



Llywodraeth Cymru  
Welsh Government

## **Response to the Estyn thematic review on education other than at school**

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.  
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Digital ISBN 978 1 4734 6965 5  
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WG28054

<b>Report title:</b>
Education Other Than at School
<b>Report details</b>
The advice was commissioned by the Support for Learners Division of DfES and focuses on provision for pupils of compulsory school age that receive EOTAS as all or the main part of their education. The report follows Estyn's previous report which identified good practice in Pupil Referral Units (PRUs).
<b>Summary of main findings</b>
<ul style="list-style-type: none"> <li>• Overall, EOTAS provision does not give pupils the same access to their education entitlements as their peers.</li> <li>• Pupils receiving EOTAS do not usually have access to a broad and balanced curriculum that enables them to gain qualifications that meet their needs and potential.</li> <li>• Pupils receiving EOTAS do not always receive the full-time education (usually 25 hours a week) to which they are entitled.</li> <li>• Pupils who have previously been attending Welsh-medium schools have extremely limited opportunities to continue their learning in Welsh when they start EOTAS.</li> <li>• Pupils with additional learning needs do not often receive the specialist support they need, even when this is set out in a statement of special educational needs.</li> <li>• Nearly all pupils who receive EOTAS in Years 10 and 11 remain in EOTAS for the rest of their school career.</li> <li>• Nearly all local authorities experience difficulties ensuring that pupils receiving EOTAS access the expertise of the Child and Adolescent Mental Health Service (CAMHS).</li> <li>• Overall, local authorities' referral processes for learners to gain access to EOTAS are unclear and not well understood.</li> <li>• Across Wales, there is a lack of understanding about the registration requirements for pupils receiving EOTAS. A very few headteachers, who have dual registered pupils receiving EOTAS in Year 11, remove them from the register of the school in January. This means that the attainment of these pupils, which is often not in line with their peers, does not count in the school's performance data. Their local authorities endorse this practice.</li> <li>• Most local authorities do not monitor or oversee EOTAS or alternative provision robustly enough. Most LAs collect data on the attendance, behaviour, and qualifications gained by pupils receiving EOTAS, but do not</li> </ul>

all keep records of pupils' learning needs or their progress against learning targets.

- Very few teachers of EOTAS, especially those employed by independent providers, have access to training and support.
- A minority of local authorities commission full-time EOTAS for large groups of pupils from providers that are not registered as independent schools.
- Elected members are unaware of all the aspects of EOTAS for which they are responsible.

### **Recommendations for Welsh Government**

1. Strengthen guidance to local authorities and schools regarding the requirement to:
  - a) notify the Welsh Government of all EOTAS they provide or commission, including tuition centres, PRUs and independent provision
  - b) maintain records of all pupils receiving EOTAS provision, and those who receive alternative provision arranged by schools independently of their local authority
  - c) maintain records of the numbers of pupils receiving EOTAS who go on to become not in education, employment or training (NEETS)
  - d) improve accessibility to Child and Adolescent Mental Health Service (CAMHS) and other specialist agencies for pupils who receive EOTAS
2. Publish attainment and attendance data for EOTAS learners at local authority level
3. Consider revising the threshold for providers to register as independent schools

### **Response from Welsh Government on recommendations 1(a, b and c)&2**

We accept these recommendations in principle. Specifically in relation to recommendation 2, we have already published this data at the national level, which can be found at the link below. Through the established EOTAS Task and Finish group, we will consider how these recommendations can be incorporated into the development of our 'Framework for Action' for EOTAS.

<http://gov.wales/statistics-and-research/academic-achievement-pupil-characteristics/?lang=en>

### **Response from Welsh Government on recommendation 1(d)**

We reject this recommendation. Access to CAMHS services as with all NHS provision is based on clinical need, not diagnosis or category. To give any individual group access based on a category would risk reducing access to those with higher levels of need. We would expect any child who is in EOTAS provision

and has high levels of need to be seen in CAMHS with a priority according to that need. Work has already started with key stakeholders to improve access, and ensure more timely access for those with identified higher levels of needs including within EOTAS, within the Together for Children and Young People programme.

Our annual investment of an additional £800,000 to expand children's primary care services will mean many young people with low level conditions can have their needs met without referral to specialist CAMHS. The Together for Children and Young People programme is also seeking to ensure partners are able to appropriately support young people, through for instance counselling services, where we are shortly to issue new guidance on how these services and CAMHS can work together and in which EOTAS is included.

### **Response from Welsh Government on recommendation 3**

We reject this recommendation. The Welsh Government has no plans to amend the legal definition of an independent school. An independent school is 'any school at which full-time education is provided for five or more pupils of compulsory school age or one or more pupils of that age with a SEN or who is looked after, and which is not maintained by a local authority'.

Guidance to proprietors of independent schools recognises that there is no legal definition of 'full-time'. However, we consider an establishment to be providing full-time education if it is providing education which is intended to provide all, or substantially all, of a child's education.

Estyn may inspect an establishment it considers may be operating as an unregistered independent school. In such cases, Estyn will assess whether the establishment meets the definition of an independent school, which will include assessing whether or not the establishment is providing all or substantially all of a child's education, taking into account any other forms of education that might be provided from other sources.

It goes on to advise if an establishment needs to be registered with the Welsh Government. However, local authorities will need to be satisfied that parents of children attending said establishment are meeting the legal requirement to ensure that their children receive education suitable to their age, ability and aptitude.

We are in the process of revising the guidance to proprietors to provide further clarity on the factors that would be taken into account when determining whether a setting is providing full time education.

The Welsh Government has separately consulted on proposals for the registration and inspection for certain out of school education settings. We are in the process of considering consultation responses which will inform a decision on how these proposals are taken forward.

## **Recommendations for local authorities**

4. Notify the Welsh Government of all EOTAS provision they provide or commission
5. Check carefully the registration status of each provider they use to ensure that, where appropriate, provision that they commission is registered as an independent school with the Welsh Government
6. Ensure that EOTAS referral procedures are understood by schools and include the requirement for assessment and other information to transfer promptly from school to EOTAS provider
7. Monitor the quality of all alternative provision provided or commissioned for pupils in their local authority, including that arranged by schools or through 14-19 Networks
8. Provide pupils with suitable education within 15 days of a decision being made that they should receive EOTAS
9. Provide all pupils receiving EOTAS with a full-time curriculum that meets their needs, enables them to achieve their potential and ensures that they are re-integrated wherever possible
10. Provide Welsh-medium EOTAS for pupils who have received their education in Welsh
11. Meet the statutory requirement to ensure that pupils with a statement of special educational needs receive the support noted on their statement or Individual Development Plan
12. Provide elected members with all the information they need about EOTAS to enable them to judge its effectiveness and value for money

## **Recommendations for schools**

13. Work closely with their local authority and provide them with comprehensive timely information about all pupils they refer for EOTAS and alternative provision, including through 14-19 Networks
14. Check carefully the registration status of each provider that they use and check whether they should be registered if they are not
15. Ensure that providers of EOTAS who are educating pupils from their school receive good quality information about pupils' learning and behaviour needs
16. Keep in touch with pupils from their schools receiving EOTAS, monitor their progress, including academic performance, and re-integrate them wherever

possible work closely with EOTAS providers to ensure curriculum continuity for pupils from their school

**Response from Welsh Government:**

We accept these recommendations in principle. In responding to them, we expect local authorities and schools to have due regard to the updated Welsh Government guidance 'Inclusion and Pupil Support', which was published in March 2016:

<http://gov.wales/topics/educationandskills/schoolshome/pupilsupport/inclusionpupilsupportguidance/?lang=en>

The Welsh Government will publicise Estyn's report to schools and PRUs through the Dysg newsletter and will encourage them to address the recommendations contained within it. We will ask local authorities and regional consortia to take account of the recommendations as part of the ongoing work of the EOTAS Task and Finish group, and delivery of the EOTAS Framework for Action.

**Publication details.**

The full report will be published on or after 29 June 2016 on the Estyn website:  
[www.estyn.gov.uk](http://www.estyn.gov.uk)