
Ymateb i Ymgynghoriad / Consultation Response

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Pwnc / Subject:	Response re Independent Statutory Inquiry into Grooming Gangs – Draft Terms of Reference

Background information about Estyn

Estyn is the Office of His Majesty's Inspectorate for Education and Training in Wales. As a Crown body, we are independent of the Welsh Government.

Our principal aim is to raise the standards and quality education and training in Wales. This is primarily set out in the Learning and Skills Act 2000¹ and the Education Act 2005. In exercising its functions, we must give regard to the:

- Quality of education and training in Wales;
- Extent to which education and training meets the needs of learners;
- Educational standards achieved by those receiving education and training in Wales;
- Quality of leadership and management of those education and training providers, including whether the financial resources made available to those providing education and training are managed efficiently and used in a way which provides value for money;
- Spiritual, moral, social and cultural development of learners; and,
- Contribution made to the well-being of learners.

Our remit includes (but is not exclusive to) nurseries and non-maintained settings, primary, secondary, special and all age schools, independent schools, pupil referrals units, further education, adult community learning, local government education services, work-based learning, youth work and initial teacher training.

¹ This act to be replaced by the Tertiary Education and Research (Wales) Act 2022 when the quality provisions are commenced.

We may give advice to the Welsh Parliament on any matter connected to education and training in Wales. To achieve excellence for learners, we have set three strategic objectives:

- Provide accountability to service users on the quality and standards of education and training in Wales;
- Inform the development of national policy by the Welsh Government;
- Build capacity for improvement of the education and training system in Wales.

This response is not confidential.

Response

Introduction

Estyn welcomes the establishment of the Independent Inquiry into Grooming Gangs and recognises the profound and lasting harm experienced by victims and survivors of group-based child sexual exploitation and abuse. It is essential that victims and survivors are placed at the centre of this work and that the Inquiry leads to meaningful and sustained improvements in safeguarding systems.

As His Majesty's Inspectorate for Education and Training in Wales, Estyn inspects the quality and standards of education and training provision, including the effectiveness of safeguarding arrangements within education providers. Safeguarding is a core component of all inspection activity. In discharging our inspection functions, we evaluate the effectiveness of safeguarding culture, policies, leadership oversight, safer recruitment practice, staff training, record-keeping, multi-agency engagement and the handling of concerns. Our inspection evidence provides insight into systemic strengths and weaknesses but does not extend to operational decision-making in individual cases. It is therefore important that any examination of inspectorates reflects the evaluative, rather than investigative, nature of our statutory role.

Estyn is a statutory inspectorate operating independently of Welsh Government. It does not exercise operational safeguarding, enforcement or case management functions. Its role is evaluative rather than executive.

Our overall position on this consultation is:

- Estyn welcomes the establishment of the Inquiry and supports its focus on strengthening safeguarding systems and delivering justice for victims and survivors

- The draft Terms of Reference would benefit from greater clarity regarding the distinction between operational safeguarding responsibilities and statutory inspection/oversight functions
- The Terms of Reference should explicitly recognise the distinct legislative and governance framework in Wales
- Historic practice should be assessed against the statutory and professional standards in force at the relevant time
- Procedural precision will support fairness, proportionality and effective implementation of recommendations.
- The Inquiry should place equal emphasis on forward-looking system improvement and prevention as on retrospective accountability. Clarity about how findings will translate into practical, implementable recommendations for education providers and safeguarding partners will be critical to achieving sustained impact.

Consultation questions

Confirmation of participation

Q1: The survey is open to those aged 18 and above. Please can you confirm that you are aged 18 or above? *

Yes

Q2: Please confirm that you are happy to participate in the survey. *

Yes

Q3: Do you have lived or professional experience of grooming gangs? This could include being a victim or survivor yourself, being a family member or close friend of a victim or survivor or having worked with victims or survivors in a professional capacity. *

No

If you answered 'yes' above, please answer the question below:

What type of lived or professional experience do you have? *

I am a victim or survivor of grooming gangs

I am a family member, or close friend, of a victim or survivor of grooming gangs

I have professional experience of grooming gangs

Prefer not to say

Other (please specify):

Views on draft Terms of Reference

Q4: Do you have any views on the [Independent Inquiry into Grooming Gangs draft Terms of Reference](#)? *

- Yes- Estyn supports the objectives of the Inquiry and its focus on learning lessons to strengthen safeguarding systems. The comments below are offered to assist clarity, proportionality and the effective discharge of the Inquiry's functions within the statutory and constitutional frameworks applicable in England and Wales.

Q5: If you answered 'yes' above, please answer below:

Please share your views on the [Independent Inquiry into Grooming Gangs draft Terms of Reference](#). Please do not provide any identifying information or confidential information (e.g. names, addresses) in your answer. *

Scope (4.5.3)- Section 4.5.3 provides that local investigations may examine the actions of "education settings". The Terms of Reference (ToR) do not specify whether statutory inspection bodies fall within scope or distinguish between operational safeguarding

responsibilities and statutory oversight functions. Estyn exercises evaluative and reporting functions and does not hold executive safeguarding powers or case management authority.

For clarity, the ToR should state expressly:

- Whether inspection bodies are within scope
- Whether examination would concern inspection frameworks, inspection practice, or wider systemic oversight
- That inspectorates such as Estyn do not exercise operational safeguarding powers or direct individual case outcomes

Clear delineation will avoid conflation between operational service delivery and external scrutiny functions, which engage different statutory duties, accountability routes and legal standards.

Time frame/ historic practice (4.1 and 5.5)- The Inquiry is to examine issues arising from 2000 onwards. Over this period, safeguarding legislation, statutory guidance, multi-agency arrangements and inspection frameworks have evolved significantly.

The ToR should confirm that:

- Historic conduct will be assessed by reference to the statutory and professional framework applicable at the relevant time:
- Findings will distinguish between non-compliance with contemporaneous legal duties and shortcomings judged against subsequent standards.

Such clarification would support fairness, proportionality and analytical coherence. The ToR should clarify the evidential approach to be adopted when reviewing inspection findings or regulatory commentary, including how the Inquiry will assess the reliability of historic inspection evidence and the extent to which hindsight bias will be mitigated.

Devolved legislative context (1.3, 4.6 and 5)- The ToR should acknowledge that legislative and governance frameworks differ in Wales. Education inspection and safeguarding structures operate under distinct Welsh statutory provisions and education is a devolved matter under the Government of Wales Act settlement. The ToR should therefore:

- Acknowledge expressly that investigations in Wales will be conducted within the applicable Welsh legal framework;
- Clarify that national-level recommendations will differentiate between devolved and non-devolved matters.

Early and ongoing engagement with Welsh Ministers and relevant Welsh authorities will ensure that any recommendations for devolved areas are coherent and practically implementable.

Examination of ethnicity, religion and culture (4.3)- Section 4.3 requires examination of how ethnicity, religion and culture played a role in institutional responses. Given the legal and equality implications, the ToR would benefit from greater precision regarding:

- The evidential basis for attributing causative or contributory significance to such factors;
- The analytical framework to be applied in distinguishing safeguarding failure from broader sociopolitical considerations.
- The approach to ensuring compliance with equality and non-discrimination principles, including those reflected in the Equality Act 2010.

Clear drafting would support transparency and procedural robustness.

Criminal and regulatory processes (6.4)- Section 6.4 addresses ongoing criminal investigations. Where the Inquiry intersects with regulated education providers or inspection evidence, the ToR should clarify whether formal engagement protocols will be established with inspection bodies, and how inspection evidence will be treated to avoid duplication or procedural uncertainty.

The ToR could acknowledge that recommendations affecting education providers should be proportionate, evidence-based and cognisant of the providers' operational realities.

Local Investigations – services / agencies for inclusion

Q6: The [Independent Inquiry into Grooming Gangs draft Terms of Reference](#) refer to the following services or agencies for inclusion in the local investigations: local safeguarding partnerships (and their predecessors); community safety partnerships; regional safeguarding boards in Wales; local authorities (including children's social work and family services); police forces; the wider criminal justice system (including the Crown Prosecution Service); health and sexual health services; education settings; youth and community services, including youth offending teams; and voluntary or third-sector organisations, such as victim support organisations.

Are there any other services or organisations you think should be considered for inclusion in the local investigations? *

- Yes

If you answered 'yes' above, please answer below:

Q7: Please specify which other services or organisations you think should be considered for inclusion in the local investigations. Please do not provide any identifying information or confidential information (e.g. names, addresses) in your answer. *

The Inquiry may wish to clarify that, where relevant to systemic issues, statutory inspection or regulatory bodies responsible for evaluating safeguarding arrangements could also be considered. Where systemic safeguarding practice is under examination, the Inquiry may wish to include statutory inspection or regulatory bodies within scope insofar as they contribute to the accountability architecture. Any such inclusion should make clear that these bodies evaluate safeguarding effectiveness but do not exercise operational safeguarding or enforcement powers in individual cases.

Inquiry – timeline

Q8. [The draft Terms of Reference](#) state the Inquiry will examine issues arising between 1 January 2000 and the setting-up date of the Inquiry. The Inquiry will operate for no more than three years and we have set this timeline to ensure it remains focused on issues arising in the last 25 years. Do you agree with this timeline? *

- Yes

If you answered ‘no’ above, please answer below:

Please state the year in which the Inquiry window should start (e.g. 1990). *

Demographic questions

9. Are you responding to this survey as an individual or on behalf of an organisation/charity? Please select one option. *

- Organisation

If you answered ‘organisation / Charity’ please answer below:

- Estyn- Education and Training Inspectorate

Q10: Where are you / is your organisation located? Please select all that apply.

- Wales

Q11: What type of organisation are you responding on behalf of?

Other (please specify):

- Education and training inspectorate

Q12: Tell us more about your organisation. How many employees does your organisation have?

- 101-200