



Llywodraeth Cymru
Welsh Government

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Children's Commissioner for Wales Report into Education in Healthcare Settings: Welsh Government response

What we will do in response to the recommendations set out in the Children's Commissioner for Wales Report into Education in Healthcare Settings.

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March 2024

Dear Rocio

In my letter to you in December, I committed to respond in a full to the recommendations made in your office's report into education in hospital settings. Having considered the recommendations, I have decided the following:

1. The Welsh Government reviews local authorities' legal duties to provide full-time education to children who, because of illness, would otherwise not receive suitable education. The guidance must be clear that local authorities are responsible for ensuring Welsh children receive the same legal entitlement as their counterparts across the UK.

Accept in principle: local authorities are under a statutory duty under section 19A Education Act 1996 to make arrangements for the provision of suitable education for children of compulsory school age who by reason of illness may not receive suitable education for a period unless such arrangements are made for them. We intend to amend our guidance to make it clear that it is our

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expectation that EOTAS pupils have access to full-time education where this is appropriate for individual pupils. Local authorities will have to have regard to the guidance, which means that they will have to take account of it and carefully consider it. Having done so, there would need to be a good reason to justify not complying with it.

2. The Welsh Government revises the guidance for providing Education other than at School (EOTAS) to include an expectation that local authorities facilitate the delivery of the equivalent of a full-time education offer for children who are receiving ongoing or acute healthcare, unless it is not in the best interests of the child.

Accept: we will update the **Supporting Learners with Healthcare Needs** guidance to set out the duties placed on local authorities who make arrangements under section 19A Education Act 1996 under the Curriculum and Assessment (Wales) Act 2021. We also intend to update guidance to set out the Welsh Government expectation that EOTAS pupils receive around 5 hours per day/25 hours per week education, other than where this is not in the best interest of individual pupils.

3. Updated guidance should place a duty on EOTAS leads in every local authority to routinely collect children's views on the education they receive.

Accept in principle: Supporting Learners with Healthcare Needs guidance will be updated to set out the requirements under the Curriculum and Assessment (Wales) Act 2021. In addition, we will be publishing EOTAS Referral and Commissioning Guidance which will set out the expectation that when assessing the suitability of education provided, local authorities should visit providers and discuss with children the suitability of education provided.

4. The Welsh Government review current funding arrangements for education in healthcare settings across all local authorities and engage with stakeholders to enable a universal approach for funding to be embedded

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across Wales.

Accept in principle: as part of the development of the EOTAS Referral and Commissioning Guidance, the Welsh Government will engage with stakeholders to understand any issues associated with the current arrangements for funding education in healthcare settings.

5. Transition and reintegration plans are included in guidance to strengthen the links between education, health and local authorities for children and young people who receive education in a healthcare setting and will be returning to their previous educational arrangements. These plans must be co-produced with children and young people.

Accept: both **Supporting Learners with Healthcare Needs** guidance and **guidance** about developing the curriculum for EOTAS pupils set out the importance of transition and reintegration planning.

Supporting Learners with Healthcare Needs guidance sets out that education settings have a key role to play in the successful integration after diagnosis or reintegration of learners with healthcare needs. Settings should be proactive in working with all agencies, including involving other learners in supporting the transition. Staff should be trained in a timely manner to assist the learner's return. The support should be considered by key parties, including the parent and learner and should be reflected in the individual healthcare plan.

Guidance about developing the curriculum for EOTAS pupils notes that learners who attend EOTAS settings face considerable barriers to learning and often experience challenges in their lives that are greater than those of many of their peers. Therefore, EOTAS curriculum planning, design and implementation should be strengthened by systematic collaboration between learner, parents/carers, school and EOTAS providers and should support the reintegration into, or transition of learners receiving EOTAS to, mainstream or specialist provision and/or enabling them to progress towards further education, training or the world

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of work.

6. Guidance is updated to reflect the new curriculum to ensure continuity of education for children and young people with health needs within whatever setting education is provided.

Accept: Supporting Learners with Healthcare Needs guidance will be updated to reflect the duties placed on local authorities under the Curriculum and Assessment Act in relation to EOTAS pupils.

7. That guidance is updated to ensure all children and young people under the age of 18 can access education provision when they are an in-patient in a healthcare setting.

Accept in part: Supporting Learners with Healthcare Needs will be updated to state that local authorities should ensure all children of compulsory school age can access education when they are an in-patient in a healthcare setting. In addition, the EOTAS Referral and Commissioning Guidance will make it clear that local authorities have a duty placed on them to make arrangements for children who cannot attend school, including children who are in-patients in a healthcare setting, to receive suitable education.

There is currently no requirement for local authorities to arrange EOTAS for pupils over compulsory school age and there are currently no plans to change this. Local authorities do, however, have discretionary powers to do so and the Supporting Learners with Healthcare Needs guidance sets out our expectation that EOTAS is provided to pupils over compulsory school age and under the age of 18 to ensure continuity of education.

Consideration will be given to the duties placed on local authorities to make arrangements for young people to receive EOTAS when we undertake an integrated impact assessment during the development of the EOTAS Referral and Commissioning guidance.

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8. That an integrated impact assessment (including a children's rights impact assessment) is undertaken by Welsh Government in relation to the guidance, including the needs of disabled children and those accessing post-16 education.

Accept: an integrated impact assessment, including children's rights impact assessment will be undertaken prior to revising this guidance.

9. The Welsh Government support settings to enable children and young people to receive their education in the Welsh language when in a healthcare setting. This should be included in any commissioning framework.

Accept: the EOTAS Referral and Commissioning guidance will provide guidance about delivering EOTAS via the medium of Welsh.

10. Guidance is updated to reflect new entitlements under the ALNET Act for learners to receive support with their education, wherever it is being delivered.

Accept: Supporting Learners with Healthcare Needs guidance will be updated to reflect the duties placed on local authorities, schools and PRUs under the Additional Learning Needs and Education Tribunal (Wales) Act 2018 in relation to EOTAS pupils.

Once again, I thank you for the work you have undertaken as part of this spotlight review, it will inform our policy development to ensure all children who cannot attend school have access to a full education.

Yours sincerely,

Jeremy Miles AS/MS

Gweinidog y Gymraeg ac Addysg

Minister for Education and Welsh Language

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