

# Education and Lifelong Learning Committee

**ELL(2) 13-04(min)**

## Minutes

**Date: Wednesday 13 October 2004**

**Time: 9.15am - 12.01pm**

**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
David Melding (Chair, HSS Committee)	South West Central (item four)
Janet Ryder	North Wales
Owen John Thomas	South West Central

### Officials

Neil Thomas	Head, Lifelong Learning Division
Alan Lansdown	Head, Pupil Support Division
Judith Nedin	Central Support Unit

### In Attendance:

Jeffrey Greenidge	Head, Ufi Cymru
Helen Milner	Director of Distributed Learning, Ufi Ltd

## **Committee Service**

Chris Reading	Clerk
Holly Pembroke	Deputy Clerk
Joanest Jackson	Legal Adviser

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

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

1.2 There were no apologies or substitutions.

1.3 Some Members made declarations of interest in accordance with Standing order 4.5. David Melding stated that he was Chair of Governors at Meadowbank Special School, Cardiff and a Board Member of Autism Cymru. Jeff Cuthbert stated that he knew Jeff Greenidge, Head of Ufi Cymru and had worked with him at the WJEC. Leighton Andrews stated that he had been a consultant to Ufi Ltd on an UK basis until 2001.

### **Item Two: Minister's Report Paper: ELL(2) 13-04(p.1) and Annex A**

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:

- Performance indicators for higher education for the UK in 2002-03 had been published at the end of September. They had shown that Wales generally outperformed the rest of the UK in terms of widening access. Higher Education Institutions (HEIs) in Wales were particularly effective at recruiting young and mature first degree entrants, particularly from disadvantaged socio-economic backgrounds; and
- The Higher Education Funding Council for Wales (HEFCW) had published its audit service report on the terminated merger between the University of Glamorgan (UoG) and the University of Wales Institute, Cardiff. The lessons learnt from the process could be shared with other HEIs. The report demonstrated that the case for merger had been strong and funds had been spent properly but that there had been a lost opportunity for merger.

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

2.3 Higher Education

- Arrangements to transfer part of the Open University (OU) to Wales were not yet complete. It operated from its UK headquarters but the Minister would make statistics available from the OU relating to recruitment of mature students and part-time students. The Minister acknowledged that the OU was well-placed to deliver bite-sized courses, particularly in collaboration with Industry; and
- The Minister said it was her understanding that the Bangor University and the North East Wales Institute (NEWI) were retaining their strategic alliance but were not planning to pursue further discussions concerning merger.

## 2.4 Education Maintenance Allowance (EMA) Grants

- In November information would be available on take-up of EMAs. The system in Wales would operate as in the rest of the UK. The scheme would be operated by the Student Loans Company;
- The scheme would be financed by additional funding provided by the UK Government and this funding would show as an Annually Managed Expenditure (AME) budget line. Funds to reimburse schools and colleges would come from the same budget line;
- The Minister confirmed that payment of the EMA grants to young people would not affect any benefits that their parents received;
- Pilots in England had shown that as a result of EMAs, there had been a substantial increase particularly in the number of young men in deprived areas that were staying on in education;
- Students who were currently 17 years old or above would not be eligible for the EMA in 04-05 because this was a new initiative to ensure young people stayed on in education. £8.7m was available for this financial year; £20.9m for the next year whereby those pupils aged 17 would be eligible and the following year 18 year olds would be eligible. Pupils staying on in education would have the guarantee of EMAs on a means tested basis;
- The Minister noted that not all transport arrangements for post-16 pupils were free. Under new requirements under the Education Act 2002, LEAs had to take strategic decisions regarding post-16 travel arrangements in their authority areas. The Minister said that she would review these policies and bring them to Committee.

## 2.5 Research into Student Preferences

- The joint research programme would be between the Assembly Government and the Economic and Social Research Council (ESRC). The ESRC often ran joint PhD studentships with government departments across the UK. The project was put out to tender and Liverpool University had been successful in securing the contract;
- The project would examine the education and career choices of Welsh-domiciled students and those students who had come to study in Wales. The project would be quite a lengthy process because research would have to include student choices from school to further/higher education and the workplace;
- Students in Wales/or coming to study in Wales in 2006/07 would not pay variable fees - the Assembly Government would ensure that there was sufficient funds in the unallocated reserve

budget to ensure the Higher Education Institutions (HEIs) and students were not disadvantaged. All other matters were referred to the Rees Commission. An interim report was due early in 2005, and it would be useful for Professor Rees to update the Committee at this stage. The final report was due in April 2005;

- The Minister stated that she was not opposed to fee structures in principle but had concerns about upfront fees, as they could deter potential students. Unequivocal evidence for this had contributed to the UK Government's decision to remove up-front fees. It was important to find the most appropriate fee structure for Wales, especially as there were a large number of low-income students in Wales.

## 2.6 Teacher Training

- Trainee teachers that achieved Qualified Teacher Status (QTS) in England could teach in Wales, and vice versa. Prior to acquisition of QTS, trainees had to undertake half of their teaching practice in the country where they were undertaking their training. After qualification, teachers could teach in either country.

## 2.7 Work Based Learning

- The Minister would write to the Committee with details of ELWa's provision of work based learning for young people with learning difficulties and disabilities. The Chair noted that this theme would inform the later phases of the Committee's policy review of special educational needs; and
- Substantial work had been undertaken on an educational needs analysis of work based learning by sector skills councils. ELWa was also undertaking a review of work-based learning which the Minister would report to Committee on in due course.

## 2.8 Draft Charities Bill

- The Draft Charities Bill was a "tidying up" piece of legislation, which contained provisions to regulate exempt charities in order for them to continue to enjoy the status and benefits of a charity. All charities would have to demonstrate a charitable purpose. The categories were deliberately wide as the charities needed to demonstrate that they were "giving back" to communities when they were in receipt of public money;
- The Minister said that she welcomed the sharing of facilities by independent schools. A good example had been Monmouth Boys' and Girls' School - where pupils from Monmouth Comprehensive School attended Russian and Italian classes, amongst others and the school theatre had been converted for community use;
- The Minister said that she strongly encouraged local comprehensive education but she was encouraged by the new legislation, which encouraged independent schools to share their facilities with their local communities. She would continue to work with the Independent Schools Council;

- The Charities Commission would act as the regulator for ELWa. It was important to ensure that all education bodies in Wales were regulated in the same independent manner. It was appropriate for ELWa to be regulated by the Charities Commission given its future absorption into the Welsh Assembly Government. There would have otherwise been a conflict of interest;
- Peter Black commented that this was inconsistent with the approach adopted in England, and that there was an inconsistency with the approach to Registered Social Landlords. Neil Thomas (DfTE) said that ELWa had commercial contracts with further education colleges for work based learning and, therefore, it would be inappropriate in these circumstances for ELWa to regulate these institutions;
- The Minister said that she would advise the Committee whether the Charities Bill would result in subordinate legislation for the Assembly.

### **Item Three: Ufi Cymru / Learndirect**

#### **Paper: ELL(2) 13-04(p.2)**

3.1 The Chair welcomed Jeff Greenidge, Helen Milner and Huw Evans to the meeting. Huw Evans and Jeff Greenidge made a brief introduction using a PowerPoint presentation. This can be accessed on the Committee's webpages on [www.wales.gov.uk](http://www.wales.gov.uk)

3.2 The Chair invited Members to raise questions and presenters gave the following responses to Members:

#### 3.3 Steering Outcomes/Learning Credits

- Llandrillo College was participating in the pilot for the Credit and Qualifications Framework. Credits enabled the learner to transport qualifications by gaining credits and, if they so wished, to return to learning at a later date. Not every individual wanted to achieve a full qualification;
- There had previously been wastage with courses/qualifications, as some learners had not completed courses, and the learning credits would circumvent this;
- Learners could build towards a complete National Vocational Qualification (NVQ): materials and courses could be used to gather evidence and build towards an NVQ; and
- Learndirect had the IT infrastructure to offer adults access to learning. Individuals would be able to build skills passports. Learndirect worked closely with learners and colleges to develop national progression routes.

#### 3.4 Small and Medium Sized Enterprises (SMEs)

- SMEs normally required 'bite-sized', tailor-made learning for their employees; and
- Premier business centres offered business support linked with training and consequently relationships were built with business.

#### 3.5 Relationship with Industry

- The Wales Trade Union Congress (TUC) supported Ufi / Learndirect in relation to employees. A project to consider establishing learning centres in the workplace was being undertaken by the Public and Commercial Services (PCS) Union;
- Learners could benefit from mentoring support from trade unions concurrent with undertaking bite-sized learning; and
- The Wales Union Learning Fund was also another route.

### 3.6 Access in Rural Areas

- The network of learning centres and colleges facilitated the operation of forty community-based centres, with potential for more.

### 3.7 Targets for Bilingual Service Provision

- Ufi Cymru's approach to commissioning was to endorse, enhance and web-enable material. New, bilingual provision would be tested in autumn. Ufi Ltd would work closely with ELWa and its process of commissioning;
- Any material developed would be available for the pre-16 and post-16 sectors. There was a need for a clear steer from ACCAC and ELWa; and
- There was a target for 125 bilingual tutors to be available by the next academic year.

### 3.8 Ufi Ltd Investment in Wales

- In England, the Learning and Skills Council funded Ufi with £250m, of this £80m was allocated for the IT infrastructure. In Wales, there was separate funding of £2.5m: £1m for central costs/licences/materials including the development of new course materials; and £1.5m allocated for the delivery of learning.

### 3.9 Cymru Ar-lein / SME Networks

- Ufi was working with Cymru Ar-lein centres to extend the reach of learndirect;
- Ufi worked with the Chamber of Commerce (SMEs) and also the Federation of Small Businesses (FSB) was represented on Ufi's Board; and
- The Business Centre network was tasked to support SMEs, particularly in providing a legal framework/support system.

### 3.10 Measuring Outcomes

- Ufi was working towards measuring outcomes: the intention was to build online network ability for learners to store their qualification credits online. Learndirect had an excellent tracking

facility for those learners using learndirect courses - other partners could access this. Ufi worked to a target of learners' completion for full qualifications. Next year's target was 33,000 completions.

### 3.11 Progression to Formal Learning

- 'Cybercafes' were important facilitators of learning. Individuals who completed initial courses could develop their learning, as their courses were linked to the Credit and Qualifications Framework;
- Full-time learners also used learndirect as part of 'blended learning';
- In Ceredigion - 9% of adult learners came from Learndirect courses; and
- From a recent survey, 60% of people said that they would not have learnt if it had not been for Learndirect; 10% achieved a level 2 qualification.

### 3.12 National Institute of Adult Continuing Education (NIACE) Dysgu Cymru

- Ufi were represented on the board of NIACE Dysgu Cymru, in revising the memorandum of understanding/action plan, the focus would be on community access and affordability of courses. NIACE was also examining European funding models; and
- NIACE was also a key partner in the Ufi sub-committee, alongside ELWa and others. Ufi was keen to be inclusive at strategic management level.

### 3.13 Higher Level Courses

- The SAGE Accounting course was an example of a higher level, specific vocational courses that were offered by learndirect. Lower level courses included Basic Skills;
- Learndirect could provide access to the higher education gap between levels three and four;
- The Learning for Work project at UK level had been successful at taking people to degree level flexibly: teaching and support were offered through universities. Courses were work-based, so length varied. Credits were gained at university level for work undertaken in the workplace. Universities accredited the courses;
- For the European Computer Driving Licence (ECDL) and Basic Skills, learners could take mock online assessments without studying. If deemed successful by tutors, they could apply for formal assessment. This provided a motivational approach to learning.

### 3.14 The Chair thanked presenters for their contribution.

## **Item Four: Policy Review of Special Educational Needs - Committee's Draft Report Paper: ELL(2) 13-04(p.3)**

### 4.1 The Chair welcomed David Melding, Chair of Health and Social Services Committee. David

Melding said that he was Chair of Governors at Meadowbank Special School and a Board Member of Autism Cymru.

4.2 The Chair stated that the report would be launched at Meadowbank Special School in Cardiff on the morning of Wednesday 24 November. The report would be debated in Plenary on the afternoon of that day.

4.3 The Annexes to the report were being prepared and were factual. They would be circulated to the Committee in due course.

4.4 The Chair invited Members to approve, or comment on, the amendments highlighted in the draft report. The Committee accepted the following amended paragraphs/recommendations:

- Paragraph 2.23;
- Paragraph 2.24
- Paragraph 2.28
- Paragraph 2.29;
- Paragraph 2.34;
- Paragraph 3.8;
- Paragraph 3.9;
- Paragraph 3.15;
- Paragraphs 3.17-3.19 - approved subject to the removal of "low-level" (needs) from each of these paragraphs;
- Recommendation 3.20 - approved subject to the removal of "low-level" (needs) from this recommendation;
- Recommendation 3.24 - approved;
- Recommendation 3.25 - approved;
- Recommendation 3.26 - approved subject to inclusion of " and any matters affecting the delivery of their child's SEN programme" at end of recommendation;
- Recommendation 3.27 - approved;
- Recommendation 3.28 - approved;
- Recommendation 3.29 - approved;
- Recommendation 3.31 - approved;
- Recommendation 3.32 - approved subject to inclusion of " and specialist courses" at end of recommendation;
- Recommendation 3.33 - approved;
- Recommendation 3.34 - approved;
- Recommendation 3.39 - approved;
  
- Paragraph 3.50 - approved subject to amending "local health boards" to "local health trusts"
- Paragraph 3.59 - approved subject to amending "local health boards" to "local health trusts";
- Recommendation 3.62 - approved;



- Recommendation 3.63 - approved;
- Recommendation 3.64 - approved subject to amending "local health boards" to "local health trusts";
- Recommendation 3.36 - approved;
- Paragraph 3.67 - approved;
- Recommendation 3.70 - approved;
- Recommendation 3.73 - approved;
- Recommendation 3.76 - approved;
- Recommendation 3.77 - approved;
- Recommendation 3.80 - approved;
- Recommendation 3.81 - approved;
- Recommendation 3.82 - approved;
- Recommendation 3.84 - approved;
- Recommendation 3.85 - approved;
- Recommendation 3.86 - approved subject to removal of "low level" (needs); and
- Recommendation 3.87 - approved.

4.5 The Committee also agreed to:

- Remove recommendation 3.60 from the report, for consideration during the next phase of the review;
- Include relevant paragraph numbers in Section 4, to facilitate cross-referencing with Section 3;
- The Minister suggested that the Committee might wish to highlight some of the recommendations as being - "key recommendations". This approach had been adopted by the previous (First Assembly) Education and Lifelong Learning Committee in its reports on Higher Education and School of the Future. The Committee decided not to adopt this suggestion.

4.6 The Committee ratified the report on Special Educational Needs: Early Identification and Intervention, subject to the Clerk making the necessary amendments.

## **Item Five: Future Secondary Legislation**

### **Paper: ELL(2) 13-04(p.4)**

5.1 The Chair noted Janet Ryder had, via the Clerk, suggested that various items of secondary legislation from the schedule should be scrutinised by the committee. This request had been forwarded to the Minister, for information. The Chair invited the Minister to comment.

5.2 The Minister stated that proposed secondary legislation was consulted upon with relevant stakeholders and responses were published. Unless Business Committee determined otherwise, most regulations went through the "standard procedure". Commencement Orders generally followed the "accelerated procedure". The Minister suggested that, as a general principle, the Committee should not identify subordinate legislation for scrutiny until the relevant external consultation had been completed, and the results made available to members. The Committee agreed to this approach.

5.3 ELL 37-04 and ELL 38-04: The General Teaching Council for Wales (Functions) (Amendment) (No.2) Regulations 2004 and The General Teaching Council for Wales (Additional Functions) (Amendment) (Wales) (Order) 2004 - the committee agreed to scrutinise this subordinate legislation on 10 November. The Minister said that these regulations would allow Newly Qualified Teachers (NQTs), who had not completed induction, to work as supply teachers.

5.4 ELL 29-04 - The Education (Admission Appeal Arrangements) Regulations 2005 had just been issued, and responses were due to be returned before Christmas.

5.5 ELL 30-04 New School (Admissions) Regulations 2005 - would ensure that new schools had proper administrative arrangements in place prior to admitting pupils. These regulations were dependent on the introduction of the capacity access method, which would go out to consultation in the New Year. It was likely that consultation on the draft regulations would be held in June 2005.

5.6 ELL 07-05 Education (Headteachers' Qualification and Registration) (Wales) Regulations 2005 - Janet Ryder requested that these regulations be added to her original list of subordinate legislation for possible scrutiny by the Committee, at the appropriate time.

5.7 The Chair asked the Clerk to inform Business Committee that ELL Committee would consider items ELL 37-04 and 38-04 on 10 November.

### **Item Six: EU Deposited Documents**

**Paper: ELL(2) 13-04(p.5)**

6.1 The Chair asked Members for comments. David Davies asked if there were any cost implications for the National Assembly. The Minister said that there were no cost implications because the European Union did not have competence for education in the United Kingdom, with the exception of providing funding for European education initiatives.

### **Item Seven: Minutes of Previous Meetings**

**Papers: ELL(2) 11- 04(mins) and 12-04(mins)**

7.1 The committee ratified the minutes of the previous two meetings held on

22 September and 30 September.

7.2 Leighton Andrews suggested that, starting with this meeting, the finish time of meetings should be recorded in the minutes. The Committee agreed to this proposal.

### **Item Eight: Any Other Business**

8.1 The Chair asked Members if they were content to take up the optional additional meeting, scheduled for the afternoon of 18 November, to finish gathering evidence for the school transport policy review. Leighton Andrews opposed this request, as he considered that Committee business should be accommodated within the regular meetings in the timetable. The Chair replied that the optional additional meetings were in the timetable to allow subject committees cope with periods of high workload, and he considered that it was necessary to hold a meeting on 18 November to expedite the policy review.

8.2 After some discussion, a consensus could not be reached and the Chair asked Members to vote on this matter.

Result of vote on a motion: "To hold an additional meeting on the afternoon of Thursday 18 November 2004."

For

Peter Black

David Davies

Mark Isherwood

Owen John Thomas

Janet Ryder

Against

Leighton Andrews

Jeff Cuthbert

Jane Davidson

Irene James

Denise Idris Jones

The vote was tied 5 for and 5 against the motion.

8.3 The Chair used his casting vote for the motion, in order to fulfil the Committee's business

requirements.

8.4 The Clerk would write to Business Committee with a request to hold the additional meeting.

8.5 Jeff Cuthbert said that both he and Mark Isherwood had attended the recent SNAP Cymru conference in North Wales and would submit a joint report to Committee. Jeff Cuthbert stated that the conference attendees had appreciated attendance from Assembly Members.

**Paper to note:**

**The Committee noted the following paper: Interim Report of the Welsh Assembly Government's Childcare Working Group**

**Paper: ELL(2) 13-04(p.6)**

Action Points

- The Minister to make statistics available from the Open University relating to recruitment of mature students and part-time students;
- The Minister to collate information on local education authorities' post-16 transport arrangement policies and inform the Committee;
- The Clerk to invite Professor Rees to inform the Committee of the initial findings of the Rees Commission's interim report;
- The Minister to write to the Committee with details of ELWa's provision of work based learning for young people with learning difficulties and disabilities;
- The Minister to report to Committee on outcome of ELWa's review of workplace learning, when available;
- Annexes to the SEN report to be circulated to the Committee, for comment;
- The Clerk to amend the draft SEN report with Members' amendments, then to arrange translation and publication;
- The Clerk to inform Business Committee of the scrutiny of secondary legislation items ELL 37-04 and ELL 38-04: The General Teaching Council for Wales (Functions) (Amendment) (No.2) Regulations 2004 and The General Teaching Council for Wales (Additional Functions) (Amendment) (Wales) (Order) 2004 - on 10 November 2004.
- ELL 07-05 Education (Headteachers' Qualification and Registration) (Wales) Regulations 2005

to be added to the schedule of subordinate legislation for possible scrutiny in 2005.

- The finish time of Committee meetings to be recorded in the minutes;
- The Clerk to write to Business Committee with a request for the additional meeting on 18 November; and
- Jeff Cuthbert and Mark Isherwood to submit a joint report to committee of SNAP Cymru conference.