



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

**Y Pwyllgor Cyfle Cyfartal
The Committee on Equality of Opportunity**

**Dydd Mawrth, 15 Chwefror 2011
Tuesday, 15 February 2011**

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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

Mohammad Asghar	Ceidwadwyr Cymreig Welsh Conservatives
Lorraine Barrett	Llafur (yn dirprwyo ar ran Joyce Watson) Labour (substitute for Joyce Watson)
Veronica German	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Ann Jones	Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair)
Janet Ryder	Plaid Cymru The Party of Wales

Eraill yn bresennol
Others in attendance

Leighton Andrews	Aelod Cynulliad, Llafur (Y Gweinidog dros Blant, Addysg a Dysgu Gydol Oes) Assembly Member, Labour (the Minister for Children, Education and Lifelong Learning)
Chris Burdett	Llywodraeth Cynulliad Cymru Welsh Assembly Government
Joanne Glenn	Llywodraeth Cynulliad Cymru Welsh Assembly Government
Sam Huckle	Llywodraeth Cynulliad Cymru Welsh Assembly Government
Gill Lambert	Llywodraeth Cynulliad Cymru Welsh Assembly Government
Carl Sargeant	Aelod Cynulliad, Llafur (Y Gweinidog dros Gyfiawnder Cymdeithasol a Llywodraeth Leol) Assembly Member, Labour (the Minister for Social Justice and Local Government)

Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol
National Assembly for Wales officials in attendance

Sarah Hatherley	Gwasanaeth Ymchwil yr Aelodau Members' Research Service
Catherine Hunt	Dirprwy Glerc Deputy Clerk
Hannah Johnson	Gwasanaeth Ymchwil yr Aelodau Members' Research Service
Claire Morris	Clerc Clerk
Helen Roberts	Cynghorydd Cyfreithiol Legal Adviser

Dechreuodd y cyfarfod am 9.29 a.m.
The meeting began at 9.29 a.m.

Cyflwyniad, Ymddiheuriadau a Dirprwyon Introduction, Apologies and Substitutions

[1] **Ann Jones:** Good morning everybody, and welcome to this meeting of the Committee on Equality of Opportunity. I welcome Lorraine Barrett to the committee; she is substituting for Joyce Watson, who has sent her apologies. You are very welcome, Lorraine. I believe that you have sat on this committee before, have you not?

[2] **Lorraine Barrett:** Yes, I have.

[3] **Ann Jones:** I ask everyone to switch off their mobile phones, pagers and any other electronic devices that could affect the interpretation equipment. We operate bilingually. The floor language is on channel 0 and the interpretation is on channel 1.

9.30 a.m.

Dilyniant i'r Ymchwiliad i Faterion sy'n effeithio ar Weithwyr Mudol yng Nghymru (Cyhoeddwyd Tachwedd 2008)—Tystiolaeth Lafar gan y Gweinidog dros Gyfiawnder Cymdeithasol a Llywodraeth Leol Follow-up on Inquiry into Issues affecting Migrant Workers in Wales (Published November 2008)—Oral Evidence from the Minister for Social Justice and Local Government

[4] **Ann Jones:** I welcome Carl Sargeant, the Minister for Social Justice and Local Government, who is almost a regular attendee at this committee. I also welcome Gill Lambert and Joanne Glenn, who have joined him today. Minister, part of our legacy work is to look back at the reports that we have done to see whether we have made progress, so that we can include the issues in our legacy report that we think should be taken up by the next Committee on Equality of Opportunity. We are looking today at issues affecting migrant workers in Wales. Do you have an opening statement, or are you happy to go straight into questions?

[5] **The Minister for Social Justice and Local Government (Carl Sargeant):** It might be useful for me to say a few words, Chair. First of all, I would like to say good morning to you and the committee. You are quite right; I do make regular appearances at this committee, but it is quite nice to come and be questioned by yourself and your colleagues.

[6] It would be helpful for me to outline some details relating to migrant workers, and to economic and cultural ways of life in Wales. It would be useful to acknowledge the contribution that migrant workers make to our economy and culture. As the Minister with responsibility for these issues, I am committed to achieving equality of opportunity for all people living in Wales and respect for each other's culture, faith and language. It is very important for the Welsh Assembly Government.

[7] As you are aware, immigration is not a devolved function, but the Welsh Assembly Government has responsibility for migrants resident in Wales, in terms of health, education, social services and a few other functions, particularly those relating to the community cohesion agenda. We have already undertaken a significant amount of work to ensure that Wales is an inclusive nation. That work is ongoing and always challenging. The multi-agency migrants forum, which I chair, is a process that, I hope, delivers and brings together interested parties. The core membership of the forum consists of me, Welsh Assembly Government officials and representatives from all of the relevant organisations. I believe that we are certainly moving in the right direction. You have an opportunity today to ask me questions

that are specifically on the subject of migrant workers, and I welcome those questions.

[8] **Ann Jones:** As I said, most of the questions will be on the report that the committee published in November 2008. It contained 25 recommendations, and the then Minister for Social Justice and Local Government, Dr Brian Gibbons, accepted 24 of them. We are trying to see now whether that has made a difference. I will start by looking at the first set of recommendations, namely recommendations 1, 2 and 3. We wanted to make sure that, when people came to Wales, they understood various issues and where to go for some of the multi-agency support. Your paper states that the revised 'Understanding Wales' pack was launched in 2010. Why was the decision made to develop an information pack instead of an interactive website, and how will you ensure that the information and links included in the 'Understanding Wales' pack are kept up to date and relevant?

[9] **Carl Sargeant:** The launch of this revised pack was an interesting and good one, as a cross-section of the relevant communities came to the Assembly for it. The decision to have a hard copy, in the form of a loose-leaf folder, was a decision made by the migrant communities. They showed that there certainly was a demand for this pack, and that it had two uses. First, it is a loose-leaf pack, which means that the pages can be changed. The intention is to ensure that that information is updated every other year. It is also a soft passport, if you like. It is about understanding Wales, but it also offers users opportunities to fill in relevant personal information to take with them when they are out and about. They can personalise the pack itself. So, we have listened to the communities, we have developed the pack, and we will update it every other year. If there are important updates that need to be done, we can easily do them. It is also accessible on the website. There has been quite a high demand for hard copies going out across Wales.

[10] **Ann Jones:** The copy available on the Welsh Government website is in English only. Surely that is not acceptable. When do you expect it to be available in other languages?

[11] **Carl Sargeant:** That work is ongoing. Very shortly, it will be available in Polish, Czech, French, Somali, Portuguese and Chinese. I would be happy to update the committee with a specific timeline, but that work is ongoing. We recognise those issues, Chair.

[12] **Janet Ryder:** Minister, I am going to move on to looking at recommendations 4 and 5. I noted in your response to the committee that you mentioned that the employment and training sub-group to the All Wales Refugee Policy Forum expanded its remit to include migrant workers in 2009. What work has that sub-group undertaken to determine how migrant workers could utilise their qualifications more effectively?

[13] **Carl Sargeant:** My understanding is that, following meetings of the employment and training sub-group, the forum decided not to expand the remit to include migrant workers, as it identified that migrant workers often have different experiences to refugees and asylum seekers. Although there are some similarities, there is not enough of a synergy to do that. That decision was made by the forum. My understanding is that, although there is still learning to be gained from that—there is a connection and a similarity between the two groups—there was no decision to move that forward by expanding the remit of the group. Under the remit of my colleague, Leighton Andrews, and his Department for Children, Education, Lifelong Learning and Skills, work is being undertaken on qualifications and to promote greater transparency regarding European qualifications. DCELLS has done that in the European qualifications framework and the credit and qualifications framework. That work is ongoing, led by the Minister.

[14] However, I suppose that there are further opportunities to develop that programme in order to understand what qualifications are relevant in Europe, how they can interact with UK qualifications, what they mean, and so on. We have done some work with other organisations,

such as the Welsh Refugee Council, and we are trying to get the audience together—the people who need to understand the qualifications—so that they understand what they mean and how they relate to work in Wales.

[15] **Janet Ryder:** May I go back to clarify this? In your update in January 2010, you noted that the Department for Children, Education, Lifelong Learning and Skills and the Department for the Economy and Transport had expanded the remit of their multi-agency employment and training sub-group to the All Wales Refugee Policy Forum to include migrants. Are you telling us that that has not happened?

[16] **Carl Sargeant:** It was considered by the group, but then it was decided that that was not appropriate.

[17] **Janet Ryder:** So, that has not been moved forward. Do you have plans to establish a dedicated forum for determining how migrant workers can utilise their qualifications more effectively?

[18] **Carl Sargeant:** As I said, we have established how migrant workers can effectively utilise their qualifications across the sectors. We have provided funding to the Welsh Refugee Council to do this. It has held four seminars, to which it invited bodies such as Jobcentre Plus, Careerwise and interested stakeholders in order to better understand what the issues are with regard to qualifications and what the qualifications are in order to align them to be utilised better in the Welsh economy.

[19] **Janet Ryder:** What do you do to support those migrants who have very high level skills?

[20] **Carl Sargeant:** It is the same process, really. It is about understanding what the skills are. Again, there are processes in place on a needs basis. For a nurse with very high skill levels, for example, we try to ensure that the people who need those skills understand what the qualifications are and what the equivalent qualifications would be. If you gain a nursing qualification in Poland, or wherever it may be, it needs to be understood whether that qualification equates to the qualification that is expected in the NHS system in Wales. We are trying to establish an understanding in the business sector and among stakeholders as to what qualifications are and what they are not. That will help less-skilled migrant workers as well as those who are highly skilled.

[21] **Janet Ryder:** Minister, I am sure that you will be aware that many refugees have a very high level of skills, possibly more so than migrant workers, but despite having a wealth of experience of using those high level skills in their own countries, they are not able to use them here. Therefore, we lose out and they lose out. Can the Assembly Government do anything at all to help that group, or is it a non-devolved area?

[22] **Carl Sargeant:** It is something on which I would be happy to have further discussions with the Welsh Refugee Council. As I said, we are funding the refugee council to promote the understanding of qualifications, so it may be something that I can look at to see if the council feels that there is a need for some process—

[23] **Janet Ryder:** I am sorry to interrupt you, Minister, but it can sometimes be about a restriction on refugees being able to take up employment. Are you able to effect anything on their behalf in Wales?

[24] **Carl Sargeant:** It is a non-devolved function, unfortunately, but just because it is a non-devolved matter does not mean that it is something that I would back away from. If there is an opportunity to do something more, I would be happy to seek to do that with the Welsh

Refugee Council.

[25] **Janet Ryder:** Recommendation 6 is that the Assembly Government should continue to engage in dialogue with the National Academic Recognition Information Centre for the UK to enable smaller employers to utilise the NARIC database at a reduced cost. You note in your paper that DCELLS is proposing to undertake a short scoping exercise to assess the potential demand for those information services. What discussions have you had with the Minister for education to assess that potential? Has the scoping exercise taken place?

[26] **Carl Sargeant:** As you quite rightly said, this is a matter that the Minister for Children, Education and Lifelong Learning has taken up. I have had no direct discussions with the Minister, but his officials inform me that the scoping exercise will be completed by April and that officials will provide an update to whoever the Minister for education will be in June. So, that is something that the Minister for education is taking forward. The scoping exercise will inform the next Welsh Assembly Government about taking that forward.

[27] **Janet Ryder:** Has any budget been identified, or will any budget be identified, to enable employers to access that database at a reduced cost?

[28] **Carl Sargeant:** I am not aware of any budget line for that, but I do not wish to pre-empt the consultation.

[29] **Janet Ryder:** So, the consultation is still going on.

[30] **Carl Sargeant:** It ends in April.

[31] **Janet Ryder:** If the Cabinet portfolios remain as they are in a future Assembly Government, would it be you or the Minister for education who would take that forward?

[32] **Carl Sargeant:** I have not had that discussion with the Minister for education. I would imagine that I would have an input, but it would probably lie in the DCELLS portfolio. However, I would be happy to clarify that, if that would be helpful. It will ultimately be a decision for the next Government, but it is nothing that could not be sorted out through a discussion with the relevant Minister.

[33] **Janet Ryder:** Recommendation 7 is that the Welsh Assembly Government should develop a strategy identifying levels of need for English language training among migrant workers. What were the outcomes of the consultation seminar in October 2010 to identify development priorities in relation to English for speakers of other languages, and how are these being taken forward?

[34] **Carl Sargeant:** The ESOL programme was very well received. The seminar was well attended and received very positive feedback. It gives us a good platform for moving forward with our priorities. The stakeholders felt that it provided them with an opportunity to exchange ideas and concepts with partners in other areas of delivery. There were also opportunities to share good practice. Therefore, we can build on this. It is a positive programme and we want to provide more opportunities for the deliverers of the ESOL programme, and those who benefit from it, to understand how it can be better delivered. We are moving forward with that.

9.45 a.m.

[35] **Veronica German:** Carrying on from that, in January 2010, it was stated that Basic Skills Cymru would be given responsibility for drafting an ESOL strategy that would be completed by autumn 2010. We have heard that you have held the seminar and so on, but

what progress has been made to develop a strategy to identify the level of need for English language training among migrant workers?

[36] **Carl Sargeant:** We have created the ESOL advisory group, which looks at standards and better meeting the needs of the users and deliverers of the ESOL programme—learners and teachers are involved in that advisory group. We have supported that financially, so that it is available for migrant workers, via the Wales Union Learning Fund as well as the Employer Pledge scheme. There are other opportunities to take that forward in terms of need. A good example is the basic skills Employer Pledge programme. That is effective with migrant workers, but it is also effective with a much broader range of workers, who can access basic skills. It encompasses more people than we originally thought that it would, so that is a great opportunity for people with low skill levels. An example from my own patch is that of Airbus; you would expect it to have employees of a high calibre, but it runs the basic skills programme. The company attracts support through WULF in order to deliver that. Therefore, it assesses the need and delivers it through that model.

[37] **Veronica German:** I will move on to recommendation 10 regarding the voluntary code of conduct. In the light of the decision not to establish a voluntary code of conduct for the employers of migrant workers, was any consideration given to promoting other codes of practice, such as the one that was launched in 2008 by the Business in the Community charity, which aims to better inform employers about how they can make migrant workers feel welcome and help them to settle in their environment?

[38] **Carl Sargeant:** Yes, there has been a lot of such discussion around this. As I said in my opening remarks, I chair the migrants forum in Wales. That is a useful forum because it includes the representatives of migrants as well as official stakeholders. Therefore, there is a great opportunity to share problems, ideas and concepts around the table openly. We have had discussions, through the migrants forum, with trade unions and employers' representatives, looking at a better way forward on this issue. We considered the voluntary code of practice, but it was decided—with migrant workers at the heart of that decision—that the best process for Wales would be to create an advice toolkit for employers and migrant workers in that programme. The employer representatives were supportive of that practical tool. Again, it is not about creating documents that just sit on the shelf—that is not a good thing to do. We wanted to produce something worthwhile that employers and migrants will use. That is what we have tried to achieve and it has been supported. We have drafted the toolkit and it was well received at the meeting of the migrants forum in September 2010; as I said, there were favourable comments about it. We intend to road-test the kit, which, again, was a proposal from the migrants forum, to see how practical it is and whether it is the right model; if we need to make amendments to it, we will.

[39] **Ann Jones:** Janet wants to come in on this point.

[40] **Janet Ryder:** I might need to declare an interest as a board member of the Wales Rugby League. What interface does the forum have with sporting bodies? I am sure that you are aware that rugby league in particular employs migrant workers, and it suffers a great deal of angst at the hands of the UK Border Agency in getting its migrant workers to be able to play. Do you take that aspect into consideration, Minister?

[41] **Carl Sargeant:** The forum has had the UK Border Agency in, as well as other agencies, including the Gangmasters Licensing Authority. A broad spectrum of people attends the forum. That is why I said that it is really helpful. I sit on many fora and some of them are less helpful than others. I have found this one to be very effective. I am not sure about the level of engagement specifically in relation to sport. We would need to look at that in a bit more detail. This is not specific to any area; it is a broad-based toolkit, and we are going to road-test it to see whether it is appropriate. Again, Chair, I am happy to learn from this, and, if

we need to speak with the Sports Council for Wales, I would be happy to do so. However, it is a tool for employers and migrant workers. It is a useful document—not just something that is going to sit on the shelf and not achieve anything.

[42] **Veronica German:** On the toolkit, you are obviously going to see how it goes, but have you had any discussions with the UK Government in case this is not enough and you need an enforceable code, which would be a non-devolved matter? Have you had any discussions with the UK Government about establishing an enforceable code or would you want to see how the toolkit goes first and then have that discussion?

[43] **Carl Sargeant:** I fully understand the question. I have not had any discussions with the UK Government. There are many areas where we create an opportunity because we can—we do that well in Wales. We believe that the toolkit is probably the right document to take forward. However, if we need to amend that with recommendations from the users at both ends—employers and migrant workers—we will do that, but, given a bit of time and opportunity to bottom it out, I think that we might have an effective tool. I would not wish not to seek talks with the UK on this, but I have not had any as yet, because I do not believe that they are needed.

[44] **Veronica German:** Moving on to recommendation 11, on expanding the remit of the Gangmasters Licensing Authority, the Gangmasters Licensing (Extension to Construction Industry) Bill was introduced to Parliament in June 2010. It would expand the remit of the authority to the construction industry. Have you had any discussions with the UK Government about expanding the remit to include the hospitality and cleaning sectors, which are areas of concern for some people?

[45] **Carl Sargeant:** No, I have not had any discussions on that specifically. However, as I mentioned earlier, a representative from the Gangmasters Licensing Authority came to the forum in May. He gave us a long presentation on how things have been tightened up. I think that the first conviction was a month after that meeting, so action is being taken in Wales on these specific issues. It was a very interesting programme that he offered to the forum. It might be something that you would be really interested in as a committee, Chair, because he gave some specific details that were very interesting. As I said, I have not had detailed talks on the hospitality sector, but I would expect the authority to look at service delivery overall, including hospitality and so on. I will consider writing to the authority about it.

[46] **Veronica German:** The authority itself is interested in this. It said in its report that it wanted its remit expanded into those areas, because many migrant workers work in those sectors.

[47] My last question is on recommendation 12, about establishing a fair employment commission. What work has been done in the past year to ensure that enforcement agencies in Wales are responding effectively to the challenge raised by the Commission on Vulnerable Employment?

[48] **Carl Sargeant:** The Gangmasters' Licensing Authority is working with local government on a memorandum of understanding in terms of operational activity and how that is done. As I said, the director of the GLA agreed to attend the migrants forum in March and to deliver a presentation on this issue. The Health and Safety Executive's policy advisers on vulnerable workers' health and safety attended the migrants forum in September and gave a great presentation. It was an opportunity for the organisations to develop a better relationship, because they were working with the same goal in mind, but very much separately. So the migrants forum brought together all of the parties, which then went away with an idea of how they could develop a better relationship within Wales. The forum was the catalyst for that. The HSE had a DVD about migrant workers and health and safety. The migrants forum, as a

whole, said, 'We all meet different people'. The distribution then went through the migrants forum, because there was an opportunity for all of the different agencies to approach different clients, in effect. Therefore, it has been a useful tool in itself, bringing the interested parties together to develop a better working environment and a better space for migrant workers in Wales.

[49] **Mohammad Asghar:** My question is regarding recommendation 13, which recommends that the Welsh Assembly Government develop a strategy to address poor living conditions for migrant workers. Local government has provided information that there has been a decline in private sector rented accommodation for migrant workers in the last few years. What discussions have you had with the Deputy Minister for Housing and Regeneration in the past year about the housing conditions of migrant workers?

[50] **Carl Sargeant:** I have not had any specific discussions with the Deputy Minister about migrant workers, but I know that our Welsh Assembly Government programme includes housing related services, and those for vulnerable people and minority groups in particular are identified in the document. The Deputy Minister, Jocelyn Davies, leads on that and focuses on it in the Welsh Assembly Government document. Could you remind me of the name of that document, Gill?

[51] **Ms Lambert:** I will have to check.

[52] **Carl Sargeant:** Interestingly, Oscar, in relation to local government, the all-Wales heads of environmental health technical panel, upon which each local authority has a representative, reports—and, as you quite rightly say, many migrants reside in the private rented sector—that the numbers have declined significantly over the last 12 months. There has been a huge reduction in the number of migrant workers living in private sector accommodation in the last 12 months. The demand is also reducing significantly.

10.00 a.m.

[53] **Mohammad Asghar:** Recommendation 14 is that the Welsh Assembly Government initiate dialogue with the UK Government with regard to reviewing the UK benefits system. Recommendation 15 is that schools should develop links with migrants' countries. Recommendation 16 is that the Welsh Assembly Government promote the positive contributions and achievements of migrant workers in Wales to local communities. How has the community cohesion strategy helped to increase awareness of the positive contribution that migrant workers can make to local communities in Wales?

[54] **Carl Sargeant:** The community cohesion strategy is an important part of the development of acceptance of migrant workers and support for them in communities. We recently had a discussion with other organisations that fund community cohesion initiatives. In this difficult financial climate, we do not want double-fund, but to fund together more strategically. So, we need to understand who is funding what where, and how that can be done better with regard to community cohesion. So, I have had recent discussions around that.

[55] With regard to what we are specifically doing on community cohesion, there are regional groups in north Wales, south-east Wales and south-west Wales. There are some great examples on the website about what we are doing and what those groups are doing to support communities through their funding. The funding is used, for example, for the development of language classes, and for providing opportunities for migrants to volunteer and interact with the community and so on. Those are just some of the programmes that the community cohesion fund is helping to develop.

[56] The situation is different in different communities across Wales, so it is a living

process, and it is about understanding what is going on in those communities and then how that can developed across Wales. The needs of Wrexham and Newport, for example, are very different, so the community cohesion fund operates very differently in those areas. There are some great examples on the database.

[57] **Mohammad Asghar:** I will move on to recommendations 17, 18 and 19. Recommendation 17 is that the Welsh Assembly Government support organisations working to recruit volunteers from migrant communities to work in community settings. Recommendation 18 is that the Welsh Assembly Government facilitate the networking of organisations working with migrant workers, and recommendation 19 is that the Welsh Assembly Government develop a web-based information hub for organisations working with migrant workers. How has awareness of the rights and responsibilities of migrant workers improved as a result of the work that the Welsh Government and other stakeholders have carried out?

[58] **Carl Sargeant:** The inclusion grant for the Wales strategic migration partnership and the Polish-Welsh Mutual Association are two great examples of how funding can and does deliver support on the ground. The Polish-Welsh Mutual Association offers services to migrants in emergency situations six days a week, with an out-of-hours service delivered on a voluntary basis. I visited the association in Llanelli recently, and I was surprised at how integral it is to the Polish community and how much migrants rely on its services. It is quite astonishing. I do not think that I would be breaking any confidences to mention a chap whom I saw when I visited the association, who had unfortunately got himself into a little bit of bother on the weekend simply because of the language barrier. He did not understand, the situation got out of hand and the police arrested him. The association helped him to realise his legal rights and explained what was happening to him. That is a great example of how this works on the ground. There are many other examples of similar work across Wales, such as that by the Welsh strategic migration partnership.

[59] **Ann Jones:** To echo *Mastermind*, the strategy that you passed on was the national housing strategy, 'Improving Lives and Communities: Homes in Wales', which is mentioned on page 8 of your report.

[60] **Carl Sargeant:** Yes, Jocelyn Davies's strategy. That is what I was thinking of. It did not spring to the front of my mind.

[61] **Lorraine Barrett:** What evaluation have you made of the community cohesion events that were held in 2009? How will this help inform the planning of future events? Were they a success?

[62] **Carl Sargeant:** Absolutely. The event was assessed and evaluation sheets were completed by all the attendees. We have learned from that in setting up three regional groups, with local authorities leading on that. We are also trying to better understand the need aspect of community cohesion. Sheffield Hallam University is doing a paper on the pressures in communities across Wales; as I said earlier to Oscar, there are differences between Newport and Wrexham or Llanelli. There is a need base, but I do not think that we fully understand what that is. It is a changing picture, because migrant workers are leaving to go back to their home country, so there is some more work to do. Sheffield Hallam University will present a paper on that, and how local authorities can best assess need and delivery of the community cohesion fund.

[63] **Lorraine Barrett:** On recommendations 21 and 22, how will you assess the effectiveness of the toolkit for employers of migrant workers and the Wales Interpretation and Translation Service? How will you ensure that front-line staff, in particular, are aware of the toolkit? Often, these things are brought out and look wonderful, but unless they get to front-

line staff, and they understand how to use them, they will be ineffective.

[64] **Carl Sargeant:** You are absolutely right, and that is always the difficulty—the communication aspect of delivering these programmes. We will evaluate the toolkit shortly, before going out to consultation, so we will be looking at the effectiveness of that process. We are trying to create a hub of interested partners, from migrants to service users and deliverers, through to stakeholder groups, employers and official Government bodies. The migrants forum has been established, and I believe that anyone who sits on that board would say they find it useful—it brings stakeholders together. The toolkit is primarily aimed at the private sector, but you are absolutely right, Lorraine—it is a question of how we get it to the people who need it, to support them. All the partners need to understand that better, and it is something that we are taking forward through the migrants forum.

[65] On WITS, we funded it with around £120,000 up front, and that is it—it is now self-financing. It has not asked for any more money, which is good, because I always like to be the bearer of good news. It is delivering a good service, and a WITS representative attends the migrant forum, because WITS understands that its market is concerned with interaction with police forces, local government service providers, the public sector and the NHS, and WITS wants to deliver a good quality service in that context. There is translation and then there is translation, and particularly around the legal elements you have to have the right advice and translation services available—if someone is arrested on a Saturday night, for example. The Wales Interpretation and Translation Service has the quality control and the service delivery to meet that need, and given that it is also self-financing, it is a very good model. It is not ours, but I am encouraged by that whole process. It is something that I am pleased to endorse.

[66] **Lorraine Barrett:** Finally, on the analysis of the data that were collected and analysed by Citizens Advice, which was presented to the migrants forum on 30 September 2010, what conclusions have you drawn from that research, and how will it influence future policy?

[67] **Carl Sargeant:** We have not drawn any conclusions from that yet; we are still working with Citizens Advice on how and what we can develop. Some clear messages came from that about the scale of what Citizens Advice is dealing with, and its capacity and need. There was a huge amount of support for Polish and Portuguese migrants, and we are trying to produce a model that is area-specific and that shows what Citizens Advice needs to do and what we need to do. That dialogue with it is ongoing. That fits quite nicely into the broader picture of what Citizens Advice does, and I have regular discussions with it about the service delivery mechanism. While the discussion today is about migrant workers, Citizens Advice is increasingly coming under the cosh financially. We as a Government have to understand what we can do to help to support it, which will support us indirectly as well. This is one strand of our discussions with Citizens Advice on how we can help, and those discussions are ongoing.

[68] **Ann Jones:** Does anyone else have any more questions? I see that no-one does. Thank you, Minister, for providing us with an update on the report that we produced, which I believe was an important report. At the time, we wanted to highlight migrant workers' commitment and what they can contribute to our economy and our areas. I am sure that some of what you have updated us on today will go into the legacy report, to make sure that the next Assembly looks at that and takes it forward. Thank you, again, Minister, and thank you to Gill and Joanne for coming.

10.13 a.m.

**Dilyniant i'r Ymchwiliad i Ddarparu Gwasanaethau ar gyfer Pobl Ifanc Anabl
(Cyhoeddwyd Ionawr 2007)—Tystiolaeth Lafar gan y Gweinidog dros Blant,
Addysg a Dysgu Gydol Oes
Follow-up on Inquiry into Service Provision for Disabled Young People
(Published January 2007)—Oral Evidence from the Minister for Children,
Education and Lifelong Learning**

[69] **Ann Jones:** We shall now turn to the report on our inquiry into service provision for disabled young people. It was produced during the second Assembly, but the committee has kept abreast of what is going on, and we hear regularly from Ministers and others on that issue. Therefore, I welcome Leighton Andrews, Minister for Children, Education and Lifelong Learning, Chris Burdett, head of the support for learners division, and Sam Huckle, head of employability, to the meeting.

[70] Thank you for your paper, Minister. Do you have an opening statement to make?

[71] **The Minister for Children, Education and Lifelong Learning (Leighton Andrews):** No.

[72] **Ann Jones:** Okay, thank you. As I said, the committee has taken an interest in the report. It was produced during the second Assembly, but we continue to try to make sure that there are equal opportunities for young people who are disabled. It is a cross-cutting issue, which should be promoted across all ministerial portfolios. Are you confident that that happens? I know that I cannot ask you to speak for others, but, in your regular discussions with Ministers, do disabled young people feature as a priority for them?

[73] **Leighton Andrews:** We have a framework whereby we can discuss, across departments, issues that affect disabled children. That is done through the Cabinet committee on children and young people that I chair. As we move forward—as you said, this report was conducted in the second Assembly—we see that many of the policy areas that were covered by the report, which cross a number of Government departments, have moved on significantly. In a sense, part of preparing for this committee meeting was about trying to work out how best to handle the conclusions from a report that is now quite old. I wonder whether annual reporting against the recommendations of such an old report is an effective way of providing information on what is being done by the Government for young people with disabilities. As a committee, you may also want to consider that, going into the next Assembly. It is important that we keep these issues under review, but we must also recognise that the agenda has moved on significantly.

10.15 a.m.

[74] **Ann Jones:** We appreciate that. We are now trying to formulate our legacy report for the next Assembly. To go back to the committee's 2007 report, it recognised that disabled young people are more likely to live in poverty than their non-disabled peers. Is there any evidence to show that the number of disabled young people living in poverty has reduced as a result of the work that the Welsh Government has done on tackling child poverty?

[75] **Leighton Andrews:** The difficulty is that we were seeing a significant improvement in the number of young people living in poverty until the recession, as you are aware, but since then we have seen a stalling of that. Overall, it is unlikely that we could point to that at present.

[76] **Ann Jones:** Organisations representing disabled people in Wales have expressed concerns about public spending cuts, which they say will have a disproportionate effect on vulnerable people, such as disabled young people. To what extent were the needs and rights of disabled young people considered in determining the Government's spending priorities in this budget?

[77] **Leighton Andrews:** As you will be aware, the Minister for Business and Budget published her equality impact assessment alongside the final budget. That goes into the detail of the way in which the Assembly Government assessed the impacts on different groups. There is now a strong framework of legislation and policy around the assessments that we make about the impacts of budgets. In the overall budget, despite a challenging settlement from the UK Government—you will be aware that this is the toughest budget since devolution and that our budget is cut by £860 million next year compared with this year—we have sought to protect the most vulnerable. For example, we have sought to protect social care in the context of the local government budget, skills and schools in the context of my budget and community health facilities. All Ministers are conscious of the role played by the third sector in their departmental responsibilities, so we have sought to produce a budget that, as far as possible, is able to meet the needs of young people with disabilities among other groups that we have sought to protect.

[78] **Lorraine Barrett:** I was a committee member when we undertook the original inquiry, and it does seem a long time ago. We worked with a group of disabled young people from across Wales and they sat with us on the committee, questioning Ministers and other service providers. If the committee in the next Assembly was to undertake an update inquiry, it would be interesting to have those young people back to see how their lives have changed or developed. That is a precursor to what I am going to ask the Minister.

[79] In your paper, Minister, you state that ongoing dialogue with disabled people and their representatives is important to inform policy and decision making. Do you have a specific example of where the Welsh Government has engaged with disabled young people as part of its work? We found it really interesting to have them working with us, so that we could understand exactly where they were coming from and what their needs were.

[80] **Leighton Andrews:** That happens in a number of ways. During the course of the last year, for example, we have had presentations to the Cabinet committee on children and young people from Funky Dragon, which included young people with disabilities. So, we are conscious of that. We have regular meetings with organisations such as Disabled Children Matter Wales and, through the guidance that we have issued to public bodies on engagement, we have seen some activity at a local level as well. So, we are conscious of the importance of doing that. I am sure that we can always find better ways of doing it, but we have tried to do that through our structures.

[81] **Lorraine Barrett:** How effective do you think that school councils are at engaging disabled young people at every level of education—primary, secondary, and in special schools in Wales? I would like to know specifically how they engage those with learning or communication difficulties, because that is an added challenge. Are they engaged with school councils?

[82] **Leighton Andrews:** My response is likely to be anecdotal, but all of the evidence that I see of school councils is that there is great sensitivity on the part of young people to others within their school community who have specific disabilities, and there is a real attempt to engage them. Members will have seen many school councils using the facilities of the Assembly, and we are always encouraged that they operate in a very inclusive atmosphere and seek to engage all members of the school community.

[83] **Janet Ryder:** The transition period is always extremely challenging for pupils with an additional learning need and their parents. Research has shown consistently that disabled people are not getting the help that they are entitled to during that period. Minister, you have emphasised the important role that key workers can play in this; have you done anything to promote that key worker model of service? I understand that you are currently undertaking an assessment of that, but can you tell us anything that would assure us that that role will be developed further in future?

[84] **Leighton Andrews:** You will be aware of the work that we have been doing on the transition key worker pilot programmes in Wales, and I have reported on these to other Assembly committees. We have been building a body of good practice that, in this area at least, may well be in advance of other parts of the United Kingdom. I will ask Chris Burdett to comment on that specific point.

[85] **Mr Burdett:** As you may know, we have allocated a total of £3 million to the transition key worker pilot programmes, some of which has been provided by the Assembly Government and some of which is European funding in the convergence areas. There were initially five pilot schemes and schemes are now running in the 15 convergence areas. We hope to have the evaluation of the initial pilots later this year so that we can promote the model. During the process, we have held conferences in conjunction with the Care Co-ordination Network UK, with which we have been working closely on this in order to promulgate what has been happening during the pilot programmes.

[86] **Janet Ryder:** In your assessment so far, has that role and that work been successful in bringing in adult services at an earlier stage of the process?

[87] **Mr Burdett:** That is one of the key difficulties that we have to face. I cannot claim that adult services are involved early enough everywhere. This issue also arose with the post-16 task and finish group, which made recommendations about the earlier involvement of adult services, which we hope to take forward this year. Having a key worker certainly improves things, as I am sure that you know from speaking to disabled young people, who say that it is one of the most important things that they look for from the services.

[88] **Janet Ryder:** I would like to move on to discuss the SEN code of practice. I know that the Minister is considering the role of statements and the way in which the process can be addressed. However, the system still exists. Has anything been done to make that process any simpler?

[89] **Leighton Andrews:** This is something that we have been looking at in considerable detail over the last couple of years. We understand the challenges for parents and young people in this regard. I suspect that most Assembly Members have experience of having to support parents in the process of challenging decisions that have been made by local authorities and others in this area, but we are trying to come forward with some alternatives. Chris may want to comment on that.

[90] **Mr Burdett:** Reform of the statementing process is at the heart of the programme of statutory reform for special educational needs that we have been taking forward since the Education, Lifelong Learning and Skills Committee reports, with a simplified system that is more child and family centred, based on the individual development plan and multi-agency working. We currently have four pilot programmes in train to test some of the ideas, as well as the work on multi-agency working through early support. That is at the heart of what we are aiming to change over the next year or two. In the interim, we have to keep the existing legislative framework as it stands until we can bring in the legal changes.

[91] **Janet Ryder:** There are a number of issues around this, but there is often not only a

battle to get that statement, as I know that you are fully aware, Minister, but a battle in that to get the authority to recognise certain areas of extra need. In some areas, specifically for people who perhaps have a hearing problem, deafness or dyslexia, it can be difficult to get authorities to recognise that they have a need. Has anything been done to help those specific groups?

[92] **Leighton Andrews:** I think that there is quite a lot to be done. There are different issues, depending on the additional learning need that we are talking about. One of the biggest challenges is early diagnosis. With dyslexia, for example, we routinely get stories of people who are not diagnosed as dyslexic until they have left formal education. That has been one of the issues that I have been concerned about in what I have been saying recently about the need to broaden initial teacher training. At present, there is probably inadequate attention within initial teacher training on the place of early diagnosis of additional learning needs. Before you can get to a point where you want the local authority involved, you have an issue about picking up some of those challenges.

[93] However, when you talk about the provision of local authority services, what we are faced with is the fact that, with particular kinds of additional learning needs that are the result of very acute conditions, it is quite clear that the local authority structure that we have in Wales means that we have too many small local authorities that would not, themselves, engage with the critical mass of people to be able to provide sufficient support services. That is why, in the context of the special educational needs post-16 task and finish group, for example, we were looking at what could be done in respect of out-of-county and out-of-country provision and at what could be done collaboratively to try to ensure that we have better and more adequate provision across a range of fields in Wales than we currently have. This is an issue about planning for the medium and long term. It is not something that we can resolve on a short-term basis. However, I think that the challenges that you enunciate are absolutely right.

[94] **Janet Ryder:** Will you be doing anything in that to monitor the outcomes for various disability groups to see whether there is any variation and what that highlights in the system? How will you collect the data, and what will you be doing to use that data?

[95] **Leighton Andrews:** First, we have to be better at understanding need. We must then be better at matching provision to need. Then, we should look at the measurement of outcomes. I am not sure whether we have the first two stages right, yet.

[96] **Janet Ryder:** There is still an awful long way to go.

[97] **Leighton Andrews:** I think that there is a long way to go.

[98] **Veronica German:** The committee's report recognised that disabled learners in colleges often have good counselling and psychological support. However, one of the bugbears is that it takes a long time to assess their needs prior to them starting college, particularly with assistive technology and the support that they require. What action have you taken to help colleges to reduce those delays, so that when the person starts in college, they have everything that they need to be able to carry on and do the course, and do not have to wait for the support and the equipment that they need?

10.30 a.m.

[99] **Leighton Andrews:** We answered that question extensively in a previous inquiry into this area—by the Enterprise and Learning Committee, if I remember rightly. Through Careers Wales, we have a system in place for assessing young people's needs. Those needs should be assessed, understood, and communicated to FE colleges at the point at which people are

leaving the school system. We have given capital and revenue support to FE colleges, if I remember rightly, to support developments for additional learning needs, over time. We will continue to provide what support we can to assist them. I do not know whether my officials wish to add to that.

[100] **Mr Burdett:** That issue was central to the work of the post-16 task and finish group that we referred to earlier; the need for early assessment and the other recommendations are being taken forward this year.

[101] **Janet Ryder:** I wish to ask a supplementary question on this issue. Often, children are assessed in school, and their needs are met because the county has to meet them. However, they will then go to college, and the whole process has to start again, else they lose that entitlement and the county no longer believes that it is its statutory obligation to deliver that support. Where a child has chosen to go to a college, that is a different argument. In some counties, where there are no sixth form colleges, children have no choice but to go to a college, and they are losing the provision that they should be entitled to. Do you intend to address that situation with these lifelong plans up to the age of 25?

[102] **Leighton Andrews:** I am not sure that I agree with what you are saying. Can you give me a concrete example?

[103] **Janet Ryder:** If a child stays in the school system, at the same school, to take their A-levels, the support that they have had through that school will continue. I see an increasing number of cases where counties have withdrawn their sixth form provision so that a child cannot stay in the school system and have to go to a further education college. With that, the provision that was in place is lost, and when carers try to get it put in place at the college, people say that the same rules do not apply because colleges are not schools and therefore not in the same provision. In reality, they are, because the county has taken the decision to supply its sixth form education through colleges. In considering this post-16 situation and the plans to provide support through assessment and other provisions up to the age of 25, do you intend to say to parents, at some point in the future, 'These are the assessments: yes, they will be continually updated, but this is the kind of support that that child will have, regardless of the educational setting they are in'?

[104] **Leighton Andrews:** Not many counties in Wales have tertiary provision.

[105] **Janet Ryder:** Unfortunately, Wrexham is one of them.

[106] **Leighton Andrews:** Yes, one of the local authorities on your doorstep is one of them. Most do not; only a small number of local authorities have tertiary provision in Wales. Therefore, some of the issues that you raise may be particular to that local authority.

[107] The reason that I brought together a group of experts to look at post-16 provision was to tease out all the challenges facing us. There has to be an expectation that, once we have identified needs, they can be supported through the system. As we move forward, it is likely that, in the drive to eliminate duplication in post-16 education in particular, more people will be moving out of the school system into FE, or, in some cases, possibly vice versa if the provision is nugatory in the FE sector. Therefore, we would want to have an expectation that, regardless of where a young person was getting their post-16 education, they were getting a similar level of support. Have we worked all that through? No.

[108] **Veronica German:** I was going to ask how you will be measuring your success. I can see that you have your task and finish group and your implementation group, which you want to take forward. You have answered my next question, which was about improved planning, which is part of this as well, so that it may not be that their only option is a

residential college far from home. With collaboration and so on, it is hoped that you will be able to bring people closer to home. However, do you have a level to benchmark against, so that you know where you are now in order to measure the success of any strategy? How long would you envisage it taking for some of the steps to work their way through the system?

[109] **Leighton Andrews:** This is really about a drive for continual improvement. It is not a simple set of policies for which you can have very clear success factors. We are dealing with a situation where we have a variety of provision, not all of it located in Wales and not all of it accessible from people's homes. We have got to recast that provision over time. I think that we will have to play a significant leadership role in that because it will not be addressed if we leave it to the local authorities themselves. We will also need to look at other providers. There are new providers that have moved into Wales in recent years that are experts in some of these areas. However, equally, there are going to be some conditions with regard to which, if people are going to get a very good quality of education, it may still be the case that we will not have sufficient numbers to be able to offer provision in Wales. These things really are very complicated. We have a desire to work on better planning of this. I think that we have shown that through the post-16 group. However, there are many challenges ahead.

[110] **Veronica German:** Moving on to employment and work-based training for young people with additional learning needs, we have more inclusive practice in schools and colleges, but it appears that there has not been so much progress in employment and work-based training. I know that you have been looking at this in another area, but, for this committee's information, what practical and financial measures have you put in place to ensure that meaningful work experience placements are offered to young disabled people? Have you put in incentives for employers and funding for support workers? What is being done to make it a better experience for these young people?

[111] **Leighton Andrews:** We are currently going through the tendering process for the work-based learning contracts for the next three years. In the programme specification for the work-based learning programmes, we make clear our commitment to equality and diversity. We are requiring providers through the tendering process to have in place an equal opportunity strategy that would meet our standards. We will then monitor the implementation of those strategies following the end of the tender. Under the terms of the new work-based learning contracts for the next three years, there will be support available for learners with additional learning needs that arise from a learning difficulty and/or disability, over and above that provided for in a learning programme, where it is necessary to enable the individual learner to achieve. So, we are putting in place a range of support as a result of the new contracts that we have been able to tender. We have been able to do that right at the outset.

[112] **Ann Jones:** Minister, does anyone monitor or evaluate what happens when a person with a learning difficulty or a disability has had an extensive package to allow them to get basic skills and to get to an employable status? Following that help, when they return home, there may not be help available from their local authority. Does anyone monitor the cost of that care package for that person to then almost go backwards, rather than being able to carry on with their learning? At this time, public money is crucial and we are putting care packages in place at a cost, but when those care packages are finished or they get to the age of 26 or 27 there is no support for them and, therefore, they may have had years of support to no avail. Are there any figures on this or is any monitoring done of the number of people who fall outside the system or drop away having received such support?

[113] **Leighton Andrews:** We would certainly expect local authorities and their partners to be monitoring that through the children and young people's plans that they are putting in place. I am not sure that we collate that information at a national level. Chris?

[114] **Mr Burdett:** I am not aware of it.

[115] **Leighton Andrews:** Sam?

[116] **Ms Huckle:** We only deal with the employment rate.

[117] **Leighton Andrews:** We have records on the employment side, but not if they have passed out of training back into the position of needing care, but there being no support.

[118] **Mohammad Asghar:** My question deals with two specific areas, namely transport and independent advocacy. In its 2007 report, the committee emphasised the importance of independent access to transport for disabled young people to act with minimal support in order to have choice and control of their lives. It also recognised that inequality in access to public transport can limit progression to employment or training. Some organisations representing disabled people state that the availability of travel training schemes, which teach learners with severe learning difficulties how to use public transport, is variable across Wales. What is your response to these ongoing concerns?

[119] **Leighton Andrews:** There will always be concerns and we have to ensure that, in the work that we are doing with providers, we are addressing those. Some of this is about the information that is provided to the operators themselves. As Members will be aware, the public transport users committee for Wales must have two members who are disabled people within its membership. It has set out a number of different areas to consider in relation to equality and accessibility, including driving up the use of public transport by under-represented groups. As I say, it will be looking at some of these issues in its first meeting next month, when it will be reviewing and evaluating the provision and accessibility of information relating to public transport services across Wales. We have also recommended to local authorities that, when they are preparing bids for tendered local bus services, they should emphasise the importance of approved disability awareness training. As a result of those measures and what we are doing through the Learner Travel (Wales) Measure 2008 that we put in place, local authorities are required to consider pupils' special educational needs when making school transport arrangements. As an Assembly Government, we have probably put in place the right number of proposals in order to address these things. They now need to be followed through with the operators.

[120] **Mohammad Asghar:** Thank you very much, Minister, for that precise and concise answer.

[121] As I said, my second question is on independent advocacy. How confident are you that the current system of advocacy for disabled young people, regardless of their impairment, is independent of service providers, accessible to all users and sustainable?

[122] **Leighton Andrews:** All disabled children have a right to access independent advocacy services when they are making representations or complaints to social services in secondary care settings, such as hospitals. We launched Meic, our advocacy and advice service for young people, last year. There has been a steady increase in the volume of calls as more young people have become aware of the service. Meic has provided an effective referral service to other agencies that can provide support. The organisations that are supporting Meic have a good understanding of young people's need for advocacy.

10.45 a.m.

[123] **Lorraine Barrett:** My question is on the provision of leisure and play activities for disabled young people. A recent study of disabled young people's experiences of play and leisure found that there were few leisure opportunities that they felt able to access or, indeed, that appealed to them. Another issue was that they did not feel welcome. This is not just about

leisure and sport, but also about things like the provision of changing places toilets. What is your response to those findings?

[124] **Leighton Andrews:** My officials are drawing on materials provided by Disabled Children Matter Wales on access to play and leisure facilities for disabled children and young people to help inform the development of standards and guidance on play opportunities. These documents will detail the duties on local authorities to assess and secure sufficient play opportunities for children in their areas, as we set out in the Children and Families (Wales) Measure 2010. Officials are currently working with key stakeholders to identify what should be included within the standards and guidance when they are published. We have so far held two stakeholder events and parents have also been invited to take part in a questionnaire; those results are being accommodated within the development of the standards and guidance. The regulations, standards and guidance to local authorities on assessing and securing sufficient play opportunities will go out for consultation later this year.

[125] **Lorraine Barrett:** We think of local authority provision, in the main, when we think of leisure and sporting activities. However, as you know, there are many organisations that apply for grants to set up various projects. Would you and your colleagues—given that this probably cuts across a few portfolios—consider giving greater weight to the provision of these services for young people with disabilities when applications are made for a grant to start up some sort of new project? I know that there is a tick box asking whether activities will be open to everyone, but could something be included to ensure that, when grants are paid, those activities will be accessible to young people with disabilities and they will be encouraged to take part? That would place a greater emphasis and weight on their needs.

[126] **Leighton Andrews:** When offering public support, we have expectations in relation to equal opportunities for any capital projects that we undertake. However, I am happy to raise with my colleagues the issue of what is being done to ensure that the needs of disabled young people are taken into account. There are a number of schemes that are not necessarily funded by us, but possibly lottery funding or other partners that are key funders and we can raise that issue with them.

[127] **Ann Jones:** Does anyone else have any other questions? I see that you do not. Minister, I thank you and your officials for coming today. We take the point that you made at the beginning that this issue may have run its course, but we felt that it was the committee's duty to keep matters relating to disabled children at the forefront of discussions. Our legacy report may reflect your comments, which were good ones. It is perhaps time to revisit this issue with a new set of disabled children to see whether we have made a difference. Thank you very much for your attendance.

[128] **Leighton Andrews:** Thank you.

[129] **Ann Jones:** I remind Members that the next meeting is on 8 March, when we will be looking again at Step Up Cymru and when we will agree our legacy report. We hope that that meeting will take place on 8 March. This meeting is now closed.

*Daeth y cyfarfod i ben am 10.49 a.m.
The meeting ended at 10.49 a.m.*