

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

## Minutes

**Date:** Wednesday 17 March 2004

**Time:** 9.15am - 12.30pm

**Venue:** Committee Rooms 3 & 4, National Assembly for Wales, Cardiff Bay

### Members

### Constituency

Peter Black (Chair)	South Wales West
Jane Davidson (Minister)	Pontypridd
Leighton Andrews	Rhondda
Jeff Cuthbert	Caerphilly
David Davies	Monmouth
William Graham	South Wales East (Item Three)
Denise Idris Jones	Conwy
Irene James	Islwyn
Janet Ryder	North Wales
Owen John Thomas	South West Central

### Officials

Richard Davies	Director, Department for Training and Education
Neil Thomas	Head, Lifelong Learning Division
Anthony Jordan	Lifelong Learning Division
Judith Nedin	Central Support Unit

### In Attendance:

Susan Lewis	Chief Inspector for Education and Training in Wales, Estyn
Elizabeth Kidd	Head of Inspection Division - Post-16
Hilary Anthony	Head of Inspection Division - Early Years and the work of LEAs
Wendy Young	HM Inspector

Meilyr Evans

HM Inspector

**Committee Secretariat**

Chris Reading

Committee Clerk

Holly Pembridge

Deputy Committee Clerk

Ruth Hatton

Committee Support Officer

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

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

1.2 The Chair noted an apology from Mark Isherwood. William Graham substituted for Item Three.

1.3 The Chair reminded Members that the Clerk had arranged for the WJEC to hold a seminar on the Welsh Baccalaureate on 31 March, in committee room 5.

1.4 Leighton Andrews declared that his wife was a member of the Council of the University of Wales College, Bangor. Denise Idris Jones stated that she was also a member of this Council.

**Item Two: Minister's Report**

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

2.1 The Minister's report was taken as read. The Chair invited Members to ask questions and the following issues were raised:

**2.2 Speech and Language Therapy (SLT)**

- The Speech and Language Therapy Advisory Group (SALTAG) was established to provide advice on the shortage of SLT provision in Wales, with particular regard to the severe shortage of therapists able to work through the medium of Welsh. The group contained representatives from both the health and education sectors;
- Respondents to the SALTAG consultation report had strongly supported the recommendations set out within;
- The Minister for Education and Lifelong Learning and the Minister for Health and Social Services would report back to their respective committees in the summer and would consider input into the spending review in April 2004;
- Legislative issues needed tackling: NHS Trusts were the primary providers of services but LEAs were ultimately responsible for ensuring provision was in place; and
- **The Health Division was working on issues concerning workforce planning.**

## **2.3 '14-19' Learning Pathways**

- The 14-19 agenda would help eliminate the competition between schools and colleges and encourage close collaboration;
- An additional £50,000 had been directed to supporting the 14-19 networks and £140,000 for supporting pilot activities;
- The Assembly Government would take the lead in widening opportunities but schools were statutorily responsible and would take a lead role up to the school leaving age of 16.
- The intention of the 14-19 agenda was to encourage young people to pursue different learning opportunities.
- The Minister agreed that work-related learning opportunities could particularly benefit pupils with special educational needs (SEN).

## **2.4 Welsh Baccalaureate**

- The Assembly Government had been given clear advice concerning the delivery of funding and additional funding to the initial pilot centres.

## **2.5 Gypsy Travellers' Education**

- The Equality of Opportunity Committee had established a working group to consider the Assembly Government's response to the Committee's report;
- Relevant Ministers would be invited to Equality of Opportunity Committee to discuss their response.

## **2.6 Initial Teacher Training (ITT)**

- The General Teaching Council for Wales (GTCW) would address the Committee in the summer term on its 'Teacher Recruitment and Retention Action Plan';
- There was no shortage of teachers in Wales in the primary sector;
- The recruitment and retention of teachers able to teach through the medium of Welsh was an important issue;
- The ITT circular would consider how teachers were trained to deliver the curriculum.
- Developing an understanding of SEN was a priority;
- Nursery and primary schools sectors were staffed mainly by women teachers but most of the senior posts were held by men. This was partly explained by the fact that women were more likely to take career breaks for family reasons.

## **2.7 HEFCW Remit Letter**

- The University of Wales College of Medicine and Cardiff University had recently attracted additional research funding for Wales;

- The University of Wales College Bangor and North East Wales Institute (NEWI) were developing a strategic alliance. Discussions were also underway between Trinity College Carmarthen and the University of Wales, Lampeter; University of Wales, Swansea and Swansea Institute, University of Glamorgan and Merthyr College and Coleg Gwent and the University of Wales College Newport;
- All proposals would be tested by HEFCW and they would report back to the Minister by the end of May 2004;
- The previous ELL Committee had identified key management issues that needed to be addressed; and
- The group chaired by Andrew Green had been charged with making explicit proposals for the expansion of Welsh medium provision in the higher education sector in Wales. Any proposals would have to be on an all Wales basis and would not be confined to a single campus. The Minister agreed that this expansion should be demand-led.

## **2.8 School Budgets**

- As time was limited, the Minister agreed to defer consideration of this item and to include it at the start of her next ministerial report.

### **Item Three - Secondary Legislation**

**Papers: ELL(2) 04-04(p.1) Annex B and ELL(2) 04-04(p.2)**

#### **Draft Health and Safety Regulations - Adventure Activities**

3.1 These draft regulations were attached to the Minister's Report and the Minister welcomed the Committee's comments. The Minister made the following introductory remarks:

- Business Committee would consider the draft regulations on 27 April; they would go to Plenary on 4 May and to Parliament on 5 May 2004;
- The regulations separated the inspection of centres/sites from the timing of licensing; and
- It was vital that the regulations operated across the UK as there was cross border flow: many children from England visited sites in Wales.

3.2 During brief discussion, Members broadly welcomed these regulations and did not propose any amendments.

### **Item Four: The School Organisation Proposals by the National Council for Education and Training for Wales Regulations 2004**

**Papers: ELL(2) 04-04 (p.3,p.3a, p.4, p.5 and p.6)**

4.1 The Committee identified earlier in the term that it wished to consider the draft regulations and draft

guidance on the School Organisation Proposals by the National Council for Education and Training for Wales Regulations 2004.

4.2 Amendments proposed by Janet Ryder AM, Plaid Cymru are attached at Annex A (paper 3a).

4.3 The Minister made the following points in her introduction:

- The powers available to ELWa would complement those of local education authorities (LEA's);
- There was no intention to move sixth form provision away from schools;
- The power to propose school reorganisation was focussed on improving the provision for learners;
- Paragraphs 22-23 of the draft guidance stipulated that ELWa could not make proposals purely to save costs; and
- The Minister would make the final decision on all proposals.

4.4 Janet Ryder made the following points:

- There was a need for equality between ELWa and LEAs - given that the Minister had always stressed the importance of partnership between them;
- The planning and funding framework should be implemented for about two years before these regulations came into force, so that their effect could be assessed

4.5 The Chair invited Peter Jones, the Committee's Legal Adviser, to comment on the amendments. These are summarised below:

- It would not be possible for LEAs to have equal standing with ELWa because primary legislation determined that ELWa should make proposals.
- There was a need for a specific 'coming into force date' for the regulations;
- Amendment 2 would need re-drafting, with particular reference to Community Consortia for Education and Training (CCETs); and
- Subject to Assembly approval, most of the amendments could be inserted as a matter of policy.

4.6 The Chair said that the Minister would take into account the Committee's comments on the amendments and ask her officials to redraft the draft regulations and/or associated draft guidance where appropriate. The regulations would then be considered in Plenary. The Committee agreed to discuss each amendment in turn and the following issues were raised in discussion:

- David Davies - felt that power was being taken away from parents and given to one body - ELWa. If funding for schools was reduced, school sixth forms would close;
- Leighton Andrews - said that he was reassured by a number of elements, particularly paragraphs 18-23 in the draft guidance, and he welcomed the Minister's assurance that ELWa would not be able to close sixth forms on grounds of cost. There was a need to redefine 'rural' schools as some schools in the upper valleys were in remote areas, as opposed to rural areas. He felt that this

should be taken into account in the guidance;

- Jeff Cuthbert - felt that it was important to have a learning system that was fit for purpose. Some schools were already entering into collaborative enterprises and some schools wanted to retain sixth forms, to achieve critical mass. The regulations would enable a mixed approach;
- Janet Ryder - was content to change the implementation date to 2006. It would not be possible to ascertain whether sixth forms were being closed due to cost basis until the new planning and funding framework had been in operation for at least a year. It was apparent from the consultation process that there was general distrust in ELWa and a belief that it did not have the capacity to deliver this agenda;
- Chair - was content to accept the amendments. He felt however that the additional powers for ELWa were unnecessary, as school reorganisation could already occur with the partnerships in place with local government;
- Minister - said that the regulations would focus on widening opportunities, increasing participation and the range of provision -ultimately focussing on positive outcomes. The Assembly had previously endorsed the recommendations set out in the Education and Training Action Plan (ETAP), which had advocated the establishment of one body to oversee all (non-HE) post-16 learning. Accessibility to remote schools in the upper valleys, would be taken into consideration.

4.7 The Minister made the following comments on the amendments:

Amendment 0 - unacceptable as it contravened the provisions of the Act;

Amendment 1 – unacceptable to delay the possibility of any proposals being implemented until 2008, but gave assurance that any proposal would not be approved before September 2006;

Amendment 2 - agreed in principle but would be addressed in the guidance;

Amendment 3 - unacceptable because a copy of the proposals would have to be sent to the governing body of an institution that did not yet exist;

Amendment 4 - unnecessary because ELWa was already encouraged in the guidance to consult with all parents of a school and schools affected by a specific proposal;

Amendment 5 – unacceptable as it would significantly extend the objection period beyond that applying in the case of LEA-led reorganisations;

Amendment 6 – unacceptable as drafted for same reason as amendment 5 but agreed in principle that the period for objections should be no less than 75% during operative term time;

Amendment 7 - same point as Amendment 3 but the Minister was content to notify all schools that

would be affected by a decision;

Amendment 8 – unacceptable for the same reason as amendment 0 - the final decision on proposals and any subsequent modifications would rest with the Minister;

Amendment 9 - agreed in principle subject to review of case for greater urgency in such circumstances;

Amendment 10 - as for Amendment 6;

Amendment 11 - already addressed in the guidance;

Amendment 12 - agreed in principle;

Amendment 13 - already addressed in the guidance;

Amendment 14 - agreed in principle;

Amendment 15 - agreed in principle that a suitable reference to Welsh medium provision should be included, but redrafting required.

4.8 The Committee agreed to vote on each amendment in turn. The results of the votes on these amendments are set out in Annex A.

### **Item Five: Estyn Annual Report 2002-2003**

**Paper: None**

5.1 The Chair welcomed presenters to the table. Susan Lewis made a brief presentation, setting out the key points the annual report. The Chair then invited Members to ask questions.

5.2. A verbatim record was taken by staff from the Record of Proceedings. A transcript will be made available on the Committee's web pages in due course - [www.wales.gov.uk](http://www.wales.gov.uk)

### **Item Six: Draft Forward Work Programme**

**Paper: ELL(2) 04-04(p.7)**

6.1 The Committee approved the forward work programme for the summer term.

6.2 The Committee asked the Clerk to include an item in the reserve list for the autumn term concerning ELWa's national planning and funding framework. The Chair said that this would be discussed by party spokespersons.

## Item Seven: Minutes of the Previous Meeting

Paper: ELL(2) 03-04(mins)

7.1 The Committee ratified the minutes of the meeting of 25 February 2004, subject to a request by Owen John Thomas that the Clerk should consider expanding Section 2.6 Iaith Pawb.

Members noted the following paper:

### Report on the Higher Education Bill

Paper: ELL(2) 04-04(p.8)

### Action Points

- Minister to include school budget comparisons in next ministerial report;
- Clerk to report outcome of secondary legislation scrutiny to Business Committee;
- Clerk to include ELWa's national planning and funding framework as a reserve item for the autumn term;
- Clerk to expand section 2.6 of the minutes of 25 February meeting.

## Annex A

Results of Votes on Amendments to the School Organisation Proposals by the National Council for Education and Training for Wales Regulations 2004

The amendments are set out in paper ELL(2) 04-04(p.3a) on the Education and Lifelong Learning Committee's web page at [www.wales.gov.uk](http://www.wales.gov.uk)

<b>Amendment No:</b>	<b>For</b>	<b>Against</b>	<b>Result</b>
0	David Davies  William Graham  Janet Ryder  Owen John Thomas	Leighton Andrews  Peter Black  Jeff Cuthbert  Jane Davidson  Irene James  Denise Idris Jones	Rejected 4 / 6

1	Peter Black	Leighton Andrews	Tied 5 / 5
	David Davies	Jeff Cuthbert	Rejected on Chair's casting vote
	William Graham	Jane Davidson	
	Janet Ryder	Irene James	
2	Owen John Thomas Peter Black	Denise Idris Jones Leighton Andrews	Tied 5 / 5
	David Davies	Jeff Cuthbert	Rejected on Chair's casting vote
	William Graham	Jane Davidson	
	Janet Ryder	Irene James	
3	Owen John Thomas Peter Black	Denise Idris Jones Leighton Andrews	Tied 5 / 5
	David Davies	Jeff Cuthbert	Rejected on Chair's casting vote
	William Graham	Jane Davidson	
	Janet Ryder	Irene James	
4	Owen John Thomas Peter Black	Denise Idris Jones Leighton Andrews	Tied 5 / 5
	David Davies	Jeff Cuthbert	Rejected on Chair's casting vote
	William Graham	Jane Davidson	
	Janet Ryder	Irene James	
	Owen John Thomas	Denise Idris Jones	

5	Peter Black	Leighton Andrews	Tied 5 / 5
	David Davies	Jeff Cuthbert	Rejected on Chair's casting vote
	William Graham	Jane Davidson	
	Janet Ryder	Irene James	
6	Owen John Thomas Peter Black	Denise Idris Jones Leighton Andrews	Tied 5 / 5
	David Davies	Jeff Cuthbert	Rejected on Chair's casting vote
	William Graham	Jane Davidson	
	Janet Ryder	Irene James	
7	Owen John Thomas Peter Black	Denise Idris Jones Leighton Andrews	Tied 5 / 5
	David Davies	Jeff Cuthbert	Rejected on Chair's casting vote
	William Graham	Jane Davidson	
	Janet Ryder	Irene James	
8	Owen John Thomas Peter Black	Denise Idris Jones Leighton Andrews	Tied 5 / 5
	David Davies	Jeff Cuthbert	Rejected on Chair's casting vote
	William Graham	Jane Davidson	
	Janet Ryder	Irene James	
9	Owen John Thomas All Members	Denise Idris Jones None	Passed 10 / 0

10	Peter Black	Leighton Andrews	Tied 5 / 5
	David Davies	Jeff Cuthbert	Rejected on Chair's casting vote
	William Graham	Jane Davidson	
	Janet Ryder	Irene James	
11	Owen John Thomas Peter Black	Denise Idris Jones Leighton Andrews	Tied 5 / 5
	David Davies	Jeff Cuthbert	Rejected on Chair's casting vote
	William Graham	Jane Davidson	
	Janet Ryder	Irene James	
12	Owen John Thomas All Members	Denise Idris Jones None	Passed 10 / 0
13	Peter Black	Leighton Andrews	Tied 5 / 5
	David Davies	Jeff Cuthbert	Rejected on Chair's casting vote
	William Graham	Jane Davidson	
	Janet Ryder	Irene James	
14	Owen John Thomas All Members	Denise Idris Jones None	Passed 10 / 0
15	All Members	None	Passed 10 / 0