

Education and Lifelong Learning Committee ELL(2) 09-04(min)

Minutes

Date: Wednesday 16 June 2004

Time: 9.30am - 12.30pm

Venue: Committee Room 1, National Assembly for Wales, Cardiff Bay

Members

Constituency

Peter Black (Chair)	South Wales West
Jane Davidson (Minister)	Pontypridd
Leighton Andrews	Rhondda
Jeff Cuthbert	Caerphilly
Mark Isherwood	North Wales
Irene James	Islwyn
Denise Idris Jones	Conwy
Janet Ryder	North Wales
Owen John Thomas	South West Central
David Melding	South West Central

(Chair - Health and Social Services Committee) In attendance for item 3

Officials

Richard Davies	Director, Department for Training and Education
Elizabeth Taylor	Head, Schools Management Division
Alan Lansdown	Head, Pupil Support Division
Mike Harper	Head, Teaching and Leadership Division
Neil Thomas	Head, Lifelong Learning Division
Judith Nedin	Central Support Unit
Mair Watkins	Pupil Support Division
In Attendance:	
Alan Kreppel	Committee's Expert Adviser for School Transport

Committee Service

Chris Reading
Holly Pembridge
Ruth Hatton
Joanest Jackson

Committee Clerk
Deputy Committee Clerk
Committee Support Officer
Committee Legal Adviser

Item One: Introduction, Apologies, Substitutions and Declarations of Interest

1.1 The Chair welcomed the Committee and members of the public.

1.2 No apologies had been received.

1.3 The Chair said he was pleased to announce that Alan Kreppel had been appointed as the Committee's expert adviser for the policy review of school transport. The Chair thanked Mark Isherwood, Denise Idris Jones and Owen John Thomas who served on the interview/appointment panel.

1.4 NIACE Dysgu Cymru was hosting a seminar after the meeting in conference rooms C/D, in the building.

1.5 Members were invited to declare any interests in accordance with standing order 4.5. There were none

Item Two: Minister's Report

Paper: ELL(2) 09-04(p.1) and Annexes

2.1 The Committee received its regular written report from the Minister, who made the following introductory remarks:

- The PGCE/FE bursary scheme had been extended for a further two academic years, although provision in financial years 2005-06 and 2006-07 was, of course, subject to decisions by the Assembly on the availability of funding;
- Queries were ongoing with ELWA regarding the number of training providers that had ceased to exist or trade in Wales since its inception, since ELWa did not contract with every training provider;
- The Confederation of Business and Industry (CBI) report: 'Companies and Classrooms' reported on the collaborative work between business and education.

2.2. The Chair invited Members to question the Minister. In response to Members' questions, the Minister made the following points:

Coleg Gwent

2.3 The £97,000 reduction in ELWa's £32.5m funding of Coleg Gwent had been made because it had not achieved its attainment and widening participation targets. Some individual colleges in Wales had exceeded their targets, others had not. The current deficit of £661k represented only 1% of the college's total income of £43million. A second report from ELWa on the financial situation at the college was expected during the course of the next week and would be made available to ELL Committee Members in due course.

2.4 ELWa had also been asked to report on the situation in Neath Port Talbot College and the Secretary of State for Wales had been informed. It was necessary for the college to take appropriate action to tackle the deficit.

2.5 In response to a call for increased core funding for FE from Janet Ryder and Mark Isherwood, the Minister recalled that the Committee had said that its priority for FE in 2004-05 had been pay equalisation; and that they had stipulated more general growth for post-16 provision as a priority in the corresponding letter in respect of 2005-06.

2.6 Around a third of colleges in England were operating with budgets in deficit. Overall Wales spent 6% more than England on its education and training.

2.7 The Committee would have another opportunity to question ELWa about its plans for implementing the new National Planning and Funding System at its next meeting on 7 July.

The Organisational Model for Post-16 Learning

2.7 The CBI's report, 'Companies and Classrooms' had endorsed the concept of local partnership funding. The new Sector Skills Councils would be able to match business needs and learning priorities. The CBI had also welcomed the Welsh Assembly Government's development of the 14-19 learning networks. It had reported that a large number of companies had initiated links with education. The Assembly's Audit Committee had written to the Auditor General with some recommendations for the FE sector but the Auditor General had been satisfied that the Welsh Assembly Government's response had superseded these recommendations.

Widening Participation Agenda

2.8 Assembly Learning Grants (ALGs) had contributed to widening participation in the further and higher education sectors in Wales. It was proposed that when students picked up their GCSE results, they would receive an Education Maintenance Allowance (EMA) information pack. The Assembly Government was considering the prospective impact of EMA support on the number of learners staying on in full-time post 16 education.

Work-Based Learning (WBL) Tendering Process

2.9 The independent evaluation of the work-based learning tendering process had demonstrated that the exercise had run smoothly. Wales now had the prospect of £52m of European Social Fund support for work-based learning that previously it was not eligible to apply for due to a lack of a common pricing system.

Special Grant for Small and Rural Schools 2003-04

2.10 From this special grant, 70% was distributed via the sparsity index and 10% via the deprivation index etc. The Free School Meal indicator was a proxy indicator and was the most suitable indicator currently available. The difference between sparsity and rurality was noted.

UK Presidency of the European Union - Youth Event

2.11 Additional funding had been made available for the Leonardo da Vinci scheme/ ECTARC (Education Centre for Training and Regional Culture). A meeting with UK host ministers to discuss the youth event in Wales was to be arranged. The Welsh Assembly Government would also be working closely with Funky Dragon. The Committee would be informed of details of the event.

Review of Initial Teacher Training (ITT) Provision

2.12 The review of ITT would take into account any recommendations from the SEN policy review that the Minister felt appropriate to pursue. Wales might wish to consider increased use of alternative routes into teaching, including employment-based routes, as was the case in England. The costs of the review would be likely to be mainly the travel and subsistence expenses of members of a review group. Any additional costs for the review would be made available to the Committee. Concerns about the limits DfES in England had placed on student teachers doing their teaching practice in Wales and the effect this had on Welsh schools working in partnership with English ITT providers were noted and the review would reflect on that.

Item Three: Policy Review - Special Educational Needs: Early Identification and Intervention Paper: ELL(2) 09-04(p.1)

3.1 The Chair welcomed David Melding (Chair of Health and Social Services Committee) to the meeting, who declared an interest as Chair of the governing body of Meadowbank Special School and a trustee of Autism Cymru.

3.2 The Chair invited Members to consider a paper prepared by the Clerk outlining the emerging issues and suggesting some possible recommendations of the policy review of SEN. Members comments on the paper would assist the Clerk in preparing the Committee's draft report due to be considered in the autumn.

3.3 The Chair invited Members to comment; the following issues were raised:

Mainstreaming

3.4 The Committee agreed in principle that the current policy of educating most children and young people with SEN in mainstream schools was beneficial.

Prime and Ultimate Responsibility

3.5 Regarding the issue of prime and ultimate responsibility, David Melding considered that therapists would not wish to be employed by LEAs, as this might be detrimental to career development, CPD and access to the wider health community. Therapists would need to be consulted on any proposed changes. The Minister said that primary responsibility lay with the health sector, as employers, and ultimate responsibility for provision lay with local education authorities, as set out in the statutory statementing process. Joint commissioning of services between health and education was also possible under provision of the Health Partnership Act 1999. Jeff Cuthbert said that there was a need to synchronise the working days and holidays of teaching and therapy

staff.

3.6 The Minister suggested that the Committee be provided with a paper indicating the respective prime and ultimate responsibilities of the education and health sectors, in the co-ordination and delivery of SEN provision in Wales. The Committee also agreed that another paper setting out funding arrangements between the two sectors would be helpful.

Inclusion Guidance

3.7 The Minister suggested that the Committee might wish to welcome the 'index for inclusion' guidance, which had recently been issued to all schools. Final guidance was due to be published in the autumn.

Dyslexia/Dyspraxia specialists in each school

3.8 Janet Ryder and David Melding agreed that intervention for dyslexia and dyspraxia was very beneficial, and that a recommendation on this should be included in the report. The Minister felt that the recommendations should also refer to autism.

Role of Other Professionals

3.9 Mark Isherwood felt that the role of police and social workers could be beneficial in schools. Mark Isherwood advocated a multi-agency approach, both locally and nationally, including participation by the voluntary sector.

Statementing Process

3.10 Mark Isherwood queried whether phasing out statements, in order to release more resources for early identification and intervention strategies should be mentioned in the report. The Minister suggested that the Committee should refer to recommendations from the Audit Commission in its report 'Statutory Assessments and Statements of SEN - in need of review?' The Chair reminded Members that consideration of the advantages and disadvantages of the statementing process would be considered as the next stage of the overall review of SEN.

Training and Continuing Professional Development (CPD)

3.11 David Melding suggested that expertise should be expanded through the mainstream teaching workforce: training new and existing teachers. Janet Ryder said that in-service training was vital for developing mainstream staff, but cutbacks in budgets might not allow this. There was a need for more specific recommendations on ITT and CPD. The Chair advised that Members should approach the Clerk with any suggested additional recommendations.

Support for Parents/One-Stop-Shop

3.12 David Melding said that the voluntary sector was well placed to deliver support and advice to parents

and children. Irene James said that the identification of SEN was often stressful for parents, children and teachers; and that efficient identification and intervention was needed. The Committee generally agreed that a 'one-stop-shop' approach for advice and support would be beneficial for parents and children.

Independent Advice

3.13 The Minister said that means of obtaining independent advice were laid out in the SEN Code of Practice for Wales. SNAP Cymru offered exceptional services to parents and their children. Some parents also used the Citizens' Advice Bureau (CAB). The Minister said that incidences of tribunals should be recorded.

Regional Centres

3.14 Janet Ryder said that regional centres could be used to provide a pool of professionals; to liaise with respite care, link with summer schools and be used as a resource for staff training. David Melding said that regional centres were appropriate for low-incidence severe needs. However, he felt that regional centres were not appropriate for those pupils with less severe needs, and that this idea was contrary to the policy of providing SEN education in mainstream schools. Owen John Thomas said that in terms of Welsh language provision, where there were insufficient numbers of children in one LEA to establish a centre, a regional approach would be appropriate.

Regional Commissioning of Services

3.15 David Melding said a regional approach to the commissioning of services was desirable. The Minister stated that the Education Act 2002 allowed for virtual and/or physical regional delivery of goods and services. The Welsh Assembly Government would consult on these powers in the autumn.

Increase in number of Therapy Assistants

3.16 Speech and therapy assistants could be used to administer basic support but there was a need for robust training for the assistants. Some parents would also be receptive to basic training.

Funding

3.17 David Melding suggested assessing how existing funding for SEN was used. Special school models had developed/redefined strategies for resources to embrace the relationship with mainstream setting. Mark Isherwood said that SEN funding for pupils in England was ringfenced by means of 58/90 formulae. The Chair stated that every LEA in Wales had a specific budget for SEN. The Minister said that it was important to look at the way in which existing resources could be effectively utilised. The Chair suggested that each recommendation should acknowledge implications for funding.

3.18 The Chair thanked the Clerk for his paper, and also Deputy Clerk and Members' Research Service for producing the report of the consultation exercise. The Clerk thanked the SEN reference group and also Alan Lansdown, Mair Watkins and Deryck Jones, of the Assembly's Pupil Support Division, for their help and advice.

3.19 The Committee would consider the first draft of its report in the autumn term.

Item Four: Policy Review: School Transport - Expert Adviser

Paper: None

4.1 The Chair welcomed Alan Kreppel, the Committee's newly appointed expert adviser for school transport, to the meeting. The Chair invited Alan Kreppel to introduce himself to the Committee, and to give a short presentation on what he considered to be key issues.

General

4.2 The Welsh Assembly Government's issues paper set out the difficult facets of school transport. A number of organisations were carrying out work on school transport, so it was timely that the Committee had opted to carry out a review. Transportation to school by bus was usually safe but was often not perceived to be; the journey to and from the bus itself was often dangerous.

Committee's Terms of Reference

4.3 There was a need to look at the complete door-to-door journey of the pupil, to establish who was responsible for each part of the journey. It was assumed that the door-to bus element was the responsibility of parents, whilst on the bus - the bus company, the bus to the school door, the Highways Department or school's responsibility - although some headteachers often accepted responsibility for this. The area outside the school gates was particularly dangerous. Two sets of legislation covered two different arrangements for school transport: local bus services that carried school pupils or where LEAs contracted buses for journeys to and from school.

Quality

4.4 It was evident from the Welsh Assembly Government's issues paper that some bus operators had improved their quality standards, but there was still a great variability in quality amongst operators. There was also a varying approach to codes of conduct, discipline, trading standards and training. It was important to check whether school governing bodies and headteachers were certain on areas of responsibility.

Accessibility for Disabled and SEN Pupils

4.5 There was often a case of double standards, as many local bus services had vehicles suitable for disabled and SEN pupils. Most contract services, however, used non-specialist vehicles. This often resulted in many SEN and/or disabled pupils having to travel separately from their peers. From 2005, public vehicles will have to comply with the Disability Discrimination Act. This Act will not apply to contract vehicles.

Missing Elements

4.6 There was a lack of effective guidelines for the management and audit of school transport. There was a

need to identify the key indicators, which would demonstrate that school transport was safe; and so identify a common standard throughout Wales.

Draft School Transport Bill

4.7 The Draft Bill provides a valuable opportunity for LEAs to be innovative, but it will be difficult to achieve such innovation on a cost-neutral basis. This might be possible if quality improvements were made. There was also a possibility that school starting and finishing times could be adjusted, to allow the more effective use of buses. Also, charging for provision that had not recently been charged for might have implications for social inclusion.

Association of Transport Co-ordinators Wales (ATCO)/Confederation of Passenger Transport Wales (CPT) Conference

4.8 At a recent review meeting ATCO and CPT were looking to draw up a joint code of conduct/operational code. The Vale of Glamorgan County Council was also preparing a draft code of conduct and was content to consult widely on it.

4.9 Four working groups within ATCO and CPT were addressing issues such as student identification, disciplinary action, smartcards, supervision, and use of CCTV and Criminal Record Bureau (CRB) checks.

4.10 The groups felt that it was unreasonable for a bus driver to supervise a double-decker bus. It was also felt that escorts would lead to difficulties: to be an escort was not seen as an attractive post and there would be issues around training to consider. CCTV and codes of practice were felt to be more appropriate.

4.11 With regards to criminal record checks, there were no standards regarding individuals' backgrounds amongst LEAs and between bus operators operating over the English/Welsh border. Currently, local bus service drivers did not require CRB checks but a single standard should be in place. The Assembly or a lead local authority could establish a central checking procedure.

4.12 Seatbelts were normally fitted on some coaches to safeguard against vehicle rollover, particularly for vehicles travelling on motorways and dual carriageways. Journeys to school via motorways were minimal. In cases where seatbelts had been fitted, some local authorities had found it difficult to encourage pupils to wear seatbelts.

Possible Consultees

4.13 The Committee may wish to consult/receive evidence from:

- Welsh Local Government Association (WLGA);
- LEAs (e.g. Vale of Glamorgan, Denbighshire and Wrexham);
- ATCO;
- CPT;
- Coach operators independent of CPT;

- Police (re vehicle audit);
- Vehicle and Operator Services Agency (VOSA);
- Traffic Commissioner;
- Children's Commissioner; and
- Young people.

4.14 The Chair then invited Members to raise questions. In response to these questions Alan Kreppel gave the following responses:

Criminal Records

4.15 There was anecdotal evidence that LEAs were not adopting a consistent policy when making decisions based on the results of criminal record checks. There was a need for more consistency and LEAs should agree a 'decision grid' based on the nature of the offence and the time elapsed since the offence was committed.

Seatbelts

4.16 Seatbelts were perceived as a huge safety factor. However, injury statistics showed incidents occurring off the vehicle i.e. alighting and dismounting the vehicle. Coach seats were also designed to take the impact of a human body being thrown.

Supervision

4.17 CCTV equipment, in conjunction with codes and protocols, was probably more effective than using escorts. Local authorities and bus operators would have to take into account the Data Protection Act. Neath Port Talbot County Borough Council had used a 'three strikes and out' card policy whereby misbehaviour was penalised by withdrawal of a pupil's right to travel on the school bus. Parents and schools needed to be involved in such schemes. Dedicated seat allocation could help control vandalism of vehicles.

Views of Pupils

4.18 It was noted that the views of young people travelling on school buses should be sought.

Charging

4.19 The pilot schemes that would be enabled via the (draft) School Transport Bill would have to be strictly monitored. If there was a need to increase quality parameters then charging might occur. There was a need to take into account issues surrounding equality of opportunity and social inclusion; for example, journeys to denominational and Welsh-medium schools.

4.20 Leighton Andrews suggested that there was a need to carry out some market research on parents' preferences regarding the amount they would be willing to pay for school transport. The Chair suggested that Members' Research Service (MRS) could consider this.

4.21 The Minister suggested that the Committee might wish to consider what guidance the Welsh Assembly Government should issue to LEAs for the pilot schemes allowed in the draft Bill.

4.22 The Chair thanked Alan Kreppel for his contribution and told the Committee that the Clerk would revise the terms of reference for the review, in light of discussion.

Item Five: Secondary Legislation Forward Look and European Union Deposited Documents Papers: ELL(2) 09-04 (p.3) and (p.4)

5.1 The Clerk said that Janet Ryder had requested further information regarding secondary legislation items ELL 18-04, 19-04 and 22-04. ELL35-04 had been circulated outside of Committee as it had been inadvertently omitted from the schedule of secondary legislation.

5.2 The Minister stated that a plenary debate was scheduled for 30 September regarding regulation ELL 18-04, and any delay in implementation would impact on LEAs consulting with schools.

5.3 The Minister explained that ELL 22-04 was recommended for accelerated procedure as it was a technical, 'tidying up' item. It would bring practice in Wales in line with that already applying in England. Teachers who had retired on ill health grounds would be able to undertake non-teaching activities in schools. It was recommended for accelerated procedure to come into force this September.

5.4 ELL 35-04 was a commencement order for the Education Act 2002; draft regulations often came into force before commencement orders were processed.

5.5 The Committee noted the schedule of European Union deposited documents.

Item Six: Minutes of Previous Meetings Papers: ELL(2) 07-04(mins) and 08-04(mins)

6.1 Members ratified the minutes of the meetings of 13 May and 19 May 2004.

Paper to Note

The Committee noted the report of the South West Wales Regional Committee Meeting (12 March 2004) - Information gathering for the Education and Lifelong Learning Committee's policy review of Special Educational Needs.

Paper: ELL(2) 09-04(p.5)

Action Points

- The Committee to be provided with a paper indicating the respective prime and ultimate responsibilities of the education and health sectors in the co-ordination and delivery of SEN provision in Wales and another paper setting out funding arrangements between the two sectors would be helpful

in deliberations;

- The Committee would be informed of details of the European Union youth event;
- Any additional costs (apart from travel and subsistence) for the Initial teacher Training review would be made available to the Committee;
- Members' Research Service to consider market research on parents' preferences for school transport and whether they considered it appropriate that services should be charged for; and
- Clerk to revise the terms of reference for the school transport review.