

Education: Inclusion

Introduction

The brief looks at some of the elements associated with school inclusion: special educational needs; nutrition; free school meals and free breakfasts; and school exclusions.

Special educational needs (SEN) – Children have special educational needs if they have a learning difficulty which calls for special educational provision to be made for them. A Statement of Special Educational Needs sets how the needs of a child can be met in order to provide extra help and support to get the most out of the education system. The current statutory framework for SEN is outlined in the *Education Act 1996* and the *SEN and Disability Act 2001*. The *Education Act 1993* placed a duty on the Secretary of State for Education to issue a Code of Practice and established the power to revise it from time to time. The first Code of Practice came into effect in 1994. Since then, the rights and duties contained in the 1993 Act have been consolidated into Part IV of the 1996 Education Act. The SEN Code of Practice for Wales (2002) provides guidance and sets out procedures aimed at enabling children and young people with SEN to reach their full potential, to be included fully in their school communities and make a successful transition to adulthood. The percentage of pupils in Wales with statements has remained constant over recent years. At January 2006, 3.2% of pupils on school rolls in Wales had statements (figures ranging from 1.5% in Bridgend to 4.5% in Powys). Nearly three quarters of pupils with statements are educated in mainstream schools.

The Assembly's Education (ELL and ELLS) Committees have undertaken a comprehensive review into special educational needs in Wales and their reports, together with the Welsh Assembly Government responses are available here:

Part 1 – Early identification and intervention

<http://www.wales.gov.uk/keypubassemmedlifelearn/content/sen-e.htm>

Part 2 - Statutory Assessments and Statement

<http://www.wales.gov.uk/keypubassemmedlearnskills/content/policy-rev-e.htm>

Part 3 - Transition

<http://www.wales.gov.uk/keypubassemmedlearnskills/content/policy-rev3-e.htm>

Nutrition in school, free school meals and free breakfasts

Free school meals - Parents do not have to pay for school lunches if they receive any of the following:

- Income Support
- Support under Part VI of the *Immigration and Asylum Act 1999*
- Guaranteed Pension Credit
- Income-based Jobseeker's Allowance
- Child Tax Credit, provided they are not entitled to Working Tax Credit and have an annual income (as assessed by Her Majesty's Revenue and Customs) that does not exceed £14,155

In 2006, 16 per cent of pupils in maintained schools were eligible for free school meals. In some instances, entitlement to free school meals is used as a proxy indicator for deprivation. Assembly Government statistics on free school meals are available [from the Welsh Assembly Government's website](#).

Nutrition - the Welsh Assembly Government established the independent Food in Schools Working Group in July 2005. The group issued a consultation document, '*Appetite for Life*', in June 2006, ending in October 2006. In '*Appetite for Life*', the group identified standards for food, drink and nutrients and set out 41 proposals, including suggestions that:

- new school meal standards should be introduced over two years from September 2008. There would be a one-year implementation period (2008-2009) for primary schools and a two-year implementation period (2008-2010) for secondary schools;

Current legislation only allows standards to be set for school lunches; the Welsh Assembly Government has, for example, no power to ban particular foods. However, framework powers contained in the Education and Inspections Act 2006 provided the necessary powers to take forward every proposal in Appetite for Life. As an element of its routine school inspections process, Estyn (HM Chief Inspector of Schools) is to inspect schools' work in promoting and enabling healthy eating and drinking.

School breakfasts - the Welsh Assembly Government is committed to providing for all primary school children in Wales to have free breakfasts. The initiative is intended to help improve the health and concentration of pupils, to assist in the raising of standards of learning and attainment. There are approximately 1,600 eligible primary schools in Wales. The initiative is optional for both schools and pupils attending participating schools. The Welsh Assembly Government has made funding of £10million in each of 2007/08 and 2008/09 available for the free breakfast initiative. The Minister reported (March 2007) that the number of schools taking up the offer is now over 500.

School exclusions - in 2005/06, there were 451 permanent exclusions from schools in Wales, 14 less than the previous year. Boys account for more than 7 out of 10 of all the permanent exclusions. Of the 451 exclusions, over a quarter were provided with home tuition as the alternative provision. 17 per cent were transferred to another mainstream school. Assembly Government statistics on school exclusions are available [from the Welsh Assembly Government website](#).

Overview of current statutory powers of the Assembly

- The Education and Inspections Act 2006 received Royal Assent on 8 November 2006. Section 178 of the Act contained wide powers for the Assembly to make subordinate legislation, known as 'framework powers'. A draft Order in Council to convert the framework powers in the Act into powers for the Assembly to make Assembly Measures in the same policy areas was debated and approved by the Assembly in plenary on 7 March 2007. Powers included in the Order include those in connection with school transport and school admissions.
- "Education and training" is Field 5 of Schedule 5 of the *Government of Wales Act 2006*. This means that the National Assembly for Wales can seek Measure-making powers over education matters through Legislative Competence Orders.

Key Welsh Government documents from the Second Assembly:

The *Learning Country: Vision into Action*¹ is the Welsh Assembly Government's strategic plan for education, lifelong learning and skills in Wales until 2010.

Legacy issues from the Second Assembly

- Special Educational Needs policy review - The Committee's legacy paper notes that successor Committees will wish to keep under review progress in implementing those recommendations accepted by the Assembly Government, including those into Special (or Additional) Educational Needs.

Useful Links

- The Welsh Assembly Government has a website covering education and lifelong learning issues: <http://new.wales.gov.uk/topics/educationandskills/?lang=en>
- The National Assembly for Wales (Legislative Competence) (Conversion of Framework Powers) Order 2007: <http://www.opsi.gov.uk/si/si2007/20070910.htm> and explanatory notes http://www.opsi.gov.uk/si/em2007/uksiem_20070910_en.pdf

Further information

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¹ Welsh Assembly Government [The Learning Country: Vision into Action](#) 26 October 2006