

A. CHILDREN’S RIGHTS IMPACT ASSESSMENT

All completed Children’s Rights Impact Assessments must be sent to the CRIA@gov.wales mailbox

The Rights of Children and Young Persons (Wales) Measure 2011 places a duty on the Welsh Ministers to pay due regard to the [United Nations Convention on the Rights of the Child \(UNCRC\)](#) and its [Optional Protocols](#) when exercising any of their functions.

The CRIA process is the agreed mechanism officials should use to support Ministers to meet this duty and ensure they give balanced consideration to children’s rights in their decision making. A CRIA should be used to inform ministerial advice and **must** be completed prior to a ministerial decision being made. Once a decision has been reached, your CRIA must also be published.

Please note we have an established Children’s Rights Advisory Group (CRAG), comprising the Children’s Commissioner for Wales’s office, UNICEF, the Wales Observatory on Human Rights of Children and Young People, and Children in Wales, who can be used to discuss or test your draft CRIA. Please contact the Children’s Branch CRIA@gov.wales for further information.

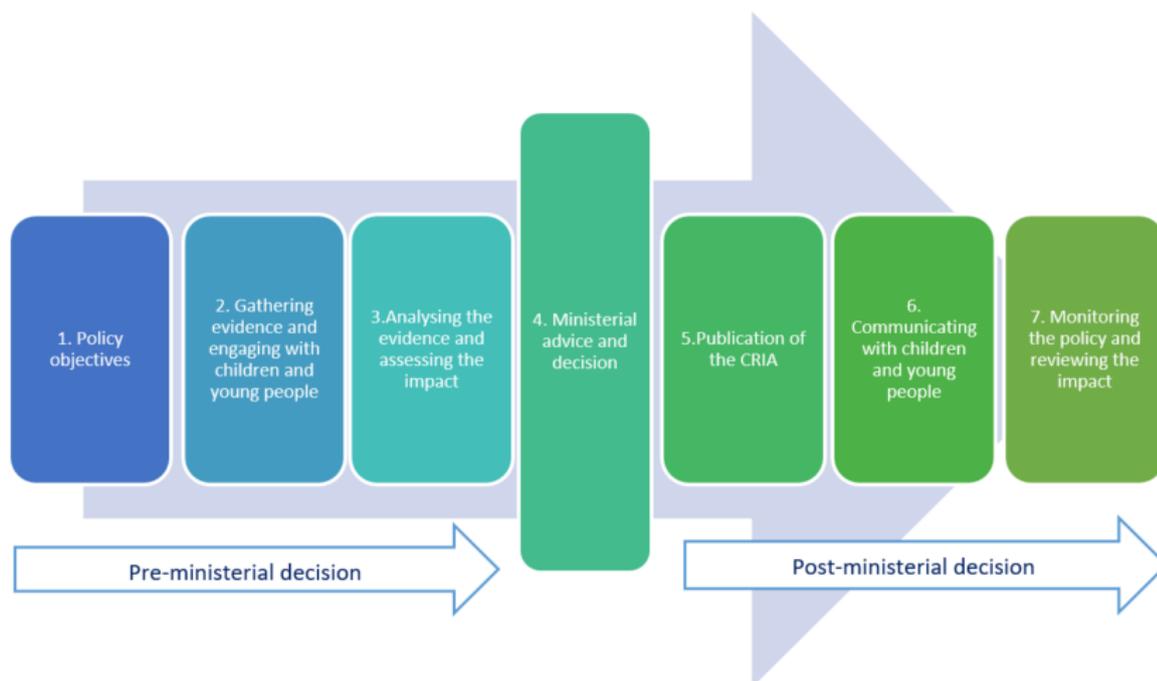


Figure 1: The CRIA process is the agreed mechanism officials should use to support Ministers to meet this duty and ensure they give balanced consideration to children’s rights in their decision making.

For further advice and guidance on the CRIA process, please consult the [Children’s Rights Manual for Staff](#) or contact the Children’s Branch CRIA@gov.wales

1. Policy objectives

- What decision are you impact assessing?

The decision being assessed is the effect of the short-term proposal to provide an additional INSET day for the three academic years from 2022 to 2025.

The new curriculum roll out began in September 2022 and the National Professional Learning Entitlement was launched in September 2022. The proposal for time limited additional In Service Training (INSET) days forms one of many ways the Welsh Government is seeking to support practitioners to be able to engage with professional learning and develop their skills to have a positive impact on learners in the classroom.

The Welsh Government is also amending the Education (School Day and School Year) (Wales) Regulations 2003 (“the Regulations”) to accommodate the additional bank holidays for the State Funeral of HM Queen Elizabeth II on 19 September 2022, and for the Coronation of HM King Charles III on 8 May 2023.

The Regulations provide for the number of school sessions that must be delivered in any school year. This number is periodically adjusted to accommodate additional INSET days provided for a specific purpose or for additional bank holiday, by amending the Regulations.

In line with the School Teachers’ Pay and Conditions (Wales) Document 2022, the required number of school session (half days) that must be delivered in the 2022-23 school year has been reduced by four.

Similar amendments were made earlier this year in 2022 for the Queen’s Platinum Jubilee and in 2011 for the Royal Wedding and again in 2012 for the Queen’s Diamond Jubilee. For these bank holidays in 2022-23, each of the four UK nations have agreed a common approach.

The amendment Regulations will only have effect for the 2022-2023 school year.

2. Gathering evidence and engaging with children and young People

- What existing research and data on children and young people is available to inform your specific policy? Your policy objective may impact on other policy areas – discussions with other policy teams will be an important part of the impact assessment process ensuring you have gathered a range of information and evidence.
- Using this research, how do you anticipate your policy will affect different groups¹ of children and young people, both positively and negatively? Please remember policies focused on adults can impact children and young people too.

¹ You may, for instance, consider how your policy would affect the following groups of children and young people differently: early years, primary, secondary, young adults; children with additional learning needs; disabled children; children living in poverty; Black, Asian and minority ethnic children; Gypsies, Roma and Travellers; migrants; asylum

- What participatory work with children and young people have you used to inform your policy? If you have not engaged with children and young people, please explain why.²

For advice on participatory work with children and young people, please contact the Children's Branch. We have an established relationship with Children in Wales, who may be able to help you work with children and young people through their Young Wales programme.

The additional INSET day, which was supported by over 80% of respondents in the consultation, is intended to affect the lives of children positively; ensuring their teachers, teaching assistants and those leading their schools are prepared and confident to deliver the new curriculum, understand the ALN Reforms and ensure equity in education is progressed.

By providing dedicated INSET time which teachers and schools can use to prepare, children should have a better experience as the new curriculum is rolled out as this will ensure that all practitioners are able to develop their skills which will have a tangible impact in the classroom. The future use and approach to INSET will also be considered during the evaluation of the policy, and so children in the long term should benefit from their teachers access to well-planned and tailored professional learning.

In the short term, children will miss three days schooling over three years. This may have a small negative impact on some children as they are missing out on a day of teaching. However, as it will be a collective missed day there will not be the usual element of 'catching up' which follows an absence. It might appear that this would affect all children in the same way on the surface, as all will be unable to attend school for those sessions. However, children who are living in poverty, ALN learners or those who are experiencing adverse childhood experiences at home may feel a bigger impact, for example by missing out on the structure of the school day or on free school meals.

The drive to improve attendance over the past few years and especially as a result of the Covid pandemic means the impact of missing a day's schooling at the general population level may not be accepted as it was previously. Causing learners to miss a day's schooling may seem at odds with the drive to improve attendance. However, ensuring that practitioners are given the time to upskill and develop practice for an additional day a year will mitigate any adverse impact.

Although there was a full public consultation we have not consulted directly with children on this policy; this is a short-term practical solution to an issue being raised by teachers around their professional development. An overwhelming majority of respondents to the consultation supported the additional INSET day. We intend to undertake an evaluation of

seekers; refugees; Welsh-language speakers; care experienced children; LGBTQ+ children. Please note that this is a non-exhaustive list and within these cohorts there will not be one homogenous experience.

² Article 12 of the UNCRC stipulates that children have a right to express their views, particularly when adults are making decisions that affect them, and to have their opinions taken into account.

the effectiveness of INSET and the views of learners will be an integral element of this evaluation. Any wider conversation around the school year is likely to need to consult with children and young people and is being progressed elsewhere.

The world's highest-performing education systems have vibrant, engaged teachers and support staff who are committed to continuous learning. This career-long commitment to professional learning is critical to the quality and impact of a country's teaching and learning. In Wales, we have developed a national approach to career-long professional learning for our school workforce, including teachers, teaching assistants, supply staff and leaders. We want to support practitioners in Wales to be lifelong professional learners who reflect on and enhance their own practice to motivate and inspire the children and young people in their schools.

A focus on professional learning in the context of our priorities to implement the new Curriculum for Wales, ALN reforms and equity in education will be critical if we are to ensure the success of our national mission to deliver a reformed and successful education system in Wales. It is intended that supporting practitioners to deliver our key priorities will lead to improved learner outcomes across the school sector. This reflects comments made in a recent [OECD report on Teachers' Professional Learning](#) which noted:

There sometimes appears to be a tendency to see supporting teachers to prepare the new Curriculum for Wales as an end in itself, rather than to see effective realisation of the curriculum as a means to enhancing pupil outcomes.

The evidence used to inform this assessment has come from research into professional learning undertaken collaboratively by [HEIs in Wales in 2018](#), Estyn's 2013 Thematic Review [Statutory INSET in schools - June 2013](#), the Waters Report '[Teaching A Valued Profession](#)', the results of the [2022 consultation](#) and the [2019 consultation summary of responses](#) for additional INSET days.

The intended outcomes of a successfully delivered curriculum and other education reforms will improve the education of children and young people and its return on investment will be the long term implementation of the new curriculum. The Estyn thematic report referenced above considered some of the evidence behind the success, or otherwise of INSET and whether this could be linked to pupil progression and outcomes. The report identified that while it can be difficult to correlate the two those that benefit from professional learning will adapt their practice to maximise the impact on pupils.

3. Analysing the evidence and assessing the impact

- Using the evidence you have gathered, what impact is your policy likely to have on children and young people? What steps will you take to mitigate and/or reduce any negative effects?
- How does your proposal enhance or challenge children's rights, as stipulated by the UNCRC articles and its Optional Protocols? Please refer to the [articles](#) to see which ones apply to your own policy.

UNCRC Articles or Optional Protocol	Enhances (X)	Challenges (X)	Explanation
<p>Article 12</p> <ul style="list-style-type: none"> Children have the right to say what they think should happen, when adults are making decisions that affect them, and to have their opinions taken into account. 	X	X	<p>The Children’s Commissioner for Wales responded in support of the additional INSET day but said the Welsh Government must consult directly with children and young people on this proposal so that their views are taken properly into account in plans for introducing an additional INSET day. Whilst there was no direct engagement with children and young people, there was a full public consultation from 20 September to 28 October 2022. Support was expressed for the additional INSET day by the overwhelming majority of respondents.</p> <p>The direct impact of the additional INSET days will be on practitioners as they will be provided with the time and space to engage in Professional Learning that will have a positive impact on learners. A focus on professional learning in the context of our priorities to implement the new Curriculum for Wales, ALN reforms and equity in education will be critical if we are to ensure the success of our national mission to deliver a reformed and successful education system in Wales. It is intended that supporting practitioners to deliver our key priorities will lead to improved learner outcomes across the school sector. This reflects comments made in a recent OECD report on Teachers’ Professional Learning which noted:</p> <p><i>There sometimes appears to be a tendency to see supporting teachers to prepare the new Curriculum for Wales as an end in itself, rather than to see effective</i></p>

			<p><i>realisation of the curriculum as a means to enhancing pupil outcomes.</i></p> <p>The evidence used to inform this assessment has come from research into professional learning undertaken collaboratively by HEIs in Wales in 2018, Estyn's 2013 Thematic Review <i>Statutory INSET in schools - June 2013</i>, the Waters Report '<i>Teaching A Valued Profession</i>', the results of the 2022 consultation and the 2019 consultation summary of responses for additional INSET days.</p> <p>The intended outcomes of a successfully delivered curriculum will improve the education of children and young people and its return on investment will be the long term implementation of the new curriculum. The Estyn thematic report referenced above considered some of the evidence behind the success, or otherwise of INSET and whether this could be linked to pupil progression and outcomes.</p> <p>We intend to undertake an evaluation of the effectiveness of INSET and the views of learners will be an integral element of this evaluation. The views of children and young people will also be sought in respect of wider work on the structure of the school day/year.</p> <p>There has been no consultation on the change to the Regulations for the bank holidays as these have been provided by the UK government and school staff are entitled to take the extra days as per their terms and conditions.</p>
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<p>Article 18</p> <ul style="list-style-type: none"> Both parents share responsibility for bringing up their children, and should always consider what is best for each child. Governments should help parents by providing services to support them, especially if both parents work 	<p>X</p>	<p>X</p>	<p>Learners therefore have not been directly consulted by the Welsh Government.</p> <p>Extra days off school could be used to contribute positively towards cultural well-being. In particular, families coming together to observe the State Funeral as a mark of respect and for the Coronation to celebrate.</p> <p>Some parents may need to take additional time off work due or need to find additional childcare for the additional INSET day and this may be problematic for some. We also recognise there may be an additional cost for parents/carers. On the additional day some services may not be available for parents in the same way as they would be if schools were open, for instance after school clubs.</p> <p>However, the additional INSET day has been available to schools since 2019 and following the pandemic more parents are able to work flexibly/work from home. During this cost of living crisis we are proposing that the INSET is taken in the summer term to minimise the impact on parents/ carers. Schools will also be advised to give as much notice as possible of their planned INSET days, although we recognise the notice period will be limited for 2022 to 2023.</p> <p>However, ensuring schools are at the heart of their communities - building better relationships between schools and families, communities and employers, to support and promote educational achievement and excellent employment, next steps in</p>
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<p>Article 28</p> <ul style="list-style-type: none"> Children have a right to an education. Discipline in schools should respect children's human dignity. Primary education should be free. Wealthy countries should help poorer countries achieve this. 	<p>X</p>	<p>X</p>	<p>education and training - is at the heart of this policy consideration.</p> <p>Enabling all learners, and in particular those from disadvantaged backgrounds to progress along their own learning pathway and raise their aspirations to achieve their full potential is vital in all that we do, while also ensuring the school environment supports learners' and practitioners' well-being.</p> <p>In the short term children will miss three days schooling over three years. This may have a small negative impact on some children as they are missing out on a day of teaching. However, as it will be a collective missed day there will not be the usual element of 'catching up' which follows an absence.</p> <p>It might appear that this would affect all children the same on the surface, as all will be unable to attend school for those sessions. However, children who are living in poverty or who are experiencing adverse childhood experiences at home may feel a bigger impact, for example missing out on the structure of the school day or on free school meals. The drive to improve attendance over the past few years means that the impact on children of missing a day's schooling at the general population level will not be as severe as it would have been had attendance levels been lower.</p> <p>Furthermore, supporting practitioners' understanding of what works in curriculum design by investing in the enquiry and pedagogic skills of all staff and enabling ambitious professional learning for all practitioners in a</p>
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<p>Article 29</p> <ul style="list-style-type: none"> • Education should develop each child's personality and talents to the full. It should encourage children to respect their parents, their own and other cultures and the environment. 	<p>X</p>	<p>X</p>	<p>school dedicated to being a learning organisation will be vital to ensure the changes in the education system in Wales are fully realised.</p> <p>In terms of the bank holidays, extra days off school could be used to contribute positively towards cultural well-being. In particular, families coming together to observe the State Funeral as a mark of respect, and for the Coronation to celebrate.</p> <p>Enabling all learners, and in particular those from disadvantaged backgrounds to progress along their own learning pathway and raise their aspirations to achieve their full potential is vital in all that we do, while also ensuring the school environment supports learners' and practitioners' well-being. The additional INSET day will support teachers' professional development equipping them with knowledge, skills and understanding to deliver more innovative learning and assure high-quality teaching.</p> <p>In the short term children will miss three days schooling over three years. This may have a small negative impact on some children as they are missing out on a day of teaching. However, as it will be a collective missed day there will not be the usual element of 'catching up' which follows an absence.</p> <p>It might appear that this would affect all children the same on the surface, as all will be unable to attend school for those sessions. However, children who are living in poverty or who are experiencing adverse childhood experiences at</p>
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- Consider whether any EU Citizens Rights (as referenced in the Equality Impact Assessment) relate to young people up to the age of 18.

N/A

For further information on the [UNCRC](#) and its [Optional Protocols](#), please visit the [Children's Rights Intranet Page](#).

4. Ministerial advice and decision

- How will your analysis of these impacts inform your ministerial advice?

The policy decision to consider an additional INSET day has been promoted by the profession itself including the unions. Seeking to add an additional INSET day is the Ministerial response. The Minister has taken all aspects of the policy into consideration prior

to advising officials to go ahead. All Ministerial advice summarised the main impacts of the proposal.

Carrying out the analysis of impacts prior to the consultation allowed us to consider the mitigations that could be put in place should the proposal be agreed. Responses to the consultations identified many of the same impacts. Nonetheless, over 81% of respondents supported the proposal to provide an additional INSET day from 2022 to 2025.

5. Communicating with Children and Young People

- If you have sought children and young people's views on your proposal, how will you inform them of the outcome?

We did not directly seek the views of children and young people on this proposal. However, there was a full public consultation from 20 September to 28 October 2022 which was shared with the Children's Commissioner for Wales who responded in support of the additional INSET day. A summary of consultation responses has been published on the Welsh Government website.

If your policy affects children and young people, remember to produce child-friendly versions of any public document relating to your proposal. Please contact the Children's Branch for further advice.

Monitoring and Review

It is essential to revisit your CRIAs to identify whether the impacts that you originally identified came to fruition, and whether there were any unintended consequences.

Where you are taking forward secondary legislation, it will not be sufficient to rely on the CRIA for the primary legislation; you will need to update the CRIA to consider how the details of the proposals in the regulations or guidance may affect children.

The policy lead can revisit the published version of their CRIA, rename it as a review of the original CRIA, and update the evidence of impact. The reviewed impact assessment should be presented to Ministers with any proposals to amend the policy, practice or guidance. This review CRIA should also be published.

- Please outline what monitoring and review mechanism you will put in place to review this CRIA.

The public consultation closed on 28 October 2022 and following the analysis of responses the impact assessment was reviewed and updated. In particular, we addressed points raised by the Children's Commissioner for Wales in respect of engagement with children and young people. As suggested by her, we also considered Articles 12 and 29 of the UNCRC.

- Following this review, are there any revisions required to the policy or its implementation?

No, the overwhelming majority of respondents to the consultation agreed with the policy proposal.