



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

**Pwyllgor Deddfwriaeth Rhif 1  
Legislation Committee No. 1**

**Dydd Mercher, 10 Mehefin 2009  
Wednesday, 10 June 2009**

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Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynnddi 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	Plaid Cymru The Party of Wales
Eleanor Burnham	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Rosemary Butler	Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair)
Ann Jones	Llafur Labour
Huw Lewis	Llafur Labour
Nick Ramsay	Ceidwadwyr Cymreig Welsh Conservatives

**Eraill yn bresennol**  
**Others in attendance**

Jane Hutt	Aelod Cynulliad, Llafur (Y Gweinidog dros Blant, Addysg, Dysgu Gydol Oes a Sgiliau) Assembly Member, Labour (Minister for Children, Education, Lifelong Learning and Skills)
Jenny Randerson	Aelod Cynulliad, Democratiaid Rhyddfrydol Cymru Assembly Member, Welsh Liberal Democrats
Iwan Roberts	Uwch Gyfreithiwr, Tîm Addysg (Ysgolion), Llywodraeth Cynulliad Cymru Senior Lawyer, Education (Schools) Team, Welsh Assembly Government

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

Sarah Beasley	Clerc Clerk
Claire Griffiths	Dirprwy Glerc Deputy Clerk
Gwyn Griffiths	Cynghorydd Cyfreithiol Legal Adviser
Joanest Jackson	Cynghorydd Cyfreithiol Legal Adviser
Liz Wilkinson	Clerc Clerk

*Dechreuodd y cyfarfod am 9.30 a.m.  
The meeting began at 9.30 a.m.*

**Cyflwyniad, Ymddiheuriadau a Dirprwyon  
Introduction, Apologies and Substitutions**

[1] **Rosemary Butler:** Good morning, everyone. I welcome you to this meeting of Legislation Committee No. 1 and to our Stage 2 consideration of the Proposed Healthy Eating in Schools (Wales) Measure. Before we move to the main item on today's agenda, I remind committee members that the committee operates bilingually, and that the headsets can be used to listen to a translation of the Welsh contributions or as an induction loop to hear the proceedings more clearly. Channel 0 on the headsets will provide the verbatim broadcast and channel 1 provides the translation. I remind you to turn off all mobile phones, pagers or other electronic devices that are not essential to your health, as they interfere with the broadcasting and translation systems. We are not expecting any practice fire alarms this morning, so, if there is a fire alarm, the ushers will escort you from the room. I remind you that there is no need to touch the microphones, as doing so will disable the system. They are operated automatically.

9.31 a.m.

**Y Mesur Arfaethedig Bwyta'n Iach mewn Ysgolion (Cymru)—Cyfnod 2:  
Ystyried Gwelliannau  
Proposed Healthy Eating in Schools (Wales) Measure—Stage 2: Consideration of  
Amendments**

[2] **Rosemary Butler:** The purpose of today's meeting is to undertake Stage 2 proceedings on the Proposed Healthy Eating in Schools (Wales) Measure. I warmly welcome to the meeting Jenny Randerson, the Member in charge of the proposed Measure, and Gwyn Griffiths, her legal adviser. I also welcome Jane Hutt, the Minister for Children, Education, Lifelong Learning and Skills, and Iwan Roberts, her legal adviser. Good morning and welcome. We shall now move to the consideration of the amendments.

**Dyletswyddau Mewn Perthynas â Hybu Bwyta'n Iach Mewn Ysgolion (Gwelliannau 1,  
42, 3, 6, 8 a 12)  
Duties in Relation to the Promotion of Healthy Eating in Schools (Amendments 1, 42, 3,  
6, 8 and 12)**

[3] **Rosemary Butler:** The lead amendment in this first grouping of amendments is amendment 1 in the name of Jenny Randerson. Jenny, would you like amendment 1 in your name to be moved?

[4] **Jenny Randerson:** Yes, Chair.

[5] **Rosemary Butler:** I move amendment 1 in the name of Jenny Randerson. I call on Jenny Randerson to speak to amendment 1 and the other amendments in the group.

[6] **Jenny Randerson:** Thank you very much indeed, Chair. Before I speak very specifically to amendment 1, I want to make a couple of brief comments on issues that relate to the entire process. I am aware that no members of this committee were members of the Stage 1 committee, although I am sure that you are familiar with its report. I want to emphasise that the purpose of this proposed Measure has always been to work with the grain of the Government's policy, 'Appetite for Life', and to ensure that that policy becomes permanent by becoming enshrined in legislation.

[7] It goes beyond 'Appetite for Life' in gathering together certain other issues, such as the availability of school milk, which is the subject of an amendment later on, and the availability of water. It also goes beyond 'Appetite for Life' by including commitments to promote healthy eating, via the curriculum, for example, and ensuring that there are procedures for reporting and evaluation. I want to emphasise that, since the Stage 1 process—in fact, since I laid the proposed Measure—the Minister and I have worked very closely together, and increasingly so, on the detail of this proposed Measure.

[8] Amendment 1 follows discussions with the Minister and imposes new duties on local authorities and governing bodies to take action to promote healthy eating rather than, as it was originally cast, to exercise existing functions to do so. It takes into account the fact that Welsh Ministers have no direct responsibilities in relation to schools that can be said to relate to healthy eating. In general, headteachers have few responsibilities directly conferred on them, so we are amending that aspect. In moving this amendment and the other related amendments, the responsibilities to promote healthy eating are now placed on local authorities and governing bodies, as that is a more usual way of doing things.

[9] The amendment also removes the reference to the need for relevant authorities to have regard to relevant reputable scientific advice. That part of the amendment is included because the Stage 1 committee was specifically concerned about the possible difficulties arising from the interpretation of 'reputable scientific advice'. So, any decision on what constitutes healthy eating and drinking will be set out by the Welsh Ministers in guidance rather than being on the face of the proposed Measure. As a quid pro quo, I believe that a duty should be placed on the Welsh Ministers to issue that guidance. Since we have removed the reference to scientific advice, there should be a reference to the need for guidance that will explain what relevant reputable scientific advice is.

[10] The Stage 1 committee also recommended that the proposed Measure be strengthened to require the Welsh Ministers to issue guidance under section 1. Sub-section 6 of my amendment 1 does that. The difference between my amendment 1 and the Minister's amendment 42 is that it does not include a duty on the Welsh Ministers to issue guidance. In my amendment 1, I have sought, wherever possible, to reflect the recommendations of the Stage 1 committee, and that is a key difference between the two amendments.

[11] Amendment 1 also means that the proposed Measure no longer limits the duties to the time during which pupils are at school. It includes the promotion of healthy eating generally. It also moves the reference to sustainability to this proposed new section 1 from where it was previously, in section 3. There was a brief reference in section 3 to sustainability and to the importance of taking that into account. Witnesses to the Stage 1 committee as well as the committee members felt that I needed to consider where that definition was included, so it is now included at the start.

[12] My amendment 1 also places a duty on local authorities and governing bodies to consult with school councils. My intention was always for there to be extensive consultation. The lessons from England and Scotland are that healthy-eating measures work better when they are done in partnership and with extensive consultation. The consultation that I carried out on the draft proposed Measure gave a clear message that a provision on consultation should be included in the proposed Measure, and so amendment 1 provides for that. The Stage 1 committee also wanted an emphasis on consultation.

[13] The Minister's amendment 42 replicates sections 1 to 3; it is exactly the same in that regard, but it makes no provision for consultation with pupils through school councils and does not include a duty on the Welsh Ministers to issue guidance. Both issues came out clearly in consultation and in the Stage 1 committee as being important.

[14] The other amendments in the group are technical and give effect to the changes necessary if amendment 1 is agreed. For example, amendment 3 deletes section 3, because the definition of healthy eating is no longer necessary, as amendments elsewhere refer to drinking whenever healthy eating is mentioned. The reference to sustainability is now, as I said, in section 1, which is why that is there.

[15] I apologise for that explanation being so lengthy. I anticipate that that will be by far my lengthiest explanation. Many of the other amendments to the proposed Measure have similar themes.

[16] **Rosemary Butler:** Do not apologise; this is your opportunity. Do any committee members wish to speak on that?

[17] **Ann Jones:** I will wait to hear what the Minister says.

[18] **Rosemary Butler:** You cannot do that. Speak now or not at all.

[19] **Ann Jones:** In that case, I will not speak to this amendment.

[20] **Rosemary Butler:** Minister, would you like to comment?

9.40 a.m.

[21] **The Minister for Children, Education, Lifelong Learning and Skills (Jane Hutt):** I will start by saying how much I welcome this proposed Measure. It was the first Member proposed Measure and, as Jenny has said, we have worked together very closely on this legislation, which takes forward this important area of children's health and wellbeing, particularly in relation to 'Appetite for Life' initiatives. So, its overall objectives are entirely in line with those of the Welsh Assembly Government in that respect. Your point on working with the grain, Jenny, shows how we have sought to approach this together: it has been very collaborative. I congratulate Jenny on bringing forward this important proposed Measure. I hope that this approach will help us to progress the agenda, but there are issues about delivery, not only in raising unrealistic expectations, but also in not placing severe financial burdens on local authorities and schools as it is implemented. I see it very much as an enabling measure that will deliver policy objectives based on evidence of what works. We are in the action research stage of 'Appetite for Life', to see how we can deliver the aims and objectives of legislation of that kind.

[22] Going straight to the amendments, I am very supportive of the spirit of the first group of amendments. However, amendments 1 and 42 are very similar until we get to the point of placing a duty on Ministers and the issues relating to school councils. The point of placing a duty on Ministers is that we already have the power to issue guidance through a combination of powers under the Government of Wales Act 2006 and education legislation. So, we have the powers to issue the guidance as and when we think it appropriate. That is the strength of my case.

[23] If we move on to consulting school councils, there are problems about restriction in the consultation process, because nursery and infants schools, for example, do not have school councils. We have already underpinned participation in policy. We brought in school councils in 2005 through secondary legislation. We have a commitment to the United Nations Convention on the Rights of the Child and it is implicit in existing guidance. So, we do not think it appropriate to put it on the face of the proposed Measure, but I go back to the point about having the powers to issue guidance that can reflect the importance of participation, which I take on board fully. I recognise that much of the detail has changed as a result of the

Stage 1 committee consideration, and our subsequent detailed ministerial and backbench discussions on how we can deliver this proposed Measure most effectively.

[24] On a technical point, if amendment 42 is accepted, amendments 6, 8 and 12, which deal with section 6, would not be necessary, and I would be happy to support amendment 3. I urge support for amendment 42 as the most appropriate way of delivering the spirit of section 1.

[25] **Rosemary Butler:** Jenny Randerson, do you want to make any comments?

[26] **Jenny Randerson:** Yes, I would like to respond to that.

[27] On school councils, sub-section (4)(a) of my amendment 1 makes it quite clear that consultation would be with the school councils of any school 'which has one', so it deals with the issue of nursery and infants schools not having school councils, although primary schools do. I am trying to reflect the views of the Stage 1 committee and the witnesses who gave evidence to the consultation. They expressed their views very strongly on this. In many respects, I am between the devil and the deep blue sea on this, in that the Stage 1 committee wanted it to be more prescriptive and radical and the Minister wants it to be less prescriptive and radical. I have tried to tread a path in between the two, but I felt that certain parts of the Stage 1 committee's report were absolutely fundamental. The issue of consultation is fundamental and is on the face of the proposed Measure. I have absolute faith in the Minister, her commitment to this policy, her commitment to issuing guidance and her commitment to consultation. I know that that is the Minister's commitment and the Minister's style; it has been the style of the Government over a number of years. However, the purpose of legislation is to see us through a change of Government, which may have different priorities, different commitments and a different style. I believe that we need that safety net of references to issuing guidance. I am not trying to prescribe what is in that guidance, but am simply saying that guidance should be issued and that there should be consultation.

[28] **Rosemary Butler:** Do you wish to proceed to a vote on amendment 1 or do you wish to withdraw it?

[29] **Jenny Randerson:** I wish to proceed to a vote.

[30] **Rosemary Butler:** The question is that amendment 1 be agreed to. I call for a vote.

*Gwelliant 1: O blaid 2, Ymatal 0, Yn erbyn 3.*

*Amendment 1: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Burnham, Eleanor  
Ramsay, Nick

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Asghar, Mohammad  
Jones, Ann  
Lewis, Huw

*Gwrthodwyd gwelliant 1.  
Amendment 1 not agreed.*

[31] **Rosemary Butler:** We now come to dispose of amendment 42, on page 3 of the marshalled list. Would you like this amendment to be moved in your name, Minister?

[32] **Jane Hutt:** Yes, I would.

[33] **Rosemary Butler:** I move amendment 42 in the name of Jane Hutt. The question is

that amendment 42 be agreed to. I call for a vote.

*Gwelliant 42: O blaid 3, Ymatal 0, Yn erbyn 2.  
Amendment 42: For 3, Abstain 0, Against 2.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Asghar, Mohammad  
Jones, Ann  
Lewis, Huw

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Burnham, Eleanor  
Ramsay, Nick

*Derbyniwyd gwelliant 42.  
Amendment 42 agreed.*

**Dyletswydd Gweinidogion Cymru ynglŷn â'r Cwricwlwm (Gwelliannau 2 a 43)  
Duties on Welsh Ministers in relation to the Curriculum (Amendments 2 and 43)**

[34] **Rosemary Butler:** The lead amendment of this group is amendment 2, on page 3 of the marshalled list. Jenny, would you like amendment 2 in your name to be moved?

[35] **Jenny Randerson:** Yes, please.

[36] **Rosemary Butler:** I move amendment 2. I call on Jenny Randerson to speak to amendment 2 and the other amendment in the group.

[37] **Jenny Randerson:** Following on from the amendment to section 1 that we have just dealt with, amendment 2 places an important duty on Welsh Ministers,

[38] 'when exercising their functions relating to the curriculum...to have regard to the aim of promoting healthy eating and drinking'

[39] and in making regulations under section 7 of the proposed Measure. The regulations under section 7, by way of explanation, relate to the food and drink provided on school premises. The Minister's amendment, amendment 43, which deals with the same issue, seeks to delete that section completely. So, if the Minister's amendment is agreed, there will be no specific duties on Welsh Ministers in relation to healthy eating and no provision for the curriculum to reflect the duties placed on local authorities and governing bodies to take action to promote healthy eating. Once again, my amendment exists because the Stage 1 committee supported placing a duty on Welsh Ministers in respect of the curriculum. I urge Members to consider that, if there is no obligation in relation to the curriculum to promote healthy eating, you are striking at the heart of any attempt to promote healthy eating and you are making it much more difficult for schools to promote healthy eating within the day-to-day work of the school. It has to be embedded in the curriculum. It does not specify how you do it or the extent to which you do it, simply that there has to be a duty to promote healthy eating and drinking in the curriculum.

9.50 a.m.

[40] **Rosemary Butler:** Do any Members wish to speak on this amendment?

[41] **Ann Jones:** Is the curriculum not dealt with in other legislative competences? Would putting the curriculum in here cloud this proposed Measure? I am reading the Stage 1 committee report, but I just feel that, should we actually put it in the curriculum, we have already accepted that you cannot force local authorities too much. Part of what we are trying to do here is to get them involved in this. If we try to put a direction on the Ministers,



whoever the Minister may be, I think that we cloud this issue.

[42] **Rosemary Butler:** Would you like to respond to that, Jenny?

[43] **Jenny Randerson:** Currently, there is no obligation to use the curriculum in this way. All those who gave evidence who had an interest in healthy eating acknowledged that you would deal with the promotion partly through activities of a general nature within the school, and partly through information provided by the local authority, but, fundamentally, you would do it through the curriculum. If you do not do it through the curriculum, it does not get reflected on the display boards in schools and it does not get its fair share of time in terms of the priority and importance placed on the issue within the school. We all know that the school day is crowded. If you have to do something for the curriculum, it will obviously get priority over everything else. I think that you will seriously reduce the impact of the proposed Measure if you do not have promotion via the curriculum. Once again, the Minister may well say, 'I have a commitment', or words to that effect, to reflect these things in the curriculum, but a future Minister may not do so. That is the point of having legislation.

[44] **Rosemary Butler:** Thank you. I think that I veered from the procedure. Does any other Member wish to speak? No. Do you want to comment, Minister?

[45] **Jane Hutt:** This goes back to some of the points that we made under the first set of amendments in that we are seeking to underpin the strength of Government policy through the 'Appetite for Life' initiative and programme, which is under way now, with legislative backing, which I welcome, through this proposed Measure. However, I am seeking an enabling route, rather than placing a duty. As Ann said, we have powers under the Education Act 2002. We have used these powers in providing guidance on the curriculum. I have the enabling powers to ensure that the curriculum is geared towards promoting healthy eating and wellbeing generally. In fact, section 7, as it stands, would similarly give enabling powers. If amendment 42 is agreed, it would reinforce the need for local authorities and governing bodies to have regard to guidance issued in respect of promoting healthy eating in schools.

[46] An example of how I have used that already is the guidance on food and fitness in the curriculum, which I issued in January. Therefore, the promotion of healthy eating and drinking will be one of the factors that any Government, particularly the Welsh Assembly Government, will consider when deciding whether or not to make regulations under section 7 of this proposed Measure. I do not believe that amendment 2 is required; and in proposing amendment 43, I believe that this would confer on us the flexibility of an enabling power, fitting in with the current ethos of curriculum legislation.

[47] **Rosemary Butler:** Jenny, do you want to come back on that?

[48] **Jenny Randerson:** No, thank you.

[49] **Rosemary Butler:** Do you wish to proceed to a vote on amendment 2, or do you wish to withdraw it?

[50] **Jenny Randerson:** I wish to proceed to a vote.

[51] **Rosemary Butler:** The question is that amendment 2 be agreed to. I call for a vote.

*Gwelliant 2: O blaid 2, Ymatal 0, Yn erbyn 3.*

*Amendment 2: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Burnham, Eleanor  
Ramsay, Nick

Asghar, Mohammad  
Jones, Ann  
Lewis, Huw

*Gwrthodwyd gwelliant 2.  
Amendment 2 not agreed.*

[52] **Rosemary Butler:** We now come to dispose of amendment 43 on page 4 of the marshalled list. Minister, would you like this amendment in your name to be moved?

[53] **Jane Hutt:** Yes, Chair.

[54] **Rosemary Butler:** I formally move amendment 43 in the name of Jane Hutt. The question is that amendment 43 be agreed to. I call for a vote.

*Gwelliant 43: O blaid 3, Ymatal 0, Yn erbyn 2.  
Amendment 43: For 3, Abstain 0, Against 2.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Asghar, Mohammad  
Jones, Ann  
Lewis, Huw

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Burnham, Eleanor  
Ramsay, Nick

*Derbyniwyd gwelliant 43.  
Amendment 43 agreed.*

[55] **Rosemary Butler:** In accordance with the marshalled list, we will now vote on amendment 3, which was discussed as part of group 1, and deals with duties in relation to the promotion of healthy eating in schools. Jenny, would you like this amendment in your name to be moved?

[56] **Jenny Randerson:** Yes, Chair.

[57] **Rosemary Butler:** I move amendment 3 in the name of Jenny Randerson. The question is that amendment 3 be agreed to. I call for a vote.

*Gwelliant 3: O blaid 5, Ymatal 0, Yn erbyn 2.  
Amendment 3: For 5, Abstain 0, Against 2.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Asghar, Mohammad  
Burnham, Eleanor  
Jones, Ann  
Lewis, Huw  
Ramsay, Nick

*Derbyniwyd gwelliant 3.  
Amendment 3 agreed.*

**Adroddiadau Llywodraethwyr (Gwelliannau 4 a 44)  
Governor's Reports (Amendments 4 and 44)**

[58] **Rosemary Butler:** The lead amendment of this group is amendment 4, on page 4 of

the marshalled list. Jenny, would you like amendment 4 in your name to be moved?

[59] **Jenny Randerson:** Yes, Chair.

[60] **Rosemary Butler:** I move amendment 4 in the name of Jenny Randerson, and call on Jenny Randerson to speak on amendment 4 and the other amendment in the group.

[61] **Jenny Randerson:** I would point out to members of the committee that the significant difference between these two amendments is only that the very last part of my amendment,

[62] ‘the extent to which that action appears to have been successful’,

[63] is not included in the Minister’s amendment. My amendment 4 removes the need for the Government to issue regulations in respect of matters to be dealt with in governors’ reports. The obligation is placed instead on the face of the proposed Measure. There is no difference between me and the Minister in that respect. The Government’s amendment 44 takes the same approach, but the difference is that it removes the need for governors’ reports to identify the success of actions to promote healthy eating.

[64] The Stage 1 committee laboured long and hard on this point, and reached its conclusions after considerable work. Its report stated:

[65] ‘We recognise the importance of monitoring and evaluating progress made in taking forward the healthy eating agenda and accept the assertion of Jenny Randerson AM and others that it will help ensure sufficient priority is afforded to this issue on an ongoing basis’.

[66] I believe that evaluation is essential to the success of this Measure. There is no point in having policies if you do not evaluate them; or rather, they could be totally ineffective if you do not evaluate them. They might be going in the wrong direction. I do not think that you would be in a position to promote good practice if you did not have a way of evaluating whether the practice in school A or local authority A is better than in school B or local authority B. You will not have any grounds for deciding what is working and what is not unless you have some form of evaluation. It is, therefore, necessary for the proposed Measure to state that the progress should be identified in governors’ reports. It does not prescribe how that is done; it entirely down to the Government to issue guidance, or for local authorities to develop good practice in this regard.

[67] **Rosemary Butler:** Does anyone wish to speak on that?

10.00 a.m.

[68] **Ann Jones:** I know where Jenny is coming from; I can understand that, and I have no problem with evaluation. Many will know that I believe that, unless we can get a change in legislation, we should be pushing for that. However, with regard to establishing whether the action has been successful, at what point could you say that success has been achieved? Would it be a case of saying that a child of five entering a primary school that promotes healthy eating deciding at 15, in secondary school, that they want to go to McDonalds only once a week instead of every day and sees that as part of eating healthily was an example of success? Or would you measure success by the fact that, in the first year of attending school, a child stopped bringing in fizzy drinks and instead had water or a still drink? How will governors be able to measure success in a school? A great deal of this is about attempting to educate the child in healthy eating, therefore, a great deal of it demands some attention in their home lives, and I wonder how governing bodies will deliver this. If they could not deliver on that, would that mean that they had failed, and would that give Estyn an

opportunity to say that a school was failing?

[69] **Huw Lewis:** I am also worried about the onus upon governors to look into issues to do with the efficacy and monitoring of what is essentially a public health question. I do not see how governors with an already heavy burden of work could do anything other than resort to box-ticking or anecdotal reporting. The success of a policy such as this is measurable only over a long period of time and, really, only by the public health authorities rather than by school governors.

[70] **Eleanor Burnham:** When I worked with kids who had behavioural problems in schools—they were 14 to 16-year-olds—across three counties in north-east Wales, I was given an enormous amount of academic evidence, as well as anecdotal evidence and common sense. Healthy eating is a prerequisite for being able to sit down, concentrate and actually learn—to overcome the barriers to learning. It is incumbent upon us to try to support governors to do everything they can, because education encompasses behavioural issues and the ability of young people to learn, and there is such a lot of evidence to suggest that healthy eating is part of the whole educational experience. It is important to carry out this monitoring. If you are asking why we should monitor this, you could ask why we monitor anything. It is a scientific method for looking at what has happened and to evaluate whether what has happened is correct and how we can best improve or change. I think that it is common sense to expect some small evaluation as part of the whole life of the school, because that is exactly what governors and parents want—for children to be educated in that complete sense.

[71] **Jane Hutt:** There is really no difference at all here now that we have this expectation of governing bodies to report on action to promote healthy eating and drinking; indeed, it is a major step forward. However, there is this question of how we could expect governing bodies to monitor something that, as Huw said, is a public health issue. Ann also asked how we could expect governing bodies to evaluate this. Picking up on what Eleanor said, the purpose of our very similar amendment—amendment 44—is to ensure that governing bodies identify in their report what actions they have taken to promote healthy eating and drinking. That report will be available to parents, guardians and pupils, and that information will also be used by Estyn as part of its cycle of inspection reports—I will come to the role of chief inspector. It could also undertake thematic reviews, which could have more of an evaluative effect across Wales. So, I do not believe that we are taking a different direction on the important role of governing bodies. There are new reporting functions, but I do not believe that we could deliver the second part on their having to be responsible for reporting on the success of their actions and measuring it.

[72] **Rosemary Butler:** I call on Jenny Randerson to reply to the debate.

[73] **Jenny Randerson:** When I was preparing the proposed Measure, I went around a number of schools that took pride in developing healthy eating policies. Some local authorities were doing it much more proactively than others. I asked them all how successful they had been. The answer was always couched in terms of the enthusiasm of the pupils and of the basic take-up of school meal sales from the machines once they had removed the fizzy drinks and the sweets and so on. There was a great deal of concern that if you introduce a healthy eating regime too rapidly, too suddenly, without promotion or careful measurement, you are in danger of experiencing what happened in many schools in England where the fall-off of the take-up of school meals was disastrous. It has picked up considerably now, but, to begin with, the impact was very bad indeed because people had not analysed it and taken it carefully, and so on. So, schools in Wales have been very careful—and I fully agree with that policy—to do things more gradually, to accompany the new menus with promotion and consultation. The successful schools have been doing that. However, there are many less successful schools and less successful local education authorities that are still trying to catch up. That is one reason why the proposed Measure is necessary.

[74] Therefore, I would say to Huw and Ann that you measure it in the way in which schools have been measuring it: you measure the take-up of the offer of school lunches and the sales of fruit from the school tuck shop. I went to schools that said that they tried to offer fruit but no-one bought it, so they would not be reporting success, would they? They would be reporting that they had to find a different way of doing it. Indeed, I was at the meeting of a governing body recently where it was reported that it tried to offer certain foods but it did not work and so it ended up offering something else. That is what we are talking about. I accept entirely that there is an issue—and Ann makes this point—about how precise you can be. That is why the word ‘appears’ has been included. You can judge only by the signs. They could be going home via McDonald’s, drinking two litres of Coke. However, if they have taken up the school offer, then that is a sign that it has worked. I also came across schools that have done a lot through questionnaires for pupils. They have asked them what they liked, what they did not like, whether they had school lunches and if they did not, why they did not. So, a lot of that has been done through consumer questionnaires.

[75] Finally, as the Minister said, Estyn will be developing the reporting mechanisms for this. I would expect schools to mirror that, to a certain extent.

[76] **Rosemary Butler:** Jenny, do you wish to proceed to a vote on amendment 4?

[77] **Jenny Randerson:** Yes, please.

[78] **Rosemary Butler:** The question is that amendment 4 be agreed to. I call for a vote.

*Gwelliant 4: O blaid 2, Ymatal 0, Yn erbyn 3.  
Amendment 4: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Burnham, Eleanor  
Ramsay, Nick

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Asghar, Mohammad  
Jones, Ann  
Lewis, Huw

*Gwrthodwyd gwelliant 4.  
Amendment 4 not agreed.*

[79] **Rosemary Butler:** We now come to dispose of amendment 44 in the name of Jane Hutt. Minister, would you like amendment 44 in your name to be moved?

[80] **Jane Hutt:** Yes, Chair.

[81] **Rosemary Butler:** I move amendment 44 in the name of Jane Hutt. The question is that amendment 44 be agreed to. I call for a vote.

10.10 a.m.

*Gwelliant 44: O blaid 3, Ymatal 0, Yn erbyn 2.  
Amendment 44: For 3, Abstain 0, Against 2.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Asghar, Mohammad  
Jones, Ann  
Lewis, Huw

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Burnham, Eleanor  
Ramsay, Nick

*Derbyniwyd gwelliant 44.  
Amendment 44 agreed.*

**Swyddogaethau'r Prif Arolygydd (Gwelliannau 5, 45, 9, 10 ac 11)  
Functions of the Chief Inspector (Amendments 5, 45, 9, 10 and 11)**

[82] **Rosemary Butler:** The lead amendment is amendment 5 in the name of Jenny Randerson, which is grouped with amendments 45, 9, 10 and 11. Jenny, would you like amendment 5 in your name to be moved?

[83] **Jenny Randerson:** Yes, Chair.

[84] **Rosemary Butler:** I move amendment 5 in the name of Jenny Randerson. I call on Jenny Randerson to speak to amendment 5 and the other amendments in the group.

[85] **Jenny Randerson:** Amendment 5 reflects my discussions with Estyn and with the Minister. They considered that the provision for inspection arrangements in the original proposed Measure might be overly burdensome, particularly in light of the fact that Estyn has been reviewing its common inspection framework. The general trend now is to make inspections more proportionate to need and based on an assessment of risk. This amendment allows healthy eating to be considered within inspections without the need for an overly prescriptive inspection regime.

[86] Amendment 9 is as a consequence of amendment 5 and clarifies the role of the chief inspector. It clarifies on the face of the proposed Measure that it relates to section 20(1)(g) of the Education Act 2005. So, it is a technical point that is consequential to the previous amendments. Amendments 10 and 11 are technical and relate to the definition of the chief inspector, which is included in section 15 of the proposed Measure.

[87] The Minister's amendment 45 is identical in its effect to my amendment 5, but takes a different approach to how the Education Act 2005 is quoted. The approach taken throughout the proposed Measure is to refer to the relevant Act by year and then to include a list of those Acts in the interpretation section, which is section 15 of the proposed Measure. It is worth noting, at this point, that a number of amendments, as we go through this, are an issue of style. They have no legal consequence as far as we can see. The Government has a certain style of writing legislation. I have had legal advice and have adopted a simpler style, which I thought was appropriate to a private Member proposed Measure—I am trail-blazing in this respect. It has not been explained to me that it is legally different. It is simply a matter of style: do we want the more complex style that the Government has adopted or do we want a simple style for what is a relatively simple proposed Measure? Private Members' measures in other legislatures are traditionally written more simply than Government legislation and I like our style.

[88] **Rosemary Butler:** Do any Members wish to speak? I see not. Minister, would you like to comment?

[89] **Jane Hutt:** Yes. We both fully agree on Estyn coming in and reporting as a result of this proposed Measure. These technical issues are a matter of drafting style. However, I would argue that it might be simpler to include the Education Act 2005 in its full title because it is only referred to once in the proposed Measure and it would not need to be defined in the interpretations section. So, it is there and it stands.

[90] **Rosemary Butler:** Jenny, do you wish to reply to the debate?

[91] **Jenny Randerson:** No.

[92] **Rosemary Butler:** Do you wish to proceed to a vote on amendment 5?

[93] **Jenny Randerson:** Yes, I wish to proceed to a vote.

[94] **Rosemary Butler:** The question is that amendment 5 be agreed to. I call for a vote.

*Gwelliant 5: O blaid 2, Ymatal 0, Yn erbyn 3.  
Amendment 5: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Burnham, Eleanor  
Ramsay, Nick

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Asghar, Mohammad  
Jones, Ann  
Lewis, Huw

*Gwrthodwyd gwelliant 5.  
Amendment 5 not agreed.*

[95] **Rosemary Butler:** We now come to dispose of amendment 45, on page 5 of the marshalled list. Minister, would you like amendment 45 in your name to be moved?

[96] **Jane Hutt:** Yes.

[97] **Rosemary Butler:** I move amendment 45 in the name of Jane Hutt. The question is that amendment 45 be agreed to.

*Gwelliant 45: O blaid 3, Ymatal 0, Yn erbyn 2.  
Amendment 45: For 3, Abstain 0, Against 2.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Asghar, Mohammad  
Jones, Ann  
Lewis, Huw

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Burnham, Eleanor  
Ramsay, Nick

*Derbyniwyd gwelliant 45.  
Amendment 45 agreed.*

#### **Adroddiadau gan Weinidogion Cymru (Gwelliant 46) Reports by the Welsh Ministers (Amendment 46)**

[98] **Rosemary Butler:** In this group, the only amendment to consider is amendment 46, which concerns reports by the Welsh Ministers. Minister, would you like amendment 46 in your name to be moved?

[99] **Jane Hutt:** Yes, please.

[100] **Rosemary Butler:** I move amendment 46 in the name of Jane Hutt and I call on the Minister to speak to the amendment.

[101] **Jane Hutt:** Thank you, Chair. I agree that it is important that information is made available to the public about the actions taken by governing bodies and local authorities to promote healthy eating in schools. I believe that the proposed Measure achieves that objective

without the need for section 6, because we all know that the majority of decisions about what goes on in schools are made in practice by governing bodies. Section 4 of the proposed Measure already ensures that each governing body, as we have discussed, will have set out what is to be done to promote healthy eating in the school. Section 5 also ensures that Estyn can provide information about the actions taken by governing bodies. I believe that, in accordance with my amendments, Welsh Ministers would already have enabling powers to make regulations under section 7, to issue guidance under sections 1 and 10, to ask Estyn to provide information about actions taken to promote healthy eating, to commence the proposed Measure under section 16 and to exercise their default functions and powers provided by the Education Act 1996. So, I believe that section 6 is not necessary in this respect.

[102] **Rosemary Butler:** Do any Members wish to speak?

[103] **Jenny Randerson:** Yes, I do. I believe that it is important that the proposed Measure places a duty on Welsh Ministers to report on progress with healthy eating. As I have said previously, the need for evaluation is important. The Stage 1 committee acknowledged the concerns about the potential administrative and bureaucratic burdens, but it said:

[104] ‘the arrangements provided for in the proposed Measure will, in practice, largely amount to an extension and change in focus of existing arrangements. On this basis, we support, in principle, the reporting and inspection arrangements provided for in Sections 4, 5 and 6.’

[105] So, once again, I am trying to reflect what the Stage 1 committee recommended. I believe that in seeking to amend this in this way, the Minister is departing from the recommendations of the committee and from the original intention of the proposed Measure.

[106] **Rosemary Butler:** I call on the Minister to reply.

[107] **Jane Hutt:** I just want to repeat that I have listed the responsibilities in terms of the enabling powers of functions and that, in terms of implementing those functions, there would be consultation, there would be publicity and there would be Estyn’s report that the Welsh Ministers were issuing guidance or making regulations. So, I do not believe that a report by Ministers is necessary, because, through the enabling powers, we are giving the powers to those who have the responsibility to deliver and the national view and perspective of that would be quite clear from the Ministers’ powers.

[108] **Rosemary Butler:** Minister, do you wish to proceed to a vote on amendment 46 or withdraw it?

[109] **Jane Hutt:** I wish to proceed to a vote.

[110] **Rosemary Butler:** The question is that amendment 46 be agreed to. I call for a vote.

*Gwelliant 46: O blaid 3, Ymatal 0, Yn erbyn 2.  
Amendment 46: For 3, Abstain 0, Against 2.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Asghar, Mohammad  
Jones, Ann  
Lewis, Huw

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Burnham, Eleanor  
Ramsay, Nick

*Derbyniwyd gwelliant 46.  
Amendment 46 agreed.*



10.20 a.m.

[111] **Rosemary Butler:** As amendment 46 has been agreed to, amendments 6, 7, 8, 9, 10, 11 and 12 in the name of Jenny Randerson fall.

*Methodd gwelliannau 6, 7, 8, 9, 10, 11 a 12.  
Amendments 6, 7, 8, 9, 10, 11 and 12 fell.*

**Ysgolion a Gynhelir (Gwelliannau 7, 13, 16, 18, 19 a 49  
Maintained Schools (Amendments 7, 13, 16, 18, 19 and 49))**

[112] **Rosemary Butler:** This is group 6. Sorry, I got the wrong number there. This is the fifth grouping of amendments, and it is in relation to maintained schools. Given that amendment 46 has been agreed to, and amendment 7 has fallen—. It is group 6. Sorry, I have '6' written down as a number, but 'five' in the wording of the script. I do beg your pardon. I will just repeat that: this is the sixth grouping of amendments, in relation to maintained schools. Given that amendment—

[113] **Ann Jones:** Sorry, Chair. I am confused. Did you just say that amendment 7 has fallen because we have agreed to amendment 46?

[114] **Rosemary Butler:** You are quite right; I did.

[115] **Ann Jones:** As amendment 7 in group 6 has fallen, and it was the lead amendment in this group, can I have clarification as to what happens?

[116] **Rosemary Butler:** I will just read it, because I think the script is wrong. Given that amendment 46 has been agreed to and amendment 7 has fallen—I think that we are back to Jenny Randerson's point about simple English here—the lead amendment will be the next amendment in the group, and that is amendment 13, on page 8 of the marshalled list. Are we all comfortable with that? I see that we are. Jenny, would you like amendment 13 in your name to be formally moved?

[117] **Jenny Randerson:** Yes, Chair.

[118] **Rosemary Butler:** I move amendment 13 in the name of Jenny Randerson. I call on Jenny Randerson to speak to that and the other amendments in the group.

[119] **Jenny Randerson:** These are purely technical amendments following discussions with the Minister. They propose that the term 'local authority' be defined in section 15 of the proposed Measure. This follows the recent pattern of legislation, and will be defined as 'local authorities' rather than as 'local education authorities'. Apparently, the term 'local education authorities' is being phased out. It is my belief that the Minister is content with this proposal, but, obviously, she will explain.

[120] **Jane Hutt:** The Government is in agreement with amendments 13, 16, 18 and 19. Also, we would agree to technical amendment 49, as it links to Jenny Randerson's speaking point.

[121] **Rosemary Butler:** Jenny Randerson, have you any further comments?

[122] **Jenny Randerson:** No.

[123] **Rosemary Butler:** While it is usual at this point in proceedings to vote on the lead

amendment, in accordance with the marshalled list, we will return to vote on amendment 13 later in the proceedings. As amendments 8, 9, 10, 11 and 12 have fallen, we will now move on to discuss group 7. Are we all clear on that?

[124] **Ann Jones:** Yes, absolutely.

[125] **Rosemary Butler:** Fine. I am glad that you were listening carefully earlier on, Ann. Thank you very much.

**Gofynion ynglŷn â Bwyd a Diod a Ddarperir ar Fangre Ysgol  
(Gwelliannau 55, 47, 15 a 48)  
Requirements for Food and Drink Provided on School Premises  
(Amendments 55, 47, 15 and 48)**

[126] **Rosemary Butler:** The lead amendment in this group is amendment 55 in the name of Paul Davies, on page 8 of the marshalled list. I call on Nick Ramsay to move amendment 55 in the name of Paul Davies and to speak to other amendments in the group.

[127] **Nick Ramsay:** I move amendment 55 in the name of Paul Davies.

[128] Section 8 deals with drinking water in schools, and we feel that it is important to the proposed Measure as a whole. The importance of a plentiful supply of drinking water cannot be ignored. The amendments that we propose supplement section 8(1), which states that:

[129] ‘A local education authority in Wales must ensure that a supply of drinking water is available, free of charge, on the premises of any school which it maintains.’

[130] I think that would be pretty universally accepted, but we think that that is a rather broad and vague definition of the supply of water. Amendment 55 therefore proposes that it must not only be on the premises of a school, but be accessible to pupils and, where possible, sourced from the mains supply.

[131] **Rosemary Butler:** Hold on. I think that you are speaking to the wrong amendments.

[132] **Nick Ramsay:** I humbly apologise, Chair. My papers are in the wrong order. I will depart from the script in the tradition of the Chair.

[133] **Rosemary Butler:** It was very interesting, but it was the wrong amendment.

[134] **Nick Ramsay:** Amendment 55 is straightforward, and it is about the replacement of ‘may’ with ‘must’, which enhances the obligation; I do not need to say any more than that. Replacing ‘may’ with ‘must’ increases the weight of this in a way that is desirable.

[135] **Ann Jones:** I now know what he has to say on the next amendment. On this amendment, I usually like to have very strong wording and so you would probably expect me to vote for it. However, I am concerned about putting ‘must’ in section 7(2), as it would then state that the regulations must provide maximum amounts of fat, salt, sugar and artificial additives that the food or drink to which the regulations apply can contain. I have difficulty with that, because I do not think that we know, definitively, what the maximum amounts are. For some people, the maximum amount of fat is okay but for others it could be damaging. It is the same with salt and sugar. To include ‘must’ in the wording would mean that we are leading ourselves into the realm of not being able to provide this. How will schools feel if they are not able to do that, or if Ministers are not able to include that definition in regulations? It would be a shame to do that. In this instance, the word ‘may’ means a far more gentle approach. When we eventually have all the information together, the regulations and

guidance can be amended at future dates.

[136] **Jane Hutt:** To follow on from what Ann said, there is little more to say except that placing a duty is premature because ‘Appetite for Life’ enables us to gather evidence. After that evidence, proper analysis of the regulations could be made. So, it is premature to place that duty to set maximum levels at this stage.

[137] **Jenny Randerson:** As currently proposed, section 7 is based on section 114(a) of the School Standards Framework Act 1998, and it has been brought into the proposed Measure to ensure that all of the relevant legislation about nutritional standards in schools is dealt with in one place. It also adds in sub-section 2 a specific requirement to specify maximum levels of fat, sugar, salt and artificial additives, where Ministers make regulations under this provision. With the exception of amendment 15, all of the amendments in this group deal with how prescriptive the proposed Measure is. I know that the Minister’s concern is that while she had discretion under section 7(1) to make regulations, if she did so she would be required to impose specific maximums in respect of fats, salt, sugar and artificial additives. The Minister’s amendments 47 and 48 seek to remove the need for Welsh Ministers to include in any regulations that they make a reference to maximum levels, and only provide that they may include this provision in regulations. I take on board what the Minister has just said, that she regards this as premature because ‘Appetite for Life’ is still in its pilot stages. However, these four measures are well-known and used throughout the UK and the world by various agencies as the way in which you measure the nutritional content of food. Too much of these is regarded, the world over, as being bad for you. If the Minister has concerns about specifying this, the amendment does not tell her what the maximum should be, just that there needs to be a maximum; she could set the maximum generously. The whole idea behind this approach is that it is gradual and that things could be tightened up over a period of time, because there is no point in setting a maximum so stringently that it becomes unworkable or that no-one eats school food any more. We must take a realistic approach.

10.30 a.m.

[138] Amendment 55, tabled by Paul Davies, to which Nick has just spoken, goes further than the current provision and further than what I have said, seeking to place a requirement on Welsh Ministers to ensure that they must make regulations. I accept entirely that the Conservative amendment takes on board a recommendation made by the Stage 1 committee. As I have said before, the difficulty that I have had is that I have been trying to do a balancing act between the recommendations of the committee, which wanted everything to be stringent and tightened up, and reflecting the real concerns of the Minister. What is the point of the Stage 1 committee if we ignore all its recommendations? It undermines the whole point of consultation if we do not reflect its recommendations. On this occasion, I took the view that I would seek the middle ground, stick with what I had and leave section 7 intact, save for the technical amendments that we will come to later. The Minister wants to relax this a bit, and I understand entirely Nick’s viewpoint in wanting to tighten it up. My instinct was to do what the Stage 1 committee recommended, but, on mature reflection, I decided that I understood the Minister’s concerns.

[139] Briefly, my final point is that amendment 15 is based on information that I received from the British Dietetic Association, which said that there was a need to refer to saturated fat in the regulations. If the committee supports my approach, I give you notice that I will bring forward a further technical amendment at Stage 3 to clarify that it will include fat and saturated fat, because there is a minor error there. I seek support from Members for the inclusion of the reference to saturated fat.

[140] I leave it to Members to decide whether they want the proposed Measure strengthened in line with Stage 1 committee recommendations, whether they want it left as it

is, or whether they want to take the Minister's more relaxed approach.

[141] **Rosemary Butler:** I will call on Nick Ramsay to reply to the debate, but a few Members seem to wish to make a point.

[142] **Ann Jones:** I wish to raise a point for clarification. Amendment 48, in the name of the Minister, which is in the same group, seeks to insert:

'(c) specify maximum amounts of—

(i) fat;

(ii) saturated fat;

(iii) salt; and

(iv) sugar'.

[143] Will the Member in charge of the proposed Measure consider supporting amendment 48 and withdrawing amendment 15?

[144] **Jane Hutt:** That was the point that I was going to make, because we could deal with the fats at this stage, if there were support for amendment 48.

[145] **Jenny Randerson:** I do not want to withdraw my amendment, because, as I have just explained, I am aware of the error of not including fat and saturated fat and I have just given an undertaking that, if you support my philosophical approach, I will bring forward that amendment.

[146] **Rosemary Butler:** I call on Nick to reply to the debate.

[147] **Nick Ramsay:** Briefly, I stand by our amendment, which I think is in the spirit of the Stage 1 process. Having said that, I take on board what the Minister and Jenny Randerson have said. I appreciate that Members may take different views but I stand by this amendment and I think that the inclusion of 'must' strengthens the proposed Measure.

[148] **Rosemary Butler:** Nick Ramsay, do you wish to proceed to a vote on amendment 55 or withdraw it?

[149] **Nick Ramsay:** I wish to proceed to a vote, Chair.

[150] **Rosemary Butler:** The question is that amendment 55 be agreed to. I call for a vote.

*Gwelliant 55: O blaid 2, Ymatal 0, Yn erbyn 3.*

*Amendment 55: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Burnham, Eleanor  
Ramsay, Nick

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Asghar, Mohammad  
Jones, Ann  
Lewis, Huw

*Gwrthodwyd gwelliant 55.  
Amendment 55 not agreed.*

[151] **Rosemary Butler:** We now come to dispose of amendment 13 in the name of Jenny Randerson. This amendment has already been discussed as part of group 6 and the amendment has already been moved. Jenny Randerson, do you wish to proceed to a vote on amendment 13 or withdraw it?

[152] **Jenny Randerson:** I wish to proceed to a vote, Chair.

[153] **Rosemary Butler:** The question is that amendment 13 be agreed to. I call for a vote.

*Gwelliant 13: O blaid 5, Ymatal 0, Yn erbyn 0.  
Amendment 13: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Asghar, Mohammad  
Burnham, Eleanor  
Jones, Ann  
Lewis, Huw  
Ramsay, Nick

*Derbyniwyd gwelliant 13.  
Amendment 13 agreed.*

**Awdurdodau Lleol (Gwelliannau 14, 17, 20, 21 a 22)  
Local Authorities (Amendments 14, 17, 20, 21 and 22)**

[154] **Rosemary Butler:** The lead amendment is amendment 14 in the name of Jenny Randerson, which is grouped with amendments 17, 20, 21 and 22. Jenny Randerson, would you like amendment 14 in your name to be moved?

[155] **Jenny Randerson:** Yes, Chair.

[156] **Rosemary Butler:** I move amendment 14 in the name of Jenny Randerson. I call on Jenny Randerson to speak to amendment 14 and to the other amendments in the group.

[157] **Jenny Randerson:** These are technical amendments, presented after discussion with the Minister. They simply propose that the terms 'local authority' and 'maintained schools' should be defined in section 15 of the proposed Measure.

[158] **Rosemary Butler:** Do any Members wish to speak? I see that you do not. I therefore call on the Minister to respond.

[159] **Jane Hutt:** I accept all of the amendments.

[160] **Rosemary Butler:** Do you have any further comments to make, Jenny? I see that you do not. Jenny Randerson, do you wish to proceed to a vote on amendment 14 or withdraw it?

[161] **Jenny Randerson:** I wish to proceed to a vote, Chair.

[162] **Rosemary Butler:** The question is that amendment 14 be agreed to. I call for a vote.

*Gwelliant 14: O blaid 5, Ymatal 0, Yn erbyn 0.  
Amendment 14: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Asghar, Mohammad  
Burnham, Eleanor  
Jones, Ann  
Lewis, Huw  
Ramsay, Nick

*Derbyniwyd gwelliant 14.  
Amendment 14 agreed.*

[163] **Rosemary Butler:** We now come to dispose of amendments 47 and 48 in the name of the Minister, and amendment 15 in the name of Jenny Randerson. These have already been previously discussed as part of group 7. Minister, would you like amendment 47 in your name to be moved?

[164] **Jane Hutt:** Yes, Chair.

[165] **Rosemary Butler:** I move amendment 47 in the name of the Minister. The question is that amendment 47 be agreed to. I call for a vote.

*Gwelliant 47: O blaid 3, Ymatal 0, Yn erbyn 2.  
Amendment 47: For 3, Abstain 0, Against 2.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Asghar, Mohammad  
Jones, Ann  
Lewis, Huw

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Burnham, Eleanor  
Ramsay, Nick

*Derbyniwyd gwelliant 47.  
Amendment 47 agreed.*

**Rosemary Butler:** As amendment 47 has been agreed to, amendment 15 in the name of Jenny Randerson falls.

*Methodd gwelliant 15.  
Amendment 15 fell.*

[166] **Rosemary Butler:** We now come to dispose of amendment 48 in the name of the Minister. This has been previously discussed. Minister, would you like amendment 48 in your name to be moved?

[167] **Jane Hutt:** Yes, Chair.

[168] **Rosemary Butler:** I move amendment 48 in the name of the Minister. The question is that amendment 48 be agreed to. I call for a vote.

*Gwelliant 48: O blaid 3, Ymatal 0, Yn erbyn 2.  
Amendment 48: For 3, Abstain 0, Against 2.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Asghar, Mohammad  
Jones, Ann  
Lewis, Huw

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Burnham, Eleanor  
Ramsay, Nick

*Derbyniwyd gwelliant 48.  
Amendment 48 agreed.*

[169] **Rosemary Butler:** We now come to dispose of amendments 16, 17, 18, 19, 20, 21 and 22 in the name of Jenny Randerson and amendment 49 in the name of the Minister. These have been previously discussed. Jenny Randerson, would like amendment 16 in your name to be moved?

[170] **Jenny Randerson:** Yes, Chair.

[171] **Rosemary Butler:** I move amendment 16 in the name of Jenny Randerson. The question is that amendment 16 be agreed to. I call for a vote.

*Gwelliant 16: O blaid 5, Ymatal 0, Yn erbyn 0.  
Amendment 16: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Asghar, Mohammad  
Burnham, Eleanor  
Jones, Ann  
Lewis, Huw  
Ramsay, Nick

*Derbyniwyd gwelliant 16.  
Amendment 16 agreed.*

[172] **Rosemary Butler:** We now come to dispose of amendment 17 in the name of Jenny Randerson. This has been previously discussed. Jenny Randerson, would you like amendment 17 in your name to be moved?

[173] **Jenny Randerson:** Yes, Chair.

[174] **Rosemary Butler:** I move amendment 17 in the name of Jenny Randerson. The question is that amendment 17 be agreed to. I call for a vote.

*Gwelliant 17: O blaid 5, Ymatal 0, Yn erbyn 0.  
Amendment 17: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Asghar, Mohammad  
Burnham, Eleanor  
Jones, Ann  
Lewis, Huw  
Ramsay, Nick

*Derbyniwyd gwelliant 17.  
Amendment 17 agreed.*

10.40 a.m.

[175] **Rosemary Butler:** We now come to dispose of amendments 18 and 19 on page 9 of the marshalled list. Would you like amendment 18 in your name to be moved, Jenny?

[176] **Jenny Randerson:** Yes, Chair.

[177] **Rosemary Butler:** I move amendment 18 in the name of Jenny Randerson. The question is that amendment 18 be agreed to. I call for a vote.

*Gwelliant 18: O blaid 5, Ymatal 0, Yn erbyn 0.  
Amendment 18: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Asghar, Mohammad  
Burnham, Eleanor  
Jones, Helen Mary  
Lewis, Huw  
Ramsay, Nick

*Derbyniwyd gwelliant 18.  
Amendment 18 agreed.*

[178] **Rosemary Butler:** Jenny, would you like amendment 19 in your name to be moved?

[179] **Jenny Randerson:** Yes, Chair.

[180] **Rosemary Butler:** I move amendment 19 in the name of Jenny Randerson. The question is that amendment 19 be agreed to. I call for a vote.

*Gwelliant 19: O blaid 5, Ymatal 0, Yn erbyn 0.  
Amendment 19: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Asghar, Mohammad  
Burnham, Eleanor  
Jones, Helen Mary  
Lewis, Huw  
Ramsay, Nick

*Derbyniwyd gwelliant 19.  
Amendment 19 agreed.*

[181] **Rosemary Butler:** We now come to dispose of amendments 20 and 21, on pages 9 and 10 respectively of the marshalled list. Jenny, would you like amendment 20 in your name to be moved?

[182] **Jenny Randerson:** Yes, Chair.

[183] **Rosemary Butler:** I move amendment 20 in the name of Jenny Randerson. The question is that amendment 20 be agreed to. I call for a vote.

*Gwelliant 20: O blaid 5, Ymatal 0, Yn erbyn 0.  
Amendment 20: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Asghar, Mohammad  
Burnham, Eleanor  
Jones, Helen Mary  
Lewis, Huw



Ramsay, Nick

*Derbyniwyd gwelliant 20.  
Amendment 20 agreed.*

[184] **Rosemary Butler:** Jenny, would you like amendment 21 in your name to be moved?

[185] **Jenny Randerson:** Yes, Chair.

[186] **Rosemary Butler:** I move amendment 21 in the name of Jenny Randerson. The question is that amendment 21 be agreed to. I call for a vote.

*Gwelliant 21: O blaid 5, Ymatal 0, Yn erbyn 0.  
Amendment 21: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Asghar, Mohammad  
Burnham, Eleanor  
Jones, Helen Mary  
Lewis, Huw  
Ramsay, Nick

*Derbyniwyd gwelliant 21.  
Amendment 21 agreed.*

[187] **Rosemary Butler:** We now come to dispose of amendment 49 on page 10 of the marshalled list. Minister, would you like amendment 49 in your name to be moved?

[188] **Jane Hutt:** Yes, Chair.

[189] **Rosemary Butler:** I move amendment 49 in the name of Jane Hutt. The question is that amendment 49 be agreed to. I call for a vote.

*Gwelliant 49: O blaid 5, Ymatal 0, Yn erbyn 0.  
Amendment 49: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Asghar, Mohammad  
Burnham, Eleanor  
Jones, Helen Mary  
Lewis, Huw  
Ramsay, Nick

*Derbyniwyd gwelliant 49.  
Amendment 49 agreed.*

[190] **Rosemary Butler:** We now come to dispose of amendment 22 on page 10 of the marshalled list. Jenny, would you like amendment 22 in your name to be moved?

[191] **Jenny Randerson:** Yes, Chair.

[192] **Rosemary Butler:** I move amendment 22 in the name of Jenny Randerson. The question is that amendment 22 be agreed to. I call for a vote.

*Gwelliant 22: O blaid 5, Ymatal 0, Yn erbyn 0.*  
*Amendment 22: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
 The following Members voted for:

Asghar, Mohammad  
 Burnham, Eleanor  
 Jones, Helen Mary  
 Lewis, Huw  
 Ramsay, Nick

*Derbyniwyd gwelliant 22.*  
*Amendment 22 agreed.*

**Dŵr Yfed mewn Ysgolion (Gwelliant 56)**  
**Drinking Water in Schools (Amendment 56)**

[193] **Rosemary Butler:** Once again, I call on Nick Ramsay to move amendment 56, in the name of Paul Davies, and to speak to the amendment if he so wishes.

[194] **Nick Ramsay:** I move amendment 56 in the name of Paul Davies.

[195] I think that Huw Lewis is building up for this one. I have probably shot my bolt as far as this is concerned. As I said earlier, when I had my papers in the wrong order—I should marshall them in future, in accordance with the list—this relates to the important section on drinking water. We all agree that the availability of drinking water is a vital part of this proposed Measure. Paul Davies's amendment seeks to clarify the availability of drinking water in schools, stating that the exact location of the water should not be left to vagaries but should be easily accessible. This is the point where I was cut off when I spoke earlier—I am grateful to the Chair for stopping me.

[196] As for the sustainability aspect, we make the point in the amendment that, wherever possible, it should be sourced from the mains supply. That is in the spirit of the Assembly's stance on sustainability. As I have already spoken at length on this, albeit at the wrong time, I will now leave it to Members to make up their minds and comment on the amendment.

[197] **Ann Jones:** I cannot support this amendment. To link this to a mains supply is not the correct way to proceed. The Measure as it stands is fine. I would be very unhappy about some of the water mains supplies, and the fact that that would allow you to have drinking water in the toilets, which is something that we have to try to move away from. As it stands, section 8 on drinking water in schools is fine, so I urge my colleague to withdraw the amendment.

[198] **Rosemary Butler:** Are there any other speakers?

[199] **Jenny Randerson:** I think that it is worth saying that this amendment follows a recommendation made in the committee report at Stage 1. It strengthens the proposed Measure, and my view is that it is a good amendment. I take on board Ann's point. It might be helpful if Nick were to indicate that, if people were to vote for this now, he would look again at the detailed wording of the reference to the mains supply. In the interest of sustainability, water should be from the mains supply. I have a great deal of concern that Ann is sitting here drinking mains supply water and giving out the message that the mains supply is not safe. It is safe in 99.9 per cent of cases; it is very safe and research has shown that it is safer than a lot of bottled water. In the interests of sustainability, we should be promoting mains supply water, added to which is the fact that it is so much cheaper.

[200] Finally, the 'Appetite for Life Action Plan', which I have followed very closely, requires schools to

[201] 'Provide water, free of charge, at a number of sites throughout the school (such water sources to be physically divorced from the toilets) and throughout the school day.'

[202] I know that schools are encouraged to use mains supply water.

[203] **Rosemary Butler:** Minister, I should have come to you before I called Jenny.

[204] **Jane Hutt:** Following on from the points that have been made and Jenny's quotation from 'Appetite for Life', this is dealt with most appropriately through Assembly Government guidance. 'Think Water' is our current guidance, and we also have the guidance from 'Appetite for Life'. I believe that we can add to the guidance through section 8(2) of the proposed Measure.

[205] **Rosemary Butler:** Nick, do you wish to respond to the debate?

[206] **Nick Ramsay:** I think that Ann Jones has made some valid comments. However, I do not think we should get too hung up on the reference to the mains supply. I believe that there is still a consideration with regard to sustainability in providing water at a reasonable cost.

[207] **Rosemary Butler:** So, do you wish to move to a vote?

[208] **Nick Ramsay:** Yes please, Chair.

[209] **Rosemary Butler:** The question is that amendment 56 be agreed to. I call for a vote.

*Gwelliant 56: O blaid 2, Ymatal 0, Yn erbyn 3.  
Amendment 56: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Burnham, Eleanor  
Ramsay, Nick

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Asghar, Mohammad  
Jones, Ann  
Lewis, Huw

*Gwrthodwyd gwelliant 56.  
Amendment 56 not agreed.*

**Hybu Prydau mewn Ysgolion a Sefydliadau Addysgol Eraill (Gwelliannau 23 a 50)  
Promotion of Meals in Schools and Other Educational Establishments (Amendments 23  
and 50)**

[210] **Rosemary Butler:** The lead amendment is amendment 23 in the name of Jenny Randerson, which is grouped with amendment 50. Jenny, would you like amendment 23 in your name to be moved?

[211] **Jenny Randerson:** Yes please, Chair.

[212] **Rosemary Butler:** I move amendment 23 in the name of Jenny Randerson. I call on Jenny to speak to that amendment and the other amendment in the group.

[213] **Jenny Randerson:** For ease of reference for Members, the difference between these two amendments is the proposed new paragraph 2 of section 9, which begins with the words

[214] ‘The Welsh Ministers must issue guidance to local authorities and the governing bodies’.

[215] The fact that these amendments are otherwise identical reflects how closely we have been working together on this. My amendment—amendment 23—extends this section to include school milk, following discussion with the Minister, and I greatly welcome the Minister’s input on that. It also recognises those governing bodies that discharge certain LEA duties under transfer arrangements made under the Education Act 1996. My amendment also includes a duty for Welsh Ministers to issue guidance on the promotion of school meals and for local authorities and governing bodies to have regard to guidance. That is the difference between the two amendments. Once again, this follows a recommendation of the Stage 1 committee, which recognised the complexity of factors that affect the take-up of school meals and considered that there should be a requirement in the proposed Measure for Ministers to issue guidance.

10.50 a.m.

[216] **Eleanor Burnham:** Can we do something about the noise? It is driving some of us nuts.

[217] **Rosemary Butler:** Someone is trying to do something about it. It is not in the building; it is outside the building.

[218] **Jane Hutt:** The first parts of both our amendments are in accord with each other. This goes back to the route that we want to take, which is an enabling route, with which we feel that the proposed Measure would have most effect in relation to the powers that we have to issue guidance through legislation. That is the only difference with regard to delivery.

[219] **Rosemary Butler:** Jenny, do you want to make a comment? I see that you do not. Do you wish to proceed to a vote on amendment 23?

[220] **Jenny Randerson:** Yes.

[221] **Rosemary Butler:** The question is that amendment 23 be agreed to.

*Gwelliant 23: O blaid 2, Ymatal 0, Yn erbyn 3.  
Amendment 23: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Burnham, Eleanor  
Ramsay, Nick

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Asghar, Mohammad  
Jones, Ann  
Lewis, Huw

*Gwrthodwyd gwelliant 23.  
Amendment 23 not agreed.*

[222] We now come to dispose of amendment 50, in the name of Jane Hutt. Minister, would you like amendment 50 in your name to be moved?

[223] **Jane Hutt:** Yes, Chair.

[224] **Rosemary Butler:** I move amendment 50 in the name of Jane Hutt. The question is that amendment 50 be agreed to. I call for a vote.

*Gwelliant 50: O blaid 3, Ymatal 0, Yn erbyn 2.  
Amendment 50: For 3, Abstain 0, Against 2.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Asghar, Mohammad  
Jones, Ann  
Lewis, Huw

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Burnham, Eleanor  
Ramsay, Nick

*Derbyniwyd gwelliant 50.  
Amendment 50 agreed.*

**Diogelu Manylion Adnabod Disgyblion sy'n Cael Cinio Ysgol am Ddim—Technegol  
(Gwelliannau 24, 25, 28 a 37)  
Protection of the Identity of Pupils Receiving Free School Lunches—Technical  
(Amendments 24, 25, 28 and 37)**

[225] **Rosemary Butler:** The lead amendment is amendment 24 in the name of Jenny Randerson, which is grouped with amendments, 25, 28 and 37. Jenny, would you like amendment 24 in your name to be moved?

[226] **Jenny Randerson:** Yes please, Chair.

[227] **Rosemary Butler:** I move amendment 24 in the name of Jenny Randerson. I call on Jenny Randerson to speak to that amendment, and the other amendments in the group.

[228] **Jenny Randerson:** This relates to what I regard as a very important aspect of the proposed Measure, namely that it has long been recognised that intrinsic to the process of encouraging pupils who are entitled to free school meals to take up that offer are measures to protect their identity and anonymity. I am very keen that there should be encouragement for them to take up free school lunches. These are technical amendments regarding where the section would appear in the Education Act 1996. The reference to governing bodies is, again, to cover those governing bodies that discharge certain LEA duties under transfer arrangements made under that Act.

[229] **Rosemary Butler:** Do any Members wish to speak? Minister?

[230] **Jane Hutt:** The technical issues and the issue about ensuring that we have flexibility for guidance are critical.

[231] **Rosemary Butler:** Jenny, do you have any comments?

[232] **Jenny Randerson:** No.

[233] **Rosemary Butler:** Do you wish to proceed to a vote on amendment 24?

[234] **Jenny Randerson:** Yes please, Chair.

[235] **Rosemary Butler:** The question is that amendment 24 be agreed to. I call for a vote.

*Gwelliant 24: O blaid 5, Ymatal 0, Yn erbyn 0.  
Amendment 24: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:

The following Members voted for:

Asghar, Mohammad  
Burnham, Eleanor  
Jones, Ann  
Lewis, Huw  
Ramsay, Nick

*Derbyniwyd gwelliant 24.  
Amendment 24 agreed.*

[236] **Rosemary Butler:** We now come to dispose of amendment 25 in the name of Jenny Randerson. Jenny, would you like amendment 25 to be moved?

[237] **Jenny Randerson:** Yes please, Chair.

[238] **Rosemary Butler:** I move amendment 25 in the name of Jenny Randerson. The question is that amendment 25 be agreed to. I call for a vote.

*Gwelliant 25: O blaid 5, Ymatal 0, Yn erbyn 0.  
Amendment 25: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Asghar, Mohammad  
Burnham, Eleanor  
Jones, Ann  
Lewis, Huw  
Ramsay, Nick

*Derbyniwyd gwelliant 25.  
Amendment 25 agreed.*

**Diogelu Manylion Adnabod Disgyblion sy'n Cael Cinio Ysgol am Ddim—Cinio a Llaeth  
Ysgol (Gwelliannau 26, 27, 29 a 32)  
Protection of the Identity of Pupils Receiving Free School Lunches—School Lunches  
and Milk (Amendments 26, 27, 29 and 32)**

[239] **Rosemary Butler:** The lead amendment is amendment 26 in the name of Jenny Randerson, which is grouped with amendments 27, 29 and 32. Jenny, would you like amendment 26 in your name to be moved?

[240] **Jenny Randerson:** Yes, Chair.

[241] **Rosemary Butler:** I move amendment 26 in the name of Jenny Randerson. I call on Jenny Randerson to speak to that amendment and the other amendments in the group.

[242] **Jenny Randerson:** Once again, these are technical amendments that take on board the suggestion made by the Minister to extend the scope of this provision to include school milk.

[243] **Rosemary Butler:** Does any Member wish to speak? I see that you no-one does. Minister, do you wish to comment?

[244] **Jane Hutt:** I am very pleased that the amendment reflects our discussions.

[245] **Rosemary Butler:** Jenny, do you have any further comments?

[246] **Jenny Randerson:** No.

[247] **Rosemary Butler:** Do you wish to proceed to a vote on amendment 26?

[248] **Jenny Randerson:** Yes please, Chair.

[249] **Rosemary Butler:** The question is that amendment 26 be agreed to.

*Gwelliant 26: O blaid 5, Ymatal 0, Yn erbyn 0.  
Amendment 26: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Asghar, Mohammad  
Burnham, Eleanor  
Jones, Ann  
Lewis, Huw  
Ramsay, Nick

*Derbyniwyd gwelliant 26.  
Amendment 26 agreed.*

[250] **Rosemary Butler:** We now come to dispose of amendment 27 in the name of Jenny Randerson. Jenny, would you like amendment 27 in your name to be moved?

[251] **Jenny Randerson:** Yes.

[252] **Rosemary Butler:** I formally move amendment 27 in the name of Jenny Randerson. The question is that amendment 27 be agreed to.

*Gwelliant 27: O blaid 5, Ymatal 0, Yn erbyn 0.  
Amendment 27: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Asghar, Mohammad  
Burnham, Eleanor  
Jones, Ann  
Lewis, Huw  
Ramsay, Nick

*Derbyniwyd gwelliant 27.  
Amendment 27 agreed.*

[253] **Rosemary Butler:** We now come to dispose of amendment 28 in the name of Jane Hutt, which has already been debated with amendment 26. Minister, would you like amendment 28 in your name to be moved?

[254] **Jane Hutt:** Yes, please.

[255] **Rosemary Butler:** I move amendment 28 in the name of Jane Hutt. The question is that amendment 28 be agreed to. I call for a vote.

*Gwelliant 28: O blaid 5, Ymatal 0, Yn erbyn 0.  
Amendment 28: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Asghar, Mohammad  
Burnham, Eleanor  
Jones, Ann  
Lewis, Huw  
Ramsay, Nick

*Derbyniwyd gwelliant 28.*  
*Amendment 28 agreed.*

[256] **Rosemary Butler:** I now propose that we have a 15-minute break. Is everyone happy with that? I see that you are. I would appreciate it if you would all come back on time so that the proceedings can carry on. Thank you very much.

*Gohiriwyd y cyfarfod rhwng 10.56 a.m. ac 11.10 a.m.*  
*The meeting adjourned between 10.56 a.m. and 11.10 a.m.*

**Diogelu Manylion Adnabod Disgyblion sy'n Cael Cinio Ysgol am Ddim—Ymestyn y Ddyletswydd i Gynnwys Cyrff Llywodraethu (Gwelliannau 30, 31, 33, 34 a 35)**  
**Protection of the Identity of Pupils Receiving Free School Lunches—Extension of Duty to Include Governing Bodies (Amendments 30, 31, 33, 34 and 35)**

[257] **Rosemary Butler:** The lead amendment in the group is amendment 30 on page 13 of the marshalled list. Jenny, would you like amendment 30 in your name to be moved?

[258] **Jenny Randerson:** Yes, Chair.

[259] **Rosemary Butler:** I formally move amendment 30 in the name of Jenny Randerson. I call on Jenny Randerson to speak to amendment 30 and the other amendments in the group.

[260] **Jenny Randerson:** Thank you. Once again, this is a technical amendment. It is one that I believe the Minister is content with. These amendments recognise that the duty to protect the identity of pupils who receive free school lunches should be placed on governing bodies as well as on local authorities. This reflects the approach taken elsewhere in the proposed Measure in that where we place a duty on a local authority, we place it on a governing body as well. It is common sense that the people who carry this out on a daily basis and ensure that it is carried out is the governing body. As outlined previously, it also covers those governing bodies that discharge certain LEA duties under transfer arrangements made under the Education Act 1996.

[261] **Rosemary Butler:** Are there any Members who wish to speak? I see that no-one does. Minister, do you wish to comment?

[262] **Jane Hutt:** I accept these amendments.

[263] **Rosemary Butler:** Any other comments, Jenny?

[264] **Jenny Randerson:** No.

[265] **Rosemary Butler:** Fine. Do you wish to proceed to a vote on amendment 30?

[266] **Jenny Randerson:** Yes, Chair.



[267] **Rosemary Butler:** The question is that amendment 30 be agreed to. I call a vote.

*Gwelliant 30: O blaid 5, Ymatal 0, Yn erbyn 0.*  
*Amendment 30: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Asghar, Mohammad  
Burnham, Eleanor  
Jones, Ann  
Lewis, Huw  
Ramsay, Nick

*Derbyniwyd gwelliant 30.*  
*Amendment 30 agreed.*

[268] **Rosemary Butler:** In accordance with the marshalled list, we now come to dispose of amendment 29, on page 13 of the marshalled list, which was discussed earlier as part of group 12. Jenny, would you like Amendment 29 in your name to be moved?

[269] **Jenny Randerson:** Yes, please.

[270] **Rosemary Butler:** I formally move amendment 29. The question is that amendment 29 be agreed to. I call for a vote.

*Gwelliant 29: O blaid 5, Ymatal 0, Yn erbyn 0.*  
*Amendment 29: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Asghar, Mohammad  
Burnham, Eleanor  
Jones, Ann  
Lewis, Huw  
Ramsay, Nick

*Derbyniwyd gwelliant 29.*  
*Amendment 29 agreed.*

[271] **Rosemary Butler:** In accordance with the marshalled list, we now come to dispose of amendment 31, on page 13 of the marshalled list, which was discussed earlier as part of group 13. Jenny, would you like amendment 31 in your name to be moved?

[272] **Jenny Randerson:** Yes, Chair.

[273] **Rosemary Butler:** I formally move amendment 31. The question is that amendment 31 be agreed to. I was going to say 'open the vote' for a moment—I call for a vote.

*Gwelliant 31: O blaid 5, Ymatal 0, Yn erbyn 0.*  
*Amendment 31: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Asghar, Mohammad  
Burnham, Eleanor  
Jones, Ann  
Lewis, Huw

Ramsay, Nick

*Derbyniwyd gwelliant 31.  
Amendment 31 agreed.*

[274] **Rosemary Butler:** In accordance with the marshalled list, we now come to dispose of amendment 32, on page 13 of the marshalled list, which was discussed earlier as part of group 12. Jenny, would you like amendment 32 in your name to be moved?

[275] **Jenny Randerson:** Yes, please.

[276] **Rosemary Butler:** I formally move amendment 32. The question is that amendment 32 be agreed to. I call for a vote.

*Gwelliant 32: O blaid 5, Ymatal 0, Yn erbyn 0.  
Amendment 32: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Asghar, Mohammad  
Burnham, Eleanor  
Jones, Ann  
Lewis, Huw  
Ramsay, Nick

*Derbyniwyd gwelliant 32.  
Amendment 32 agreed.*

[277] **Rosemary Butler:** In accordance with the marshalled list, we now come to dispose of amendments 33 and 34, on pages 13 and 14 of the marshalled list, which have been discussed earlier as part of group 13. Jenny, would you like amendment 33 in your name to be moved?

[278] **Jenny Randerson:** Yes, please.

[279] **Rosemary Butler:** I formally move amendment 33. The question is that amendment 33 be agreed to. I call for a vote.

*Gwelliant 33: O blaid 5, Ymatal 0, Yn erbyn 0.  
Amendment 33: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Asghar, Mohammad  
Burnham, Eleanor  
Jones, Ann  
Lewis, Huw  
Ramsay, Nick

*Derbyniwyd gwelliant 33.  
Amendment 33 agreed.*

[280] **Rosemary Butler:** Jenny, would you like amendment 34 in your name to be moved?

[281] **Jenny Randerson:** Yes, Chair.

[282] **Rosemary Butler:** I formally move amendment 34. The question is that amendment

34 be agreed to. I call for a vote.

*Gwelliant 34: O blaid 5, Ymatal 0, Yn erbyn 0.  
Amendment 34: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Asghar, Mohammad  
Burnham, Eleanor  
Jones, Ann  
Lewis, Huw  
Ramsay, Nick

*Derbyniwyd gwelliant 34.  
Amendment 34 agreed.*

**Diogelu Manylion Adnabod Disgyblion sy'n Cael Cinio Ysgol am Ddim—Gofyniad ar  
Weinidogion Cymru i Ddyroddi Canllawiau (Gwelliant 36)  
Protection of the Identity of Pupils Receiving Free School Lunches—Requirement on  
Welsh Ministers to Issue Guidance (Amendment 36)**

[283] **Rosemary Butler:** The only amendment in this group is amendment 36. Jenny, would you like amendment 36 in your name to be moved?

[284] **Jenny Randerson:** Yes, please.

[285] **Rosemary Butler:** I formally move amendment 36. I call on Jenny Randerson to speak to amendment 36.

[286] **Jenny Randerson:** This is a familiar theme being applied to a new issue. It places a duty on Welsh Ministers to issue guidance to local authorities and governing bodies. The theme of placing such a duty on Welsh Ministers is one that has come through a number of amendments. This, too, follows the recommendation of the Stage 1 committee that this part of the proposed Measure should be strengthened, and that a duty should be placed on Welsh Ministers to issue guidance. The Stage 1 committee said:

[287] ‘We acknowledge and accept the view that the protection of identity of those receiving school meals provided for in Section 10 would help address the stigma that prevents pupils taking up entitlement. We recognise the importance of guidance in ensuring consistency of approach and successful outcomes. To this end, we recommend that the proposed Measure be strengthened to require Welsh Ministers to issue guidance under Section 10(6).’

[288] This is almost in a league of its own in terms of the issue of placing a duty on Welsh Ministers to issue guidance, because we are not necessarily taking something that the Government would take for granted—the idea of Government guidance as opposed to a simple instruction to local authorities that they should protect the identity of pupils. There is a variety of different ways of trying to do this, some of which are stunningly more successful than others. There is an extremely practical reason why Ministers need to issue guidance on this to ensure that best practice is followed. All governors and LEAs would probably say, ‘Oh yes, we take this issue seriously’, but the question is how much effort they put into ensuring that the identity of pupils is protected.

[289] **Jane Hutt:** We share the same view for the need to protect the identity of pupils who receive school meals. The proposed Measure sets an excellent standard in terms of the way

forward in dealing with this issue. We have powers to issue such guidance, and section 10, as its stands, requires local authorities to have regard to the powers. We do not believe that it is required at the moment, but if it is needed in the future we can deliver it through our powers. We also have information management strategies, namely the support materials for schools information document which has already been issued to schools and local education authorities, and it is important that there is recognition of data protection and section 4 information security issues. So, we resist the amendment.

[290] **Rosemary Butler:** Jenny, do you wish to move to a vote on amendment 36 or withdraw it?

[291] **Jenny Randerson:** I wish to proceed to a vote, Chair.

[292] **Rosemary Butler:** The question is that amendment 36 be agreed to. I call for a vote.

*Gwelliant 36: O blaid 2, Ymatal 0, Yn erbyn 3.  
Amendment 36: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Burnham, Eleanor  
Ramsay, Nick

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Asghar, Mohammad  
Jones, Ann  
Lewis, Huw

*Gwrthodwyd gwelliant 36.  
Amendment 36 not agreed.*

[293] **Rosemary Butler:** In accordance with the marshalled list, we now come to dispose of amendment 35, which was discussed earlier as part of group 13. Jenny, would you like amendment 35 in your name to be moved?

[294] **Jenny Randerson:** Yes, Chair.

[295] **Rosemary Butler:** I move amendment 35 in the name of Jenny Randerson. The question is that amendment 35 be agreed to. I call for a vote.

*Gwelliant 35: O blaid 5, Ymatal 0, Yn erbyn 0.  
Amendment 35: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Asghar, Mohammad  
Burnham, Eleanor  
Jones, Ann  
Lewis, Huw  
Ramsay, Nick

*Derbyniwyd gwelliant 35.  
Amendment 35 agreed.*

[296] **Rosemary Butler:** In accordance with the marshalled list, we come to dispose of amendment 37, which was discussed earlier as part of group 11. Jenny, would you like amendment 37 in your name to be moved?

[297] **Jenny Randerson:** Yes, Chair.

[298] **Rosemary Butler:** I move amendment 37 in the name of Jenny Randerson. The question is that amendment 37 be agreed to. I call for a vote.

*Gwelliant 37: O blaid 2, Ymatal 0, Yn erbyn 3.  
Amendment 37: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Burnham, Eleanor  
Ramsay, Nick

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Asghar, Mohammad  
Jones, Ann  
Lewis, Huw

*Gwrthodwyd gwelliant 37.  
Amendment 37 not agreed.*

### **Diwygiadau Canlyniadol (Gwelliant 51) Consequential Amendments (Amendment 51)**

[299] **Rosemary Butler:** We now move to group 15. In this group, the only amendment to consider is amendment 51, which concerns consequential amendments. Minister, would you like amendment 51 in your name to be moved?

[300] **Jane Hutt:** Yes, Chair.

[301] **Rosemary Butler:** I move amendment 51 in the name of the Minister, and I call on the Minister to speak.

[302] **Jane Hutt:** The effect of this amendment is to make clear at the outset of section 114(a) of the School Standards and Framework Act 1998 that the section applies in relation to England, rather than it being disapplied in relation to Wales. That is considered preferable and far more user-friendly and appropriate in terms of the approach that we have adopted in part 3 of the 1998 Act.

11.20 a.m.

[303] **Jenny Randerson:** This does not alter the meaning of the legislation; it is a question of style.

[304] **Rosemary Butler:** Do you want to reply, Minister?

[305] **Jane Hutt:** No, I have made my point.

[306] **Rosemary Butler:** Do you wish to proceed to a vote on amendment 51?

[307] **Jane Hutt:** Yes, please.

[308] **Rosemary Butler:** The question is that amendment 51 be agreed to. I call for a vote.

*Gwelliant 51: O blaid 3, Ymatal 0, Yn erbyn 2.  
Amendment 51: For 3, Abstain 0, Against 2.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Asghar, Mohammad

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Burnham, Eleanor

Jones, Ann  
Lewis, Huw

Ramsay, Nick

*Derbyniwyd gwelliant 51.  
Amendment 51 agreed.*

**Arbediad (Gwelliant 52)  
Saving (Amendment 52)**

[309] **Rosemary Butler:** We now move to group 16, in which the only amendment to consider is amendment 52, which concerns savings. Minister, would you like amendment 52 in your name to be moved?

[310] **Jane Hutt:** I would.

[311] **Rosemary Butler:** I move amendment 52 in the name of Jane Hutt and I call on the Minister to speak to the amendment.

[312] **Jane Hutt:** The effect of this amendment will be to ensure that regulations made under section 114 of the 1998 Act remain in force. The extant regulations in Wales are the Education (Nutritional Standards for School Lunches) (Wales) Regulations 2001 and they were made under section 114.

[313] **Jenny Randerson:** Once again, this is an issue of style. Mine is a rather simpler style, while this is in the more complex Government style.

[314] **Jane Hutt:** This is more than a question of style. It ensures that it is brought in line and that there is clarity in the way that the proposed Measure is delivered.

[315] **Rosemary Butler:** Do you wish to proceed to a vote on amendment 52, Minister?

[316] **Jane Hutt:** I do.

[317] **Rosemary Butler:** The question is that amendment 52 be agreed to. I call for a vote.

*Gwelliant 52: O blaid 3, Ymatal 0, Yn erbyn 2.  
Amendment 52: For 3, Abstain 0, Against 2.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Asghar, Mohammad  
Jones, Ann  
Lewis, Huw

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Burnham, Eleanor  
Ramsay, Nick

*Derbyniwyd gwelliant 52.  
Amendment 52 agreed.*

**Pŵer i Wneud Darpariaethau Pellach sy'n Atodol neu'n Ganlyniadol (Gwelliannau 38 a 39)  
Power to Make Further Supplementary and Consequential Provision (Amendments 38 and 39)**

[318] **Rosemary Butler:** The lead amendment in this group, group 17, is amendment 38 on page 15 of the marshalled list. Jenny, would you like amendment 38 in your name to be moved?

[319] **Jenny Randerson:** Yes, please.

[320] **Rosemary Butler:** I move amendment 38 in the name of Jenny Randerson, and I call on her to speak to amendment 38 and the other amendment in the group.

[321] **Jenny Randerson:** These two amendments are based on discussions that I had with the Minister. The provision in section 14 of the proposed Measure allowed Welsh Ministers to make amendments to other legislation. However, the Minister did not consider it necessary to have those powers in relation to the proposed Measure, so amendment 39 proposes leaving out section 14 and amendment 38 is a result of amendment 39.

[322] **Jane Hutt:** I accept the amendments.

[323] **Rosemary Butler:** I see that there are no other comments. Do you wish to move to a vote on amendment 38, Jenny?

[324] **Jenny Randerson:** Yes, please.

[325] **Rosemary Butler:** The question is that amendment 38 be agreed to. I call for a vote.

*Gwelliant 38: O blaid 5, Ymatal 0, Yn erbyn 0.  
Amendment 38: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Asghar, Mohammad  
Burnham, Eleanor  
Jones, Ann  
Lewis, Huw  
Ramsay, Nick

*Derbyniwyd gwelliant 38.  
Amendment 38 agreed.*

[326] **Rosemary Butler:** In accordance with the marshalled list, we now come to dispose of amendment 39, which is on page 15 of the marshalled list. Jenny, would you like amendment 39 in your name to be moved?

[327] **Jenny Randerson:** Yes, please.

[328] **Rosemary Butler:** I move amendment 39 in the name of Jenny Randerson. The question is that amendment 39 be agreed to. I call for a vote.

*Gwelliant 39: O blaid 5, Ymatal 0, Yn erbyn 0.  
Amendment 39: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Asghar, Mohammad  
Burnham, Eleanor  
Jones, Ann  
Lewis, Huw  
Ramsay, Nick

*Derbyniwyd gwelliant 39.*

*Amendment 39 agreed.*

**Dehongli (Gwelliannau 53 a 40)  
Interpretation (Amendments 53 and 40)**

[329] **Rosemary Butler:** The lead amendment in group 18 is amendment 53 on page 15 of the marshalled first. Minister, would you like amendment 53 in your name to be moved?

[330] **Jane Hutt:** I would.

[331] **Rosemary Butler:** I move amendment 53 in the name of Jane Hutt, and I call on the Minister to speak to that amendment and the other amendment in the group.

[332] **Jane Hutt:** The effect of amendment 53 is to ensure that the proposed Measure includes all relevant definitions and also reflects other amendments made to it. I do not believe that amendment 40 adequately covers all the proposed amendments.

[333] **Jenny Randerson:** This is again an issue of style. You will see that the Minister's proposed amendment is much more complex than my proposed amendment. I think that Members' legislation should be simple. We do not need the reference to the Welsh as well, because the legislation is produced bilingually on facing pages, so you do not need the Welsh in the English. For consistency, given the simplicity of the general style, we should opt for my amendment.

[334] **Rosemary Butler:** I call on the Minister to respond.

[335] **Jane Hutt:** I think that this goes beyond style to ensure that this is a robust piece of legislation, and I hope that you will support my amendment.

[336] **Rosemary Butler:** Minister, do you wish to proceed to a vote on amendment 53 or withdraw it?

[337] **Jane Hutt:** I wish to proceed to a vote, Chair.

[338] **Rosemary Butler:** The question is that amendment 53 be agreed to. I call for a vote.

*Gwelliant 53: O blaid 4, Ymatal 0, Yn erbyn 1.  
Amendment 53: For 4, Abstain 0, Against 1.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Asghar, Mohammad  
Jones, Ann  
Lewis, Huw  
Ramsay, Nick

Pleidleisiodd yr Aelod canlynol yn erbyn:  
The following Member voted against:

Burnham, Eleanor

*Derbyniwyd gwelliant 53.  
Amendment 53 agreed.*

[339] **Rosemary Butler:** As amendment 53 has been agreed to, amendment 40 in the name of Jenny Randerson falls.

*Methodd gwelliant 40.  
Amendment 40 fell.*



**Cynnwys y Mesur yn y Deddfau Addysg (Gwelliant 54)**  
**Inclusion of the Measure within the Education Acts (Amendment 54)**

[340] **Rosemary Butler:** We now come to amendment 54 in the name of Jenny Randerson. Jenny Randerson, would you like amendment 54 in your name to be moved?

[341] **Jenny Randerson:** Yes, Chair.

[342] **Rosemary Butler:** I move amendment 54 in the name of Jenny Randerson. I call on Jenny Randerson to speak to amendment 54.

[343] **Jenny Randerson:** This amendment results from discussions that I had with the Minister, and it ensures that the proposed Measure will be included as one of the education Acts in section 578 of the Education Act 1996. The effect is that the default powers of Welsh Ministers under the Education Act 1996 will be available to them if a governing body or a local authority was not exercising its functions reasonably. I think that it is important that, if a governing body or a local authority is seriously out of line in terms of how it is trying to address these issues and the powers and responsibilities that are placed on them in this proposed Measure, it is only right and proper that Ministers have the power to intervene. That is consistent with other powers that the Minister has to intervene when governing bodies and local authorities are not doing the job as well as one would expect.

[344] **Rosemary Butler:** Do any Members wish to speak? I see that you do not. I therefore call on the Minister to respond.

[345] **Jane Hutt:** This amendment demonstrates our support and the strength of the backing that the Government has for the principles of the proposed Measure.

[346] **Rosemary Butler:** Do you have any further comments to make, Jenny? I see that you do not. Do you wish to proceed to a vote on amendment 54 or withdraw it?

[347] **Jenny Randerson:** I wish to proceed to a vote, Chair.

[348] **Rosemary Butler:** The question is that amendment 54 be agreed to. I call for a vote.

*Gwelliant 54: O blaid 5, Ymatal 0, Yn erbyn 0.*  
*Amendment 54: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
 The following Members voted for:

Asghar, Mohammad  
 Burnham, Eleanor  
 Jones, Ann  
 Lewis, Huw  
 Ramsay, Nick

*Derbyniwyd gwelliant 54.*  
*Amendment 54 agreed.*

**Teitl Hir (Gwelliant 41)**  
**Long Title (Amendment 41)**

[349] **Rosemary Butler:** We now come to amendment 41 in the name of Jenny Randerson. Jenny Randerson, would you like amendment 41 in your name to be moved?

[350] **Jenny Randerson:** Yes, Chair.

[351] **Rosemary Butler:** I move amendment 41 in the name of Jenny Randerson. I call on Jenny Randerson to speak to amendment 41.

[352] **Jenny Randerson:** Again, this amendment reflects discussions that I had with the Minister. There was a suggestion that the short title should be amended to include not just healthy eating but also drinking. I tried that out on a load of people who all thought that I was talking about alcohol. Since this is about schools, it is not a good idea. Therefore, we have agreed—I believe that I am right in saying that the Minister accepts this approach—that we would keep the short title as it is. It has the advantage of transparency, because people who have been tracking this legislation through the Assembly would have identified the title of it and it would be very confusing if we suddenly changed the title. However, we have agreed that I will amend the long title so that we clarify that we are including drinking under the heading of healthy eating. It reflects the amendments that we have dealt with in the text whereby drinking is mentioned specifically rather than included in a sort of global approach to healthy eating.

[353] **Rosemary Butler:** Do any Members wish to speak? I see that you do not. I therefore call on the Minister to respond.

[354] **Jane Hutt:** Following on from what Jenny said, and in complete agreement, this amendment ensures that the title of the proposed Measure is representative of the content, and the re-wording would be wide enough to encompass education about healthy eating and drinking and the regulation of the provision of food and drink.

[355] **Rosemary Butler:** Do you have any further comments to make, Jenny? I see that you do not. Do you wish to proceed to a vote on amendment 41 or withdraw it?

[356] **Jenny Randerson:** I wish to proceed to a vote, Chair.

[357] **Rosemary Butler:** The question is that amendment 41 be agreed to. I call for a vote.

*Gwelliant 41: O blaid 5, Ymatal 0, Yn erbyn 0.  
Amendment 41: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Asghar, Mohammad  
Burnham, Eleanor  
Jones, Ann  
Lewis, Huw  
Ramsay, Nick

*Derbyniwyd gwelliant 41.  
Amendment 41 agreed.*

11.30 a.m.

[358] **Rosemary Butler:** For the record, all sections of the proposed Measure have been agreed by this committee. Standing Order No. 23.40 states that,

[359] ‘if a proposed Measure is amended at Stage 2 proceedings so as to insert a section or schedule, or substantially alter any existing provision, the committee considering Stage 2 proceedings may request that the Member in charge prepare a revised Explanatory Memorandum’.

[360] I consider the amendments agreed by this committee to have substantially altered some provisions, and therefore, I ask members of the committee whether the Member in charge should prepare a revised explanatory memorandum. I see that you agree that there should be a revised explanatory memorandum, and so in accordance with Standing Order No. 23.42, Stage 3 begins tomorrow. The deadline for tabling amendments will be notified to Members in due course, and will be published in the business notice. I thank all Members for allowing this complicated procedure to run so smoothly. I particularly thank the clerks for their efforts before the meeting, as well as during the meeting. I remind you that there will be no meeting next week. I declare the meeting closed.

*Daeth y cyfarfod i ben am 11.31 a.m.*  
*The meeting ended at 11.31 a.m.*