



Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales

Cofnod y Trafodion The Record of Proceedings

[Y Pwyllgor Plant, Pobl Ifanc ac Addysg](#)

[The Children, Young People and Education
Committee](#)

04/10/2017

[Agenda'r Cyfarfod](#)
[Meeting Agenda](#)

[Trawsgrifiadau'r Pwyllgor](#)
[Committee Transcripts](#)

Cynnwys Contents

- 5 Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datgan Buddiannau
Introductions, Apologies, Substitutions and Declarations Of Interest
- 5 Y Bil Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru):
Trafodion Cyfnod 2
Additional Learning Needs and Education Tribunal (Wales) Bill: Stage 2
Proceedings
- 7 Grŵp 1: Y Diffiniad o Anghenion Dysgu Ychwanegol (Gwelliant
37)
Group 1: Definition of Additional Learning Needs (Amendment
37)
- 10 Grŵp 2: Darpariaeth y Blynyddoedd Cynnar (Gwelliannau 1, 2,
3, 4, 5, 6, 19, 21)
Group 2: Early Years Provision (Amendments 1, 2, 3, 4, 5, 6, 19,
21)
- 13 Grŵp 3: Cod Anghenion Dysgu Ychwanegol (Gwelliannau 76,
87, 77, 22, 88, 106, 107, 108)
Group 3: Additional Learning Needs Code (Amendments 76, 87,
77, 22, 88, 106, 107, 108)
- 27 Grŵp 4: Is-ddeddfwriaeth: Newidiadau i Weithdrefnau
(Gwelliannau 78, 79, 7, 8, 9, 30, 45, 31, 32, 33, 34, 35, 36)
Group 4: Subordinate Legislation: Changes to Procedures
(Amendments 78, 79, 7, 8, 9, 30, 45, 31, 32, 33, 34, 35, 36)
- 31 Grŵp 5: Rhoi Sylw Dyledus i Gonfensiynau'r Cenhedloedd
Unedig (Gwelliannau 38, 39)
Group 5: Due Regard to United Nations Conventions
(Amendments 38, 39)
- 47 Grŵp 6: Gwasanaethau Eirioli: Cyngor a Gwybodaeth
Annibynnol (Gwelliannau 40, 43, 44, 152, 103, 104)
Group 6: Advocacy Services: Independent Advice and
Information (Amendments 40, 43, 44, 152, 103, 104)

- 52 Grŵp 7: Cynlluniau Datblygu Unigol: Gweithdrefnau Newydd/Diwygiedig (Gwelliannau 80, 81, 117, 118, 119, 120, 121, 122, 123, 124, 13, 14, 15, 147, 148, 20)
Group 7: Individual Development Plans: New/Amended Procedures (Amendments 80, 81, 117, 118, 119, 120, 121, 122, 123, 124, 13, 14, 15, 147, 148, 20)
- 58 Grŵp 8: Darpariaeth ar gyfer Personau sy'n cael eu Cadw'n Gaeth (Gwelliannau 109, 112, 125, 131, 132, 133, 134, 135, 136, 139, 142, 143, 144, 105)
Group 8: Provision for Detained Persons (Amendments 109, 112, 125, 131, 132, 133, 134, 135, 136, 139, 142, 143, 144, 105)
- 62 Grŵp 9: Sefydliadau Addysg Bellach ac Addysg Ôl-16 (Gwelliannau 110, 128, 129, 130)
Group 9: FEIs and Post-16 Education (Amendments 110, 128, 129, 130)
- 63 Grŵp 10: Y Gymraeg (Gwelliannau 111, 89, 90, 91, 113, 92, 93, 94, 116, 95, 96, 97, 98, 140A, 140, 141, 99, 100, 101, 102, 149, 150 ac 151)
Group 10: Welsh Language (Amendments 111, 89, 90, 91, 113, 92, 93, 94, 116, 95, 96, 97, 98, 140A, 140, 141, 99, 100, 101, 102, 149, 150 and 151)
- 78 Papurau i'w Nodi
Papers to Note

Cofnodir y trafodion yn yr iaith y llefarwyd hwy ynnddi yn y pwyllgor. Yn ogystal, cynhwysir trawsgrifiad o'r cyfieithu ar y pryd. Lle y mae cyfranwyr wedi darparu cywiriadau i'w tystiolaeth, nodir y rheini yn y trawsgrifiad.

The proceedings are reported in the language in which they were spoken in the committee. In addition, a transcription of the simultaneous interpretation is included. Where contributors have supplied corrections to their evidence, these are noted in the transcript.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Michelle Brown	UKIP Cymru
Bywgraffiad Biography	UKIP Wales
Hefin David	Llafur
Bywgraffiad Biography	Labour
John Griffiths	Llafur
Bywgraffiad Biography	Labour
Llyr Gruffydd	Plaid Cymru
Bywgraffiad Biography	The Party of Wales
Darren Millar	Ceidwadwyr Cymreig
Bywgraffiad Biography	Welsh Conservatives
Julie Morgan	Llafur
Bywgraffiad Biography	Labour
Lynne Neagle	Llafur (Cadeirydd y Pwyllgor)
Bywgraffiad Biography	Labour (Committee Chair)
Mark Reckless	Aelod Grŵp y Ceidwadwyr Cymreig
Bywgraffiad Biography	Member of Welsh Conservative Group

Eraill yn bresennol
Others in attendance

Alun Davies	Aelod Cynulliad (Llafur), Gweinidog y Gymraeg a Dysgu Gydol Oes Assembly Member (Labour), Minister for Lifelong Learning and Welsh Language
Catherine Lloyd	Yr Adran Gwasanaethau Cyfreithiol, Llywodraeth Cymru Legal Services Department, Welsh Government
Tania Nicholson	Pennaeth Rhaglen Ddeddfwriaethol Anghenion Dysgu Ychwanegol, Llywodraeth Cymru Head of Additional Learning Needs Legislative Programme, Welsh Government
Mair Roberts	Yr Adran Gwasanaethau Cyfreithiol, Llywodraeth Cymru Legal Services Department, Welsh Government
Emma Williams	Uwch-swyddog Cyfrifol, Llywodraeth Cymru Senior Responsible Officer, Welsh Government

**Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol
National Assembly for Wales officials in attendance**

Sarah Bartlett	Dirprwy Glerc Deputy Clerk
Michael Dauncey	Y Gwasanaeth Ymchwil Research Service
Gareth Rogers	Ail Glerc Second Clerk
Lisa Salkeld	Cynghorydd Cyfreithiol Legal Adviser

Dechreuodd y cyfarfod am 09:32.

The meeting began at 09:32.

**Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datgan Buddiannau
Introductions, Apologies, Substitutions and Declarations Of Interest**

[1] **Lynne Neagle:** Good morning, everyone. Can I welcome you all to today's meeting of the Children, Young People and Education Committee? We've received no apologies for absence. Can I ask whether there are any declarations of interest, please? No. Okay. Thank you.

**Y Bil Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru):
Trafodion Cyfnod 2
Additional Learning Needs and Education Tribunal (Wales) Bill:
Stage 2 Proceedings**

[2] **Lynne Neagle:** Item 2 this morning is the Additional Learning Needs and Education Tribunal (Wales) Bill, the Stage 2 consideration of amendments. I'm very pleased to welcome the Minister for Lifelong Learning and Welsh Language, Alun Davies. Minister, would you like to introduce your officials for the record?

[3] **The Minister for Lifelong Learning and Welsh Language (Alun Davies):** Yes. My officials are Catherine Lloyd, Tania Nicholson, Emma Williams and Mair Roberts.

[4] **Lynne Neagle:** Thank you. Would you like to make any opening remarks?

[5] **Alun Davies:** Can I just take the opportunity to say that this is the first time I've met the committee since you published your Stage 1 scrutiny report? You'll see that many of the amendments that I'll be proposing this morning are reflecting the scrutiny that you've undertaken in the last few months. I think we've accepted all or in part 40 of your 48 recommendations, and I wanted to put on record my gratitude to members of the committee for the thorough way in which you've carried out the Stage 1 scrutiny. It certainly helped improve the Bill. I think, looking at the conversations that we've been able to have across the table over the last few months, it certainly helped my thinking develop, and I think that, if we are able to accept many of the amendments that are being made this morning and next week, potentially, then I think we'll have a much improved Bill going through to Stage 3, and I think that's a direct consequence of the work of this committee. So, I'm grateful to all Members, on all sides of the committee, for their work.

[6] **Lynne Neagle:** Thank you very much. We appreciate those remarks. So, the purpose of the meeting today is to undertake Stage 2 proceedings on the Additional Learning Needs and Education Tribunal (Wales) Bill. In relation to this item, Members should have before them the marshalled list of amendments, the groupings of the amendments for debate and the voting order for the amendments. The marshalled list of amendments is the list of all amendments tabled, marshalled into the order in which the sections appear in the Bill. The order in which we will consider the amendments will be: sections 2 to 88, Schedule 1, section 1 and long title. You will see from the groupings list that the amendments have been grouped to facilitate debate, but the order in which they are called and moved for a decision is dictated by the marshalled list. Members will need to follow the two papers, although I will advise Members when I call them whether they are being called to speak in the debate or to move their amendments for a decision. There will be one debate on each group of amendments. Members who wish to speak in a particular group should indicate this in the usual way. I will call the Minister to speak on each group.

[7] For the record, in accordance with the convention agreed by the Business Committee, as Chair, I will move amendments in the name of the Minister. For expediency, I will assume that the Minister wishes me to move all his amendments, and I will do so at the appropriate time in the marshalled list. Minister, if you do not wish a particular amendment to be moved, please indicate this at the relevant time in the proceedings.

[8] In line with our usual practice, legal advisers to the committee and the Minister are not expected to provide advice on the record. If Members wish to seek legal advice during proceedings, please do so by passing a note to the legal adviser.

[9] The meeting today is scheduled to run until 12.30 p.m., and we will consider as many of the groups as we can during that time. I will call a short break in proceedings at an appropriate time.

Grŵp 1: Y Diffiniad o Anghenion Dysgu Ychwanegol (Gwelliant 37)
Group 1: Definition of Additional Learning Needs (Amendment 37)

[10] **Lynne Neagle:** Group 1 relates to the definition of additional learning needs. The lead and only amendment in the group is amendment 37 in the name of Darren Millar. I call on Darren Millar to move amendment 37 and to speak to his amendment.

Cynigiwyd gwelliant 37 (Darren Millar, gyda chefnogaeth Llyr Gruffydd).
Amendment 37 (Darren Millar, supported by Llyr Gruffydd) moved.

[11] **Darren Millar:** Thank you, Chair. Can I take the opportunity in this opening debate to thank the Minister for the way that he's engaged with the Welsh Conservatives? As an opposition group, it's been extremely helpful to have a Minister who has been prepared to engage in the amendments process, and we really appreciate the opportunity that we've had. Can I also take the opportunity to thank the clerks and the legal adviser of the committee as well for the assistance that they've given in the preparation of amendments during this stage?

[12] The purpose of my amendment in this group, amendment 37, is simply to amend the definition of additional learning needs in the Bill to ensure that learning difficulties or disabilities arising from medical conditions are not excluded from the scope of the provisions in the legislation that follows. We heard at Stage 1 of the committee's proceedings from a whole range of stakeholders who were expressing concerns that medical needs needed to be explicitly included within this definition in order to prevent learners from losing support where they currently are being provided with it under the existing special educational needs arrangements. There was a chorus of voices on the issue that raised this as a concern, including Diabetes UK, the Royal College of Paediatrics and Child Health, the Anaphylaxis Campaign and epilepsy charities, and the National Deaf

Children's Society. Their concerns were also, of course, supported by Estyn. They raised concerns that the definition of additional learning needs on the face of this Bill was inconsistent with the Welsh Government's inclusion and pupil support guidance that was issued a couple of years back, and they argued that there was a risk that if the definition was not updated, then we could move attention away from learners who had previously benefited from support.

[13] In response to these concerns, to be fair to the Minister, he said that he was not intending for anybody to lose out as a result of the new arrangements, and did indicate that he was prepared to consider an amendment at Stage 2. It's in that spirit that I've brought this amendment forward. Of course, as a committee, we did also see the publication, during our Stage 1 process, of the additional learners with healthcare needs guidance—statutory guidance now—which the Minister sought to bring forward in order to allay some of the concerns, but stakeholders were of the opinion that that guidance did not fully address the concerns that they had. So, that's why I've brought this amendment forward, and I do hope that Members and the Minister will be able to give it some support.

[14] **Lynne Neagle:** Thank you, Darren. Are there other Members who would like to speak? Julie Morgan.

[15] **Julie Morgan:** I'd like to speak in support of this amendment. We certainly had strong evidence from stakeholders and from individuals that they were very concerned that, if an amendment like this wasn't passed, there would be people who would lose out. So, I think it's very important that this is included, and I hope that the Minister will feel able to accept this amendment. Can I also use this opportunity to thank him for the engagement that he's had with us, and the way that he's approached this Bill?

[16] **Lynne Neagle:** Thank you, Julie. Llyr.

[17] **Llyr Gruffydd:** Thank you, Chair. I, too, would like to thank the Minister and his officials, sincerely, for the way that they have engaged with us, and also to the clerking team of the committee as well—and the advisers that we have—for the support that you've provided us. I'm formally supporting this amendment, as I'm sure you've noted, and I'm doing so for the reasons already outlined, so I'd urge all members to support.

[18] **Lynne Neagle:** Thank you. No other Members? I call on the Minister,

then, to speak.

[19] **Alun Davies:** Thank you very much, Chair. As Members may recall from our earlier conversations on this matter, my view was that the Bill, as introduced, already provides children and young people who have a medical condition that causes, or contributes to, an additional learning need—they are entitled to additional learning provision under the new system. I was, I hope, clear on that during Stage 1 scrutiny. I think it was recognised in the committee's report.

[20] The amendment that has been brought forward by Darren Millar does help clarify that matter, and I recognise that. And I have to say, I've given some considerable thought to the implications of this amendment because, whilst there might be general consensus on the principles underlying it in some terms, the amendment itself might then not reflect—or might have unforeseen consequences. So, I've given some considerable thought to the amendment and to any change that we make on a fundamental part of the Bill. And, on balance, I am content to support the amendment.

[21] I'm grateful to Members on all sides who have taken the time to speak and to have conversations on these matters. I think this is an illustration of the point I tried to make in my opening remarks, where I think our debates and discussions in Stage 1 will help clarify and improve the Bill. I'm grateful to all Members who have supported the amendment and I'm grateful for the drafters who have brought this forward in the way that it has been, which enables us to support the amendment. So, I would be grateful if Members could support the amendment that's been brought forward, and I think that this will serve to give further clarity to the intended scope and purpose of the Bill. I think that this is an example of how the Bill has been, and will be, improved when it reaches the statute book.

[22] **Lynne Neagle:** Thank you, Minister. Darren to reply.

[23] **Darren Millar:** I just want to say, Chair, that I'm really grateful for the support that's been echoed around the table, and in particular for the way that the Minister has handled this particular amendment. I think it's very clear to me that the Minister's been prepared to listen, and I'm grateful for the Government giving this amendment support. I hope that people will join in likewise.

[24] **Lynne Neagle:** Thank you. Darren, do you wish to proceed to a vote on

amendment 37?

[25] **Darren Millar:** I do.

[26] **Lynne Neagle:** Thank you. So, the question is that amendment 37 be agreed. Does any Member object? No. Okay, amendment 37 is agreed, then.

Derbyniwyd gwelliant 37 yn unol â Rheol Sefydlog 17.34.

Amendment 37 agreed in accordance with Standing Order 17.34.

Grŵp 2: Darpariaeth y Blynyddoedd Cynnar (Gwelliannau 1, 2, 3, 4, 5, 6, 19, 21)

Group 2: Early Years Provision (Amendments 1, 2, 3, 4, 5, 6, 19, 21)

[27] **Lynne Neagle:** We move on now to group 2, which relates to early years provision. The lead amendment in the group is amendment 1 in the name of the Minister.

Cynigiwyd gwelliant 1 (Alun Davies).

Amendment 1 (Alun Davies) moved.

[28] I move amendment 1 in the name of the Minister and call on the Minister to speak to his amendments and the other amendments in this group.

[29] **Alun Davies:** Thank you very much. This is a group of amendments—amendments 1, 2, 3, 4, 5, 6, 19 and 21—that seek to facilitate the intentions behind recommendation 20 in the committee’s Stage 1 report. This is the first group of a series of amendments that we’re making in order, I hope, to give reality to the recommendations of the committee’s Stage 1 scrutiny.

[30] The amendments will seek to do two key things. Firstly, local authority-funded non-maintained nursery providers will, through funding arrangements, be subject to a duty to have regard to any relevant guidance in the code enforceable by the local authority. Secondly, they will create a statutory early years additional learning needs lead officer role to co-ordinate local authority functions under the Bill, in relation to children under compulsory school age who will not yet attend a maintained school. It also seeks the creation of this lead officer to help ensure that current good practice is built upon and will help achieve greater consistency across local authorities.

[31] I hope Members will accept that I intend to set out detail of the role in the code. I've already given an undertaking to the committee that the code will come to the committee for scrutiny before I seek to complete the parliamentary process of making that code law. So, the committee will have an opportunity to scrutinise how we give life to this role, and I hope that practitioners will be able to play a crucial role in establishing referral routes and raising awareness amongst multi-agency partners. The age range covered by the Bill has always been zero to 25, and the system it seeks to put in place will have early years fully integrated. The amendments will help improve early identification and intervention and ensure better planning for future provision, ultimately improving outcomes for children and young people. I again repeat that these amendments represent an important and reasonable strengthening of the Bill, and I would urge Members to support the amendments. I hope Members will agree that these amendments do give life to the recommendations that were contained in Stage 1 scrutiny.

09:45

[32] **Lynne Neagle:** Thank you, Minister. Are there other Members who'd like to speak? Darren, then Julie.

[33] **Darren Millar:** Thank you, Chair. I just want to speak in support of this group of amendments. It was very clear from all of the witnesses we heard from during the Stage 1 proceedings that the earlier you identify additional learning needs, the better the outcomes are for learners. I know that it's always been the intention of the Minister that the benefits of this Bill should extend to children in the early years, and I think that these amendments are absolutely necessary to ensure that that ambition is fulfilled. So, I'll be supporting these amendments and I'd encourage others to do likewise.

[34] **Lynne Neagle:** Thank you, Darren. Julie.

[35] **Julie Morgan:** I'll certainly be supporting these amendments and I know that they do directly respond to the recommendations in the committee. They do respond, as well, to recommendation 20, which asks for a clear route for professionals working in the early years setting. So, I do support these amendments.

[36] **Lynne Neagle:** Thank you. The Minister, then, to reply to the debate.

[37] **Alun Davies:** I'm grateful to Members for their support and I think this is another example of the strength of the parliamentary scrutiny that this Bill has gone through over the last few months. I hope that these recommendations will address all the concerns raised by the committee.

[38] **Lynne Neagle:** Thank you. Minister, do you wish to proceed to a vote on amendment 1?

[39] **Alun Davies:** Yes, please.

[40] **Lynne Neagle:** Okay. The question is that amendment 1 be agreed. Does any Member object? No. Amendment 1 is agreed.

*Derbyniwyd gwelliant 1 yn unol â Rheol Sefydlog 17.34.
Amendment 1 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 2 (Alun Davies).
Amendment 2 (Alun Davies) moved.*

[41] **Lynne Neagle:** I move amendment 2 in the name of the Minister. The question is that amendment 2 be agreed. Does any Member object? Amendment 2 is agreed.

*Derbyniwyd gwelliant 2 yn unol â Rheol Sefydlog 17.34.
Amendment 2 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 3 (Alun Davies).
Amendment 3 (Alun Davies) moved.*

[42] **Lynne Neagle:** I move amendment 3 in the name of the Minister. The question is that amendment 3 be agreed. Does any Member object? Amendment 3 is agreed.

*Derbyniwyd gwelliant 3 yn unol â Rheol Sefydlog 17.34.
Amendment 3 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 4 (Alun Davies).
Amendment 4 (Alun Davies) moved.*

[43] **Lynne Neagle:** I move amendment 4 in the name of the Minister. The question is that amendment 4 be agreed. Does any Member object? No.

Amendment 4 is agreed.

Derbyniwyd gwelliant 4 yn unol â Rheol Sefydlog 17.34.

Amendment 4 agreed in accordance with Standing Order 17.34.

Grŵp 3: Cod Anghenion Dysgu Ychwanegol (Gwelliannau 76, 87, 77, 22, 88, 106, 107, 108)

Group 3: Additional Learning Needs Code (Amendments 76, 87, 77, 22, 88, 106, 107, 108)

[44] **Lynne Neagle:** That takes us on to group 3, which relates to the additional learning needs code. The lead amendment in the group is amendment 76 in the name of Darren Millar. I call on Darren Millar to move amendment 76 and to speak to his amendment and the other amendments in this group.

Cynigwyd gwelliant 76 (Darren Millar).

Amendment 76 (Darren Millar) moved.

[45] **Darren Millar:** Thank you, Chair. I move amendment 76 and want to speak to my amendment 77 and the other amendments in this group, all of which I will be supporting.

[46] The provisions of the Bill, as we know, will be underpinned by an additional learning needs code. That's going to set out the details of how the Bill's provisions will actually be delivered in practice. The committee was provided with a working draft copy of the code during our Stage 1 scrutiny process just for illustrative purposes. It was a bit disappointing, frankly, that that code wasn't provided along with the publication of the Bill, because I think it would've been helpful to this committee in terms of informing our work, and, indeed, to those stakeholders who were giving feedback on the Bill. But in any case, it wasn't.

[47] The purpose of my amendment 76 is to ensure that, within the future additional learning needs code that emerges from this legislation, there is clear guidance for governing bodies and local authorities on when to seek the views of an educational psychologist. The committee received lots of correspondence from educational psychologists on an individual basis, and indeed, we received formal correspondence, as a committee, from the Association of Educational Psychologists, which highlighted the very important role that educational psychologists have, particularly in complex

additional learning needs cases. They raised concerns that, while the draft code encouraged schools to seek the advice of educational psychologists, it didn't actually spell out the precise circumstances in which they would be required to.

[48] So, by placing a requirement on the face of the Bill, the code that emerges from this Bill must include some clear guidance on when schools and local education authorities should involve educational psychologists. I believe that that would address the concerns of the Association of Educational Psychologists and, indeed, provide some much-needed support for schools, LEAs and, indeed, parents and learners in terms of knowing when to engage an educational psychologist and have them involved in their cases. And don't forget, one of the purposes of this Bill is to avoid disagreements in the future, and I think if there's clarity upfront, in terms of knowing when to involve an educational psychologist, then you've got the ability to avoid unnecessary disagreements and disputes.

[49] Turning to amendment 77, this is going to require the code to include some clear guidance on transport provision. Again, during Stage 1 we heard lots of evidence regarding the current support system, and that sometimes learners' transport needs were overlooked by it. Stakeholders were telling the committee that they believed that the transport requirements of learners should be considered to be part of individual development plans, and we'll come on to some further amendments that I've tabled in respect of this in another group. But we had a number of examples from different stakeholders. So, the National Union of Teachers gave us an example of a student with autism who might have difficulty with bus timetables and handling money, and this might mean, of course, that alternative transport provision has to be put in place in order to support that young person getting to and from their place of learning. Diabetes UK raised some similar concerns, as did the Royal College of Paediatrics and Child Health. They talked about the issues of potential acute complications that might arise on journeys to and from school or college, and that that might mean that special arrangements had to be put in place for people with diabetes. We heard also from epilepsy charities making similar points about the potential impact of chronic epilepsy on an individual where they had a very acute condition. The Anaphylaxis Campaign also made similar calls in terms of the people they represent, so I do hope that people will be able to support amendment 77, which simply seeks that there ought to be some clarity in the code around ensuring that transport arrangements are considered when there is a learner who is presenting with additional learning needs. Amendment 77 will, of

course, hope to address those particular concerns.

[50] The purpose of amendment 87, of course, is to ensure that the code contains guidance on accessing and providing provision for low-incidence or high-severity needs. I know it's been tabled by Llyr Gruffydd, but I'm going to be supporting this, because, of course, this was another issue that was brought to our attention, particularly by organisations like the National Deaf Children's Society, who talked about the fact that acutely deaf young people have very high-impact needs, and that sometimes they're not properly catered for, and there's a risk that they won't necessarily be catered for appropriately in the future. But, of course, it's not just deaf children. There are other conditions as well that this amendment pertains to, so I'll be supporting that, and I'll be supporting also amendment 88, which tries to seek to ensure that financial resources are provided with respect to the provision of work-based learning as well, so that where there are people going into work-based learning, and that is funded, effectively, by the state, the purposes of this Bill will apply to the individuals who are in those work-based learning positions. That was the call of the National Training Federation Wales, and I think that it's really important that the provisions of this Bill do extend to people who are in work-based learning provision that is funded by the state.

[51] I'll also, of course, be supporting the Minister's amendments, and I want to particularly commend amendment 22, which seeks to set out some clear timescales in the code for local authorities, schools and further education institutions in terms of determining and deciding whether a learner has an additional learning need, and, of course, the other key amendment around templates for individual development plans, which again was a big call from stakeholders during the Stage 1 process, particularly in terms of driving some consistency across Wales and enabling portability between institutions and, indeed, between local authorities when individuals move around.

[52] So, I hope that Members will support my amendments 76 and 77.

[53] **Lynne Neagle:** Thank you, Darren. I'll take other contributions now. I've got Llyr first.

[54] **Llyr Gruffydd:** Thank you, Chair. I'll speak to my amendments, initially at least. Amendment 87, as has been mentioned, looks to insert into section 4 on the ALN code a clause, ensuring that the code includes

[55] 'guidance on pathways for the assessment of and provision for low incidence high severity needs.'

[56] It's probably self-explanatory. Less common needs very often are the ones where an understanding of or familiarity with the required pathways or provision isn't necessarily there to the extent that we'd like it to be, and the Bill clearly places a great deal of responsibility at the door of front-line education professionals. So, any additional support the code can give in that respect would clearly be helpful, because they can't be expected to be experts in a range of disabilities, particularly less common conditions. We heard about the evidence that we received from various organisations around this, and for me it's about making sure that those with low incidence and high-severity needs get the right support, and the code is the appropriate way, and an important way, of making that happen.

[57] Amendment 88 seeks to ensure that work-based learning is captured in the Bill. It reflects a recommendation of this committee in our Stage 1 report, of course. We heard how National Training Federation Wales support this move and, and it was them, actually, who reminded us in evidence that it's often learners with the most complex barriers, including additional learning or learning difficulties, who actually go down the work-based learning route rather than an academic education route.

[58] We heard in evidence, interestingly, as well that treating work-based learning differently in this respect could actually have implications for the broad consensus around parity of esteem. The Welsh Government is clearly keen on working to create parity of esteem between vocational learning and more academic routes, but within the context of this Bill, clearly that isn't the case. Estyn told this committee that they wanted to, and to quote, they told us:

[59] 'If you look at the principle behind the Bill, then I think it would be difficult to see why that group of learners wouldn't be included.'

[60] Now, previously the Minister has told us that he's reluctant to extend this to work-based learning because it will extend the Bill into the private sector, but, of course, that is something that's already happening with the private nursery provision that's in receipt of public funding being included within the realms of the Bill. Work-based learning providers similarly are in receipt of public funding, and should therefore similarly be subject to the

provision of the Bill. It's the same principle as far as I'm concerned.

[61] I'm also supportive of all of the other amendments in this group, particularly amendment 77 from Darren Millar on transport, which is one that I've formally supported for the exact reasons that Darren has outlined.

[62] **Lynne Neagle:** Thank you, Llyr. Julie.

[63] **Julie Morgan:** I'd like to speak in support of the Minister's amendment 22. I think that is very important in terms of bringing in the timescales and to have some consistency about the IDPs. So, I certainly want to support that. I think the amendments that have been raised by Darren and Llyr bring up important points, and I'd like the Minister to address whether it's necessary to bring those in or whether they are covered anywhere else. But I do think the transport issue is very important, and I know there is already guidance on transport issues, and whether the Minister would look at that to see if it is possible to consider whether that could be strengthened to address some of the issues that have been raised today—.

[64] **Lynne Neagle:** Thank you, Julie. Minister.

10:00

[65] **Alun Davies:** Thank you very much. I would ask Members to support Government amendments 22, 106, 107 and 108, and to resist amendments 76, 77, 87 and 88. I'll try to explain my reasoning for that. What we've tried to do with this Bill is to create a structure within which the transformation programme operates, and within which professionals make their judgments and deliver the services for the children and young people concerned. And I felt that the recommendations of the committee in terms of the IDP were very well argued and very well made and, as such, amendment 22 tries to respond directly to those recommendations, and then creates the template for that IDP and also goes on then to create the timescales that Julie Morgan has outlined. I felt that by doing that in primary legislation, we were creating the potential, and the opportunity then, to actually fill in that template with the code. And there's that balance to be struck between what is right and proper that sits on the face of the Bill, and then what we put into the code, which, as I said, will be subject to scrutiny by this committee before it becomes law, and committee members will have the opportunity to comment upon that. The code will include mandatory deadlines for notification of decisions that a person does not have additional learning needs, by which IDPs must be

prepared and given once ALN has been determined—recommendation 5 of the committee—and that is in the amendment. And it also requires that the code includes one or more standard IDP forms and a requirement that the appropriate form is used, again responding to the committee's recommendations that we do create this template.

[66] But what I don't want to do is start to fill in that template, because I think we agreed with the committee recommendations that we create the template. And what some of these amendments are trying to do then is, having created the template, trying to fill it in with primary legislation as well. And I think that then moves the balance in the wrong way. So, I'm not opposing amendment 76 and amendment 77 because I don't think these things should be in the code. I'm simply resisting them because I think they should be in the code and properly dealt with in the code. I can inform the committee that my officials are talking to the Association of Educational Psychologists at the moment, so that that clarity, Darren, to which you referred in your remarks, is provided in the code. The code will come back to committee, and the committee will have the opportunity then to make recommendations on changes to the code, if the committee believes that that clarity is not achieved. So, I will give the committee a clear undertaking that we will ensure that the commitments that I'm making this morning do appear in the code itself, and I have met with the AEP in order to give them that undertaking as well.

[67] In terms of the points on transport, I think the points on transport are well made. I think all of us have casework in our constituencies that refers to this. I can certainly think easily of a very upsetting case that I dealt with in the last month, where two students from Blaenau Gwent had significant difficulties accessing their college places because of issues and difficulties with transport. So, I agree absolutely with the points that have been made by Members this morning. What I'm anxious to do is to ensure that we revise the statutory guidance that's already been made under the Learner Travel (Wales) Measure 2008 and to ensure that we meet these concerns. I think they are real concerns. I think they are concerns that have to be met, and I have no disagreement of principle or purpose with the movers of the amendment. I hope we'll be able to provide this clarity in the code, and through the code, provide linkages to the existing legislation in this field. So, my reason for resisting the amendment today isn't to say that this issue has no relevance or salience, but to say that it does have relevance, it does have salience, and we have to address these issues. So, I accept completely the arguments that have been made. What I'd like to do is to do so in a way that

is possibly a more holistic way of doing so, and which ties the guidance that we will publish with the code into the guidance that already exists through the learner travel Measure. So, I'm trying to do that by linking those two pieces of legislation, and that's what I will seek to do, and I will give the committee an undertaking, if I'm unable to do that via secondary legislation over the next few months, with the code, that I will bring an amendment to Stage 3 to do that using primary legislation—if I'm unable to meet those undertakings. So, I do recognise it and I will bring forward an amendment if needed.

[68] With amendment 87, again I go back to the point I make on putting code content into primary legislation. My view is that the more effective and appropriate mechanism—and I accept the points that have been made; I think the points that have been made are very well made—to deliver improved decision making and consistency of provision for learners would be through understanding where those issues are and to provide guidance for practitioners and professionals dealing with those cases and to provide opportunities for people to learn from each other. I have commissioned reviews of the evidence for effective interventions for a range of low-incidence, high-complexity needs, and these will be published as accessible guides for practitioners, to ensure they have informed, evidence-based decisions. I'm happy, Chair, to give the committee copies of those reviews and those guides, for Members' information.

[69] In terms of the guidance on work-based learning in the code—amendment 88—I think Llyr makes good points, and I accept the point that is being made. I'm not sure I fully accept the comparison with early years—I think the structures are different. But let us look at the provision of work-based learning. The interaction of the new system with work-based learning is fundamental. I'm not sure that the current amendment is the best way of dealing with it. I think there are current contractual requirements for traineeships to make provision for additional learning support, with specific funding available to contractors to cover those associated costs. That currently exists. However, I will make a commitment this morning to look again at what improvements can be made to the current arrangements, as part of the move to the new system, Working Wales, from 2019. I accept and I agree with the points that Llyr made, in terms of the absolute necessity for young people with additional learning needs who are taking part in work-based learning to have their needs supported, and that to be done through a structure that does interact with this Bill.

[70] So, I hope the IDPs will provide a resource for providers to determine what sort of additional learning needs are required for that learner. I hope that they will be fully exploited for integration with the tools Working Wales will use to identify barriers to employment, and the subsequent provision of delivery. And I hope that we will be able to ensure that work-based learning, which will be delivered differently from 2019, will be able to be delivered through the IDP.

[71] **Lynne Neagle:** Thank you. Mark.

[72] **Mark Reckless:** I just wonder, Minister, if I could ask you to clarify your commitment in terms of moving an amendment at Stage 3, if you're not able to do that through secondary legislation. Is it just that you need to satisfy yourself that you'll be able to do so through secondary legislation, and, if you consider you will, then you won't move an amendment? Is it a question that you aren't yet clear as to whether you will have the legal power to do so? And can we expect that that amendment—? If you don't go down the primary legislation amendment, can we expect that secondary legislation and associated matters are going to be published in advance of Stage 3?

[73] **Alun Davies:** I'm not sure I'd be in the position to give that commitment, because I'm not sure the timescales will allow me to do so. But I can certainly speak to the Minister—to Julie James—about how we can take this forward, and I can write to the committee in advance of Stage 3, which would enable Members to table further amendments at Stage 3, were this amendment not to be accepted by the committee today. I would certainly be able to clarify that situation for Members before the tabling deadlines for Stage 3, to enable Members to make further amendments, were they minded to do so. And I think that's the furthest I can go this morning in making commitments on that.

[74] I should say, Chair, in conclusion, that amendments 106, 107, 108 replace the word 'information' with 'data' to be consistent with the Data Protection Act 1998. And, in conclusion, I would urge the Members to support the four Government amendments, but to oppose amendments 76, 77, 87 and 88. But I would urge Members also to give consideration to the undertakings I've given in committee this morning.

[75] **Lynne Neagle:** Thank you. Darren, to reply to the debate.

[76] **Darren Millar:** Thank you, Chair. I've listened carefully to what the

Minister's said in response to the amendments that have been tabled by Llyr Gruffydd and me. I'm a little bit concerned, because I understand the Minister's position is that he doesn't disagree with the aims of these amendments, and that he feels that these issues are issues that ought to be addressed in guidance, in the code.

[77] **Alun Davies:** That will be addressed.

[78] **Darren Millar:** Okay—that will be addressed. So, if that is the case, why is there resistance to accepting these amendments today? Now, I appreciate that there is—

[79] **Alun Davies:** Do you want me to come back on that?

[80] **Darren Millar:** I'll take an intervention in a second. I appreciate that there is a piece of legislation on the Welsh statute book in respect of learner travel arrangements, and that that is currently being reviewed at the moment in terms of the guidance. And it may well be appropriate that that is a place where arrangements specifically related to additional learning needs can be catered for, but there's nothing stopping this committee today from supporting the amendments that we have before us and then further refining this Bill at Stage 3, if necessary, in order to take account of what may emerge in terms of the Learner Travel (Wales) Measure 2008 guidance in particular.

[81] With regard to the educational psychologist, again, the Minister said that he accepts that there ought to be guidance and that he's been working that guidance up, so why is there resistance? I can't understand why there's resistance to accepting that particular amendment. The work-based learning side of things, clearly, is something that the Minister does not intend to be without this Bill and the provisions in this Bill. So, again, it seems strange that the Minister's resisting the amendment that Llyr Gruffydd has tabled in respect of that.

[82] **Alun Davies:** Do you want to take an intervention now?

[83] **Darren Millar:** I'll take the intervention now before I go on to the last piece.

[84] **Alun Davies:** Perhaps I spent too long on the Constitutional and Legislative Affairs Committee in this place and I spent too much time studying legislation. My concern, as I've said to Members, isn't about the

facts; I do not have any disagreement with that. But my concern is to deliver clarity in legislation and clarity in what we have on our statute book and to ensure clarity for professionals and practitioners who will be the users of this legislation. For that reason, I felt that we'd agreed as a committee, and as a Government, earlier this year that we would impose, in primary legislation, statutory requirements to have a template for the code and timetables within which that code must be delivered and that we would create then the content for that code through secondary legislation—through the code.

[85] What I'm seeking to do this morning is to maintain that clarity; it's not to oppose what you're suggesting, because I don't disagree with you at all, but to ensure that we have clarity on the statute book, to ensure that what needs to be in primary legislation is in primary legislation and creates the system and structure, and then that we fill in the gaps within the structure through secondary legislation and we create the linkages with other pieces of legislation as well. So, what I'm trying to argue is that this is an approach to how we legislate and an approach to how we enable people to understand legislation rather than a difference in points of principle.

[86] **Darren Millar:** I understand the point that you're making, but it actually undermines the previous point that you were making, which was that you may well bring amendments forward to do precisely what you've just suggested we shouldn't be doing. So, that suggests to me that there may not be a genuine intention at Stage 3 to bring amendments forward. So, I would encourage the committee, given that you've already said that you intend to include these matters in the code, to accept these amendments today and then, if necessary and if there's further information that emerges between now and the end of Stage 3, we've got the opportunity to either unpick the amendments that we've made or to make further refined amendments, if you like, that address these issues. For that reason, I'll be encouraging Members to continue to support both my amendments and indeed the amendments that have been tabled in the name of Llyr Gruffydd. As I say, I'm also supporting the Minister's amendments because I do believe that they improve significantly the Bill in relation to what the code must include in terms of timescales and in terms of an IDP template.

[87] Finally, on this issue, the Minister, I think, suggested that my amendment around transport provisions was actually seeking to change the IDP template or partly write the IDP template. I do have amendments later on in the Bill that seek to do that, but this one doesn't; this one simply seeks to ensure that the code has some clarity around transport arrangements. So, it's

a bit of a red herring in this particular group to have that.

[88] **Alun Davies:** We'll do that later.

[89] **Darren Millar:** Okay.

[90] **Lynne Neagle:** Thank you, Darren. Do you wish to proceed to a vote on amendment 76?

[91] **Darren Millar:** I do.

[92] **Lynne Neagle:** The question then is that amendment 76 be agreed. Does any Member object? [*Objection.*] We have an objection, so we will take a vote on amendment 76. The question is that amendment 76 be agreed. Those in favour, please raise your hands. Keep your hands up, please. Thank you. Those against. Therefore, in relation to amendment 76, there voted four in favour and four against.

[93] As there is a tied vote, I use my casting vote in the negative, that is, against the amendment, in accordance with Standing Order 6.20(ii). Therefore, amendment 76 is not agreed.

10:15

*Gwelliant 76: O blaid 4, Yn erbyn 4, Ymatal 0.
Amendment 76: For 4, Against 4, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
Brown, Michelle	David, Hefin	
Gruffydd, Llyr	Griffiths, John	
Millar, Darren	Morgan, Julie	
Reckless, Mark	Neagle, Lynne	

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).
As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 76.
Amendment 76 not agreed.*

[94] **Lynne Neagle:** Llyr, do you wish to proceed to a vote on amendment 87?

*Cynigiwyd gwelliant 87 (Llyr Gruffydd, gyda chefnogaeth Darren Millar).
Amendment 87 (Llyr Gruffydd, supported by Darren Millar) moved.*

[95] **Llyr Gruffydd:** Yes.

[96] **Lynne Neagle:** The question is that amendment 87 be agreed. Does any Member object? [*Objection.*] There is an objection, so we will take a vote on that amendment. The question is that amendment 87 be agreed. Those in favour please raise your hands. Those against. In relation to amendment 87, there voted four in favour and four against. As there is a tied vote, I use my casting vote in the negative, that is, against the amendment, in accordance with Standing Order 6.20. Therefore, amendment 87 is not agreed.

*Gwelliant 87: O blaid 4, Yn erbyn 4, Ymatal 0.
Amendment 87: For 4, Against 4, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
Brown, Michelle	David, Hefin	
Gruffydd, Llyr	Griffiths, John	
Millar, Darren	Morgan, Julie	
Reckless, Mark	Neagle, Lynne	

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).

*Gwrthodwyd gwelliant 87.
Amendment 87 not agreed.*

*Cynigiwyd gwelliant 5 (Alun Davies).
Amendment 5 (Alun Davies) moved.*

[97] **Lynne Neagle:** I move amendment 5, in the name of the Minister. The question is that amendment 5 be agreed. Does any Member object? No. Okay, amendment 5 is agreed.

Derbyniwyd gwelliant 5 yn unol â Rheol Sefydlog 17.34.

Amendment 5 agreed in accordance with Standing Order 17.34.

[98] **Lynne Neagle:** Darren, do you wish to proceed to a vote on amendment 77?

Cynigiwyd gwelliant 77 (Darren Millar, gyda chefnogaeth Llyr Gruffydd).

Amendment 77 (Darren Millar, supported by Llyr Gruffydd) moved.

[99] **Darren Millar:** I do, yes, please.

[100] **Lynne Neagle:** The question is that amendment 77 be agreed. Does any Member object? [*Objection.*] Okay, we have an objection, so the question is that amendment 77 be agreed. Those in favour please raise your hands. Those against. Okay, in relation to amendment 77, there voted four in favour and four against. As there is a tied vote, I use my casting vote in the negative, that is, against the amendment. Therefore, amendment 77 is not agreed.

Gwelliant 77: O blaid 4, Yn erbyn 4, Ymatal 0.

Amendment 77: For 4, Against 4, Abstain 0.

O blaid:

For:

Brown, Michelle
Gruffydd, Llyr
Millar, Darren
Reckless, Mark

Yn erbyn:

Against:

David, Hefin
Griffiths, John
Morgan, Julie
Neagle, Lynne

Ymatal:

Abstain:

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).

Gwrthodwyd gwelliant 77.

Amendment 77 not agreed.

Cynigiwyd gwelliant 22 (Alun Davies).

Amendment 22 (Alun Davies) moved.

[101] **Lynne Neagle:** I move amendment 22, in the name of the Minister. The question is that amendment 22 be agreed. Does any Member object? No. Okay, amendment 22 is agreed.

*Derbyniwyd gwelliant 22 yn unol â Rheol Sefydlog 17.34.
Amendment 22 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 88 (Llyr Gruffydd, gyda chefnogaeth Darren Millar).
Amendment 88 (Llyr Gruffydd, supported by Darren Millar) moved.*

[102] **Lynne Neagle:** The question is that amendment 88 be agreed. Does any Member object? [*Objection.*] We have an objection, so the question is that amendment 88 be agreed. All those in favour please raise your hands. All those against. In relation to amendment 88, there voted four in favour and four against. As there is a tied vote, I use my casting vote in the negative, that is, against the amendment, and amendment 88 falls.

*Gwelliant 88: O blaid 4, Yn erbyn 4, Ymatal 0.
Amendment 88: For 4, Against 4, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
Brown, Michelle	David, Hefin	
Gruffydd, Llyr	Griffiths, John	
Millar, Darren	Morgan, Julie	
Reckless, Mark	Neagle, Lynne	

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).
As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 88.
Amendment 88 not agreed.*

*Cynigiwyd gwelliant 6 (Alun Davies).
Amendment 6 (Alun Davies) moved.*

[103] **Lynne Neagle:** I move amendment 6, in the name of the Minister. The question is that amendment 6 be agreed. Does any Member object? No. Okay, amendment 6 is agreed.

Derbyniwyd gwelliant 6 yn unol â Rheol Sefydlog 17.34.

Amendment 6 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 106 (Alun Davies).

Amendment 106 (Alun Davies) moved.

[104] **Lynne Neagle:** I move amendment 106, in the name of the Minister. The question is that amendment 106 be agreed. Does any Member object? Okay, amendment 106 is agreed.

Derbyniwyd gwelliant 106 yn unol â Rheol Sefydlog 17.34.

Amendment 106 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 107 (Alun Davies).

Amendment 107 (Alun Davies) moved.

[105] **Lynne Neagle:** I move amendment 107, in the name of the Minister. The question is that amendment 107 be agreed. Does any Member object? No. Okay, amendment 107 is therefore agreed.

Derbyniwyd gwelliant 107 yn unol â Rheol Sefydlog 17.34.

Amendment 107 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 108 (Alun Davies).

Amendment 108 (Alun Davies) moved.

[106] **Lynne Neagle:** I move amendment 108, in the name of the Minister. The question is that amendment 108 be agreed. Does any Member object? Thank you, amendment 108 is agreed.

Derbyniwyd gwelliant 108 yn unol â Rheol Sefydlog 17.34.

Amendment 108 agreed in accordance with Standing Order 17.34.

Grŵp 4: Is-ddeddfwriaeth: Newidiadau i Weithdrefnau (Gwelliannau 78, 79, 7, 8, 9, 30, 45, 31, 32, 33, 34, 35, 36)

Group 4: Subordinate Legislation: Changes to Procedures (Amendments 78, 79, 7, 8, 9, 30, 45, 31, 32, 33, 34, 35, 36)

[107] **Lynne Neagle:** That takes us then to group 4, which deals with subordinate legislation—changes to procedures. The lead amendment in the

group is amendment 78 in the name of Darren Millar and I call on Darren to move amendment 78 and to speak to his amendments and the other amendments in this group.

Cynigwyd gwelliant 78 (Darren Millar).

Amendment 78 (Darren Millar) moved.

[108] **Darren Millar:** Thank you, Chair. I move amendment 78 and want to speak to amendments 79 and 45 also, which have been tabled in my name. I also want to confirm my support for all of the other amendments in this group.

[109] All of the amendments in this particular group seek to improve the procedures for making the additional learning needs code. One of the concerns of stakeholders at Stage 1 was that the code ought to be made under the affirmative procedure rather than the negative procedure, as is currently on the face of the Bill. The Minister, to be fair, has listened to these concerns and is seeking to amend the Bill to ensure that there is an affirmative procedure. My amendments simply seek to add a little bit more meat around what that procedure should include.

[110] So, my amendment 78 seeks to ensure that a relevant National Assembly committee has the opportunity to properly scrutinise and advise the Welsh Government on any proposed changes that might need to be made to the draft code before it's actually completed and placed before the National Assembly as a whole for approval.

[111] Amendment 79 attempts to set a timescale of 12 weeks between the publication of the code and it actually being ratified, if you like, finally by the National Assembly. I also have sought to ensure that there's an opportunity for stakeholders to give feedback within that period and for the outcome of that consultation also to be published in summary by the Government to allow for some transparency and accountability in terms of what people are actually saying on the draft code that emerges as a result of this legislation. We will, of course, be supporting the Minister's amendments. As I said, the Minister's made a noble attempt here to deal with the recommendations in the committee report but I do think that there are things that can be usefully done to improve the process and that's why I've tabled my amendments to this group.

[112] **Lynne Neagle:** Thank you, Darren. Are there other Members—? Julie.

[113] **Julie Morgan:** I support 78, Darren Millar's amendment, and the Minister's amendments. Seventy-nine—I'm not certain it would be necessary to actually prescribe it in that sort of way, but I'd be interested to hear what the Minister's got to say.

[114] **Lynne Neagle:** Okay. I call the Minister.

[115] **Alun Davies:** Thank you. I'm grateful to Members for their comments and for the amendments that have been made by others in this section. I would seek to ask the committee to support the Government amendments 7, 8, 9, 30, 31, 32, 33, 34, 35 and 36, and amendments made by Darren Millar, 78 and 45, although I would invite Members to resist amendment 79.

[116] Can I say, in responding to these amendments that, in terms of our procedures and our proceedings this morning, I see myself, first and foremost, as a Welsh parliamentarian rather than simply as a Minister? I hope that Members will recognise that, throughout my decade as a Member of this institution, I've always, at every time, sought to strengthen the institution and the proceedings and the processes by which we scrutinise the Executive. I think it's an essential part of any parliamentary democracy and I think it's important that the Executive recognises that on all occasions. As we've already discussed this morning, that process of scrutiny strengthens our legislation and strengthens our institutions.

[117] So, I've no issues at all with putting forward amendments to ensure that we move from a negative resolution to affirmative resolution. I have no issues either in ensuring that we go beyond what is demanded by Standing Orders to ensure proper scrutiny of secondary legislation, of the code, by this or other committees. I recognise the work that's been done by the constitutional affairs committee as well in making these points and I hope that, in making the amendments this morning, we are also responding to the Stage 1 report recommendations, particularly six, 10, and 12, from the constitutional affairs committee. So, I hope that we will also, in taking a very comprehensive approach to this, meet the demands of this committee and of CLAC.

[118] The reason that I would invite Members to resist amendment 79 is because it sets out the requirements in relation to a way in which consultation on the code must be conducted. I've seen this amendment made, I think, to almost every piece of legislation that I've considered as a

Member in this place. I understand why it's being brought forward, but I would simply invite Members to reflect that this is the Government's normal practice in relation to consultation. I understand that one Government can't bind another. I understand the arguments on this and I can understand the belt-and-braces approach that opposition Members would wish to take to ensure that this is in law. I hope that Members will also recognise that the Welsh Government has always sought to ensure that there is active consultation and active listening from Government, and I'm sure Members will also recognise that, when the code is first issued, and in relation to subsequent substantial revisions of the code, a minimum 12-week consultation period would be appropriate and must be appropriate. So, I hope that Members will accept those undertakings and I hope that Members will also recognise the approach that the Government's taking in actively seeking to implement the recommendations of this committee and the constitutional affairs committee.

[119] **Lynne Neagle:** Thank you, Minister. Darren to reply.

[120] **Darren Millar:** I'm very grateful for the Minister's response in respect of amendment 78. As I say, the Minister, to be fair, had responded very positively to the committee recommendation to amend the Bill to ensure that the affirmative procedure applied to not just the first draft of the code, but all drafts in the future that might be published thereafter. Having listened to what he said in respect of the prescription that I've laid out in amendment 79, I'm prepared not to move that amendment this morning, but I would encourage Members to support amendment 78.

[121] **Lynne Neagle:** Thank you. So, the question—. Darren, do you wish to proceed to a vote on amendment 78?

[122] **Darren Millar:** I do.

[123] **Lynne Neagle:** The question is that amendment 78 be agreed. Does any Member object? There's no objection, so amendment 78 is agreed.

Derbyniwyd gwelliant 78 yn unol â Rheol Sefydlog 17.34.

Amendment 78 agreed in accordance with Standing Order 17.34.

[124] **Lynne Neagle:** Darren, you indicated that you don't want to move amendment 79 now. Does any other Member wish to move amendment 79 in accordance with Standing Order 26.65? No. Okay, then the amendment is not

moved.

Ni chynigiwyd gwelliant 79 (Darren Millar).

Amendment 79 (Darren Millar) not moved.

Cynigiwyd gwelliant 7 (Alun Davies).

Amendment 7 (Alun Davies) moved.

[125] **Lynne Neagle:** I move amendment 7 in the name of the Minister. The question is that amendment 7 be agreed. Does any Member object? Amendment 7 is therefore agreed.

Derbyniwyd gwelliant 7 yn unol â Rheol Sefydlog 17.34.

Amendment 7 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 8 (Alun Davies).

Amendment 8 (Alun Davies) moved.

[126] **Lynne Neagle:** I move amendment 8 in the name of the Minister. The question is that amendment 8 be agreed. Does any Member object? Amendment 8 is therefore agreed.

Derbyniwyd gwelliant 8 yn unol â Rheol Sefydlog 17.34.

Amendment 8 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 9 (Alun Davies).

Amendment 9 (Alun Davies) moved.

[127] **Lynne Neagle:** I move amendment 9 in the name of the Minister. The question is that amendment 9 be agreed. Does any Member object? Amendment 9 is therefore agreed.

Derbyniwyd gwelliant 9 yn unol â Rheol Sefydlog 17.34.

Amendment 9 agreed in accordance with Standing Order 17.34.

**Grŵp 5: Rhoi Sylw Dyledus i Gonfensiynau'r Cenhedloedd Unedig
(Gwelliannau 38, 39)**

Group 5: Due Regard to United Nations Conventions (Amendments 38, 39)

[128] **Lynne Neagle:** That takes us on to group 5, which relates to the due regard to United Nations conventions. The lead amendment in this group is

amendment 38 in the name of Darren Millar, who I call to move amendment 38 and speak to his amendment and the other amendment in the group.

*Cynigiwyd gwelliant 38 (Darren Millar, gyda chefnogaeth Llyr Gruffydd).
Amendment 38 (Darren Millar, supported by Llyr Gruffydd) moved.*

[129] **Darren Millar:** Thank you, Chair. The purpose of these two amendments is to ensure that anyone exercising functions under this particular piece of legislation must have due regard to both the UN Convention on the Rights of the Child and the UN Convention on the Rights of Persons with Disabilities. Both the Minister and I were members of the Assembly committee that considered the Rights of Children and Young Persons (Wales) Measure 2011, which placed an overarching duty on Welsh Ministers to have due regard to the UNCRC. It was a groundbreaking piece of legislation, and one that I think Wales can be very, very proud of indeed, but, in that piece of legislation, the due-regard principle did not extend to other bodies or individuals in Wales. In fact, it wasn't until the Social Services and Well-being (Wales) Act 2014 that individuals around Wales, in addition to Ministers, had to pay due regard to the UNCRC and a host of other UN conventions and declarations in exercising their functions and doing their job in relation to that Act.

[130] So, I believe that this Bill provides an opportunity for the National Assembly and the Welsh Government to maintain what has been a very bold approach to date in respect of children's rights and UN conventions and to extent their application further to front-line staff. The amendments are a direct response to the children's commissioner's calls to have a due-regard duty in relation to the UNCRC and the UNRPD on the face of the Bill. Now, during Stage 1, the Minister contended that there was no need to—and I think he used the word 'slavishly'—no need to slavishly repeat such duties on the face of this particular piece of legislation and that doing so might create problems for front-line staff and put institutions at risk of litigation. But I have to say there's absolutely no evidence to support the Minister's position on this because, in fact, we've got quite the opposite: neither the WLGA, any individual local authority, nor any other organisation, has expressed any difficulty whatsoever arising from the existing due-regard duty placed upon them as a result of the Social Services and Well-being (Wales) Act 2014. Not one of those organisations has contacted this committee to say that they've had problems—

[131] **Alun Davies:** Yes, they have. They have.

10:30

[132] **Darren Millar:** —in applying those due-regard duties. Now, Wales is a nation that, I think, can be proud of its record to date on children’s rights. We can be proud of our record in terms of enshrining UN conventions and declarations into Welsh law, and I believe that we can leave our record unblemished today if we amend this piece of legislation to incorporate these two particular UN conventions into this piece of legislation. We’ve set a precedent with the social services and well-being Act and, as I say, that does not—. The concerns of the Minister do not appear to have been borne out. So, it would be interesting to hear what the Minister has to say in response to these amendments this morning, but I would encourage all Members, given the compelling evidence that we received at Stage 1, and given our recommendation, as a committee, in our Stage 1 committee report, to follow through on that recommendation and to support these amendments this morning.

[133] **Lynne Neagle:** Okay, thank you, Darren. Before I bring Members in, just to clarify that the committee has received a letter from the WLGA, but that relates to this Bill rather than other pieces of legislation. Hefin, then Julie.

[134] **Hefin David:** I was a contrary voice. The committee did have a long discussion about this issue and I was a contrary voice. Although I was on paternity leave at the time that the report was specifically discussed, I did communicate my views to the Chair, that I felt that, on balance, the issue of additional bureaucracy for individuals delivering the provisions of the Bill could cause issues and difficulties specifically with regard to workload, and the question: does it then—? Incorporating it into specific legislation, does UNCRC actually improve the Bill and will it make a material difference on the ground? I think that’s open to question, and I think the committee did actually take that on board and reflect that in the report, because the recommendation in the report was:

[135] ‘the Bill should include a specific duty on relevant bodies to have due regard to the relevant articles of the UN Convention on the Rights of the Child.’

[136] But, actually, the amendment that’s tabled speaks of ‘a person exercising functions’. As such, I’m not ready to support this amendment, and

would therefore give the Chair notice that I don't intend to. I feel that a deep consideration as to the impacts on those persons, those individuals, needs to be made.

[137] **Lynne Neagle:** Thank you, Hefin. Julie.

[138] **Julie Morgan:** This has been one of the issues that we've had most debate and discussion on, I think—in the committee and outside the committee. Obviously, very strong views have been put forward about the importance of the UN Convention on the Rights of the Child, which I know I feel very strongly, and I know Lynne Neagle feels very strongly, about, and I know others here do as well. So, I think it is very important that the Minister does respond to the depth of concern that there is here in the committee. We took evidence and saw the written evidence from Sally Holland, the children's commissioner, and I think we were convinced that:

[139] 'Due regard to the UNCRC should not, and does not start and end with Ministerial functions.'

[140] In order to make it a reality, it should reach nearer to the grass roots, basically, and I think it's very important that in order to make it a reality for children in schools or going about their daily work that this is an issue that is foremost in the mind of all those staff who deal with these issues. I think there are different ways of addressing this, and, as Darren said, Minister, you felt quite strongly against this when we were going through the previous stage, but I am asking you to look at this again. Hefin has pointed out that in our recommendations we do actually say,

[141] 'include a specific duty on relevant bodies',

[142] which maybe would address some of the concerns you had about individuals, which I don't personally share but I feel that I would be prepared to give you the opportunity to see if it would be possible to come up with something that would satisfy the recommendations that the committee actually made, which Hefin has already referred to. So, 'relevant bodies'—I mean, that could be the governing body or the school itself or the local authority, or it could be all of them, and I wondered if you could go away and think whether it might be possible to do something like that. Because, you know, children's rights has been one of the key issues in this Assembly. We have stood out for children's rights; we have blazed a trail. I think we've got a fantastic record and I think it would be a big loss if we didn't somehow put

that into this Bill.

[143] **Lynne Neagle:** Thank you, Julie. Llyr.

[144] **Llyr Gruffydd:** Ie, diolch, Gadeirydd. Gwnaf i gyfrannu yn Gymraeg os caf i. Byddwch chi'n gweld o'ch papurau fy mod i wedi cefnogi'r gwelliannau yma'n ffurfiol, ac rydw i'n hapus iawn i wneud hynny oherwydd mi oedd ewyllys y pwyllgor yn glir ein bod ni am weld rhywbeth yn digwydd ar hyn. Mae tystiolaeth y comisiynydd plant wedi bod yn glir—a dweud y gwir, wedi bod yn gwbl ddi-flewyn ar dafod yn y maes yma—o safbwynt yr hyn y mae hi yn gobeithio ei weld yn cael ei gyflawni yn y Bil yma. Ac, wrth gwrs, mae yna lawer o fudd-ddeiliaid a rhanddeiliaid sydd wedi bod yn cyflwyno tystiolaeth hefyd wedi bod yn glir ynglŷn â'u dymuniad nhw yn y cyd-destun yma, ac mi fyddai, yn fy marn i, yn colli cyfle os na fyddwn ni'n sicrhau bod y Bil yn cynnwys dyletswydd i roi sylw dyledus i Gonfensiwn y Cenhedloedd Unedig ar Hawliau'r Plentyn. Byddai'n cryfhau'r Bil yn fy marn i, ac yn ei gwneud hi'n fwy tebygol y bydd ef yn cyflawni'r egwyddorion a'r nodau y mae'r Bil yma am eu gwireddu. Nawr, mae'r comisiynydd plant wedi tynnu sylw at yr hyn mae hi'n ei ddisgrifio fel camddealltwriaeth sylfaenol o'r Mesur Hawliau Plant a Phobl Ifanc (Cymru) 2011 sy'n hawlio bod y dyletswydd sylw dyledus sy'n cael ei osod ar Weinidogion Cymru yn treiddio lawr i wneuthurwyr polisi ac

Llyr Gruffydd: Thank you, Chair. I'll make my contribution in Welsh, if I may. You will see from your papers that I have supported formally these amendments, and I am very happy to do so because the committee's will was clear that we wanted to see some movement in this area. The evidence of the children's commissioner has been clear—in fact, it has been very, very clear indeed on this—in terms of what she hopes to be achieved through this Bill. Indeed, there are many, many stakeholders who have also provided evidence and they too have been clear as to their aspirations in this context, and in my view, it would be a missed opportunity if we didn't ensure that the Bill includes a duty to have due regard to the United Nations Convention on the Rights of the Child. It would strengthen the Bill in my view, and make it more likely that it would deliver the aims and objectives that this Bill wants to achieve. Now, the children's commissioner has drawn attention to what she describes as a fundamental misunderstanding of the Rights of Children and Young Persons (Wales) Measure 2011, which claims that the due regard duty placed on Welsh Ministers actually does permeate down through practitioners and those working with children and young people directly, so that you

ymarferwyr sy'n gweithio'n uniongyrchol gyda phlant a phobl ifanc, ac felly nad oes angen ailadrodd dyletswydd o'r fath yn slafaid—os mai dyna oedd y gair a ddefnyddiwyd—yn y Bil yma. Ac er bod y Mesur hawliau plant yn garreg filltir arwyddocaol a phwysig, ac fel rydym ni wedi clywed, yn un rydym ni'n falch iawn ohoni o safbwynt gweithredu'r confensiwn, mae'r ddyletswydd i dalu sylw dyledus i'r confensiwn yn cyfeirio'n uniongyrchol at Weinidogion Cymru yn unig. Nid yw'n darparu'r sail i sylw dyledus gael ei rhaedru'n naturiol i lawr i ymarferwyr ar lawr gwlad. Mi oedd angen darpariaeth bellach—neu mae angen darpariaeth bellach yn y Bil yma, fel yr oedd angen, wrth gwrs, yn y Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014. Y ddadl arall rydym ni wedi clywed, wrth gwrs, yw na ellir cynnwys y dyletswydd am fod angen amddiffyn sefydliadau yn erbyn ymglyfreithiad, neu *litigation*, ar sail methiannau posib o safbwynt trefniadaeth ac yn y blaen. Mi gyfeiriwyd at y baich gwaith biwrocraidd y byddai hynny o bosibl yn arwain ato fe. Wel, rydych chi'n gwybod, nid yw wedi llethu y sector sydd wedi cael ei ddal yn y broses yma o safbwynt gwasanaethau cymdeithasol, felly rydw i yn meddwl bod y Llywodraeth yn mynd o flaen gofid yn y cyd-destun yma. Rydw i yn ei chael hi'n anodd i ddeall sut y gellir cyfiawnhau gosod y dyletswydd ar un grŵp o weithwyr proffesiynol

don't need to slavishly reiterate such a duty—if that was the word used—in this particular Bill. And although the children's rights Measure is an important milestone and one that we are very proud of in terms of the implementation of the convention, the duty to have due regard to the convention refers directly to Welsh Ministers alone. It doesn't provide a foundation for due regard to be permeated down to practitioners on the ground. Now, further provision in this Bill is required, as was required in the Social Services and Well-being (Wales) Act 2014. The other argument we've heard put is that this duty can't be included because you need to defend organisations and institutions against litigation on the basis of possible failings in terms of procedure and so on. A reference was made to the bureaucratic burden that that may cause. But, you know, it hasn't been a huge burden on a sector that has been captured in this process, that is, social services, so, I do think the Government is being overly cautious in this context and I do find some difficulty in understanding how you can justify placing the duty on one group of professionals in the context of the social services and well-being Act, but not on the group captured under this Bill. The precedent has been set and, for me, it's a matter of consistency.

yng nghyd-destun y Ddeddf gwasanaethau cymdeithasol a llesiant, ond ddim ar y grŵp sydd yn destun y Bil yma. Felly, rydych chi'n gwybod, mae'r cynsail wedi'i osod ac, i fi, mater o gysondeb yw hyn.

[145] **Lynne Neagle:** Thank you, Llyr. Minister.

[146] **Alun Davies:** I'm grateful to Members for their contributions. Can I start by correcting the contribution from Darren Millar? The committee has received correspondence from the WLGA, from Debbie Wilcox, the leader of the WLGA, who has written on behalf both of the WLGA and the Association of Directors of Education in Wales, and I quote, 'to express concerns regarding the amendments tabled by Darren Millar to the ALN Bill in relation to the UN conventions on the rights of the child and the rights of persons with disabilities'. And she goes on to explain what all of those concerns are.

[147] **Darren Millar:** Will you allow me just to respond to that?

[148] **Leanne Neagle:** Are you taking an intervention, Minister?

[149] **Alun Davies:** Yes.

[150] **Darren Millar:** The point I was making was: there have been no concerns raised with the committee around the application of the UN conventions in relation to the social services and well-being Act and the operation of that directly to front-line staff by local authorities. They weren't able to give us any evidence of any adverse impact.

[151] **Alun Davies:** The transcript will show what you actually said, and I think it's very clear that the WLGA and the Association of Directors of Education in Wales do have those concerns, which are expressed about the amendments we are discussing this morning and the amendments that have been tabled in your name. So, I think I need to correct you on that. At the same time, of course, the group of specialists who are the implementation group of front-line professionals who are implementing this legislation also have serious concerns about the amendments that have been tabled in your name, and the chair of that group, Gareth Morgans, the interim director of education for Carmarthenshire County Council has also written to the committee outlining their concerns about these amendments.

[152] So, wherever professionals have had the opportunity to respond to these amendments, they have outlined concerns, and those people, Julie, are the grass-roots people that you referred to in your contribution. These are the people at the front line who are delivering services today. So, I think it's important that we do recognise—. You know, you made points earlier about consultation with people. You've tabled amendments without consulting with any of these people and I think that when these people have had the opportunity to see the amendments, they've been very clear in what they've said and they've been unanimous in that. So, I think it's important that we put that on the record in terms of this conversation and this debate.

[153] I'd also want to make the point that the amendments that we are discussing this morning go much further, of course, than the committee recommendation. The committee recommendation, as Julie outlined, sought to impose these duties on bodies, whether they're governing bodies or local authorities, but the amendment doesn't do that; it actually places them on individuals, on persons, and that is a significant difference to what the committee has recommended. It's a significant extension of the committee's recommendation. Let me say this: a convention is an international treaty—it's an international treaty obligation between Governments. I can think of no example where a Government has sought to place their own international obligations in international law on the shoulders of individual front-line service providers, and that's what we're seeking to do today. I think that is a significant issue that requires and demands much, much greater scrutiny by the National Assembly if it wishes to go down that route.

[154] I remember sitting with Darren in that committee, and I remember—I seem to remember, Darren; correct me if I'm wrong—that the committee was unanimous in its support for Huw Lewis's Bill at that time, or Measure as it was at that time, and unanimous in seeking for it to become law. My memory is that, in becoming law, the purpose of that Measure was to ensure that we wouldn't have to go through this process again—that Welsh Ministers would have a fundamental duty in law to ensure that the obligations of the UN convention were met in all actions of Government and all programmes of Government. So, let me say this: I support the principles of both the conventions; I support the delivery of those principles in practice; the Bill is drafted with children's rights at its very core; and if Members read both letters of correspondence, particularly, possibly, the correspondence from Gareth Morgans, they will see how this Bill complies. It doesn't just comply with the conventions, but gives life to those demands in the conventions. I

think it's absolutely essential that we don't just pay lip service to the convention, but that we actually deliver it in practice, every day, across the whole country. Do you seek to intervene?

[155] **Julie Morgan:** Yes. Thank you, Minister, for accepting the intervention. I just wanted to be clear that you would consider before the next stage the actual recommendations that the committee made about this.

[156] **Alun Davies:** Yes, I'll come to that point. I wanted put on record my own views and address those issues in my conclusion. So, we are ensuring that all professionals and practitioners complying with their duties under the Bill will also be complying with the principles and the intention of the convention. We are ensuring that the way the Bill is structured and written, and the way the code will be structured and written, will mean that the convention isn't simply a dry piece of international law sitting on a hard drive or on a shelf somewhere, that is referred to before a ministerial speech or intervention, but is something that is an active part of the delivery of our services day in, day out.

[157] I do however recognise the strength of feeling, Julie. I recognise the conversations and the sincerity with which these views are held, and I do not wish to put any member of this committee in an invidious position this morning in asking them to vote against something that they believe is absolutely essential and a fundamental core part of what this Bill should be about.

10:45

[158] I'd like to give an undertaking to the committee, therefore, that I will work with all members of the committee to bring forward an amendment to Stage 3 that will give life to those views and will respond to what the committee has already recommended. I would be content to work with all Members to explore different options to do this in a way that gives life to the convention, gives life to the principles that underpin the convention, but does so in a way that improves the Bill and the working with the Bill.

[159] What matters to me—what really matters to me—are the services that a child or a young person with additional learning needs receives, and the support that we then give to practitioners and professionals who are working with those young people to deliver those services. So, what I would want us to do is to work with those people, as members of this committee and as a

Government, to bring forward an amendment to Stage 3 that will give life to all of those principles and to the points that have been made, Julie, by yourself and by others, in conversation and in debate on this matter. I recognise the views of Members on this committee, and I would not seek to ask Members to vote against these amendments without giving that undertaking that I will work with all Members to achieve a satisfactory outcome.

[160] **Lynne Neagle:** Were you seeking to intervene, Mark, or was it a contribution?

[161] **Mark Reckless:** I was seeking an intervention.

[162] **Lynne Neagle:** Okay.

[163] **Alun Davies:** I'll take an intervention. Turn a full stop into a comma.

[164] **Mark Reckless:** I had the impression that the Minister had come to the end of his remarks, but whatever is procedurally appropriate. To clarify, the Minister is so concerned to give life to the UN Convention on the Rights of the Child and the points made by Members on all sides that he wants to vote down an amendment within the Bill, on its face, that regard should be had to it. I'm a little perplexed by that. Also, having not been a member of the committee at Stage 1, Chair, I had to infer from comments made that the Welsh Local Government Association had, through that process, let us know its views. I now see—and thank you, Chair, for passing us that letter—that there was a letter from Debbie Wilcox of the WLGA, dated 3 October, which has come in at this very late stage in the process, taking aim at Darren Millar's amendments. I just wonder if the Minister could enlighten us as to the genesis of that letter and, in particular, whether anyone within his department, including his special advisers, may have had contact with the WLGA prior to that letter being sent to us in that context.

[165] **Lynne Neagle:** Okay. Right. Alun, if you want to respond, then, and then I'm going to bring Darren in to close.

[166] **Alun Davies:** I have to—. I should say—. The Member may not be familiar with the workings of this country, but we are in constant contact with the WLGA. I met Debbie Wilcox last week—I think it was last week or the week before—with the education Secretary. I see Debbie Wilcox on a regular basis. She's a fantastic leader of Newport, she's a fantastic example of a

Labour leader of local government, and I work with her on a weekly basis. I saw WLGA people in Brighton last week, you know. We work on a regular basis together. So, I must sort of—how shall I say—caution you on too many conspiracy theories around this.

[167] **Mark Reckless:** Was the matter of this letter discussed?

[168] **Alun Davies:** The matter of ALN has been discussed—and the elements of it, including these matters—for the last few months and the last period. We discuss these matters on a regular basis, Mark. We don't just discuss them when we're facing committees. We discuss these matters on a regular basis. So, we always have these conversations with the WLGA. We work with people, not against people. But can I say, in closing my remarks, that I don't ask Members to vote against an amendment in order to vote down the principle that lies behind it? I invite Members to move on from today to collaborate and to co-operate to enable us to bring forward an amendment that will be a unifying amendment that will deliver the principles that Darren has outlined—and the principles that Julie herself has outlined, and the principles I think the Chair holds closely as well—in order to deliver what we all, I think, share.

[169] So, I give a clear undertaking to the committee that I will work with all Members of the committee, and others, in order to bring forward an amendment that will achieve our ambitions with regard to the UN convention.

[170] **Lynne Neagle:** Thank you, Minister. Darren to reply.

[171] **Darren Millar:** Well, I'm very disappointed by the Minister's position. I have to say, I hadn't seen the correspondence from the WLGA, which isn't surprising, given that it was probably received—well, it was clearly received yesterday—and it seems to me that there was probably an attempt by the Minister to scramble some support for his position, which is inconsistent with that which we've heard from other Government Ministers in the past in relation to other pieces of Government legislation.

[172] The Minister's shaking his head. He made an argument earlier on that some of his amendments were being tabled to align themselves and be consistent with other pieces of legislation. Here we have an attempt to make this piece of legislation consistent with another piece of Welsh legislation—which was passed in the previous two years, for which Government Ministers argued and supported, and actually made a number of amendments, and

supported a number of amendments too—which did exactly what the Minister is saying we shouldn't be doing, which is putting responsibility on the shoulders of front-line staff and individuals, not just the bodies for which they are employed.

[173] So, we could be in a situation in Wales where, unless we amend this Bill, we will have social workers and NHS workers who, as far as the Social Services and Well-being (Wales) Act 2014 is concerned, will have a responsibility to have a due regard to the UN conventions. And yet, if they're working under the arrangements in the ALN Bill, they won't. I find that astonishing, absolutely astonishing. It's been well known to the WLGA and the Association of Directors of Education in Wales that during Stage 1 there was a significant debate over this issue of UN conventions and whether they ought to be on the face of the Bill, so I can't understand why, so late in the day, we have received this communication from them. And it's a great shame, actually, that they haven't been sensible enough to actually contact the person who tabled the amendments and have a discussion with me.

[174] Now, I know that your point, Hefin, was that we made a slightly different recommendation in the report—

[175] **Hefin David:** That is significant—

[176] **Darren Millar:** And I'll come to that now.

[177] **Lynne Neagle:** If Darren takes an intervention—

[178] **Darren Millar:** If you'll just allow me to respond to that point, because I don't think that the recommendation perhaps reflects the full extent of the support that the committee gave to wanting to replicate, actually, the arrangements in the social services and well-being Act. And it's very clear in our committee report that we wanted to place the duty on the individuals working on the coalface, not just the body. So, if you read the committee views and recommendations, which are spelt out in paragraphs 279, 280, 281, 282, 283 and 284, they talk about the importance of these due-regard principles being cascaded down, effectively, to the front-line staff. And therefore, the recommendation, whilst, of course, we want to ensure that the relevant bodies have due regard to UN principles, this recommendation would deliver—. My amendments would deliver against that recommendation and also ensure that the other views of the committee, in relation to wanting the front-line staff to have these responsibilities, are also addressed.

[179] **Hefin David:** I respect you very much, Darren, and I take exactly the view that you are making, but the point being: we are not delivering a conceptual debate, we're crafting legislation, and the recommendation in the report was very carefully crafted. I've seen these reports before, I've been part of committees that have drafted these reports. You consider your recommendation and what you want very carefully, and the word is 'bodies'. In the amendment, it says 'person' and I think that is not something we can brush under the carpet, it's a significant difference, and it's something that we should have further discussion about before Stage 3.

[180] **Darren Millar:** The reason that I—

[181] **Lynne Neagle:** Darren, the Minister wants to intervene.

[182] **Darren Millar:** I'll bring him in in a second. The reason, Hefin, that I've used the word 'persons' is because that is the precise wording in the social services and well-being Act. So, I believe that it is absolutely right that we ought to adopt the Minister's previous position in the previous debate, which is to have consistency in Welsh legislation, and therefore that it is entirely appropriate that we use the word 'persons' when we're dealing with the people to whom this Bill, and future Act, hopefully, will apply. The children's commissioner's evidence, which we were greatly moved by as a committee—and Julie has alluded to this and was one of the staunchest supporters of making sure that UN conventions were embedded, if you like, throughout this Bill—was very clear that the application of those duties, the due regard duty, should be right down to those front-line members of staff. And I have to say I can't understand why there's an inconsistency in the Government's approach to this piece of legislation when compared to other pieces of Welsh legislation, and why it's okay to apply the principles and conventions to front-line staff in social services and the NHS in relation to the social services and well-being Act 2014 but it's not appropriate here. I just don't understand it.

[183] **Lynne Neagle:** Are you going to—?

[184] **Darren Millar:** Yes, I'll take the intervention.

[185] **Alun Davies:** I think it's important to actually read—. You've quoted selectively from the committee's report. What paragraph 282 actually says—

[186] **Darren Millar:** I didn't actually quote from the committee report, but—.

[187] **Alun Davies:** Well, I'm sorry, I thought you had.

[188] 'The Committee believes it is vital that the UNCRC filters down through policies to those responsible for delivery "on the ground".'

[189] That's what the committee report says. Committee recommendation 31 then says

[190] 'The Bill should be amended to include a specific duty on relevant bodies to have due regard to the UN Convention on the Rights of the Child.'

[191] Your amendment does not do that—

[192] **Darren Millar:** But mine—

[193] **Alun Davies:** If you'll allow me. Your amendment does not give life to the recommendation of this committee. This is something that is different. And it is something that is different that causes issues. And when you talk about consistency, you talk in terms of the legislation, and we've already had the conversation about the social services Act, which I think is a fundamentally different piece of legislation. My concern is consistency in, for example, the classroom, because what you would be doing, through this amendment, would be placing the responsibilities of this convention on the teacher, on a classroom assistant, for children with ALN, but not, of course, the children without ALN. And you would be creating two classes of responsibilities within a single classroom. And that is why I think this amendment is badly drafted and addresses the wrong issue. I am content to continue the conversation and to work with all Members on the basis of the committee's agreed position, the committee's report, about filtering down through policies to those responsible for delivering. That's what the committee said in its report, and the undertaking I give to the committee is that I am willing to give the undertaking to work with the committee to give legislative life, statutory life, to the conclusions of the committee's report and to the recommendation that the committee has made. Your amendment does not do that, Darren. It does something different.

[194] **Lynne Neagle:** Just to be clear, I'm not allowing any more interventions. Darren to close.

[195] **Darren Millar:** I was sat around this table in the discussions at Stage 1. With respect, Minister, you weren't. I was also sat in the private discussions around this table at Stage 1, and I can tell you that the intention of the committee—the very clear intention of the committee—was to ensure that front-line members of staff had, as paragraph 281, which you didn't refer to, suggests, the UN conventions in their mind while they were doing their job, to ensure the fulfilment of those conventions in respect of the rights of young people and the rights of persons with disabilities. You say you want to give life to those conventions. I believe that these amendments will ensure that we give life to those conventions. We'll get consistency in Welsh law. We will ensure that the application of the ALN Bill will include that everybody operating under the provisions of the Act in the future will have to have regard to these UN conventions. And as I say, I think it's perverse that we have a Government that on the one hand wants healthcare workers and social service teams, including individuals, having due regard for UN conventions in relation to one part of their job, but not in relation to another. That, I think, is just asking for confusion. I think that we ought to be encouraging people to be familiar with these conventions, so that they can ensure that they are not contravened. We have teachers already, Minister, who are in our schools, educating people about their rights under the UN convention, telling people that they have a commissioner who is responsible for helping them uphold their rights and you're suggesting that they won't be familiar with those rights in terms of the application of their role under the ALN Bill. It just doesn't make sense. Your argument is not coherent. I would encourage all Members around this table to reflect on what their conscience tells them about this issue and not simply to blindly follow a Government whip, frankly. Reflect on your conscience, see what your gut tells you to do, because I know that in your heart of hearts, people like Julie and the Chair of the committee are just as passionate about this issue as perhaps I am.

11:00

[196] **Lynne Neagle:** I can't allow any further debate now on this now because Darren has closed. Darren do you wish to proceed to a vote on amendment 38?

[197] **Darren Millar:** I do, very much so.

[198] **Lynne Neagle:** The question is that amendment 38 be agreed. Does any Member object? [*Objection.*] We have an objection, so we'll put that to the vote. The question is that amendment 38 be agreed. Those in favour,

please raise your hands. Those against. There voted three in favour, five against. So, that amendment is lost.

*Gwelliant 38: O blaid 3, Yn erbyn 5, Ymatal 0.
Amendment 38: For 3, Against 5, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
Gruffydd, Llyr	Brown, Michelle	
Millar, Darren	David, Hefin	
Reckless, Mark	Griffiths, John	
	Morgan, Julie	
	Neagle, Lynne	

*Gwrthodwyd gwelliant 38.
Amendment 38 not agreed.*

*Cynigiwyd gwelliant 39 (Darren Millar, gyda chefnogaeth Llyr Gruffydd).
Amendment 39 (Darren Millar, supported by Llyr Gruffydd) moved.*

[199] **Lynne Neagle:** Darren, do you wish to proceed to a vote on amendment 39?

[200] **Darren Millar:** I do.

[201] **Lynne Neagle:** The question is that amendment 39 be agreed. Does any Member object? [*Objection.*] We have an objection, so I'll take a vote. All those in favour of amendment 39, please raise your hands. All those against. Thank you. So, there voted in favour three, against five. Amendment 39 is lost.

*Gwelliant 39: O blaid 3, Yn erbyn 5, Ymatal 0.
Amendment 39: For 3, Against 5, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
Gruffydd, Llyr	Brown, Michelle	
Millar, Darren	David, Hefin	
Reckless, Mark	Griffiths, John	
	Morgan, Julie	
	Neagle, Lynne	

*Gwrthodwyd gwelliant 39.
Amendment 39 not agreed.*

[202] **Lynne Neagle:** I would like to propose that we have a short break and reconvene in 10 minutes at 11.10 a.m. Thank you.

*Gohiriwyd y cyfarfod rhwng 11:02 ac 11:14.
The meeting adjourned between 11:02 and 11:14.*

**Grŵp 6: Gwasanaethau Eirioli: Cyngor a Gwybodaeth Annibynnol
(Gwelliannau 40, 43, 44, 152, 103, 104)
Group 6: Advocacy Services: Independent Advice and Information
(Amendments 40, 43, 44, 152, 103, 104)**

[203] **Lynne Neagle:** Can I welcome Members back? We will move on now to group 6, which relates to advocacy services—independent advice and information. The lead amendment in the group is amendment 40 in the name of Darren Millar, who I call to move amendment 40, and to speak to his amendment and the other amendments in this group.

*Cynigiwyd gwelliant 40 (Darren Millar, gyda chefnogaeth Llyr Gruffydd).
Amendment 40 (Darren Millar, supported by Llyr Gruffydd) moved.*

[204] **Darren Millar:** Thank you, Chair. I move amendment 40, and wish to speak to amendments 40, 43, 44 and 152. Can I put on record at the start that I will also be supporting the other amendments in this group, which have been tabled in the name of Llyr Gruffydd?

11:15

[205] The purpose of my amendment 40 is to ensure that Welsh local authorities have a duty, not only to provide information and advice to people about additional learning needs and the system that operates to cater for those needs, but also to ensure that this advice is independent. At Stage 1, the committee heard a great deal of evidence that expressed concern that unlike the requirements for disagreement resolution and advocacy services, there was no requirement for information and advice from local authorities on ALN to be independent. The purpose of amendments 43 and 44 is to ensure that a child's parents also have access to independent advocacy services and this, of course, reflects committee recommendation 26, which suggested that this particular section of the Bill, section 62, be amended to

ensure that local authorities be required to provide independent advocacy services to parents when requested, even if that parent is not a case friend. It was clear from the evidence received that advocacy is needed for parents, as well as learners and case friends, and there were concerns that because parents were never explicitly given a right to independent advocacy in the Bill, it would be unavailable to parents except in exceptional circumstances.

[206] TSANA—the third sector additional needs alliance—noted that the Bill didn't explicitly provide for advocacy for parents and, of course, they made the point that a lot of case friends are not parents at all. So, I think it is important that we extend the opportunity for information and advice to be given to parents. The National Deaf Children's Society agreed with that, and they said that if local authorities and bodies know that parents have access to advocacy, then that helps to police itself. So, I think we can avoid some dispute resolution in the future—disputes and disagreements—if that information and advice and the advocacy support is available to parents at an earlier stage.

[207] Amendment 152 reflects committee recommendation 29, which talked about the code needing to be strengthened to require information and advice at key stages of the learner's education and at different points of transition. So, again, during Stage 1, the committee heard from stakeholders who were talking about the need to promote the availability of information and advice on ALN at key transitions, such as moving between schools, moving from primary to secondary education, or from secondary into an FEI, and they said that if information is promoted at those points, then, again, it can help to avoid potential disagreements and help to resolve any disputes at an earlier stage. So, I do hope that the Minister will see fit to support these recommendations and, as I say, I will be supporting Llyr Gruffydd's recommendations as well.

[208] **Lynne Neagle:** Thank you. Llyr.

[209] **Llyr Gruffydd:** Diolch, **Llyr Gruffydd:** Thank you, Chair. I Gadeirydd. Rydw i am siarad ar want to speak to the amendments welliannau sydd wedi'u gosod yn fy that have been tabled in my name, enw i, sef 103 a 104. Y bwriad, yn which are 103 and 104. The syml, oedd rhoi eglurder ar wyneb y intention, very simply, was to bring Bil na fyddai unrhyw un sy'n derbyn clarity to the face of the Bill that gwasanaethau eiriolaeth yn gorfod nobody who received advocacy talu am hynny. Mae'n adlewyrchiad o services would have to pay for that.

argymhelliad 28 o adroddiad Cyfnod 1 y pwyllgor. Fel mae'r pwyllgor yn dweud, rydym yn siŵr nad bwriad polisi'r Llywodraeth yw caniatáu codi tâl ar ddefnyddwyr am wasanaethau eiriolaeth ond mae'r ffordd mae'r adran a'r cymal penodol yma wedi'u drafftio yn gwneud hynny'n bosibilrwydd. Nawr, petai'r Llywodraeth yn ymrwymo i edrych eto ar hynny ac i gynnig datrysiad sy'n rhoi'r eglurder rydw i a'r pwyllgor yn chwilio amdano, yna byddwn yn hapus iawn i ystyried hynny, wrth gwrs.

That reflects recommendation 28 of the committee's Stage 1 report. As the committee said, we are sure it's not the Government's intention to charge users for advocacy services but the way that this specific section and clause has been drafted makes that a possibility. Now, if the Government could commit to look at that again and to bring a solution that will bring about that clarity that I and the committee are looking for, then I would be very happy to consider that, of course.

[210] Rydw i hefyd am gefnogi'r gwelliannau eraill yn enw Darren Millar. Mae'n bwysig sicrhau eiriolaeth annibynnol a'i bod ar gael i rieni hefyd, wrth gwrs. Rydw i'n meddwl bod y pwynt ynglŷn â darparu cyngor ac eiriolaeth ar bwyntiau allweddol o fewn gyrfa addysgol unigolyn yn un dilys ac yn sicr yn adlewyrchu llawer iawn o'r dystiolaeth rydym wedi'i derbyn.

I also would like to support the other amendments in the name of Darren Millar. It is important to ensure independent advocacy and that that is also available to parents, of course. I think that the point in relation to providing advice and advocacy at key stages within an individual's educational career is valid and certainly reflects a great deal of the evidence that we've received.

[211] **Lynne Neagle:** Thank you, Llyr. Are there any other Members who would like to speak on this group? No. Minister.

[212] **Alun Davies:** I'm grateful to you. I would ask Members to support amendments 103 and 104, but to resist amendments 40, 43 and 44 and 152. In terms of where we are at the moment, the Bill already places a requirement on local authorities to make arrangements to provide people with advice and information, which must be objective and impartial. We believe that this is appropriate at the initial stage.

[213] The Bill also provides for an escalation of support from impartial information and advice to independent advocacy. There are already requirements on local authorities to make arrangements for the provision of

independent advocacy services for children and young people where they might disagree with a decision. We believe that this strikes an appropriate balance. Compliance with the statutory requirements, once they come into force, will be a key element of our monitoring and evaluation plans. I want to be assured that effective arrangements are in place across Wales to provide that required support.

[214] In terms of the amendments that Darren is putting forward—43 and 44—the Bill provides that independent advocacy services must be available for children, young people and case friends. We believe, talking here about the rights of the child, of course, that the child or the young person themselves, or a case friend on behalf of a child who lacks capacity, should be the user of the service. This ensures that the voices of vulnerable children and young people are heard. The amendments will place new functions on local authorities, with the associated financial implications on which the authorities have not yet been consulted.

[215] Amendment 152 we do not believe is necessary. The Bill already deals with this through section 7, which requires authorities, local authorities and governing bodies to inform people about the ANL system, in particular the arrangements for independent advocacy services. I would be more than content were the committee to make further recommendations as to how this might be achieved, and if the committee wishes to make those recommendations in terms of the code, the code will itself build on this with mandatory requirements in respect of notifications at appropriate times. The draft code does include material on this, including template notification letters to be used following key decisions. Again, if a committee has recommendations on how this can be strengthened through the code, I'd be very happy to consider those recommendations.

[216] In terms of amendments 103 and 104, we are looking—. I agree with what Llyr said in terms of the principle of it. We're happy to support the aim of those amendments, but I would say to Llyr, or I would invite Llyr to withdraw those amendments, on the basis of the undertakings that I give that I will ask my officials to work with you to agree a drafting amendment for introduction at Stage 3, to achieve those objectives that you set out.

[217] **Lynne Neagle:** Thank you. Darren, to close.

[218] **Darren Millar:** Yes. I'm grateful for the Minister clarifying that he doesn't disagree with the principles that I'm trying to achieve through the

amendments that I've tabled. I noted that he suggested that section 7 of the Bill requires that the information and advice that is available to people, which local authorities must produce, should be impartial and objective, but, of course, it doesn't say that on the face of the Bill, which is why I've made a recommendation to insert the word 'independent' before the words 'information and advice'. There's no doubt in my mind that we need to ensure that there's independent information and advice and that it is impartial and objective in the way that the Minister has described, but there's absolutely nothing on the face of the Bill that requires local authorities to produce information in that way. So, I'm more than happy to—if the Minister's not happy with the word 'independent'—perhaps consider bringing forward another amendment at Stage 3, which talks about the need for impartial and objective advice, if that's something which—

[219] **Alun Davies:** Will you take an intervention?

[220] **Darren Millar:** Yes, I'm very happy to take an intervention.

[221] **Alun Davies:** You make a good point and I'd be content, if Darren were to withdraw his amendment, to invite him to work with my officials to bring forward such an amendment at Stage 3.

[222] **Darren Millar:** I'm very grateful for that, Minister, and on that basis, I won't move my amendment in relation to that particular issue.

[223] This issue of key transitions was one that was raised on a number of occasions by different stakeholders, and I appreciate that it might be more appropriate to deal with that in the code, and the Minister's given the clear undertaking that he's prepared to work up and discuss with the committee how best to achieve that. So, again, on that basis, I'm quite happy not to move my amendment in terms of key transitions. But I do think that, in particular, this issue of access to independent advocacy is important.

[224] Just finally, with regard to my amendments 43 and 44, very clearly, at the moment, parents have no direct entitlement to independent advocacy. Now, it may well be that, on occasion, a parent disagrees with a case friend, in terms of the ALN support that's being offered to a child—it's entirely possible—and that there may be an issue in terms of potential implications in relation to children's rights on a child. So, I do think it's important that parents should also have the ability to access independent advocacy services, and making sure that that commitment is there on the face of the Bill I think

is essential. Now, I appreciate that there are advocacy services for children—that we're going to have a national advocacy service. We don't know quite when it's coming—it's been coming for a long time, and it still isn't here. It's like Halley's comet waiting for these things to turn up.

[225] **Alun Davies:** It will be there before Halley's comet. [*Laughter.*]

[226] **Darren Millar:** That's right, or comet Hale-Bopp—. But, clearly, that's just for children—it's a national advocacy service for children; it's not a national advocacy service for parents. So, I think that I still want to push those two amendments to a vote, because it's important, I think, that parents have access to independent advocacy when they need it.

[227] **Lynne Neagle:** Thank you, Darren. Darren, do you want to go to a vote on amendment 40?

[228] **Darren Millar:** Well, as I've indicated, no, I don't want to move that, thank you.

[229] **Lynne Neagle:** Okay. So, you wish to withdraw that. Does any Member object to the withdrawal of amendment 40? No. Okay. Amendment 40, then, is withdrawn.

*Tynnwyd gwelliant 40 yn ôl gyda chaniatâd y pwyllgor.
Amendment 40 withdrawn by leave of the committee.*

**Grŵp 7: Cynlluniau Datblygu Unigol: Gweithdrefnau Newydd/Diwygiedig
(Gwelliannau 80, 81, 117, 118, 119, 120, 121, 122, 123, 124, 13, 14, 15,
147, 148, 20)**

**Group 7: Individual Development Plans: New/Amended Procedures
(Amendments 80, 81, 117, 118, 119, 120, 121, 122, 123, 124, 13, 14, 15,
147, 148, 20)**

[230] **Lynne Neagle:** We'll move on now, then, to group 7, which relates to IDPs and new and amended procedures. The lead amendment in this group is amendment 80, in the name of Darren Millar, who I call on to move amendment 80, and to speak to his amendment and the other amendments in the group.

*Cynigiwyd gwelliant 80 (Darren Millar, gyda chefnogaeth Llyr Gruffydd).
Amendment 80 (Darren Millar, supported by Llyr Gruffydd) moved.*

[231] **Darren Millar:** Thank you, Chair. I move amendment 80, and wish to also speak to amendment 81, which has been tabled in my name. And, again, I want to confirm my support for all of the other amendments in this group, which have been tabled in the name of the Minister.

[232] Amendment 80 seeks to ensure that individual development plans include information about arrangements for transport provision, as a result of the additional learning provision that's being made for a learner. As we discussed in an earlier grouping of debates, the issue of transport was raised on a regular basis by stakeholders, and it was very clear to us—and I'm pleased to hear that the Minister's casework also bears this out—that the current arrangements simply are not as effective as they could be. Now, obviously, the Minister has suggested that it's inappropriate to lay out what the template must and mustn't include in relation to individual development plans, but I do think it would give some confidence to learners and to those who support them being able to access provision, if there was a specific requirement for an individual development plan to contain a section on transport arrangements, to prompt people to think about them, when actually they are preparing individual development plans.

[233] Amendment 77, which I tabled earlier, which fell of course, and which I decided to—I can't remember whether I decided to move it or not—. It was just in relation to the code, specifically, and not actually in relation to the IDP template itself. But I do think having it in both the code and the IDP template would help to ensure that these transport issues are not overlooked when decision makers are preparing individual development plans.

[234] Amendment 81 seeks to address a practical issue that was raised regarding learners attending schools or colleges for short periods of time. The Welsh Government told the committee that, if a learner is entitled to an individual development plan, they'll be entitled regardless of how long that they're actually in an educational setting, in a school or college. Now, we all know that many learners will undertake some very short courses, particularly if they're going into a further education college, and some witnesses did raise concerns about the proportionality of the Welsh Government's approach. So, my amendment 81 seeks to remove a requirement for a school or college to decide whether a learner has an additional learning need, if the length of time which the learner is enrolled in the school or college is insufficient to allow for a decision to be made.

11:30

[235] Effectively, I'm seeking to recognise that it would be futile to expect either a school or a college to commence an ALN assessment process, to prepare an IDP, to consult with those bodies that it might need to consult with in drawing that IDP up, if it's highly unlikely that that IDP can ever be implemented. So, that is extra bureaucracy for people, which, frankly, I think they need like a hole in the head, and, of course, could be very costly for the taxpayer.

[236] So, I welcome the Minister's recommendations—they're looking at making sure that IDPs are regularly reviewed and updated, and that there are appropriate regulations to support those processes, and, in particular, around when IDPs can be ceased as well. So, I'm going to support the Government's amendments, but I do hope that the Minister will be minded to encourage people to support my amendments 80 and 81 in relation to transport, and in relation to this issue of the proportionality in relation to short periods in educational institutions.

[237] **Lynne Neagle:** Thank you, Darren. Llyr.

[238] **Llyr Gruffydd:** Diolch, **Llyr Gruffydd:** Thank you, Chair. As Gadeirydd. Rwyf fi, fel y gwelwch chi, you see, I formally support yn cefnogi'n ffurfiol welliant 80 ar amendment 80 on transport. I do drafnidiaeth. Rwyf i yn teimlo bod think this is an opportunity to deal hwn yn gyfle i ddelio â mater, fel with an issue that we've all rydym ni i gyd yn ei gydnabod, sydd recognised as being prominent in the wedi bod yn un sydd yn flaenllaw yn casework that many of us deal with, y gwaith achos y mae nifer ohonom I'm sure. ni'n ei dderbyn, rwy'n siŵr.

[239] Mi oedd argymhelliad 13 o Recommendation 13 of the Stage 1 adroddiad Cyfnod 1 y pwyllgor yn committee report recommended argymell ystyried sut y gallai considering how the travel needs of anghenion teithio dysgwyr gael eu learners could be included in IDPs, cynnwys mewn cynlluniau datblygu and this amendment, in my view, unigol, ac mae'r gwelliant yma, yn fy does provide a means of resolving marn i, yn cynnig ffordd o wneud that. And we've heard earlier hynny. Ac rydym ni wedi clywed references today to the evidence that cyfeiriadau yn gynharach heddiw at y we received on situations where dystiolaeth a dderbyniom ni am people with autism have difficulties

sefyllfaoedd lle mae yna bobl ag awtistiaeth, wrth gwrs, yn cael trafferthion efo amserlenni bysiau, delio â phres, a lle mae angen trefniadau trafndiaeth amgen, a'r cynllun datblygu unigol yw'r lle, yn fy marn i, i ddelio ag achosion fel hyn. Ac felly mi fyddwn i'n annog Aelodau i gefnogi gwelliant 80, yn sicr, ond mi fyddaf innau hefyd yn cefnogi pob gwelliant arall yn y grŵp.

[240] **Lynne Neagle:** Thank you, Llyr. Are there any other Members who want to speak? Minister.

[241] **Alun Davies:** Thank you very much, Chair. I would urge Members to support Government amendments 117, 118, 119, 120, 121, 122, 123, 124, 13, 14, 15, 147, 148, and 20. And I would urge Members to resist amendments 80 and 81.

[242] The Government amendments in this grouping fall into two different categories. Amendments 117 to 124, and 147 and 148, relate to reviews and revisions of IDPs. Since the introduction of the Bill, and through the scrutiny of this committee, we have reflected further on the various ways in which an IDP may be reviewed and revised. The conclusion is—and the scrutiny of this committee has helped to reach this conclusion—that the Bill currently does not take full account of this. Various anomalies may also occur, and some reviews could be separated by an interval of nearly two years. The amendments, therefore, aim to ensure that, generally, reviews take place within 12 months of the outcome of the last review or revision, and that the outcomes of reviews and revisions are appropriately notified in all cases.

[243] Amendments 13 to 15, and 20, relate to how a local authority decides whether to cease to maintain an IDP for a young person. Essentially, the amendments seek to more closely align how a local authority makes these decisions with how it decides whether it is necessary for it to prepare and maintain an IDP for a young person. In both cases, the decision would need to be taken in accordance with regulations, and the decisions involve consideration of what is necessary to meet a young person's reasonable needs for education and/or training.

[244] Amendment 20, Chair, applies the affirmative procedure to the new regulation-making power in a way that we've discussed in previous debates. So, I think that, taken together, these amendments do improve the Bill and recognise the thorough scrutiny that this committee has undertaken and testing the IDPs.

[245] Amendments 80 and, I think, 81 attempt to make information about transport arrangements a required element of the IDPs. I would invite the Members, if they are considering supporting this, to take a look at what section 8 actually contains at the moment because it's a very short section, which establishes IDPs and it has three points to it: (a), (b), (c). We've already discussed issues around transport, which I recognise are an issue. Perhaps Darren might have overegged some of my words, but that is his right and I won't challenge him on that. However, I've given an undertaking to this committee during a previous debate this morning over how I intend to proceed in terms of transport, and I reiterate that undertaking in this debate on these amendments, and I hope that we will be able to take forward that discussion in the way that I outlined earlier. I do not believe that this is an appropriate way to amend the legislation and I hope that Members will agree on that.

[246] In terms of amendment 81, again I don't disagree with the thinking behind that. It's not always possible for a school or further education institution to say in advance how long it might take to determine ALN or put an IDP in place. I anticipate in the case of children and young people with low-level needs these processes could be, or should be, completed in relatively short order. I don't believe it would be right, in effect, to allow governing bodies to make a subjective judgment that effectively denied a learner their right to receive a statutory IDP and the provision it would set out. So, we don't wish to establish an arbitrary threshold for who is entitled to an IDP. It should be on the basis of need and need alone. Otherwise, we will replicate the sort of inconsistency that we're currently experiencing and which we want to remove through this process. I'm referring to some of the standards. So, we don't want to lead to unfair results. The majority of young people enrolling at an FEI who have an additional learning need will already have an IDP, of course, from their previous education setting. In these cases, responsibility for maintaining the IDP will transfer to the FEI with that young person, and the FEI will be obliged to maintain it.

[247] So, I hope that Members will appreciate that we see what is behind the amendment and we recognise the points that were made in previous debates.

I'm not seeking to disagree with some of the principles that lie behind the amendments, but I do not believe that these amendments reflect or are appropriate to amend the legislation at this time.

[248] **Lynne Neagle:** Thank you, Minister. Darren, to reply to the debate.

[249] **Darren Millar:** Thank you, Chair. I appreciate the Minister's position on the transport issue and we did debate it at length earlier on. I don't want to rehearse those arguments. I have to say that this was a belt-and-braces approach by me, in trying to get transport on the agenda and onto the face of the Bill, and I appreciate that perhaps it's not the best place to have suggested an amendment. But you've given me these assurances in terms of how you intend to take that issue forward, so I will not be wanting to move to a vote on amendment 80.

[250] In terms of this issue of proportionality for FEI colleges in particular, because it's a bigger issue for them, whilst I accept what you say about some individuals coming in to an FEI college perhaps from another educational setting—a secondary school usually—before embarking upon a course in a college, that's not the typical student that short courses would affect. It would, of course, if someone was starting a BTEC or some vocational qualification that was going to take them a number of years to progress through, but some of these short courses might be evening classes for four or five weeks or a fortnight's blast on a photography course. I just wonder whether there needs to be some way of ensuring that, for individuals in those circumstances, we don't have the same levels of bureaucracy for those sorts of individuals as we quite clearly need to make sure that the ALN provision for others who are attending colleges and courses on a longer term basis might be. So, I will still move amendment 81 and want to put it to the vote. But perhaps, Minister, you might be able to give some assurances about this issue of proportionality being clarified in some way in the code, if you're able to do that.

[251] **Alun Davies:** If the Member would be prepared to give way, I'd be very happy to give that undertaking.

[252] **Darren Millar:** Okay. On the basis of that undertaking, I'm prepared then to not move amendment 81.

[253] **Lynne Neagle:** Thank you, Darren. Okay. Darren has indicated that he would like to withdraw amendment 80. Does anyone object to amendment

80 being withdrawn? No. Okay, that amendment is withdrawn, then.

*Tynnwyd gwelliant 80 yn ôl gyda chaniatâd y pwyllgor.
Amendment 80 withdrawn by leave of the committee.*

**Grŵp 8: Darpariaeth ar gyfer Personau sy'n cael eu Cadw'n Gaeth
(Gwelliannau 109, 112, 125, 131, 132, 133, 134, 135, 136, 139, 142, 143,
144, 105)**

**Group 8: Provision for Detained Persons (Amendments 109, 112, 125, 131,
132, 133, 134, 135, 136, 139, 142, 143, 144, 105)**

[254] **Lynne Neagle:** We'll move on to group 8, which relates to provision for detained persons. The lead amendment in the group is amendment 109 in the name of the Minister.

*Cynigiwyd gwelliant 109 (Alun Davies).
Amendment 109 (Alun Davies) moved.*

[255] Minister, I move amendment 109 in your name and call on you to speak to this amendment and the other amendments in this group.

[256] **Alun Davies:** I would seek to ask Members to support all the Government amendments in this group. Amendments in this group broadly fall into three categories: the first seek to improve a parity between the rights of detained persons on the one hand, and, on the other, those of children and young people who are not detained in so far as it is possible and appropriate given the detention situation. These seek parity in relation to duties on local authorities in preparing IDPs to describe other provision, namely a place at a particular school or institution and board and lodgings, and related appeal rights—the rights of young people to object in relation to IDPs and receiving additional learning provision, and, finally, appeal rights specifically in relation to refusals to make a decision.

[257] The second category comprises a new section and related consequential amendments to ensure that the duties in the Bill on governing bodies and local authorities apply as intended in detention situations. This is intended to give full effect to the policy intention that, for detained persons, the main duties in the Bill are not to apply, rather the specific duties in sections 37 to 40 are to apply instead. Secondly, for those detained in accommodation other than relevant youth accommodation in Wales or in England, for example in a prison, none of the duties in the Bill apply during

that detention.

[258] Finally, the remaining amendments are drafting amendments to give greater certainty or to improve fairness for detained persons.

[259] **Lynne Neagle:** Thank you, Minister. Are there other Members who would like to speak? Darren.

[260] **Darren Millar:** It's just a point of clarity. I'm intending to support these amendments. I think they're entirely appropriate. One category of young people that isn't specifically referenced in the amendments are young people who are detained for mental health reasons. Just as a point of clarity, can you confirm that young people who are detained under the mental health legislative framework will still be entitled to additional learning needs support? I saw an 'I think so', I think, from reading your lips there. Perhaps we could take a recess for a few moments to clarify this, if that's okay.

[261] **Alun Davies:** Could I take legal advice?

[262] **Lynne Neagle:** We'll take a short break to clarify that.

*Gohiriwyd y cyfarfod rhwng 11:43 ac 11:52.
The meeting adjourned between 11:43 and 11:52.*

[263] **Lynne Neagle:** Okay, we'll resume then. [*Inaudible.*] Are you in a position to respond to that?

[264] **Alun Davies:** If I understand the question correctly: would a person detained under mental health legislation be defined as a detained person in this legislation that we're discussing at the moment? The answer is 'no'; the legislation here, it's defined—. As a 'detained person' relates to criminal justice rather than mental health legislation, a child or young person who would be detained under mental health legislation would still be covered by an IDP maintained by the local authority.

[265] **Lynne Neagle:** [*Inaudible.*]

[266] **Darren Millar:** Can I just ask the Minister again, on a point of clarity—? So, the committee, as you know, is doing a piece of work on children's mental health at the moment. I visited, along with another Member, last week a child and adolescent mental health unit in my own constituency in Abergele

and that particular unit is alongside an educational unit, which is not actually a separate school; it doesn't appear to have any sort of governing body. Now, clearly, there might be a need for additional learning needs support to be provided, but given that that is a provision that is made on behalf of a number of local authorities in north Wales, although there's a sort of lead authority, and it happens to be Conwy, I just wanted to ensure that there's no prospect of young people in those circumstances potentially not being able to access the support that they need. But you're giving us assurances that they would be able to access that support even though there's no governing body in the same way that there would be—they would have some responsibilities under this legislation in other circumstances.

[267] **Alun Davies:** I'm not familiar with the example you've just quoted so I wouldn't want my answer to be in any way understood as being a response directly to that particular circumstance, but, in terms of the legislation and the policy, let me say this: we would expect all learners to be covered by this legislation and where a child or a young person is no longer registered as a student or a pupil at a school or a college or another establishment, then, clearly, the local authority would be stepping in in order to maintain the IDP and the delivery of appropriate learning experiences. There may be periods, for example, if somebody's detained under mental health legislation, where they will be unable to access any of those learning opportunities for a period of time, perhaps. But the responsibility would not fall away. The responsibility would be for a local authority in that case, in that circumstance, in order to maintain the IDP and to take responsibility to ensure that that child or young person has access to learning opportunities appropriate to them at a time when they are able to take advantage of that.

[268] **Darren Millar:** Just in closing my contribution, then, Chair, perhaps if the Minister would be able to just give some clarity on these issues before Stage 3, it would be helpful in terms of those procedures.

[269] **Alun Davies:** I'm happy to do that. Clearly, if a Member has a particular circumstance in his constituency, then it would be appropriate for him to write to me for a response appropriate to that individual circumstance.

[270] **Lynne Neagle:** Okay, thank you. John.

[271] **John Griffiths:** Yes. I wanted to welcome the provisions for detained children, Chair. The committee, or some of the committee, visited Hillside secure accommodation in Neath last week, and we had a very informative

and interesting visit. It was clear, as you would expect, that a lot of the children there had very difficult upbringings and came from very difficult backgrounds and circumstances with a great number of adverse childhood events, as they're described—experiences. And there was an educational facility incorporated within the unit. It was also clear that a lot of the children were doing well in education and had aspirations to get skills and move into employment. It's encouraging that there is legislation that's looking at the position of detained children and seeking to ensure that they're included in provisions that take forward services and protections and safeguards and understanding of the particular needs of children.

[272] So, I very much welcome this approach, Minister, and I'm sure all the other committee members who were on the visit were of a similar view to me that we need to address the needs of these detained children and make sure that they get all the support that's possible.

[273] **Lynne Neagle:** Okay. Thank you, John. If there are no other speakers, can I ask the Minister to reply to the debate?

[274] **Alun Davies:** I'm grateful to Members for their comments and look forward to support for this group of amendments.

[275] **Lynne Neagle:** Thank you. Minister, do you wish to proceed to a vote on amendment 109?

[276] **Alun Davies:** Yes, please.

[277] **Lynne Neagle:** The question, then, is that amendment 109 be agreed. Does any Member object? There are no objections. So, amendment 109 is agreed.

*Derbyniwyd gwelliant 109 yn unol â Rheol Sefydlog 17.34.
Amendment 109 agreed in accordance with Standing Order 17.34.*

[278] **Lynne Neagle:** Darren, you indicated that you no longer wish to move amendment 81. Is that still the case?

[279] **Darren Millar:** It is still the case, yes.

[280] **Lynne Neagle:** Does any other Member wish to move amendment 81 in accordance with Standing Orders? No. Okay that amendment, then, is not

moved.

Ni chynigiwyd gwelliant 81 (Darren Millar).

Amendment 81 (Darren Millar) not moved.

Grŵp 9: Sefydliadau Addysg Bellach ac Addysg Ôl-16 (Gwelliannau 110, 128, 129, 130)

Group 9: FEIs and Post-16 Education (Amendments 110, 128, 129, 130)

[281] **Lynne Neagle:** That takes us to group 9, which relates to further education institutions and post-16 education. The lead amendment is 110, in the name of the Minister.

Cynigiwyd gwelliant 110 (Alun Davies).

Amendment 110 (Alun Davies) moved.

[282] I move amendment 110 in the name of the Minister and call on the Minister to speak to his amendments and the other amendments in this group.

[283] **Alun Davies:** Thank you very much. I would encourage Members to support the Government amendments in this group, which address the principles behind recommendation 7 in the committee Stage 1 report. The Bill provides various ways in which a local authority may become responsible for maintaining an FEI student's IDP, but there is no mechanism on the face of the Bill for that responsibility to transfer to the governing body of the FEI. In most cases, where it is appropriate, we expect FEIs to accept responsibility for maintaining IDPs. Otherwise, in relation to learners with low-level needs, a local authority would have to rely on the FEI to deliver the additional learning provisions with only very limited means of making sure that happens or indeed monitoring where it does so.

[284] The amendments provide a mechanism for transferring an IDP from a local authority to an FEI. There is no evidence or reason to believe that such transfers will not take place on a mutually agreed basis. However, where a local authority and FEI cannot agree on transfer, the amendments allow for the Welsh Ministers to determine the matter. We expect that the mere existence of a determination power will serve as an incentive for local authorities and FEIs to reach agreement, with Welsh Ministers' determinations rarely being required.

[285] The package of amendments also adjusts the existing section 34 regulation power about transfers so that provision can be made in connection with any transfer as well as continuing to provide for transfers and situations other than those set out in section 33 of the Bill.

12:00

[286] **Lynne Neagle:** Thank you, Minister. Are there other Members who would like to speak? Julie.

[287] **Julie Morgan:** Just to give strong support to these amendments, because I think the position of FEIs is very important in relation to the IDPs and we did have evidence in the committee that there was confusion, really, about how they operated. So, I think these are very welcome and they certainly respond to the recommendations of the committee—recommendation 7—and so I welcome these amendments.

[288] **Lynne Neagle:** Any other Members? The Minister, then, to reply.

[289] **Alun Davies:** I'm grateful to Julie Morgan for her remarks. I have tried to listen to the views expressed by the committee and hope that these amendments go to deliver on the recommendations that the committee made at Stage 1.

[290] **Lynne Neagle:** Thank you. Minister, do you want to proceed to a vote on amendment 110?

[291] **Alun Davies:** Yes, please.

[292] **Lynne Neagle:** The question, then, is that amendment 110 be agreed. Does any Member object? Amendment 110 is therefore agreed.

Derbyniwyd gwelliant 110 yn unol â Rheol Sefydlog 17.34.

Amendment 110 agreed in accordance with Standing Order 17.34.

Grŵp 10: Y Gymraeg (Gwelliannau 111, 89, 90, 91, 113, 92, 93, 94, 116, 95, 96, 97, 98, 140A, 140, 141, 99, 100, 101, 102, 149, 150 ac 151)

Group 10: Welsh Language (Amendments 111, 89, 90, 91, 113, 92, 93, 94, 116, 95, 96, 97, 98, 140A, 140, 141, 99, 100, 101, 102, 149, 150 and 151)

[293] **Lynne Neagle:** We'll move on now to group 10, which relates to the

Welsh language. The lead amendment in the group is amendment 111 in the name of the Minister.

Cynigwyd gwelliant 111 (Alun Davies).

Amendment 11 (Alun Davies) moved.

[294] **Lynne Neagle:** I move amendment 111 in the name of the Minister and call on him to speak to his amendment and the other amendments in the group.

[295] **Alun Davies:** Diolch i chi. Pan oeddech chi'n agor y trafodaethau'r bore yma, roeddwn i'n sôn aboutu'r gwelliannau sydd wedi dod ymlaen i weithredu'r penderfyniadau ac argymhellion gan y pwyllgor. Mae lot fawr o'r gwelliannau rydym ni wedi eu cynnig y bore yma yn gwneud hynny, ond mae argymhellion hefyd sydd wedi achosi cryn dipyn o feddwl a datblygu polisi sydd wedi mynd y tu hwnt i ambell argymhelliad y pwyllgor. Mae'r rhain yn grŵp o welliannau sy'n adlewyrchu hynny.

Alun Davies: Thank you. When you opened up the discussions this morning, I talked about the amendments that have been brought forward to implement the decisions and recommendations made by the committee. A great many of the amendments that we have proposed this morning seek to do that, but the recommendations have also caused a great deal of thought and policy development that has gone beyond some of the recommendations that the committee made. This group of amendments reflect that.

[296] Rydw i'n gobeithio ein bod ni'n cryfhau'r ffordd y mae'r Bil yn delio â'r iaith ac yn sicrhau bod gennym ni, fel Cymry, yr un hawliau â Chymry di-Gymraeg. Rydw i'n credu ei fod yn hynod o bwysig bod yr iaith yn cael ei thrin yn gyfartal ac ein bod ni'n sicrhau bod yna wasanaethau ar gael yn y Gymraeg yn yr un ffordd ag y mae gwasanaethau ar gael yn Saesneg.

I hope that we will strengthen the way that the Bill deals with the Welsh language and will ensure that we, as Welsh speakers, have the same rights as non-Welsh speakers. I think it's extremely important that the Welsh language is treated on an equitable basis and that we ensure that services are available in Welsh in the same way as services are available in English.

[297] Mae yna sawl elfen i welliannau'r Llywodraeth. Mae yna ddisgwyl i Weinidogion adolygu

There are several elements to the Government amendments. There is an expectation that Ministers will

argaeledd gwasanaethau trwy gyfrwng y Gymraeg pob pum mlynedd. Mae yna ffordd newydd, trwy reoliadau, o gael gwared ar amodau'r profion sydd yn y Bil presennol, ac mae yna newid i adran 56 i gryfhau sefyllfa'r iaith. Rydw i'n meddwl bod y gwelliannau yma yn hynod o bwysig i beth rydym ni'n trio ei wneud gyda'r Bil yma. Mae'n newid y ffordd rydym ni'n delio â'r iaith ac mae'n newid y ffordd rydym ni'n gweithredu polisiau dwyieithog. Rydw i'n credu ei fod yn adlewyrchu'r sefyllfa ieithyddol yng Nghymru, ond hefyd yn adlewyrchu'n hamcan cyffredinol y tu hwnt i'r ddeddfwriaeth yma i sicrhau bod yna wasanaethau ar gael yn y Gymraeg ac yn Saesneg.

[298] Fel enghraifft, yng Ngwynedd, buaswn i'n disgwyl i bob un gwasanaeth, heb eithriad, fod ar gael yn y Gymraeg ac yn y Saesneg. Mi fuasai hynny, yn amlwg, yn anodd ym Mlaenau Gwent, ac, efallai, Cadeirydd, yn Nhorfaen. Felly, mae'r amodau sydd yn y Bil presennol yn rhesymol yn rhai ardaloedd o'r wlad, ond mae'n gwbl annheg nad oes gan Gymry Cymraeg sy'n byw yng nghymunedau Cymraeg hawl ddiamedod i wasanaethau yn y Gymraeg. A dyna beth mae'r Bil yn trio ei gyflwyno. Mae hefyd yn trio cyflwyno proses ble fydd gan y Cynulliad, bydd gan y Llywodraeth, ffordd o ddileu'r amodau presennol, fel bod y gwasanaethau'n tyfu. Fy nisgwyl i yw y bydd y Bil yma'n

review the availability of services through the medium of Welsh every five years. There will be a new way, through regulation, to remove the conditions of the tests in the current Bill, and there are changes to section 56 to strengthen the position of the Welsh language. I think that these amendments are extremely important in terms of what we are seeking to do with this Bill. It changes the way that we deal with the Welsh language and the way that we implement bilingual policies. I believe that it reflects the linguistic situation in Wales, but it also reflects our general aim, beyond this legislation, to ensure that services are available in Welsh and English.

To give an example, in Gwynedd, I would expect every single service, with no exceptions, to be available in the Welsh language and also in English. That would obviously be difficult in Blaenau Gwent, and perhaps, Chair, in Torfaen. So, the conditions that are set out in the current Bill are reasonable in some areas of the country, but it's entirely unfair that Welsh speakers who live in Welsh-speaking communities don't have the right, with no qualification, to services through the medium of Welsh. That is what the Bill seeks to bring forward. It also aims to introduce a process where the Assembly, where the Government, will have a way of removing the conditions that

achosi cynnydd yn y gwasanaeth sydd ar gael yn y Gymraeg, ac, i fi, fel Gweinidog, rydw i'n disgwyl, yn y dyfodol, y byddwn ni yn dileu'r amodau presennol yn y Bil, ac mi liciwn i weld yr amodau ar draws Cymru yn cael eu dileu gydag amser. Mae hwn yn ffordd o ysgogi tyfiant yn y gweithlu sydd ar gael i gynnis gwasanaethau trwy gyfrwng y Gymraeg, ac mae'n ffordd o gynyddu'r gwasanaethau sydd ar gael trwy gyfrwng y Gymraeg.

currently apply so that services can progress. My expectations are that this Bill will lead to an increase in the services available through the medium of Welsh, and I, as Minister, will expect in future that we will remove the current conditions in the Bill, and I would like to see the conditions throughout Wales being removed over time. This is a way of ensuring that there is a growth in the workforce that can provide a service through the medium of Welsh, and it's also a way of increasing the services that are available through the medium of Welsh.

[299] **Lynne Neagle:** Thank you, Minister. Are there other Members who'd like to speak? Llyr.

[300] **Llyr Gruffydd:** Diolch, Gadeirydd. Fel y gwelwch chi, mae gennyf gyfres o welliannau yn y grŵp yma, ac er eu bod nhw'n edrych yn niferus, wrth gwrs, beth sy'n digwydd yn y fan hyn yw ailadrodd newidiadau yng nghyd-destun cyrff llywodraethol, awdurdodau lleol a byrddau ieched.

Llyr Gruffydd: Thank you, Chair. As you see, I have a series of amendments in this group, and although they do look numerous, what happens here is that I am repeating changes in terms of governing bodies, local authorities and health boards.

[301] Felly, gwnaf gymryd y clwstr cyntaf gyda'i gilydd: 89, 91, 92, 94, 95, 97 a 98. Mae'r rhain oll yn delio â'r angen i ofyn i'r plentyn, y person ifanc neu'r rhiant—pwy bynnag sy'n gyfrifol—ym mha iaith y maen nhw am dderbyn darpariaeth anghenion ychwanegol. Fel mae'n sefyll, hyd y gwelaf i, beth bynnag, yr awdurdodau fydd yn penderfynu ym mha iaith y byddan nhw'n darparu

So, I will take the first cluster: 89, 91, 92, 94, 95, 97 and 98. These all deal with the need to ask the child, young person or parent—whoever is responsible—in which language they wish to receive ALN provision. As it stands, as I see it, it will be the local authorities that will decide in which language they will make a provision of services, and that feels a little back to front to me. Recommendation 33

gwasanaethau, ac mae hynny'n teimlo bach o chwith i fi, mewn gwirionedd. Mi oedd argymhelliad 33 adroddiad Cyfnod 1 y pwyllgor yn galw am newid y disgresiwn i gyrff llywodraethwyr, awdurdodau lleol a byrddau iechyd lleol benderfynu yn y lle cyntaf a ddylai gwasanaethau gael eu darparu yn Gymraeg. Dyna, i bob pwrpas, y mae'r gwelliannau, neu'r clwstwr yma o welliannau, yn ei wneud. Mi ddylai'r broses gychwyn, wrth gwrs, gyda dewis iaith y dysgwyr, yna wedyn, wrth gwrs, fod disgwyl i'r awdurdodau perthnasol gymryd pob cam rhesymol—i adlewyrchu'r pwynt yr oedd y Gweinidog yn ei wneud yn gynharach—i sicrhau'r ddarpariaeth honno.

[302] Mae gwelliannau 90, 93 a 96 yn cywiro rhywbeth a gafodd ei godi gan Gomisiynydd y Gymraeg yn y dystiolaeth a dderbynion ni ganddi hi. Trwy ofyn i'r awdurdodau benderfynu a ddylid cyflwyno'r ddarpariaeth yn Gymraeg, mae yn syth yn creu rhyw dybiaeth mai Saesneg yw'r *default*, os liciwch chi, oni phenderfynir yn wahanol. Nawr, rydw i'n gwybod nid dyna yw bwriad y Llywodraeth, ac yn sicr nid yw hynny'n adlewyrchu polisi'r Llywodraeth na'r ewyllys ieithyddol y mae'r Gweinidog wedi'i fynegi lawer tro. Ond mae jest yn teimlo bach yn anghyfartal i mi, ac mae'n creu'r argraff, neu efallai canfyddiad, fod darpariaeth Gymraeg yn rhyw fath o eithriad. Hynny yw, os ych chi eisiau darpariaeth—. Os nad yw'r

in the Stage 1 committee report called for a change in the discretion to governing bodies, local authorities and health boards to decide initially as to whether services should be provided in Welsh. That, to all intents and purposes, is what this cluster of amendments seeks to achieve. The process should start with the language of choice of the learner, and then there is an expectation that the relevant authorities will take all reasonable steps—to reflect the point that the Minister made earlier—to ensure that that provision is made available.

Amendments 90, 93 and 96 actually correct something that was raised by the Welsh Language Commissioner in the evidence that we received from her. By asking the authorities to decide whether provision should be provided in Welsh, it immediately creates the assumption that English is the default, if you like, unless a decision is taken otherwise. I know that that's not the Government's intention, and that doesn't reflect the Government's policy or the linguistic goodwill that the Minister has expressed on a number of occasions. But it just feels inequitable to me, and it gives the impression or the perception that Welsh-medium provision is some sort of exception. If the provision isn't made—. What I'm trying to say here is that, if you

ddarpariaeth yn cael ei darparu fel—. Beth rydw i'n trio dweud yw, os ych chi eisiau darpariaeth Gymraeg, yna mae yna dybiaeth bod yn rhaid i honno fod yn ddarpariaeth sydd ddim beth fydddech chi'n ei chael fel arall. Os yw'r ddwy iaith i fod yn gwbl gyfartal, fel mae'r Gweinidog wedi dweud y dylent fod, yna byddai fy ngwelliannau i yn sicrhau bod ystyriaeth yn cael ei rhoi i a ddylid cyflwyno'r ddarpariaeth yn Gymraeg neu yn Saesneg. Newid bach yw e, ond un sy'n osgoi'r sefyllfa o sengl un iaith allan, sy'n awgrymu neu'n creu'r argraff mai Saesneg yw'r *default*.

[303] Rydw i wedi clywed awgrym yn y gorffennol fod yna risg o agor y drws i ieithoedd eraill. Wel, mae fy ngwelliant i yn dweud 'Cymraeg neu Saesneg', sef dwy iaith swyddogol Cymru. Mae yna drafodaeth arall i'w chael ynglŷn ag ieithoedd eraill, yn sicr. Nid ydw i'n credu bod angen i ni fod ofn hynny, yn enwedig yng nghyd-destun, er enghraifft, iaith arwyddo, ac yn y blaen, a phethau felly.

[304] Mae gwelliant 99 yn ceisio cryfhau'r ddyletswydd ar awdurdodau lleol sydd i fod i roi sylw i ddymunoldeb sicrhau darpariaeth, fel y mae yn y Bil, drwy gyfrwng y Gymraeg. Gallwch chi gytuno bod rhywbeth yn ddymunol, ond nid yw o reidrwydd yn meddwl bod unrhyw beth yn mynd i newid. Y cyfan rydw i'n trio ei wneud yn y gwelliant yma

want Welsh-medium provision, then there is a perception that that is something that you wouldn't otherwise receive. Now, if both languages are to be treated on the basis of equality, as the Minister has said should be the case, then my amendments would ensure that consideration is given to whether the provision should be provided in Welsh or in English. It's a very minor change, but one that avoids that position where you single one language out and suggest, or give the impression, that English is the default.

I have heard the suggestion in the past that there's a risk of opening the door to other languages. Well, my amendment says 'Welsh or English', which are the two official languages of Wales. There's another debate to be had about other languages, of course. I don't think we should fear that, particularly in the context of sign language, and so on.

Amendment 99 seeks to strengthen the duty on local authorities to give attention to the desirability of provision through the medium of Welsh, as it is contained in the Bill at the moment. You can agree that something is desirable, but it doesn't mean that anything's going to change. All I'm trying to do in that amendment is to strengthen it, again,

yw ei gryfhau e ychydig, eto yn unol â rhai o argymhellion y pwyllgor. Yn hytrach na bod—. Hynny yw, buaswn i'n licio mewnosod 'pwysigrwydd' yn hytrach na 'dymunoldeb', jest er mwyn ei gryfhau e, fel rydw i'n dweud.

[305] Gwelliant 101: argymhelliad 37 y pwyllgor sy'n cael ei adlewyrchu yn y gwelliant yma. Mi ddylai'r Bil gynnwys darpariaethau penodol a fydd yn helpu i sicrhau bod gan y gweithlu yn y dyfodol y sgiliau a'r capasiti angenrheidiol i gyflwyno darpariaeth anghenion dysgu ychwanegol yn y Gymraeg ym mhob sefyllfa lle mae ei hangen. Mi roedd yr argymhelliad gan y pwyllgor yng Nghyfnod 1 yn sôn hefyd am gyhoeddi strategaeth amserlennu, ac yn y blaen. Mae TSANA, Mudiad Meithrin, Plant yng Nghymru, nifer o bobl sydd wedi bod yn rhoi tystiolaeth i ni, wedi cefnogi'r alwad yma. Mae gwelliannau'r Llywodraeth, a bod yn gwbl blaen, yn sicr yn gwella'r Bil, yn cryfhau y Bil, ac rwy'n hapus mewn egwyddor i gefnogi'r hyn mae'r Llywodraeth yn ei gynnig, ond nid ar draul fy ngwelliannau i.

[306] Rwy'n teimlo bod cymhelliad cryfach yn fy ngwelliannau i, yn 101, er enghraifft, o gymharu â 149, er mor bositif yw hwnnw ac mor bositif yw 150 hefyd fel gwelliant. Dyna hefyd pam rwy'n cynnig gwelliant 140A i welliant 140. Mae 140 yn dweud bod angen i Lywodraeth Cymru neu awdurdodau lleol—nid

in accordance with some of the recommendations that the committee made. So, rather—. I would like to insert 'importance' rather than 'desirability', just to strengthen it, as I've said.

Amendment 101: recommendation 37 of the committee is reflected in that particular amendment. The Bill should include specific provisions that would ensure that the future workforce does have the skills and capacity to make ALN provision through the medium of Welsh in all situations where it is required. The committee recommendation at Stage 1 also mentioned the publication of a strategy of timetabling, and so on. TSANA, Mudiad Meithrin, Children in Wales and many of those who have given evidence to us have supported this demand. The Government amendments, to be quite forthright about this, do certainly strengthen the Bill and improve the Bill, and in principle I'm happy to support what the Government is proposing, but not at the expense of my own amendments.

I do feel that there is a stronger motive in my amendments, in 101 as compared to 149, for example, despite how positive that is and how positive 150 is as an amendment too. That's why I'm moving amendment 140A to amendment 140. Amendment 140 said that the Welsh Government or local authorities—I'm

wyf yn siŵr, sori—ond bod angen ystyried digonolrwydd darpariaeth dysgu ychwanegol y Gymraeg. Hynny yw, nid yw'n dweud bod yn rhaid gweithredu, ac rwyf am ychwanegu, os bydd awdurdodau lleol yn ystyried nad yw'r ddarpariaeth Gymraeg yn ddigonol, yna bydd yn rhaid i'r awdurdod hwnnw gymryd pob cam rhesymol i unioni'r mater. Ac rwyf jest yn teimlo bod angen i'r Bil greu mwy o anogaeth i weithredu i unioni rhywbeth, yn lle ystyried y sefyllfa.

not sure, sorry—but that the sufficiency of provision needs to be taken into account in terms of additional learning provision in Welsh. It doesn't say that action is required, and I want to add that if local authorities do consider that the Welsh-medium provision isn't sufficient, then that authority must take all reasonable steps to remedy that matter. And I just feel that the Bill needs to give more encouragement to take action to remedy a situation, rather than simply considering it.

[307] Eto, gwelliant 102 gen i ar eiriolaeth. Rwy'n dweud os oes cais am eiriolaeth, yna mae'n rhaid i awdurdod lleol gymryd pob cam rhesymol i sicrhau bod y gwasanaethau yn cael eu darparu yn Gymraeg. Eto, cyfeirio nôl at y pwynt a wnaeth y Gweinidog ynglŷn â phob cam rhesymol er mwyn adlewyrchu y gweithlu sydd ar gael ar hyn o bryd, y sgiliau a'r capasiti sydd ar gael ar hyn o bryd, a gwahaniaethau daearyddol o safbwynt presenoldeb y Gymraeg, sydd ddim yn afresymol, yn fy marn i.

Again, amendment 102 on advocacy. I say that if there is a request for advocacy, then a local authority must take all reasonable steps to ensure that those services are provided in Welsh. Again, I make reference to the point that the Minister made in terms of all reasonable steps in order to reflect the workforce available at the moment, the skills and capacity available, and geographical differences in terms of the Welsh language, which are not unreasonable, in my view.

[308] **Lynne Neagle:** Thank you, Llyr. Are there any other Members who'd like to speak? Darren.

[309] **Darren Millar:** Thank you, Chair. Yes, I just want to speak in support of Llyr Gruffydd's amendments. This issue of learner and parental choice of language in terms of the provision of services should be absolutely paramount. I think all reasonable steps should always be taken to provide a service in the language of choice of the individual learner. Unfortunately, whilst I can see that the Minister has made some attempts to move towards that point, his amendments don't quite go far enough, in my view, for us to

be able to give them support. They're the ones that change the wording from 'decide' to 'consider' in particular.

[310] I do think also that Llyr Gruffydd's amendment 140A will help to strengthen the Government's amendment in a way that is necessary. It is very clear to me that these workforce needs also needed to be properly addressed and, again, I'm pleased to see that the Minister has made some attempt to shift on that. But, you know, as far as I'm concerned, we've got to make sure that we strengthen the Welsh language provisions. We heard, as Llyr has quite rightly said, from the commissioner, from UCAC, from Mudiad Meithrin and other organisations that, unfortunately, they don't feel that the language has been given the regard that it should have had throughout the Bill, in spite of the Minister's intentions to ensure that services were available through the medium of Welsh. But I think if we move to a position where learner choice, parental choice to be able to choose a service being provided in the Welsh language being the starting point, then we'll achieve all our ambitions in terms of wanting to make sure that the Welsh language has that status that it deserves throughout the Bill.

[311] **Lynne Neagle:** Thank you, Darren. The Minister, then, to reply to the debate.

[312] **Alun Davies:** Diolch i chi. **Alun Davies:** Thank you. I think that the point that Llyr has raised with amendment 140A is a very valid one, and I'm very happy to accept and to do that. I'm also willing to consider amendments—you may correct me if I'm wrong here—90, 93 and 96, and to bring an amendment at Stage 3 if that's possible. So, perhaps we can come to an agreement on that.

Rwy'n credu bod y pwynt mae Llyr wedi'i godi gyda gwelliant 140A yn bwynt dilys iawn, ac rwy'n hapus iawn i'w dderbyn a gwneud hynny. Rwyf hefyd yn fodlon ystyried gwelliannau, rwy'n credu—cywira fi os rwy'n rong fan hyn—90, 93 a 96, a dod â gwelliant i Gyfnod 3 os yw hynny'n bosibl, os yw'n bosibl i ni ddod i gytundeb ar hynny.

12:15

[313] Pan mae'n dod i ddewis, rwy'n meddwl bod adran 6 yn cyfro hynny yn barod, ac nid wyf yn credu bod angen rhywbeth amboutu iaith ar hynny, achos mae adran 6 yn eang

When it comes to choice, I think that section 6 covers that already, and I don't think that there is a need for something to be said about the language there, because section 6, is

iawn, iawn, iawn yn y ffordd y mae wedi cael ei ysgrifennu. Felly, rwy'n credu bod y mater o ddewis wedi ei gyfro yn barod.

[314] Pan mae'n dod i iaith, gyda'r tri gwelliant rwyf wedi'u henwi, rwy'n fodlon trafod hynny eto a dod â gwelliant i Gyfnod 3, ac rwy'n fodlon derbyn gwelliant 140A. Felly, rwyf yn derbyn y pwyntiau sydd wedi cael eu gwneud yn ystod y drafodaeth y bore yma. Ond, a gaf ddweud hyn? Rwy'n credu bod y drafodaeth y mae'r pwyllgor wedi'i chael yn ystod Cyfnod 1 wedi creu ffordd o feddwl, a ffordd o ddatblygu polisi, sydd wedi mynd tu hwnt i'r Bil yma, a thu hwnt i'r argymhellion rydym ni wedi bod yn trafod y bore yma. Ac rwy'n credu ei fod wedi'n gorfodi ni fel Llywodraeth i ystyried sut mae gwasanaethau, yn eu cyfanrwydd—nid wyf eisiau jest rhannu gwasanaethau mewn unrhyw ffordd—yn cael eu cynnig yn y Gymraeg ac yn Saesneg. Ac rwyf yn meddwl, fel pwynt o egwyddor, y dylai gwasanaethau cyhoeddus fod ar gael yn y Gymraeg ac yn Saesneg. Rydym yn gwybod ar hyn o bryd, yn ymarferol, nad yw hynny'n bosibl ym mhobman, ond nid wyf yn credu, ble mae yn bosibl darparu gwasanaethau yn y Gymraeg, na ddylai'r amodau fod yno, oherwydd bod yr hawl i wasanaeth Cymraeg yn un a ddylai fod yn hawl absoliwt, a lle bynnag rydym ni'n gallu gwneud hynny, dylai hynny fod yn gyfraith gwlad. Felly, rwyf eisiau symud ymlaen i'r bleidlais gyda'r sylwadau hynny, ac rwy'n

very, very, very broad in the way that it has been drafted. So, I think that the issue of choice is already covered.

When it comes to language, with the three amendments that I've mentioned, I'm willing to discuss those further and to bring an amendment at Stage 3, and I am willing to accept amendment 140A. So, I do accept the points that have been made during the discussion we've just had this morning. But may I say this? I think that the discussion that the committee has had during Stage 1 has created a way of thinking, and a way of developing policy, that has gone beyond this Bill, and that has gone beyond the recommendations that we've been discussing this morning. And I think that it has forced us as a Government to consider how services, holistically now—I don't just want to divide up the services in any way—how services as a whole are provided through the medium of Welsh and English. And I do think that, on a point of principle, public services should be available in Welsh and in English. We know that, at present, practically, that is not possible everywhere. However, I don't believe, where it is possible to provide services through the medium of Welsh, that the conditions should not be there, because the right to services through the medium of Welsh is one that should be an absolute right, and wherever we can do so, we should make sure that that

gobeithio bod y Bil a'r ffordd rydym ni'n darparu gwasanaethau wedi cael eu cryfhau oherwydd y drafodaeth a'r broses yma.

is the law of the land. So, I want to press to a vote, having made those comments, and I do hope that the Bill and the way that we provide services have been strengthened because of the discussion that we've had through this process.

[315] **Lynne Neagle:** Thank you, Minister. So, you do wish to proceed to a vote on amendment 111. Can I advise Members that if 111 is agreed, amendment 89 will fall? So, the question is that amendment 111 be agreed. Does any Member object? [*Objection.*] We have an objection. So, we will take a vote. The question is that amendment 111 be agreed. All those in favour, please raise your hands. All those against. Right, okay. There voted four in favour, four against. As there is a tied vote, I use my casting vote in the negative and that amendment falls.

*Gwelliant 111: O blaid 4, Yn erbyn 4, Ymatal 0.
Amendment 111: For 4, Against 4, Abstain 0.*

O blaid:
For:

Yn erbyn:
Against:

Ymatal:
Abstain:

David, Hefin
Griffiths, John
Morgan, Julie
Neagle, Lynne

Brown, Michelle
Gruffydd, Llyr
Millar, Darren
Reckless, Mark

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).

*Gwrthodwyd gwelliant 111.
Amendment 111 not agreed.*

[316] **Lynne Neagle:** Llyr, do you wish to proceed to a vote on amendment 89?

*Cynigiwyd gwelliant 89 (Llyr Gruffydd, gyda chefnogaeth Darren Millar).
Amendment 89 (Llyr Gruffydd, supported by Darren Millar) moved.*

[317] **Llyr Gruffydd:** Cynnig.

Llyr Gruffydd: Yes, I move.

[318] **Lynne Neagle:** The question is that amendment 89 be agreed. Does any Member object? [*Objection.*] We have an objection, so the question is that amendment 89 be agreed. All those in favour, please raise your hands. All those against. So, there voted four in favour, four against, and in accordance with Standing Orders, I use my casting vote in the negative.

Gwelliant 89: O blaid 4, Yn erbyn 4, Ymatal 0.

Amendment 89: For 4, Against 4, Abstain 0.

O blaid:

Yn erbyn:

Ymatal:

For:

Against:

Abstain:

Brown, Michelle
Gruffydd, Llyr
Millar, Darren
Reckless, Mark

David, Hefin
Griffiths, John
Morgan, Julie
Neagle, Lynne

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).

Gwrthodwyd gwelliant 89.

Amendment 89 not agreed.

[319] **Lynne Neagle:** Llyr, do you want to proceed to a vote on amendment 90?

[320] **Llyr Gruffydd:** No, I won't move amendment 90.

Ni chynigiwyd gwelliant 90 (Llyr Gruffydd, gyda chefnogaeth Darren Millar).

Amendment 90 (Llyr Gruffydd, supported by Darren Millar) not moved.

[321] **Lynne Neagle:** Okay. Great. Do you want to proceed to a vote on amendment 91?

Cynigiwyd gwelliant 91 (Llyr Gruffydd, gyda chefnogaeth Darren Millar).

Amendment 91 (Llyr Gruffydd, supported by Darren Millar) moved.

[322] **Llyr Gruffydd:** Ie, cynnig.

Llyr Gruffydd: Yes, I move.

[323] **Lynne Neagle:** The question is then that amendment 91 be agreed. Does any Member object? [*Objection.*] We have an objection. So, the question is that amendment 91 be agreed. All those in favour. All those against. So, there voted four in favour, four against, and I use my casting vote in the negative, in accordance with Standing Orders.

*Gwelliant 91: O blaid 4, Yn erbyn 4, Ymatal 0.
Amendment 91: For 4, Against 4, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
Brown, Michelle	David, Hefin	
Gruffydd, Llyr	Griffiths, John	
Millar, Darren	Morgan, Julie	
Reckless, Mark	Neagle, Lynne	

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).

*Gwrthodwyd gwelliant 91.
Amendment 91 not agreed.*

*Cynigiwyd gwelliant 112 (Alun Davies).
Amendment 112 (Alun Davies) moved.*

[324] **Lynne Neagle:** I move amendment 112 in the name of the Minister. The question is that amendment 112 be agreed. Does any Member object? Okay, there's no objection. So amendment 112 is agreed.

*Derbyniwyd gwelliant 112 yn unol â Rheol Sefydlog 17.34.
Amendment 112 agreed in accordance with Standing Order 17.34.*

[325] **Lynne Neagle:** We'll move on then to amendment 113. Can I advise Members that if that is agreed, amendment 92 will fall?

*Cynigiwyd gwelliant 113 (Alun Davies).
Amendment 113 (Alun Davies) moved.*

[326] **Lynne Neagle:** I move amendment 113 in the name of the Minister. The question is that amendment 113 be agreed. Does any Member object? [*Objection.*] We have an objection. So, can I ask all those in favour of amendment 113 to show, please? All those against. So, there voted four in favour, four against, and I use my casting vote in the negative.

*Gwelliant 113: O blaid 4, Yn erbyn 4, Ymatal 0.
Amendment 113: For 4, Against 4, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
David, Hefin	Brown, Michelle	
Griffiths, John	Gruffydd, Llyr	
Morgan, Julie	Millar, Darren	
Neagle, Lynne	Reckless, Mark	

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).

*Gwrthodwyd gwelliant 113.
Amendment 113 not agreed.*

[327] **Lynne Neagle:** Llyr, do you wish to proceed to a vote on amendment 92?

*Cynigiwyd gwelliant 92 (Llyr Gruffydd, gyda chefnogaeth Darren Millar).
Amendment 92 (Llyr Gruffydd, supported by Darren Millar) moved.*

[328] **Llyr Gruffydd:** Cynnig. **Llyr Gruffydd:** I move.

[329] **Lynne Neagle:** The question is that amendment 92 be agreed. Does any Member object? [*Objection.*] Thank you. We have an objection. All those in favour of amendment 92, please raise your hands. All those against. As there is a tied vote—four in favour, four against—I use my casting vote in the negative.

*Gwelliant 92: O blaid 4, Yn erbyn 4, Ymatal 0.
Amendment 92: For 4, Against 4, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
Brown, Michelle	David, Hefin	
Gruffydd, Llyr	Griffiths, John	
Millar, Darren	Morgan, Julie	
Reckless, Mark	Neagle, Lynne	

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).

Gwrthodwyd gwelliant 92.

Amendment 92 not agreed.

[330] **Lynne Neagle:** Llyr, do you wish to proceed to a vote on amendment 93?

[331] **Llyr Gruffydd:** No, not moved.

[332] **Lynne Neagle:** Not moved. Llyr has indicated he doesn't wish to move amendment 93. Is there any other Member who wishes to move that amendment? No. The amendment then is not moved.

Ni chynigiwyd gwelliant 93 (Llyr Gruffydd, gyda chefnogaeth Darren Millar).

Amendment 93 (Llyr Gruffydd, supported by Darren Millar) not moved.

[333] **Lynne Neagle:** Llyr, do you want to proceed to a vote on amendment 94?

Cynigiwyd gwelliant 94 (Llyr Gruffydd, gyda chefnogaeth Darren Millar).

Amendment 94 (Llyr Gruffydd, supported by Darren Millar) moved.

[334] **Llyr Gruffydd:** Yes.

[335] **Rwy'n cynnig.** I move.

[336] **Lynne Neagle:** The question is, then, that amendment 94 be agreed. Does any Member object? [*Objection.*] Thank you. We have an objection. Can I ask all those in favour of amendment 94 to please raise your hands? All those against. There voted four in favour, four against. As there is a tied vote

I use my casting vote in the negative, against the amendment. So, that amendment falls.

*Gwelliant 94: O blaid 4, Yn erbyn 4, Ymatal 0.
Amendment 94: For 4, Against 4, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
Brown, Michelle	David, Hefin	
Gruffydd, Llyr	Griffiths, John	
Millar, Darren	Morgan, Julie	
Reckless, Mark	Neagle, Lynne	

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).

*Gwrthodwyd gwelliant 94.
Amendment 94 not agreed.*

[337] **Lynne Neagle:** I think we've probably reached now—. In view of the time, we've covered as many groups as we can. So, we will stop there, and we'll have to continue Stage 2 next week. Can I thank the Minister and his officials for his attendance and their contribution this morning? Thank you very much. As usual, you will receive a transcript to check for accuracy. Can I advise Members that, as we haven't disposed of all amendments today, the committee will meet again on Thursday, 12 October, to continue Stage 2 proceedings? Clerks will issue a note to all Members, following this meeting, to advise on the procedures for the continuation of Stage 2.

12:22

Papurau i'w Nodi Papers to Note

[338] **Lynne Neagle:** Item 3 this morning is papers to note. If we can just quickly go through those. Paper 1 is a letter from Betsi Cadwaladr University Local Health Board on our inquiry into perinatal mental health. Paper 2: a letter from the Right Honourable Robert Halfon, chair of the House of Commons Education Committee. Paper 3: a letter from Dr Sarah Wollaston,

Member of Parliament, chair of the House of Commons Health Committee. Paper 4: a letter from the Secretary of State for Wales on the principle appointed day. Paper 5: a letter from the Cabinet Secretary for Education on our inquiry into teachers' education. Paper 6: a letter from the Cabinet Secretary for Health, Well-being and Sport in relation to our inquiry into children's mental health. Paper 7: a letter from the Cabinet Secretary for Education on the new education plan. Paper 8: another letter from us to the Cabinet Secretary for Education on community-focused schools, as agreed at the last meeting. And Paper 9: a letter from the Cabinet Secretary for Education—a reply on supply teachers. Are Members happy to note all those papers? Excellent.

[339] **John Griffiths:** Can I just mention something on the Betsi Cadwaladr health board letter, Chair? That then will help inform our report on perinatal mental health and feed into the content.

[340] **Lynne Neagle:** I think it's been included, hasn't it, in the draft report? Yes, that's right. Yes.

[341] **John Griffiths:** Okay.

[342] **Lynne Neagle:** Okay, thank you. Well, all that remains, then, is for me to thank Members for their attendance this morning. The next meeting will be on 12 October, when as well as the rest of Stage 2, we're also going to consider our key issues for teachers' professional learning. Thank you, everyone.

Daeth y cyfarfod i ben am 12:24.

The meeting ended at 12:24.