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Educational support

Special educational needs (SEN)/Learning Difficulties and Disabilities (LDD)/Additional Learning Needs (ALN)

For children of compulsory school age (up to 16), SEN provision is governed by the Education Act 1996[1]. Inclusion in mainstream provision is a basic principle as set out by the Special Educational Needs Code of Practice for Wales[2].

All mainstream schools must designate a qualified teacher working at the school to be the SENCO (the Special Educational Needs Coordinator), sometimes known as the Inclusion Coordinator. There is an expectation that all children with special educational needs should follow the National Curriculum where it applies. However, the Act does allow for the National Curriculum and related assessment arrangements to be modified or disapplied.

For post-16 learners, there is a separate legislative framework. The Learning and Skills Act 2000[3] refers to learners with ‘learning difficulties and/ or disabilities’ (LDD) rather than SEN. Under the Act, a person has a learning difficulty if:

- they have significantly greater difficulty in learning than the majority of persons of their age, or
- they have a disability which either prevents or hinders them from making use of facilities of a kind generally provided by institutions providing post-16 education or training.

When enacted, the Additional Learning Needs and Education Tribunal (Wales) Bill[4] will replace this SEN framework with a unified legislative framework to support children and young people from birth to age 25 with Additional Learning Needs (see ‘Current debates and reforms[5]’).
One of the aims of the Bill is to ensure that partner agencies work together to provide equality of opportunity for all children and young people to participate in and benefit from learning. The term ALN is increasingly being used instead of SEN. Under the Equality Act 2010, schools, colleges and universities have a duty to make reasonable adjustments to prevent discrimination. Local authorities must develop an accessibility strategy. This strategy must cover:

- increasing the extent to which disabled pupils can participate in a school’s curriculum
- improving the physical environment of schools for disabled pupils
- improving the delivery to disabled pupils of information provided to other pupils in writing.

Under the Act, schools, colleges and universities need to have in place access arrangements so that students with disabilities or special educational needs are able to participate fully in internal school tests, mock examinations and external examinations, without, however, changing the demands of these assessments. Examples of the type of reasonable adjustments and access arrangements which might be made include readers, scribes and Braille question papers.

Pupils from minority ethnic groups

To meet the legal entitlement of children from minority ethnic groups to a full school education, most local authorities provide centralised teaching services of English as an additional language (EAL) or Welsh as an additional language (WAL).

Specially trained teachers may be based permanently in one school, or travel around, depending on the nature of the local area.

Children and young people looked after by the local authority (looked after children/LACs)

The Social Services and Well-being (Wales) Act 2014 places a responsibility on local authorities (LAs) to safeguard and promote the well-being of any child or young person in their care. The Act also places a positive duty on LAs to promote the educational achievement of children and young people in their care and to cooperate with relevant partners to improve the well-being of children, including educational outcomes.

The Welsh Government’s plan for improving the educational attainment of children who are looked after states that:

...children who are looked after face particular barriers which may affect their successful transition into further learning. They are more likely to have lower educational achievements than their peers, and may need additional advice, guidance and encouragement to understand and access the different options available to them.

The Welsh Government has worked with Cardiff University to create a new online hub to share information and resources focusing on children in care to help improve their educational outcomes. Universities support care leavers into and through higher education as part of their fee plan and widening access strategy commitments (see higher education below).

Asylum-seeking and refugee children
If they are of statutory school age (5-16), asylum-seeking children arriving in Wales are entitled to a school place for as long as they remain. The Welsh Government guidance encourages the provision of pastoral support, such as counselling, and practical support, such as help with school uniforms, free school meals and home to school transport.

Gypsy, Roma and Traveller children

The Welsh Government and the educational charity, Show Racism the Red Card [10] have produced an online toolkit [11] to support education practitioners in settling these pupils in school. The toolkit complements Travelling Together [12], a suite of resources published on Learning Wales in 2014, to promote the integration of Gypsy and Traveller culture into the national curriculum. The toolkit also includes activities to promote equality and tackle racism in the classroom and explains the importance of recognising, responding to and recording racist incidents.

Widening participation in higher education

The Higher Education Funding Council for Wales (HEFCW [13]) works with universities to enable them to meet Welsh Government priorities for higher education in Wales.

HEFCW’s corporate strategy [14] says:

We will maintain our focus on underrepresented communities and individuals, including [...] care leavers, to address inconsistencies in inclusion, progression, social mobility and learner success for those from areas of multiple deprivation in Wales, as well as addressing the aims of our Child Poverty Strategy [15].

The strategic framework within which the HEFCW operates includes a vision of accessible higher education which delivers social justice. One of the key strategic themes through which social justice will be delivered is widening access to secure inclusion, progression and success in higher education:

Social justice is a key Welsh Government priority and widening access to higher level learning and skills has an important contribution to make to this aim. We will work with the Welsh Government, higher education providers and our partners to promote widening access and equality of opportunity.

We will prioritise the further development of inclusive learning, retention and progression opportunities to contribute to social justice and mobility for learners of all ages and backgrounds.

HEFCW’s ‘Reaching Wider [16]’ is a Wales-wide, collaborative, long-term programme to break down perceived barriers and widen access to higher education and higher-level skills. Reaching Wider engages two main groups of people of all ages who are under-represented in higher education: people living in areas of deprivation and looked after children and care leavers.

The Higher Education (Wales) Act 2015 [17] is intended to safeguard the contribution made to the public good arising from the Welsh Government’s financial support for higher education and to maintain a strong focus on fair access to higher education.

Since 2012/13, fee plans have been a statutory requirement for HEFCW-funded institutions in Wales charging fees exceeding £4,000 a year (i.e above the basic amount). Under the 2015 Act, which was implemented fully from academic year 2017/18, all higher education providers that wish their courses to be automatically designated for Welsh Government student support (not just those charging fees above the basic amount) must submit fee and access plans to HEFCW for approval. The plans have been renamed to reflect the contribution they are intended to make to improving equality of opportunity in connection with access to higher education.
The fee and access plans must set out activities and investments in support of objectives related to the promotion of equality of opportunity in access to higher education, specifically the removal of barriers that members of under-represented groups experience, both in accessing and remaining in, higher education.

Further information is available in Welsh Government guidance to HEFCW.

The Equality Challenge Unit (ECU) works to further and support equality and diversity for staff and students in higher education institutions across all four nations of the UK and in colleges in Scotland. It provides a central resource of advice and guidance for the sector. ECU is a registered charity funded by the Scottish Funding Council, the Higher Education Funding Council for Wales and Universities UK, and through direct subscription from higher education institutions in England and Northern Ireland. ECU has published guidance for colleges and higher education institutions on meeting their duties under the Equality Act 2010.

**Funding**

There are a number of funding streams aimed at keeping vulnerable young people engaged in education. These are all means-tested:

- The Pupil Development Grant, provides financial support to help tackle the effects of disadvantage on attainment.

- The Education Maintenance Allowance is awarded to pupils aged 16-18 who come from low-income households in order to support them to continue education after the age of 16.

- The Welsh Government Learning Grant for Further Education provides financial support for young people aged 19 or older from low-income households continuing with their studies.

As part of the student support package, Disabled Students’ Allowances (DSAs) are provided by the Welsh Government for eligible disabled students undertaking designated undergraduate or postgraduate courses to cover any additional disability-related costs.

**Further information**

See the following articles in the Eurydice network’s education system descriptions:

- Special Education Needs Provision within Mainstream Education
- Support Measures for Learners in Early Childhood and School Education
- Support Measures for Learners in Higher Education
- Educational Support and Guidance
- 'Admission requirements' in the article 'Bachelor'

For programmes/initiatives in non-formal/informal education and youth work, see ‘Youth work to foster social inclusion’ in the Social Inclusion chapter.
Social cohesion and equal opportunities

Equality Legislation

The Equality Act 2010 [6] created the Public Sector Equality Duty [29], which places public bodies, including schools, further education colleges [30] and higher education institutions [31], under a general duty to carry out their functions with due regard to the need to:

- eliminate discrimination and other conduct that is prohibited by the Act

- advance equality of opportunity between people who share a protected characteristic and people who do not share it

- foster good relations across all characteristics between people who share a protected characteristic and people who do not share it.

The Department for Education’s advice for schools [32] regarding the Equality Act include outlining ways in which the curriculum could be taught in a discriminatory way and highlighting ways to prevent this e.g. The girls’ cricket team are not allowed equal access to the cricket nets, or the boys’ hockey team is given far better resources than the girls’ team.

The protected characteristics are:

- age

- disability

- gender reassignment

- pregnancy and maternity

- race

- religion or belief

- sex

- sexual orientation.

The Act applies to all schools, both publicly funded and independent fee-paying schools, higher education authorities and further education colleges.
The Equality and Human Rights Commission has provided guidance on the provisions of the Act as regards further and higher education institutions.

**‘Prevent’ Duty**

From 1 July 2015, a wide range of public-facing bodies, including all schools, colleges and universities, became subject to the ‘Prevent’ duty. This is a duty to have due regard to preventing people being drawn into terrorism. Specific guidance for early years providers and schools and further education institutions and higher education institutions is available. Broadly speaking, these guidelines discuss the importance of safeguard training for teachers, as well as training in identifying children who may be vulnerable to radicalisation, and risk assessment.

**School curriculum**

In formal education, the main learning area through which the values of equality, diversity and non-discrimination are taught is personal and social education (PSE). PSE is a statutory requirement for ages 7 to 19. The PSE Framework, which is non-statutory says that:

Learning providers should develop in every learner a sense of personal and cultural identity that is receptive and respectful towards others. They should plan across the curriculum to develop the knowledge and understanding, skills, values and attitudes that will enable learners to participate in our multi-ethnic society in Wales. Learning providers should develop approaches that support the ethnic and cultural identities of all learners and reflect a range of perspectives, to engage learners and prepare them for life as global citizens.

Learning outcomes for post-16, under the ‘active citizenship’ theme include that learners should be given opportunities to ‘demonstrate respect for self, others and for diversity’. Under the ‘sustainable development and global citizenship’ theme, they should have opportunities to ‘appreciate why equity and justice are necessary in a sustainable community’.

Education for Sustainable Development and Global Citizenship (ESDGC) is a separate, overarching policy used by the Welsh Government to incorporate ‘citizenship’ and ‘sustainable development’ into all levels of education. One of the themes of ESDGC is identity and culture. Several of the key concepts of ESDGC are also relevant to social cohesion including interdependence; citizenship and stewardship; needs and rights; diversity; values and perceptions; and conflict resolution.

For post-16 under the ‘identity and culture’ theme learners should be given opportunities to:

- appreciate the importance of challenging injustice in appropriate ways
- develop a set of personal values which they apply in practice and reassess at intervals
- understand how cultural differences influence our view of nature, science and society
- understand how ethical problems faced by society and individuals can be discussed and resolved.

In schools, expectations are also set through standards for teachers. The Welsh Government’s guidance handbook on becoming a qualified teacher notes that trainee teachers should
‘demonstrate values and professional characteristics which can motivate and inspire learners and reflect and promote the purposes of education’. These values include respect for other people and respect for cultural diversity.

In order to gain Qualified Teacher Status, the standards to be met include, under ‘professional values and practice’, that teachers must demonstrate that:

They understand the diverse learning needs of learners and endeavour to provide the best possible education for them to maximise their potential, whatever their individual aspirations, personal circumstances or cultural, linguistic, religious and ethnic backgrounds.

Under ‘teaching and class management’ teachers must demonstrate that:

They have high expectations of learners and build successful relationships, centred on teaching and learning. They establish a purposeful learning environment where diversity is valued and where learners feel secure and confident.

They recognise and respond effectively to social inclusion and equal opportunities issues as they arise in the classroom, including by challenging stereotyped views, and by challenging bullying or harassment, following relevant policies and procedures.

**Inspection**

**Estyn**, Her Majesty's Inspectorate for Education and Training in Wales, is responsible for inspecting schools, further education and work-based learning. The guidance issued to inspectors for inspections of secondary schools says that inspectors should look at ‘how well the school helps pupils to understand issues relating to equality and diversity, and develops the values of tolerance and respect’ and should consider ‘how well pupils are developing as ethical, informed citizens, for example through their awareness of fairness, equality, tolerance, sustainability and children’s rights’. The guidance for the inspection of further education colleges says, when making judgements on the indicator ethos, equality and diversity, inspectors should judge how well the college:

- establishes an ethos that is inclusive
- challenges all forms of discrimination or inequality for all groups who potentially could suffer a lack of fair opportunities for learning and/or employment
- offers fair access to the curriculum and challenge stereotypes in learners’ choices
- develops tolerant attitudes and makes sure that all learners and staff are free from harassment
- promotes the prevention and elimination of oppressive behaviour through the implementation of its policies and procedures

Inspectors should also take account of the extent to which work-based learners are protected from harassment and discrimination in their workplaces.

Inspectors should evaluate whether the college:
• has a well-understood policy that promotes equal opportunities and human rights

• has an action plan that ensures delivery of the policy

• provides appropriate equality training for staff

• monitors and addresses any related issues or complaints that arise.

**Non-formal/informal learning and youth work**

Young people using youth work services are entitled to protection under the Equality Act 2010. In 2011, the [Council for Wales of Voluntary Youth Services](http://example.com) produced a guide, *Youth Work Methodology Handbook: Equalities* [45], commissioned by the Welsh Government.