



Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales

Cofnod y Trafodion The Record of Proceedings

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

12/10/2017

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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
Lynne Neagle	Llafur (Cadeirydd y Pwyllgor)
Bywgraffiad Biography	Labour (Committee Chair)
Rhianon Passmore	Llafur (yn dirprwyo ar ran Julie Morgan)
Bywgraffiad Biography	Labour (substitute for Julie Morgan)
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)
Bywgraffiad Biography	Assembly Member, Labour (The 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 09:30.

The meeting began at 09:30.

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

[1] **Lynne Neagle:** Good morning, everyone, and welcome to the Children, Young People and Education Committee. We've received apologies for absence from Julie Morgan. I'm very pleased to welcome Rhianon Passmore, who is substituting for Julie today. Are there 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 today is the Additional Learning Needs and Education Tribunal (Wales) Bill, Stage 2, consideration of amendments. I'd like to welcome back Alun Davies, Minister for Lifelong Learning and Welsh Language, together with his officials. Minister, would you like to introduce your officials for the record, please?

[3] **The Minister for Lifelong Learning and Welsh Language (Alun Davies):** I'd like to introduce Catherine Lloyd and Mair Roberts from the legal service, and Tania Nicholson and Emma Williams as policy officials.

[4] **Lynne Neagle:** Thank you. So, the purpose of the meeting, then, is to

undertake Stage 2 proceedings on the remaining amendments to the Additional Learning Needs and Education Tribunal (Wales) Bill. At the meeting on 4 October, the committee debated group 1 to group 10. Amendments were disposed of according to the marshalled list and the agreed order of consideration. Sections 2 to 11 of the Bill have therefore been deemed agreed.

[5] 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 consider amendments today will be sections 12 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're 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're being called to speak in the debate or to move their amendments for a decision.

[6] There will be one debate on each group of amendments. Members who wish to speak in a particular group should indicate in the usual way. I will call the Minister to speak on each group. I will allow interventions if the Member speaking indicates they are content. However, once the Member has closed the debate on a specific group, no further Members will be called to speak on that group.

[7] For the record, in accordance with the convention agreed by the Business Committee, as Chair, I will move the 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 want a particular amendment to be moved, please indicate this at the relevant point in proceedings. 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 this by passing a note to our legal adviser.

[8] The meeting today is scheduled to run until 1 p.m., and we will aim to complete consideration of the amendments at this meeting. Although no formal break is scheduled, I will call a short break at an appropriate time in

proceedings.

**Grŵp 11: Cynlluniau Datblygu Unigol—Mireinio'r Darpariaethau Presennol
(Gwelliannau 114, 115, 11, 12, 126, 127, 137, 138)**

**Group 11: IDPs—Refinements to Existing Provisions (Amendments 114, 115,
11, 12, 126, 127, 137, 138)**

[9] **Lynne Neagle:** Okay. So, we will move on then to the first group we are considering today, which is group 11, which relates to individual development plans, refinements to existing provisions. The lead amendment in the group is amendment 114 in the name of the Minister.

Cynigiwyd gwelliant 114 (Alun Davies).

Amendment 114 (Alun Davies) moved.

[10] **Lynne Neagle:** I move amendment 114 in the name of the Minister and call on the Minister to speak to his amendment and the other amendments in this group.

[11] **Alun Davies:** Thank you very much, Chair. I would be seeking to move all the amendments in this group. Members will be aware that we have considered over a long period amendments to refine and improve elements of the way in which certain provisions relating to IDPs operate. So, we have had conversations on all of these matters on a number of occasions. For clarity, I'll outline the effect of each amendment.

[12] Amendment 114 amends the duty on a local authority to describe 'other provisions', namely the board and lodging or a place at a particular school or institution, to ensure that it is not limited when a local authority's preparing a plan following its decision that the person has additional learning needs but also applies in other cases where it is considering a plan.

[13] Amendment 115 is related to this amendment. It seeks to add in a cross-reference to ensure that a local authority can never direct a school to maintain a plan where it has described other provision in it.

[14] Chair, amendments 11 and 12 are concerned with the application of local authority duties to prepare and maintain plans in respect of children that they look after. The intention of these amendments is that the local authority should be responsible for IDPs and meeting additional learning needs for a child it looks after, provided that the child is in the area of any

local authority in Wales.

[15] The further amendments, the final group of amendments in this section, are aimed at ensuring the duty to secure other provision applies following changes in responsibility for an IDP. These amendments will ensure that the duty applies, even if it was previously included in a plan under a different section.

[16] **Lynne Neagle:** Thank you, Minister. Are there any other Members who would like to speak? No. Okay, thank you. Minister, do you want to say anything?

[17] **Alun Davies:** I'm grateful to the committee for their help and support on these matters. As I say, this is part of developing the way in which IDPs are maintained and provided for, so I'd be grateful for the committee's support for these amendments.

[18] **Lynne Neagle:** And I'm assuming you wish to move to a vote on amendment 114.

[19] **Alun Davies:** I wish to move to a vote on the amendment.

[20] **Lynne Neagle:** The question is that amendment 114 be agreed. Does any Member object? No. Okay. Amendment 114 is agreed.

Derbyniwyd gwelliant 114 yn unol â Rheol Sefydlog 17.34.

Amendment 114 agreed in accordance with Standing Order 17.34.

Grŵp 12: Is-ddeddfwriaeth—Dileu Pŵer (Gwelliannau 23, 24, 17, 18)
Group 12: Subordinate Legislation—Removal of Power (Amendments 23, 24, 17, 18)

[21] **Lynne Neagle:** That takes us on to group 12, which relates to subordinate legislation, removal of power. The lead amendment in the group is amendment 23 in the name of the Minister.

Cynigiwyd gwelliant 23 (Alun Davies).

Amendment 23 (Alun Davies) moved.

[22] **Lynne Neagle:** I move amendment 23 in the name of the Minister and call on him to speak to his amendment and the other amendments in this

group.

[23] **Alun Davies:** In terms of the next group of amendments, the next group of amendments is delivering the recommendations of the Constitutional and Legislative Affairs Committee. Members will recall from previous conversations on this matter that I agreed with the recommendations of the committee and I'm seeking to remove powers, which appeared in the draft of the originally published Bill, from Ministers—regulations that we would be able to use, but where CLAC felt we had no reason to take those powers at present.

[24] Amendment 23 removes from section 12 the power to prescribe in regulations further types of other provision that could be necessary to meet the reasonable needs of learners for additional learning provision, which must then be included in an IDP. Recommendation 1 of CLAC's report asked that I justify the need for this particular power. In response I confirmed the current system for supporting learners has provided no particular evidence that provision other than that already specified in section 12 would be necessary. The amendment therefore removes this power to prescribe such a provision from the Bill.

[25] Amendment 24, for similar reasons, removes a power in section 17, which is the equivalent power in respect of looked-after children. Amendment 18 removes a regulation-making power to prescribe exceptions to the duty in section 45 on local authorities to secure education in a mainstream maintained school. There are already exceptions to this duty in the Bill, including one involving the best interests of a child. In the light of this, on reflection, I do not consider the power to be necessary and, therefore, I am removing this power as well. Further consideration of this power was undertaken in response to CLAC's recommendations. It was included on a precautionary basis in case there may be future need for it, but I think it is right and proper that we reply fully to the recommendations of all committees and, therefore, where we are unable to demonstrate the absolute need to take additional powers, I am removing those powers from the Bill, with your consent.

[26] **Lynne Neagle:** Thank you, Minister. Are there any other Members who wish to speak? No. Minister, any additional comments?

[27] **Alun Davies:** No.

[28] **Lynne Neagle:** Okay. Minister, do you wish to proceed to a vote on amendment 23?

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

[30] **Lynne Neagle:** The question is that amendment 23 be agreed. Does any Member object? Okay. Amendment 23 is agreed.

Derbyniwyd gwelliant 23 yn unol â Rheol Sefydlog 17.34.

Amendment 23 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 115 (Alun Davies).

Amendment 115 (Alun Davies) moved.

[31] **Lynne Neagle:** I move amendment 115 in the name of the Minister. The question is that amendment 115 be agreed. Does any Member object? No. Okay. Amendment 115 is agreed.

Derbyniwyd gwelliant 115 yn unol â Rheol Sefydlog 17.34.

Amendment 115 agreed in accordance with Standing Order 17.34.

Grŵp 13: Y Diffiniad o Blentyn sy'n Derbyn Gofal (Gwelliant 82)

Group 13: Definition of a Looked-after Child (Amendment 82)

[32] **Lynne Neagle:** That takes us on to group 13, which relates to the definition of a looked-after child. The lead and only amendment in the group is amendment 82 in the name of Darren Millar. I call on Darren Millar to move his amendment and to speak to it.

Cynigiwyd gwelliant 82 (Darren Millar).

Amendment 82 (Darren Millar) moved.

[33] **Darren Millar:** Thank you, Chair. I just want to speak very briefly to this very straightforward and simple amendment, if I may. The purpose of amendment 82 is to seek to change the definition of a looked-after child on the face of the Bill. Section 13 of the Bill currently defines a looked-after child for the purposes of additional learning provision as a child who is, and I quote,

[34] 'not over compulsory school age',

[35] but the Children's Commissioner for Wales and some other witnesses also have raised concerns that the Social Services and Well-being (Wales) Act 2014 had a different definition of a looked-after child. It said that looked-after children who the local authorities have responsibilities for were those children up to the age of 18. The difference between these two definitions could, of course, lead to some confusion, and looked-after children, who should be benefiting from the additional learning needs provisions in this Bill, could find themselves losing out if they're above the age of 16—if they're 16 or 17-year-olds. The commissioner's very concerned that duties to prepare and maintain plans for looked-after children could automatically end after compulsory school age, even where it wouldn't be appropriate. I know that that's not the Minister's intention, but it is a concern. So, this amendment arises from a recommendation from the children's commissioner that the definition here should be changed to make it consistent with the Social Services and Well-being Act.

[36] **Lynne Neagle:** Thank you, Darren. Are there any other Members who would like to speak on this amendment? Minister.

[37] **Alun Davies:** Can I say I'm grateful to Darren for introducing this amendment—although I will ask the committee not to support it—because it does allow us to clarify what we're seeking to do here? I accept the points that Darren made in his introduction to this debate. However, what I will say to him is that the broad definition of looked-after children remains the same. The only thing that we are seeking to do in this section is to change who maintains the IDP for looked-after young people aged 16 to 18. So, we don't disagree with many of the points you made in your introduction there.

[38] We would argue that the line, where we have drawn it—and we have given great consideration to this, and I think we might have discussed this on some occasions as well—only affects the specific processes involved and not the rights and protections of young people who remain looked after post 16. What we consider to be the case is that continuing with the pre-16 arrangements for them would contradict our general approach to young people in further education institutions. In the case of most looked-after young people with lower-level needs, the local authority would work with the FEI to deliver the additional learning provision with only a very limited means of making sure that happens, or indeed monitoring where it does. So, including looked-after young people attending FEIs within the arrangements for looked-after children could risk their rights being less effective in practice than those of other young persons.

[39] So, we hope that we would recognise that continuing pre-16 arrangements would be inappropriate for the post-16 environment, but that does not affect any of the broader issues around looked-after children, looked-after young people, or any of their rights, responsibilities, and their ability to exercise their rights. This is simply about a specific process at a specific time in their educational career.

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

[41] **Darren Millar:** Well, I accept the need to transfer responsibility, Chair, from one provider to another if there is a change of provider post 16, but it doesn't take away from the fact that this Bill will be inconsistent with other Welsh legislation, and that could give rise to confusion to practitioners on the ground who are supporting looked-after children. I don't want to see that confusion, I know that the Minister doesn't want to see that confusion, and I'm sure that no members of this committee want to see that confusion, either. So, I think it is important that we do amend this Bill so that there is that consistency, so that there's no wiggle room, if you like, and a hole in the net that looked-after children can fall through. So, I would like to move the amendment.

[42] **Lynne Neagle:** Okay. Well, Darren's indicated that he'd like to put this to a vote. So, the question is that amendment 82 be agreed. Does any Member object? [*Objection.*] We have an objection. I will therefore take a vote by show of hands. All those in favour of amendment 82, please raise your hands. All those against. So, there voted four in favour, four against. As there is a tied vote, I use my casting vote in the negative, that is, against the amendment, in according with Standing Orders. Amendment 82 falls.

Gwelliant 82: O blaid 4, Yn erbyn 4, Ymatal 0.

Amendment 82: For 4, Against 4, Abstain 0.

O blaid:

For:

Brown, Michelle

Gruffydd, Llyr

Millar, Darren

Reckless, Mark

Yn erbyn:

Against:

David, Hefin

Griffiths, John

Neagle, Lynne

Passmore, Rhianon

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 82.

Amendment 82 not agreed.

09:45

Grŵp 14: Gwelliannau Canlyniadol a Mân Welliannau Drafftio (10, 25, 16, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75)

Group 14: Consequential and Minor Drafting Amendments (Amendments 10, 25, 16, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75)

[43] **Lynne Neagle:** We'll move on now then to group 14, which relates to consequential and minor drafting amendments. The lead amendment in the group is amendment 10 in the name of the Minister.

Cynigiwyd gwelliant 10 (Alun Davies).

Amendment 10 (Alun Davies) moved.

[44] **Lynne Neagle:** I move amendment 10 in the name of the Minister and call on him to speak to his amendments and the other amendments in this group.

[45] **Alun Davies:** I'm grateful to you, Chair. This group of amendments is a mix of consequential and minor amendments to existing primary legislation along with a few minor drafting amendments to the Bill. Specifically, amendments 10, 16 and 25 make minor drafting amendments to the Bill. They correct a cross-reference and add some clarity, I hope. Amendments 46 to 75 add to the amendments to existing primary legislation that are already included in Schedule 1 to the Bill or in some instances amend what already appears in the Schedule. These have been developed with the intention that, wherever possible, the effect of existing legislation is unaffected. Where not possible, the intention has been to keep changes to the effect of existing legislation to the minimum necessary to give proper effect to the objectives of the Bill and the legislation that we are amending this morning.

[46] **Lynne Neagle:** Thank you. Do any other Members wish to speak? No.

Anything to add, Minister?

[47] **Alun Davies:** No.

[48] **Lynne Neagle:** Okay. Minister, do you wish to proceed to a vote on amendment 10?

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

[50] **Lynne Neagle:** The question is that amendment 10 be agreed. Does any Member object? No. Okay. Amendment 10 is agreed.

Derbyniwyd gwelliant 10 yn unol â Rheol Sefydlog 17.34.

Amendment 10 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 11 (Alun Davies).

Amendment 11 (Alun Davies) moved.

[51] **Lynne Neagle:** I move amendment 11 in the name of the Minister. The question is that amendment 11 be agreed. Does any Member object? Amendment 11 is agreed.

Derbyniwyd gwelliant 11 yn unol â Rheol Sefydlog 17.34.

Amendment 11 agreed in accordance with Standing Order 17.34.

[52] **Lynne Neagle:** Minister, I understand you've indicated that you do not wish to move amendment 116.

[53] **Alun Davies:** Yes, Chair. We've had some conversations on this and on issues around provision in the Welsh language. We would seek to move other amendments this morning, but, where we have the opportunity to reach agreement prior to Stage 3, I would like to do that and to continue conversations with Members on both sides of the table to ensure that we're able to reach an agreed position prior to Stage 3. So, with that intention, I will not move this amendment—I would seek not to move this amendment.

[54] **Lynne Neagle:** Okay. Thank you. Does any other Member wish to move amendment 116 in accordance with Standing Orders? No. Okay. Amendment 116 is not moved, then.

Ni chynigiwyd gwelliant 116 (Alun Davies).

Amendment 116 (Alun Davies) not moved.

Cynigiwyd gwelliant 24 (Alun Davies).

Amendment 24 (Alun Davies) moved.

[55] **Lynne Neagle:** I move amendment 24 in the name of the Minister. The question is that amendment 24 be agreed. Does any Member object? Okay. Amendment 24 is agreed.

Derbyniwyd gwelliant 24 yn unol â Rheol Sefydlog 17.34.

Amendment 24 agreed in accordance with Standing Order 17.34.

[56] **Lynne Neagle:** Llyr, do you wish to proceed to a vote on amendment 95?

Cynigiwyd gwelliant 95 (Llyr Gruffydd, gyda chefnogaeth Darren Millar).

Amendment 95 (Llyr Gruffydd, supported by Darren Millar) moved.

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

[58] **Lynne Neagle:** The question is that amendment 95 be agreed. Does any Member object? [*Objection.*] We have an objection, so I will take a vote. All those in favour of amendment 95 please raise their hands. All those against. So, there voted four in favour, four against. As there is a tied vote, I use my casting vote in the negative in accordance with Standing Orders and amendment 95 falls.

Gwelliant 95: O blaid 4, Yn erbyn 4, Ymatal 0.

Amendment 95: For 4, Against 4, Abstain 0.

O blaid:

For:

Brown, Michelle

Gruffydd, Llyr

Millar, Darren

Reckless, Mark

Yn erbyn:

Against:

David, Hefin

Griffiths, John

Neagle, Lynne

Passmore, Rhianon

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 95.
Amendment 95 not agreed.*

[59] **Lynne Neagle:** Llyr, do you want to move to a vote on amendment 96?

[60] **Llyr Gruffydd:** No. I won't be moving amendment 96.

[61] **Lynne Neagle:** Okay. Are there any other Members who wish to move amendment 96? No. Okay. Amendment 96, then, is not moved.

*Ni chynigiwyd gwelliant 96 (Llyr Gruffydd, gyda chefnogaeth Darren Millar).
Amendment 96 (Llyr Gruffydd, supported by Darren Millar) not moved.*

[62] **Lynne Neagle:** Llyr, do you wish to proceed to a vote on amendment 97?

*Cynigiwyd gwelliant 97 (Llyr Gruffydd, gyda chefnogaeth Darren Millar).
Amendment 97 (Llyr Gruffydd, supported by Darren Millar) moved.*

[63] **Llyr Gruffydd:** Cynnig. **Llyr Gruffydd:** Move.

[64] **Lynne Neagle:** The question is that amendment 97 be agreed. Does any Member object? [*Objection.*] We have an objection, so I will take a vote. All those in favour of amendment 97 please raise their hands. All those against. So, there voted four in favour, four against. As there is a tied vote, I use my casting vote in the negative according to Standing Orders and amendment 97 falls.

*Gwelliant 97: O blaid 4, Yn erbyn 4, Ymatal 0.
Amendment 97: For 4, Against 4, Abstain 0.*

O blaid:
For:

Yn erbyn:
Against:

Ymatal:
Abstain:

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

David, Hefin
Griffiths, John
Neagle, Lynne
Passmore, Rhianon

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 97.
Amendment 97 not agreed.*

*Cynigiwyd gwelliant 25 (Alun Davies).
Amendment 25 (Alun Davies) moved.*

[65] **Lynne Neagle:** I move amendment 25 in the name of the Minister. The question is that amendment 25 be agreed. Does any Member object? Okay. Amendment 25 is agreed.

*Derbyniwyd gwelliant 25 yn unol â Rheol Sefydlog 17.34.
Amendment 25 agreed in accordance with Standing Order 17.34.*

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

*Cynigiwyd gwelliant 98 (Llyr Gruffydd, gyda chefnogaeth Darren Millar).
Amendment 98 (Llyr Gruffydd, supported by Darren Millar) moved.*

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

[68] Cynnig. Move.

[69] **Lynne Neagle:** Thank you. The question is that amendment 98 be agreed. Does any Member object? [*Objection.*] There is an objection, so I will take a vote. All those in favour of amendment 98 please raise their hands. All those against. So, there voted four in favour, four against. As there is a tied vote, I use my casting vote in the negative and amendment 98 falls.

*Gwelliant 98: O blaid 4, Yn erbyn 4, Ymatal 0.
Amendment 98 For 4, Against 4, Abstain 0.*

O blaid:
For:

Yn erbyn:
Against:

Ymatal:
Abstain:

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

David, Hefin
Griffiths, John
Neagle, Lynne
Passmore, Rhianon

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 98.

Amendment 98 not agreed.

Grŵp 15: Dyletswyddau Cyrff y GIG (Gwelliannau 26, 27A, 27, 85, 28, 29)

Group 15: Duties on NHS Bodies (Amendments 26, 27A, 27, 85, 28, 29)

[70] **Lynne Neagle:** That takes us then to group 15, which relates to duties on NHS bodies. The lead amendment in the group is amendment 26 in the name of the Minister.

Cynigiwyd gwelliant 26 (Alun Davies).

Amendment 26 (Alun Davies) moved.

[71] **Lynne Neagle:** I move amendment 26 in the name of the Minister and call on him to speak to his amendment and the other amendments in this group.

[72] **Alun Davies:** I'm grateful to you. This is an area where there's been a considerable amount of debate and discussion again, and where I think the Stage 1 scrutiny process has actually helped deliver policy making, which probably wouldn't have occurred otherwise. I'm grateful for the committee's work in this area, and I hope that Members will agree that we have moved considerably from both the publication of the original draft Bill and also the Bill that was published last December. The Government amendments in this grouping are aimed at improving and strengthening the role of the health service within the additional learning needs system. I will say at the outset, Chair, that I would like to encourage Members to support Darren Millar's amendment 27A. We wish to be making these regulations, and the amendment does strengthen the Bill in that way, although I would invite Members not to support amendment 85 because we do have concerns that this could breach some rights to privacy.

[73] Chair, amendment 26 imposes a duty on NHS bodies to notify the outcome of a referral where they have not identified a relevant treatment or service likely to be of benefit in addressing a child or young person's

additional learning needs. Amendment 27 provides a power to set out in regulations a deadline for an NHS body to notify the outcome of a referral under section 18.

[74] Amendments 28 and 29 respond to recommendation 19 of this committee's Stage 1 report by amending section 57 of the Bill, and the effect is that health bodies will have a duty, rather than just a power, to refer children under compulsory school age who they believe have or probably have additional learning needs to local authorities, provided they are satisfied that doing so is in the best interests of the child. That, of course, represents a considerable strengthening of the Bill and strengthening of the duty upon health bodies.

[75] We do not agree with Darren Millar that it's necessary to extend section 57 to children of compulsory school age, as the amendment seeks to do. Children who have started school are already in the education system by definition, so their school or the local authority would be expected or would be able to identify any additional learning need. In some cases, compulsory referrals would interfere with the right to respect for private and family life, and that's why there are already existing protections within this section.

[76] I consider the interference that may occur is justified for children under compulsory school age, but the situation of older children is different. I think on a number of occasions we have debated and discussed the right balance of responsibilities, rights and duties that exist to protect and enhance the rights of children and young people at different stages through their journey through education. So, because something is appropriate for children under school age doesn't necessarily mean it would be appropriate for children of school age, in the same way as we had that conversation in an earlier debate this morning. And so, I would invite Members not to support that amendment, but I would invite Members to support other amendments in this group.

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

[78] **Darren Millar:** Briefly, thank you, Chair. I support the Minister's amendments in this group, obviously, but I have tabled amendment 27A in order to ensure that there will be an absolute requirement to publish clear timescales for the NHS to comply with the duties that the Minister's seeking to introduce. We know that timescales are very important to people and that

unless timescales are published, frankly, it leaves an open door to people escaping from the obligations that they might have. And I'm pleased to hear that the Minister is going to be encouraging people to support my amendment 27A.

[79] With regard to amendment 85, this, of course, does seek to apply the duty to inform a child's parents of the potential of an additional learning need for those NHS bodies that are listed in section 57 of the Bill. And I'm seeking to apply that duty not just to those younger children under compulsory school age, but to all children who are within the schooling system. I think it's important, actually—. I know the Minister is trying to draw a distinction between zero to four-year-olds and the four-year-olds plus, but for a four-year-old or a five-year-old, I think there should be a duty to inform children's parents if an additional learning need is identified, and I don't see the rationale for not doing that. Now, whilst I can accept that for an older child, perhaps in their teens or perhaps even a little earlier, there might be a different response that you could have because of the maturity of that child. I think with younger children in particular, of primary school age, there is a need to ensure that there is information that is flowing, and that those health organisations should have to share that information with appropriate people, and indeed—

[80] **Alun Davies:** Could I come back?

[81] **Darren Millar:** I'd be very happy, yes.

[82] **Alun Davies:** I don't disagree with the points that the Member's making on this, and I would just like to reinforce, and say so on the record, that the current proposed structure within this Bill does not preclude that discussion from taking place. It doesn't prevent that happening. It simply assumes and ensures that consent is required as a part of that conversation. So, it doesn't mean that that conversation can't take place.

[83] **Darren Millar:** I think the question of trying to obtain consent from a four-year-old versus trying to obtain consent from an older child is an interesting one. I think it's all about—

[84] **Alun Davies:** It's consent from parents, Darren.

[85] **Darren Millar:** Pardon?

[86] **Alun Davies:** Consent from parents.

[87] **Darren Millar:** Consent from parents. Okay—in terms of sharing this information. Personally, I think this duty should apply to all age groups. I don't think that the consent issue should just apply where there's a child who's under compulsory school age. I think it's imperative that all children of compulsory school age are included. That's why I'm tabling the amendment, and that's why I still think we need to have a discussion on it. And if the Minister wants a further discussion, in terms of the maturity levels, I'm prepared to have one, perhaps in advance of Stage 3, but I think it's entirely appropriate that this duty should apply in terms of the sharing of that information to all children of compulsory school age.

[88] **Lynne Neagle:** Darren, are you taking another intervention off the Minister?

[89] **Darren Millar:** I'll take a brief one.

[90] **Alun Davies:** I'd accept the Member's invitation to continue that conversation, but I would point out to him that the situation with a four-year-old would be different to a 15 or 16-year-old—

[91] **Darren Millar:** Of course it would.

[92] **Alun Davies:** —and this legislation needs to take account of that.

[93] **Darren Millar:** I understand that, and it's a point I've already made, so—.

[94] **Lynne Neagle:** Rhianon.

[95] **Rhianon Passmore:** Just really to support amendment 26, which strengthens and makes that requirement a duty for the NHS to use referrals. Thank you.

[96] **Lynne Neagle:** Okay. Are there any other Members who wish to speak? I call, then, on the Minister to reply to the debate.

[97] **Alun Davies:** We've listened to the debate and I don't have any further points to add.

[98] **Lynne Neagle:** Okay. Minister, do you wish to proceed to a vote on amendment 26?

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

[100] **Lynne Neagle:** The question is that amendment 26 be agreed. Does any Member object? Amendment 26 is therefore agreed.

Derbyniwyd gwelliant 26 yn unol â Rheol Sefydlog 17.34.

Amendment 26 agreed in accordance with Standing Order 17.34.

Grŵp16: Y Tribiwnlys Addysg (Gwelliannau 83, 86, 145A, 145, 146)

Group 16: The Education Tribunal (Amendments 83, 86, 145A, 145, 146)

[101] **Lynne Neagle:** That takes us on to group 16, which relates to the education tribunal. The lead amendment in the group is amendment 83 in the name of Darren Millar. I call on Darren to move amendment 83 and to speak to his amendment and the other amendments in this group.

Cynigiwyd gwelliant 83 (Darren Millar, gyda chefnogaeth Llyr Gruffydd).

Amendment 83 (Darren Millar, supported by Llyr Gruffydd) moved.

[102] **Darren Millar:** Thank you, Chair. I move amendment 83 and I want to speak, obviously, to my other amendments, 86 and 145A, and, indeed, 145 and 146, which have been tabled by the Minister.

[103] The purpose of my amendment 83 is to remove the ability of the national health service to ignore a ruling of the education tribunal for Wales when that ruling relates to something that it must provide to support a learner with additional learning needs. At the moment, the national health service is not subject to the rulings of the education tribunal, and cannot be compelled to implement its recommendations. During Stage 1, the Minister suggested that the existing national health service redress measures were sufficient to ensure that any concerns regarding the engagement of the national health service in the ALN process, or for failing to provide the specified support, were appropriate. Now, to be fair to the Minister, he's tabled some amendments that suggest that he's been persuaded that further action needed to be taken in terms of the national health service engagement, and I welcome those amendments.

[104] We all know that the experiences with constituents who've been

wrestling with the existing special educational needs system have suggested that the current arrangements, particularly in terms of the national health service, are just not working. We heard overwhelming evidence from stakeholders, all of whom agreed that the tribunal should have the power to direct the national health service in relation to the provision of support for learners with additional learning needs. The children's commissioner stated that she believed that the powers in section 69 provided that the tribunal did not go far enough to ensure that the additional learning needs provision would be sufficiently put in place, particularly where the national health service was concerned.

10:00

[105] The current Special Educational Needs Tribunal for Wales told the committee that it would often request local health boards to deliver additional support, and when they refused, the needs of the child were simply going unmet. And they said that they had no additional powers to compel the health boards and that that was a fundamental weakness of the existing system that needed to change. The Third Sector Additional Needs Alliance told the committee that there ought to be a single redress system for all of the support that might be required for a learner so that all parts of an individual development plan could have the same legal robustness and basis. Undeb Cenedlaethol Athrawon Cymru stated that their belief was that some form of redress mechanism for individuals to challenge health bodies that failed to address their health needs is one of the key areas that the Bill didn't actually address. And even health boards—even the national health service itself—told the committee that they were very comfortable with the education tribunal for Wales being able to direct those health bodies as long as health professionals were actually involved in the decision-making process, and, of course, the Minister has tabled amendments that seek to address that particular point.

[106] Amendment 145 seeks to address the current lack of engagement and involvement of the NHS in the tribunal decisions. But while it enables the tribunal to require that the national health service provides evidence and it requires the national health service to respond to tribunal rulings, it actually falls short of requiring that the national health service then implements those rulings, and that's why I've tabled my amendment 145A, which I believe strengthens the Minister's amendment, so that instead of simply requiring the national health service to report back and explain its lack of action, the national health service will actually be required to report back on what it has

actually done or intends to do to implement the tribunal's recommendation.

[107] My amendment 83 will enable the tribunal to rule about other matters that relate to an individual development plan against which appeals may be brought. These could, of course, be related to NHS support; they could be in relation to the provision of Welsh-language services, transport arrangements, or any other matter that is referred to in an individual development plan. So, if this new system is going to work, then we've got to make sure that this education tribunal has the teeth to be able to implement its decisions. At the moment, it's got some gaps in those teeth in relation to the national health service and I believe that we can address those gaps via the amendments that I've tabled and the amendments that the Minister has tabled, provided that amendment 145 is amended.

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

[109] **Llyr Gruffydd:** Thank you, Chair. I formally support amendment 83 and also amendment 145A in this group, for the reasons that Darren has expressed, but I also recognise that the Government has changed its position or has moved significantly towards what I and, let's be honest, the vast majority of people who gave us evidence felt that they wanted to see, but it does, in my view, stop short of what's needed. We've been told that the narrative of this Bill and the wider additional learning provision reforms is about introducing a simpler, more coherent and easier-to-navigate system, which is child-centred. Retaining two separate systems of redress, for me, undermines that, and I think that it needs to be addressed.

[110] I don't object to Welsh Government amendments 145 and 146. As I say, they move us in the right direction, but as far as I'm concerned, they don't go far enough, and that's why I'm supporting amendments 83 and 145A.

[111] **Lynne Neagle:** Thank you, Llyr. Are there any other Members who wish to speak? Can I call on the Minister, then?

[112] **Alun Davies:** I'm grateful to Members for their contributions. Can I say: we've had a long conversation about this and I'm grateful to Members recognising that the Government has moved and changed its position on this, and we certainly have? We've listened to the same evidence that you've listened to, and we've looked to how we can strengthen the current systems and ensure that we don't have a situation where decisions of a tribunal are

simply not carried out. I think that if you have confidence in the system—and we want to win and maintain public confidence in the system—if a family or an individual goes through a system at a hearing in a tribunal, a tribunal takes a decision in relation to a young person or a child, they have an absolute expectation that that decision is carried out, and I believe that all bodies, without exception, wherever they happen to sit in the system, should carry out the reasonable decisions of a tribunal. I have got absolutely no wish to have a discussion about that and no thoughts in my own mind that anybody or any institution should ignore the findings of a tribunal. I've got absolutely no discussion about that. However, we are discussing here how we deliver that and how we ensure that happens in practice. I disagree that having a single system for ALN needs would actually clarify and would lead to less complexity in the system. At present, we have an education system and we have a health system. At the moment, we have a parallel means of seeking redress in both those systems. I think that by trying to insert another system into that you would be increasing complexity and you would be making it less likely that people would be able to navigate their way through the system.

[113] So, what I've sought to do is to ensure that, where you have a relationship between the national health service and the education service—and you do in many instances, I accept that completely—there is greater synchronicity and a seamless approach between those services and to ensure that, from the individual's point of view, they can be sure that the findings of the tribunal will be carried out in the way that the tribunal expects and the way the family expects that to happen.

[114] Let me explain how I intend that to happen. There's been no disagreement between this committee and the Government on what we seek to achieve, on what our objectives are. I don't think there has been. What we are seeking to do, through our amendments, is to re-engineer the relationship between health and education. Amendment 145 does that. It makes clear for the first time that NHS bodies can be required to provide evidence to the tribunal. The evidence the committee received, of course, was that quite often that didn't happen. This removes that. It means that NHS bodies have a requirement to provide evidence to the tribunal and provides that they can be made subject to the recommendations made by the tribunal.

[115] I will say that I've worked hard, and officials have worked hard, with the national health service. I and my colleague Vaughan Gething have worked hard on this to try and find a solution to it. The health Secretary and the

health service have worked hard with us to try and find this solution. So, there hasn't been this sort of jagged approach. If there was conflict between the two institutions, it's been about Ministers, officials and staff working together to find this solution.

[116] The amendments that I'm putting forward mean that NHS bodies must report back to the tribunal on compliance with recommendations. That's not, Darren, in your words, to explain its lack of action—all right, Darren? Let's get it right. Let's compare the reality with the rhetoric, right? NHS bodies must report back to the tribunal on compliance with recommendations. That ensures, through re-engineering the relationship, that they consider the recommendations, and if they do not take action they must explain why and justify why no action was taken. So, it's a fundamental reworking of the relationship. NHS bodies will be required to report back within a period to be set out in regulations. So, again, this ball cannot be kicked down the road, kicked into the long grass, however you wish to put it. It has to be addressed and it has to be addressed within a prescribed time period.

[117] Amendment 145 is our response to recommendation 38 of the committee Stage 1 report, in this way, given that we need to protect clinical judgment and the fact that we have an existing NHS complaints regime in Wales. Darren, I accept that you don't think much of it. I understand that. You've made that very clear both in this committee and in the Chamber and, frankly, on every occasion you've had the opportunity to do so, and that is your right and it is your absolute responsibility as a Member here to make your case on that. I don't accept it. I don't accept it. I say that both as a Minister and as a constituency Member. We've both represented people in this place for over a decade and we've both got differing and sometimes similar experiences.

[118] From my experience as a Member here, as a consistency Member, the existing NHS complaints regime works and works well for the people I represent. I recognise that's not your view, but it's the view, I think, of the majority of Members in this place. So, to extend the remit of a tribunal as you recommend would not be appropriate because you would be introducing a second complaints procedure into the national health service and you would not be doing that in a way that protects clinical judgment, which I believe has to be the cornerstone of decision taking within the national health service.

[119] So, we have worked hard, Chair. I hope the committee will recognise

that we worked hard over an extended period to consider all of the options, including the options that Llyr and Darren have put forward today. We believe that amendment 145 represents the best means of strengthening the link between the national health service and the tribunal. The overall effect is that the inclusion of the NHS in the new system will be clear on the face of the Bill. That's something the committee wanted, and that is something that our amendments are providing. We also accept that the national health service has a key role to play at all stages, including during and following an appeal to a tribunal.

[120] I oppose Darren Millar's amendment 145A because I believe—. And I understand and I've got no issue with the principle that lies behind it in terms of what you're seeking to achieve; I understand that. But I believe it actually weakens the amendment we have tabled. It would not require health bodies, for example, to explain any non-compliance with the tribunal's recommendations, which I know is something you said in your earlier remarks that you actually seek to achieve. So, I believe that the amendment weakens the situation as proposed in the Government's amendment, which is more complete and more robust. So, I would ask Members to support the Government amendment and oppose Darren Millar's further amendment on this basis.

[121] In terms of amendment 146, this requires local authorities and FEIs to report back to the tribunal on the actions taken to comply with a tribunal order. This does not occur at the moment, and I believe—and I accept the view of the committee on this—that it has to be rectified. It also ensures there is a role for the NHS in this. Local authorities can ask NHS bodies to provide information and for other help under section 58. This would include helping the authority to inform the tribunal about actions taken, and I will provide the committee with further guidance on this in the code, and I'm happy to continue conversations with Members on the committee to ensure that we have sufficient and robust guidance within the code to ensure that this happens.

[122] We do not support Darren Millar's amendment 83. We've already had the conversation about these issues. I simply do not—and I agree absolutely with the health Secretary on this—want to see any undermining of the fundamental principle of clinical judgment or any conflict with the existing NHS complaints process. The subsection makes the position clear, and I do not believe that it should be removed, so I do not support this amendment. However, I'll end on a positive note here. I would be happy to support

amendment 86 because it does provide for regulations that are able to add the areas in which an appeal can be made in relation to IDPs. I think that's a good amendment to make, and we do accept that this is a power that might well be needed or necessary.

[123] Chair, I'm sorry to have taken so much of the committee's time on that, but I believe it's important that the committee has a full response to its recommendations on this matter. I would say in conclusion to all members of the committee that we have worked hard to seek to move on this. We've moved as far as I believe it is possible to, and the committee's work at Stage 1 has been a considerable help and aid and has underpinned significant policy development in this area. I think it demonstrates the value of the granular scrutiny that you subjected the Bill to in Stage 1 that you have certainly helped us to make policy and to re-engineer the relationship between the national health service and the education system. On that basis, I would invite Members to support the amendments that I seek support for.

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

[125] **Darren Millar:** I'm grateful for the Minister giving such a detailed response to my amendments, and I'm pleased to see that he's accepting amendment 86.

[126] The Minister made a statement about needing to ensure that we had one overarching system with a seamless approach to avoid complexity for the individuals who might have to go through the experience of having to seek redress for ALN provision, but, of course, this Bill doesn't give that. The Minister's quite rightly said that, if there is an NHS complaint, the NHS redress system is the best way to deal with it. We don't actually have a single redress system for the NHS in Wales, Minister; we have one in each individual NHS body. And that's why my experience and the experience of constituents in my area is very different to the constituents in yours. I'm very pleased for your constituents that they appear to have a more responsive health board to the complaints that are made, but, as you know, I have constituents who are regularly waiting sometimes two years before actually getting any kind of resolution to their complaints. So, if we want one single seamless approach, which is what the Minister says he wants, then we need one single redress system, and the only way to do that is by giving sufficient teeth to the new tribunal to ensure that its decisions are binding and that they have to be implemented by all of the organisations involved in providing the additional learning provision. As I said earlier, I don't know where the resistance is

coming from—it's clearly from Cabinet colleagues or Welsh Government colleagues—because the national health service itself said that it was not resistant. Provided that there was involvement by it in the decision making, it was quite prepared to be bound by decisions and compelled to take action as a result of the education tribunal's decisions. It is not resistant to it, so I can't understand the Government's position.

10:15

[127] Secondly, you explicitly suggested that the national health service would not be able to wiggle out, if you like, of providing things. I made reference in my opening remarks to the fact that you're requiring in one part of this amendment that the NHS—. It has to prepare a report; I accept that and I think that's the right thing to do. But, at the moment, your amendment says that it can provide a report and do one of two things in that report: say the action it's taking to implement the decision or say why it's not going to implement the decision, which effectively means that they have a veto on whether to provide that support or not—it is a veto. It says in your amendment that the report that they must provide, under subsection (3) of the amendment, must state

[128] 'the action that the NHS body has taken or intends to take to implement the recommendation'

[129] of the tribunal, or

[130] 'why the NHS body has not taken and does not propose to take any action in response to the recommendation.'

[131] That suggests that as long as they give an excuse as to why they're not providing the additional learning provision that the education tribunal is requesting, it's sufficient—their obligations, as far as the Bill is concerned, are completed.

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

[133] **Darren Millar:** I'll happily take an intervention.

[134] **Alun Davies:** Darren, you're very good at summing my remarks in order to make them say something that was never said, never intended and never implied, and that the transcript demonstrates I never said in the first

place.

[135] **Darren Millar:** I'm sure you'll check the transcript, as we all will.

[136] **Alun Davies:** Let me say this: there was no resistance amongst my Cabinet colleagues and there was no resistance amongst the national health service to these matters. There was positive and constructive engagement, which has led to significant change in the Bill, in the policy and in the approach, and you recognise that. So, I think it's important also to recognise the positive role that the national health service, Ministers, leaders, managers and staff have played as well—I think it's important to recognise that. In terms of where we're going, what I actually said was 'a seamless approach to problem solving and redress'. I accept your point that if a tribunal makes a ruling, the person in front of the tribunal has an absolute expectation that that tribunal ruling is carried out—I accept that, and I think it's absolutely right because confidence in the system demands that—and that the NHS will then have a role in doing so. We've outlined how that role is engineered and what the responsibilities are. This isn't the time for tabloid headlines, Darren—it's a time for measured reflection, and I'd hope that I could encourage you to do that.

[137] **Darren Millar:** Thank you, Minister. I can assure you that I've been very measured in my analysis of this and in my analysis of the deficiency in amendment 145, which I'm seeking to address with my amendment 145A in order to remove the opportunity for the NHS to simply have to report on why it is not going to implement. As I say, we need an education tribunal here that has the teeth to ensure that its recommendations are fully implemented. I think that it is, frankly, unacceptable that we're not seeking to address what is, chiefly, the major complaint of the individuals going through the system at the moment under the current special educational needs system. So, I want to remove that complexity and the Minister wants a seamless approach. He's taken a step in the right direction with amendments 145 and 146 to improve the situation, particularly 145 in relation to the national health service—I accept that. But, we don't need a little step; we need to get over the hurdle completely. The hurdle will only be overcome if there is a requirement for the tribunal to actually implement—if there is a requirement on the NHS to implement the decisions of the tribunal. We're not quite there with 145, although we've made progress towards that position. That's why I think that 145A is an amendment that needs to be made to that particular amendment.

[138] **Lynne Neagle:** Thank you, Darren. Do you wish to proceed to a vote on amendment 83?

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

[140] **Lynne Neagle:** Okay. The question is that amendment 83 be agreed. Does any Member object? [*Objection.*] There is an objection, so I will take a vote by show of hands. All of those in favour of amendment 83, please raise your hands. All those against. So, there voted four in favour, four against. As there's a tied vote, I use my casting vote in the negative against the amendment, and amendment 83 falls.

*Gwelliant 83: O blaid 4, Yn erbyn 4, Ymatal 0.
Amendment 83: For 4, Against 4, Abstain 0.*

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

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 83.
Amendment 83 not agreed.*

[141] **Lynne Neagle:** Before disposing of amendment 27, we will deal with the amendment to that amendment. Darren, do you wish to move amendment 27A?

*Cynigiwyd gwelliant 27A (Darren Millar).
Amendment 27A (Darren Millar) moved.*

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

[143] **Lynne Neagle:** Okay. The question is that amendment 27A be agreed. Does any Member object? Okay. Thank you. Amendment 27A is agreed.

*Derbyniwyd gwelliant 27A yn unol â Rheol Sefydlog 17.34.
Amendment 27A agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 27 (Alun Davies).
Amendment 27 (Alun Davies) moved.*

[144] **Lynne Neagle:** I move amendment 27 in the name of the Minister. The question is that amendment 27, as amended, be agreed. Does any Member object? Okay. Amendment 27, as amended, is agreed.

*Derbyniwyd gwelliant 27 fel y'i diwygiwyd yn unol â Rheol Sefydlog 17.34.
Amendment 27 as amended agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 117 (Alun Davies).
Amendment 117 (Alun Davies) moved.*

[145] **Lynne Neagle:** I move amendment 117 in the name of the Minister. The question is that amendment 117 be agreed. Does any Member object? Amendment 117 is therefore agreed.

*Derbyniwyd gwelliant 117 yn unol â Rheol Sefydlog 17.34.
Amendment 117 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 118 (Alun Davies).
Amendment 118 (Alun Davies) moved.*

[146] **Lynne Neagle:** I move amendment 118 in the name of the Minister. The question is that amendment 118 be agreed. Does any Member object? Okay. Amendment 118 is agreed.

*Derbyniwyd gwelliant 118 yn unol â Rheol Sefydlog 17.34.
Amendment 118 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 119 (Alun Davies).
Amendment 119 (Alun Davies) moved.*

[147] **Lynne Neagle:** I move amendment 119 in the name of the Minister. The question is that amendment 119 be agreed. Does any Member object? Amendment 119 is agreed.

Derbyniwyd gwelliant 119 yn unol â Rheol Sefydlog 17.34.

Amendment 119 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 120 (Alun Davies).

Amendment 120 (Alun Davies) moved.

[148] **Lynne Neagle:** I move amendment 120 in the name of the Minister. The question is that amendment 120 be agreed. Does any Member object? Amendment 120 is therefore agreed.

Derbyniwyd gwelliant 120 yn unol â Rheol Sefydlog 17.34.

Amendment 120 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 121 (Alun Davies).

Amendment 121 (Alun Davies) moved.

[149] **Lynne Neagle:** I move amendment 121 in the name of the Minister. The question is that amendment 121 be agreed. Does any Member object? Amendment 121 is agreed.

Derbyniwyd gwelliant 121 yn unol â Rheol Sefydlog 17.34.

Amendment 121 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 122 (Alun Davies).

Amendment 122 (Alun Davies) moved.

[150] **Lynne Neagle:** I move amendment 122 in the name of the Minister. The question is that amendment 122 be agreed. Does any Member object? Amendment 122 is agreed.

Derbyniwyd gwelliant 122 yn unol â Rheol Sefydlog 17.34.

Amendment 122 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 123 (Alun Davies).

Amendment 123 (Alun Davies) moved.

[151] **Lynne Neagle:** I move amendment 123 in the name of the Minister. The question is that amendment 123 be agreed. Does any Member object? Amendment 123 is agreed.

*Derbyniwyd gwelliant 123 yn unol â Rheol Sefydlog 17.34.
Amendment 123 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 124 (Alun Davies).
Amendment 124 (Alun Davies) moved.*

[152] **Lynne Neagle:** I move amendment 124 in the name of the Minister. The question is that amendment 124 be agreed. Does any Member object? Amendment 124 is agreed.

*Derbyniwyd gwelliant 124 yn unol â Rheol Sefydlog 17.34.
Amendment 124 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 125 (Alun Davies).
Amendment 125 (Alun Davies) moved.*

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

*Derbyniwyd gwelliant 125 yn unol â Rheol Sefydlog 17.34.
Amendment 125 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 12 (Alun Davies).
Amendment 12 (Alun Davies) moved.*

[154] **Lynne Neagle:** I move amendment 12 in the name of the Minister. The question is that amendment 12 be agreed. Does any Member object? Amendment 12 is agreed.

*Derbyniwyd gwelliant 12 yn unol â Rheol Sefydlog 17.34.
Amendment 12 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 13 (Alun Davies).
Amendment 13 (Alun Davies) moved.*

[155] **Lynne Neagle:** I move amendment 13 in the name of the Minister. The question is that amendment 13 be agreed. Does any Member object? Amendment 13 is agreed.

Derbyniwyd gwelliant 13 yn unol â Rheol Sefydlog 17.34.

Amendment 13 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 14 (Alun Davies).

Amendment 14 (Alun Davies) moved.

[156] **Lynne Neagle:** I move amendment 14 in the name of the Minister. The question is that amendment 14 be agreed. Does any Member object? Amendment 14 is agreed.

Derbyniwyd gwelliant 14 yn unol â Rheol Sefydlog 17.34.

Amendment 14 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 15 (Alun Davies).

Amendment 15 (Alun Davies) moved.

[157] **Lynne Neagle:** I move amendment 15 in the name of the Minister. The question is that amendment 15 be agreed. Does any Member object? Amendment 15 is agreed.

Derbyniwyd gwelliant 15 yn unol â Rheol Sefydlog 17.34.

Amendment 15 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 16 (Alun Davies).

Amendment 16 (Alun Davies) moved.

[158] **Lynne Neagle:** I move amendment 16 in the name of the Minister. The question is that amendment 16 be agreed. Does any Member object? Amendment 16 is agreed.

Derbyniwyd gwelliant 16 yn unol â Rheol Sefydlog 17.34.

Amendment 16 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 126 (Alun Davies).

Amendment 126 (Alun Davies) moved.

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

Derbyniwyd gwelliant 126 yn unol â Rheol Sefydlog 17.34.

Amendment 126 agreed in accordance with Standing Order 17.34.

*Cynigiwyd gwelliant 127 (Alun Davies).
Amendment 127 (Alun Davies) moved.*

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

*Derbyniwyd gwelliant 127 yn unol â Rheol Sefydlog 17.34.
Amendment 127 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 128 (Alun Davies).
Amendment 128 (Alun Davies) moved.*

[161] **Lynne Neagle:** I move amendment 128 in the name of the Minister. The question is that amendment 128 be agreed. Does any Member object? Amendment 128 is agreed.

*Derbyniwyd gwelliant 128 yn unol â Rheol Sefydlog 17.34.
Amendment 128 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 129 (Alun Davies).
Amendment 129 (Alun Davies) moved.*

[162] **Lynne Neagle:** I move amendment 129 in the name of the Minister. The question is that amendment 129 be agreed. Does any Member object? Amendment 129 is agreed.

*Derbyniwyd gwelliant 129 yn unol â Rheol Sefydlog 17.34.
Amendment 129 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 130 (Alun Davies).
Amendment 130 (Alun Davies) moved.*

[163] **Lynne Neagle:** I move amendment 130 in the name of the Minister. The question is that amendment 130 be agreed. Does any Member object? Amendment 130 is agreed.

*Derbyniwyd gwelliant 130 yn unol â Rheol Sefydlog 17.34.
Amendment 130 agreed in accordance with Standing Order 17.34.*

Cynigiwyd gwelliant 131 (Alun Davies).
Amendment 131 (Alun Davies) moved.

[164] **Lynne Neagle:** I move amendment 131 in the name of the Minister. The question is that amendment 131 be agreed. Does any Member object? Amendment 131 is agreed.

Derbyniwyd gwelliant 131 yn unol â Rheol Sefydlog 17.34.
Amendment 131 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 132 (Alun Davies).
Amendment 132 (Alun Davies) moved.

[165] **Lynne Neagle:** I move amendment 132 in the name of the Minister. The question is that amendment 132 be agreed. Does any Member object? Amendment 132 is agreed.

Derbyniwyd gwelliant 132 yn unol â Rheol Sefydlog 17.34.
Amendment 132 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 133 (Alun Davies).
Amendment 133 (Alun Davies) moved.

[166] **Lynne Neagle:** I move amendment 133 in the name of the Minister. The question is that amendment 133 be agreed. Does any Member object? Amendment 133 is agreed.

Derbyniwyd gwelliant 133 yn unol â Rheol Sefydlog 17.34.
Amendment 133 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 134 (Alun Davies).
Amendment 134 (Alun Davies) moved.

[167] **Lynne Neagle:** I move amendment 134 in the name of the Minister. The question is that amendment 134 be agreed. Does any Member object? Amendment 134 is agreed.

Derbyniwyd gwelliant 134 yn unol â Rheol Sefydlog 17.34.
Amendment 134 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 135 (Alun Davies).

Amendment 135 (Alun Davies) moved.

[168] **Lynne Neagle:** I move amendment 135 in the name of the Minister. The question is that amendment 135 be agreed. Does any Member object? Amendment 135 is agreed.

*Derbyniwyd gwelliant 135 yn unol â Rheol Sefydlog 17.34.
Amendment 135 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 136 (Alun Davies).
Amendment 136 (Alun Davies) moved.*

[169] **Lynne Neagle:** I move amendment 136 in the name of the Minister. The question is that amendment 136 be agreed. Does any Member object? Amendment 136 is agreed.

*Derbyniwyd gwelliant 136 yn unol â Rheol Sefydlog 17.34.
Amendment 136 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 137 (Alun Davies).
Amendment 137 (Alun Davies) moved.*

[170] **Lynne Neagle:** I move amendment 137 in the name of the Minister. The question is that amendment 137 be agreed. Does any Member object? Amendment 137 is agreed.

*Derbyniwyd gwelliant 137 yn unol â Rheol Sefydlog 17.34.
Amendment 137 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 138 (Alun Davies).
Amendment 138 (Alun Davies) moved.*

[171] **Lynne Neagle:** I move amendment 138 in the name of the Minister. The question is that amendment 138 be agreed. Does any Member object? Amendment 138 is agreed.

*Derbyniwyd gwelliant 138 yn unol â Rheol Sefydlog 17.34.
Amendment 138 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 139 (Alun Davies).
Amendment 139 (Alun Davies) moved.*

[172] **Lynne Neagle:** If amendment 139 is not agreed, amendment 105 will fall. I move amendment 139 in the name of the Minister. The question is that amendment 139 be agreed. Does any Member object? Amendment 139 is agreed.

*Derbyniwyd gwelliant 139 yn unol â Rheol Sefydlog 17.34.
Amendment 139 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 17 (Alun Davies).
Amendment 17 (Alun Davies) moved.*

[173] **Lynne Neagle:** I move amendment 17 in the name of the Minister. The question is that amendment 17 be agreed. Does any Member object? Amendment 17 is agreed.

*Derbyniwyd gwelliant 17 yn unol â Rheol Sefydlog 17.34.
Amendment 17 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 18 (Alun Davies).
Amendment 18 (Alun Davies) moved.*

[174] **Lynne Neagle:** I move amendment 18 in the name of the Minister. The question is that amendment 18 be agreed. Does any Member object? Amendment 18 is agreed.

*Derbyniwyd gwelliant 18 yn unol â Rheol Sefydlog 17.34.
Amendment 18 agreed in accordance with Standing Order 17.34.*

**Grŵp 17: Cydlynwyr Anghenion Dysgu Ychwanegol Ysgolion Arbennig
(Gwelliannau 41, 42)
Group 7: Special School Additional Learning Needs Co-ordinators
(Amendments 41, 42)**

[175] **Lynne Neagle:** That takes us on, then, to group 17, which relates to special school additional learning needs co-ordinators. The lead amendment in the group is amendment 41 in the name of Darren Millar. I call on Darren to move amendment 41 and to speak to his amendment and the other amendment in this group.

Cynigiwyd gwelliant 41 (Darren Millar).

Amendment 41 (Darren Millar) moved.

[176] **Darren Millar:** Thank you, Chair. I do move amendment 41 and I want to speak to amendment 42 as well. The simple purpose of these amendments is to ensure that special schools are not exempt from the requirement to have a designated additional needs co-ordinator. Now, we know that the role of the additional needs co-ordinators in each school is going to be critical to the success of the new system, once it's implemented, and that the status of those additional needs co-ordinators is going to be very important in terms of the recognition of them as professionals in their field.

[177] We didn't have a great deal of discussion on this matter at Stage 1, because the evidence that came in was very late and was too late, really, for the committee to consider in full, but we did receive a submission from the headteacher of a special school, who confirmed that the vast majority of special school heads who'd attended an all-Wales special school headteachers conference, just immediately prior to the Stage 1 proceedings or immediately prior to the conclusion of Stage 1 proceedings, were in support of having additional needs co-ordinators in special schools. They argued that they wanted to be included in the national debate. They wanted to ensure that they had equal access for funding, for training, and that their staff had the opportunities to progress to more senior roles, and that this was a way of making a pathway to progression into senior leadership teams within their schools. They also said that they wanted to access the ALNCO meetings in a way that their general staff might not be able to if there was no additional needs co-ordinator in each individual school.

[178] Now, as I say, we didn't discuss this a great deal at Stage 1, but, subsequent to the publication of the report at Stage 1, I have had some discussions with headteachers in special schools, and it's very clear that they would like the opportunity to have ALNCOs within their organisations in order to support decision-making processes and to support the engagement of all of their staff, if you like, through that one specialist person in the ALN field. So, that's why I'm making these amendments—to ensure that all maintained schools, without exception, are included within the new scheme.

[179] **Lynne Neagle:** Hefin.

10:30

[180] **Hefin David:** Given the late nature of the evidence that has been presented to the committee, I don't recognise that as a universal view that Darren Millar has presented. As a governor of a special school, I know, within that special school, there are people who have—a number of people have ALNCO roles—equivalent.

[181] With regard to career progression and access to ALNCO meetings, well, career progression: is it the role of a Bill to ensure career progression? There's a question there that can be perhaps answered between Stage 2 and Stage 3. With regard to access to ALNCO meetings, I'd be amazed if a special school was denied that right to receive the necessary training and information that's required. Certainly, that is contained in the kind of discussions that I've had with those special school staff that I am in contact with. Therefore, at Stage 2, given the late nature of the evidence as well, I think it would be appropriate not to move this amendment, and, if it is moved, I wouldn't be able to support it.

[182] **Lynne Neagle:** Are there any other Members who wish to speak? I call on the Minister, then.

[183] **Alun Davies:** I'm grateful to you, Chair. I would invite Members not to support these two amendments. Members will be aware that I've already written to the committee to outline my position following its Stage 1 recommendation on this. When this issue was raised, we actually contacted every special school in the country and asked them their view on these matters. We undertook this exercise before the summer recess, and a clear majority of respondents opposed a statutory requirement for additional learning needs co-ordinators in maintained special schools. So, a clear majority, actually, in a review taking place over the last few months, opposed this suggestion. The reason for that is the reason outlined by my colleague, Hefin David, with whom I agree. Special school teachers have the knowledge and expertise to perform many of the functions that will be conferred upon additional learning needs co-ordinators, and the strategic co-ordination of additional learning needs undertaken by headteachers and the senior management team in special schools is a different sort of situation.

[184] I suspect that the issue here is that which was raised by Darren Millar in his opening remarks, that there is some concern that special schools may not be able to access the opportunities of a wider transformation programme, including in terms of funding, training and development. So, I would wish to confirm to the committee that is not the case, and that all

special schools will be able to access all the opportunities of the wider transformation programme, including funding, including training, including development. I will also confirm that all special schools will be able to attend any meetings that they wish to attend. I will point out very gently to the Member, the Conservative spokesperson on this issue, that special schools also have a number of different networks, which I'm sure our colleague, Hefin David, is aware of, and are able to access all of those informal and formal support networks. Certainly, were headteachers to wish to come to us indicating that they required additional support, additional training, additional development, additional networks, we would be very, very happy to accommodate those needs. So, for those reasons, I would invite Members not to support these amendments.

[185] **Lynne Neagle:** Darren, then, to reply.

[186] **Darren Millar:** Thank you for the response, Minister, and thank you to Hefin also for contributing to this debate. As I say, I haven't had the resource that the Government's had to be able to survey every single school. I have simply spoken to a small number of special schools, and they happen to be a small number that all supported the principle of wanting an ALNCO. Yes, you're quite right, Minister, part of that was about accessing the resource, the additional resource, that's going to be put into the system. I'm not a governor of a special needs school, unlike Hefin David, but I do know governors of special schools in my area, and they were keen to ensure that there was a designated lead, if you like, to take overall responsibility for supporting governing bodies with their obligations in relation to the delivery of additional learning provision. Now, I know, Minister, that you did write to the committee and you made the point that in a special school you would expect everybody to be an ALN professional, effectively, and I understand that position and it's one that I accept. But, in terms of someone taking overarching responsibility for the co-ordination of the ALN provision, the development of IDPs and the training of other professionals in that school, I think it is important that there's a designated lead, and that's why I still think I want to put this matter to a vote. I would be very happy to see the results of the survey that the Minister has said was undertaken. I would be grateful if you could tell the committee now whether you're able to publish that in order to, perhaps, help my thinking develop on this matter.

[187] **Alun Davies:** I'm certainly happy to write to the committee on that matter.

[188] **Darren Millar:** Okay. I think that would be very useful. In that case, I'm quite prepared not to move it, given that assurance that's just been given, and perhaps to reconsider this before Stage 3, if the Minister's prepared to publish that information so that I can take account of it.

[189] **Alun Davies:** I'm happy, Chair, to write to the committee on this matter, but also to confirm—I've already confirmed this morning on the record—that special schools will be able to access all the aspects of the transformation programme, including the funding, and I'm happy to confirm that in writing to the committee as well.

[190] **Darren Millar:** As I say, I'm very grateful for that clarification and I'm very grateful for the assurance that the Minister's given about publishing the results of the survey, but I still think that this issue of having a designated individual in each school, whether that's a special school or any other school, in order to support the governing bodies to deliver on their obligations in the new system, is critically important. And special schools, as it stands, will be the only type of state-maintained school that will be excluded from that and that does concern me. But I'm quite prepared to keep my powder dry until Stage 3, pending the Minister's additional information.

[191] **Lynne Neagle:** Thank you, Darren. So, you wish to withdraw amendment 41, then.

[192] **Darren Millar:** Yes, I do.

[193] **Lynne Neagle:** Does any Member object to the withdrawal of amendment 41? No. Okay. That amendment is withdrawn.

*Tynnwyd gwelliant 41 yn ôl gyda chaniatâd y pwyllgor.
Amendment 41 withdrawn by leave of the committee.*

[194] **Lynne Neagle:** Darren, do you wish to proceed to a vote on amendment 42?

[195] **Darren Millar:** No.

[196] **Lynne Neagle:** Okay. Forty-two, then, is not moved by Darren. Does any other Member wish to move amendment 42? No. Okay. Amendment 42 is not moved.

*Ni chynigiwyd gwelliant 42 (Darren Millar).
Amendment 42 (Darren Millar) not moved.*

*Cynigiwyd gwelliant 19 (Alun Davies).
Amendment 19 (Alun Davies) moved.*

[197] **Lynne Neagle:** I move amendment 19 in the name of the Minister. The question is that amendment 19 be agreed. Does any Member object? Amendment 19 is agreed.

*Derbyniwyd gwelliant 19 yn unol â Rheol Sefydlog 17.34.
Amendment 19 agreed in accordance with Standing Order 17.34.*

[198] **Lynne Neagle:** Before disposing of amendment 140, we will deal with the amendment to that amendment. Llyr, do you wish to move amendment 140A?

*Cynigiwyd gwelliant 140A (Llyr Gruffydd).
Amendment 140A (Llyr Gruffydd) moved.*

[199] **Llyr Gruffydd:** Cynnig. **Llyr Gruffydd:** Move.

[200] **Lynne Neagle:** The question is that amendment 140A be agreed. Does any Member object? Amendment 140A is agreed.

*Derbyniwyd gwelliant 140A yn unol â Rheol Sefydlog 17.34.
Amendment 140A agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 140 (Alun Davies)
Amendment 140 (Alun Davies) moved.*

[201] **Lynne Neagle:** I move amendment 140 in the name of the Minister. The question is that amendment 140, as amended, be agreed. Does any Member object? Amendment 140 as amended is agreed.

*Derbyniwyd gwelliant 140 fel y'i diwygiwyd yn unol â Rheol Sefydlog 17.34.
Amendment 140 as amended agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 141 (Alun Davies).
Amendment 141 (Alun Davies) moved.*

[202] **Lynne Neagle:** If amendment 141 is agreed, amendments 99 and 100 will fall. I move amendment 141 in the name of the Minister. The question is that amendment 141 be agreed. Does any Member object? Amendment 141 is agreed. As amendment 141 was agreed, amendments 99 and 100 fall.

Derbyniwyd gwelliant 141 yn unol â Rheol Sefydlog 17.34.

Amendment 141 agreed in accordance with Standing Order 17.34.

Methodd gwelliannau 99 a 100.

Amendments 99 and 100 fell.

Grŵp 18: Cynllunio'r Gweithlu (Gwelliannau 84A, 84)
Group 18: Workforce Planning (Amendments 84A, 84)

[203] **Lynne Neagle:** That takes us to group 18, which is the final group of amendments, which relate to workforce planning. The lead amendment in the group is amendment 84 in the name of Darren Millar. I call on Darren to move amendment 84 and to speak to his amendment and the other amendment in this group.

Cynigiwyd gwelliant 84 (Darren Millar).

Amendment 84 (Darren Millar) moved.

[204] **Darren Millar:** Thank you, Chair. I want to speak to amendment 84, and Llyr Gruffydd's amendment 84A, which the Welsh Conservatives will be supporting. The purpose of my amendment 84 is to ensure that each local authority and each local health board actually has the staffing capacity to be able to deliver the requirements of the Bill. If the new system of support for learners with additional learning needs is to work, then the Welsh Government must ensure that there's adequate resource and adequate workforce planning with training arrangements put in place to support the implementation of the Bill.

[205] It was recommended that the Bill contained specific provisions that require that, in future, the workforce must have the capacity to deliver additional learning provision through the medium of Welsh in all cases where this is required. Other languages such as British Sign Language may also need to be available within local authorities and health boards where this is the case. The amendment seeks to ensure that these groups will have a duty to make provisions for such languages.

[206] The capacity of the system to meet demand was a key concern for the committee and for stakeholders giving us evidence during Stage 1. The third sector additional needs alliance welcomes this amendment to support the workforce at the front line of implementing this legislation, and they drew particular attention to the fact that the amendment refers to workforce planning for local health boards as well as local authorities and, in doing so, they believe that it reinforces the point that legislation cannot be implemented without proper buy-in from health boards, and that means buy-in in terms of staffing resource as well as financial resources. The Minister has previously accepted that the wording in section 56 could be strengthened. He said that during Stage 1, and he told the committee that he was open to considering changes to that particular section and the wording in that section.

[207] I'm also going to be supporting amendment 84A. The purpose of Llyr's amendment, of course, is to explicitly ensure that the workforce capacity is there to provide services in both English and Welsh. The Welsh Language Commissioner called for a sort of eleventh core aim for the legislation in terms of the ability to deliver services bilingually, and the committee agreed that this was an aim that needed to be delivered by the Bill, as did UCAC and other stakeholders we took evidence from. So, we believe that, in strengthening section 56 in this way, we'll have a Bill that is better, that makes sure that local education authorities and local health boards plan properly for the workforce needs in order that they can deliver on their obligations under the Bill, and I very much hope that the Minister and other Members will be able to support both of the amendments in this group.

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

[209] **Llyr Gruffydd:** Yes, despite seeking to amend it, clearly, I support amendment 84. We need a strong emphasis on workforce planning and, given some of the deficiencies that do exist in terms of the availability of workforce in certain specialisms, in certain geographical areas and, of course, being able to provide services through the medium of Welsh, it is something that needs to be dealt with. Whilst amendment 84 ensures that local authorities and local health boards must consider the capacity of the workforce to deliver additional learning provision through the medium of Welsh, my amendment 84A adds that they must ensure then that they have the required capacity to meet those areas of demand that are currently

lacking by a date agreed between them and Welsh Ministers.

[210] I've made this point previously. We've been berating the lack of availability of practitioners who can provide services through the medium of Welsh for many, many years. It's a regular feature, certainly of my case load, and I know other Members as well have regularly received representations around this. So, my wish is that we see this Bill as an opportunity to create momentum, to create that sense of urgency, that necessity to address this issue and these failings once and for all and not be back here in another five or 10 years having the same discussion. We've heard reference to the organisations who've expressed their support for these amendments. That's borne out of the frustration that they've experienced over many, many years in not being able to access the services that they require. This Bill gives us an opportunity to deal with that once and for all.

[211] **Lynne Neagle:** Thank you, Llyr. Are there any other Members who wish to speak? Can I call on the Minister, then?

[212] **Alun Davies:** Can I take legal advice before I reply to this debate, please?

[213] **Lynne Neagle:** Okay, we will need to take an adjournment then. Thank you.

*Gohiriwyd y cyfarfod rhwng 10:43 a 10:52.
The meeting adjourned between 10:43 and 10:52.*

[214] **Lynne Neagle:** Okay. We will reconvene then. Minister.

[215] **Alun Davies:** Thank you. I'm grateful to the committee for your indulgence. I felt that the Members proposing these two amendments had made a good and strong case for change. This is, of course, quite a crowded field in terms of proposals for local government reform, the existing and proposed Welsh language standards, together with regulations that govern workforce planning within the national health service. So, it would be difficult for me to accept the amendment as it stands today. However, I think that it's fair to say that the Members have made a good case. I certainly agree with the underlying principle behind the amendments as they have been proposed. So, I would like to invite the Members to withdraw the amendments this morning, and I will give an undertaking that I will work with all Members to seek an agreed amendment at Stage 3, if that is necessary,

and if we're able to do so, which would achieve the objectives of this, but would also dovetail with the proposals for local government reform, Welsh language standards, and also the regulations governing the national health service. So, I'm happy to give Members that undertaking, because I think a good case has been made this morning, and I think it's incumbent upon the Government to recognise the power of that argument, and to move if that is necessary.

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

[217] **Darren Millar:** Well, I'm very grateful to the Minister for pausing to reflect on this, and for understanding and appreciating the rationale behind the amendment, and, indeed, amendment 84A as well, and the importance of making sure that workforce planning is somehow addressed on the face of the Bill. So, I'm quite prepared to withdraw my amendment, pending a discussion prior to Stage 3, to see whether there's an opportunity to reframe something that fits better with the other aspects of workforce planning and the obligations upon the organisations that will each be party to the new additional learning needs system. I think it does need to be addressed somewhere on the face of the Bill, and in some way, and I'm quite happy to explore that further with the Minister prior to Stage 3. So, on that basis, I'd like to withdraw my amendment.

[218] **Lynne Neagle:** Thank you, Darren. Before disposing of amendment 84, we will deal with the amendment to that amendment. Llyr, do you wish to move amendment 84A?

[219] **Llyr Gruffydd:** No. following the Minister's statement, I don't wish to move 84A.

[220] **Lynne Neagle:** Thank you. Does any other Member wish to move amendment 84A? Okay. Amendment 84A is not moved, then.

*Ni chynigiwyd gwelliant 84A (Llyr Gruffydd).
Amendment 84A (Llyr Gruffydd) not moved.*

[221] **Lynne Neagle:** Darren has indicated that he'd like to withdraw amendment 84. Does any Member object to the withdrawal of amendment 84? Amendment 84 is therefore withdrawn.

Tynnwyd gwelliant 84 yn ôl gyda chaniatâd y pwyllgor.

Amendment 84 withdrawn by leave of the committee.

[222] **Lynne Neagle:** Llyr, do you wish to proceed to a vote on amendment 101?

[223] **Llyr Gruffydd:** Well, the Minister has indicated to me previously that he would be minded to undertake further discussions around this area prior to Stage 3. I know that Government amendments on this suggest that there should be a review and report every five years. My amendment here, 101, actually had an emphasis as well on acting in response to that, so if the Minister can give an undertaking that we can, prior to Stage 3, discuss options around incorporating a greater focus on action in the Bill around this, then I would be happy to withdraw that particular amendment.

[224] **Lynne Neagle:** Okay. Llyr has indicated, then, that he doesn't wish to move amendment 101. Does any other Member wish to move that amendment?

[225] **Alun Davies:** Do you wish me to give you that undertaking?

[226] **Llyr Gruffydd:** Yes. I was asking if the Minister would actually give that undertaking before I decided not to move it.

[227] **Alun Davies:** Yes, certainly. I recognise the power of the argument that Llyr has made on this matter, and I'm very happy to give the undertaking that we will pursue these discussions prior to Stage 3.

[228] **Llyr Gruffydd:** So, I won't move 101.

[229] **Lynne Neagle:** Okay. Does any other Member wish to move that amendment? Okay. Amendment 101, then, is not moved.

*Ni chynigiwyd gwelliant 101 (Llyr Gruffydd, gyda chefnogaeth Darren Millar).
Amendment 101 (Llyr Gruffydd, supported by Darren Millar) not moved.*

[230] **Lynne Neagle:** Darren, do you wish to proceed to a vote on amendment 85?

*Cynigiwyd gwelliant 85 (Darren Millar).
Amendment 85 (Darren Millar) moved.*

[231] **Darren Millar:** Yes, please.

[232] **Lynne Neagle:** Okay. The question is that amendment 85 be agreed. Does any Member object? [*Objection.*] There is an objection. I will therefore take a vote by show of hands. All those in favour of amendment 85, please show. All those against. So, there voted four in favour, four against. As there's a tied vote, I use my casting vote in the negative against the amendment, and amendment 85 falls.

*Gwelliant 85: O blaid 4, Yn erbyn 4, Ymatal 0.
Amendment 85: For 4, Against 4, Abstain 0.*

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

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 85.
Amendment 85 not agreed.*

*Cynigiwyd gwelliant 28 (Alun Davies).
Amendment 28 (Alun Davies) moved.*

[233] **Lynne Neagle:** I move amendment 28 in the name of the Minister. The question is that amendment 28 be agreed. Does any Member object? No. Amendment 28 is agreed.

*Derbyniwyd gwelliant 28 yn unol â Rheol Sefydlog 17.34.
Amendment 28 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 29 (Alun Davies).
Amendment 29 (Alun Davies) moved.*

[234] **Lynne Neagle:** I move amendment 29 in the name of the Minister. The

question is that amendment 29 be agreed. Does any Member object? No. Amendment 29 is agreed.

*Derbyniwyd gwelliant 29 yn unol â Rheol Sefydlog 17.34.
Amendment 29 agreed in accordance with Standing Order 17.34.*

[235] **Lynne Neagle:** Darren, do you wish to proceed to a vote on amendment 43?

*Cynigiwyd gwelliant 43 (Darren Millar).
Amendment 43 (Darren Millar) moved.*

[236] **Darren Millar:** Yes, please.

[237] **Lynne Neagle:** Okay. The question is that amendment 43 be agreed. Does any Member object? [*Objection.*] There's an objection, so I'll take a vote. All those in favour of amendment 43, please raise their hands. All those against. So, there voted four in favour, four against. As there's a tied vote, I use my casting vote in the negative.

*Gwelliant 43: O blaid 4, Yn erbyn 4, Ymatal 0.
Amendment 43: For 4, Against 4, Abstain 0.*

O blaid:
For:

Yn erbyn:
Against:

Ymatal:
Abstain:

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

David, Hefin
Griffiths, John
Neagle, Lynne
Passmore, Rhianon

*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 43.
Amendment 43 not agreed.*

[238] **Lynne Neagle:** Darren, do you wish to proceed to a vote on amendment 44?

*Cynigiwyd gwelliant 44 (Darren Millar).
Amendment 44 (Darren Millar) moved.*

[239] **Darren Millar:** Yes, please.

[240] **Lynne Neagle:** The question is that amendment 44 be agreed. Does any Member object? [*Objection.*] There is an objection, so I will take a vote. All those in favour of amendment 44, please raise your hands. All those against. There voted four in favour, four against. As there's a tied vote, I use my casting vote in the negative and amendment 44 falls.

*Gwelliant 44: O blaid 4, Yn erbyn 4, Ymatal 0.
Amendment 44: For 4, Against 4, Abstain 0.*

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

*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 44.
Amendment 44 not agreed.*

[241] **Lynne Neagle:** Darren, do you wish to proceed to a vote on amendment 152?

[242] **Darren Millar:** Yes, please. Actually, no—I don't wish to move that. No.

[243] **Lynne Neagle:** Okay. Does any other Member wish to move amendment 152? No. Okay, amendment 152 then is not moved.

*Ni chynigiwyd gwelliant 152 (Darren Millar).
Amendment 152 (Darren Millar) not moved.*

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

102?

Cynigiwyd gwelliant 102 (Llyr Gruffydd gyda chefnogaeth Darren Millar).

Amendment 102 (Llyr Gruffydd supported by Darren Millar) moved.

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

Llyr Gruffydd: Move.

[246] **Lynne Neagle:** The question is that amendment 102 be agreed. Does any Member object? [*Objection.*] There is an objection. Can I ask, then, for all those in favour of amendment 102 to raise their hands? All those against. So, there voted four in favour, four against. As there's a tied vote, I use my casting vote in the negative and amendment 102 falls.

Gwelliant 102: O blaid 4, Yn erbyn 4, Ymatal 0.

Amendment 102: For 4, Against 4, Abstain 0.

O blaid:

Yn erbyn:

Ymatal:

For:

Against:

Abstain:

Brown, Michelle

David, Hefin

Gruffydd, Llyr

Griffiths, John

Millar, Darren

Neagle, Lynne

Reckless, Mark

Passmore, Rhianon

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 102.

Amendment 102 not agreed.

[247] **Lynne Neagle:** Llyr, do you wish to proceed to a vote on amendment 103?

[248] **Llyr Gruffydd:** Given the Minister's previous assurances that he will work with us at Stage 3 to ensure that there's greater clarity around not charging for advocacy services, no, I do not wish to proceed to move 103.

11:00

[249] **Lynne Neagle:** Thank you, Llyr. Does anybody else wish to move

amendment 103? Okay, amendment 103, then, is not moved.

*Ni chynigiwyd gwelliant 103 (Llyr Gruffydd, gyda chefnogaeth Darren Millar).
Amendment 103 (Llyr Gruffydd, supported by Darren Millar) not moved.*

[250] **Lynne Neagle:** Llyr, do you wish to proceed to a vote on amendment 104?

[251] **Llyr Gruffydd:** No, I don't, for the same reason.

[252] **Lynne Neagle:** Does any other Member wish to move amendment 104? Amendment 104 is not moved.

*Ni chynigiwyd gwelliant 104 (Llyr Gruffydd, gyda chefnogaeth Darren Millar).
Amendment 104 (Llyr Gruffydd, supported by Darren Millar) not moved.*

*Cynigiwyd gwelliant 142 (Alun Davies).
Amendment 142 (Alun Davies) moved.*

[253] **Lynne Neagle:** I move amendment 142 in the name of the Minister. The question is that amendment 142 be agreed. Does any Member object? Amendment 142 is therefore agreed.

*Derbyniwyd gwelliant 142 yn unol â Rheol Sefydlog 17.34.
Amendment 142 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 143 (Alun Davies).
Amendment 143 (Alun Davies) moved.*

[254] **Lynne Neagle:** I move amendment 143 in the name of the Minister. The question is that amendment 143 be agreed. Does any Member object? Amendment 143 is agreed.

*Derbyniwyd gwelliant 143 yn unol â Rheol Sefydlog 17.34.
Amendment 143 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 144 (Alun Davies).
Amendment 144 (Alun Davies) moved.*

[255] **Lynne Neagle:** I move amendment 144 in the name of the Minister. The question is that amendment 144 be agreed. Does any Member object?

Amendment 144 is agreed.

Derbyniwyd gwelliant 144 yn unol â Rheol Sefydlog 17.34.

Amendment 144 agreed in accordance with Standing Order 17.34.

[256] **Lynne Neagle:** Darren, do you wish to proceed to a vote on amendment 86?

Cynigiwyd gwelliant 86 (Darren Millar).

Amendment 86 (Darren Millar) moved.

[257] **Darren Millar:** Yes, please.

[258] **Lynne Neagle:** The question is that amendment 86 be agreed. Does any Member object? Amendment 86 is therefore agreed.

Derbyniwyd gwelliant 86 yn unol â Rheol Sefydlog 17.34.

Amendment 86 agreed in accordance with Standing Order 17.34.

[259] **Lynne Neagle:** Before disposing of amendment 145, we will deal with the amendment to that amendment. Darren, do you wish to move amendment 145A?

Cynigiwyd gwelliant 145A (Darren Millar).

Amendment 145A (Darren Millar) moved.

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

[261] **Lynne Neagle:** The question is that amendment 145A be agreed. Does any Member object? [*Objection.*] There is an objection. I will take a vote by show of hands. All those in favour of amendment 145A, please show. All those against. So, there voted four in favour, four against, and, as there's a tied vote, I use my casting vote in the negative against the amendment, which falls.

Gwelliant 145A: O blaid 4, Yn erbyn 4, Ymatal 0.

Amendment 145A: For 4, Against 4, Abstain 0.

O blaid:
For:

Yn erbyn:
Against:

Ymatal:
Abstain:

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

David, Hefin
Griffiths, John
Neagle, Lynne
Passmore, Rhianon

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 145A.
Amendment 145A not agreed.*

*Cynigiwyd gwelliant 145 (Alun Davies).
Amendment 145 (Alun Davies) moved.*

[262] **Lynne Neagle:** I move amendment 145 in the name of the Minister. The question is that amendment 145 be agreed. Does any Member object? Amendment 145 is agreed.

*Derbyniwyd gwelliant 145 yn unol â Rheol Sefydlog 17.34.
Amendment 145 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 146 (Alun Davies).
Amendment 146 (Alun Davies) moved.*

[263] **Lynne Neagle:** I move amendment 146 in the name of the Minister. The question is that amendment 146 be agreed. Does any Member object? Amendment 146 is agreed.

*Derbyniwyd gwelliant 146 yn unol â Rheol Sefydlog 17.34.
Amendment 146 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 147 (Alun Davies).
Amendment 147 (Alun Davies) moved.*

[264] **Lynne Neagle:** I move amendment 147 in the name of the Minister. The question is that amendment 147 be agreed. Does any Member object? Amendment 147 is therefore agreed.

*Derbyniwyd gwelliant 147 yn unol â Rheol Sefydlog 17.34.
Amendment 147 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 148 (Alun Davies).
Amendment 148 (Alun Davies) moved.*

[265] **Lynne Neagle:** I move amendment 148 in the name of the Minister. The question is that amendment 148 be agreed. Does any Member object? Amendment 148 is agreed.

*Derbyniwyd gwelliant 148 yn unol â Rheol Sefydlog 17.34.
Amendment 148 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 149 (Alun Davies).
Amendment 149 (Alun Davies) moved.*

[266] **Lynne Neagle:** I move amendment 149 in the name of the Minister. The question is that amendment 149 be agreed. Does any Member object? Amendment 149 is agreed.

*Derbyniwyd gwelliant 149 yn unol â Rheol Sefydlog 17.34.
Amendment 149 agreed in accordance with Standing Order 17.34.*

[267] **Lynne Neagle:** If amendment 150 is not agreed, amendment 151 will fall.

*Cynigiwyd gwelliant 150 (Alun Davies).
Amendment 150 (Alun Davies) moved.*

[268] **Lynne Neagle:** I move amendment 150 in the name of the Minister. The question is that amendment 150 be agreed. Does any Member object? Amendment 150 is agreed.

*Derbyniwyd gwelliant 150 yn unol â Rheol Sefydlog 17.34.
Amendment 150 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 20 (Alun Davies).
Amendment 20 (Alun Davies) moved.*

[269] **Lynne Neagle:** I move amendment 20 in the name of the Minister. The question is that amendment 20 be agreed. Does any Member object? Amendment 20 is agreed.

*Derbyniwyd gwelliant 20 yn unol â Rheol Sefydlog 17.34.
Amendment 20 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 30 (Alun Davies).
Amendment 30 (Alun Davies) moved.*

[270] **Lynne Neagle:** I move amendment 30 in the name of the Minister. The question is that amendment 30 be agreed. Does any Member object? Amendment 30 is agreed.

*Derbyniwyd gwelliant 30 yn unol â Rheol Sefydlog 17.34.
Amendment 30 agreed in accordance with Standing Order 17.34.*

[271] **Lynne Neagle:** Darren, do you wish to proceed to a vote on amendment 45?

*Cynigiwyd gwelliant 45 (Darren Millar).
Amendment 45 (Darren Millar) moved.*

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

[273] **Lynne Neagle:** The question is that amendment 45 be agreed. Does any Member object? Amendment 45 is agreed.

*Derbyniwyd gwelliant 45 yn unol â Rheol Sefydlog 17.34.
Amendment 45 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 31 (Alun Davies).
Amendment 31 (Alun Davies) moved.*

[274] **Lynne Neagle:** I move amendment 31 in the name of the Minister. The question is that amendment 31 be agreed. Does any Member object? Amendment 31 is agreed.

*Derbyniwyd gwelliant 31 yn unol â Rheol Sefydlog 17.34.
Amendment 31 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 151 (Alun Davies).
Amendment 151 (Alun Davies) moved.*

[275] **Lynne Neagle:** I move amendment 151 in the name of the Minister.

The question is that amendment 151 be agreed. Does any Member object? Okay, amendment 151 is agreed.

*Derbyniwyd gwelliant 151 yn unol â Rheol Sefydlog 17.34.
Amendment 151 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 32 (Alun Davies).
Amendment 32 (Alun Davies) moved.*

[276] **Lynne Neagle:** I move amendment 32 in the name of the Minister. The question is that amendment 32 be agreed. Does any Member object? Amendment 32 is agreed.

*Derbyniwyd gwelliant 32 yn unol â Rheol Sefydlog 17.34.
Amendment 32 agreed in accordance with Standing Order 17.34.*

[277] **Lynne Neagle:** The following 11 amendments are all consequential or minor drafting changes. I therefore propose, in accordance with Standing Order 17.36, that these amendments are grouped in a single vote. Does any Member object? No, okay.

*Cynigiwyd gwelliannau 46, 47, 48, 49, 50, 51, 52, 53, 54, 55 a 56 (Alun Davies).
Amendments 46, 47, 48, 49, 50, 51, 52, 53, 54, 55 and 56 (Alun Davies) moved.*

[278] **Lynne Neagle:** I therefore move amendments 46 to 56 in the name of the Minister. The question is that amendments 46 to 56 be agreed. Does any Member object? Amendments 46 to 56 are therefore agreed.

*Derbyniwyd gwelliannau 46, 47, 48, 49, 50, 51, 52, 53, 54, 55 a 56 yn unol â Rheol Sefydlog 17.34.
Amendments 46, 47, 48, 49, 50, 51, 52, 53, 54, 55 and 56 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 33 (Alun Davies).
Amendment 33 (Alun Davies) moved.*

[279] **Lynne Neagle:** I move amendment 33 in the name of the Minister. The question is that amendment 33 be agreed. Does any Member object? Amendment 33 is therefore agreed.

*Derbyniwyd gwelliant 33 yn unol â Rheol Sefydlog 17.34.
Amendment 33 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 34 (Alun Davies).
Amendment 34 (Alun Davies) moved.*

[280] **Lynne Neagle:** I move amendment 34 in the name of the Minister. The question is that amendment 34 be agreed. Does any Member object? Amendment 34 is agreed.

*Derbyniwyd gwelliant 34 yn unol â Rheol Sefydlog 17.34.
Amendment 34 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 35 (Alun Davies).
Amendment 35 (Alun Davies) moved.*

[281] **Lynne Neagle:** I move amendment 35 in the name of the Minister. The question is that amendment 35 be agreed. Does any Member object? Amendment 35 is agreed.

*Derbyniwyd gwelliant 35 yn unol â Rheol Sefydlog 17.34.
Amendment 35 agreed in accordance with Standing Order 17.34.*

[282] **Lynne Neagle:** The following 10 amendments are all consequential or minor drafting changes. I therefore propose, in accordance with Standing Order 17.36, that these amendments are grouped for a single vote. Does any Member object? No, okay, thank you.

*Cynigiwyd gwelliannau 57, 58, 59, 60, 61, 62, 63, 64, 65 a 66 (Alun Davies).
Amendments 57, 58, 59, 60, 61, 62, 63, 64, 65 and 66 (Alun Davies) moved.*

[283] **Lynne Neagle:** I move amendments 57 to 66 in the name of the Minister. The question is that amendments 57 to 66 be agreed. Does any Member object? Amendments 57 to 66 are therefore agreed.

*Derbyniwyd gwelliannau 57, 58, 59, 60, 61, 62, 63, 64, 65 a 66 yn unol â
Rheol Sefydlog 17.34.
Amendments 57, 58, 59, 60, 61, 62, 63, 64, 65 and 66 agreed in accordance
with Standing Order 17.34.*

Cynigiwyd gwelliant 21 (Alun Davies).
Amendment 21 (Alun Davies) moved.

[284] **Lynne Neagle:** I move amendment 21 in the name of the Minister. The question is that amendment 21 be agreed. Does any Member object? Amendment 21 is agreed.

Derbyniwyd gwelliant 21 yn unol â Rheol Sefydlog 17.34.
Amendment 21 agreed in accordance with Standing Order 17.34.

[285] **Lynne Neagle:** The following eight amendments are all consequential or minor drafting changes. I therefore propose, in accordance with Standing Orders, that these amendments are grouped for a single vote. Does any Member object? Okay, thank you.

Cynigiwyd gwelliannau 67, 68, 69, 70, 71, 72, 73 a 74 (Alun Davies).
Amendments 67, 68, 69, 70, 71, 72, 73 and 74 (Alun Davies) moved.

[286] **Lynne Neagle:** I move amendments 67 to 74 in the name of the Minister. The question is that amendments 67 to 74 be agreed. Does any Member object? Amendments 67 to 74 are therefore agreed.

Derbyniwyd gwelliannau 67, 68, 69, 70, 71, 72, 73 a 74 yn unol â Rheol Sefydlog 17.34.
Amendments 67, 68, 69, 70, 71, 72, 73 and 74 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 36 (Alun Davies).
Amendment 36 (Alun Davies) moved.

[287] **Lynne Neagle:** I move amendment 36 in the name of the Minister. The question is that amendment 36 be agreed. Does any Member object? Amendment 36 is agreed.

Derbyniwyd gwelliant 36 yn unol â Rheol Sefydlog 17.34.
Amendment 36 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 75 (Alun Davies).
Amendment 75 (Alun Davies) moved.

[288] **Lynne Neagle:** I move amendment 75 in the name of the Minister. The

question is that amendment 75 is agreed. Does any Member object?
Amendment 75 is agreed.

*Derbyniwyd gwelliant 75 yn unol â Rheol Sefydlog 17.34.
Amendment 75 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 105 (Alun Davies).
Amendment 105 (Alun Davies) moved.*

[289] **Lynne Neagle:** I move amendment 105 in the name of the Minister. The question is that amendment 105 be agreed. Does any Member object? Amendment 105 is therefore agreed.

*Derbyniwyd gwelliant 105 yn unol â Rheol Sefydlog 17.34.
Amendment 105 agreed in accordance with Standing Order 17.34.*

[290] **Lynne Neagle:** That completes Stage 2 proceedings. Stage 3 begins tomorrow. The relevant dates for Stage 3 proceedings will be published in due course. Can I thank the Minister and his officials for their attendance and also for their engagement with the committee throughout the scrutiny process? I'd also like to place on record my thanks to Members for their hard work, and I'm sure the committee would want me to place on record our thanks to our fantastic team, who have worked incredibly hard in working with us throughout this scrutiny process. So, our thanks for that.

[291] Standing Orders make provision for the Minister to prepare a revised explanatory memorandum, taking account of the amendments agreed at Stage 2. The revised memorandum must be laid at least five working days before Stage 3 proceedings. As you know, Minister, you will receive a transcript to check for accuracy following this meeting. But thank you very much to both you and your officials for your time and your attendance.

[292] **Alun Davies:** I'd like to thank you, as well, Chair, and committee members for the way in which these proceedings have been pursued. I look forward to continuing conversations with Members on all sides of the table in order to reach further agreement prior to Stage 3.

[293] **Lynne Neagle:** Thank you very much.

*Barnwyd y cytunwyd ar bob adran o'r Bil.
All sections of the Bill deemed agreed.*

11:09

Papurau i'w Nodi
Papers to Note

[294] **Lynne Neagle:** We'll move on now then to item 3, which is papers to note. Paper to note 1 is a letter from the Llywydd regarding Senedd@Delyn. Paper to note 2 is a letter from the Cabinet Secretary for Education regarding our inquiry into teachers' professional learning and education. Paper to note 3 is a letter from the Cabinet Secretary for Health, Well-being and Sport with timescales and further information for our inquiry into the emotional and mental health of children and young people. Paper to note 4 is a letter to the Cabinet Secretary for Education on learner travel. Paper to note 5 is a letter from us to the Llywydd and Chair of Business Committee regarding the legislative consent motion on the Financial Guidance and Claims Bill. Are Members happy to note those papers? Okay.

11:10

Cynnig o dan Reol Sefydlog 17.42 i Benderfynu Gwahardd y Cyhoedd o
Weddill y Cyfarfod
Motion under Standing Order 17.42 to Resolve to Exclude the Public
from the Remainder of the Meeting

Cynnig:

bod y pwyllgor yn penderfynu gwahardd y cyhoedd o weddill y cyfarfod yn unol â Rheol Sefydlog 17.42(ix).

Motion:

that the committee resolves to exclude the public from the remainder of the meeting in accordance with Standing Order 17.42(ix).

*Cynigiwyd y cynnig.**Motion moved.*

[295] **Lynne Neagle:** Item 4, then, is a motion under Standing Order 17.42 to resolve to exclude the public for the remainder of the meeting. Are Members content? Thank you.

*Derbyniwyd y cynnig.
Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 11:10.
The public part of the meeting ended at 11:10.*