

# Agenda – Equality, Local Government and Communities Committee

Meeting Venue:

Committee Room 4 – Tŷ Hywel

Meeting date: Thursday, 3 November  
2016

Meeting time: 08.45

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## Informal pre-meeting (08.45 – 09.15)

1 Introductions, apologies, substitutions and declarations of  
interest

2 Scrutiny of the Welsh Government draft budget 2017–18 (Local  
Government Main Expenditure Group (MEG) )

(9.15 – 10.45)

(Pages 1 – 31)

Mark Drakeford AM, Cabinet Secretary for Finance and Local Government

Reg Kilpatrick, Director for Local Government

Debra Carter, Deputy Director Local Government Finance Policy

3 Papers to note

Correspondence between Chair and Estyn regarding Post-legislative scrutiny work  
on the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act  
2015 – education on healthy relationships

(Pages 32 – 38)



Cynulliad  
Cenedlaethol  
Cymru

National  
Assembly for  
Wales

**Correspondence between Chair and Cabinet Secretary for Education regarding Post-legislative scrutiny work on the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 – education on healthy relationships**

(Pages 39 – 43)

**4 Motion under Standing Order 17.42 to resolve to exclude the public from the remainder of the meeting**

**5 Welsh Government draft budget 2017–18 – Consideration of evidence**

(10.45–11.15)

Document is Restricted

## 1. Introduction

This paper provides information to the Equality, Local Government and Communities Committee on the Local Government (LG) Main Expenditure Group (MEG) budget proposals outlined in the Draft Budget 2017-18 which was laid on 18 October. It also provides an update on specific areas of interest to the Committee.

Annex A provides a breakdown of the Draft Budget figures for the LG MEG by Action and by Budget Expenditure Line (BEL).

## 2. Background

The Draft Budget 2017-18 provides a one-year plan for revenue investment and a four-year plan for capital investment, providing certainty for longer-term investments. Table 1 provides an overview of the planned LG MEG.

**Table 1: Overview of Local Government MEG for 2017-18**

Local Government Summary	First Supplementary Budget 2016-17 baseline	2017-18 Draft Budget New Plans	2018-19 Draft Budget New Plans	2019-20 Draft Budget New Plans	2020-21 Draft Budget New Plans
Resource DEL	3,333,635	3,262,256			
Capital DEL	20,281	143,118	143,118	143,118	143,118
<b>Total DEL</b>	<b>3,353,916</b>	<b>3,405,374</b>	<b>143,118</b>	<b>143,118</b>	<b>143,118</b>
<b>Total Annually Managed Expenditure</b>	<b>977,000</b>	<b>1,059,000</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total - Local Government</b>	<b>4,330,916</b>	<b>4,464,374</b>	<b>143,118</b>	<b>143,118</b>	<b>143,118</b>

The Local Government MEG revenue provision comprises Resource DEL and Resource AME. Together, these total £4.321bn in 2017-18, an increase of £10.6m compared to 2016-17.

There is a net increase of £122.8m to the capital budget. This reflects a number of transfers of General Capital Funding which have previously been shown in other MEGs. They have been consolidated into the LG MEG to improve transparency.

The largest component of the Local Government MEG is the provision for the core unhypothecated funding of the 22 county and county borough councils. This is considered in terms of Aggregate External Finance (AEF) which is made up of revenue support grant (RSG) and redistributed non-domestic rates (NDR). Revenue support grant is included within the Resource DEL and non-domestic rates form the Resource AME.

Within the overall Resource DEL, the Revenue Support Grant 2016-17 baseline has been adjusted for the £2.5m provided on a one-off basis in 2016-17 to limit the reductions in RSG for certain authorities.

The 2017-18 figures include a number of transfers of grants into the settlement and a transfer out of funding to support a change in the arrangements for delivering the teachers' registration subsidy.

Taking RSG and NDR together, the combined funding available to local authorities through the Local Government Settlement will provide a cash increase of £3.8m (Table 2). Similar arrangements apply to the provision of Welsh Government funding to Police and Crime Commissioners in Wales through the Police Settlement.

**Table 2: Aggregate External Finance for Unitary Authorities and Policing**

*£000s*

	<b>2016-17 (adjusted)</b>	<b>2017-18 Provisional</b>	<b>Difference</b>
Unitary Authorities			
RSG	3,175,482	3,101,370	
NDR	928,150	1,006,050	
<b>Total</b>	<b>4,103,632</b>	<b>4,107,420</b>	<b>3,788</b>
Police			
RSG	87,950	85,750	
NDR	48,850	52,950	
<b>Total</b>	<b>136,800</b>	<b>138,700</b>	<b>1,900</b>

### **3. Budget Overview**

This is a Budget which has been developed against the backdrop of uncertain and difficult times. The outcome of the EU referendum will recast our relationship with the European Union in the long term; and there is uncertainty about the future of important European funding streams and the impact on UK public finances and the Welsh budget.

We continue to face ongoing cuts to our overall funding from the UK Government – the influential Institute for Fiscal Studies has commented that “Wales is looking at an extraordinary 11 or more years of retrenchment in public service spending...”

This means that, as a Welsh Government and as a National Assembly for Wales, we face some hard choices as we continue to work to protect our public services from the worst of these effects and invest in Wales to grow jobs and our economy, taking our country forward.

The UK Government will publish an Autumn Statement in November. Even though early statements by the Chancellor of the Exchequer indicate that the Treasury will no longer be aiming to achieve a surplus by 2020, he has also said it is not an end to austerity. This is why, in our Draft Budget, we have decided to publish revenue spending plans for 2017-18 only and capital plans for four years, providing certainty for longer-term investments.

We are now in the second year of the UK Government’s Spending Review settlement, which set the Welsh Government’s revenue budget for the period 2016-17 to 2019-20 and the capital budget until 2020-21. Overall, the Welsh budget will continue to reduce in real terms over the period.

The cuts yet to come compound the successive real terms reductions which have been made since 2010-11. The Spending Review reductions to our settlement reinforced the UK Government’s squeeze on public spending and commitment to austerity. Our budget will be 9% lower in real terms by the end of the decade – this is equivalent to almost £1.5bn less in real terms for public services in Wales in 2019-20 than in 2010-11.

The Devolved Administrations have urged the UK Government to rethink its economic and fiscal policy. Working together, we are determined to act to ward off further austerity policies which may be considered as a consequence of the referendum result.

The result of the EU referendum has added to the level of uncertainty about future resources for Wales. Withdrawal from the EU will have an impact on the availability of resources available to Wales as it benefits from £650m a year from various European funding streams.

We need revenue plans now which support our public services today and our priorities longer term as well as enabling us to prepare for the inevitable budget reductions over the next few years if austerity continues unabated.

Once we have assessed the impact of the Autumn Statement, we intend to publish planning assumptions for 2018-19 and 2019-20 in the New Year. Our decision to publish a one-year revenue budget means we are providing stability for core services and investing in priorities in the immediate term. This provides a stable platform from which we

can manage the tough financial times ahead in innovative ways with our partners and stakeholders.

### An integrated, long-term approach to capital funding

In this budget, we have the opportunity to drive investment in the economy, make improvements in vital public services and start to deliver the key priorities set out in Taking Wales Forward.

In previous years, we have mainly had traditional capital and financial transaction funding at our disposal to fund public infrastructure projects – now new borrowing powers and more innovative finance models are open to Wales as the level of available public capital continues to decline.

We will set a four-year capital budget, matching the capital settlement set out in the 2015 UK Spending Review, and consists of a firm budget for 2017-18 and indicative allocations for the subsequent three years. It is important we provide as much transparency and certainty to our key stakeholders and delivery partners as we can to deliver capital investments and so we have concluded that a long-term capital approach is the right decision.

### Total available capital funding

The budget sets out plans for £6.9bn of capital funding, which is enhanced by our plans for £1.5bn of investment through our innovative finance investment programmes. We will make full use of the capital borrowing powers provided by the Wales Act 2014. This source of funding, included within our overall capital allocation, gives a £395m boost to our four-year Capital DEL budgets.

Given the many factors that affect the timing and costs of strategic infrastructure projects, access to borrowed funds will be carefully considered during each budget period and used for agreed strategic investment priorities. Our strategic infrastructure plans and decisions are shaped by the commitments in Taking Wales Forward and the investment priorities in the Wales Infrastructure Investment Plan.

### Welsh Government central reserves

Our approach is to maximise allocations to portfolios while retaining a prudent level of central reserves as a contingency for unforeseen pressures. Whilst this principle applies equally to our revenue and capital budgets, we are increasing capital reserves further, ensuring that sufficient central funds are available to support our priority commitments as they progress over the Assembly term.

Therefore, our resource reserves for 2017-18 are 1.7 per cent of the Resource DEL and Capital Reserves are 7.1 per cent of the Capital DEL, rising to between 30 and 34 per cent in subsequent three years. We are satisfied that these levels of reserves will enable us to manage risks and respond to unforeseen pressures, while giving individual Cabinet Secretaries funding certainty to begin planning and delivering the key commitments set out in Taking Wales Forward.

#### **4. Programme for Government**

This is a Budget to take Wales forward, to provide stability for our core services and to make progress in implementing our ambitious Programme for Government Taking Wales Forward 2016-21:

<http://gov.wales/docs/strategies/160920-taking-wales-forward-en.pdf> .

Taking Wales Forward sets out how this government will deliver more and better jobs through a stronger, fairer economy; improve and reform public services; and build a united, connected and sustainable Wales through the development and implementation of four cross-cutting strategies:

- Prosperous and secure
- Healthy and active
- Ambitious and learning
- United and connected

These strategies will support *Taking Wales Forward* and enable us to use all the levers available to us to have the greatest impact and deliver the promise of the Future Generations Act. These interlinked strategies will ensure that public services are integrated, efficient and available to support and enrich people's lives when and where they need them.

We are committed to providing an environment that encourages innovative delivery in the current environment. Collaboration, partnership and efficiency across the public services are vitally important, as are challenging ourselves and our partners to use our collective resources to maximise the benefits of our collective endeavours. The Future Generations Act gives us, and other public bodies, a strong foundation to build on.

We are also committed to creating the right conditions for businesses to thrive and create sustainable growth and employment opportunities. We will provide a tax cut for small business of £100m in 2017-18 by extending the Small Business Rates Relief (SBRR) scheme, which would otherwise have lapsed. From 2018 onwards, we will put in place a new, reformed, permanent scheme.

SBRR provides 100% relief to businesses with a rateable value of up to £6,000 and tapered relief from 100% to zero to those with a rateable value between £6,001 and



£12,000. In addition to SBRR, we will ring-fence £10m in reserves to support a new transitional relief scheme for small businesses.

## **5. Questions raised by the Committee**

### **Local Government**

Local Government expenditure is key to supporting education, social care, housing and a range of other services which are designed to give people the best opportunity for healthy, prosperous lives.

The funding provided through the revenue support grant, combined with redistributed non-domestic rates income, constitutes the Welsh Government's core funding support for local government.

For 2017-18, these two elements deliver the first cash increase in the settlement since 2013-14 and will ensure local authorities are able to maintain delivery of key local services.

This is a better settlement than local government was anticipating and builds on previous year's settlements where we also protected the allocations. Also, we have built into the settlement a floor arrangement to ensure no individual authority faces an unmanageable reduction in its overall settlement compared with the previous year.

The Local Government Settlement for 2017-18 includes an additional £25 million for social care. It also takes account of Welsh Government's agreement with Plaid Cymru to provide local government with an additional £25 million through the settlement, as well as £1 million for school transport and £3 million for a pilot scheme to support town centre car parking.

### **Dialogue with local government**

There has been an ongoing dialogue with local government about the factors that affect the 2017-18 settlement. There have been formal meetings under the partnership arrangements, including three meetings of the Finance Sub Group and meetings of its subgroup, the Distribution Sub Group, which considers matters relating to the distribution formula. The Finance Sub Group meetings have been chaired by the Cabinet Secretary for Finance and Local Government and his predecessor the Minister for Public Services.

### **The funding formula**

The settlement formula, which is developed and agreed with local government, ensures that the funding available for local government takes account of a range of factors including sparsity and relative deprivation across local authorities in Wales. The formula

distributes the available funding on the basis of relative need using a wealth of information about the demographic, socio-economic, physical and environmental characteristics of every authority in Wales.

The funding formula is kept under constant review to ensure it remains up to date and relevant. The 2016 Distribution Sub Group Report sets out the proposed changes to the formula and data sources for 2017-18. At its meeting on 4 October, the Finance Sub Group agreed to all the proposed changes outlined in the Report being implemented subject to the phasing in over two years of the change to the personal social services formula. The minutes of the meeting and the DSG Report will be published on the Welsh Government's website.

It was also agreed that Finance Sub Group would give more detailed consideration to the DSG work programme for 2017 to ensure that the plans for the development of the formula and the potential implications of changes were fully understood.

### **Preventative Spending**

The local government settlement is not hypothecated. It is for each local authority to determine how it spends these resources, along with locally raised council tax and income from fees and charges, to deliver key outcomes and priorities. The core settlement provides the largest single component of the funding local government receives to fund the range of services for which it is responsible.

The commitment to provide the majority of funding through the unhypothecated settlement and continuing to roll grants into the settlement or amalgamate grants together provides authorities with greater flexibility to manage resources in a way that supports the preventative agenda.

Each local authority is an autonomous, democratically elected body which is accountable to its electorate for the decisions it makes. Authorities have a series of statutory duties and functions, and powers to provide a range of other functions and services. Each authority must ensure that it undertakes appropriate impact assessments of any policies it implements funded through the local government settlement. Conducting full and meaningful engagement on its budget will help to ensure impacts are fully considered. It is for local authorities to set their own spending priorities taking account of this alongside the other sources of funding available to them. Local authorities are required to prepare medium-term financial strategies to ensure they are setting budgets which are stable and sustainable for the medium term. The pressures on budgets mean it is important that authorities engage local people in decisions about how local resources are prioritised and spent. In particular, authorities need to engage residents in difficult decisions about where any cuts might be made. Each authority will make its decisions based on local need and priorities and must assess the impact of its proposals and decisions on protected groups and in relation to its wider functions.

## **Local Government Reform**

The budget includes £5 million for transformation and legislation. This is an increase of £2.7m compared to 2016-17. As the local government reform agenda gathers pace, there will be a need to provide pump priming funding to support this.

This, combined with the fact that the local government settlement is better than local authorities were anticipating, will provide authorities with capacity to invest in transformative activities such as developing shared services required to deliver the reforms.

## **Council Tax Reduction Scheme**

The Welsh Government has announced that the existing arrangements for the Council Tax Reduction Scheme will continue for 2017-18 and that the funding within the settlement for it will be maintained at £244 million. This will ensure that approximately 300,000 households in Wales will continue to receive support in meeting their council tax liability. Of these, around 220,000 will continue to pay no council tax at all.

## **Budget Advisory Group on Equality (BAGE)**

In line with our commitment to continuously improve the impact assessment of the Welsh Government's Budget, the BAGE has over successive years played a vital role in providing advice and best practice on equality issues and helping to improve the evidence base so that the nature of the underlying equality issues can be identified and understood. This work has influenced and shaped our budget considerations in previous years and has provided an important platform for this year's budget preparations.

This year's Budget has been shaped by the continuing financial and economic uncertainty. Our priority has been to provide a period of stability for our core public services over the next 18 months, in order that we can all prepare for the tougher financial times that are ahead. *Taking Wales Forward 2016-2021* signals a fresh start to delivery, which acknowledges that how we deliver is just as important as what we deliver.

This will require us all to work and think differently, and we are fortunate in Wales that we have legislation (the Future Generations Act) to help drive this change. We remain committed to involving people in the decisions that affect them and as we develop our approach to the Act we will continually need to reflect on the ways in which we engage people and partners, particularly on achieving a more equal Wales.

Central to this is drawing on expertise and evidence to consider the impact of our spending decisions. I shall be looking at how best to engage with stakeholders on equality considerations as part of setting future budgets.

In setting our plans for 2017-18 we are looking at how we engage with stakeholders in order to inform future development of our policies. For example, we are developing our childcare offer through involving parents over the next couple of years so that we find the most effective model for the delivery of quality childcare.

### **Equality Impact Assessment (EIA)**

This draft Budget is a balanced and realistic response to these uncertain times. In light of these circumstances we have aligned our resources to deliver on our priorities and invest in our future prosperity.

We have again taken an integrated approach to our impact assessment, focusing on making informed strategic decisions based on our analysis of supporting evidence about protected groups. We have used evidence of protected groups to help us focus our resources through seeking the greatest positive impact and mitigate the effects of austerity where its impact is unavoidable. This has again enabled us to give full consideration to socio-economic disadvantage, children's rights, Welsh language and sustainable development, in addition to the focus on equality and tackling poverty.

However, while this Strategic Integrated Impact Assessment focuses on high level strategic impacts of spending decisions, impact assessments are undertaken throughout the budget planning process across portfolios. An assessment of these impacts is provided in the Ministerial evidence provided to subject committees.

### Integrated Approach

Building on the initial work to prepare for the Act in the draft Budget 2015-16 we are continuing to develop our approach to embed the five ways of working in how we prepare the draft budget with the Future Generations Act shaping the overall approach.

The draft budget plans were based on a clear analysis of long-term factors that are shaping the demand for public services. The analysis made clear the need for the preventative approach to funding public service provision. In setting a budget for the whole of the public sector I have been clear that better integration across public services will be central to more effective service provision, as will collaboration and the involvement of public service users. We have also continued to take an integrated approach to considering impacts on protected groups and support a focus on our shared national goals.

An integrated approach to assessing impact is critical, not least because many of the issues around equality, poverty and children's rights are inter-related. Taking this approach helps us to better consider all the potential impacts of our decisions and be confident we can manage them when taken as a whole.

We have already highlighted that we face significant and real delivery challenges and where we are not able to maintain funding we need to ensure any impacts are not disproportionate toward protected groups.

Our integrated approach provides a more realistic assessment of the overall impact of spending decisions and recognises that there is not always a single answer that will manage the impact of a decision in all areas. This assessment of the impacts of our decisions is vital to ensure the promotion of equality of opportunity and the prevention of discrimination, and this has shaped our approach to the budget process.

For example, we have used an integrated cross-portfolio approach to allocating our capital budget and considering the expected impact to prioritise budget allocation. Working across Government we review the government-wide challenges and constraints, to scrutinise proposals, challenge assumptions and identify opportunities for joining-up, for example, availability of land for house-building and the affordable homes programme.

#### Evidence base

We have published as part of the budget narrative evidence of impacts on protected groups which was informed budget considerations. However when making decisions we bring to bear all available evidence to inform our spending decisions.

We have reviewed information on current and future trends, evidence on protected groups and considered potential impacts on protected groups in order to help inform our choices about best value decisions.

For example we use a range of different sources of information which we use to help inform our budget considerations such as the Equality and Human Rights Commission report 'Is Wales Fairer?'.

## **6. Legislation**

The budget continues to take account of our current legislative programme. A table setting out the costs for 2017-18, of both previously enacted legislation and anticipated costs of Bills at published RIA stage or enactment, has been published alongside the Draft Budget narrative. As mentioned in section 6, provision of £5m has been made for activities associated with the transformation of local government and the implementation of legislation to support the reform and renewal of local authorities

**LOCAL GOVERNMENT MAIN EXPENDITURE GROUP (MEG) Annex 1**

RESOURCE BUDGET - Departmental Expenditure Limit							
SPA	Actions	BEL Title	BEL Number	2015-16 Outturn £000's	Forecast 2016-17 £000s	Change 2017-18 £000s	Draft Budget 2017-18 £000s
Local Government Funding	Funding Support for Local Government	Local Govt General Revenue Funding	840	3,176,354	3,127,105	-22,937	3,104,168
		Police General Revenue Funding	860	135,010	136,800	-51,050	85,750
		Local Govt Revenue Consequences	885	3,786	3,787	-137	3,650
		Non Domestic Rates Collection Costs	940	5,172	5,172	0	5,172
		Community Support Officers	830	16,332	16,787	0	16,787
		Emergency Financial Assistance Scheme	1600	2,000	1	0	1
		Transformation & Legislation	887	1,573	2,255	2,745	5,000
	Valuation Services	Valuation Office Agency	1500	9,386	8,561	0	8,561
		Valuation Tribunal for Wales	1540	1,248	1,074	0	1,074
		CTRS & Related Analysis	1550	109	100	0	100
<b>Total Local Government Funding</b>				<b>3,350,970</b>	<b>3,301,642</b>	<b>-71,379</b>	<b>3,230,263</b>
Improving Services, Collaboration and Democracy	Building Local Democracy	Local Government Boundary Commission	1440	438	572	0	572
		Local Government Scrutiny & Standards	1462	508	126	0	126
	Local Government Improvement	Outcome Agreement	880	31,096	0	0	0
		Improvement & Audit	1571	706	460	0	460
		Local Government Research	1665	161	0	0	0
	Academi Wales	Academi Wales	7093	1,081	1,109	0	1,109
	Supporting Collaboration and Reform	Local Government Regulation	1574	104	144	0	144
Partnerships and Transformation		1575	-1,241	730	0	730	
<b>Total Improving Services, Collaboration and Democracy</b>				<b>32,853</b>	<b>3,141</b>	<b>0</b>	<b>3,141</b>
Care and Social Services Inspectorate	Care and Social Services Inspectorate	Care and Social Services Inspectorate	6775	14,698	13,953	0	13,953
<b>Total Care and Social Services Inspectorate</b>				<b>14,698</b>	<b>13,953</b>	<b>0</b>	<b>13,953</b>
Healthcare Inspectorate Wales	Healthcare Inspectorate Wales	Healthcare Inspectorate for Wales	6785	3,315	3,586	0	3,586
<b>Total Healthcare Inspectorate Wales</b>				<b>3,315</b>	<b>3,586</b>	<b>0</b>	<b>3,586</b>
Estyn	Estyn	Estyn	6280	10,784	11,313	0	11,313
<b>Total Estyn</b>				<b>10,784</b>	<b>11,313</b>	<b>0</b>	<b>11,313</b>
<b>Total Resource - Local Government</b>				<b>3,412,620</b>	<b>3,333,635</b>	<b>-71,379</b>	<b>3,262,256</b>

RESOURCE BUDGET - Annually Managed Expenditure							
SPA	Actions	BEL Title	BEL Number	2015-16 Outturn £000's	Forecast 2016-17 £000s	Change 2017-18 £000s	Draft Budget 2017-18 £000s
Local Government Funding	Funding Support for Local Government	Non Domestic Rates - AME	870	956,000	977,000	82,000	1,059,000
<b>Total Local Government Funding</b>				<b>956,000</b>	<b>977,000</b>	<b>82,000</b>	<b>1,059,000</b>
<b>Total AME - Local Government</b>				<b>956,000</b>	<b>977,000</b>	<b>82,000</b>	<b>1,059,000</b>

CAPITAL BUDGET - Departmental Expenditure Limit										
SPA	Actions	BEL Title	BEL Number	2015-16 Outturn £000's	Forecast 2016-17 £000s	Change 2017-18 £000s	Draft Budget 2017-18 £000s	Draft Budget 2018-19 £000s	Draft Budget 2019-20 £000s	Draft Budget 2020-21 £000s
Local Government Funding	Local Government General Capital Funding	General Capital Funding	1675	20,000	20,000	122,837	142,837	142,837	142,837	142,837
	<b>Total Local Government Funding</b>				<b>20,000</b>	<b>20,000</b>	<b>122,837</b>	<b>142,837</b>	<b>142,837</b>	<b>142,837</b>
Estyn	Estyn	Estyn - Programme Expenditure	6280	216	281	0	281	281	281	281
	<b>Total Estyn</b>				<b>216</b>	<b>281</b>	<b>0</b>	<b>281</b>	<b>281</b>	<b>281</b>
<b>Total Capital - Local Government</b>				<b>20,216</b>	<b>20,281</b>	<b>122,837</b>	<b>143,118</b>	<b>143,118</b>	<b>143,118</b>	<b>143,118</b>

# Agenda Item 3.1

Llywodraeth Cenedlaethol Cymru  
Y Pwyllgor Cydraddoldeb, Llywodraeth leol a Chymunedau

Y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau  
Equality, Local Government and Communities Committee  
ELGC(5)-09-16 Papur 2 / Paper 2

**National Assembly for Wales**  
Equality, Local Government and Communities Committee

Meilyr Rowlands  
Her Majesty's Chief Inspector of Education and Training  
Estyn  
Anchor Court, Keen Road  
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CF24 5JW

6 October 2016

Dear Mr Rowlands,

Thank you for agreeing to provide a written evidence to help inform the Equality, Local Government and Communities Committee is currently undertaking post-legislative scrutiny work on the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 (the Act). I enclose the Committee's agreed terms of reference.

As part of this work, we will be revisiting the issue of education on healthy relationships, including whether enough is being done within educational settings to ensure the development of a whole school approach to challenging violence against women, domestic abuse and sexual violence.

By way of background, during the passage of the Gender Based Violence, Domestic Abuse and Sexual Violence Bill (which gave rise to the Act), the issue of whether the Bill should make provision for compulsory education on healthy relationships was the focus of much debate. At the time, the view of the Minister for Public Services was that such provision was not necessary given that proposals put forward by Professor Donaldson following his review of the National Curriculum would, if accepted, mean that healthy relationships would feature in any new curriculum that was developed. The Minister gave a commitment that he and the then Minister for Education and Skills would explore with the Violence Against Women Domestic Abuse and Sexual Violence sector how it could contribute to taking forward this work. We understand that work is now underway to develop a new curriculum and that the Pioneer Schools Network has been established.

Respondents to the Committee's consultation have raised concerns about the Welsh Government's current and future approach to healthy relationships education. These largely relate to the non-compulsory nature of guidance (especially given that the [original](#)



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[White Paper on the legislation](#) proposed to ensure education on healthy relationships was delivered in all schools), inconsistency between institutions, and confusions about the duty on local authorities to report on how schools are implementing guidance.

The [Good Practice Guide: A Whole Education Approach to Violence against Women, Domestic Abuse and Sexual Violence in Wales](#) (developed with Welsh Women's Aid) was published in October 2015. The Act placed a duty on local authorities to report on how they are addressing gender-based violence, domestic abuse and sexual violence within their education institutions, including through sex education.

In order to assist the Committee in its work, we would welcome your views on the following:

- Should teaching about health relationships be included in the 'health and wellbeing' area of learning and experience proposed by Professor Donaldson?
- Should the 120 Pioneer Schools (that have been charged with developing the new curriculum) be taking forward the Good Practice Guide?
- When local authorities should begin reporting on how schools are implementing the Good Practice Guide?
- How should the Welsh Government ensure that the healthy relationships education is consistent between institutions and age-appropriate?
- When will Estyn's thematic review on violence against women, domestic abuse and sexual violence take place and how do you anticipate this feeding into the development of the new curriculum?
- Should there be a target date for when all education institutions should have implemented the good practice guidance?
- How should the effectiveness of healthy relationships education be monitored?
- How should these issues be addressed in further and higher education institutions?





The Committee will be concluding its evidence gathering on 19 October, when it will hear from Carl Sargeant AM, Cabinet Secretary for Communities and Children, with overall responsibility for domestic abuse, gender-based violence and sexual violence. It would be helpful if you could respond as soon as practicable and as close to this date as possible.

Kind regards

A handwritten signature in black ink that reads "John". The signature is written in a cursive style with a long horizontal stroke at the beginning.

John Griffiths AC / AM  
Cadeirydd / Chair



## **Equality Local Government & Communities Committee**

### **Estyn response to specific issues relating to healthy relationship education**

#### **Should teaching about healthy relationships be included in the 'health and wellbeing' area of learning and experience proposed by Professor Donaldson?**

Teaching about healthy relationships should be a clearly defined aspect of sex and relationships education which is delivered through personal and social education. It should be included in the health and wellbeing area of learning.

#### **Should the 120 Pioneer Schools (that have been charged with developing the new curriculum) be taking forward the Good Practice Guide?**

The good practice guide provides valuable information and useful advice on important aspects of healthy relationships education within schools and Further Education Institutions (FEIs). All schools and FEIs should act on the guidance to ensure that nine key elements of good practice are embedded in their provision. Pioneer schools must consider the good practice guidance when developing the new curriculum.

#### **When local authorities should begin reporting on how schools are implementing the Good Practice Guide?**

It is not clear what local authorities should report on. The good practice guide says that there will be further statutory guidance on monitoring and reporting requirements – has this been developed? Does this refer to the potential national indicators that are identified in the act and within the draft national strategy on Violence Against Women, Domestic Abuse and Sexual Violence? Or will local authorities be required to provide a qualitative report on how well schools are delivering healthy relationships education? If so in what format and to whom? They do not provide such reports about other aspects of curriculum delivery.

However, the good practice guide describes a holistic approach. Local authorities would be in a position to report on for example, training delivered to school-based staff under the national training plan, following development of that plan by March 2017.

Without a clear idea of the reporting requirements, it is difficult to provide a considered view on when local authorities should begin reporting.

### **How should the Welsh Government ensure that the healthy relationships education is consistent between institutions and age-appropriate?**

It is clear that there needs to be a planned approach to healthy relationships education. This should be a consideration for the health and wellbeing area of learning and experience (AoLE) group as part of the curriculum reform. Any progression reference points and achievement outcomes that are developed should consider the expected outcomes of healthy relationships education. This will ensure that important messages are sustained and durable.

### **When will Estyn's thematic review on violence against women, domestic abuse and sexual violence take place and how do you anticipate this feeding into the development of the new curriculum?**

Estyn will gather evidence for the remit survey of healthy relationships education during November and December 2016 with a view to reporting in July 2017. The remit will provide:

- A state of the nation survey on the extent to which healthy relationships education is being delivered to pupils in schools across Wales
- Case studies of best practice to promote improvements in teaching and learning
- Evidence of whether current structures around safeguarding are used to support schools to deal with issues around violence against women, domestic abuse and sexual violence (VAWDASV)
- Evidence of how leadership by headteacher's and governors can impact on the delivery of positive healthy relationships education
- Evidence of how teachers use resources and external organisations to support the delivery of positive healthy relationships education
- Feedback and practical recommendations on how practice might be improved
- Feedback on the impact of existing guidance and legislation around VAWDASV

### **Should there be a target date for when all education institutions should have implemented the good practice guidance?**

Education institutions would have had appropriate opportunity to review their approaches to personal and social education, including sex and relationships education, to take account of the good practice guidance by September 2017.

## **How should the effectiveness of healthy relationships education be monitored?**

Healthy relationships education is an aspect of sex and relationships education. Estyn currently evaluates the quality of this provision as part of quality indicator 2.3 of the common inspection framework for all schools. This quality indicator evaluates the institution's provision for care support and guidance.

Estyn is in the process of reviewing its inspection arrangements. A new common inspection framework will be in place from September 2017. The framework is likely to consider sex and relationships education and its impact under the following areas:

- Inspection area 2 – pupils' wellbeing
- Inspection area 3 – teaching and learning experiences
- Inspection area 4 – care support and guidance

The effectiveness of healthy relationships education provision could be monitored through identifying whether pupils know what constitutes an abusive relationship, have positive attitudes towards gender equality and are confident to challenge and report abusive attitudes and behaviours.

Ultimately, the measure of success will be the extent to which domestic abuse, violence against women and sexual violence is prevented and the impact upon victims, including children who witness abuse, is reduced.

## **How should these issues be addressed in further and higher education institutions?**

We typically find that in further education institutions that this aspect is through the following aspects of work:

- General awareness raising for all students through a tutorial system, sometimes including a series of e-learning modules
- Tailored support for individuals through learner/student support services, for example based on a learner support plan, and including links to external agencies for specific support
- Response to specific concern through safeguarding policies and procedures

As a result, it may be helpful to work with Colegau Cymru to consider any specific Wales-wide resources which could be developed to support this work.

Within our current inspection arrangements, Estyn would look at these aspects of provision within further education institutions under 2.3 of our common inspection framework which evaluates care, support and guidance.

Estyn has a limited involvement with higher education institutions. Within our inspections of initial teacher education we would consider how well the institution equips students to deliver personal and social education and be aware of safeguarding policies and procedures.

From 2019, new programmes for ITE will begin in Wales, and revised accreditation procedures will be introduced (Teaching Tomorrow's Teachers). Estyn will take part in the approval process for new provision, and full accreditation will depend on a successful outcome in inspection. In this new cycle of inspections, Estyn's new inspection guidance for ITE will align with the accreditation criteria.

The proposed accreditation criteria states, under part 4, programme structure and processes, section 4.4.4 Safeguarding and student teachers' welfare, that:

- The partnership should provide advice, support and guidance, including counselling, as well as medical and careers services.
- There should be clarity around safeguarding and whistle-blowing (page 23)

In addition, all accredited providers must:

- Familiarise students with the most recent national guidance on child protection, safeguarding, the principles of the UNCRC, Health and Well-being (page 37)

On entry all accredited ITE course providers must be satisfied that prospective student teachers:

- Have been vetted to ensure they don't have a criminal background which might prevent them working with children or vulnerable young people, or as an education practitioner; and ensure that student teachers have not previously been barred or excluded from teaching or working with learners (VBS); (safeguarding is a legal requirement) (page 38).

These accreditation criteria provide the possibility to ensure that a focus on healthy relationships is covered.

Kirsty Williams AM  
Cabinet Secretary for Education  
Welsh Government

Y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau  
Equality, Local Government and Communities Committee  
ELGC(5)–09–16 Papur 3 / Paper 3

7 October 2016

Dear Kirsty,

The Equality, Local Government and Communities Committee is currently undertaking post-legislative scrutiny work on the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 (the Act). I enclose the Committee's agreed terms of reference. As part of this work, we will be revisiting the issue of education on healthy relationships, including whether enough is being done within educational settings to ensure the development of a whole school approach to challenging violence against women, domestic abuse and sexual violence.

You may recall, during the passage of the Gender Based Violence, Domestic Abuse and Sexual Violence Bill (which gave rise to the Act), the issue of whether the Bill should make provision for compulsory education on healthy relationships was the focus of much debate. At the time, the view of the Minister for Public Services was that such provision was not necessary given that proposals put forward by Professor Donaldson following his review of the National Curriculum would, if accepted, mean that healthy relationships would feature in any new curriculum that was developed. The Minister gave a commitment that he and the then Minister for Education and Skills would explore with the Violence Against Women Domestic Abuse and Sexual Violence sector how it could contribute to taking forward this work. We understand that work is now underway to develop a new curriculum and that the Pioneer Schools Network has been established.

Respondents to the Committee's consultation have raised concerns about the Welsh Government's current and future approach to healthy relationships education. These largely relate to the non-compulsory nature of guidance (especially given that the [original White Paper on the legislation](#) proposed to ensure education on healthy relationships





Ein cyf/Our ref MA(L)KW/5255/16

Llywodraeth Cymru  
Welsh Government

John Griffiths AM  
Chair  
National Assembly for Wales  
Equality, Local Government and Communities Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

18 October 2016

Dear John

Thank you for your letter of 7 October about the Equality, Local Government and Communities Committee post-legislative scrutiny work on the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 (“the Act”).

I welcome the opportunity to contribute to an important Post Legislative Scrutiny process. As requested I am providing evidence to the following questions you highlight in your letter:

**Will teaching about health relationships be included in the ‘health and wellbeing’ area of learning and experience proposed by Professor Donaldson? If not, will it be included in any of the other five areas?**

I am unable to confirm at present, given the early progress of work, but, I envisage that teaching about healthy relationships will be included in the ‘Health and Well-being’ Area of Learning and Experience (AoLE) as proposed by Professor Donaldson who identified four purposes of Education in his report Successful Futures report. I am pleased that the priorities in the National Strategy on Violence Against Women, Domestic Abuse and Sexual Violence are in alignment with those four purposes – including one to support children and young people to become healthy, confident individuals.

My officials are currently working with key stakeholders to design a new curriculum for Wales which will be developed with the four purposes proposed by Professor Donaldson at its heart. The vision, based on these purposes is that children and young people in Wales should have the skills and knowledge to manage everyday life as independently as they can, build their mental and emotional well-being by developing confidence, resilience and empathy, know how to find information and support to keep safe and well and to form positive relationships based upon trust and mutual respect to lead fulfilling lives as valued members of society.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

## **How the 120 Pioneer Schools (that have been charged with developing the new curriculum) are taking forward the Good Practice Guide?**

The Health and Well-being AoLE will have a key role to play in promoting the development of positive and appropriate relationships. The Good Practice Guide: Whole Education Approach to Violence against Women, Domestic Abuse and Sexual Violence in Wales will form part of the information and good practice resource that will support the Pioneer Schools which will be involved in the AoLE in its work.

Pioneer Schools are currently considering the strategic design and core principles of the curriculum. It is not envisaged that all Pioneer Schools will be involved in developing all six AoLEs. Each Pioneer School will know which AoLE they are focussing on in the near future and will be tasked with gathering evidence to help inform the high level AoLE design during the first period of development. This will be taken further during 2017 with a view to the new curriculum being available to schools from 2018 and fully available to support learning and teaching by 2021. My officials will continue to work with the National Adviser for VAWDA to ensure suitable evidence is provided during the design and development phase.

## **When will local authorities begin reporting on how schools are implementing the Good Practice Guide?**

The Committee will of course be aware that Section 9 of the VAWDASV Act, amended section 29 of the Education Act 1996 to enable the Welsh Ministers to make regulations to require local authorities to publish information on whether and how they are exercising their educational functions to promote the purposes of the Act, that is to say, to address the issues of violence against women, domestic abuse and sexual violence.

It is anticipated that during early 2017, under section 29 of the Education Act 1996, regulations will be developed that will place a duty on local authorities to publish information annually on the action they are taking, including within schools, to promote the purposes of the Act. Those regulations will be subject to the standard consultation process.

As noted above, the legal duty to publish the information will be placed upon Local Authorities. However, there will be information that will need to be collected from schools which they are unlikely to be collating at present, and the mechanism for such collation requires further consideration and input from education colleagues. We anticipate that the collection system will involve a minimal amount of work for schools and will seek to limit the additional work for schools as much as possible.

## **How will the Welsh Government ensure that the healthy relationships education is consistent between institutions and age-appropriate?**

My officials will review, through the Personal and Social Education (PSE) advisory group, the current arrangements of the delivery of healthy relationships provision and share good practice. Officials will also look at opportunities to promote good practice and useful resources through Hwb, the education digital platform, which is accessible to all maintained schools in Wales.



Professor Donaldson set out in *Successful Futures* Report that legislation for the new curriculum should not specify detailed prescription of content but provide a framework to allow greater flexibility for practitioners and institutions. However, the four purposes noted in *Successful Futures* will be at the heart of the new curriculum and will be the starting point for all decisions on the content and experiences developed as part of the new curriculum and assessment arrangements. The Health and Wellbeing AoLE working group will consider evidence concerning consistency and age-appropriate content in relation to teaching about healthy relationships.

**When will Estyn’s thematic review on violence against women, domestic abuse and sexual violence take place?**

Estyn will be conducting a thematic review of existing healthy relationship provision during 2016/2017 academic year.

**Will there be a target date for when all education institutions should have implemented the good practice guidance?**

There was no specific target date for implementation. The Good Practice Guide: A Whole Education Approach was published on 20 October 2015 with an expectation for schools to start using the guide (or indeed already be doing it) straightaway.

The guide, which has been developed in conjunction with Welsh Women’s Aid is based around the nine key elements of the Whole Education Approach, with each section exploring the types of activity which could be taken under each element. The guide suggests a range of practical ideas and is illustrated with case studies throughout.

The Good Practice Guide was designed to be a practical toolkit for schools and FEIs, the Statutory Guidance will be aimed at Local Authorities in their dealings with schools. It will therefore need to build upon the aspect of the Good Practice Guide where there is a role for the Local Authority (primarily around monitoring and evaluation).

**How will the effectiveness of healthy relationships education be monitored?**

Section 29 of the Education Act 1996 (as amended by the Act) allows regulations to be made to require local authorities to publish information on how it is exercising its education functions to support the purposes of the Act. As outlined above this is being applied in the context of the Good Practice Guide.

With regards to the new curriculum arrangements, we are still in the early stages of development and it is too early to forecast the detailed arrangements beyond the principles laid out in *Successful Futures*. For clarification, it recommends that legislation for the new curriculum should not specify detailed prescription of content but provide a framework to allow greater flexibility for practitioners and institutions.

**How will these issues be addressed in further and higher education institutions?**

As mentioned above The Good Practice Guide: A Whole Education Approach was published on 20 October 2015 and designed to be practical toolkit for further education institutions.

The statutory function for producing specific guidance for higher education rests with HEFCW. Through HEFCW's existing guidance and equality plans, higher education institutions in Wales already have in place a number of measures to raise awareness of these issues, provide information and advice, and to safeguard students and staff. Welsh Government will work with HEFCW to review how higher education institutions can be further supported in addressing these issues.

My officials are reviewing how higher education institutions can best be supported to address these issues.

I trust the information provided in this letter provides you with the information you require.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kirsty Williams', written in a cursive style.

**Kirsty Williams AC/AM**

Ysgrifennydd y Cabinet dros Addysg  
Cabinet Secretary for Education