



**Cynulliad Cenedlaethol Cymru
The National Assembly for Wales**

**Y Pwyllgor Menter a Dysgu
The Enterprise and Learning Committee**

**Dydd Mercher, 10 Hydref 2007
Wednesday, 10 October 2007**

Cynnwys
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Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynndi yn y pwyllgor. Yn ogystal,
cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg.

These proceedings are reported in the language in which they were spoken in the committee.
In addition, an English translation of Welsh speeches is included.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Alun Cairns	Ceidwadwyr Cymreig Welsh Conservatives
Christine Chapman	Llafur Labour
Jeff Cuthbert	Llafur Labour
Andrew R.T. Davies	Ceidwadwyr Cymreig (yn dirprwyo ar ran David Melding) Welsh Conservatives (substituting for David Melding)
Gareth Jones	Plaid Cymru (Cadeirydd y Pwyllgor) The Party of Wales (Committee Chair)
Huw Lewis	Llafur Labour
Sandy Mewies	Llafur Labour
Janet Ryder	Plaid Cymru The Party of Wales
Kirsty Williams	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats

Eraill yn bresennol
Others in attendance

David Brown	Cadeirydd, Cydffederasiwn Cludiant Teithwyr Cymru Chair, Confederation for Passenger Transport Cymru
John Davies	Llefarydd Cymdeithas Llywodraeth Leol Cymru ar Dysgu Gydol Oes, Cyngor Sir Benfro Welsh Local Government Association Spokesperson for Lifelong Learning, Pembrokeshire County Council
Catrin Huws	Cyfreithwraig, Tîm Addysg (Pellach ac Uwch) Lawyer, Education Team (Further and Higher)
Roderic Jenkins	Cadeirydd Cymdeithas y Swyddogion Cydgysylltu Trafnidiaeth Chair of Association of Transport Co-ordination Officers Cymru
Clayton Jones	Is-gadeirydd, Cydffederasiwn Cludiant Teithwyr Cymru Vice-Chair, Confederation for Passenger Transport Cymru
Ieuan Wyn Jones	Aelod Cynulliad, Plaid Cymru (Y Dirprwy Brif Weinidog a'r Gweinidog dros yr Economi a Thrafnidiaeth) Assembly Member, Plaid Cymru (The Deputy First Minister and Minister for Economy and Transport)
Dr Chris Llewellyn	Cyfarwyddwr Dysgu Gydol Oes, Hamdden a Gwybodaeth, CLILC Director of Lifelong Learning, Leisure and Information, WLGA
Keith Parsons	Pennaeth Uned Fusnes y Llywodraeth Head of Government Business Unit
John Pockett	Cyfarwyddwr Cydffederasiwn Cludiant Teithwyr Cymru Director, Confederation for Passenger Transport Cymru
Daisy Seabourne	Swyddog Polisi, Dysgu Gydol Oes, CLILC Policy Officer, Lifelong Learning, WLGA
Simon Shouler	Cyfarwyddwr Gweinyddu a Pholisi Trafnidiaeth, Llywodraeth Cynulliad Cymru

Anna Thomas
 Director of Transport Policy and Administration, Welsh
 Assembly Government
 Rheolwr Ymrwymiad Disgyblion, Anghenion Ychwanegol a
 Chynhwysiad
 Pupil Engagement Manager, Additional Needs and Inclusion

Swyddogion Gwasanaeth Seneddol y Cynulliad yn bresennol
Assembly Parliamentary Service officials in attendance

Dan Collier	Dirprwy Glerc Deputy Clerk
Keith Bush	Prif Gyngorydd Cyfreithiol a Chyfarwyddwr Gwasanaethau Cyfreithiol Chief Legal Adviser and Director of Legal Services
Gwyn Griffiths	Cyngorydd Cyfreithiol Legal Adviser
Dr Kathryn Jenkins	Clerc Clerk

Dechreuodd y cyfarfod am 9.01 a.m.
The meeting began at 9.01 a.m.

Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datgan Buddiannau
Introduction, Apologies, Substitutions and Declarations of Interest

[1] **Gareth Jones:** Bore da a chroeso i'r cyfarfod. Croeso i'r Aelodau, y tystion a'r cyhoedd a fydd yn ymuno â ni. Fe'ch atgoffaf i ddiffodd unrhyw ffonau symudol neu ddyfais electronig arall sydd yn eich meddiant. Yr wyf hefyd yn eich atgoffa na fydd angen ichi gyffwrdd y meicroffonau yn ystod ein trafodaethau. Bydd y cyfarfod yn ddwyieithog ac mae clustffonau ar gael i dderbyn y gwasanaeth cyfieithu ar y pryd. Mae'r clustffonau hefyd yn chwyddleisio'r sain. Cynhyrchir Cofnod gair am air o'r cyfarfod.

Gareth Jones: Good morning and welcome to the meeting. I welcome the Members, the witnesses and the public who will join us. I remind you to switch off any mobile phones or other electronic devices you may have in your possession. I also remind you that you do not need to touch the microphones during our discussions. The meeting will be bilingual and headphones are available to receive the simultaneous translation service. The headphones can also be used for sound amplification. A verbatim Record of the meeting will be produced.

[2] Derbyniwyd ymddiheuriadau gan David Melding ac yr wyf yn deall y bydd Andrew R.T. Davies yn dirprwyo ar ei ran yn nes ymlaen.

Apologies have been received from David Melding and I understand that Andrew R.T. Davies will act as a substitute for him in due course.

[3] Yr wyf yn estyn croeso arbennig i Keith Bush, sydd yn eistedd yng nghefn yr ystafell. Keith yw prif gyngorydd cyfreithiol a chyfarwyddwr gwasanaethau cyfreithiol Gwasanaeth Seneddol y Cynulliad. Dechreuodd yn ei swydd ddydd Llun a Keith fydd yn cynghori'r pwyllgor ar faterion cyfreithiol o hyn allan. Mae hynny'n golygu ein bod yn parhau i ddiolch i Gwyn Griffiths am lenwi'r bwlch, ond yr ydym yn estyn croeso cynnes i chi, Keith.

I extend a special welcome to Keith Bush, who is sitting at the back of the room. Keith is the Assembly Parliamentary Service's chief legal adviser and director of legal services. He started his job on Monday and Keith will be advising the committee on legal matters from now on. That is not to say that we are not thankful to Gwyn Griffiths for filling the gap, but we extend a warm welcome to you, Keith.

9.02 a.m.

Craffu cyn y Broses Ddeddfu ar Fesur Teithio gan Ddysgwyr (Cymru)
Pre-legislative Scrutiny of the Learner Travel Measure (Wales)

[4] **Gareth Jones:** I esbonio ychydig am bwrpas a chefnidir y sesiwn, dyma'r trydydd a'r olaf mewn cyfres o gyfarfodydd i ymgymryd â gwaith craffu cyn deddfu ar y Mesur teithio gan ddysgwyr. Mae'r pwyllgor eisoes wedi clywed gan gyrff addysg a defnyddwyr. Dyma'r cyfle i holi'r cwmnïau cludiant a'r awdurdodau ac i graffu ar y Gweinidog ynghylch y Mesur drafft y bu'n ymgynghori arno dros yr haf. Byddwn yn cymryd tystiolaeth gan y tystion yn eu tro. Mae hon yn sesiwn holi a chraffu yn bennaf, felly a fyddech mor garedig â chadw'r cyflwyniadau mor fyr â phosibl fel bod modd i'r Aelodau ofyn cwestiynau angenrheidiol?

Gareth Jones: To explain a little about the session's objective and background, this is the third and final session in a series of meetings to undertake scrutiny before legislating on the learner travel Measure. The committee has previously heard from education bodies and users. This is an opportunity to question the transport companies and authorities and to scrutinise the Minister on the draft Measure on which he consulted over the summer. The committee will take evidence from the witnesses in turn. This is mainly a question and scrutiny session, so please keep your presentations as brief as possible so that Members can ask the necessary questions.

[5] Yn y sesiwn hon, yr ydym yn croesawu Cymdeithas Swyddogion Cydgysylltu Trafnidiaeth, ac yr ydym yn diolch iddi am ei phapur. Yn cynrychioli'r gymdeithas y mae Rod Jenkins, sef y cadeirydd. Gydag ef y mae Cydffederasiwn Cludiant Teithwyr, sydd wedi cynnig yr ail bapur gerbron y pwyllgor y bore yma. Yr ydym yn croesawu David Brown, cadeirydd CPT Cymru, Clayton Jones, is-gadeirydd CPT Cymru a John Pockett, cyfarwyddwr CPT Cymru. Croeso cynnes i chi; yr ydym yn falch eich bod yma. Edrychwn ymlaen at eich cyflwyniadau ac at y cyfle i ofyn cwestiynau ynghylch y Mesur pwysig hwn sydd gerbron y Cynulliad ar hyn o bryd. Chi sydd i benderfynu sut yn union. Gofynnaf i chi ddweud gair yn gyntaf, Rod, ac yna pwy bynnag sy'n cynrychioli Cydffederasiwn Cludiant Teithwyr.

In this session, we welcome the Association of Transport Co-ordination Officers, and we thank it for its paper. Rod Jenkins, the chair of the association, is here to represent it. Alongside him there is the Confederation for Passenger Transport, which produced the second paper submitted to the committee today. We welcome David Brown, chair of CPT Cymru, Clayton Jones, vice-chair of CPT Cymru and John Pockett, director of CPT Cymru. A warm welcome to you; we are glad to have you with us. We look forward to your presentations and to the opportunity to ask questions about this important Measure which is currently before the Assembly. It is up to you to decide exactly how. I will ask you to say a few words first, Rod, and then whoever represents the Confederation for Passenger Travel.

[6] **Mr Jenkins:** The Association of Transport Co-ordinating Officers represents local authority officers dealing with the promotion and procurement of public transport and the co-ordination of all modes of travel in the context of the integrated transport units that have appeared throughout the country, which co-ordinate school transport, social services, health transport and sustainable forms of travel.

[7] I am the chairman of ATCO Cymru, which is one of the seven regions of ATCO UK. We are pleased to be involved in this consultation. I should point out at this stage that one of my colleagues drafted the paper before you. I was hoping that she would be able to accompany me today but, unfortunately, she is off sick. She has considerably more expertise

than I have, so there may be occasions when I will have to come back to you with answers.

[8] **Mr Pockett:** Diolch ichi am y cyfle. Yn yr un modd ag y mae cydweithiwr Rod yn fwy o arbenigwr nag ef, mae David a Clayton yma fel arbenigwyr ar ein rhan ni; nhw fydd yn siarad â chi am ein cyflwyniad.

Mr Pockett: Thank you for this opportunity. Just as Rod's colleague is more of an expert than he is, David and Clayton are here as experts on our behalf; it is they who will speak to you about our presentation.

[9] **Mr Brown:** We would like to cover five topics fairly briefly today. My colleague, Clayton Jones, will cover the first three, and on the other two I would like to expand on our written submission.

[10] **Mr Jones:** I will deal with issues concerning the difference between tendered and closed-door contracts in relation to school transport, the Criminal Records Bureau checks and the inconsistencies, and school start and finish times. Do you want me to elaborate now, or later?

[11] **Gareth Jones:** That is entirely up to you. If there are key points in what you just mentioned that you wish to present, that would be very useful to us.

[12] **Mr Jones:** We will start off with the contract/tendered commercial position. We would like Members to understand that there are differences in how children are transported to school. In one area, we have what we call 'a closed-door contract', which is a contract specifically for one vehicle travelling from A to B. Then we have a service-route contract, which is somewhat different in that it attracts fuel duty rebate. That makes it more attractive to the local authority and to the operator, because the costs are reduced due to fuel duty rebate and, indeed, other people can use the service as well. Of course, the difference, as far as Members need to be concerned, is that this proposed legislation will only affect us with regard to school transport in the case of closed-door contracts; it will not affect local service contracts. One of the main areas for local service contracts in Wales is Cardiff. The children transported by local service contract work will not be affected. It needs to be clarified that there is an incentive to operators and to councils alike to go for that option for cost purposes, because, obviously, they get fuel duty rebate on the amount of fuel used. That is the first point.

[13] With regard to CRB checks, there is inconsistency throughout Wales. The position of CPT is that it is the traffic commissioners' responsibility really, and that is where we would like to place responsibility, because different authorities have different measures. For example, the second largest authority has no requirement to have CRB checks, whereas many other authorities go for the upgraded CRB checks. So, there is total inconsistency. You have areas in which, because of cross-boundary issues, particularly in the case of religious schools and in the bilingual sector, where there is cross-border movement, and you have one set of criteria in one area and a different set in the other. It just does not make sense.

9.10 a.m.

[14] The final issue that we wish to raise is that of start and finishing times, which we support, as an organisation. We can understand that the economies of scale will offer significant savings and better-quality vehicles, because the more work that you have out of the vehicle, the better it is for the operator and the more efficient it is for the client. However, our concerns are that, when this was tried in the Merthyr area, there was a great deal of anguish among teachers' unions, school governors and others about the schools at the end of the cycle. Say there were three schools—one finishing at 2.30 p.m., one at 3 p.m. and one at 3.30 p.m.—the school that closed at 3.30 p.m. was always being affected by what happened on the previous two runs. Obviously, people waiting for buses late in the afternoon, after

finishing work, were not very excited about it. I am just giving you the history to this; that is all that I have to say. David will go on to the other issues.

[15] **Mr Brown:** To confirm Clayton's point, certainly in Cardiff, more than half the children who travel by bus to schools would not be covered by this legislation because only a relatively small percentage of contracts are closed-door—most of them are tendered services or, indeed, commercial services. Many of the high-profile, headline incidents involving schoolchildren that have occurred would not have been covered by this legislation. I think that it is important that that is understood.

[16] I just want to touch on the four parties involved in these issues: parents, schools, the education authority and operators. For any one issue that we look at, all four parties are involved. In terms of behaviour, we can try to design it out or we can try to intervene. In terms of designing it out, probably the most important thing that is covered by this legislation, in relation to closed-door services, is a risk assessment—walking the route, walking the project and understanding what is involved. I would make the point that there is a lack of clarity as to who is responsible for the risk assessment or, more importantly, if the risk assessment throws up problems, who should deal with them. We had one situation, for example, where a risk assessment said that it was unsafe for buses to operate on school premises so the buses moved out onto the street; that made the bus operation safer, but had the immediate consequence of loads of schoolchildren out on the street, which created problems with cars. You may be solving one problem, but creating another. You need to involve all four key parties in risk assessments if they are going to be meaningful.

[17] Seat belts are a design feature that are often mentioned, and are mentioned in the legislation. We see no evidence that seat belts would have prevented any of the serious incidents that we are aware of in Wales in recent years. However, if they are felt to be an appropriate feature, the question that then arises is who is going to enforce the wearing of seat belts and make sure that children are sitting in their seats. Again, you come back to the four groups: which one takes responsibility or is it a collective responsibility? Similarly, with closed-circuit television, we firmly believe that it is an important solution to managing behaviour, but recording images is no good if, when those images are reviewed, no-one actually looks at them or does anything about them. It is about parents, schools, LEAs and the operators and once you have identified the problems, who is going to deal with those problems.

[18] That brings me to the issue of intervention. First, behaviour problems are predominantly a feature of the afternoon, not the morning—probably 95 per cent of all incidents occur after school rather than on the journey into school, which is perhaps due to children being more tired in the morning. Having been cooped up in school all day, they are keen to let off energy. In our experience, behaviour problems know no social bands—they happen at all schools where bus services operate. Children will be children. Most children behave, but difficulties arise when you get ringleaders starting to create problems. If you are wondering what poor behaviour is, we recently had some problems on our buses, which I observed when I was out looking at the buses, with children being punched, pummelled, bullied and literally turned upside down and flipped over by their colleagues. Poor behaviour can really get quite extreme.

[19] What do we do about it in terms of intervention? The first thing is that the driver cannot be involved in this. The driver's job is to drive the bus safely. The real issue would be if you had a collision and the bus went over; that is the real danger. The driver cannot be looking at the road in front and managing what is going on behind. Before the driver sets off, he can seek to intervene, but you have to understand that these are bus drivers who are not trained; they have basic conflict management training. They are not trained to deal with some of the most difficult pupils, namely the ringleaders. That point was tested in court in Cardiff

last year or two years ago, and it was agreed that the driver's primary responsibility is the safety of the vehicle and driving and not the management of the children.

[20] So, if you have this misbehaviour on the bus, who must deal with it? If a bus driver reports that there is a problem and strands the bus, at what point is it a parental responsibility or the school's responsibility? All the operator can do is strand the bus and make it secure until help arrives. Should the help come from the police? There is nowhere to turn, because there is a conflict. The school is saying, 'This is outside our territory; this is nothing to do with us', and the parents are saying, 'Well, it is the school's responsibility; they are not home yet'. The education authority is saying, 'Well, we do not know where we stand', and the operator is saying, 'We are not equipped to deal with this'. That is where the issue of the charter that is within the legislation comes in. The charter is clearly important in setting out how we will deal with these situations. At the heart of the charter there must be clarity as to whether it is the responsibility of the parents, the school, the local education authority or the operator, or, if it is obvious that it should be the responsibility of the collection of all four groups, it must be clear how that common purpose is to be achieved. Logically, the only party that is really equipped to deal with things at that level is the school, and we believe that it should take a lead outside the school gates. That is perhaps the key thing that we believe needs to come from this legislation. Sorry for the long spiel, but those were the key issues from our point of view.

[21] **Gareth Jones:** Before I ask Members to come in with their various questions, I thank you for your presentation in terms of reference to the key elements. We have, hitherto, felt that we have not had the complete picture, but I am sure that Members will agree that we now have completion in that sense, although you have pointed out some serious issues and areas of great difficulty. There is no easy solution in terms of relating that to this Measure. To pick on one point that you made, David, you will be aware that the Department for Transport has a consultative document out at the moment. The second paragraph states:

[22] 'What appears at this stage to be the most practicable suggestion is made in paragraphs 41 to 44; that a responsibility could be placed upon the operator of any bus or coach to ensure that child passengers use belts.'

[23] So, I should think that there is some kind of movement in that direction, but it is interesting that that is there. Do you have any views on that specific point?

[24] **Mr Brown:** Contractually, you can ask for anything; it is a question of how you enforce it. As I said, the driver cannot enforce the wearing of seat belts. You could ask the driver at the outset of the journey to ensure that, at the point that the journey starts, all children are wearing seat belts, but that is difficult, because the drivers are not really equipped to deal with that. They can ask, but what happens if the children say 'no'? Who do they turn to for support? One could reasonably say that that is perhaps an expectation. However, once the bus has started, if the children take off their seat belts, there is nothing that you can do. If the driver were to have that responsibility, which would be a legal responsibility, he or she, and not the operator, would be the captain of the ship, from that point of view. The driver is going to have to be looking in the rear view mirror all the time and that means taking their eyes off the road. So, the only way that you can really enforce it is through supervision on the bus. That then has a cost to it, and there is the question of who provides it and all the issues that relate to that.

[25] **Gareth Jones:** Thank you. Members want to come in.

[26] **Jeff Cuthbert:** I am grateful for the written and oral evidence. It is important, as the Chair said, that we get as full a picture as possible. I appreciate the caveat that you made, Rod, that your colleague may be better placed to answer questions; if you want to defer your

answer, please do so. In your answer to point 9, you said that you have produced a safety video. Do we have a copy of that video? Would that be available to us?

[27] **Mr Jenkins:** I could obtain that, and forward it to the Chair for distribution, if you wish.

9.20 a.m.

[28] **Jeff Cuthbert:** Thank you. Secondly, do you feel able to make any comment at this stage on how school transport may be affected in practical terms as we move more into the 14-19 learning pathways—and I have asked this of all presenters so far—given that learning may take place on a number of different sites on the school day? Has your association given any thought as to the possible implications for transport arrangements?

[29] **Mr Jenkins:** Not directly, but only by way of response to this paper. If the same site has a number of different locations, which is what I understand you are saying, that would obviously pose a difficulty in the scheduling arrangements, as that would involve considerably more vehicles than usually required for a normal peak-time operation. So, providing transport in those circumstances would involve a significant cost for the local authority. One of the alternatives—and this comes purely from me, not ATCO—would be for the educational establishments to own those vehicles.

[30] **Jeff Cuthbert:** I appreciate that point in that a single pupil or group of pupils may move onto the premises of a further education college, work-based learning provider, or an employer's premises once the school day has started, as part of their learning experience for vocational subjects, but I was just wondering whether you had any views—or maybe you can send them on later, promptly—on how that might impact on the further provision of learner travel.

[31] **Mr Jenkins:** It is probably sensible for me to come back to you on that. It is not a question that ATCO has addressed.

[32] **Jeff Cuthbert:** All right, thank you. To move to the second presenters, the points that you have made are very interesting, and I can see the practical problems that you have raised. Clayton, you mentioned, if I understood you correctly, that there is an incentive at the moment for local authorities to use public services. I see that I interpreted you correctly on that. How powerful an incentive is that? If we are to get learner travel arrangements that are as good as they can be, are you suggesting that we ought to address that with some sort of counterincentive? Do you feel that that would be a good thing? I would welcome further comments on that.

[33] My other question, which I trust is straightforward, is in terms of the responsibilities of the driver. It was mentioned that drivers report any incidents on the buses, but to whom do they report them? Is it to their line manager and, if so, what happens to that report? Where does that report finally end up?

[34] **Mr Jones:** I will deal with the fuel duty issue first. Fuel duty is obviously a matter for central Government, but, with the cost of fuel going up and the Treasury's adjustments to how much duty is paid to operators, it is clear that using a bus that receives fuel duty is far more cost efficient for the operator and the local authority. There is currently no way to address that. Although you could register the service as a closed-door service, you would not be able to claim fuel duty rebate, because the parameters for that are that the service must be available to the general public. So, if a mother, father, or whoever, is taking the child to school, they can accompany the child on a service bus, but they cannot do so if it is a closed-door contract, because only students would be entitled to travel on it.

[35] **Jeff Cuthbert:** I appreciate that it is not for you to advocate some form of counterincentive, but I think that that answer has clarified that point. What about the other issue of the reporting responsibilities?

[36] **Mr Brown:** To add to that point quickly, first, the tendered services, for example, cover the situation in which the travel-to-school distance is greater than that prescribed by law, so that they are being done on a voluntary basis. The children pay part of the cost and the local authority pays part of it. The local authority may react to a disincentive by saying that it will not provide the service at all and that it will just let the children travel on the service network. The most recent incident that we were involved in, where a schoolgirl fell out of a bus, involved a service vehicle that was operating a normal service. The normal practice at school closing time, which is 3.30 p.m., is for us to run what are called duplicate vehicles. The public can travel on those, but everyone knows that there are two vehicles—one for the mainstream public and the other for schoolchildren. These are normal service vehicles that are not even under contract to the local authority.

[37] On how these things are reported, it varies by operator. In our situation, drivers will put in an incident report, as they would for any incident on the network, and that will go to the line management, who then reviews it and deals with it. That is if the driver knew that there was a problem, but the driver may not have been aware of a problem onboard the vehicle. However if the above happened, the management would look at the closed-circuit television footage, if it was available, and the question then is what to do about it. Normally, the presumption is that you would go to the school, and then there is the issue of the extent to which the school is obliged to help or will help merely because it wants to. Some schools are very helpful in that regard, and others are not so keen to know about the problem.

[38] **Jeff Cuthbert:** You say that, normally, they go to the school. Is there not a clear arrangement or protocol in the contract between the company and the LEA that specifies what is meant to happen about reporting such things?

[39] **Mr Brown:** One must be realistic and say that the behaviour on a good day is boisterous, but on a bad day it can be very rough indeed. The issue is, first, whether the driver is aware of it, and of the difference between normal boisterous behaviour and unacceptable behaviour. Different drivers will tell you different stories as to what they find acceptable. Some will say that it is their job to drive the bus and that they become almost conditioned to accepting poor behaviour. That is not just a problem on buses; it is a problem in schools, too. At what point does the behaviour become so unacceptable that it warrants an incident report? One of the dangers in society is that the boundaries are being pushed further and further all the time. We are dealing with ever more extreme definitions of what would be considered normal behaviour. If every time you have a problem you report it or strand the bus, you would not be running a service.

[40] **Mr Jones:** I would stress that different local authorities have different rules in their contracts. For example, in Caerphilly, the rule used to be based on the footballing analogy: children would receive a yellow card first, and if they received a red card they would be banned from the bus for ever. Unfortunately, that did not work very well in practice, because it was not properly supported by some of the schools. Each authority has its own mechanisms for reporting incidents.

[41] **Mr Jenkins:** I would like to add some observations on what has been said so far. There is a problem with inconsistencies between different authorities' approaches to handling problems with schoolchildren. The Measure is seeking to regularise them through a code of conduct. As illustrated through its support for the video referred to earlier, the Association of Transport Co-ordination Officers Cymru supports the creation of a national code of conduct.

We feel that local authorities, working in partnership with schools, headmasters, governors and pupils, are best placed to do that. We believe that local accountability is best suited to the circumstances that are individual to a local authority.

[42] With regard to Criminal Records Bureau checks, again, there is inconsistency with regard to the way in which different authorities go about things. That is a major concern of ATCO's, which has been pushing the Department for Transport and the Driver and Vehicle Licensing Agency in particular. The DVLA announced a consultation only last week, in which one proposal involves CRB checks on all licence applications when they are processed. That would centralise the process at a stroke and provide the consistency that we all want to achieve.

9.30 a.m.

[43] The idea of achieving savings for the LEA by collaborating on school closing times has been talked about for a long time in local government. I am not aware of any significant successes, but, again, I would say that the emphasis in the paper is on partnership working, and on taking a collaborative approach. Although I recognise that some of the proposals would test that collaborative approach to the extreme, I think that that is how we will have to progress, and ATCO supports that approach.

[44] **Gareth Jones:** It is clear that trends are emerging here, and this inconsistency is one of them. There is a lack of real understanding and accountability. You are highlighting issues that we are reasonably aware of, but you are also bringing a different dimension to those. I am anxious to get as many of the Members' questions in as possible.

[45] **Kirsty Williams:** Some local authorities—my own included—have said that if they had the ability to dictate staggered, or different start times to schools, they could take 17 buses off the road, which would involve a considerable cost saving to them, and there would also be an environmental benefit, as it is better to have fewer vehicles running on the roads. I am interested in hearing why you have been a little ambivalent about it in your evidence this morning.

[46] Although it is not directly related to the legislation, the new legislation will inevitably put more emphasis on the roles of local authorities. How well equipped do you think local authority transport divisions are to handle any more responsibility? Previous evidence has suggested to us that people currently working in transport sections do not understand the law or how to apply it. My local authority has admitted that its recent retendering of its bus services has been an absolute nightmare, because it did not have the physical capacity in its departments to handle it correctly. We have a duty to get the law right, but we also need to have an understanding of whether, having got the Measure right, local authorities will be in a position to implement it. From your experience, what do you think?

[47] **Mr Jenkins:** I am sorry if I appeared ambivalent; I have probably been in local government too long. [*Laughter.*] The reason I appeared that way was because this proposal has been discussed and, on the face of it, appears to be extremely sensible; there are the environmental arguments in its favour, and so on. The only areas in which it could be made to work are those that have a number of schools in close proximity to each other. So, that would count out an area such as Monmouthshire, because Chepstow, Monmouth and Caldicot comprehensive schools are not close enough to enable it to play around with the times so that one service could serve all three schools. You could probably do it in Merthyr. The problem in the past has been the regime under which we are working. The schools are not particularly keen to co-operate with that type of measure, for their own reasons.

[48] With regard to your question about capacity and expertise within local authorities, I

would be the first to acknowledge that there is a staffing resource scarcity, particularly in Wales. Several authorities do not have the staff in place that they would like to have. What has happened in Wales is that, over the last few years, in the last count that I made, 19 of the 22 local authorities have adopted this integrated approach whereby they take school transport, social services transport and perhaps taxi licensing and mainstream that all in the same team. So, they are looking at the economies that can be achieved and are working together. It seems to be the most politically popular model to choose and authorities have gone for it for that reason. I would not suggest that the model is proving to be a huge success at the moment, but we have to be patient and give these units time to settle down because you have quite major obstacles to overcome, such as cultural obstacles. For example, people who administer school transport in the education department are suddenly brought into a team of arguably far more professional people in terms of expertise and transport qualifications. So, merging those is the issue, but in due course, I would say that the advantages of integration will come through.

[49] **Kirsty Williams:** This is a question to CPT Cymru. Paragraph 11 of your paper mentions issues around discretion for local authorities in the type of provision that they can make for pupils, but then it also goes on to say that that discretion should be subject to approval by the Minister. What is the point of giving local authorities discretion, if, ultimately, the decision is being made by the Minister?

[50] **Mr Pockett:** What we are saying is that there should be some discretion, but the whole thrust of our evidence is that there should be uniformity across Wales. The only way in which that can be achieved is for the Assembly to take a hands-on role. So you give some discretion, but that must be approved by the Minister within some sort of overall guidelines, which we hope will emerge as a result of this whole process. I understand what you are saying, but I hope that that sort of explains it.

[51] **Kirsty Williams:** No, not really.

[52] **Mr Pockett:** You can give discretion to someone, but then someone has to approve that.

[53] **Kirsty Williams:** Ultimately, then, the Minister will make the decision. If the Minister has the power to overrule the local authority, then the local authority does not have discretion because, ultimately, the Minister will make the decision.

[54] **Gareth Jones:** I think that Clayton wants to come in on this.

[55] **Mr Jones:** We have discussed this at some length and our concerns are those that were raised by the Member about the lack of ability, if I can put it like that, in local authorities. For example, in one local authority, the chap who licenses pubs also organises school transport. That cannot be right; you need a professional to do that. That can be seen throughout south Wales, particularly in the smaller local authorities. Therefore, the Minister may need to get involved occasionally because they are simply not fit for purpose.

[56] **Gareth Jones:** I appreciate that we could go on and on in our discussions, but you are raising awareness, for which we are all grateful.

[57] **Janet Ryder:** On the last point that Clayton raised that, in his opinion, local government does not have the capacity to enforce or to service contracts—

[58] **Mr Jones:** You all know about local authorities—when changes are made, they take people from education and put them into transport. Those people may not have a background in transport, and it takes them a long time to learn. That has been the historic position in south Wales. I do not know about elsewhere, but that is certainly the case in south Wales—people

who have been put in to deal with school transport have come from another department.

[59] **Janet Ryder:** I would like to take that point further because often the same contractor will offer contracts to several different councils and if those councils each evolve separate codes of conduct, would there not be a conflict there and would it not perhaps be better to have an overall code of conduct?

[60] **Mr Jones:** We have stated in our paper that it would definitely be better to have an overall code of conduct, particularly when there are cross-boundary issues. For example, you could have a Roman Catholic school served by three local authorities, and those authorities could each have different criteria—that would be a nonsense and, in fact, it would not stand up to any scrutiny at all.

9.40 a.m.

[61] **Janet Ryder:** So, we need one code of conduct that would go across all classes of schools and all authorities?

[62] **Mr Jones:** Correct.

[63] **Janet Ryder:** Are you happy with the suggestion that headteachers at the different schools take on responsibility for enforcing the behaviour code? The first stage is enforcing the behaviour code should bad behaviour be reported; I want to deal with who is going to report that bad behaviour in the next question.

[64] **Mr Jones:** Yes, but in conjunction with the board of governors.

[65] **Janet Ryder:** You have raised the point that it is impossible for a driver to do two jobs: to look after behaviour on the bus and to drive the vehicle safely and, therefore, we have to look at having escorts on the buses. In your opinion, who is the best body or layer, as it were, to recruit, train and pay for those escorts? Should that lie with the county council, the school or with you?

[66] **Mr Brown:** I will take that one. This is at the heart of it. Much has been said about escorts and the cost of them. The difficulty is that, if you decided that you were going to have an escort on every bus, there would not be enough people prepared to do the job, so the sheer volume would make it impossible. Our proposal is that there should be a level of supervision that could intervene and travel randomly on buses across a city or region. You would have a small team of perhaps three or four people who could respond reactively but also work proactively. So, proactively, they could be monitoring reports. If things are running fine, they could just jump on and off different buses, totally randomly, across the contract network and, possibly, if there were problems there, on the service network too, so it would be a resource available to deal with all forms of transport. Where a problem is reported by an operator or there is closed-circuit television evidence of a problem, you would then have people who are able to gather that evidence, take it to the school and follow up on it afterwards, perhaps even visiting parents and so on. Our view would be that that should be a local education authority issue and that the LEA should recruit and manage those staff. There are some cross-boundary issues, as Clayton mentioned, and a regional approach would be preferable to 22 different approaches to this, so that there is joined-up thinking. However, operators could provide it. We do that at present; we have a team of inspectors and we allocate those inspectors to travel on buses to deal with problems. The difficulty is that it is not costed or provided for in the contract and whereas larger companies have teams of inspectors or managers who are able to intervene, for the smaller contractor, in Powys for example, where it is a family business and there are only three or four buses, it may be more difficult to deal with and you will have to have a central resource. So, I do not think that it matters whether it is central or operator

based, but there is this need in any one area to have a team of trained people who are able to work proactively and reactively to intervene on behaviour. That is affordable; you can start to quantify it.

[67] **Janet Ryder:** I realise that we strayed into policy there, which is not the object of this particular session, but are you all—both organisations—satisfied that the Assembly has the powers to do that now and that we would not need to ask for an extension of powers to make that part of the escort work enforceable?

[68] **Mr Brown:** I cannot give a definitive answer on that.

[69] **Mr Jones:** You are asking the wrong people.

[70] **Gareth Jones:** I know that others want to come in, but I ask you refer to aspects that we have not discussed hitherto. It is a useful and helpful contribution. Christine, it is your turn.

[71] **Christine Chapman:** I wanted to pursue one of the points, just to get some clarity.

[72] **Gareth Jones:** All right.

[73] **Christine Chapman:** Rod Jenkins mentioned co-operation and partnership and I was not sure of your answer there. You have mentioned partnership working on several occasions in the evidence, but do you think that the proposal as it stands is robust enough, or are we expecting too much? It would be useful for us to have an answer on that.

[74] **Mr Jenkins:** One of the main threads that go through the ATCO response is that ATCO advocates the use of a partnership approach at a local level, within a national framework. It sounds like a contradiction, I know, but there would be a national framework on the mileage criteria and the code of conduct, for example. However, in terms of behaviour, we recognise that the partnership—we value the role of the headmaster, in particular—has a significant role. We feel that it is the most appropriate solution to a local problem.

[75] Sorry, you will have to remind me of the second part of the question.

[76] **Christine Chapman:** I wondered whether you felt that the Measure at the moment is strong enough. We have talked about partnerships between local authorities, schools, parents and children, but do you think that we are expecting too much? You could have a very co-operative school or local authority, but if you do not have one, how will it work? Do we need to strengthen the Measure?

[77] **Mr Jenkins:** The paper recognises that there will have to be a further discussion at a local level, which is crucial, because, for these local partnerships to work, you need a strong degree of co-operation. I can understand the view that questions how realistic and achievable this is. ATCO's view is that you have to be positive and try to make it work—otherwise, you might as well pack up and go home. We have to be ambitious, but we recognise that further discussion is necessary to nail down these partnerships.

[78] **Christine Chapman:** I want to move on to another issue. I had a similar question on partnerships to ask to CPT, but I will not ask it, as we have had the discussion. On seat belts, you have offered a somewhat contrary view—you think that seat belts probably would not have prevented the problems that we have had so far. Could you clarify that view?

[79] **Mr Brown:** There is an issue. My bus company has something like 28 million

passenger journeys a year, and we do not have seat belts. People are not screaming out for seat belts. Seat belts have crept into this discussion partly because there is this presumption that they keep children in their seats, and one of the dangers is that children are out of their seats misbehaving. So, the issue is not about seat belts in terms of safety in an accident, but more about managing people and keeping them in their seats. That is about seat belt enforcement.

[80] **Gareth Jones:** That is a concise answer.

[81] **Alun Cairns:** I want to press the point that partnerships are fine, but that someone has to be ultimately responsible. When we are talking about the discipline of children on school buses, who should be ultimately responsible, bearing in mind that the headteacher does not have line management responsibility for the driver?

[82] **Mr Jenkins:** I think that the local authority should be leading the partnership process, but the headmaster should be instrumental in starting the process in terms of a particular local problem—as an area for his or her responsibility as a witness, so to speak.

[83] **Sandy Mewies:** My first question is to Rod Jenkins. Are Criminal Records Bureau checks governed by UK legislation?

[84] **Mr Jenkins:** I believe that they are.

[85] **Sandy Mewies:** So any change would have to be Westminster led?

[86] **Mr Jenkins:** It would be from the Department for Transport down to the Driver and Vehicle Licensing Agency.

[87] **Sandy Mewies:** Okay, thanks, I just wanted that confirmed. I have a question for Clayton Jones or David Brown. You have talked about the differences that you do not think have been made clear between service buses that carry fee-paying passengers and attract a fuel rebate, and those operating closed-door contracts. I think that you said that this Measure is really looking at getting from A to B, rather than the service contracts. You then made the point that, in certain areas, it is service buses that carry most schoolchildren. That is fine, but, given that this Measure is about safety and behaviour, I will tell you, albeit anecdotally, about evidence brought to me by parents. If service buses are full, the first people taken off are the kids. If that is the case, how do you keep them safe? Perhaps you will say that I am completely wrong and that that does not happen.

9.50 a.m.

[88] **Mr Brown:** I have not come across that. We try to provide the capacity to ensure that we can carry everybody. I am not aware of any large-scale problem of taking people off buses, certainly not children, and particularly in the afternoon—it is off-peak.

[89] **Sandy Mewies:** In rural areas, particularly, where there might only be one commercial bus in the morning, I think that it happens.

[90] **Mr Brown:** I do not have experience of that.

[91] **Sandy Mewies:** That is absolutely fine—that is what I wanted to find out. You also say that headteachers should have responsibility for the code of conduct, and indeed, that the Measure should, where practicable, apply to all modes of learner travel. I may be wrong on this, and I will have to ask the legal experts, but are you saying that once headteachers take

responsibility for pupils' behaviour beyond the school perimeter, they become responsible for children who walk, ride bicycles, or whatever? How far would that apply—for 10 miles, or three or four miles, or until they arrive home, which could be 25 miles away? Are you saying that you would like the code of conduct to apply in that way?

[92] **Mr Jones:** We are saying that if there are problems with pupil behaviour on school transport, and that is reported back to the headteacher, then the headteacher has to take responsibility in deciding what action is taken against the child, for whatever misdemeanour has occurred.

[93] **Sandy Mewies:** I am looking at paragraph 8 of your submission.

[94] **Mr Pockett:** It is exactly as you say, Sandy—if the head is given responsibility for children travelling on school transport, then it would help general behavioural problems if that was extended to all modes of transport where the code of conduct applies. If one child misbehaves on a closed-door service, and another misbehaves on an ordinary service bus, it is iniquitous that they are not dealt with in the same way. By the same token, that applies to children who are walking to school in groups and causing riots.

[95] **Sandy Mewies:** You have raised issues that suggest that the Measure as it stands is weak on the question of who is responsible for enforcement. Do you have any suggestions on that? I was told not to use the word 'enforcement', but I cannot remember the other word—it was 'compliance'.

[96] **Mr Brown:** Alun Cairns made a point about line management responsibility for the drivers, which would be for the operators, but the question that you have raised is about line management responsibility for the pupils—at which point do the schools hand over to the parents? That is a difficult one, and our belief is that responsibility should lie with the schools, because they are the ones that have the resources, the facilities and the training to deal with problem behaviour. The ultimate sanction is to forbid travel on the buses, and some schools do that. However, we are familiar with the difficulties around exclusion, and whether it is exclusion from school or from transport, it is a measure of last resort when everything else has failed. One must have a series of warnings, and hence the yellow-card, red-card system seems to make sense. There should be a series of warnings from the school, and action plans should be put in place, and it is when those are exhausted that the provision of school transport should be withdrawn.

[97] **Mr Jones:** It is important to realise that the contract is between the LEA and the operator, so the LEA must be involved in the process somewhere.

[98] **Gareth Jones:** We will now—

[99] **Sandy Mewies:** I have not finished, I am afraid, Chair.

[100] **Gareth Jones:** We are running late, Sandy, but that is fine.

[101] **Sandy Mewies:** It is unfortunate that I was one of the last to speak.

[102] **Gareth Jones:** I am trying to get a balance.

[103] **Sandy Mewies:** There is a tension, is there not, which I am trying to get at, between the responsibilities of the headteacher and the contract, because the contract is between the LEA and the operator. You have all been clear in saying that there must be a partnership approach to this. My last question is on paragraph 11. You oppose granting general discretion to local authorities, but you agree that there should be some discretion to provide more

generous transport arrangements. Can you expand on that a little?

[104] **Mr Brown:** One of the dangers is that the minimum requirement in terms of school transport does not necessarily cover the greater need. Once the minimum has been met, there are situations where it makes sense for the local education authority to intervene by providing transport arrangements, because the alternative is just to allow children onto the general network, and that can be considerably more dangerous than having a controlled environment.

[105] **Sandy Mewies:** That is fine, thank you.

[106] **Mr Jenkins:** There is an area of confusion here, which I encounter all of the time with the general public. Clarity is needed with this legislation. As it is written, it appears that it only refers to school contracts, which are administered by the LEA. The point has been made by my colleagues that, in many cases, the majority of children travel on local service buses along with adults. That must be straightened out in terms of clarity as regards what the legislation applies to. From the local authority's point of view, there is a dilemma, which has created this situation, if you like. Local authorities are obliged to obtain the best value for money and, by giving children season tickets and putting them on service buses—buses that are already operating as opposed to putting out a new contract—they are achieving value for money. They are helping to support some services which otherwise would not operate by putting season ticket revenue into that particular operator. So, the procurement regime which local authorities must comply with acts against some of the Measure's objectives.

[107] **Andrew R.T. Davies:** I apologise for being late, Chair. If two of the points that I will make have already been raised, please bin them straight away. Following on from Sandy's point, from the previous evidence that we have received, if a child is in a school uniform they must comply with school regulations, irrespective of where the default lies. Can you throw more light on that? Whether school children are on the buses or on the street, if they are in a school uniform they must comply with school conditions and therefore the headmaster has a right of discipline at some point. We heard that in evidence two weeks ago.

[108] My specific point is about the attendants and drivers of service buses. As we heard, 50 per cent of pupils travel on service buses. In its evidence last week, BUSK said that there is no industry standard for training of such attendants or drivers, which I found quite odd. I am part of the farming community and everything that I sell must meet a certain industry-wide standard. We are looking to entrust children not only to the operators, but to the employees of the operators, and anyone who has a public service vehicle licence can drive the bus. As an industry, I hope that you would agree that there should be uniformity of standards in training and that there should be a gold-plated standard that we could all sign up to so that the drivers and the attendants must meet that standard. There is no point in just employing Joe Bloggs to drive these buses or just be an attendant wearing a fluorescent jacket.

[109] **Mr Jones:** That is in our paper. Just to re-emphasise, training is the key to everything. We in the industry believe that that is one of the issues that you need to tackle, but it comes at a cost. You cannot take Mrs Jones off the road and make her an escort tomorrow morning—she must be trained in conflict management.

[110] **Andrew R.T. Davies:** Who would you get to draw up those standards? Would it be you as an industry or the Government? What regulatory body could we go to and say that we wanted it to draw up the standards?

[111] **Mr Jones:** The Welsh Assembly Government.

[112] **Andrew R.T. Davies:** So, the Welsh Assembly Government should do that, rather than a voluntary code?

[113] **Mr Jones:** Yes, and also possibly through the sector skills council.

[114] **Gareth Jones:** I thank Members for all their questions. This has been a very useful and informative session, and, on behalf of Members, I thank the witnesses for their attendance. You have given us a new dimension to many aspects and you have highlighted key areas. I was particularly taken by what David said about there not being sufficient risk assessment all the way along. That covers the point that Sandy made about children walking home and whether we assess that risk specifically, as well as with regard to bus companies and travel on service buses and closed-door services and so on? We need to be mindful of that risk, and the assessment of it, especially if it is not being done to the extent that it should.

10.00 a.m.

[115] I am grateful to you for your contribution. As I said earlier, we are trying to achieve a full picture, and you have made a significant contribution to that.

[116] Diolch yn fawr am eich presenoldeb. Thank you for your attendance.

[117] **Kirsty Williams:** Would it be possible to get legal advice on the issue of CRB checks? The Assembly's ability to make CRB checks a requirement seems to be fundamental. There seems to be a discussion as to whether or not we could do that. Would it be possible to have a note, Gwyn? The issue has been raised, has it not, that we would not be able to impose a requirement for CRB checks? Is that the case, or not?

[118] **Mr Griffiths:** The answer is probably 'yes', but I will let you have a note for next week's meeting.

[119] **Kirsty Williams:** Thank you. CRB checks seem to be one of the fundamental issues.

[120] **Gareth Jones:** Symudwn ymlaen yn awr at ail ran y sesiwn graffu. Yr ydym yn ymddiheuro am ein bod yn rhedeg tipyn bach yn hwyr, ond mae'r mater sydd dan drafodaeth o bwys. Croesawn yn awr gynrychiolwyr Cymdeithas Llywodraeth Leol Cymru, sydd eto wedi cynnig papur inni, sef papur 3. Croesawn i'r cyfarfod y Dr Chris Llewellyn, cyfarwyddwr dysgu gydol oes, hamdden a gwybodaeth y gymdeithas, a Daisy Seabourne, swyddog polisi gyda'r gymdeithas. Croeso hefyd i'r cynghorydd John Davies, llefarydd dysgu gydol oes y gymdeithas. Yr ydym yn falch o'ch cael gyda ni. Diolch yn fawr ichi am y papur. A wnewch chi ddweud ychydig eiriau o gyflwyniad, gan gadw'r rheiny mor fyr â phosibl, fel y caiff Aelodau y cyfle i ofyn cwestiynau?

Gareth Jones: We move on now to the second part of our scrutiny session. We apologise for the fact that we are running a little late, but the matter under discussion is one of importance. We now welcome the Welsh Local Government Association representatives who, again, have presented a paper to us—it is paper 3. We welcome to the meeting Dr Chris Llewellyn, the WLGA director of lifelong learning, leisure and information, and Daisy Seabourne, a WLGA policy officer. We also welcome councillor John Davies, who is the association's spokesperson for lifelong learning. We are glad to have you with us. Thank you for the paper. Will you say a few words by way of a presentation, keeping it as short as possible, so that Members have an opportunity to ask questions?

[121] **Mr Davies:** Diolch ichi am y cyfle i ddod yn ôl i'r pwyllgor. I'r sawl ohonoch a oedd yn aelodau o ragflaenydd y pwyllgor hwn cyn yr etholiadau, buom yma yn nyddiau hwyr y Cynulliad diwethaf yn delio â

Mr Davies: Thank you for the opportunity to return to the committee. For those of you who were members of the committee's predecessor before the elections, we were here late in the last Assembly to deal with the

manyllion y gwasanaeth a'r ffordd y mae'r ddarpariaeth yn esblygu ac yn datblygu yn sgîl y canllawiau a ddaeth o'r pwyllgor hwnnw ac yn sgîl argymhellion yr adroddiad a ddaeth ger ein bron ychydig dros flwyddyn yn ôl.

details of the service and with how the provision is evolving and developing following the guidelines that emerged from that committee and the recommendations of the report that came to our attention a little over a year ago.

[122] Mae heddiw'n gyfle inni drafod y Mesur ymhellach, a hyfryd yw cael y cyfle i ymateb i'r canllawiau yn y Mesur sydd ger eich bron.

We have an opportunity to revisit the Measure today, and I am pleased to have this opportunity to respond to the guidelines contained in the Measure before you.

[123] We are grateful for the opportunity to return and to share with you our thoughts and response to the consultation on the Measure. Today is clearly about issues relating to the Measure, rather than the mechanics of delivery of the school transport service. We are grateful to the Welsh Assembly Government for the pre-consultation process; it was fully inclusive of the aspirations and thoughts of local authorities with regard to moving school transport forward. We recognise that there is a need to do that. It is about getting appropriate learner transport, while, at the same time, the key, fundamental issue for local authorities is to deliver quality education services for children and young people.

[124] We also acknowledge in our response the value of effective co-working. That is challenging for local authorities and all the stakeholders alike. We have 22 authorities in Wales and it is not useful or beneficial that we have, at times, 22 different kinds of arrangements regarding school transport. That is something that we acknowledge and, therefore, we welcome a structure of regional working as an opportunity to facilitate and move things forward in the interests of better school transport. That is why, as part of the £3 million designated by the Welsh Assembly Government, we now see the appointment of a school transport co-ordinator, Mr Tomi Jones from Ceredigion, who is there to share good practice, to develop new opportunities for working closer together, and to use good practice to improve school transport across the piece.

[125] It is challenging to move it forward, especially with the involvement of the 14-19 learning agenda. The need to work closer with colleges and other providers will be a significant challenge for all of us, as will the need to work with school governing bodies regarding the opportunities for changing school times to meet any transport opportunities that may exist, leading to greater efficiencies in that respect.

[126] Travel arrangements need to be looked at carefully and we acknowledge that, but there are budgetary implications as well. We also highlight, in our response, something that we have questioned for some time, and paragraph 9 makes it quite clear. We welcome the fact that the Welsh Assembly Government has acknowledged the issue of the current split between key stage 1 and key stage 2, and the issue of seven and eight-year-olds. There is no value to it and no rhyme or reason as to why that arrangement needs to continue. It does not add value; it merely adds confusion to the present arrangements for school transport. I hardly need to rehearse those issues of confusion.

[127] You heard evidence earlier in this meeting with regard to codes of conduct and the home-school transport contract that is applied by many authorities throughout Wales. That is something that we need to share further, with all authorities, in the interest of good practice. I think that there is a real opportunity there. Having local discretion is also valuable, because one size will certainly not fit all, but more important than that is the need for local ownership. If it evolves locally, people will have ownership of it—practitioners, pupils, and parents. That is something that needs to be clearly understood. While there is an opportunity for a broad framework, we need local ownership with regard to home-school transport contracts. It is

happening and we have seen it working very well in certain authorities. It is grown locally through school councils and young people's partnerships, and it works very well. We need to have that contact of local ownership, rather than having a universal approach to the conduct of young people and children on our school transport.

[128] Collaborative working will also bring other challenges across the piece in terms of Welsh-medium provision. There are issues there, especially in areas that cross the boundaries of local authorities, where some schools serve beyond the coterminous boundaries of local authorities. That is something that needs to be looked at very carefully. I have seen it happen in my own authority, Ceredigion, in the last few years. We also need to consider issues that are often forgotten, such as children with special educational needs and school transport. That, in its own right, is a complex field that varies from place to place.

[129] Nursery provision, the foundation stage, early years and so on also add to that confusion, especially with the cut-off point set at five-year-olds—it is from five years of age and upwards that there is statutory provision for school transport. These are issues on which we will hopefully have greater clarity through this Measure.

[130] Y pwyslais mwyaf, yn sicr ddigon, drwy hyn oll yw'r gost o ariannu unrhyw newid. Os ydym yn edrych ar safoni'r oedran ar gyfer darparu cludiant ysgol i blant ysgol gynradd, a thynnu'r llinell yn y fan honno yn hytrach na rhwng cyfnod allweddol 1 a 2, fe fydd cost ynghlwm. Os bwriad y Cynulliad yw cael gwared ar y ffin sydd ar hyn o bryd, mae rheidrwydd a disgwyliad y bydd y Cynulliad yn darparu arian ychwanegol.

Certainly, the greatest emphasis in all of this is the cost of funding of any changes. If we are looking to standardise the age for the provision of school transport to primary school children, and to draw the line there, instead of between key stages 1 and 2, there will be a cost. It is essential and there is an expectation, if it is the Assembly's intention to get rid of the current division, that the Assembly will provide additional funding.

10.10 a.m.

[131] Felly, Gadeirydd, yr ydych wedi cael yr adroddiad. Dyna, i bob pwrpas, ein hamcanion a'n hymateb i'r Mesur. Yr ydym yn ei groesawu, ac yr ydym yn cydnabod bod gwaith i'w wneud o ran cydweithio i ddarparu cludiant addysg yn ein siroedd.

Therefore, Chair, you have the report. It includes, to all intents and purposes, our objectives and our response to the Measure. We welcome it, and we acknowledge that there is work to be done in terms of collaborating to provide education transport in our counties.

[132] **Gareth Jones:** Diolch i chi am y cyflwyniad hwnnw a'r sylwadau, a oedd yn canolbwyntio ar rai agweddau allweddol ar y papur. Yr ydym yn ddiolchgar am y papur. Rhoddaf gyfle i'r Aelodau ofyn cwestiynau yn benodol i chi am hwnnw.

Gareth Jones: Thank you for the presentation and for your comments, which focused on some of the key aspects of the paper. We are grateful for the paper. I will now give Members the opportunity to ask specific questions to you on it.

[133] **Kirsty Williams:** Paragraph 6 of your paper seems to suggest that you support the issue of discretion with regard to transport to Welsh-medium and denominational education. Why do you think that it is helpful for individual local authorities to be able to have discretion with regard to these particular issues? Surely it should be a universal right for parents to be able to choose Welsh-medium or denominational education if they wish to do so.

[134] On the issue of safe routes, the Measure gives discretion to councils to be able to provide education if the walking route is deemed to be unsafe. In my experience, there is always a gap between what a local authority and what parents deem to be safe. Would it be

useful to local authorities to have a clear definition or guidance on what constitutes a safe route to school?

[135] **Mr Davies:** I will come back on the issue of discretion in terms of Welsh-medium and denominational education, before I hand over to my officers. We must look at this across the piece in terms of planning school places, because it is not just about a straight-bat option and saying, 'School A is our preference'; it is about parental preference and not parental choice, and there is a subtle difference in that respect. There will be opportunities, quite rightly, to provide Welsh-medium or denominational provision, but it is scattered; the provision in Powys and Pembrokeshire is a classic example of that. Therefore, the discretion must lie with the authority in terms of transport being available to travel to school A rather than to school B, because you also have to consider the issue of capacity in those schools. Sometimes, if parents choose to send their children to school A, there may not be places there, but there may be places in school B that is providing denominational or Welsh-medium education. Therefore, you have to have that discretion. It is about being able to make a decision locally.

[136] **Kirsty Williams:** Given the pressures on local authority budgets and the fact that there is a statutory requirement on local authorities to transport pupils to the nearest school, if that school is an English-medium school and parents have a strong religious belief that their children should be educated in a Catholic school or want them to be educated in a Welsh-medium school, why should those parents, as a result of a local authority making reasonable budget decisions, be put off from achieving their goals of having their children educated in a Catholic or Welsh-medium school, when a neighbouring local authority is providing that education? I understand your issue about school places, but it seems to me that parents, and not the local authority, should have the right to make those choices.

[137] **Mr Davies:** No-one would deny that right. It is about being reasonable, as you said earlier; it has to be reasonably practical in terms of the options that are available. Sometimes, what parents might consider to be their first choice is not always reasonable in terms of the other elements of providing education. What is important is that school transport is available for providing denominational or Welsh-medium education.

[138] **Kirsty Williams:** I am sure that you would agree that parents are reasonable, and that no parent would want to see their child being transported many miles for a long period of time to achieve an educational option. In reality, parents would not make that decision for their child, because it would probably impact adversely on them, but I take your point.

[139] **Alun Cairns:** Councillor Davies, is it not reasonable that parents who want Welsh-medium education for their children should be afforded the same privileges as parents who want English-medium education for their children? Should their children, therefore, not have the right to transport to the nearest school that offers such an education?

[140] **Mr Davies:** Absolutely. It is a very interesting debate, and one that has been held recently between Ceredigion and Pembrokeshire in the area of Cardigan. There was a judicial review on the matter. The point is that provision is made, albeit not always aligned to the demand of the parent.

[141] **Alun Cairns:** In terms of local authority discretion, does the proposal not effectively allow some local authorities, which may not be well motivated towards providing a Welsh-medium education—depending on their make-up following elections or whatever—not to act, because we include discretion in the legislation with regard to providing transport to the nearest school, rather than to a school that provides education according to the language or religious beliefs of the pupils or parents?

[142] **Mr Davies:** In normal circumstances, yes. However, there will be occasions when a school is full to capacity, and therefore an alternative would need to be provided, hence the need for discretion.

[143] **Alun Cairns:** So, that could force children to go to an English-medium school.

[144] **Mr Davies:** No, to an alternative Welsh-medium school or an alternative denominational school.

[145] **Christine Chapman:** In paragraph 11, you talk about the Assembly Government's commitment to fulfilling obligations regarding sustainable development. Some witnesses have said that this should possibly be a secondary part of the Measure—that it should not be on an equal footing with the educational element, and that it is about education before we worry too much about the sustainability argument. Do you have any comment on that? What is the WLGA's stance on that? Do you see sustainability as an equal consideration with the educational element, or do you see it as less important?

[146] **Ms Seabourne:** I do not think that we can say that it is less important, but there are a few points to be made. First, local authorities are committed to sustainable development. A full commitment to improving sustainability is one of the elements in their community strategies, and transport is one of the biggest areas on which local authorities can have an impact. Another issue is that sustainability is part of education; quite a lot of the curriculum is to do with sustainable development and improving the knowledge and learning of children and young people with regard to it. This is a perfect way of combining the two elements.

[147] **Christine Chapman:** I will press you on that, because the crunch comes when we talk about staggering school times. Although it could be problematic, it is a good way of addressing the sustainability factor. Some authorities or schools will say that they would not countenance that. Do you have any comment on that?

[148] **Ms Seabourne:** It comes back to being realistic. You must put the education of children and young people first, but if we can improve sustainability, even as a side effect, that is a good thing.

[149] **Mr Davies:** I wish to add something on the issue of staggering school times and bring some reality to this. Members will be aware of the community consortia for education and training arrangements that have existed for the past three years with regard to 14 to 19-year-olds. CCETs in local authorities have been trying to encourage governing bodies to look at working together on the provision for post-16 education. That means staggering times, and, on occasion, bringing times closer too in order to share pupil and teacher resources. It is increasingly difficult to convince schools of the benefits of that, because everybody is set in their own ways with regard to the benefits in their own school times. For example, there are certain authorities where, within 10 sq m, there will be six different school starting times and closing times, and within the next 10 sq m they are exactly the same. It is very difficult, because decisions with regard to school times and the operation of schools are matters for the local governing body of the school. Therefore, there is a need to tie governing bodies in if there is an opportunity to look at this in the round. They are islands on their own to some extent with regard to school times.

10.20 a.m.

[150] **Janet Ryder:** You made a great deal in your evidence about allowing local authorities discretion, and yet we have heard clearly from groups that have given evidence previously that some authorities are not carrying out the Criminal Records Bureau checks. For me, that begs the question whether discretion should be allowed. Would you like to comment

on that?

[151] **Mr Davies:** There is no denying that that is happening, and so one would accept that. That is why having the opportunity to bring CRB checks together on a regional basis would be really helpful.

[152] **Janet Ryder:** On a regional or a national basis?

[153] **Mr Davies:** I think that it has to be regional.

[154] **Janet Ryder:** So, would you accept that there might even be discrepancies between counties and between areas?

[155] **Mr Davies:** I cannot answer for each authority, but there is no excuse if certain authorities are not meeting the requirements of getting CRB checks for those who operate school transport.

[156] **Janet Ryder:** So, it should really be a national requirement.

[157] **Mr Davies:** It should be a national requirement, but, operationally, it could be dealt with regionally.

[158] **Dr Llewellyn:** There is an issue, though I do not know how practical it would be to deal with it at a national level. It is a complicated subject. Initially, looking at it at a regional level would be enough of a challenge, but we would hope that something could be done.

[159] **Janet Ryder:** You also say in section 10 of your evidence that,

[160] ‘Codes of conduct governing the behaviour of pupils on buses travelling to school are already being used effectively by local authorities across Wales’.

[161] Who has responsibility for enforcing that behaviour code?

[162] **Mr Davies:** In most instances, if not all, it is down to the school, as it is a school contract that also captures the issue of school transport. Accountability lies with the headteacher.

[163] **Janet Ryder:** So, would you support the proposal in the Measure that that responsibility should lie with the headteacher?

[164] **Mr Davies:** I would support the need for identifying a designated individual, which we would expect, in most cases, to be the headteacher.

[165] **Janet Ryder:** How do you respond to the arguments that are being put forward that local authorities are the contracting body and, therefore, it is more difficult for the head?

[166] **Mr Davies:** In that respect, it is the same as the current relationship between LEAs and governing bodies; you are allowed to delegate certain responsibilities. That is one that would need clear delegation to headteachers.

[167] **Janet Ryder:** Who, in your opinion, should be responsible for recruiting and training escorts?

[168] **Mr Davies:** That has to be part of the school transport contract, so I would say the LEA.

[169] **Janet Ryder:** So, is that your responsibility?

[170] **Mr Davies:** LEAs have that responsibility.

[171] **Jeff Cuthbert:** Janet has dealt with one of the points that I was going to raise, so I can save a bit of time. In paragraph 5, you refer to the 14-19 learning pathways. Would you like to say a little more about that, because, once this is fully up and running, learning will be delivered in a variety of locations, not just in the school? It will be delivered during the course of the school day, and could be provided at the premises of work-based learning providers or employers, for example. That will have a significant impact on transport. Would you like to say any more about your thinking in that regard, or on whether work is already under way?

[172] Finally, in paragraph 14, which refers to the Assembly Government's powers in the areas of post-16 education and nursery provision, you say that,

[173] 'The WLGA cautiously endorses the Assembly Government taking additional powers in respect of these areas. However, the WLGA would be keen to stress the need for consultation'.

[174] Is that what you are cautious about, or are you cautious about other things as well?

[175] **Ms Seabourne:** On 14-19 learning pathways, most local authorities see good school transport as essential in allowing children and young people to access all of the opportunities available to those aged between 14 and 19. The point that we were making in paragraph 14 is that it is important to retain an education element when looking at school transport; it should not be purely a transport issue. Over recent years, school transport has been essential for local authorities to deliver on several of the Assembly's initiatives. It is an area that 14-19 learning networks are looking at. I believe that some funding is available via those networks to look at some issues to do with providing transport. That is one area on which local authorities need to work with the Welsh Assembly Government.

[176] In cautiously welcoming the additional powers in post-16 education and nursery education, it is exactly as you stated: we want to ensure that there is sufficient consultation with local authorities before addressing issues to do with transport for nurseries and post-16 education. We also need to ensure that we look closely at the outcomes of the pilot projects that are currently under way in Bridgend and the north, which are looking at half-fare concessions for post-16 learners.

[177] **Jeff Cuthbert:** So, what you are cautiously welcoming is the principle. You will not commit yourself until those discussions are over.

[178] **Ms Seabourne:** That is right.

[179] **Dr Llewellyn:** One would think that the post-16 allowance would change significantly after the publication of the Webb review. Among the range of issues that we touched upon in our evidence to that review was the idea of having a regional strategic role for local government in post-16 provision with greater movement across all aspects of the post-16 sector, in terms of learners, provision, and the interface and interaction between the further education colleges and work-based learning providers and schools. Again, all of those will have implications for transport.

[180] **Andrew R.T. Davies:** Another phrase that you used was that you 'cautiously welcome' the code of conduct. All other witnesses have greatly embraced the prospect of having a national code of conduct. Could you tell us why you used the word 'cautiously' in

welcoming the code of conduct? It seems as though there will have to be some form of code of conduct, and so how do you suggest that we approach the negotiating position with schools to ensure that we create a two-way street, rather than our taking a dictatorial approach? Councillor John Davies used the word 'regionality', which is the first time I have heard a witness use that word in the context of this Measure. I can understand your point, particularly in terms of a code of conduct. Cardiff is part of the region that I represent, and I would say that some of the school transport issues that people face in Cardiff are very far removed from those in Ceredigion, or wherever.

[181] **Mr Davies:** On 'cautiously' welcoming the code of conduct, I return to what I said earlier: the need for local discretion must be applied in the interests of having local ownership of it, as there is no point in prescribing a national code of conduct to parents or pupils if they do not feel as though they have ownership of it, and a part in growing that themselves. Therefore, it is about agreement rather than imposing an expectation on them. Pilots have been done on travel codes of conduct or what we call home-school transport codes of conduct or contracts. They have worked well when they have grown from the bottom up and when people have total ownership over them. That is why we would only cautiously welcome a national prescription of codes of conduct. That is explicitly clear.

[182] On regionality, clearly there is an opportunity in the regions and the quarters of Wales to look at good practices in codes of conduct, on common themes. That is what I mean by regional working.

[183] **Andrew R.T. Davies:** I also asked how you get people on board to take ownership. The acting children's commissioner gave evidence to this committee last week on a wide, embracing model of consultation right down to getting virtually every pupil to participate. As a representative of a local authority, how would you engage with school governors, the professional staff and school bus operators, rather than being seen to be dictatorial? How would you embrace and create that feeling of ownership and consultation?

[184] **Mr Davies:** We have afforded opportunities through the children's and young people's framework partnership for stakeholders across the piece to develop a local and regional framework.

[185] **Andrew R.T. Davies:** Do you believe that the process of consultation is robust enough for you to engage in it?

[186] **Mr Davies:** It clearly is there, but it needs to be developed, and opportunities to develop it could come through the framework partnerships.

[187] **Sandy Mewies:** On a point of clarification, I am slightly confused and I may not have been listening closely enough, but you say in paragraph 10 that,

[188] 'Codes of conduct governing the behaviour of pupils on buses are already being used effectively by local authorities'.

[189] And you say that the benefits are clear and that,

[190] 'Local authorities support the use of a code and it should be at the discretion of each local authority to implement policies concerning the behaviour of pupils according to local circumstances'.

[191] Did I hear you correctly, councillor Davies, when you said that you felt that the enforcement of the code of conduct should be delegated to the headteacher? I am not sure who you think should draw up the code of conduct for an area, and who should enforce it. Are

those powers to be vested in the headteacher always, should there be a split, or do you think that it could differ from school to school? I am not clear on that, sorry.

10.30 a.m.

[192] **Mr Davies:** It may well be confusion brought about by my words. What I am saying is that you have to have local ownership, and, by that, I mean that it has to stop at the school platform in that respect, because it would have to apply it. Therefore, the application, the enforcement and the ownership of it has to lie with the school itself finally, because it is a relationship between the pupil, the parent and the practitioner—I call it the three Ps—with the practitioner being the school headteacher who represents the school and the governing body. Clearly, there is a real opportunity for local education authorities to set the piece, through the framework partnerships that I related to earlier, and to get the bare bones of the framework in place. That will encourage schools to be consistent, at least, across the piece, thereby allowing them the capacity to deviate where there is a real need to have that local ownership. Without that ownership, it will not work.

[193] **Sandy Mewies:** So, there would not be a national code of conduct, or even a regional code of conduct; there would be a skeleton code of conduct into which each school could add or subtract something, according to local circumstance, and that would be enforced by the headteacher.

[194] **Mr Davies:** I think that the regional structure should provide the expectation to all local authorities, to ensure that it happens within all schools.

[195] **Sandy Mewies:** The difficulty for me is that this is a legal measure.

[196] **Alun Cairns:** Could I just press—[*Inaudible.*]—the LEA? You have said that it should be the headteacher, but we should bear in mind that the headteacher does not have line-managerial responsibility over the driver or escorts on the bus, and there will be tensions between pupils and coach drivers. Therefore, if it is the responsibility of the headteacher, how would we resolve that sort of issue?

[197] **Mr Davies:** Before I ask Daisy to come back, I just want to point out that what I am saying to you, quite clearly, is that guidelines can be set by the local authorities, but they have to go as far as the contractor reporting back to the headteacher, which was mentioned earlier by the operators. The operators said that they look to the headteacher to enforce it, as far as individual routes are concerned.

[198] **Ms Seabourne:** You have said what I was going to say, John. We need to ensure that we have a code of conduct that is developed in partnership with the children at the school—

[199] **Alun Cairns:** But it is the implementation of the code that troubles me.

[200] **Ms Seabourne:** The code, including its development, should be implemented in partnership. So it is about involving the transport providers in developing the code, so that there is an understanding between all parties.

[201] **Alun Cairns:** But surely someone should be ultimately responsible.

[202] **Ms Seabourne:** Yes, and I think that John has made it clear that it should be the headteacher, because the headteacher already has that disciplinary relationship with the pupils in the school. The headteacher is someone who the pupils will naturally look to for guidance and discipline. If there is then a problem with the relationship between certain pupils and a driver, then that should also be managed by the headteacher, but in partnership with the local

authority.

[203] **Mr Davies:** As is happening now.

[204] **Ms Seabourne:** Exactly.

[205] **Alun Cairns:** I am now clear on that. That is useful.

[206] **Gareth Jones:** Diolchaf i chi am eich cyflwyniad ac am y drafodaeth hynod o ddiddorol. Yr ydych yma yn cynrychioli 22 o awdurdodau, ac mae'n siŵr ein bod i gyd yn ystyried pa mor heriol yw hynny ynddo'i hun. Yr ydych wedi ein cyfeirio hefyd at faterion go bwysig o ran perchnogaeth pa god bynnag fydd ar gael, a sut y caiff hwnnw ei ddehongli a'i fewnoli hefyd, o ran atebolrwydd. Mae'r rhain oll yn agweddau yr ydym yn eu hystyried yn ddwys, a diolchwn i chi am ddangos dimensiwn gwahanol i ni. Chi yw'r tystion olaf i gyflwyno tystiolaeth ar fater digon dyrys ac anodd, a mawr obeithiwn y gallwn symud ymlaen, a sicrhau gwelliannau yn y maes pwysig hwn o ddiogelwch dysgwyr wrth deithio i'w mannau dysgu. Diolch yn fawr iawn i chi am eich amser ac am eich cyflwyniad.

Gareth Jones: I thank you for your presentation and the very interesting discussion. You are here representing the 22 authorities, and I am sure that we all realise how challenging that is, in itself. You have also referred us to important issues about the ownership of whatever code is put in place, and how that is interpreted and internalised, and its accountability. These are all aspects that we are considering carefully, and we thank you for showing us a different dimension. You are the final witnesses to give evidence on this very complex and difficult matter, and we very much hope that we can move forward on this, securing improvements in this important field of the safety of learners while travelling to places of learning. Thank you very much for your time and for your presentation.

[207] Byddwn yn torri am egwyl yn awr am ryw 10 munud a byddwn yn ailymgynnull yma, tua 10.50 a.m..

We will now break for an interval of approximately 10 minutes and we will reconvene here at around 10.50 a.m..

*Gohiriwyd y cyfarfod rhwng 10.34 a.m. a 10.48 a.m.
The meeting adjourned between 10.34 a.m. and 10.48 a.m.*

[208] **Gareth Jones:** Yr ydym yn barod i ailddechrau. Croesawn Ieuan Wyn Jones, y Dirprwy Brif Weinidog a'r Gweinidog dros yr Economi a Thrafnidiaeth. Croeso hefyd i'ch swyddogion, Weinidog. Yr ydym yn ddiolchgar ichi am y papur. Mae hwn yn rhoi cyfle arbennig inni. Hyd yn hyn, yr ydym wedi derbyn tystiolaeth gan wahanol gyrff sydd â diddordeb garw yn y Mesur hwn, â chyfrifoldebau sydd yn ymwneud ag ef. Mae sawl dimensiwn i hwn ac mae ambell her anodd wedi ymddangos o ran dwyn Mesur fel hwn i rym. Yr ydym yn edrych ymlaen at glywed yr hyn sydd gennych i'w ddweud ac yr wyf yn gobeithio y cawn ni, fel Aelodau, gyfle i ofyn ychydig o gwestiynau cyn inni wneud unrhyw argymhellion. Yr ydym yn edrych ymlaen at glywed yr hyn sydd gennych i'w ddweud yn eich cyflwyniad i'r pwyllgor y bore yma. Croeso cynnes ichi.

Gareth Jones: We are ready to recommence. We welcome Ieuan Wyn Jones, Deputy First Minister and Minister for the Economy and Transport. I also welcome your officials, Minister. We are grateful for the paper. This gives us a special opportunity. Up until now, we have taken evidence from different bodies that have a great interest in the Measure, and responsibilities with regard to it. There are several dimensions to this, and some difficult challenges have become evident as far as bringing such a Measure into force is concerned. We look forward to hearing what you have to say and I hope that we, as Members, will have the opportunity to ask a few questions before we come to make any recommendations. We look forward to hearing what you have to say in your presentation to the committee this morning. I extend a warm welcome to you.

10.50 a.m.

[209] **Y Dirprwy Brif Weinidog a'r Gweinidog dros yr Economi a Thrafnidiaeth (Ieuan Wyn Jones):** Yr wyf yn falch iawn o'r cyfle i fod yma gyda chi. Cyn imi wneud fy sylwadau cychwynnol, cyflwynaf y tîm sydd wedi dod gyda fi heddiw. Ar y chwith i mi y mae Simon Shouler, sy'n gyfrifol am gynllunio trafndiaeth. Ar y dde i mi y mae Keith Parsons, sydd wedi bod yn arwain ar y Mesur. Ar y dde eto y mae Catrin Huws, sydd wedi bod yn gyfrifol am ochr gyfreithiol y Mesur. Y tu ôl i mi y mae Piers Bisson, sy'n bennaeth polisi is-adeiledd a thrafnidiaeth, ac Anna Thomas, o'r Adran dros Blant, Addysg, Dysgu Gydol Oes a Sgiliau, sy'n gyfrifol am ymddygiad myfyrwyr a phlant. Os oes cwestiynau y gallaf i eu hateb, o safbwynt polisi, yn naturiol y byddaf yn hapus i wneud hynny. O ran cwestiynau technegol neu gwestiynau sy'n ymwneud â materion cyfreithiol, byddaf yn gofyn i aelodau'r tîm i gyfrannu hefyd.

[210] Hoffwn egluro ar y dechrau fod trafndiaeth ddiogel, addas a chynaliadwy i ysgolion yn rhan bwysig o bolisi'r Llywodraeth. Fel y gwyddoch erbyn hyn, oherwydd yr wyf wedi cael cyfle i edrych ar gofnod o'ch trafodion—darllenais eich sylwadau a'ch cwestiynau i'r tystion â chrynddiddordeb—cyhoeddwyd y Mesur hwn ym mis Mehefin. Bu ymateb mawr i'r papur yr ydym wedi gofyn am sylwadau arno, ac mae sylwadau'n parhau i ddod i mewn. Byddaf i a'r swyddogion yn ystyried yr holl sylwadau sydd wedi dod i mewn a'r gwahanol safbwyntiau a fynegwyd hefyd. Gobeithiwn edrych ar yr holl ymatebion yn hynod o ofalus a, phan fo hynny'n briodol, i ystyried eu cynnwys yn y Mesur terfynol. Yn naturiol, mae nifer o sylwadau wedi dod i mewn. Byddaf yn ystyried eich trafodion, a'r cynigion y byddwch yn eu gwneud maes o law, yn hynod o ofalus oherwydd mae gennyf feddwl gwbl agored o ran rhai o'r sylwadau a wnaed. Mae rhai pethau y mae modd i ni eu gwneud o fewn cwmpas y Mesur, ond mae pethau eraill sydd y tu hwnt i'n pwerau. Fel y mae un neu ddau o aelodau'r pwyllgor wedi'i awgrymu, mae cwmpas y Mesur y gallwn ei greu yn eithaf cyfyng am ei fod yn ddibynnol

The Deputy First Minister and Minister for the Economy and Transport (Ieuan Wyn Jones): I am very pleased to have the opportunity to be here with you. Before I make my opening remarks, I will present the team that has accompanied me today. To my left is Simon Shouler, who is responsible for transport planning. On my right is Keith Parsons, who has been leading on the Measure. Further to the right is Catrin Huws, who has been responsible for the legal side of the Measure. Behind me are Piers Bisson, the head of transport and infrastructure policy, and Anna Thomas, from the Department for Children, Education, Lifelong Learning and Skills, who is responsible for children and student behaviour. If there are questions on policy that I can answer, I will be happy to do so. In terms of technical questions or those on legal matters, I will ask members of the team to contribute as well.

I would like to make it clear at the start that safe, suitable and sustainable transport to schools is an important part of the Government's policy. As you know by now, because I have had the opportunity to look at the record of your discussions—I read your comments and questions to witnesses with interest—this Measure was published in June. There has been a significant response to the paper that we asked for comments on, and responses are still coming in. The officials and I will consider all of the comments that have come in and the different points of view expressed. We hope to look at all of the responses very carefully and, when appropriate, consider including them in the final Measure. Naturally, a lot of comments have come in. I will carefully consider your discussions, and the suggestions that you will make in due course, because I have a completely open mind in terms of some of the comments made. There are some things that we can do within the compass of the Measure, but there are other things that fall outside our powers. As one or two members of the committee have suggested, the compass of the Measure that we can create is quite narrow because it is dependent upon the

ar y ddeddfwriaeth sydd wedi caniatáu'r Mesur. Byddwn felly am ystyried sut y gallwn gynnwys rhai pethau o fewn y Mesur, ond mae rhai pethau yn syrthio y tu allan i gwmpas y Mesur. Wrth i ni drafod y bore yma, yr wyf yn gobeithio y byddaf yn gallu egluro sut y mae ein meddyliau ni yn gweithio o ran symud hynny ymlaen.

[211] Nid eisiau trafod manylion y cynlluniau yr wyf heddiw, ond ystyried hwn fel rhan o'r ymgynghoriad. Byddaf yn gwrando'n ofalus ar yr hyn yr ydych chi a rhanddeiliaid eraill wedi ei ddweud. Yn derfynol, ac i ailadrodd, yr ydym yma i wrando; mae gennym Fesur arfaethedig yr ydych wedi ei ystyried ond yr wyf hefyd yn ymwybodol o'r dystiolaeth yr ydych wedi ei derbyn a bod sylwadau ynglŷn â newidiadau posibl i'r Mesur. Byddaf yn gallu ymateb yn gychwynnol ar hynny. Nid wyf am roi'r syniad i chi bod ein meddyliau'n gaeedig o ran nifer o'r meysydd; mae gennym feddwl gwbl agored ac os oes sylwadau da, wedi'u cefnogi gan dystiolaeth, byddwn yn eu hystyried yn ofalus.

[212] **Gareth Jones:** Diolch yn fawr, Weinidog. Yr wyf am siarad yn gryno, cyn i Kirsty Williams ddod i mewn. Yr ydym wedi dysgu llawer. Yr ydym wedi edrych ar y Mesur a gwrando ar y tystion ac mae nifer o bethau wedi dod i'r amlwg; yn sicr, nid oeddwn i wedi sylweddoli mor gymhleth a heriol yw'r gwaith hwn. Gwn fod Aelodau yn ysu i ddod i mewn gyda sylwadau. Yr ydym yn parchu'r hyn yr ydych newydd ei ddweud, sef eich bod yma i wrando hefyd. Yr ydym yma i graffu ar y gwaith yr ydych yn ei wneud hefyd. Ar ddiwedd y daith, gofynnwn i chi fod yn agored i adroddiad y pwyllgor. Chi fydd wedyn yn penderfynu beth fydd eich ymateb ac os ydych am fewnoli'r argymhellion hynny. Dyna sut y gwelaf y sefyllfa o'r gadair. Gofynnaf i Kirsty Williams ddod i mewn yn gyntaf.

[213] **Kirsty Williams:** I do not regard this committee session as part of the consultation. The committee's role is to scrutinise the Welsh Assembly Government's agenda. We are not consultees, in that sense, and our job here this morning is indeed to discuss the detail of the Measure before us, and to test the Measure that you are bringing forward. I certainly do not regard myself as being an ordinary consultee in this process.

[214] I wish to come to some issues of substance, on which I would be grateful to hear the Minister's views. I acknowledge that you are still considering the results from the

legislation that has authorised the Measure. We will therefore want to consider how we can include some things in the Measure, but others fall outside its compass. As we discuss these issues this morning, I hope that I will be able to explain how our minds are working in terms of moving that forward.

I do not wish to discuss the detail of the plans today; I want to consider this as part of the consultation. I will listen carefully to what you and other stakeholders have said. Finally, to reiterate, we are here to listen; we have a proposed Measure that you have considered, but I am also aware of the evidence that you have received and that there are comments about possible changes to the Measure. I will be able to give an initial response to that. I do not wish to give you the impression that our minds are closed with regard to several fields; we have a completely open mind and if there are good observations, supported by evidence, we will consider them carefully.

Gareth Jones: Thank you, Minister. I will speak briefly, before Kirsty Williams comes in. We have learned a lot. We have looked at the Measure and listened to witnesses and many things have come to light; certainly, I had not realised how complex and challenging this work is. I know that Members are eager to come in with comments. We respect what you have just said, that you are here to listen as well. We are here to scrutinise the work that you are undertaking also. At the end of the journey, we ask you to be open to the committee's report. It will then be up to you to decide what your response will be and whether you will take those recommendations on board. That is how I see things from the chair. I will ask Kirsty Williams to come in first.

consultation process. It is good to hear that you are still in listening mode. You may be aware of and be in listening mode with regard to the concerns that many organisations have expressed to us about how this Measure does not go the whole way towards achieving the safe, sustainable transport that they wish to see. We have heard evidence that suggests that the Measure does not take forward all the recommendations of the previous work done by the former committee on these issues, and that, to address those issues, you would have to seek further powers. Does the Assembly Government intend to seek powers over issues relating to the physical aspects of buses, which we do not currently have?

[215] We have heard evidence this morning that many schoolchildren travel to school on service buses. This legislation will not cover that. Do you believe that it is equitable for the Assembly Government to create legislation that protects some children but not others?

[216] Finally, question 3 in your consultation paper asks:

[217] ‘Within the broad legal framework, do you agree that local authorities should have some discretion to provide more generous transport arrangements than required by the Measure if they judge that worthwhile? (For instance, transport over shorter distances, or to Welsh medium or denominational schools that are further away.)’.

[218] Do you believe that it should be left to the discretion of local authorities to enable parents to make a choice about their children receiving Welsh-medium or denominational education, or should that be a universal right for all children and parents in Wales?

[219] **The Deputy First Minister:** I wish to respond to your initial comments. I think that I understand your position. I fully appreciate the role that Members play; I have been a committee chair, so I appreciate that. I will give due weight in the appropriate way to the considerations of this committee; I give you that assurance.

[220] In my opening remarks, I think that I made it quite clear that this Measure can only deal with matters that fall within the ambit of the legislation that provides the Measure-making powers. I have considered the question-and-answer sessions that you have had very carefully, and my officials and I have been looking at how we want to take these matters forward. There are three options available to us. The first option is to simply say, ‘Well, we think that this Measure goes far enough and there is nothing more that we should do’. The second option is to say, ‘We will legislate where we can under this Measure, but we will seek further powers to enable us to deal with some of the other issues that have been raised, which go outside the competence of this Measure’. The third option is to say, ‘Well, we could put everything on hold and wait for further powers and then have a comprehensive Measure’. Our current thinking is that the second option is the most likely one, which is that we will continue with this Measure, subject to any amendments that are proposed by this committee or we consider are appropriate in light of the evidence that we have received.

[221] However, at the same time, we will work up proposals to the Department for Transport requesting extra powers to deal with those issues. That is our current thinking, but, obviously, the committee’s views on this would be welcome.

11.00 a.m.

[222] You made the point that this Measure only deals with those children who are carried by dedicated transport, and not those who are carried by public transport. I will need to consider that. However, it is not currently possible, in my view, to extend a dedicated transport service for children all over Wales. We might want to achieve that over time, but I do not think that we could do it in the time available to discuss this Measure.

[223] You also asked about the position of children who go to Welsh-medium or faith schools. Currently, the proposal is that that should be left to the discretion of local authorities. We have looked at ways of dealing with it in the Measure, but there are several difficult legal issues that need to be addressed. All I can say to the committee is that I am prepared to look at the issue, but I cannot give you an absolute assurance today that that would happen, because I need to be satisfied that the possibilities of including it in the Measure would meet our objectives without opening up other questions that might be difficult. I am happy to say that I will look at that, but there are significant issues that we need to address.

[224] **Kirsty Williams:** May I come back on that? I appreciate very much what you have said, Deputy First Minister, about there being legal issues. It might be helpful to the committee if we had an understanding of what those legal barriers are because, obviously, we do not want to ask anything unreasonable that cannot be achieved because of legal constraints. It would be useful therefore to know what those legal constraints and barriers are.

[225] **The Deputy Presiding Officer:** I will ask Catrin to deal with some of those.

[226] **Ms Huws:** The main issue is that if you were to extend a right to transport to the nearest Welsh-medium school, you would have to do it to an English-medium school all over Wales. Some schools are not clearly designated as Welsh medium or English medium, so you would affect school organisation in various parts of Wales.

[227] **Gareth Jones:** Mae hwnnw'n fater o bwys. Derbyniaf yr hyn y cyfeiriodd Kirsty ato, a derbyniaf hefyd, o ateb Catrin, fod cymhlethdodau cyfreithiol. Er hynny, pwynt arall Kirsty yw bod y Mesur hwn efallai'n gyfyngedig i'r gwasanaethau contract yn hytrach na gwasanaethau bws cyffredin. Yr wyf yn hynod falch fod Gwyn Griffiths gyda ni, gan ei fod wedi edrych ar y pwynt hwnnw, a gofynnaf iddo roi ei sylwadau am ein dehongliad ni, a rhoi'i ddehongliad ef, o'r rhan honno yn y Mesur. Bydd gwerth gwranddo ar hyn sydd ganddo i'w ddweud.

Gareth Jones: That is an important matter. I accept Kirsty's point, and I also accept that there are legal complications, as Catrin pointed out in her response. However, Kirsty's other point is that this Measure is perhaps limited to contracted services rather than regular bus services. I am particularly pleased that Gwyn Griffiths is with us, as he has looked at this point, and I now ask him to give his observations of our interpretation and to share his own interpretation of that part of the Measure. It will be worth hearing what he has to say.

[228] **Mr Griffiths:** Yr wyf am gyfeirio aelodau'r pwyllgor at adran 1(2) y Mesur arfaethedig, sy'n esbonio bod trefniadau teithio sy'n dod o fewn cwmpas y Mesur yn cynnwys cludiant yn y modd yr ydym wedi clywed amdano y bore yma, ynghyd â cludiant lle mae'r awdurdod yn talu naill ai'r cyfan neu unrhyw ran o dreuliau teithio rhesymol person, neu'n talu lwfansau mewn cysylltiad â defnyddio dulliau teithio penodol. Felly, os bydd person yn defnyddio gwasanaeth bws cyffredin a bod yr awdurdod lleol yn talu am y tocyn, daw hynny o fewn cwmpas y trefniadau teithio a drafodir yn y Mesur, ac felly fe fyddai'n dod o fewn cwmpas y trefniadau goruchwyllo a disgyblu y clywsom amdanynt y bore yma.

Mr Griffiths: I wish to direct committee members to section 1(2) of the proposed Measure, which explains that the travel arrangements that come within the scope of the Measure include transport provision as detailed this morning, along with transport provision where the authority pays for the whole or any part of a person's reasonable travel expenses, or pays allowances in respect of the use of particular modes of transport. So, if a person travels on a general service bus and the local authority pays for the ticket, that comes within the scope of the travel arrangements outlined in the Measure, and that would therefore fall within the scope of the supervision and discipline arrangements we have heard about this morning.

[229] **Gareth Jones:** Teimlaf fod hwnnw'n **Gareth Jones:** I feel that that is an important

bwynt pwysig i bawb ohonom ei ddeall, ac yr wyf yn ddiolchgar i Gwyn am ein cyfarwyddo. point for us all to understand, and I am grateful to Gwyn for his advice.

[230] **Ms Huws:** Byddwn yn cytuno â hynny. **Ms Huws:** I would agree with that.

[231] **Y Dirprwy Brif Weinidog:** Yr wyf yn falch fod y cyfreithwyr yn cytuno. **The Deputy First Minister:** I am pleased that the lawyers agree on this point.

[232] **Huw Lewis:** I am pleased that the Deputy First Minister has followed our discussions so closely, because one thing that has become clear, in listening to witnesses, is that school transport, particularly bus travel, is a mess. I think that most committee members would agree with that. It is in trouble in terms of its basic popularity and the willingness of parents to use it. Fewer and fewer parents are using it as time goes by. When you listen to some of the statements that we have heard about the standard of vehicles and the lack of supervision, and so on, you sympathise with them, and particularly with the witness who said that we are using public money to subsidise the worst that the transport sector has to offer. So, the question before us is how to move to a safe, reliable, good-quality mode of transport that parents will trust and want to use. We must reverse that downwards spiral of unpopularity, which leads to a school run that clogs up our roads—a quarter of all cars are driven by parents opting out of using learner transport.

[233] I am pleased with your comments on the Measure because it is clear that, whatever good is in it, it will not take us towards a new model of safe, reliable, good-quality learner transport. The Measure itself will not take us there. It will help in certain narrow ways, but it will not take us towards a new model. What would you say to the proposition that, first of all, we must think about new powers? You use the word ‘evolution’ in here, and I do not think that anyone would expect this stuff to be legislated into existence overnight. We are in the business of evolving a better service. However, would you agree that we will have to go down the route of extra powers? We will not be able to tackle the safety issues, for instance, unless we do, and that was the key concern of the parents groups that we listened to.

[234] More than that, it will take a commitment to policy development within the framework of new legislation to drive through change. In other words, we will come up against tough questions such as how is this paid for, and I, for one, would like to explore models, perhaps with pilots, that looked at ways of asking parents and others to contribute towards a top-quality service, to see if they would be willing to pay a little more because it was such a safe, reliable, good-quality option. However, there are other models, such as the co-operative models that are working, I understand, in rural Wales, particularly on a small scale. Could we look at them being expanded as models to fit other parts of Wales?

[235] Therefore, would you agree that we will need to go down the extra powers route? We might have to put our policy thinking caps on as regards moving towards a better model, within whatever legislation we might wish to construct. In other words, this needs political will.

[236] **The Deputy First Minister:** I have indicated that we are open-minded about new powers. We recognise that a lot of discussion in the committee has been around the fact that the Measure itself is restricted by our current legislative competence. So, we are limited by the current circumstances. The advantage is that we can make a Measure quickly, without having to go through the LCO procedure. The disadvantage, sometimes, is that such Measures will be narrow in scope. So, we currently think that we will continue with the Measure as it is, because there is broad support for what we can do, but the question is how much further we can go. As soon as the committee has completed its deliberations and identified areas in

which we should be looking for extra powers, I am happy to work with the committee to see how many of those we could apply for. I am giving you that commitment; that is the way I am thinking, and if the committee is happy with that approach, and if eventually it would be a recommendation coming from the committee, we would work with that.

11.10 a.m.

[237] On the other issues that you raised, in fairness, I should say that, although I understand your point that parents do not think that existing transport is safe, there are good and bad experiences. It is not all good or all bad; it is a patchy approach, and we need to identify how we can drive up the good and ensure that the bad is eliminated. There is a range of ways in which we can do that. Yes, it is about vehicles and behaviour, and it is about schools, local authorities, parents and governors working together on that agenda. I do not want to be prescriptive; I am happy to look at the proposals that you want me and the team to consider, if there are good ideas coming forward. However, the principle that underpins the Measure is of free transport, dedicated in line with specific distances. I think that you were suggesting that we might want to look at parental contributions. That is something that we have not wanted to consider so far, but if there is compelling evidence that you want me to consider, I will.

[238] **Huw Lewis:** Thanks for that constructive response. We could broaden this even further and simply ask for the devolution of all bus regulation powers. In other words, we could re-regulate the buses. We could do that in co-operation with local authorities and the industry. I am not talking about nationalisation here. Poor Alun was going quite grey. *[Laughter.]* However, we could enable local authorities as key bodies to start looking at the bundling of contracts, which could include not only school runs, but general school bus routes in their areas. Therefore, instead of a free-for-all for individual groups, a local authority would be able to bundle these together to ensure that socially useful but not profitable routes would be considered. Within that picture, we could take a very concentrated look at schools and learner transport in particular. In that way, we could sort this out in one go, legally. The policy would take time to develop of course.

[239] **The Deputy First Minister:** I think that you are inviting me to go down a path that was not on the agenda for today. It was a good try, and I understand where you are coming from. However, I would be interested to know whether that would be the view of the whole committee. All that I can tell you is that I am not prepared to give you an assurance beyond what we are considering today, although, in a wider sense, the Government will need to look at other issues. All I am telling you today is that, in the context of this Measure and of providing safe, reliable, good school transport, I am prepared, in the short term, to ask for extra powers in order to meet some of the committee's concerns. There are timing issues involved here too. We have a tight schedule for the Measure, and we also have a tight schedule with regard to whether we can get the Department for Transport to give us those extra powers within the lifetime of this Assembly. Wider questions, such as those you raise, are probably best addressed at another time. Simon, would you like to come in on that?

[240] **Mr Shouler:** I wanted to talk about quality bus partnerships and contracts. We are rolling out regional transport planning across Wales under the Transport (Wales) Act 2006, as I am sure you are aware. We are having a great deal of dialogue with the transport consortia, which are putting their regional transport plans together. We are looking at those to form a framework to consider bigger bus contracts that could provide far more integrated services. We see that as being a part of the provision of the learner travel Measure as well.

[241] **Gareth Jones:** Thank you. As you can see, Minister, we are quite ambitious in this committee. We want to see things being achieved as quickly as possible.

[242] **Alun Cairns:** I want to raise two issues. The first builds on the points made by Huw Lewis; the second relates to Welsh-language education. With your permission, I would like to take them separately.

[243] Building on the points made by Huw Lewis, there is a lack of scope in this Measure. Was the Assembly Government motivated by its keenness—in a new organisation, where there will be new processes and new powers—to get Welsh Measures on the statute books to ensure that the Assembly is seen to be making a difference? As a result, we are not looking at the bigger picture—partly for the reasons mentioned by Huw—and addressing this in the way that it could be addressed in order to do a proper job. The result is that we end up with something of a patchwork quilt, which could mean bad legislation, because of the differences that we have and the legal arguments that could ensue down the line. Allied to that, if we are raising standards—and raising standards usually costs money—with school transport provided by local authorities when they are not using public transport, are we not then running the risk of driving local authorities to use more public transport? There is a huge loophole in the arrangements as the Measure is currently proposed.

[244] **The Deputy First Minister:** It is fair to say that—and I am not speaking for other departments, as I have no responsibility for them—the Measure that we are introducing is limited in scope. We have to accept that. I know that my predecessor, very early on, recognised that there were issues outside this Measure that we might want to take forward. There are also timescale issues involved. You are damned if you do and damned if you do not in some areas. Here, there is an opportunity to legislate, which is restrictive, so do we say, ‘We will not legislate at all until we have all the powers that we need; we will legislate once those powers are in place’? The problem is that those timescales are then completely outside your control. There was a third option, which was not to introduce legislation until we had all of the powers that we need. The problem was that we had no idea of the timescales that that would involve. There was a danger that this Assembly term would see no legislation in relation to this issue. That would have been a mistake. So, the option that we are looking at is to work within the powers that we have. There is broad support, with some changes, for the Measure, as far as it goes. We would then work with the committee and others to identify the extra powers that we need.

[245] The way that we are looking at these Measures in the Assembly prevents bad legislation under the old Westminster model, because we have a scrutiny model on a proposed Measure. They may do that in Westminster now, but it was certainly not done in my time, and we had plenty of bad legislation that was not scrutinised beforehand. I can say with some confidence that, when this Measure eventually appears, it will be strengthened by the scrutiny of this committee and by the consultation that we have had with others. I am, perhaps, a little more optimistic that this will end up as a strengthened Measure.

11.20 a.m.

[246] In terms of the loophole that you mentioned, perhaps I could ask Catrin to come in on that. Alun, you had better repeat the question, rather than for me to try to paraphrase it.

[247] **Alun Cairns:** Achieving higher standards on local authority contracted school transport—dedicated school transport, not public transport—will have a cost implication. A local authority with a squeezed budget—bearing in mind yesterday’s comprehensive spending review, budgets could well be squeezed—will look to make savings, and one way of making savings would be to make much wider use of public transport rather than dedicated school buses. That effectively means that more pupils will have a lower level of safety provisions, irrespective of the positive intention of this Measure.

[248] **Ms Huws:** That goes back to Gwyn’s point, that the Measure applies equally to all

arrangements made by the local authority, whether it is contracted or public-service buses. So, the behaviour code—

[249] **The Deputy First Minister:** There is no advantage for a local education authority to put more pupils on public transport rather than on contracted services.

[250] **Ms Huws:** Not as far as the Measure is concerned.

[251] **Gareth Jones:** That is the point.

[252] **Alun Cairns:** The second point relates to Welsh-medium education. I find it extremely difficult to accept that we have a Plaid Cymru Minister, on the first Measure over which he has competence, proposing legislation that does not afford pupils in Welsh-medium education the same privileges as pupils in English-medium education. Surely there must be a way to overcome this. You have said that you have heard the committee evidence sessions to date; Rhieni dros Addysg Gymraeg was clear in its requests, and I sense general support from the committee. Are there not other ways of achieving the same goal? You have said that you are prepared to look at it, but, with the greatest respect, Minister, I expected you to give this No. 1 priority in your considerations, and to come here with a possible way around it to ensure that those parents who want Welsh-medium education for their children have a right to free school transport in exactly the same way as those who might want their children to go to an English-medium school.

[253] **The Deputy First Minister:** The first point that I want to make is that I regret the introduction of party politics into this. That was a mistake. We are trying to achieve a Measure with all-party support; whether I am a Plaid Cymru Minister or a Minister from any other party makes no difference whatsoever. I regret your implication that only a Plaid Cymru Minister should be worried about the introduction of measures to help Welsh-language schools. I regret that tone, Alun.

[254] My second point is that of course we have considered it. We want workable legislation. The current position, as I think that you are aware, is that in the proposed Measure, we have left it to the discretion of local authorities to make provision for transport to Welsh-medium education and to faith schools. I anticipated your question, because I have read the evidence and seen Heini Gruffudd's evidence on behalf of RhAG, so I know what the issues are. There are legal issues, which I briefly mentioned in reply to Kirsty's question, and which Catrin has dealt with. Rather than have a ping-pong session today, it might be better if we wrote a paper for the committee on some of those issues, so that the committee can better appreciate some of the difficulties that exist. If there is a way of doing it, of course we would like to do it, but there are difficulties. Perhaps it might be helpful, Chair, if I were to ask my team to prepare a paper for the committee, so that, before you make your final recommendations, you can reflect on some of those issues. If we and the committee can work our way around them, then we will try to do so.

[255] **Kirsty Williams:** May I make a suggestion? I know that I am being a pain, but section 3(6) of the Measure defines suitability, and what a suitable school is. It also makes reference to a child's age, ability, aptitude and learning difficulties. Why can it not include a reference to the use of mother tongue, religious education, the faith conviction of the child's parents, or parental choice? Why can we not use section 3(6), which already lists other suitability issues?

[256] **The Deputy First Minister:** I think that you could include it in section 3(6), but then a raft of other issues would arise as a result. The point that we must look at is that, if you introduce it for Welsh-medium education and faith schools, you would also have to introduce it for English-medium education. The difficulty is that, in certain areas of Wales, it is not

clear what constitutes a Welsh-medium school; is it over 50 per cent Welsh-medium provision, or less than 50 per cent? I am trying to be helpful by suggesting that I want to work with the committee on this. If the committee would find it helpful, I am prepared to ask my team to prepare a paper for you. There is a wish to be helpful, but there are legal issues that we need to consider.

[257] **Gareth Jones:** Thank you, Minister. When Alun made that reference to a political party, I hope that he made it in an atmosphere of trying to be constructive—I do not think that he was going for any party politics. That is what I would like to see from the chair. Having said that, it is a very important issue for us and, in listening to the evidence, there is deep concern as to how unfair the system can sometimes be in different parts of Wales. I accept the point that you make in terms of the complications that might arise if we have almost a knee-jerk reaction, but it is a very emotive and significant issue throughout Wales. I appreciate your offer to bring a paper outlining the concerns and the courses of action available to us. As a committee, we would then have to come back to this very important issue. The point is well-made and I appreciate that it has been made. I am prepared to accept, if Members agree, that we look forward to the paper that your officers will provide for us. Does everyone agree? I see that you do. Thank you.

[258] **Sandy Mewies:** Minister, I appreciate the spirit in which you have come to this committee and I am interested to see that you have listened to what is going on, and to the points that have been made. You will understand that, as committee members—I cannot speak for them all—we share an aspiration that any Measure should be workable, and should not be subject to continual challenge. It would be a shame if that happened.

[259] I have some difficulties with tensions that have been drawn out. A lot of this is about providing a better level of entitlement, and I do not think that there are any issues about that, except those that Jeff raises about post-14 education on a regular basis. However, when we get into this talk about co-operation and partnership, I find it very fuzzy. We heard earlier from bus operators that the code of conduct, which many people think should be universal and perhaps set by local authorities, could be a skeleton code of conduct to which headteachers could add or subtract bits to make it suitable for the local area. I do not know whether you have considered that. In terms of law-making, I am not clear how you would be able to do that. Laws tend to be absolute—either you must do something or you cannot do something. It is statutory guidance that we are talking about here.

11.30 a.m.

[260] Governing bodies have told us that many of them do not want local authorities to have the final say on staggering school finish times, for all sorts of good reasons to do with a child's education. So, in some ways, that takes out the sustainability argument. One of the bus transport witnesses said that he did not think that there would be a general will to make that work, because if your school finishes last, you will always be at the mercy of the schools that finish first. So, what consideration have you made of that?

[261] Finally, and this is a personal point, I am told that headteachers can take responsibility for actions on buses that are outside their school gates. Have you any evidence to suggest that they are willing to take that up, or will it need negotiation in another place? And I do not mean 'another place' in the parliamentary context, but rather in another arena.

[262] **The Deputy First Minister:** I will ask Catrin to express a view on the nature of the codes of conduct in a moment, but I will answer first on headteachers' responsibility for the conduct of pupils outside the school, as it is an important issue to be considered, and we are hoping to take another look at that. Headteachers often tell me that they already have enough responsibilities, and I am sensitive to that. We have looked, as a team, at whether it is possible

for responsibility to remain with the local authority rather than with headteachers. So, we are prepared to look at that. Catrin, would you like to speak about the travel codes?

[263] **Ms Huws:** Yes. At the moment, the relevant clause is drafted so that travel codes are prepared by the local authority, but in consultation with various stakeholders. Then, I assume that our guidance will set out what that code should cover. So, a local authority would follow statutory guidance in preparing the code, but it is for each individual authority to prepare its own code.

[264] **Sandy Mewies:** Right, so they could add to that, could they?

[265] **Ms Huws:** Yes.

[266] **The Deputy First Minister:** Forgive me for intervening, but there would be a minimum statutory code and local authorities could go up beyond it, but could not go below it.

[267] **Ms Huws:** They could, but there must be a code and our guidance and regulations can state what it should cover.

[268] **Gareth Jones:** Cyn imi ofyn i Janet Ryder ofyn ei chwestiwn, hoffwn ddweud gair. Yn ystod ein trafodaethau, yr ydym wedi dod wyneb yn wyneb â ffurf o ddeddfwriaeth nad sydd wedi'i datganoli, ac yr ydym wedi gorfod edrych arni a gofyn a ddylem gael y grym a geir ynddi. Wrth sôn am y cod ymddygiad hwn, rhaid i ni atgoffa ein hunain ein bod yn dod wyneb yn wyneb â deddfwriaeth nad sydd wedi ei datganoli ond sydd hefyd yn berthnasol i ysgolion ac i addysg. Mae agweddau pwysig mewn addysg, hyd y gwelaf, nad sydd wedi eu datganoli, gan gynnwys amodau gwaith a chyflogau athrawon. Wrth sôn am amodau gwaith a newid amseroedd ysgol, yr ydym hefyd yn sôn am gontractau athrawon a'r oriau statudol y disgwylir iddynt weithio. Felly, rhaid i ni ystyried yr elfennau hynny wrth gyffwrdd neu efallai orgyffwrdd â deddfwriaeth arall. Rhaid i ni ystyried y pwynt hwnnw wrth drin a thrafod y cod ymddygiad hwn.

Gareth Jones: Before I ask Janet Ryder to ask her question, I want to say a word. During our discussions, we have come face to face with a form of legislation that is not devolved, and we have had to look at that and ask whether we should have the power contained in it. In discussing this code of conduct, we must remind ourselves that we are encountering non-devolved legislation but that it also relates to schools and education. There are important aspects of the education field, as far as I can see, that have not been devolved to us, including teachers' pay and working conditions. When we talk about terms and conditions, and changing school times, we are also talking about changes to teachers' contracts and the statutory hours that they are expected to work. Therefore, we must consider those issues when we encounter or perhaps when we overlap with other legislation. We must bear that in mind when we discuss this code of conduct.

[269] **Janet Ryder:** A piece of evidence that we heard today was regarding the Criminal Records Bureau checks for drivers and people on transport, and the fact that that is not being applied by every council. That raises a serious question as to when to offer guidance and when to make it obligatory that guidance be followed. Are you satisfied that this Measure is drawn up in such a way as to make it possible for the guidance on codes of behaviour and the guidance on CRB checks to be enforceable?

[270] **The Deputy First Minister:** I am afraid that I will have to defer that question to the technical experts.

[271] **Ms Huws:** We do not deal with CRB checks in the Measure, the reason being that the

Safeguarding Vulnerable Groups Act 2006 makes it a requirement for CRB checks to be carried out on all drivers, and makes it an offence if they are not carried out. It is not yet in force, but is due to be brought into force next year, so that Act covers it.

[272] **Janet Ryder:** Therefore, if you draw up guidance on codes of conduct, are you happy that it will be strong enough for councils to have to take note of it?

[273] **Ms Huws:** It will be a legal requirement, as regards the guidance.

[274] **Janet Ryder:** A lot of the evidence that we heard last week referred to the fact that a number of the safety aspects could be dealt with in the contracts that councils set. Will this Measure enable you to influence those contracts and the setting of those contracts?

[275] **The Deputy First Minister:** In setting those contracts, the local authorities would have to have regard to the contents of the Measure, and contracts that conflict with it would be unenforceable.

[276] **Janet Ryder:** So, if the standards are set high enough, are you satisfied that we can get the right contracts?

[277] **The Deputy First Minister:** Yes, that would be my view.

[278] **Christine Chapman:** A number of my specific questions have already been answered, but I just want to go back to what Huw talked about earlier on. We know that some parents and pupils still lack confidence in school transport, though not everyone. You will remember, Ieuan, that we had a very moving report by a pupil from Caldicot Comprehensive School last week about his experiences using school transport. He talked about the bullying, the absence of seat belts, and the change that happened when that school got it right. If we get this Measure, with all the amendments, and so on, how confident are you that it will have a big impact on pupils' use of school transport, bearing in mind that lack of confidence, which we have all picked up on over the past few weeks? This Measure should not be seen as just tinkering with what we already have, but it should be seen as something that will make a big difference to the lives of our young people on school transport.

[279] **The Deputy First Minister:** There are two aspects to this. There is the issue of the behaviour on the existing transport and the question of whether we can improve the transport itself and safety. We can look at one issue, but we cannot currently look at the other, because we do not have the powers. However, it seems to me that this Measure should go a long way towards addressing misbehaviour, but, let us be honest, it will not eliminate the issue. There is no legislation that could eliminate it, but it will make it easier for that to be dealt with. That is the issue. Authorities will be able to deal with that issue in a strengthened way, which will enable them to give greater confidence to pupils and parents that this is being taken seriously. That is the thrust of what we are trying to do. Catrin, do you want to follow that, or do you think that that is okay?

[280] **Ms Huws:** I think that that is okay.

[281] **The Deputy First Minister:** We have Anna Thomas with us here, who has not had an opportunity to say anything yet, but, since we are talking about behavioural issues, perhaps she would like to come up to the table.

11.40 a.m.

[282] **Ms Thomas:** I have policy responsibility for attendance, behaviour and discipline in schools in Wales. There has been a lot of discussion on the Measure and points have been

raised as to who should have responsibility. Owing to incidents of bullying and so on during travel to and from school, the Education and Inspections Act 2006 clarified the extent to which a school's behaviour policy applies. So, a headteacher can impose a disciplinary penalty or can exclude a pupil because of misbehaviour on a school bus. In addition, the vast majority of local authorities in Wales already have a behavioural code for their buses, but there is also a grey area around the sanctions that they can apply to any pupils misbehaving on a school bus.

[283] From consultation responses and information given to committee, we know that there is support for giving local authorities the option to ban a pupil for a certain amount of time, perhaps, and also for headteachers to be able to act on those incidents. It is really important that there is a strong link between the local authorities and headteachers, so that individual pupils' experiences of school transport and school generally are improved, so that they feel that they can go to school and not be bullied, and so that that is maintained for all of the pupils who travel on that school bus. Does that answer the question?

[284] **Christine Chapman:** You mentioned a grey area, which we have all picked up on, and you used some good examples—I know that some pretty awful things have happened in my constituency. However, this Measure gives us the potential to get rid of that grey area, and that is what I would like to see. I want things to change, and I would like the Welsh Assembly Government to ensure that that happens.

[285] **Ms Thomas:** I think that it is safe to say from some of the responses that we have had that the draft Measure did not clarify that enough, and so perhaps we could go back and look at how to clarify it even further.

[286] **Andrew R.T. Davies:** I thank the Minister for coming along today. I have sat through the three hearings that we have had, and many of the witnesses have broadly said that this Measure will not get to the core of the problem. I have heard what you have said today, namely that you are open to seeking more powers to address those issues, but it was highlighted last week in the evidence from the Stuart Cunningham-Jones campaign that we have to ask when we will get the time to revisit this if we do not get it right the first time around. There is a level of scepticism. We have spent a lot of time going into this, taking evidence, and unfolding the issues, but there is a genuine consensus that this Measure will not achieve its goal. How are you going to placate the people who say that, who are the experts in their field? We have come across that in the evidence that we have taken from all sectors.

[287] In addition, we have best practice at present. We had a witness last week from Belt Up School Kids, the young pupil from Caldicot, whom Christine alluded to. He showed that if you put what we currently have to work, it works. That poor young lad gave us evidence of what his life was like before and after best practice was adopted. The whole environment in which that young lad and his fellow pupils travel to school is now totally different. For example, on the quality of the bus, he referred to it as 'our bus'. The pupils have taken ownership of the bus and they refer to the driver as 'our driver'. According to his evidence, which has been minuted, it was the closed-circuit television on that bus that was the critical element in stopping the bullies bullying, because they knew that they would be filmed doing it. So, the practice is already going on; it just does not seem to be being rolled out across Wales. We are tinkering with this Measure, which people across the board seem to be saying is not going to make that much difference. Could you answer those questions?

[288] **The Deputy First Minister:** Yes, sure. We have to put this in its right context. The two things that you mentioned at the start of your remarks were that we are not getting it right first time and that this Measure will not achieve its goals. In the context of what we are discussing, that is not the case. We are saying that this Measure is limited by the legislation that allows it to take place and, therefore, it cannot get it right first time, because there are

things outside its scope, and I think that we have all recognised that. That has been the drift of a lot of the evidence that I have seen.

[289] If there are goals that are outside our legislative competence, the Measure cannot achieve them because we do not have the powers. The position that we have arrived at is that there are significant measures to be undertaken. I have not seen any evidence that says that we should not do this Measure; the evidence that I have seen is that people want us to do this Measure and more. Therefore, the offer that I am making to the committee is that we should get on with the Measure, as amended. You are right that there are issues that have been brought to the committee's attention that we could act on, had we the powers to do so, but we should not wait until we have those powers before proceeding with this Measure. That is the drift of the evidence that I have received.

[290] The other thing that you mentioned was that there is good practice out there. Of course there is, but it is not a legal requirement to do many of those things and that is the problem. There is best practice and you can persuade, cajole and ask people whether they would like to see what other local authorities are doing, but there is no legal requirement to do those things. This Measure puts that best practice on a statutory footing, which is, surely, a significant advance.

[291] **Andrew R.T. Davies:** It will not include the measures that the young pupil who came before the committee last week said had improved his quality of life on the bus, because it is obviously not within the powers of this institution to bring those forward.

[292] **The Deputy First Minister:** What I am saying is that there are things that we can do in terms of behaviour. What we cannot do is look at some of the other issues about the quality of the transport itself, which are outside the scope of this Measure. We are saying, 'Let us get on with what we have got'. However, if together—my officials and I and the committee—we have identified other things that we would like to see happening, things that are outside the scope of this Measure, we could put all of that in a package to the Department for Transport, saying that we would like powers to do that as well. We would then need to have a wider LCO that would allow us to do more than one Measure. That is the whole point of widening the devolution process. I hope that that is helpful.

[293] **Kirsty Williams:** I can see the direction in which the Minister is going and I think that we have to accept what we can do now and think about moving forward. Would it be your intention to bring forward an LCO at the same time as this Measure is going through? What kind of timescales are you looking at? Would you bring forward an LCO now, as we pass this Measure, or would you be looking at doing that next year or the year after next? What kind of timescales are you thinking of? It would alleviate many people's concerns if there was a clear commitment that, as this was going through, you would be putting an LCO forward.

[294] **The Deputy First Minister:** The problem that I face in answering that question is that I do not have access now to the current legislative timetable. As I am not responsible, thank goodness, for Assembly business, I do not know what is currently in the queue and so what would allow the department to produce this extra legislation. As I cannot give you a direct answer to that question today, I will go away and ask how soon we might be able to do it.

[295] I cannot say that I will accept all of the committee's recommendations on all of the extra powers, because we need to assess what we can do. I have been quite honest about that. So I cannot give you that assurance, but I will be open minded about what we can do. Once we have agreed what those extra powers should be, we will then need to assess how soon we can get them. It will not be an easy thing and it will not happen next year—we have to accept

that—because these things take time.

[296] **Andrew R.T. Davies:** Do you have any idea of the time involved?

[297] **The Deputy First Minister:** Rather than give you an answer off the top of my head today, on which I could not deliver, I would prefer to come back to you when I have a more definite response.

[298] **Gareth Jones:** We have to accept—

[299] **Kirsty Williams:** With all due respect, Chair, he is the Deputy First Minister. I am astounded, Deputy First Minister, that you are not quite sure what legislation is going through, where you are with it, what your department is currently working on, and whether your department has enough time to work up the LCO. As Deputy First Minister, you see everything that goes through Cabinet, so you must have some idea of where things are in the system.

11.50 a.m.

[300] **Gareth Jones:** I am sure that he does, but—

[301] **Kirsty Williams:** He just said that he did not know.

[302] **Gareth Jones:** What he said was that he is not responsible for that. Minister, do you have a final word on this?

[303] **The Deputy First Minister:** Kirsty is doing a good job of pushing me, but I am afraid that I am going to have to give the same answer, which is that I cannot give a definitive response today.

[304] **Jeff Cuthbert:** I am a great believer in the saying ‘Where there is a will, there is a way’. The fact that we are embarking on this programme now means that we are determined to get it right as soon as we can. That is important, because travel to and from the place of learning is a crucial part of the overall learning experience. If a young person, for any reason, dreads the return journey home, then they are not going to benefit fully from that learning day, and will not be concentrating, which is a waste for everyone.

[305] I apologise if, during the few minutes that I was out of the room, these points have been covered—please tell me if that is the case. I have asked every presenter who has come before us about 14-19 learning pathways, and whether they felt that this proposed Measure would cover not only travel to and from school, but also travel within the school day to work-based learning providers, a further education college, or an employer’s premises. If that is not the case, what do we need to do to make it more of a reality? There were mixed views on that. Do you feel that that aspect of our new education agenda has been properly considered in the context of this Measure?

[306] Finally, as you know, there is an LCO on additional learning needs going through the Assembly at present. Transport is not a direct feature of that, but the issue of travel arrangements for children with learning disabilities has arisen many times, and we have taken note of what has been said. Do you feel that this proposed Measure will adequately address the issues raised in relation to additional learning needs, and any special requirements that may exist, and are you able to take account of issues that are raised in other fora such as in relation to the LCO that is under way?

[307] **The Deputy First Minister:** On your final point, we obviously want LCOs to be able

to work together, rather than against each other; we need to do that. On 14-19 learning pathways, the Measure as drafted relates to travel to and from school, and not travel during the day. I think that there would be difficulties if we tried to amend that. There are also issues for this age group regarding what happens to pupils when they reach the age of 16, because the current proposals are up until the age of 16. Therefore, there is an issue about what happens post 16. There is a pilot scheme underway looking at assisting children between 16 and 18, which I believe is in the Bridgend area—am I right?

[308] **Mr Shouler:** There is one in Bridgend, and one up in the Taith region.

[309] **The Deputy First Minister:** We have those pilot schemes. I would be happy to evaluate those, and to see whether we can make progress. However, I am not sure that I can give you a great deal of comfort today on travel during the school day—that is not proposed to be included in the Measure.

[310] On your point about the additional learning needs LCO, I need to go away and reflect on that, if you do not mind, Jeff; I do not want to give you an answer off the top of my head today. However, we will look at that to see whether there are ways of ensuring that the two LCOs speak together, as it were. Obviously, we would want to try to ensure that.

[311] **Gareth Jones:** Yr ydym yn tynnu tuag at derfyn y cyfarfod, Weinidog. Diolch yn fawr i chi a'ch swyddogion am eich hamser, ac am wrando ar bryderon yr Aelodau. Yr ydym wedi cyfeirio eich sylw at wahanol agweddau o bwys inni.

Gareth Jones: We are coming to the end of the meeting, Minister. I thank you and your officials for your time, and for listening to Members' concerns. We have drawn your attention to various aspects that are of importance to us.

[312] Yn sgîl yr hyn a glywsom y bore yma, credaf ei bod yn ddoeth i ystyried camymddwyn ynddo'i hun fel rhywbeth sy'n gysylltiedig â diogelwch, ond nid pob amser ychwaith. Yr oedd yr hyn a glywsom gan y cwmnïau ynghylch hynny'n ddadlennol iawn. Yr oeddwn yn falch o ddeall o'r hyn a ddywedasoch y byddai'r Mesur hwn yn ffordd o ddelio â chamymddwyn, gan fod dryswch mawr ynghylch hynny. Os cawn eglurder ar hynny, byddai'n ffordd ymlaen. Wrth gwrs, ochr yn ochr â hynny, mae gennych hefyd ddiogelwch ei hun, ac mae'r naill yn dylanwadu ar y llall o bryd i'w gilydd.

Following what we have heard this morning, I think that it is wise to consider bad behaviour in its own right as a safety issue, although it is not always such. The evidence that we heard from the companies about that was most revealing. I was pleased to understand from what you said that this Measure would provide a means of dealing with bad behaviour, because there is a great deal of confusion about that. If we can get clarity on that, then that would be a way forward. Of course, alongside that, we also have the issue of safety itself, and the one issue influences the other from time to time.

[313] Mae hi wedi bod yn sesiwn hanesyddol a hynod ddiddorol gyda'r Gweinidog yn mynychu'r pwyllgor. Dymunaf bob llwyddiant ichi, Weinidog, gyda'r Mesur. Mae'n Fesur cymhleth ond mae'n angenrheidiol inni fwrw ymlaen i gael y math hwn o ddeddfwriaeth, ac mae'n agoriad i ddatblygiadau pellach. Mater i'r pwyllgor yw hynny, efallai, yn ei argymhellion ac yn ei adroddiad i chi. Diolch ichi am eich cyfraniad y bore yma.

It has been a historic and most interesting session, with Minister attending committee. I wish you every success with this Measure, Minister. It is a complex Measure, but it is essential that we make progress to secure this kind of legislation, and it opens the door to further developments. That is, perhaps, a matter for the committee in its recommendations and its report to you. Thank you for your contribution this morning.

[314] **Y Dirprwy Brif Weinidog:** Diolch i chi, Gadeirydd, ac aelodau'r pwyllgor, am sesiwn ddi-ddorol, a oedd yn hanesyddol i chi ac i fi. Dyma'r tro cyntaf imi gael y pleser o ymddangos gerbron pwyllgor fel Gweinidog a chael sesiwn fel hyn i graffu ar y Mesur cyntaf. Yr wyf yn edrych ymlaen at gael eich adroddiad a'ch sylwadau, a rhoddaf yr addewid i weithio gyda chi i sicrhau y bydd y Mesur yn gryfach wedi'r sesiwn hon a'r holl sesiynau eraill yr ydych wedi'u cael. Y bwriad yw ei wneud yn saff. Nid oes agenda bleidiol wleidyddol yn hyn o beth o gwbl—yr ydym i gyd yn gweithio er lles diogelwch ein plant, ac yr ydym am sicrhau bod hwn yn fater yr ydym oll yn cytuno arno, os oes modd.

[315] **Gareth Jones:** Yr wyf yn siŵr ein bod, yn y bôn. Diolch ichi.

[316] Atgoffaf yr Aelodau o'r papurau i'w nodi, sef papur 5, ymateb Cymdeithas Awtistiaeth Cymru i ymgynghoriad Llywodraeth Cynulliad Cymru ar y Mesur, a chofnodion y cyfarfod blaenorol. Er gwybodaeth, bydd y pwyllgor yn trafod ei adroddiad drafft ar ei waith craffu cyn deddfu ar y Mesur yn ei gyfarfod ar 24 Hydref, a chynhelir cyfarfod ffurfiol nesaf y pwyllgor y bore Mercher nesaf, 17 Hydref, pan fydd y pwyllgor yn cynnal sesiwn graffu drawsbynciol. Yr ydym wedi defnyddio'r gair 'hanesyddol' heddiw, ac mi fydd y sesiwn hwnnw hefyd yn hanesyddol. Bydd y cyfarfod cyntaf o'i fath yn y Cynulliad lle bydd tri Weinidog yn cael eu chraffu ar y cyd ar tri phwnc pwysig, sef cynnydd wrth weithredu 'Cymru: Economi sy'n Ffynnu', cronfeydd strwythurol, a pherfformiad adrannau wedi uno'r cyrff cyhoeddus a noddwyd gan y Cynulliad yn flaenorol.

11.59 a.m.

Cynnig Trefniadol Procedural Motion

[317] **Gareth Jones:** Yr ydym wedi dod at ddiwedd rhan gyhoeddus y cyfarfod, a gofynnaf i Aelod wneud y cynnig priodol.

[318] **Janet Ryder:** I propose that

The Deputy First Minister: Thank you, Chair, and committee members, for an interesting session that is historic for you and for me. This is the first time that I, as Minister, have had the pleasure of appearing before a committee in such a session to scrutinise the first Measure. I look forward to receiving your report and its observations, and I make this promise, that I will work with you to ensure that this Measure is stronger after this and all your other sessions. The intention is to make it safe. There is no party political agenda in any of this—we are all working to ensure the safety of our children, and we wish to ensure, where possible, that we are all in agreement on this matter.

Gareth Jones: I am sure that we are, essentially. Thank you.

I remind Members that there are papers to note, namely the National Autistic Society Cymru's response to the Welsh Assembly Government's consultation on the Measure, and the minutes of the previous meeting. For your information, the committee will discuss its draft report on its pre-legislative scrutiny of the Measure in its meeting on 24 October, and the next formal meeting of the committee will be held next Wednesday morning, 17 October, when the committee will undertake a cross-cutting scrutiny session. We have used the word 'historic' today, and that session will also be historic. It will be the first meeting of its kind in the Assembly where three Ministers will be jointly scrutinised on three important subjects, namely progress on the implementation of 'Wales: A Vibrant Economy', structural funds, and departmental performance following the merger of the former Assembly sponsored public bodies.

the committee resolves to exclude the public from the remainder of the meeting in accordance with Standing Order No. 10.37(vi).

[319] **Gareth Jones:** Gwelaf fod y **Gareth Jones:** I see that the committee is in agreement.
pwyllgor yn gytûn.

*Derbyniwyd y cynnig.
Motion carried.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 11.59 a.m.
The public part of the meeting ended at 11.59 a.m.*