plant Cymru 2019-2020**

### **3. Scrutiny of the Children's Commissioner for Wales Annual Report 2019-2020**

**Lynne Neagle MS** 10:28:19

- 94 Welcome back, everyone, to the second part of our meeting today, which is scrutiny of the Children's Commissioner for Wales's annual report 2019-20, and we're going to go straight to questions from Hefin David.

**Hefin David MS** 10:28:38

- 95 Diolch. The number of individual cases your office has dealt with in 2019-20 actually decreased to 621, compared to 671 in the previous year. How do you measure the complexity of cases and the time taken to deal with them? And are there any specific reasons for why that drop took place?

**Professor Sally Holland** 10:28:57

- 96 Thank you for the question. Our casework does go a little bit up and down every year, although the general trajectory is upwards. So, if we look over the five-year period of my term so far, the trajectory has been upwards and it was a particularly high level the year before, which probably explains—. It'll be interesting to see this year—trends so far suggest that this year will be higher than last year. But you're quite right to imply that numbers aren't everything and that the type of query we get varies hugely. So, a large number of queries we get, we're able to satisfy the caller on the day by providing them with the information they need—sometimes that might mean one phone call to a school or a health service to verify something; sometimes it's just providing information about how to move forward with an additional learning needs assessment for the child or something like that. And then some casework is extremely complicated and we may be involved for weeks or months, with my staff attending multi-disciplinary meetings and spending a lot of time supporting both children and parents or carers. So, it's very, very varied. A monthly management team does monitor both the numbers coming in, any trends each month, and also how many of them were dealt with as a one-off query and how many have become more complex, carrying-on cases. So, we do monitor. We have a system for monitoring that.

**Hefin David MS** 10:30:44

- 97 Do you think they've become more—? Have they changed in their nature? Have they become more COVID-focused as a result of the pandemic, and are they more or less complex as a result of that? Or do you think the complexity is the same, it's just the focus is different?

**Professor Sally Holland** 10:31:04

- 98 We're probably getting a similar range of complex and not complex. One thing I'm really proud of, by the way, is that we managed to continue our investigation and advice service without a day's break when the lockdown was announced, even though we had to make a complete switch to homeworking overnight as well. So, we were able to continue that, and, like most help services, we saw a drop-off in demand for the first month in April, but that increased rapidly and, as I say, we don't expect to have a lower—. We may have a higher rate of queries this year than last year.
- 99 The nature has changed to a certain extent. So, we've had—. This year, so far—this, obviously, isn't in the report—compared to this time last year, we've had fewer ALN queries and bullying cases, and that's probably due to, in both cases, children not having been in school for that period. It'll be interesting to see how that pans out over the year. I'm noticing a lot more ALN cases coming in now this term, a far more normal amount of queries. And we had slightly fewer health cases in as well, and, again, we know that children have been accessing health services less often, particularly earlier in the pandemic.
- 100 We have had a lot of COVID-related enquiries. Some have been fairly straightforward—people just wanting to understand what the various changes in guidelines mean for them and their family, and I think that does say something about how family-friendly sometimes some of the guidance is, because we do a lot of interpreting guidance for people, and I think people do sometimes find it difficult to understand whether they can still go ahead with a birthday party or contact—you know, children moving between separated families, that kind of thing. So, we've, sometimes, just given people clear information.
- 101 We've also been very grateful when people have highlighted to us anomalies or difficulties with guidance and how it's impacted on their lives. Sometimes, we've been able to sort that out for them there and then, because it's been a case of a school or a health board or a social services department, perhaps, not interpreting the guidance in a way we would expect. But sometimes it has been the case that the guidance itself has meant some real difficulties for them, and we've been able to collate that evidence and take it forward to Government on a weekly basis, and ask for adjustments. We have had a lot of contact with the First Minister's review team to ask for shifts and changes, and we've been able to get quite a lot of guidance clarified or some changes made due to people bringing in those real-life experiences to us, so it's been a really important source of evidence for us.

**Lynne Neagle MS** 10:33:57

- 102 Okay.

**Hefin David MS** 10:33:58

103 Thanks, Sally. Can I ask—? Many of us find this virtual working environment very, very difficult, and a pretty rotten experience, to be honest with you. Can I ask you: I imagine you deal with children and parents who are not neurotypical and, therefore, how do they handle this virtual way of meeting and dealing with very complex issues? Has the whole situation of COVID affected the way you work with children and young people?

**Professor Sally Holland** 10:34:36

104 Yes, it certainly has. In terms of our individual casework, it hasn't affected it much, except, sometimes, my officers would have gone out physically to meet children or families and gone to meetings physically and, of course, that's all happened remotely. But most of their work would have been on the —. A lot of it's done on the telephone and talking through and listening with families what they're going through. But in terms of our—. Obviously, that's one strand of our work, but a huge strand of our work is just general engagement with children and young people, and that's all laid out every year in our annual report, and, for me and for my team, this has been a huge change. I would normally spend up to—well, at least once, but often three or four times a week, I would be directly physically engaging with children and young people in schools and youth groups and hospitals and nurseries and youth offending institutions et cetera, and it's been a big change to have to shift that.

105 We changed that in two ways. First of all, again, in that very first week we set up an information hub to make sure children were still hearing from us directly, but we also, as you know, set up our huge online survey. And it wasn't new for us to do a survey, but it was new for us to do it with other bodies, including Government; it was new for us that we couldn't go out and do any qualitative face-to-face follow-ups to ask more in-depth questions, although we have been able to do some of that online with the support of our community groups that we're in touch with and our schools. So, that was new to us, but it was, in fact, very successful and the biggest survey we've done so far. We did adapt that survey for children with additional learning needs of all types, piloted that with our networks, and had a really good response rate from children with additional learning needs and disabilities. So, we were able to do that, but we weren't able to, for example, engage with some of the children with the most complex disabilities who wouldn't be able to take part in the survey, and we are evaluating how our reach was now so that we can learn lessons on that.

106 We are increasing our confidence—just like schools—in our online sessions, and we're doing lots and lots of online work with children and young people, including with schools. So, we're doing lots of virtual workshops with schools. Our super ambassador events and student ambassador events have all happened online, and we've had really, really good engagement and take-up of that, and getting teachers to do the workshops and then feed back the results with us, which means teachers have been very engaged with the issues as well, which has been really good to see.

107 And we've been able to work—just like many organisations, we found we could do some things perhaps even better, just through new possibilities. So, we used to meet our young people's panel mainly in person three times a year, because they're from all over Wales and it takes a lot of getting everyone together and travelling and everything and a lot of time for them to travel to come and meet us, so we'd have three whole-day meetings a year and just a bit of engagement by phone and online in between, but now I'm meeting them every month, all of them at once from right across Wales, and that's been a really excellent way for me to keep checking in with that diverse group of young people as to how they're experiencing life and to get their advice on what our priorities should be. So, we've had to shift, we've had to change, but I personally can't wait to be out and about again in the future, engaging with children directly.

**Lynne Neagle MS** 10:38:07

108 Okay. Hefin.

**Hefin David MS** 10:38:09

109 No, I'm done, thanks.

**Lynne Neagle MS** 10:38:11

110 Okay. Lovely, thank you. I've got some questions now from Suzy.

**Suzy Davies MS** 10:38:16

111 Thank you very much. Before I ask my first question, can I just have a very quick answer from you in response to one of Hefin's questions about the nature of the cases you've had since COVID? How much of that has been from children whose year groups have been sent home from school, just very generally?

**Professor Sally Holland** 10:38:41

112 Certainly, we've had a number of contacts from all over Wales regarding that.

**Suzy Davies MS** 10:38:47

113 All right, that's great. Thank you.

**Professor Sally Holland** 10:38:48

114 Quite a large number.

**Suzy Davies MS** 10:38:50

115 Okay, thank you. Not long to go now, Sally—what would be your one priority for the remainder of your term as children's commissioner?

**Professor Sally Holland** 10:39:00

116 Well, I'm working towards a three-year plan and I'm not planning to divert from that completely—well, at all. We've got a very clear plan ahead, although looking at the continuing implications of COVID means that that's going to be the new additional priority for us on our three-year plan.

117 I'm going to give you two answers, is that okay? Two priorities. One is the 'no wrong door' approach on mental health, whether that's community level or at the high end, where children need residential support. We need to make sure they don't keep being told they don't fit whatever services we've got available for them, but that actually we will all come around to provide the support they need when they need it. So, that 'no wrong door' approach and principle—I really want to see that more and more embedded before I finish as commissioner. And secondly, the huge school reforms. So, keeping a close eye on ALN Act implementation, making sure that really does fulfil a children's rights approach as we hope it will, and, of course, that'll be in the context of the wider school reforms and wanting a real children's rights approach throughout all of those. But I may only have one full year left after this year, but the post will continue and that sort of planning and cycle of work that we do. My priority is to leave a strong organisation, and that strong planning cycle of listening to children, building up plans and delivering on them I would expect to continue under my successor.

**Suzy Davies MS** 10:40:31

118 Well, exactly. There's still a period of crossover between yourself and the next Government coming in. Do you think that you will need to take perhaps a different tack with a different Government?

**Professor Sally Holland** 10:40:44

119 A different tack—. We've set out in our manifesto asks what we'd like to see the next Government doing, and my tack will be to engage with all newly appointed Ministers as quickly as I can and say, 'I'm in my'—at that point —'seventh year as commissioner. I know exactly what needs to happen now and what needs to happen quickly. Please get on with it.' I think that will be my tack.

**Suzy Davies MS** 10:41:09

120 Okay. I'm just going to turn now to some of the governance elements of the report, where it says—. Just looking for a bit of an explanation on this, really, about where your accounts showed only moderate assurance for two areas of audit—that's leisure and participation—and then it refers to the action that you've taken. Can you give us a bit of a background to why the issue arose in the first place and the action that you've taken? And in the process, perhaps give us a bit of steer on how you're managing this gap between your budget of £1.58 million and actual expenditure of £1.64 million. I mean, are you under pressure to raise some of your own income, for example? So, there are two questions there.

**Professor Sally Holland** 10:41:54

121 Yes, absolutely. So, to go on to the audit one first. What you're referring to is internal audit, which we commission, as is normal in an organisation like ours, so we're externally audited by Audit Wales, and I've had a clean bill of health from them again this year. The internal audit we commission—we ask them to give us assurance on our systems, but also to help us improve them. And actually, when we get substantial ratings from them, which we did in two out of the four areas they looked at last year, in some of them they had absolutely no recommendations at all of things that we could improve to get better, so in corporate governance and risk management, they had no recommendations at all. And actually, we pay a lot of money for internal audit and I would always want them to help us make things even better, so moderate assurance means that, in general, everything is ticking over in a way that meets all of our legal remit, of course, but—

**Suzy Davies MS** 10:42:55

122 But you still took some action, so—?

**Professor Sally Holland** 10:42:57

- 123 Some things that we could do to improve. So, just to give you an example of the kind of things that they picked up: on the ledger one, they noted that we still had in our ledger a lot of old budget codes that were clogging up the system a little bit—not stopping the system working, but it was just untidy, so we've taken action to delete those, for example, to make a smoother set of accounts. It was just an administrative task that hadn't been done yet. And on participation, they noted we were doing all the risk assessments that we said we would do before we did participative events, but they couldn't see a clear trail on how they were being stored after they'd been signed off. So, we've improved the audit trail of how you can find how they were approved and when. So, it's that kind of thing that helps us improve, helps us be more smooth-running, but nothing that's come out in any of those is anything that showed any concerns about our ability to meet our legal remit.
- 124 To move on to the finance question, we can't raise our own income, so we don't. We're completely dependent on Government income, which after a cut in my first year of 10 per cent has been stable since. We've had a stable income since then. However, of course, that doesn't allow for increases in costs, and what we, along with every other public organisation, have experienced over the last few years is a big increase in costs, particularly pension costs for staff, but also I've been pleased to be able to retain a lot of my staff, so they've moved up their pay grades as well, so our staff costs have increased considerably. And as this committee knows well, I inherited quite a big set of reserves when I started as commissioner, a general fund for which I've had a strategic plan, along with my audit and risk committee and my management committee, to reduce, because I don't see the point of having too much public money sitting there that I could be spending on our services. So, we've been gradually reducing that and we've been successful in doing so, so we have been over-budgeting every year in order to do so, and we've been glad to do so. We have just submitted to Government, as we do every year, our three-year projection, and obviously I do want to leave the next commissioner with a stable financial situation. Our projection is that we will continue to need to rely on that general fund for the next two or three years, and it's likely by the third year—so I'm looking at, I think, 2024-5—we would be—sorry, the year before that—we would be probably looking to—. If we increase our services at the same level, if we maintain our services at the same level, we would be looking for extra funds at that point, bearing in mind we haven't even had an inflation uplift for the last four years.

**Suzy Davies MS** 10:46:00

- 125 Okay, thank you very much.

**Lynne Neagle MS** 10:46:01

- 126 Thank you, Suzy. We're going to move on now to some questions on education from Siân.



- 127 Diolch yn fawr iawn. Beth ydy'r sefyllfa o ran hawliau plant sy'n cael eu haddysgu gartref? Ydych chi'n gweld bod yna gynnydd yn nifer y plant sy'n cael eu haddysgu gartref yn sgil y pandemig? Ydych chi wedi gwneud unrhyw fath o ymchwiliad i'r maes yna?

Thank you very much. What is the situation in terms of the rights of home-educated children? Are you seeing that there is an increase in the number of those home-educated children following the pandemic? Have you undertaken any research into that field?

- 128 So, I forgot to get the translation on, but I did understand, luckily. Diolch am y cwestiwn. Specifically to look at now, the situation now and the pandemic, there's no official data on any change in take-up of elective home education, however we do know, unofficially—well, not unofficially, but through meetings with local authorities et cetera that there has been an increase in uptake this year. We'll know for sure what that increase is in January when the pupil level annual return data is submitted, and we'll know whether that's an ongoing trend because some local authorities have found that for some families it's about anxiety around the virus, rather than a kind of proactive, positive decision, 'We want to home educate.' And so there's perhaps some reassurance to be done, or some negotiation to be done, rather than deregister the child from school. We will know more by January where we're at on that.
- 129 We did find in our survey—some children responded to say, 'I've been really enjoying. The experience of home education has gone really well for me and my family, and we're thinking of carrying this on after the summer.' So, I think for some people it will be a positive decision, having had a good experience last summer. But what we wouldn't want is people taking it up because of fears—health fears et cetera. I would only want people to take up elective home education if it's absolutely the right thing for them and for their child in particular. So, it's really important we get that right.
- 130 In terms of the what the situation for children's rights and home education is—the start of your question—as you'll be aware, I'm in the middle of a formal review of Government functions in relation to that area, because I was disappointed that the decision was made that because of the pressures of COVID, they were unable to proceed with the statutory guidance that was planned to be proceeded with this year before the election. We've discussed this with you as a committee many times; you know what my views are on what should happen there. I don't want to pre-empt the findings of my review, but the situation is that we're still—the situation and rights of home-educated children haven't changed because that hasn't been implemented. So, I think that's the short answer.

**Sian Gwenllïan MS** 10:48:59

- 131 Oni fyddai wedi bod yn well ichi ddefnyddio'ch pwerau statudol i adolygu gweithredoedd Llywodraeth Cymru mewn perthynas ag addysg ddewisol yn y cartref yn gynt?

Wouldn't it have been better for you to use your statutory powers to review the Welsh Government's actions in respect of elective home education sooner?

**Professor Sally Holland** 10:49:11

- 132 Well, I would defend the fact that I haven't done it until now, and I think it's something that we've thought about very, very hard, and we've discussed with the committee over many years. It's certainly something that's been a live consideration for us as an office, for me as commissioner, for a number of years, because, as you know, I've been unhappy about the lack of regulation in this area for a number of years. However, the work I've done with Government in terms of making the case, including saying that I may need to use powers, and we have got to the point of having legal advice on doing that two years ago, and we're at the point of doing it, we have seen progress and agreement, actually, from Government, that this was necessary, and progress in that. I felt that each time we've made a formal decision not to go ahead with using our powers, that has been because the Government has made a proactive step forward. If we had been still stuck where we were two or three years ago, I would have used my formal powers to review before now.

- 133 I think with the review that we're in the middle of doing now, we're trying to keep it short so that we can get early results. We hope to report in January on that, for the current Government to respond to it. We expect to be able to say what we think should happen next in this area. We also think it's got some wider implications. We're looking at independent schools as well, of course—the regulation of independent schools as well. We think it's got some wider implications for how cross-cutting issues—so safeguarding plus education, for example, is one part of this—are dealt with right across Government. So, I think in terms of our devolved Government, there are likely to be recommendations on how they can work more practically across Government. The third thing that we would expect to come out from this review would be perhaps some reflections on my power itself and on my position as children's commissioner and my ability to create changes in a timely manner, because there are some issues around what powers I have to encourage the Government to move forward in children's rights areas. I'm sure the committee will look at that report with real interest.

**Sian Gwenllïan MS** 10:51:52

- 134 Roeddwn i'n mynd i ofyn pa bryd fydd yr adroddiad yma yn gyhoeddus—yr adolygiad, rŵan—ynghlŷn â dysgu gartref, a phryd ydych chi'n disgwyl cael ymateb gan y Llywodraeth, achos mae'r Llywodraeth wedi dweud na fyddan nhw ddim yn dod ag unrhyw beth newydd ymlaen yn ystod y tymor seneddol yma. Felly, dydyn ni ddim yn mynd i weld newid ar hyn o bryd.

I was going to ask when this report will be published—this review, rather—with regard to home education, and when you expect to receive a response from the Government, because the Government have said that they won't be bringing forward anything new during the term of this Senedd. So, we're not going to see change at the moment.

**Professor Sally Holland** 10:52:18

- 135 We've progressed it as quickly as we can, and we're at the moment negotiating how to safely access the papers that we've requested from Government and will be analysing everything as it comes to us. The Government has, formally, three months to respond to one of our reports, but we would hope they would respond as quickly as they can, and we'd expect them to make changes as quickly as they can. The education Minister, in her response to me when I wrote expressing my concern about the decision to not move ahead with the two areas of reform this year, did say that if they were able to get the legal support they needed, they would try to move forward particularly with the independent school reforms. And I would encourage them to continue to move forward in both areas as quickly as they're able to do so.

**Sian Gwenllïan MS** 10:53:19

- 136 Jest o ran yr athrawon mewn ysgolion annibynnol, a'r galw yma i'w gwneud hi'n ofynnol iddyn nhw gofrestru efo Cyngor y Gweithlu Addysg, does dim angen deddfwriaeth gynradd i wneud hynny, yn ôl beth dwi'n ei ddeall. Mae modd gwneud hynny drwy is-ddeddfwriaeth. Oes yna obaith o weld hynny yn digwydd yn ystod tymor y Llywodraeth yma?

Just in terms of the teachers in independent schools, and this call to require them to register with the Education Workforce Council, there is no need for primary legislation to do that, according to my understanding of the situation. It can be done through subordinate legislation. Is there a hope of seeing that happening during the term of this Government?

**Professor Sally Holland** 10:53:50

137 That's the exact point that the Minister said. She hoped that they would be able to move forward if they were able to get the legal support to do so. It's her understanding too that it would be a case of adding something to section 4 of the relevant regulations requirement for independent school teachers to be registered with a professional regulator, the Education Workforce Council. There are other reforms I would like to see relating to independent schools and who should be registered with the Education Workforce Council, but this specific thing, I think, is a fairly straightforward one. It's one that's been welcomed in meetings I've had with the Welsh Independent Schools Council, for example. I don't think it would be a very controversial change. I think it would give real security for those schools and those sending their children to those schools to know that the teachers are being professionally regulated. But we do know—there's been a high-profile case that we've been involved in over the last year, and it's alluded to in our report. We do know the issues that can happen when teachers aren't subject, in independent schools, to the same regulations as those in state schools. It is a safeguarding loophole that the Government has been aware of and has been talking about since 2014, or potentially even earlier. And I'm disappointed that we've gone through yet another whole cycle of Government, potentially, without it being done. So, if it can be done before the election, I would very much welcome that, as, I know, would the Education Workforce Council and I think many independent schools. Voluntary registration is not working, by the way; only a tiny number of independent school teachers are registered even though the Education Workforce Council and myself have written out to all the schools asking them to do so, because there's a lack of regulation at the moment.

**Sian Gwenllian MS** 10:55:50

138 Diolch.

**Lynne Neagle MS** 10:55:51

139 Siân, are you finished?

**Sian Gwenllian MS** 10:55:52

140 Yes.

**Lynne Neagle MS** 10:55:53

141 Okay. Thank you. Can we move on, then, to talk about mental health? In your annual report, you called for urgent action by the Welsh Government to establish new multi-agency commissioned and resourced residential provision within Wales to meet the needs of children and young people with complex needs. Now, you and I both know that this is another issue that has been rumbling on for a few years. We also are both aware of young people who have been stuck in adult beds because there's nowhere for them to go. How confident are you now that we are going to actually see the urgent action on this?

**Professor Sally Holland** 10:56:40

142 As I explained in my annual report, we've tried to limit this year our annual report recommendations to the things that we think are doable by the Government before the election, and then a manifesto, the things that should happen by the new Government. But this is one that we feel is absolutely urgent and must move on and I am frustrated at how long it has taken.

143 And you're quite right, Lynne, to look at the links between this and the pressure on other forms of provision. What we're seeing over and over again—and we're regularly being involved in individual family situations on this; I mean, as recently as yesterday, we were heavily involved in one—is children being told, 'Our in-patient facilities aren't really the right place for you; it's a behavioural issue', back to social care and social care saying, 'Well, we're really concerned, because this young person's suicidal and we don't know how to support them'. So, the Government has accepted the case, but we need a different kind of provision that brings the best of our social care, education, and mental health provision together. It should be jointly commissioned and owned by these different agencies, because these are our children; they're not, 'Over to you', then 'Over to you', which is what they experience at the moment. It's all part of my 'no wrong door' approach.

- 144 I've worked very hard with the regional partnership boards asking them to develop plans and make cases to do it and worked hard with the Government asking them to put forward funding to support the regions to do that. Because, mostly, these are done on a regional basis rather than an individual local authority basis. It's been ever so slow, I have to say, but there are some green shoots. The Government have put forward some proactive—. I've been in a meeting with Government and with all of the regional partnership board chairs and other relevant people and they actively asked them to submit proposals—this was earlier in the summer—and said that they would do their best to find funding this year to support, and I'm pleased to say that a number of regions have come forward as concrete plans. I know that some funding has already been agreed. Some of them will start to get on board next year. It still feels very slow for those children I know are currently waiting for somewhere to be. It's a better place than they were in the spring, say, when they just felt that it wasn't going anywhere, still. So, I will continue to push on this. I know that it's a passion, also, of the Deputy Minister, as well. I've had a lot of discussions with her and with the health Minister about this. We're still having to bring forward cases to say, 'Look, this is exactly why it's needed'. The in-patient units are saying this is needed as well; they're not coping well with children with complex needs, always, unfortunately. They don't feel that they've always got the right skill set to meet their needs.
- 145 So, it is moving forward. I'd love it to be moving forward much more quickly. Children are still having to go far from home, usually to England, for this kind of care, or they're being put inappropriately into adult mental health wards, or they're being given secure orders because that's getting them to fit within the system, rather than that necessarily being the best thing for them. I know that you're very familiar with all of this, Lynne, but it continues to be an issue, and I know we can get this right in Wales. I know we can have a child-centred children's rights approach to meeting the needs of these children so they can recover and get on with their lives, but it is frustrating how long it's taken. I'm just pleased to say there are now some green shoots, but not every region has come forward with a plan for this, and these are regions where I know that they have children now who need that kind of accommodation.

**Lynne Neagle MS** 11:00:25

- 146 Thank you. It's good to know that there are green shoots, but worrying that not all regions have come forward with plans. Why do you think that is and what can we do about it? Does Welsh Government need to be more directive to those regions? Is it a lack of focus on children and young people in the RPBs in those areas?

**Professor Sally Holland** 11:00:45

- 147 As you know, I published my report on how much RPBs are focusing on children and young people, and I think, early on, it was certainly not enough. The RPBs I visited over the last year all admitted that—every single one of them—that their focus hadn't been on children and young people earlier, and they didn't feel it had necessarily been directed to them completely either. They certainly have been directed to now, and regulations have changed, which I'm pleased to see. I think just formally visiting them and asking for evidence of how they were focusing on children actually formed as much of an intervention—just an audit by my office. So, I found that people had met and thought about their priorities and even, sometimes, set up new structures as we visited them. We sent a report to them in June, we asked for responses by the end of October. I'm pleased to say most of them have sent us quite comprehensive responses—a couple have asked for a little bit more time.
- 148 So, although they're obviously all dealing with the pandemic at the same time, a number of them have moved forward with quite encouraging plans at all levels for children—so, at the community, first-in-through-the-door moment, as well as children with more complex needs. But some of them still very much said they're still at the stage of assessing the need for this accommodation, which I do find a bit disappointing, because it was last summer I was visiting them and saying, 'We really need this', and they were all agreeing with me, they could all recognise these issues. So, I think they've got a huge job on their hands, RPBs, looking at the whole population. They're not bodies with decision-making powers themselves. They always have to keep going back to the health boards and the local authorities to get agreement to move things forward, so it's a little bit cumbersome in that way. But we have to do it that way—because we've taken joint responsibility for these services—or we'll continue to see children being batted back and forth.
- 149 I mean, just in the last month, I've dealt with two very complex situations where the communication has been very poor between social services and CAMHS, where they've rather misunderstood where each have been coming from in working out what's best for a young person. We've sort of had to help people explain to each other, really, what they understand this child needs and what they can offer. So, there's still an awful long way to go, and we're analysing now. We've just had these letters in in the last week from the RPBs, and we're analysing them now and we'll agree our next steps. But I will be visiting them all again, and they know that, over the next year, and I'll expect to have seen some real solid progress. The Deputy Minister assures me she also is closely monitoring this, but you may wish to ask her further questions.

150 Okay. Thank you. 'Mind over matter' recommended that services needed to be more co-designed with children and young people. To what extent are you confident now that health boards and Welsh Government are more effectively co-producing policies with young people?

**Professor Sally Holland** 11:03:54

151 I think this is definitely an improving picture. It's something that we scrutinised as part of our RPB visits. So, if I start at the national level, a lot of the policy work is being done, certainly in terms of—. Policy and delivery are being done, as you know, by the Together for Children and Young People programme, and I know that you've met their fantastic young people's strategic group. There are real signs of those young people being treated as active partners in that programme. It's not tokenistic in any way that I can see, and I think that's a real step forward. I know that they have also advised Government as well, but I would like to see more of that within Government as well as just in that programme. I continue to work with Government on getting them to adopt our five principles of the 'right way' approach, of which participation is, of course, a clear principle.

152 In terms of the regions—so, the health boards themselves—it's fairly early days, I would say, in terms of co-production. I wouldn't say that it's as advanced as what I've just described at a national level. It's quite mixed. We're working actively with every health board on a children's rights approach and monitoring that every year with a seminar. We've recently had the annual children's rights seminar where they come and report what they're doing on all of this. Some of them have made huge strides in the last year, and we'd like to acknowledge that. They've allocated some resource, probably not enough, to developing young people's boards and their participation approach in general. But they're in different places on this, and COVID has had an impact for some of them on their progress. But there is a commitment across every region and every single health board and trust on this—there is a commitment from all of them, and some great examples that are in my annual report.



153 However, in terms of mental health, I think there's still an awful long way to go for people in the right places to be really understanding what it feels like to be sitting in accident and emergency for hours and hours and hours—in an adult A&E if you're aged 16 or over—when you're in the middle of a mental health crisis, what it feels like to not understand what's happening with your CAMHS appointment at a different level, or to be told it's just behavioural and not to know what to do next. So, I think it's just really understanding that perspective. Where we have been able to support health boards to develop participation, we see the transformational effects and we see that impact on people at all levels. So, I just think we need to see much more of that. So, I'm continuing to talk to chief executive officers, health board chairs and everyone else I can in the health boards to encourage this approach, because we know it makes a difference. If it's not tokenistic, it does make a difference. It makes the policies better in the first place.

**Lynne Neagle MS** 11:07:04

154 Okay. Thank you. Finally from me, then, what would your views be on the priority actions that the Welsh Government needs to take now to support children and young people's mental health through the rest of this pandemic?

**Professor Sally Holland** 11:07:20

155 In terms of the pandemic specifically, we need to make sure that staff aren't redeployed, that they're kept where they are. They have provided some extra funding to schools, but I think schools really need to be confident that they have the funding to implement the whole-school approach to well-being, which is on its way to being published as statutory guidance, but we'd hope schools were working on that now. And make sure that the Government as well is really pressing health boards to make sure that their basic information about how to access services is available. Not all of the health boards have implemented a system where you can refer directly to CAMHS, rather than going through the GP. Some of them did at the beginning of the crisis, and I think that was a really good move forward. We want our GPs not just to be acting as an unnecessary block. Often, it's right to go to the GP first, but sometimes they should be able to go directly to referring—so, making sure that's all streamlined. And just pushing on with this message that we need a 'no wrong door' approach. You can't keep being told, 'You've come to the wrong place', whether you're in a severe mental health crisis or whether you're just a bit worried about your child's anxiety. Whatever level it is, you need to be really clear how you get help, where you're going to get it, how quickly you're going to get it, who's going to do that. As you know, they've achieved that in some areas better than others.

**Lynne Neagle MS** 11:08:57

156 Thank you. Can I just finally ask you about redeployment, very briefly? Both of us have raised concerns about redeployment of health visitors. Are you confident that the Welsh Government has got the message on that now and that they won't be redeployed in this phase of the pandemic?

**Professor Sally Holland** 11:09:11

157 Well, we have received reassurance from the chief nursing officer that health boards have been asked to continue to prioritise these services and not to deprioritise them during the pandemic. So, I have had that in writing from the chief nursing officer.

**Lynne Neagle MS** 11:09:31

158 Thank you very much. The next questions—the final questions—are from Dawn.

**Dawn Bowden MS** 11:09:39

159 Thank you, Lynne. Sally, you talked in your report—one of the recommendations was about the need to reform corporate parenting. Has there been any progress on that? I just wondered whether you felt that the Welsh Government's ministerial advisory group had been very effective in effecting change in this area.

**Professor Sally Holland** 11:10:01

160 Like so many things—. I feel like a bit of a stuck record on this, but like so many things, it's been a real slow burn during my time as children's commissioner. It's been a stated priority of the ministerial advisory group, and, of course, Government as well. Government have committed to move forward on a bigger commitment, including a statutory commitment to corporate parenting, in which I believe a legislative package would include other things that we've called for, like making sure that the additional support for care leavers, which followed our report in 2016, or 2017, I think; I'm looking at Rachel to remind me—. Some packages of support were put in, but they weren't put into regulations, so we all know how vulnerable that can be with, especially, perhaps, the change of Government or even with changes of local authorities, because they're not all ring-fenced, either.

161 So, there's been extra support put in, but it's not been safeguarded in terms of regulation, and I think as commissioner I'm always looking for that safeguarding so that children have a right to do things—it's not just the funding. So, for example, there's been a St David's Day fund, which has been a real help to many care leavers to move forward with their ambitions, and there's been extra funding for personal advisers for care leavers, right up to the age of 25—that's a change we've called for. The funding's there, but the right to it has not been changed in the regulations.

162 So I think the Government needs to bring that forward—and it is going to be the next Government now; I need to be realistic about that—with a corporate parenting package that includes some of these regulatory gaps that we've highlighted, which we know are aims of the Government, and of the local authorities, but they're not a right in the regulations. We have been assured by relevant officials that work is going on with that now, with the expectation that it will go ahead with the next Government, because we've got cross-party support on all of these measures. I don't think any party who's likely to form a Government would not want to move forward in this area in Wales. So, I'm reassured that it will move forward, but it has been slow over the last few years, and I've just been told that different priorities have had to come into play. We have a relatively small civil service in Wales, and unfortunately things don't always move at the pace that either I or the committee would want to see.

163 The ministerial advisory group—you asked about that. It has met once, I think, during the crisis. I think another meeting is due. It's inevitable that the work—it's been slow anyway, but it's been slowed by the crisis, as in most of our public services. It's got lots of activity and it's got all the right people around the table and lots of people wanting to achieve the same things. I think whether it's achieved lots of different outcomes yet for children and young people, I think I would struggle to give you many examples. So, there's been lots of fact finding and setting out of principles and aims setting, but less in terms of actual changes that children and young people themselves could see and experience. I think that's definitely got to be the next step. It's taking on a really wide task, and that may have been an issue, even though it's been broken down to different working groups.

**Dawn Bowden MS** 11:13:38

164 Okay, I understand. Thank you for that.

165 I was going to ask you about the impact on child poverty, and I was just going to ask you that in general terms, but I'm conscious that the Government's actually produced a report this week on the income maximisation plan. So, have you got any thoughts and views on the income maximisation plan, or any wider views on the impact of COVID on child poverty in particular?

**Professor Sally Holland** 11:14:12

- 166 Okay, so, just to deal with the last bit first, we know that COVID presents a massive risk to child poverty. There was a report by the Joseph Rowntree Foundation, I think it was this week, 'Poverty in Wales 2020', saying that, by June, 400,000 people in Wales had fallen behind on their bills, 200,000 on their rent and mortgage payments—that's a lot in a population the size of Wales. Universal credit claims have doubled this year, so all that, of course, impacts on children and the report we published last year, 'Charter for Change', really highlighted the impact on children and how children feel as well about living in poverty.
- 167 I set out a range of ambitions that I thought the Government should set last year on poverty, the overarching one of which was to publish an action plan as to what they were actually doing. Because we knew from our work, and you will know as a committee, there's lots of activity and there are lots of programmes, but we couldn't see anywhere a really strong overall strategic plan or action plan, in fact, an implementation plan that said, 'This is why we're doing all these things and what we're hoping to achieve from them.' And that's not very transparent for people like me, but it's also not transparent for the general population and children living in poverty. So, we've pushed quite hard not only on the individual recommendations on how to relieve poverty and mitigate against poverty, but also on 'Show us your workings out; what is your plan?'
- 168 The Government did respond by commissioning an internal review, which they completed just as the pandemic hit, and they decided at that point not to publish it. I've discussed this in some detail with both the First Minister and with the Minister for Housing and Local Government, who has got the child poverty brief specifically, and they decided that, because so much had changed with child poverty because of the pandemic—this was their explanation to me—rather than publishing the review, they wanted to publish something that was more COVID-related that reflected the changes of COVID, too.

169 So, on the income maximisation plan, I welcome aspects of it. It doesn't cover everything I would have liked to have seen. At least it is a plan of what they plan to do before the election, and that is welcome to see, because it is a plan; I'm not having to work it out myself through all the different announcements. I would like to have seen this at the beginning of the Government in 2016, what the child poverty implementation plan was, and we've asked for it for a number of years. And I would like to see that again from the next Government, for this to be an early strategic and practical setting out of what they will do to do it. I think the current First Minister has been very clear that he's not just going to say—. We know that, obviously, the tax and benefits system makes a huge difference to children's income, and that's where we've got the biggest levers, but we don't have many powers over that. There are clearly some tax powers now. But he said he does want to take responsibility and do what they can, and I respect that and I'm pleased about that, but I did want to see it all in a plan. So I think this is quite late.

170 There are some things that I really welcome in that, and it does bring together a number of things that we asked for in our charter for change. I'm really pleased to see the commitment to free school meals continuing through the holidays. We haven't had to have a big campaign on that in Wales, as in England. I'm really pleased that they're working on something that sounds very technical but is so important, auto-enrolment for free school meals, and then the passporting that gives you to other things like the pupil development grant access fund. It sounds very technical, but it's so important that we don't put in too many barriers. So, I'm really pleased to see a commitment on moving towards that. There's a lot of commitment on trying things out and making sure that people take up their existing entitlements. I would have liked to have seen bolder and earlier.

**Dawn Bowden MS** 11:18:33

171 Okay, that's a fair point.

172 My final question, Chair, is just around your—. In your report, you talked about planning to do some work on analysing the effectiveness of the regional partnership boards and whether, in fact, they were sufficiently focused on children and young people, including mental health services. What's the position that you're at now with that?

**Professor Sally Holland** 11:18:55

173 We had planned to publish it within the year, so it would have been all out in this annual report. We published it in July. As I said earlier, we asked all the regional partnership boards to come back with their responses to our report by the end of last week and most of them, but not all of them, have done so. Some have asked for extra time. We've been in touch with all of them, and I think they are moving forward, but still have quite a long way to go in terms of—some of them have still got quite a long way to go. It's a very mixed picture. Some of them were already doing very well when we visited last summer, and I think I've highlighted in the report that the Gwent region in particular has been doing well on what we would call 'a no-wrong-door approach'. But others are still at the stage of setting up their plans and structures for responding to children.

**Dawn Bowden MS** 11:19:57

174 Thank you. Thank you, Chair.

**Lynne Neagle MS** 11:19:59

175 Okay. Well, thank you. We have come to the end of our time. Can I thank you both for your attendance today? I'm conscious that it's been a long session, so thank you for your time and for answering all our questions. As usual, you'll be sent a transcript following the meeting so that you can check for accuracy. But, thank you both again for coming this morning. Diolch yn fawr.

**Professor Sally Holland** 11:20:25

176 Diolch.

## 4. Papurau i'w Nodi

## 4. Papers to Note

**Lynne Neagle MS** 11:20:26

177 Item 4, then, is papers to note. Paper to note 1 is a letter from myself—no, it's a letter to myself from the Minister for Education regarding the committee's inquiry into education otherwise than at school. Paper to note 2 is a joint letter to the Chair of the Children, Young People and Education Committee regarding concerns about the impact of the COVID pandemic on perinatal mental health and parent-infant relationships in Wales. Paper to note 3 is a letter from the Legislation, Justice and Constitution Committee to all committee chairs regarding scrutiny of COVID-19 regulations. Paper to note 4 is a letter from myself to the Minister for Education regarding the Curriculum and Assessment (Wales) Bill, putting the questions we didn't get through in our scrutiny session. Paper to note 5 is a letter from myself to Welsh Government Ministers relating to the firebreak and its impact on children and young people. Are Members happy to note those? Thank you.

## **5. Cynnig o dan Reol Sefydlog 17.42(ix) i Benderfynu Gwahardd y Cyhoedd o Weddill y Cyfarfod**

### **5. Motion under Standing Order 17.42(ix) to Resolve to Exclude the Public for the Remainder of the Meeting**

*Cynnig:*

*bod y pwyllgor yn penderfynu gwahardd y cyhoedd o weddill y cyfarfod yn unol â Rheol Sefydlog 17.42(ix).*

*Motion:*

*that the committee resolves to exclude the public from the remainder of the meeting in accordance with Standing Order 17.42(ix).*

*Cynigiwyd y cynnig.*

*Motion moved.*

**Lynne Neagle MS** 11:21:39

178 Item 5, then. Can I propose, in accordance with Standing Order 17.42 that the committee resolves to meet in private for the remainder of the meeting? Are Members content? Thank you. We'll now then proceed in private.

*Derbyniwyd y cynnig.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 11:21.*

*Motion agreed.*

*The public part of the meeting ended at 11:21.*