

Huw Lewis AC / AM  
Y Gweinidog Addysg a Sgiliau  
Minister for Education and Skills



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref  
Ein cyf/Our ref

Ann Jones AM  
Chair  
Children, Young People and Education  
Committee  
National Assembly for Wales  
Ty Hywel  
Cardiff Bay  
Cardiff  
CF99 1NA

11 February 2015

Dear Ann,

### **Children, Young People and Education Committee – Stage 1 Scrutiny of the Qualifications Wales Bill**

Following my attendance at the Children, Young People and Education Committee on 5 February, I agreed to provide further information in response to some questions from Committee Members. For ease of reference, I have set out my further information below each of the action points provided by the Committee.

#### **The number of schools in border areas that buy in qualifications from English exam boards.**

My understanding is that the thrust of this question was in relation to the potential for maintained schools on the border to choose to use qualifications that are *not* accredited in Wales – rather than in relation to schools choosing, legitimately, to use qualifications from awarding bodies where these *are* accredited for award in Wales.

Because, at present, most GCSEs and A levels remain accredited for use in both Wales (by the Welsh Ministers) and elsewhere (by Ofqual and CCEA) the most meaningful data that I can provide may be in relation to GCSE English Language where only the WJEC version was accredited for use in Wales for the examination series of summer 2014.

In the summer of 2014, data from the Joint Council for Qualifications indicates that 38,535 candidates took GCSEs in the subject area of English in Wales in summer 2014. We know that 38,515 of those were entered with WJEC so it would appear, on the face of it, that only 20 candidates took their examination with another board. Such a small difference could be attributable to a number of factors including late entries or entries from independent schools. I believe that we can therefore be confident that there is not, at present, a substantial (or possibly any) case of non-compliance.

### **The degree of control that local authorities have on foundation schools (previously grant maintained) in border areas.**

This issue was raised in relation to section 29 of the Bill and how compliance with it is secured. The School Standards and Organisation (Wales) Act 2013 is the relevant legislation in this regard. This Act provides enforcement mechanisms that would be available in the event of a breach of duty, in relation to any 'Education Act', by either a local authority or a governing body of a maintained school. Section 29 places a duty on the governing body of a maintained school in Wales and on local authorities in Wales and the Qualifications Wales Bill, if enacted, will be an Education Act (section 56(2) of the Bill provides for this). In the event of such a breach of duty, the enforcement powers available (under the 2013 Act) include the power for a local authority to direct the governing body of a maintained school and the power for Welsh Ministers to direct either the governing body of a maintained school or a local authority. Foundation schools are within the definition of maintained schools within this Act and are also within the definition of maintained schools in the Qualifications Wales Bill.

Therefore, unlike the current restriction on funding (sections 96 – 99 of the Learning and Skills Act 2000), which has a specific enforcement provision (section 102), a specific provision in the Bill to enforce section 29 is not necessary, because the School Standards and Organisation (Wales) Act 2013 provides sufficient enforcement mechanisms (including for foundation schools).

### **How the current Legislation and the Qualifications Wales Bill will interact on apprenticeships.**

The Welsh Government is currently conducting a significant review of the apprenticeship system in Wales and we will need to consider the position once the outcomes of that review are known later this year. It would be premature to commit Qualifications Wales to a specific role in relation to apprenticeships before the outcome of that review is known.

Existing legislation (the Apprenticeships, Skills, Children and Learning Act 2009 - the ASCL Act), allows Welsh Ministers to designate a person, which could be Qualifications Wales as, for example, a Welsh Issuing Authority. That is, a person that issues and publishes apprenticeship frameworks relating to a particular apprenticeship sector. Such a role, if it remains following the review of apprenticeships, would be compatible with Qualifications Wales' powers to approve qualifications in that it is, broadly, about determining whether the mix of qualifications and other components of an apprenticeship framework are effective for meeting the needs of learners. There is nothing in the proposed Qualifications Wales Bill that would preclude this from taking place.

## **The financial impact of the establishment of Qualifications Wales on the rest of the Education and Skills budget.**

In responding to this point I would draw your attention to my recent response to the Chair of the Finance Committee which in turn referred to the following extract from the Children, Young People and Education Committee evidence paper discussed at the meeting on 23 October as part of the scrutiny process for Welsh Government's Draft Budget 2015-16:

### **Qualifications Wales**

*A budget provision of £7.903m has been allocated to qualifications in 2015-16, covering both the on-going implementation of the Review of Qualifications and the establishment of Qualifications Wales.*

*An additional £2.3m has been allocated to the Qualifications Action in 2015-16 for the set up costs associated with Qualifications Wales. The final breakdown of costs will be published as part of the Regulatory Impact Assessment when the Qualifications (Wales) Bill is introduced on 1 December 2014. A further transfer is anticipated from the Central Services and Administration MEG to the Qualifications Action, to be actioned as part of a Supplementary Budget in 2015-16, to account for the Welsh Government staff transferring to Qualifications Wales from 1 September 2015.*

In proposing this budget, which was accepted by the Assembly, we reviewed all the education priorities and made appropriate provision for each. I am therefore content that the cost estimates for the set up and running of Qualifications Wales are appropriate and realistic.

I trust that this information is helpful to Committee Members.

*Best Regards*  
*Huw*

### **Huw Lewis AC / AM**

Y Gweinidog Addysg a Sgiliau  
Minister for Education and Skills