

Minutes of the Education and Lifelong Learning Committee

Date: 13 February 2002

Time: 2.00pm

Venue: Committee Room 3,National Assembly Building

Attendance:

Members

Cynog Dafis, Chair	Plaid Cymru	Mid and West Wales
Jane Davidson, Assembly Minister	Labour	Pontypridd
Lorraine Barrett	Labour	Cardiff South and Penarth
Mick Bates	Liberal Democrat	Montgomeryshire
Pauline Jarman	Plaid Cymru	South Wales Central
Gareth Jones	Plaid Cymru	Conwy
Huw Lewis	Labour	Merthyr Tydfil and Rhymney
Jonathan Morgan	Conservative	South Wales Central
Alun Pugh	Labour	Clwyd West

Committee Secretariat

Chris Reading	Clerk
Holly Pembridge	Deputy Clerk

Apologies

Janice Gregory

Substitutions

Ann Jones (First half of meeting)

Officials

In Attendance:

Richard Davies	Director, National Assembly Education and Training Department
Keith Davies	Head, Standards and Performance Division (NATED)
Elizabeth Taylor	Head, Schools Management Division (NATED)
Derek Adams	Head, Higher Education Division (NATED)
Paul Brown	Education Bill Team (NATED)
Catherine Roberts	Lifelong Learning Division (NATED)
Simon James	Office of the Secretary of State for Wales
Tony Widdrington OBE	Office of the Counsel General
Catrin Huws	Office of the Counsel General

Presenters

In Attendance:

Education Bill:

Don Touhig M.P	Parliamentary Under Secretary of State
----------------	--

On behalf of ATL, Wales:

Eiddwen Jones	Officer for Wales
---------------	-------------------

On behalf of NUT, Wales:

Gethin Lewis	Wales Secretary
Dr Heledd Hayes	Education Officer
Roy Davies	Deputy Headteacher, Ysgol Gyfun Rhydfelen

On behalf of UCET Cymru:

Professor David Egan

Chair

Dr Siân Williams

Senior Lecturer, School of Education, UWIC

Declarations of Interest

Cynog Dafis	Registered Teacher; wife is a Registered Teacher
Jane Davidson	Registered Teacher; husband is a college lecturer and member of the NATFHE Executive
Gareth Jones	Registered Teacher; Member of Conwy County Borough Council
Huw Lewis	Registered Teacher
Mick Bates	Qualified Teacher, member of the General Teaching Council Wales; wife is a Head Teacher, School Inspector, member of ACCAC and Estyn committees
Pauline Jarman	Member of Court L Leader of Rhondda Cynon Taff County Borough Council; member of the WLGA
Lorraine Barrett	School Governor
Alun Pugh	Wife is a college lecturer

Chair's Opening Remarks

1. The Chair asked members to declare any other interests, other than those cited above. There were none.
2. Janice Gregory had apologised and Ann Jones would substitute.
3. The Chair reminded the Committee that the meeting on 20 March would commence at 1.30 p.m.

Item One: Minister's Report

Paper: ELL 04-02(p.1)

1. In addition to the topics included in her written report, the Minister commented on the following issues:

- The Minister had attended the Third International Convention of Higher Education "UNIVERSIDAD 2002" in Cuba as part of a delegation from Wales. The delegation had visited a number of higher education research centres and the Minister had signed a Memorandum of Understanding with the Cuban government;
- Estelle Morris, the Secretary of State for Education and Skills had announced her green paper discussion document concerning the curriculum for 14-19 year olds: 'Extending Opportunities; Raising Standards'. The Minister stated that the equivalent document in Wales was '*The Learning Country*', which set out the Assembly Government's ten year education strategy. The Minister informed Members that she was currently considering the responses to this consultation document;
- The Minister confirmed that the Privy Council had unanimously endorsed the re-appointment of Ms Susan Lewis as Her Majesty's Chief Inspector of Education and Training in Wales. Together with the First Minister and the Secretary of State for Wales, the Minister had been satisfied with the recommendation of the independent to re-appoint Ms Lewis.

1. The following issues were raised in discussion:

- **Leadership College** – Members asked the Minister to comment on the need for a leadership college for head teachers in Wales. The Minister stated that it was important for the right opportunities to be available to all staff throughout the system from Early Professional Development (EPD) to Continuing Professional Development (CPD) both through the General Teaching Council for Wales (GTCW) and Grants for Education Support and Training (GEST). The UK National College for Leadership was already acting as a virtual college and the Minister did not feel it was appropriate to set-up parallel organisation in Wales;
- **Education Strategic Plans (ESPs)** – Members commented that local education authorities had responsibility for monitoring schools through ESPs and they wanted a Plenary debate on these regulations. The Minister said that she would be content to have a debate on the second round of ESPs but this would need to be carried out before May 2002, as plans needed to be put in place before the start of the new academic year;
- **Entrepreneurship Action Plan (EAP)** – Members asked for regular updates on the implementation of the EAP and the Minister agreed;
- **Teacherline Cymru** – Members felt that feedback from the confidential helpline on issues raised by teachers would be of valuable assistance in understanding current pressures. The Minister welcomed this suggestion and agreed to adopt it;
- **Wales Skills Task Force** – The Minister stated that she would be making a statement on the Wales Skills Taskforce to the Assembly in Plenary in the near future;
- **Teachers' Performance-related pay (PRP)** – Members asked the Minister to comment on the fact that both National Association of Headteachers' (NAHT) and the Secondary Head's Association (SHA) had issued a press release indicating that they would vote to ballot members over the UK government's PRP scheme. The Minister stated the press release did not accord with the funding arrangements in Wales. She stated that the National Assembly would ensure that this initiative was adequately funded in Wales;
- **Revenue Settlement** – Members were concerned that the Assembly Government's recent announcement of an increase of 6.75% on local authorities' 2001-02 budget was confusing. Members felt that there was no guarantee that there would be enough money for new salaries. The Minister pointed out that local authority funding was not hypothecated and that funding in Wales was broadly above the UK average. The Minister stated that the Education Bill proposed a budget forum for every LEA, to facilitate budgetary discussions with schools;
- **HM Chief Inspector of Education and Training** – The Minister confirmed the re-appointment of Her Majesty's Chief Inspector for Education and Training in Wales (Ms Susan Lewis). Members

requested information concerning the criteria that had been adopted; in particular, the requirement to learn Welsh. Richard Davies stated that this was an appointment to the senior civil service and appropriate management and leadership skills were required. The Minister agreed to provide the Committee with details of the criteria used. The Minister added that Ms Lewis was committed to learning Welsh and had demonstrated her bilingual skills at meetings and conferences.

Item Two: Education Bill

Paper: ELL 04-02(p.2)

2.1 The Chair welcomed the Parliamentary Under-Secretary State (PUSS) for Wales, Mr Don Touhig MP to the Committee to inform the Committee of the Education Bill's progress through Parliament.

2.2 The Assembly Minister made some introductory observations and expressed her satisfaction and congratulations on the close working relationship between the Wales Office and the Assembly; at Ministerial and official level.

2.3 The Chair then invited Don Touhig to address the Committee.

- The PUSS welcomed the opportunity to inform the Committee of the Education Bill's progress in Parliament and outline the subsequent stages at Westminster. Mr Touhig explained that the meeting was part of the important and continuing dialogue between the Wales Office and the Assembly on matters relating to primary legislation; he stated that this was devolution in action;
- The PUSS had provided a briefing note on the Bill to all Welsh MPs, Peers and to members of the ELL Committee ELL 04-02(p.2);
- The Bill was introduced in the House of Commons on 22 November 2001 and had its First Reading on the same day. The Second Reading was debated on 4 December. The Bill moved on to consideration by a Standing Committee on 11 December;
- During the Committee Stage, which continued until 24 January 2002, some 579 amendments were tabled. The UK Government considered all of these most carefully, although not all were debated because of restrictions on time. Over four-fifths of the provisions in the Bill related to Wales, 180 of 211 clauses;
- There were relatively few amendments made to the Bill during Committee and these had been mainly of a technical nature or to improve the drafting;
- The Report to the House was made over two days on 5 and 6 February, considering a new print of the Bill (24 January: 209 clauses) and a further 157 amendments;
- The first day of Report (5 February) was absorbed by debate on 10 amendments relating to 'Innovation and Autonomy'. The second day was dominated by a debate on New Clauses about admissions of pupils to 'faith' schools, leaving little time to consider the balance of Report business. However, despite that compression, some 23 amendments – covering: Pay and conditions of teachers; Selective admissions policies; Sixth forms; and Powers (for schools) to form companies, were debated;
- In a series of divisions, all the UK Government amendments were agreed;
- The House divided on and agreed that the Bill, as amended at report stage, be read a third time;
- The Bill was introduced in the Lords immediately following the Third Reading.

2.4 The PUSS outlined the Bill's passage through the House of Lords and subsequent stages.

- Timing of the Lords' stages of the Bill was still subject to confirmation but it is expected to begin before Easter;
- The process in the Lords was broadly similar to the Commons, i.e. First and Second Readings, followed by Lords Committee stage, then Report and Third Reading. The key differences were:
 - Bills were debated by a Committee of the whole House;
 - Debate on amendments was unrestricted;
 - Amendments could be made at Third Reading as well as at Committee and Report Stages; and
 - The Delegated Powers Scrutiny Committee would report at some stage during the Bill's progress through the House, usually before Committee stage. This Committee examined all Bills when they arrived at the Lords and reports to the House on whether the provisions in the Bill were appropriately delegated. It did not challenge directly the provisions but it might suggest a different form (or forms) of subordinate legislation.
- After Third Reading in the Lords, the Bill would return to the House of Commons for consideration of any amendments the Lords may have made to it. The Bill then goes back and forth between the two Houses until both agree. In normal circumstances a Bill must complete all its stages in one Session of Parliament.
- When a text has been agreed between both Houses, the Bill would be submitted for Royal Assent, most likely in July this year;
- When enacted, some parts of the Act (the Education Act 2002) will come into force immediately, some at a date specified in the Act and others by Commencement Orders which may activate all or part of the Act.
- Except in the case of non-devolved matters (and provisions which apply to England only), commencement in Wales of England and Wales and/or Wales only sections in the Act will be at the discretion of the National Assembly.

2.5 The following issues were raised in discussion:

- **Comprehensive system / faith schools** – Members were pleased that the Bill celebrated the Comprehensive education system. The Chair asked how the Bill was relevant to issues such as faith schools when there was no reference to such an issue in its content. Mr Touhig agreed that there was no provision in the Bill but stated that the UK Government did not want to discourage faith schools;
- **Special Educational Needs (SEN)** – Members were interested in the Wales-only Clauses 184-188, for SEN regional provision and, in particular, how this would relate on a cross-border basis with England. The Assembly Minister explained that there had been concern that Wales did not have its own SEN tribunal and that she wanted equality for all children in Wales;
- **Transition between primary and secondary schools** – Members referred to Clause 191: transition between primary and secondary school and asked if there were any plans to draw up legislation to facilitate the transition of pupils between infant and junior school. The Minister explained that evidence showed a decline in performance between Key Stages 2 and 3. For this reason, there was a specific focus on the transition between primary and secondary school. Although, '*The Learning Country*' illustrated that eventually, all points of transition would be considered;
- **Secondary legislation**– Members expressed interest in the subsequent programme of secondary legislation. The Assembly Minister stated that, once the Bill had received Royal Assent, she would inform the Committee of her priorities for implementing secondary legislation;

- **Innovation** – Members were interested in the practical effects of allowing schools, under Clause 2, to pursue innovation. The Assembly Minister explained that there was a need for schools to relate to their local communities. However, the mechanism for encouraging innovation should be something to consider in due course, in discussion with LEAs and schools;
- **Partnership agreements** – there was some interest regarding Clause 190: the practical purpose of partnership agreements between schools, governing bodies and LEAs. The Assembly Minister explained that this clause was a Wales-only clause. There were different arrangements operating at the moment in Wales and the new regulations would clarify the situation;
- **Companies** – Members were concerned about the correlation between the survival of rural schools and the formation of companies. Members were interested to know what process was allowable for schools to contract services and borrow money and how this process could be monitored. The PUSC stated that this had been debated in Standing Committee in the House of Commons. The nature of the regulation was to give schools and their governing bodies the scope to deliver education provision: it allowed governing bodies to come forward with proposals. Proposals would have to be approved by LEAs but the Assembly would draw up the framework for the regulations. This would be an opportunity to exploit diversity in education in the UK. The Chair commented that regulations for the establishment of companies by schools already existed in extant legislation.
- **Regulatory Impact Assessments** – Members felt that although regulatory impact assessment information was included in the explanatory memorandum of the Bill that peoples' views on impact should be recorded at Westminster level. The Assembly Minister pointed out that page 73 of the explanatory memorandum contained a summary of regulatory impact assessments;
- **Sustainable development** – the ELL Minister was asked whether a framework could be written to enable schools to purchase local food. The Minister said that she would consider this idea as it fitted in with the Assembly's commitment to Sustainable Development.
- **Refusal of admission** - Members were concerned that some children had been refused admission to certain schools and the Assembly Minister was asked whether Clause 191 would assist in resolving this problem. The Minister indicated that over 90% of pupils attended their local schools. The fact that schools might use standard roll numbers to fill schools was a cause for concern. Schools must allocate places on the basis of capacity of school buildings. The new admissions forums would help inform schools and LEAs;
- **Cost** – Members expressed interest in the overall cost of implementing all the Welsh clauses. The PUSC pointed out that not all regulations would be implemented at any one time. The Assembly Minister stated that where costs were known (e.g. SEN Tribunal), they would be made clear in Plenary debate. The Minister added that partnership agreements should be cost-neutral.

2.6 The Chair, on behalf of the Committee, thanked the PUSC and the Assembly Minister and their officials for their presentation and briefing material and expressed broad support for the Welsh measures included in the Bill.

Item Three: Policy Review – Welsh Language in Education – Oral Evidence

Papers: ELL 04-02(p.3), (p.4) and (P.5)

3.1 The Committee heard evidence from the following organisations:

- Association of Teachers and Lecturers (ATL), Wales
- National Union of Teachers (NUT), Wales
- Universities' Council for the Education of Teachers (UCET), Wales

3.2 A copy of the speaking notes of Roy Davies (NUT) and Dr Sian Williams (UCET) speaking notes would be distributed to Members and placed on the Assembly's website, in due course.

3.3 The following points were raised in discussion:

- **Early Years Learning through medium of Welsh** - Members were interested in parental choice. Eiddwen Jones stated that this would entirely depend on the choice of the school itself to supply this type of provision and most importantly, parental choice. She stated that, in her experience, parents had often availed themselves of this choice.
- **Language Immersion** – Members asked whether there would be regional variation in ATL's proposal for language immersion for all those under five years of age. Eiddwen Jones replied that the concept of immersion allowed for two languages co-existing. The current curriculum dictated that opportunities in both the Welsh language and English language should be developed. Immersion programmes in other parts of the world had appeared to be successful e.g. Canada and Finland. These programmes had focused on early years and primary education and had nurtured the concept of the learning family.
- **Cost** - Members were interested to know what the cost an immersion programme such as ATL had advocated. ATL did not have this information at hand but agreed to provide the Committee with cost estimates in due course.
- **Compulsory Welsh at Key Stage 4** - Members were interested in the practical implications of this and the potential pupil disengagement. Gethin Lewis stated that teaching Welsh as a second language at Key Stage 4 was a major challenge for teachers. Currently, there were fewer teachers to undertake this task and fewer teachers wanted to teach through the medium of Welsh in urban areas. Some teachers had taken upon teaching in Welsh aside from their own subject areas. There was a need therefore, to review the support systems for teachers at KS4
- **Shortage of Welsh-medium teachers** - The presenters from NUT Cymru were asked if they had any ideas concerning tackling teacher shortage. Dr Hayes responded that other careers using the medium of Welsh i.e. the media had become more attractive. There was a call for making the conditions of service and salary of the teaching profession more attractive. Also, there was a great need for strengthening opportunities for Initial Teacher Training (ITT) through the medium of Welsh.
- **New Welsh-medium schools** - Roy Davies was asked what could be done to assist LEAs in their processes of selecting locations for new Welsh-medium schools. Mr Davies responded that historically, the provision of new Welsh-medium schools had been a reactive process. There was a need for a planning mechanism that was forward-looking and more strategic.
- **Education Research** – Members were interested in research capacity in higher education in Wales. David Egan agreed that the current figure of 80 people in research in Wales was insufficient and that this body of people needed to be brought together in a critical mass. Fresh ideas were needed to recruit teachers and increase research capacity. These ideas had to encompass Continuing Professional Development (CPD) and education in the round.
- **ICT** - Members were interested to know, if there was wide-scale investment in distance learning, how Information Communication Technology (ICT), such as interactive whiteboards, could help to address teacher shortage. Gethin Lewis agreed that the interactive whiteboard was a very useful teaching aid but felt that there was still a need to increase the number of professional teachers who could teach through the medium of Welsh.
- **Models of Welsh-medium teaching** – Members were interested to learn what mode of delivery

was preferable for Welsh-medium education. Gethin Lewis said that LEAs had to work in partnership with schools. There had been some successful Welsh-medium units developed within English-medium schools in South Wales. The schools had subsequently developed into Welsh-medium schools. There was no consensus on the best model but it was felt that secondary schools could learn from the primary sector.

Item Four: Minutes of the previous meeting, 7 February 2002

Paper: ELL 03-02(mins)

4.1 The Committee ratified the minutes of the last meeting.

There were two papers to note:

Safe Routes to School

Paper: ELL 04-02(p.6)

Report of the Learning Disability Advisory Group

Paper: ELL 04-02(p.7)

The next Committee meeting will be on Wednesday 6 March 2002

Committee Secretariat February 2002