

Education and Lifelong Learning Committee

ELL(2) 11-04(min)

Minutes

Date: Wednesday 22 September 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
Mark Isherwood	North Wales
Irene James	Islwyn
Denise Idris Jones	Conwy
Janet Ryder	North Wales
Owen John Thomas	South West Central
Officials	
Richard Davies	Group Director, Department for Training and Education
Elizabeth Williams	Head, Youth and Pupil Participation Team
John Howells	Head, Higher Education Division
Terry Wales	Youth and Pupil Participation Team
Judith Nedin	Central Support Unit
John Atkins	Lifelong Learning Division
Carrie Moss	Schools Management Division
Andrew Hemmings	Transport Policy Division

In Attendance:

Justin Davies	Chair, Confederation of Passenger Transport (CPT) Wales
John Pockett	Director, CPT Wales
David Bloore	Member, Association of Transport Co-ordinators (ATCO) Wales

Dr Chris Llewellyn	Head of Lifelong Learning, Leisure and Information, Welsh Local Government Association (WLGA)
Councillor John Davies	Welsh Local Government Association (WLGA)
Clare Cameron	Welsh Local Government Association (WLGA) Transport Officer, Vale of Glamorgan County Borough Council
Committee Service	
Chris Reading	Clerk
Holly Pembridge	Deputy Clerk
Ruth Hatton	Support Officer
Joanest Jackson	Legal Adviser

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

1. The Chair welcomed the Committee and members of the public.
2. There were no apologies or substitutions.

1.3 During the recess period, some Members had visited the General Teaching Council for Wales (GTCW) and Careers Wales to discuss their current plans and challenges. The visits were most constructive and would be discussed formally in a future Committee meeting. Members were due to visit Estyn on 30 September. The Clerk would arrange visits to ELWa, ACCAC and the Higher Education Funding Council for Wales (HEFCW).

1.4 Business Committee had approved the additional meeting to be held on Thursday 30 September at 2.00pm. Prior to the meeting, at 12.45pm, Members were invited to attend a briefing session on the budget planning process, to assist Members in their scrutiny of the draft budget.

1.5 There were no declarations of interest made in accordance with Standing Order 4.5.

Item Two: Minister's Report

Paper: ELL(2) 11-04(p.1) and Annexes

2.1 The Chair invited the Minister to introduce her report. The Minister stated that, in addition to the content of her written report, she wished to inform the Committee of the following:

- 29 July - a joint announcement with the Health and Social Services Minister was made concerning the launch of the Department for Work and Pensions Childcare pilot in Torfaen;
- 5 August - announced £4.87m for Mudiad Ysgolion Meithrin and Trinity College Carmarthen to deliver a new training programme for Welsh medium early years practitioners;
- 11 August - ACCAC's draft framework for Children's Learning for 3-7 years olds had been made

available;

- 19 August and 26 August - GCSE and 'A'-level students were to be congratulated on their results, as they were the first students to gain the Intermediate Welsh Baccalaureate Diploma;
- 26 August - welcomed Ms Jacqueline Tonge as a new member of the General Teaching Council for Wales (GTCW);
- 10 September - announced the membership of the new School Workload Advisory Panel;
- 14 September - opened Ysgol Plas Brondyffryn; and
- A language centre had been developed in a Gwynedd secondary school to meet the growing demand for teaching Welsh to non-Welsh students.

2.2 The Chair then invited Members to raise questions and the Minister gave the following responses:

2.3 GCSE and 'A'-level Examinations

- The Minister noted the Committee's endorsement of her recognition of the achievements of students in Wales from this year's encouraging GCSE and 'A'-level results. The Committee also supported the Minister in rejecting detractors of the results as it undermined the efforts of the young people;
- The recent article in the Western Mail, which had alluded to a 58% pass rate for GCSEs had been misleading: the 58% pass rate related to one of three components in the higher mathematics paper. Paper one accounted for 50%, paper two accounted for 61% and coursework accounted for 77%;
- A panel of examiners set papers and regularly checked standards;
- Some regulating and awarding bodies had been concerned about some of the grade boundaries;
- ACCAC working with the Qualifications and Curriculum Authority (QCA) and awarding bodies to address these concerns.

2.4 Education Psychology in Wales

- The vacancy rate for educational psychologists in Wales was currently 20%, with a particular shortfall in education psychologists able to operate through the medium of Welsh;
- The Minister would be meeting the British Psychological Society to discuss potential means of expanding the number of training places available;
- Careers organisations were best place to promote educational psychology as a career to young people. There was a need to ensure that psychology students and teaching graduates had the appropriate training in both teaching and psychology;
- The Chair added that Careers Wales, during the rapporteur group's recent visit, had expressed an interest to give evidence to the Committee in relation to provision of personnel for special educational needs services.

2.5 Speech and Language Services for Children and Young People - 'Working Together'

- The Minister agreed that collaborative working for speech and language therapy provision was vital. Paper ELL(2) 11-04(p.7) set out the various prime and ultimate legislative responsibilities, funding arrangements and the outcomes of the 'Working Together' consultation. The Assembly Government was taking forward this agenda by discussing the potential for pooled funds from the health and education sectors. Paragraph 2.58 of the paper outlined the plans for a co-ordinator to be appointed to oversee pilot partnership arrangements. The Minister and the Health and Social Services Minister would announce in due course when the pilots would commence;
- Evidence from the 'Working Together' report demonstrated gaps in provision; and
- The SEN Code of Practice, published in 2001, set out the responsibilities of agencies, including their relationships with parents and children.

2.6 Modern Foreign Languages

- The Minister agreed that it might be beneficial to concentrate on developing oral/conversational skills. 'Acen ' also provided online opportunities for those who wanted to learn foreign languages through the medium of Welsh;
- 'Short, fat learning' had proved to be more beneficial than 'long, thin' learning: the immersion pilots in primary schools in Wales would provide an effective model;
- There was an increase in the number of pupils taking languages at 'AS' and 'A'-level;
- The Centre for Information on Language Teaching and Research (CILT Cymru) had developed compacts and partnerships, including primary school pilot schemes; and
- The Chair noted a request for the availability and development of modern foreign languages to be a substantive agenda item: this would be discussed at party spokespersons' meeting, as well as the possibility of inviting CILT Cymru to appear before the Committee. The Chair said that he had given evidence to the European and External Affairs (EEA) Committee on the work of the ELL Committee in relation to the European dimension of its work; the EEA Committee had inquired what work had been carried out on modern foreign languages.

2.7 National Insurance Costs for Local Authorities

- National Insurance contributions and pension costs were included in the overall increase in education budgeted spend by local authorities for the financial year 2003-04. Increases in fixed costs were taken into account for the Assembly's annual revenue settlement for local government.

2.8 Minister's Visit to New Zealand

- The Minister had visited schools, early years centres and polytechnics, amongst other places during her visit to New Zealand;

- The National Certificate of Educational Achievement (NCEA) had been introduced in New Zealand for the same reasons that the Welsh Baccalaureate had been introduced in Wales: businesses were concerned that young people lacked the required skills, particularly key skills. The NCEA was still in its early stages, yet it had a complex reporting structure. A detailed analysis could be found in Annex B of the ministerial report; and
- Industry Training Organisations (ITOs) advocated training and reviewed the delivery of industry standards. Wales could learn from New Zealand in that industry standard modules were put into schools at pre-16 level: young people could gain useful qualifications. Also, the 'Gateway' initiative allowed 16 year olds to work with employers. The majority of training in New Zealand was commissioned and paid for by industry itself.

2.9 Devolution of Student Support and Higher Education Act 2004

- The Minister would report the recommendations of the second Rees review to the Committee when they were available;
- The Welsh Assembly Government had received a commitment from the Secretary of State for Education and Skills that Wales would receive its share of funding to meet the introduction of top-up fees. Until 2006, responsibility for student support remained with the UK Government;
- Policy decisions for higher education in Wales had been reported to the Committee and they had been taken to ensure that Welsh students were not disadvantaged in the year that top-up fees would be introduced; and
- Thresholds had been set for the repayment of fees, which would take into account the salary of the graduate.

Item Three: 14-19: Learning Pathways

Paper: ELL(2) 11-04(p.2)

3.1 The Chair welcomed Elizabeth Williams and Terry Wales from the Youth and Pupil Participation Team, Department for Training and Education. The Committee had been supplied with a copy of Learning Pathways 14-19 Guidance - circular 37/2004. Elizabeth Williams gave a brief introduction and the Chair then invited Members to comment. The following points were made in response to Members' questions:

3.2 Funding/Assimilation of 14-16 and 14-19 age groups

- There was a need for co-operation between Local Education Authorities (LEAs) and post-16 funding mechanisms. Any extra funds would be channelled through grants via the 14-19 Networks;
- 14-19 Learning Pathways concerned the needs of learners and there was a significant desire from all involved for the agenda to work;
- It was difficult to ascertain currently how the balance of provision would transpire; and
- The finance modelling group would be reconstituted and would meet in November; the group

would take into account the needs of young people. Membership of the group included representatives of the Department for Training and Education, ELWa and training providers.

3.3 Voluntary Aspect and 95% target

- The target of 95% of young people by the age of 25 to be ready for high skilled employment or higher education by 2015 was an aspirational target. However, targets would indeed be set within the aspirational target; and
- The delivery of this target would be a challenge to all sectors. Wales could not afford not to strive for this target/deliver the agenda: Denmark currently had 89% of young people by the age of 25, who were ready for high skilled employment or higher education and would be aiming for 95% level 3 by 2015.

3.5 Accreditation for Informal Learning

- There were many accreditation schemes, like the Open College Networks (OCN) that would convert informal learning to non-formal learning.

3.6 Learning Credits

- The guidance stipulated that young people should have choice and flexibility when planning Learning Pathways. The 14-19 networks were expected to each provide an annual prospectus, taking into account regional priorities and needs;
- Providers and schools would have to work closely together. Young people would continue to need support and guidance - this would be provided by learning coaches; and
- The aim of the agenda was to provide young people with the broadest, flexible learning choices possible.

3.7 Role of Business/Industry

- There was a need to utilise support from the business sector without overloading it. Some pilot schemes currently in hand had recognised this. The Welsh College of Horticulture was an exemplar of good practice in this area.

3.8 Community Consortia for Education and Training (CCETs)

- The Minister said that CCETs as they currently stood could identify regional statements of need. There was however, potential for bringing CCETs and Learning Networks together, in light of ELWa-National Council being absorbed into the Welsh Assembly Government from 2006. It was important to retain a local focus and a focus on adult education/second-chance learners.

3.9 The Chair thanked presenters for their contribution and noted that Party Spokespersons' meetings

would discuss whether there was a need for twice yearly reporting on progress on 14-19 Learning Pathways agenda.

Item Four: Policy Review - School Transport - Information Gathering Papers: ELL(2) 11-04 (p.3 & p.4 - PowerPoint) and ELL(2) 11-04(p.5)

4.1 The Chair welcomed Justin Davies and John Pockett (CPT Wales); David Bloore (ATCO Wales) and Councillor John Davies, Dr Chris Llewellyn and Clare Cameron (WLGA, Vale of Glamorgan County Borough Council).

4.2 Justin Davies spoke to a PowerPoint presentation: paper ELL(2) 11-04(p.3 &p.4), which incorporated a presentation by CPT Wales and ATCO Wales. This can be accessed at the Committee's webpages on www.wales.gov.uk Councillor Davies spoke to paper ELL(2) 1-04(p.5).

4.3 After the presentations, the Chair invited Members to raise questions. Presenters made the following responses:

4.4 CCTV / Adult Supervision / Yellow Buses

- Justin Davies said that CCTV made a significant difference, as it provided evidence to prove bad behaviour by pupils. However, with regard to using escorts, it was very difficult to employ people to work two or three hours a day. The Criminal Records Bureau (CRB) check was also a lengthy process. Justin Davies said that for these reasons, some bus operators were deterred from bidding for school transport contracts, which stipulated that an escort was required on all buses. A number of local authorities in Wales are already operating high specification, high quality buses; sometimes described as "yellow buses".

4.5 Staggering School Start / Finish Times

- Justin Davies said that staggering school starting and finishing times offered a lot of opportunities for school transport. The start times of schools could be earlier than local colleges, and therefore school transport could be used for the school run, before transporting students to colleges;
- Councillor Davies said that flexible school start and finish times operated via the consent of school governing bodies. The variance of school day was often no more than 15-20 minutes. There had been no adverse comments from pupils with regard to variance in timings.

4.6 Local, Small Operators

- Justin Davies felt that many small operators had excellent, close working-relationships with parents and pupils. The reality of rising insurance costs, new vehicle requirements and an increase in tender costs often mean that it was difficult for smaller operators, but they were not necessarily left out of the market.

4.7 Standardisation of free travel for early years and post-16 pupils

- Councillor Davies agreed that there was a need for national standardisation for free school travel, particularly for the early years and post-16 groups;
- There was also a need to take into account those children who received free travel as a concession but, due to their age, subsequently no longer received it;
- Research had shown that there were more opportunities to innovate in the primary sector; it was essential that pupils reached school and back safely.

4.8 Safety Statistics

- Councillor Davies and Justin Davies agreed that bus transport for school children was statistically the safest mode of transport. However, bad behaviour from some school pupils was challenging;
- CPT agreed to check the availability of statistics for fatal accidents involving children on buses, compared with those involving cars on the 'school run' and to provide available data to the Committee.

4.9 SEN Provision

- Councillor Davies said that children who were taken to school in taxis, were generally those children who had SEN statements;
- Councillor Davies believed that school transport provision for SEN should be looked at holistically within the school transport review and not reviewed separately.

4.10 Decreasing the number of cars on the "school run"

- Councillor Davies gave one example whereby a rural school was closed, yet the number of cars on the road decreased due to school bus routes being extended to neighbouring schools: more children travelled to school safely via two school buses whilst reducing the 'school run' via car.

4.11 '3 for 2' Rule and Seatbelt Provision

- Clare Cameron stated that she was employed by the Vale of Glamorgan Council and that she had carried out a survey of all 22 local authorities to determine their policies regarding the '3 for 2' seating rule and seatbelt provision. Clare Cameron agreed to provide these statistics for the Committee in due course.

4.12 Service Buses versus Dedicated School Buses

- Justin Davies said that some pupils would have to use service buses, as opposed to dedicated home to school transport. However, realistically service buses would not be fitted with seatbelts,

although CCTV was becoming more common.

4.13 Behaviour

- Councillor Davies said that research in one county had found that playing music on school buses appeared to have a calming effect on pupils.

4.14 Good Practice

- Councillor Davies said that guidance for sharing best practice would be welcomed and valuable. The conclusions from the review that the National Foundation for Educational Research (NFER) had been commissioned by the WLGA to carry out would be presented to the Minister and Committee in due course.

4.15 The Chair thanked all presenters for their contributions.

Item Five: The Future of the National Council for Training and Education (ELWa) Paper: None - oral report from the Minister

5.1 Following the First Minister's announcement in July, regarding the absorption of ELWa into the Welsh Assembly Government from 2006, the Chair invited the Minister to orally update the Committee. In her introduction, the Minister raised the following points:

- On 14 July 2004, the First Minister announced that ELWa, the WDA and WTB would be merged with the Assembly Government by 1 April 2006 as an initial step towards reform of the Welsh Public Service. The merger would support the Government's drive to generate distinct Wales-orientated policies, and streamline back office functions releasing resources for investment in front line services;
- These developments would not alter the Government's policy for post-16 education and training and the ministerial remit to ELWa remained unaltered. For learners and providers there would be continuity of service during the transition period and beyond;
- Discussions had begun with ELWa staff at all levels to explain the objectives and ensure they understand that they will be able to influence the merger process and the design of the new department;
- It was important to have input not only from across ELWa and the Assembly Government, but also to engage stakeholders in setting out future plans;
- The Minister had visited the offices at Bedwas to discuss plans, to answer questions from staff on

how the process of merger is to be taken forward, and to assess the perspective of ELWa staff following the First Minister's announcement. Staff were positive about the need to bring policy and service delivery together and about the opportunities that will open up for them. Other ELWa offices across Wales would be visited in the near future;

- The process would be a merger not a take-over. ELWa had made great strides in implementing the Assembly Government's agenda for change and it was made clear to both the staff and National Council members that the work that they have set in train will be continued;
- The Council was very supportive of the Assembly Government's reform agenda and there had been a useful discussion on the issues that were central to maintaining momentum during the transition to the merged organisation and beyond.
- A Mergers Working Group, including ASPB Chief Executives, Departmental Heads and Trades Unions representatives would lead the merger process. Detailed technical work had been remitted to a Scoping Project supported by nine separate specialist workstream groups. The Scoping Project had been set up on a "Team Wales" basis and included representatives from ELWa, other ASPBs and the Trades Unions. It would draw up outline options for managing the integration process and high level models of business operations. It will conclude its work this autumn and further details would be announced in November. The Scoping Project would dovetail with work on the Merlin Foundation Project, Public Services Review Project and the Location Strategy; and
- This merger, with the continuing review set out by the First Minister, would be an opportunity to create a new architecture for public service in Wales. It would help to encourage effective networking across sectors as well as creating a new Department of Education and Lifelong Learning that would be marked by its responsiveness to learners and providers. This would be an important step for the Assembly as a whole and for education and training in Wales.

5.2 The Chair then invited questions from Members, and the Minister made the following responses:

5.3 Consultation

- Since his announcement in July, the First Minister had asked all the other public bodies whether they wanted to come in-house to the Assembly Government - they had declared in favour of their current status. The Minister stated that it had not been appropriate therefore for the Assembly Government to take a decision on the principle of merger in the interests of improving governance arrangements in Wales, without prior consultation. It was appropriate that the Assembly Government should have the capacity at national level to deliver in its policy objectives. The Assembly Government's Cabinet Sub-Committee had prior to the announcement, indicated the Government's sense of direction in respect of the construction of a new public service for Wales.

5.4 Sixth Form Powers

- The existing powers: The School Organisation Proposals Regulations would remain extant until there was a need to change them.

5.5 Tendering Contracts

- ELWa sought competitive tendering to attract £52m of new, additional EU funding. Auditors had been satisfied with the process.

5.6 Practical Delivery - Regional and Local Level

- The retention of workable local and regional arrangements would be assured. The Sector Skills Councils would play an important role in this.

5.7 Cost

- A large number of administrative functions would be coming into the Welsh Assembly Government. Remit letters would take account of new priorities and the scoping study would review cost issues. Progress would be notified to the Committee.

5.8 CCETs

- CCETs would ensure effective arrangements from 14 years plus were in place.

5.9 Local Government

- The Welsh Assembly Government would operate in partnership with local government. Public services needed to operate at all levels to enable better partnerships. The Welsh Assembly Government was looking for an integrated delivery mechanism.

5.10 Janet Ryder requested legal advice from the Committee's Legal Adviser (Joanest Jackson), as to the legal basis upon which the transfer of ELWa to the Assembly would be undertaken; and the continued implementation of any subordinate legislation to which ELWa was currently subject. Joanest Jackson provided oral advice on the first point and incorporated that advice into a written note, which would also deal with the second point. A copy of this note can be found at Annex 1.

5.11 The Chair noted on the Committee's request that should it be required, the item would be a substantive agenda item in the future.

Item Six: Future Secondary Legislation

Paper: ELL(2) 11-04 (p.6)

6.1 The Chair invited Members to propose any items of secondary legislation that they wished to scrutinise, or to notify the Clerk.

6.2 The Chair said that Business Committee had determined that item ELL22-04 of the schedule - "The Education (Health Standard) (Wales) Regulations 2004" should follow the standard procedure.

Item Seven: Minutes of the Previous Meeting

Paper: ELL(2) 10-04(mins)

7.1 The Committee ratified the minutes of the meeting of 7 July 2004.

There were two papers to note for information:

Policy Review of Special Educational Needs (SEN)- Background Information: SEN funding arrangements and Health and Education Responsibilities

Paper: ELL(2) 11-04 (p.7)

Mid-year review of European Commission Work Programme

Paper: ELL(2) 11-04 (p.8)

Action Points

- To discuss the need for twice yearly reporting on progress on 14-19 Learning Pathways agenda and a substantive agenda item on modern foreign languages/CILT Cymru;
- Clare Cameron agreed to provide statistical details for school transport;
- Committee's Legal Adviser (Joanest Jackson), to provide written advice as to the legal basis upon which the transfer of ELWa to the Assembly would be undertaken; and the continued implementation of any subordinate legislation to which ELWa was currently subject. A copy of this advice is at Annex 1 of these minutes.

Annex 1

To: The Chair and Members of the Education and Lifelong Learning Committee
Transfer of ELWa to the Assembly

Introduction

1. At the Committee's meeting on 22nd September Members sought clarification of the following:

- the legal basis upon which the transfer of ELWa to the Assembly would be undertaken; and
- the continued implementation of any subordinate legislation to which ELWa is currently subject.

Oral advice on the first point was given at the meeting and I undertook to incorporate that advice into a written note which would also deal with the second point.

Background

2.1. The Council for Education and Training for Wales –now known (and referred to in this note) as ELWa - was established by section 30 of the Learning and Skills Act 2000 ("LSA") to undertake the following statutory duties:

- to secure the provision of proper facilities suitable for the education and training of persons aged 16-19 years, and organised leisure-time occupation connected with such education and training of persons aged 16 to 19 years;
- to secure the provision of reasonable facilities for the education and training suitable to the requirements of persons who have attained the age of 19 years and for organised leisure-time occupation connected with such education and training; and
- to encourage individuals to undergo post-16 education and training and to encourage employers to participate in the provision of and to contribute to the costs of post-16 education and training. (sections 31-33 LSA)

2.2. ELWa was given powers to secure the provisions of financial resources to persons providing or proposing to provide post-16 education or training, those providing goods or services in connection therewith, and to persons proposing to provide certain courses (such provision being made subject to conditions if appropriate). It was also given powers to make grants to local education authorities with a view to the finance being used for the purpose of, or purposes connected with, the provision by schools of education suitable to the requirements of persons above compulsory school age. (sections 34-36 LSA).

2.3. In discharging its functions ELWa is required to have regard to the needs of persons with learning difficulties and to the need to promote equality of opportunity.

2.4. Consequent upon the establishment of ELWa, for the entry in paragraph 5 of Part 1 of Schedule 4 to the Government of Wales Act 1998 (Public Bodies subject to reform by the Assembly) relating to the Further Education Funding Council for Wales was amended. For the entry relating to the Funding Council was substituted a reference to ELWa. ELWa therefor became a public body capable of reform

by the Assembly.

Transfer of Functions

3.1. It is proposed that ELW_a be abolished and its functions and staff carrying out these functions be transferred to the Assembly. The legislative basis for these transfers are found in the Government of Wales Act 1998 ("GOWA") and are detailed in paragraphs 3.2 to 3.5 below.

3.2 Section 28 of GOWA enables the Assembly to reform the Welsh public bodies listed in Schedule 4 of the Act. As stated in paragraph 2.4 above, ELW_a is one such body. Section 28(1) empowers the Assembly, by order, to transfer one or more of the statutory functions (i.e. those functions conferred or imposed on the body by an enactment) of a body specified in Part 1 of Schedule 4 to the Act to another of the public bodies listed in Schedule 4 or to itself. Where the transferee body would not be able to exercise a transferred function either because the function requires or permits something to be done in relation to that body or that body could by exercising another of its (existing) functions do what the transferred function would require or permit that body to do, then the Assembly may by order make provision for the abolition of that function (section 28(2)).

3.3 Where each of the statutory functions is transferred or abolished by an order under section 28(1) the order may provide for the abolition of the body from which functions are transferred (section 28(3)).

3.4. An order transferring functions from ELW_a to the Assembly may make provision for the transfer of staff, property, rights and liabilities (section 28(4)).

3.5 Where an order abolishes a function of ELW_a or ELW_a itself, the order may also make provision for the abolition of any duty in compliance with which it was established or constituted (section 28(6)). In practice this is unlikely to apply in relation to ELW_a as it was established by the Learning and Skills Act 2000 and was not established by the Assembly pursuant to a duty to do so.

3.6. Therefore, the Assembly may transfer to itself one, more than one or all of ELW_a's functions. Assuming all functions are transferred it could be logical to conclude that ELW_a will be abolished.

Impact of transfer on subordinate legislation

4.1. As indicated in paragraph 3.2, the power contained in section 28(1) of GOWA is applicable to the transfer of statutory functions which are defined as those functions conferred or imposed by enactment. In accordance with interpretative convention, "functions" includes powers and duties. "Enactment", in accordance with the Interpretation Act 1978 encompasses both primary and subordinate legislation. Consequently, any transfer of a function will be a transfer of that function howsoever conferred i.e. will include those functions conferred by the Learning and Skills Act 2000 and any function currently undertaken in accordance with any subordinate legislation to which ELW_a is subject and the Assembly will be required to undertake those unless they are abolished in circumstances such as those referred to in

paragraph 3.2 above or until such time as the particular subordinate legislation is revoked.

Joanest Jackson
APS – Legal Division
24th September 2004

**Education and Lifelong Learning Committee
Cumulative schedule of action points arising from Committee meetings (2004)
From September 2004**

Meeting Reference	Date	Action	Responsibility	Status
ELL(2) 11-04	22 Sept 04	14-19 Pathways and Modern Foreign Languages - to discuss the need for twice yearly reporting on progress on 14-19 Learning Pathways agenda and a substantive agenda item on modern foreign languages/CILT Cymru;	Party Spokespersons	Pending
ELL(2) 11-04	22 Sept 04	School Transport - Clare Cameron agreed to provide statistical details for school transport.	Clerk	Pending
ELL(2) 11-04	22 Sept 04	ELWa - Committee's Legal Adviser (Joanest Jackson), to provide written advice as to the legal basis upon which the transfer of ELWa to the Assembly would be undertaken; and the continued implementation of any subordinate legislation to which ELWa was currently subject.	Clerk/Legal Adviser	Completed - annexed to ELL(2) 11-04 minutes