

Agenda – Y Pwyllgor Plant, Pobl Ifanc ac Addysg

Lleoliad: I gael rhagor o wybodaeth cysylltwch a:
Fideo Gynadledda drwy Zoom Llinos Madeley
Dyddiad: Dydd Iau, 28 Ionawr 2021 Clerc y Pwyllgor
Amser: 09.15 0300 200 6565
SeneddPPIA@senedd.cymru

Yn unol â Rheol Sefydlog 34.19, penderfynodd y Cadeirydd wahardd y cyhoedd o gyfarfod y Pwyllgor er mwyn diogelu iechyd y cyhoedd. Bydd y cyfarfod hwn yn cael ei ddarlledu'n fyw ar www.senedd.tv

1 Cyflwyniad, ymddiheuriadau, dirprwyon a datgan buddiannau (09.15)

2 COVID-19: Sesiwn dystiolaeth gyda Chomisiynydd Plant Cymru (09.15 – 10.15) (Tudalennau 1 – 7)

Sally Holland, Comisiynydd Plant Cymru

Rachel Thomas, Pennaeth Polisi a Materion Cyhoeddus – Swyddfa

Comisiynydd Plant Cymru

Dogfennau atodol:

Themâu craffu

CYPE(5)-03-21 – Papur 1 (Saesneg yn unig)

Egwyl

(10.15 – 10.30)



3 COVID-19: Sesiwn dystiolaeth gyda chynrychiolwyr Llywodraeth Leol

(10.30 – 11.30)

Y Cynghorydd Ian Roberts, Arweinydd Cyngor Sir y Fflint a Llefarydd ar Addysg, Cymdeithas Llywodraeth Leol Cymru

Y Cynghorydd Ellen Ap Gwynn, Arweinydd Cyngor Sir Ceredigion a Dirprwy Llefarydd ar Addysg a'r Gymraeg, Cymdeithas Llywodraeth Leol Cymru

Y Cynghorydd Philippa Marsden, Arweinydd Cyngor Bwrdeistref Sirol Caerffili a Llefarydd ar y Gweithlu, Cymdeithas Llywodraeth Leol Cymru

Y Cynghorydd Huw David, Arweinydd Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr a Llefarydd ar Iechyd a Gofal Cymdeithasol Cymdeithas Llywodraeth Leol Cymru

Sharon Davies, Pennaeth Addysg ar ran Cymdeithas Llywodraeth Leol Cymru

4 Papurau i'w nodi

(11.30)

4.1 Llythyr gan y Dirprwy Weinidog Iechyd a Gwasanaethau Cymdeithasol ynghylch Rheoliadau'r Gyfarwyddeb Masnach Electronig (Addysg, Mabwysiadu a Phlant) (Diwygio etc) (Ymadael â'r UE) 2021

(Tudalennau 8 – 13)

Dogfennau atodol:

CYPE(5)-03-21 – Papur i'w nodi 1

5 Cynnig o dan Reol Sefydlog 17.42(ix) i benderfynu gwahardd y cyhoedd o weddill y cyfarfod

(11.30)

6 Covid-19 – trafod y dystiolaeth

(11.30 – 11.45)

7 Cyllideb ddrafft Llywodraeth Cymru ar gyfer 2020–2021 – Trafod yr adroddiad drafft

(11.45 – 12.30)

Dogfennau atodol:

CYPE(5)–03–21 – Pupur preifat (Saesneg yn unig)

Mae cyfyngiadau ar y ddogfen hon

To: To: Lynne Neagle
MSChair
Children, Young People
and Education
CommitteeVia email only

13 January 2021

Dear Chair,

I'm aware of the Committee's ongoing scrutiny of education provision during the pandemic, and in particular the evidence sessions planned from this week onwards in relation to the education offer under the current lockdown arrangements. As ever, I welcome the Committee's proactive approach in this area.

I thought it would be helpful to update you in respect of the actions my team and I are taking alongside the work of the Committee in holding Government and others to account and to restate what I believe should be the current key current children's rights priorities. In this letter I update you with a snapshot on my team's general work in relation to the current crisis, as well as informing you of work we are doing to collate more information on the digital divide, to support national communications with children and our calls on vaccinations for school staff.

As you know my website has an [Information Hub](#) which provides dedicated support, advice, information and resources for children and families. We've updated this page recently in light of the latest national lockdown, including details of mental health support available across Wales for children and young people, and will continue to keep this content up to date in response to the queries my office is receiving.

As well as continuing to offer my casework service on a daily basis, my team is collating the issues that are arising so that I can raise these further in the following meetings:

- At least weekly engagement with Government officials; more as required and urgent matters sent to officials ahead of any such meetings;
- Monthly engagement with representatives with the regional education consortia.

We've also continued attendance at a range of policy and practice working groups in respect of children and young people including vulnerable children working group, Shadow Social Partnership, Government and Qualifications Wales' stakeholder groups for 2021 assessments, and many more alongside.



Tŷ Ystumllwynarth/Oystermouth House
Llys Siarter/Charter Court, Phoenix Way
Abertawe/Swansea SA7 9FS
01792 765600

comisiynyddplant.cymru
childrenscommissioner.wales

post@comisiynyddplant.cymru
Tudalen y pecyn 4
post@childrenscommissioner.wales

Croesawn ohebiaeth yn y Gymraeg yn ogystal â'r Saesneg ac mewn amryw o fformatau
We welcome correspondence in the medium of Welsh and English as well as alternative formats

My team continue to monitor and intervene where necessary in situations where children are likely to be most at risk from restrictions, this includes those living in residential children's homes, and those in closed welfare, mental health and youth justice settings. For example, we supported arrangements for looked after children to have some contact with their families over Christmas, despite the restrictions in place.

Scrutiny of issues arising through casework and social media has led me to create a short online survey for school and college leaders to establish the ongoing pressures and issues in relation to digital exclusion. When I was giving evidence to this Committee in November 2020, I noted that I'd asked the Government to undertake an audit of provision across local authority areas. Whilst I was pleased that they took up this suggestion, the Government has yet to collate all results, so there remains a gap in the picture of ongoing need across Wales for children. It is concerning that this remains unresolved so many months on from the original lockdown period and so I've decided to collate up to date data on this myself in order to evidence any ongoing need for additional resources of support as well as identify the immediate hurdles for local authorities and others to overcome with urgency.

I will be collating a short report of findings from this work which will be published; I will ensure a copy is shared with the Committee once this is completed. Depending on the response rate, I hope to be able to report on this by the end of January 2021.

I've also offered Unions for school and teaching staff to copy my office in to any correspondence with their local authorities on the topic of digital access, in order to keep a close eye on this issue.

I recognise that the public health situation creates enormous pressures and significantly reduces the options available to the Government. I have attempted in all of my public messaging to balance the need to support critical public health messages – in my mind, so vital in a public health crisis – whilst also holding Government to account. All of my public [statements](#) are published on my website and social media accounts.

However, I have continued to push for direct communications with and to children and young people. I have been pleased to support Qualifications Wales with a short notice letter to young people regarding the assessment arrangements for 2021 in light of the ongoing school closures. I've also arranged another session for the Minister for Education to be able to talk to young people affected by the decisions in relation to assessments this year, before she publishes further information on the arrangements.

I have also reiterated the importance of listening to young people to inform decisions about qualifications, and I will continue to scrutinise Government's ongoing development of research plans into young people's experience of assessment over the coming months.



In respect of qualifications for 2021, the aims of my work are to enable young people to have their rights respected, to be listened to, get clear information, to be treated fairly, have their wellbeing supported and to an education that helps them fulfil their potential.

In all of my work I have been keeping the Government's duties to uphold children's rights in the forefront of my mind. I have seen the latest published CRIA in respect of the December decisions around school closures and national Alert level 4. I had seen this document in advance of its publication and welcome in particular the key principles that pervade all of the Government's work, to ensure children are seen and supported and being provided for in a suitable way. Ultimately however the most recent Government decisions have been driven by the overriding public health crisis and unfortunately this meant that decisions in relation to school closures and reducing socialisation between children and young people were made that did not fit with the findings of the CRIA, but could be argued to be understandable in the circumstances.

This was why, in my latest statements, I re-highlighted the need to properly prioritise children's education at a national level, by urging the Government to look at creative and innovative ways to bring children back in to school in as short a timeframe as possible, within the current circumstances.. I believe that this is just as necessary for their mental health and wellbeing as for their education offer, and would like to see plans being drawn up to allow different age groups to engage with education face to face, whether this is on a rota or timetabled basis, or with limited classes or groups at any one time. In order to support this it is vital that our education staff are prioritised in respect of Covid vaccinations; we cannot make education a national priority without taking all actions available to us to do so. To support this, the four Children's Commissioners for the UK nations are writing jointly to the Joint Committee on Vaccinations and Immunisations (JCVI) and all four Chief Medical Officers and Health Ministers to re-emphasise this point.

To reiterate the calls made in my statement last week, there are four immediate priorities for supporting children and young people:

- Welsh Government must, with urgency, produce minimum expectations of support for home learning, which is age appropriate, for all learners. This need not mean full days at the screen – this is unlikely to be positive for the health of children or teachers – but children and parents should know what to expect from their school. It is clear that very many schools have worked hard to develop their offer over the last few months, and young people have told me that it is much improved, but there cannot be a post-code lottery when it comes to our children's education.
- Local authorities, with the support of Welsh Government, must ensure access to digital devices for all learners who require them. I am



currently seeking information from all head teachers and college principals across Wales to identify the level of need and what the obstacles are, to highlight to local authorities and Welsh Government. We cannot ensure children's continued access to education without this.

- There is absolutely no doubt that the pandemic has had detrimental impacts on children and young people, and we must all make sure that those who need mental health support can access it without delay. I've published information on my website about the superb support that organisations are currently offering.
- We must find a way of re-opening school and college buildings as soon as it's safe to do so, whether that's full capacity or even part-time attendance. School and college staff should be prioritised for vaccination to support public and professional confidence.

Should the Committee wish to hear from me in greater detail about my work and the priorities for children's rights during this period I'd be happy to provide further evidence, either in response to written questions from the Committee or in person should I be invited to give oral evidence.

Yours sincerely,



Sally

Sally Holland
Comisiynydd Plant Cymru
Children's Commissioner for Wales

Rydym yn croesawu gohebiaeth a galwadau yn Gymraeg. Byddwn yn ateb gohebiaeth a gwladau a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd cysylltu yn Gymraeg yn arwain at oedi | We welcome receiving correspondence and calls in Welsh. We will respond to correspondence and calls in Welsh, and contacting us in Welsh will not lead to delay.



Eitem 4.1

CYPE(5)-03-21 - Papur i'w nodi 1

Julie Morgan AS/MS
Y Dirprwy Weinidog Iechyd a Gwasanaethau Cymdeithasol
Deputy Minister for Health and Social Services



Our ref MA-L JM/0418/19

Lynne Neagle AS
Cadeirydd
Y Pwyllgor Plant, Pobl Ifanc ac Addysg
Senedd Cymru
Bae Caerdydd
CF99 1SN
SeneddPPIA@senedd.cymru

Llywodraeth Cymru
Welsh Government

19 Ionawr 2021

Annwyl Lynne,

Rwy'n ysgrifennu i'ch hysbysu fy mod wedi gosod Memorandwm Cydsyniad Offeryn Statudol yn y Senedd mewn perthynas â Rheoliadau'r Gyfarwyddeb Masnach Electronig (Addysg, Mabwysiadu a Phlant) (Diwygio etc) (Ymadael â'r UE) 2021, yn unol â'r gofyniad o dan Reol Sefydlog 30A (RhS30A).

Rwy'n ysgrifennu i roi gwybod ichi hefyd nad wyf, yn yr achos hwn yn bwriadu gosod cynnig i gynnal dadl arno ynglŷn â'r OS. Gwneuthum y penderfyniad hwnnw ar y sail bod yr OS wedi'i gyfyngu i wneud cywiriadau i'r diffygion yn y gyfraith sy'n codi o ganlyniad i ymadawiad y DU â'r UE. Mae darpariaethau'r OS yn rhai technegol, nid ydynt yn cyflwyno unrhyw bolisi newydd, ac nid oes gwahaniaeth rhwng Llywodraeth Cymru a Llywodraeth y DU o ran y polisi yn yr achos hwn.

Mae RhS30A.10 yn darparu y caiff unrhyw Aelod osod cynnig i gynnal dadl ar yr OS hwn. O ystyried cymaint o ddeddfwriaeth y mae'r Senedd yn ei ystyried, a natur dechnegol yr OS, ni fyddaf i fy hun yn mynd ati i ysgogi dadl o'r fath.

Yn gywir

Julie Morgan AS/MS
Y Dirprwy Weinidog Iechyd a Gwasanaethau Cymdeithasol
Deputy Minister for Health and Social Services

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Gohebiaeth.Julie.Morgan@llyw.cymru
Correspondence.Julie.Morgan@gov.wales

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.

Tudalen y pecyn 8
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.

MEMORANDWM CYDSYNIAD OFFERYN STATUDOL

Rheoliadau'r Gyfarwyddeb Masnach Electronig (Addysg, Mabwysiadu a Phlant) (Diwygio etc) (Ymadael â'r UE) 2021

1. Gosodir y Memorandwm Cydsyniad Deddfwriaethol hwn o dan Reol Sefydlog ("RhS") 30A.2. Mae RhS 30A.2 yn rhagnodi bod rhaid gosod Memorandwm Cydsyniad Offeryn Statudol mewn perthynas ag unrhyw offeryn statudol perthnasol a osodir gerbron Senedd y DU gan Weinidogion y DU. Ystyr "offeryn statudol perthnasol" yw offeryn statudol neu offeryn statudol drafft a osodir gerbron Senedd y DU gan Weinidogion y DU sy'n gwneud darpariaeth mewn perthynas â Chymru gan ddiwygio deddfwriaeth sylfaenol sydd o fewn cymhwysedd deddfwriaethol Senedd Cymru (y Senedd).
2. O dan RhS 30A.10, caiff unrhyw aelod gyflwyno Cynnig Cydsyniad Offeryn Statudol gerbron y Senedd yn gofyn am gytundeb y Senedd i gynnwys darpariaeth berthnasol mewn offeryn statudol perthnasol.
3. Cafodd Rheoliadau'r Gyfarwyddeb Masnach Electronig (Addysg, Mabwysiadu a Phlant) (Diwygio etc) (Ymadael â'r UE) eu gosod gerbron Senedd y DU ar 18 Ionawr 2021 ac maent bellach yn cael eu gosod gerbron Senedd Cymru. Mae copi o'r Rheoliadau wedi'i osod gyda'r memorandwm hwn ac maent i'w gweld hefyd yn:

<http://www.legislation.gov.uk/id/ukdsi/2021/9780348219210>

Crynodeb o'r Offeryn Statudol a'i amcan

4. Nod yr OS yw cywiro diffygion mewn deddfwriaeth sy'n deillio o ymadawiad y DU â'r Undeb Ewropeaidd. Mae'r OS yn diwygio Atodlen 11B i Ddeddf Addysg 2002 a darpariaethau yn Rheoliadau'r Gyfarwyddeb Masnach Electronig (Deddf Mabwysiadu a Phlant 2002) 2005 er mwyn datgymhwyso'r egwyddor "gwlad tarddiad", ac mae'n gwneud diwygiadau canlyniadol eraill i adlewyrchu'r ffaith nad yw'r DU bellach yn aelod o'r UE.
5. Mae angen y cywiriadau hyn er mwyn sicrhau y bydd y llyfr statud yn parhau i weithredu'n effeithiol ar ôl ymadael.

Y ddarpariaeth berthnasol sydd i'w gwneud gan yr OS

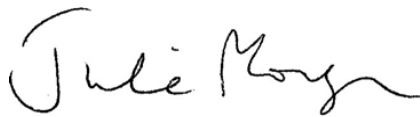
6. Y ddeddfwriaeth sylfaenol a ddiwygir gan y Rheoliadau hyn yw Deddf Addysg 2002 (p.32) ("Deddf 2002"). Mae'r diwygiadau'n darparu ar gyfer datgymhwyso'r egwyddor "gwlad tarddiad" mewn perthynas â rhai darpariaethau yn Atodlen 11 B i Ddeddf 2002.
7. Mae Atodlen 11B yn ymdrin â throseddau am dorri cyfyngiadau adrodd o dan adran 141G o Ddeddf 2002, sef rhoi gwybod am droseddau honedig gan athrawon. Effaith y diwygiadau yw datgymhwyso'r egwyddor gwlad

tarddiad mewn perthynas â gwasanaethau cymdeithas wybodaeth sydd o bosibl wedi torri'r cyfyngiadau adrodd o dan adran 141F.

8. Mae Llywodraeth Cymru o'r farn fod y darpariaethau a ddisgrifir ym mharagraffau 5 i 6 uchod yn dod o fewn cymhwysedd deddfwriaethol y Senedd i'r graddau y maent yn ymwneud ag addysg.

Pam y mae'n briodol i'r OS wneud y ddarpariaeth hon

9. O dan yr amgylchiadau eithriadol hyn, rydym o'r farn ei bod yn briodol i Lywodraeth y DU ddeddfu ar ein rhan yn yr achos hwn, am resymau'n ymwneud ag effeithlonrwydd a hwylustod. Nid oes gwahaniaeth rhwng Llywodraeth Cymru a Llywodraeth y DU o ran y polisi ar gyfer y cywiriad. Mae cydsynio i OS ar gyfer Cymru a Lloegr yn sicrhau bod un fframwaith deddfwriaethol ar draws Cymru a Lloegr, sy'n hybu eglurder a hygyrchedd yn ystod y cyfnod digynsail hwn o newid.



Julie Morgan AS / MS
Y Dirprwy Weinidog Iechyd a Gwasanaethau Cymdeithasol
19 Ionawr 2021

- (ii) omit (“the E-Commerce Directive”);
- (b) omit paragraphs 2 and 3;
- (c) omit paragraph 7(2).

Amendment of the Electronic Commerce Directive (Adoption and Children Act 2002) Regulations 2005

3.—(1) The Electronic Commerce Directive (Adoption and Children Act 2002) Regulations 2005(a) are amended as follows.

- (2) In regulation 1—
 - (a) for the heading substitute “Citation and commencement”;
 - (b) omit paragraph (2).
- (3) In regulation 2 (interpretation)—
 - (a) in paragraph (1), omit the definitions of the following—
 - (i) “the Commission”;
 - (ii) “co-ordinated field”;
 - (iii) “country of origin”;
 - (iv) “EEA State”;
 - (v) “incoming electronic commerce activity”;
 - (vi) “incoming provider”;
 - (vii) “prohibited measure”;
 - (viii) “relevant EEA authority”;
 - (b) in paragraph (2), omit sub-paragraphs (a), (b) and (c).
- (4) Omit regulations 3 to 8.

Date

Name
Parliamentary Under Secretary of State
Department for Education

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 8(1) of, and paragraph 21(b) of Schedule 7 to, the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a), (c) and (d) of that Act) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations amend the Education Act 2002 (c. 32) (“the 2002 Act”) and the Electronic Commerce Directive (Adoption and Children Act 2002) Regulations 2005 (S.I. 2005/3222) (“the 2005 Regulations”). Together, the amendments provide for the disapplication of the “country of origin” principle in relation to information society services (defined in Article 2(a) of Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market) in respect of certain matters under the 2002 Act and the 2005 Regulations respectively.

The amendments to the 2002 Act relate to provision in Schedule 11B to that Act (which supplements section 141G of that Act in relation to publishing a matter in breach of restrictions on reporting alleged offences by teachers in section 141F(3)); those provisions extend to England and Wales

(a) S.I. 2005/3222, amended by S.I. 2011/1043, 2012/1809; there are other amending instruments but none is relevant.

only). The effect of the amendments is to disapply the country of origin principle in respect of information society services which have potentially breached the reporting restrictions under section 141F of the 2002 Act.

The amendments to the 2005 Regulations provide for the disapplication of the country of origin principle in relation to information society services in the application of sections 92 and 93 of the Adoption and Children Act 2002 (c. 38) (restriction on arranging adoptions) and sections 123 and 124 of that Act (restriction on advertising adoptions).

An impact assessment has not been published for this instrument as no, or no significant, impact on the private, public or voluntary sector is foreseen.