



# **Cynulliad Cenedlaethol Cymru** **The National Assembly for Wales**

## **Y Pwyllgor Plant a Phobl Ifanc** **The Children and Young People Committee**

**Dydd Mercher, 17 Gorffennaf 2013**  
**Wednesday, 17 July 2013**

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Cynnig o dan Reol Sefydlog Rhif 17.42 i Benderfynu Gwahardd y Cyhoedd  
Motion under Standing Order No. 17.42 to Resolve to Exclude the Public

Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynddi yn y pwyllgor. Yn ogystal, cynhwysir trawsgrifiad o'r cyfieithu ar y pryd.

These proceedings are reported in the language in which they were spoken in the committee. In addition, a transcription of the simultaneous interpretation is included.

### **Aelodau'r pwyllgor yn bresennol** **Committee members in attendance**

Angela Burns

Ceidwadwyr Cymreig  
Welsh Conservatives

Keith Davies	Llafur Labour
Suzy Davies	Ceidwadwyr Cymreig Welsh Conservatives
Rebecca Evans	Llafur Labour
Ann Jones	Llafur (Cadeirydd y Pwyllgor) Labour (Chair of the Committee)
Bethan Jenkins	Plaid Cymru The Party of Wales
Lynne Neagle	Llafur Labour
David Rees	Llafur Labour
Aled Roberts	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Simon Thomas	Plaid Cymru The Party of Wales

**Eraill yn bresennol  
Others in attendance**

Huw Lewis	Aelod Cynulliad, Llafur (Y Gweinidog Addysg a Sgiliau) Assembly Member, Labour (The Minister for Education and Skills)
Grace Martins	Uwch-gyfreithiwr, Llywodraeth Cymru Senior Lawyer, Welsh Government
Simon Morea	Cyfreithiwr, Llywodraeth Cymru Lawyer, Welsh Government
Gemma Nye	Pennaeth Prosiectau Gweithredu a Dirprwy Uwch Swyddog Cyfrifol, Llywodraeth Cymru Head of Implementation Projects and Deputy Senior Responsible Officer, Welsh Government
Ceri Planchant	Cyfreithiwr, Llywodraeth Cymru Lawyer, Welsh Government
Iwan Roberts	Uwch-gyfreithiwr, Llywodraeth Cymru Senior Lawyer, Welsh Government
Emma Williams	Pennaeth Cymorth i Ddysgwyr ac Uwch Swyddog Cyfrifol y Bil, Llywodraeth Cymru Head of Support for Learners and Bill Senior Responsible Officer, Welsh Government

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

Sarah Beasley	Clerc Clerk
Michael Dauncey	Y Gwasanaeth Ymchwil Research Service
Stephen Davies	Cynghorydd Cyfreithiol Legal Adviser
Sarah Sargeant	Dirprwy Glerc Deputy Clerk

*Dechreuodd y cyfarfod am 9.30 a.m.*

*The meeting began at 9.30 a.m.*

**Cyflwyniad, Ymddiheuriadau a Dirprwyon  
Introduction, Apologies and Substitutions**

[1] **Ann Jones:** Good morning, everybody. Welcome to the Children and Young People Committee. I will go through the usual housekeeping rules. Will you check your mobile phones, and, if they are on, turn them off? It does affect both the translation and the broadcasting equipment. We operate bilingually, and channel 0 on the headset is the amplification of the floor language, and channel 1 is the translation from Welsh to English, should you require it. We have not received any apologies and we are not expecting the fire alarm to operate, so, if it does, we will take our instructions from the ushers, who will guide us to the assembly point, or, as I always say, you can follow me because I will be one of the first out of the building.

[2] Do any Members need to declare any interests that they have not already declared on the Members' register of interests? I see that they do not.

**Bil Addysg (Cymru): Cyfnod 1—Sesiwn Dystiolaeth 1  
Education (Wales) Bill: Stage 1—Evidence Session 1**

[3] **Ann Jones:** We will move on to the Education (Wales) Bill. We are at Stage 1 and this is the first evidence session, so welcome to the Minister. It is the first time, I think, that you have been here as the Minister for Education and Skills.

[4] **The Minister for Education and Skills (Huw Lewis):** I believe so.

[5] **Ann Jones:** Welcome, and we look forward to working with you. I know that you have quite a few officials with you. Will you introduce your officials on either side? We have not put nameplates up, because I believe that the officials are going to change as we move through the scrutiny of the Bill. Perhaps you would just like to briefly introduce all of your officials?

[6] **Huw Lewis:** All of them? [*Laughter.*]

[7] **Ann Jones:** Well, we have a list of them here. It is just that we need it for the record. We know who you are—you are the Minister for Education and Skills. Would it help if you just told me who is on either side of you now?

[8] **Huw Lewis:** Okay. I have Gemma Nye on my left hand side, and—

[9] **Mr Roberts:** I am Iwan Roberts.

[10] **Ann Jones:** Okay. At other times, you will be joined by Emma Williams, who is the head of support for learners, and also Grace Martins, who is the senior lawyer. Simon Morea and Ceri Planchant will join in at various parts of the session. Thank you very much for that. We have a set of questions and I have an overarching question to start with, and we will then take in some of your comments. How and why has the Welsh Government's thinking about the content of the Education (Wales) Bill developed over the last couple of years, and why have several of the elements originally identified in that not been included in this Bill?

[11] **Huw Lewis:** That is a very general question, Chair, and I will attempt to answer it as best I can. The Bill, as you currently see it, in its present form, is a piece of common-sense work aimed at making sure that we have the structures that meet the reality of a changing

education system, particularly in terms of the proposals for an education workforce council. We are all aware that post-16 education has changed out of all recognition over the last decade or so. In addition to that, at the other end of the age scale, you have the foundation phase now remaking how our youngest learners are supported in the classroom and in the school more widely. So, there is recognition within those proposals to provide a skill pathway, professional recognition and a system of appraisal, and, indeed, discipline, for a wider educational workforce.

[12] The other aspects of the Bill, if you look at the special needs aspects of the Bill, for instance, are the first steps in our complete transformation, as it will be, of support for learners with additional needs. Also, I suppose you could describe the changes around school term dates, and how inspectors of education and training in Wales are appointed, as a tidying up of the system, for the benefit of parents primarily, and a recognition of parents' difficulties in terms of pinning down childcare arrangements and a recognition of the reality of devolution, when it comes to the inspectors of education.

[13] **Ann Jones:** Thank you very much. We have broken the list down into themes and we have five. The first one is principles of the proposal to register the wider education workforce, and it is David Rees and Rebecca who will take the questions on that.

[14] **David Rees:** Morning, Minister. The Teaching and Higher Education Act 1998 established the General Teaching Council for Wales, and the need to register teachers. Why has the Welsh Government now, at this point in time, decided to expand that into a wider education workforce?

[15] **Huw Lewis:** Thanks for that, David. You are quite right: we currently have the GTCW, of course. What lies behind this legislative reform is recognition, as I was saying earlier—just to expand on that—of the fact that the way education is, in reality, being delivered to our young people has changed markedly over the last decade or so. To focus at the two ends of the age scale, as I mentioned, we now have and expect collaboration between FE and schools in the post-16 age groups. We expect that planning to go on at local authority level, and there are various forms of that across Wales, but there are many more actors in the drama now, in terms of the delivery of learning and support for learners, than simply teachers. We have learning support personnel, and that is mirrored in FE. The distinction between FE and post-16 delivery in schools is becoming increasingly varied. It is blurred in a way that it was not in the past, and our contention is that we need to recognise that in terms of the professionalism that we demand from the people who are involved in learning and learning support, and those people also deserve professional recognition and a career path, if you like, that is supported through a workforce council. Similarly, at the other end of the age scale, we have the foundation phase, which has utterly transformed the way that our youngest learners are supported. Again, learning support in the classroom is as much a part of the day-to-day reality as is straightforward classroom teaching in the traditional sense that we all remember from when we were in that age group.

[16] Throughout the age range, though, there is a need, I think, to recognise that there are professionals stepping up and stepping forward, and we are looking more and more at the necessity of those groups to be recognised professionally and appraised, and the need for them to get over a certain threshold, if you like, in terms of their skills, so that we can recognise these groups—for instance, school technicians would be a group that I would be particularly interested in, in terms of how we develop that role within secondary education in particular. So, within the proposed legislation there is a deal of common sense, really, in terms of making sure that we recognise the reality of how education is currently being delivered, and how it will evolve over the next 10 years, too.

[17] **David Rees:** Clearly, therefore, there is a need to create a professional body to

establish the standards, effectively, but there is also therefore a code of practice required of those professionals. The current GTCW established its own codes of practice, but you seem to be indicating that the Welsh Government will be setting new codes of practice. Why the change?

[18] **Huw Lewis:** Yes, initially. We are all used to the way the system works for teachers, and, as you say, there is a code of practice there that everyone is used to and familiar with. If we are going to widen our professional recognition of the wider teaching and support workforce, then we need to recognise that other skills, and other qualifications, in fact, are coming into play here. The proposal is that, initially, through a task and finish group, and with consultation, the Welsh Ministers would set the initial code of practice, but essentially that would then be handed over to the new professional body—to the education workforce council—and it would become its code of practice, which it would then update and modify as necessary as time went by. You will have noticed within the proposals that we will be making powers to widen the number of groups and professionals that might be drawn in to the remit of the council—people like work-based learner tutors, for instance. We could be looking at youth work as something that we wish to include. These are very different professions, and people with different skills and different qualifications, and we would perhaps have different expectations of the threshold at which they would become recognised. That code of practice must be something that can be modified over time. Initially, the proposal is that Welsh Ministers, in co-operation with the professionals, of course, would set the basic parameters, but that could then be handed over to the council as its code of practice to be updated.

[19] **David Rees:** Will the code of practice, therefore, be for all the categories that you envisage, even beyond the initial four, or will you be setting it in regulations, so that, if it is to be expanded beyond that, there must be some form of consultation and a process to allow those codes of practice to be developed?

[20] **Huw Lewis:** It is going to have to be a step-by-step process. Consultations thus far have shown us that there is potentially a very wide range of professionals involved here who have gone through all sorts of different career paths and qualification paths and so on to get to where they are. It would be hubristic of us to assume that, in an initial code of practice, we could encompass all of that perfectly. So, in the first instance, I think that I am correct in saying that we will be looking at teachers, of course, and also the learning support aspects of what is going on in schools, and in FE as well.

[21] **Ann Jones:** Keith and Simon have some points on this one.

[22] **Keith Davies:** Gofynnaf i yn **Keith Davies:** I will be asking in Welsh. Gymraeg.

[23] Bore da i chi. Un o'r pethau y sylwais arno gyda'r corff newydd hwn yw eich bod yn mynd i edrych ar faint o hyfforddiant mae pobl wedi ei gael a pha gymwysterau sydd gan y bobl newydd hyn. Un peth nad yw efallai'n glir i bawb yw y gall rhywun fynd i ddarlithio mewn coleg addysg bellach heb unrhyw gymhwyster addysg o gwbl. A yw'r corff newydd hwn yn mynd i fynnu bod gan bob darlithydd coleg addysg bellach gymhwyster i ddysgu?

Good morning to you. One thing that I noticed about this new body is that you are going to look at how much training people have had and what qualifications these new people have. One thing that perhaps is not clear to everyone is that anyone can go to lecture in an FE college without any educational qualifications at all. Is this new body going to insist that every lecturer in a further education college must have a teaching qualification?

[24] **Huw Lewis:** The philosophy behind the legislation is that we do move towards a more professionalised workforce in general and that we recognise the professionalism of

those groups. Of course, many of these groups, through the trade unions, have been very supportive of the idea that we bring everyone up to at least a minimum standard and that we make it clear, for instance, through the code of practice, that not only would a minimum level of qualification be required, but that we would also need to identify what it is. Codes of behaviour would also be expectations of these professionals as part of the deal. Generally, we are in essence transferring the logic and the philosophy behind the current expectations and professionalism of teachers to a wider group of learning support staff. Do you want to expand on that at all, Gemma?

[25] **Ms Nye:** With regard to FE lecturers, at the moment, there are regulations that collect their qualifications. So, we would be looking to work with that knowledge and that intelligence, so that the new council, in setting standards or qualifications, does so with regard to the requirements of the newly extended registration workforce. It is one of the things that would need to be taken into account, and the idea is that a one-size-fits-all approach would not be appropriate. So, within the Bill, we have the framework, so that there is a level of flexibility between the qualifications that we require from the different sectors required to register.

9.45 a.m.

[26] **Simon Thomas:** Byddaf yn gofyn fy nghwestiwn yn y Gymraeg.

**Simon Thomas:** I will ask my question in Welsh.

[27] Roeddech chi'n sôn, Weinidog, am ehangu'r gweithlu yn y ddau ben, yn arbennig yn y cyfnod sylfaen ac mewn addysg bellach, a chymorth i ddysgu hefyd, wrth gwrs. A allwch chi roi syniad i'r pwyllgor ynglŷn â'r niferoedd sydd ymhlyg yn y fan hon? Rwyf yn deall bod tua 30,000 ar hyn o bryd yn y gweithlu a ymgorfforir o dan y cyngor presennol. Beth fydd maint yr ehangu? A ydych yn mynd i ehangu i bawb yn syth, ynteu a ydych am ei wneud i'r cohort hwn yn gyntaf? Beth yw'r drefn?

You spoke, Minister, of extending the workforce at both ends, particularly in the foundation phase and in further education, as well as in learning support, of course. Can you give the committee an idea of the total numbers involved? I understand that there are now about 30,000 people in the workforce covered by the current council. What kind of expansion will there be? Will you be including everyone at once, or will you be starting with this cohort? What are the arrangements going to be?

[28] **Huw Lewis:** It would, as I described, be a cohort-by-cohort approach. This is a step-by-step approach, with flexibility built in to the legislation for an evolving situation. The current estimate that we have would mean at least a doubling of the numbers of people covered, as compared to the old GTCW; so it would be 60,000 plus.

[29] **Ann Jones:** Aled, you have a small point on this.

[30] **Aled Roberts:** Er mwyn inni fod yn hollol glir, rydym yn deall mai'r Llywodraeth a'r Gweinidog fydd yn gyfrifol am y cod gwreiddiol, ond mai'r corff ei hun fydd yn gyfrifol amdano ar ôl hynny. Ni fydd ymyrraeth, felly, gan y Gweinidog ynglŷn ag unrhyw newidiadau i'r cod, unwaith y bydd y cod gwreiddiol wedi ei bennu.

**Aled Roberts:** For the sake of clarity, we understand that the Government and the Minister will be responsible for the original code, but that the body itself will be responsible for it after that. The Minister will not, therefore, get involved in any changes to the code, once the original code has been set.

[31] **Huw Lewis:** I will turn to Gemma on this one.

[32] **Ms Nye:** We would be looking to the education workforce council, as we do now to

the GTCW, to be a key partner, working with us in driving up standards. The code needs to be, as is the case with the code that exists for teachers now, a key document in setting out, not only for the profession, but also for parents, pupils, employers and the general public, the standards of practice and conduct expected of those professions. So, we would expect a council that was representative of the registered workforce to establish a code that was fit for purpose to make clear exactly what was expected, building on the success of the existing code for teachers.

[33] **Aled Roberts:** Rwy'n derbyn hynny, ond rwyf eisiau eglurder ynglŷn â'r sefyllfa. Ar hyn o bryd, y cyngor ei hun sy'n gyfrifol am bennu'r cod. Rwyf eisiau deall a fydd gan y Gweinidog unrhyw ymyrraeth ychwanegol o dan y gyfundrefn newydd, o gymharu â'r gyfundrefn bresennol.

**Aled Roberts:** I accept that, but I would like some clarity on the situation. At the moment, the council itself is responsible for setting the code. I would like to know whether the Minister will have any additional powers to intervene under the new system, compared to the present system.

[34] **Mr Roberts:** I think that I can probably assist with the legal framework provided in this Bill. There is a direction-making power for the Welsh Ministers, but that direction-making power can only be exercised in particular circumstances. Any Welsh Minister would be subject to general public law principles in considering the exercise of that direction-making power. In the example of a code of practice, for it to be reasonable for a Welsh Minister to make a direction in relation to an imposed code of practice, that proposed code would have to be so unreasonable that no reasonable body exercising the functions of the council would come up with such a code. In other words, or in layman's terms, it would really have to be quite exceptional circumstances by which that direction-making power would become relevant in relation to the code.

[35] **Aled Roberts:** Ond mae hynny yn gyfundrefn wahanol.

**Aled Roberts:** That is a different system, however.

[36] **Mr Roberts:** Ydy.

**Mr Roberts:** Yes, it is.

[37] **Angela Burns:** It gives me slight cause for concern if the Minister can only intervene on the setting of the code in extreme circumstances. You will be aware that we already have a code of practice in operation from the current registration body. Yet, we have that anomaly of six local authorities being in special measures. Some of those authorities are in special measures because of inappropriate action carried out by teachers, and yet those teachers are not being dealt with effectively through the system that already exists. So, if the Minister is not able to say to the new body, 'Look; you have to strengthen your ability to sanction, to train, to improve, to re-educate and to test in order to get that improvement', we will not be able to make this step change that we might need in some areas. We obviously need it because we do have all of these authorities in special measures. As I say, a lot of it is to do with some of the teaching practices that go on.

[38] **Huw Lewis:** Chair, I think that Angela makes some reasonable points here. I have heard her previously describe the question that we are talking about as, 'What teeth does the new body have in terms of standards in particular?' There could be other avenues here that would also be relevant. One of my own personal enthusiasms as a former science teacher is that I have often felt that, having taught in Scotland and in Wales, there is a contrast in those two systems between the status and, frankly, the professional standards of technical staff who assist within schools. This is particularly relevant for science, but also for IT and more widely. That is something that I would like to pursue or ask the council to look at. We can ask, under this system, the council to advise or to go out there to provide us with advice about how such questions might be investigated. However, I would be interested, obviously, in hearing the committee's view on that question surrounding 'teeth', for want of a better

description. This is something that we need to be clear about, and something that we need to get right. The committee's view would be very important to me on this.

[39] **Ann Jones:** We will now move to David. I will just remind people that we are still on the very first section of questions.

[40] **David Rees:** I will just ask one more question, Chair. On the question of teeth, it is not just the teeth that the council will have, but it is also—as Angela was pointing out—the teeth that the Welsh Government would have to ensure that the council uses its teeth, effectively. I have just one final point. In relation to the council, apparently the teeth that you might have would be to appoint council members. What arrangements will be in place to ensure that that is done appropriately and that we have the right people in place, and that if there are failings we have the right actions to change that?

[41] **Huw Lewis:** Appointments would be made by the Welsh Ministers, following a public appointments process. That is the proposal as it stands.

[42] **David Rees:** Just as one final point, you said in Plenary, when you laid down the Bill in the debate, that it was independent of Government. Do you believe that it is still independent of Government?

[43] **Huw Lewis:** The legal basis of the workforce council would essentially be the same as that for the GTCW. Legally speaking, this new body would have the same legal footprint as the current GTCW and, therefore, the same level of independence. The legislation evolves that body into something that has a wider remit and a larger scope in terms of the numbers of people that it is dealing with. Obviously, it will have to deal with a more varied group of people in terms of qualifications, expectations, appraisals and so on, but the legal basis of the council would be the same as the current GTCW.

[44] **David Rees:** Accountability is the issue, and being accountable to the Welsh Government.

[45] **Huw Lewis:** As is the situation at the moment.

[46] **Rebecca Evans:** How do you respond to concerns that having a wider range of staff register with the same body would somehow undermine the professional status of the teaching profession?

[47] **Huw Lewis:** I cannot see that anything that we are proposing here would have such an effect. The body would have to differentiate, obviously, between the different groups that we are talking about here. It is fair to say that if a professional, particularly a professional in contact with a young person, is assisting in the delivery of education in its wider sense, they have to be appropriately qualified and suitable to do that job. They should expect professional recognition for what they are doing and all that that entails, but there is no reason to suppose that the council would be incapable of distinguishing between them. For instance, taking qualifications, a teacher might come to their job with very different qualifications compared to a learning support worker. It would be the council's job to make sure that there is fairness and recognition of the fact that people are coming to education with different skills. Although we value them equally, there would be no question that someone who is a lab technician, for instance, would be expected to be in exactly the same situation, professionally speaking, in the view of the council, as a deputy headteacher. I note that those differences remain.

[48] **Rebecca Evans:** You have said that, in future, you would like to add the categories of youth workers, work-based learning tutors and support staff to the body. Why do you propose to do this through subordinate legislation rather than putting it in the Bill itself?



[49] **Huw Lewis:** That is because of what we have learned from the consultations that have gone on thus far. They have been wide-ranging consultations with full feedback from interested parties. There has been a feeling that, although those two groups of people are obvious ones for consideration, the differences—coming back to the last question—in terms of qualifications, expectations and where those people fit in to the support network around young people are very different from what the GTCW has been dealing with in the past. It is very different from classroom support, in the sense that we are used to. The proposal is that we take this step by step and make sure that we fully understand what we are expecting of those groups and what they might expect in terms of professional recognition from the workforce council as time goes on. So, there is recognition within the legislation that we have to run before we can walk. I mean walk before we can run. *[Laughter.]*

[50] **Ann Jones:** It would be quite nice the other way.

[51] **Huw Lewis:** I will just get my coat.

[52] **Rebecca Evans:** I have one last question with regard to the code. The Bill says that, in preparing the code, Ministers must consult such persons and bodies as they consider likely to have an interest in the code. Would it be your intention to consult with children and young people themselves, in an age-appropriate way, on the development of the code?

[53] **Huw Lewis:** Yes. I think that that would be demanded by our way of working and other legislation. Considering my previous role as Deputy Minister for children, that is something that I would obviously want to bring to the table as something that is necessary.

[54] **Ann Jones:** We will move on to theme 2, the practical arrangements for the new registration body, with Simon and Aled.

[55] **Simon Thomas:** Rwyf am ofyn yn gyntaf, Weinidog. Yn gyntaf, mae eisiau bod yn glir bod dau fath o safonau yn cael eu trafod yn y Bil hwn. Mae safonau proffesiynol—ymddygiad y gweithlu ac ati—ac mae safonau dysgu, sef y safonau rydym fel arfer yn eu trafod yn y Cynulliad hwn. I fi, mae'r Bil yn ymwneud â'r ddau, mewn gwahanol ffyrdd. A ydych chi'n cytuno â hynny? A fedrwch chi ddweud ychydig am y ffordd y gallwch fod yn glir ynglŷn ag effaith y Bil ar y ddau set o safonau gwahanol?

**Simon Thomas:** I will ask the first question, Minister. First, we need to be clear that there are two kinds of standards being discussed in this Bill. There are professional standards—the conduct of the workforce and so on—and there are teaching standards, which we usually discuss as standards in the Assembly. To me, the Bill is involved with both in different ways. Do you agree with that? Could you say a little about the way in which you can be clear about the impact of the Bill on the two sets of different standards?

[56] **Huw Lewis:** Yes, the Bill does deal with both. As you say, we are quite used to the idea of professional standards, the paper qualifications that people bring to the table in terms of their work. As I say, in terms of the set-up, the code of practice would be very important in terms of making sure that we get this right. I cannot come here today with a fully fledged set of proposals about what that might say in terms of wider standards that might be expected, but that is certainly something that the task and finish group that I mentioned, through a wider consultation with professionals and other interested parties, would need to look carefully at. I can see Iwan gesticulating quietly here; would you like to add something?

10.00 a.m.

[57] **Mr Roberts:** Yes. You are quite right that there are these two distinct elements, one being poor performance—there will be arrangements in place for each particular sector of the

education workforce for that—and then, on top of that, you have the code of practice, as the Minister was saying. The intention is that the totality of all that will drive forward standards in terms of performance and also the professionalism, if you like, of the different sectors within the education workforce.

[58] **Huw Lewis:** So, this is the framework, essentially, to enable that to be constructed.

[59] **Simon Thomas:** Pan oeddwn yn edrych ar yr ymgynghoriad, roedd rhywbeth ynddo a'm tarodd i. Roedd yn dweud y dylid ymestyn swyddogaethau'r corff er mwyn ei alluogi i chwarae rôl allweddol wrth sefydlu a monitro safonau o fewn y gweithlu addysg, ac aeth ymlaen i roi cwpwl o enghreifftiau megis gofynion datblygiad proffesiynol parhaus, a gosod safonau proffesiynol ac ati. Y geiriau diddorol yw 'ymestyn swyddogaethau'r corff'. Dydw i ddim yn meddwl eich bod wedi rhoi blas i ni fel pwyllgor eto, Weinidog, o sut bydd swyddogaethau'r corff yn cael eu hymestyn i wneud y pethau hynny. Rwy'n gweld y bydd y gweithlu yn ehangach, felly rwy'n gweld sut bydd safonau proffesiynol yn cael eu hymestyn i'r gweithlu. Ond, o ran y cam nesaf sy'n dweud y bydd hynny'n arwain at well safonau dysgu, dydw i ddim yn gwybod sut bydd y cam hwnnw'n cael ei gyflawni gan y Bil. A oes rhyw fath o enghreifftiau y gallwch eu rhoi i ni o sut fydd hynny yn digwydd? Beth fydd y corff newydd yn ei wneud a fydd yn arwain at yr agenda ehangach o godi safonau yng Nghymru?

**Simon Thomas:** When I was looking at the consultation, there was something in it that struck me. It said that we should extend the functions of the body in order to enable it to play a key role in establishing and monitoring standards within the education workforce, and it went on to give a couple of examples, such as requirements for continuing professional development, and setting professional standards and so forth. The key words are 'extend the functions of the body'. I do not think that you have given us a taste yet, as a committee, Minister, of how the functions of the body will be extended to do those things. I see that the workforce is broader, so I can see how professional standards are extended to the workforce. However, with regard to the next step that says that that will lead to better teaching standards, I am not sure how that step will be delivered through the Bill. Can you give us some examples of how that would happen? What will the new body do that would lead to the broader agenda of raising standards in Wales?

[60] **Huw Lewis:** As I said, the Bill attempts to construct a framework through which we can deliver this sort of change. It is not necessarily the place for detailed description of that kind. I do not think that we should put that kind of thing on the face of the Bill. Professional development is an absolutely critical part of the philosophy behind what we want this machinery to do. This would be the first recognition, for large groups of people, of their professionalism and their place within the education system in Wales. That will be unique to Wales in many ways. Did you want to add something here?

[61] **Ms Nye:** I echo those points. For the first time, this will recognise the contribution that the wider education workforce makes directly to the learning outcomes of individual children and young people. It creates the framework whereby we can set in place arrangements for performance management, continuing professional development, initial training, and all of those issues that, at the moment, we do in relation to teachers, but not others. The best establishments would be doing that, but there is no consistency or assurance that that is happening across the board. So, this is that recognition that all of those education practitioners play a part in improving the outcomes for learners.

[62] **Simon Thomas:** A ydy hynny'n golygu, felly, Weinidog, y bydd y cod cyntaf y byddwch yn ei baratoi ar gyfer pa bynnag grŵp a fydd yn dod mewn yn gyntaf yn

**Simon Thomas:** Does that mean, therefore, Minister, that the first code that you will be preparing, for whichever group comes in first, will take the current level, in the current

cymryd y lefel bresennol, yn y cyngor presennol, ar gyfer athrawon, yn fras, fel y cynsail? Er enghraifft, o ran beth sy'n digwydd gydag athrawon nawr, mae cynlluniau sefydlu ac arfarnu athrawon newydd i sicrhau eu bod yn dechrau ar eu taith broffesiynol yn y ffordd gywir. Rwy'n deall bod gan y cyngor rôl yn hynny. A fydd gan y corff newydd rôl yn sicrhau bod hynny'n digwydd yn achos cynorthwywyr dysgu, er enghraifft?

council, for teachers, broadly, as the foundation? For example, in terms of what is happening with teachers now, there are induction and appraisal arrangements for new teachers to ensure that they start their professional journey in the right way. I understand that the council has a role in that. Will the new body have a role in ensuring that that will happen in the case of teaching support workers, for example?

[63] **Huw Lewis:** You are right to home in on the code of practice. That is the critical piece of work that relates to your concerns. All these things will be assessed initially with reference to that initial code of practice. What that code of practice says and how it is formulated is absolutely critical to setting the new council off on its journey. Again, the committee's views are critical to me on how we get that initial code of practice right. It will set a trend and it will be seen as a precedent by the new workforce council and all of the professionals involved; it will be seen as the gold standard. The initial piece of work can be evolved and can change over time, but getting that right is central to the success of the Bill in action.

[64] **Simon Thomas:** Diolch am hynny. Hoffwn ofyn am ochr arall y geiniog, sef safonau proffesiynol o safbwynt y staff—camymddwyn a diffyg perfformiad—y math o bethau efallai y bydd rhieni a phobl y tu allan yn fwy cyfarwydd â meddwl amdanynt o ran perfformiad staff. Mae'n amlwg bod y corff presennol yn delio gydag achosion disgyblu a chwynion ac ati. Sut byddwch chi'n sicrhau bod y corff newydd yn gallu gosod ei ganllawiau a'i ddulliau o weithredu mewn modd y bydd y cyhoedd—a rhieni'n benodol—yn gallu ymddiried ynddo gan wneud iddynt deimlo bod proses ddiuedd ac annibynnol sydd yn arfarnu'r staff sy'n gyfrifol am ddsygu eu plant?

**Simon Thomas:** Thank you for that. I want to ask about the other side of the coin, namely the professional standards in terms of the staff—misconduct and lack of performance—the type of things that perhaps parents and outsiders might be more familiar with thinking about in terms of staff performance. It is evident that the current body deals with disciplinary issues and complaints and so on. How will you ensure that the new body sets guidelines and ways of working in a way that the public—specifically parents—can trust so that they feel that there is an objective and independent process that appraises staff who are responsible for teaching their children?

[65] **Huw Lewis:** Yes, there is the other side of the coin; the council would be expected and required to investigate cases of alleged professional misconduct and incompetence, dealing with, for instance, the implications of certain criminal offences. In short, it would have a disciplinary function. We have an opportunity in how the code of practice, for instance, is drawn up, to take a close look at what has gone before and how the GTCW handles this side of things. We have an opportunity to put that under the microscope and improve it.

[66] **Simon Thomas:** Faint o achosion sy'n mynd gerbron y cyngor addysgu cyffredinol yn awr? Rydych chi'n dyblu'r gweithlu; a ydych chi'n disgwyl dyblu nifer yr achosion, neu a ydych chi'n disgwyl y bydd dulliau mwy cywir, efallai, o ganfod mwy o achosion? A fydd cyhoedduswydd i'r Bil hwn yn arwain at fwy o gwynion?

**Simon Thomas:** How many cases go before the GTCW now? You are doubling the workforce; do you expect to double the number of cases, or are you expecting, perhaps, that there will be more accurate methods of finding cases? Will the publicity for this Bill lead to more complaints?

[67] **Huw Lewis:** Simon is smiling as he asks the question. [*Laughter.*] These are hypotheticals. This Bill is very much about extending recognition to groups of people; recognising their professionalism, their abilities and the roles that they play as being critical in terms of the future of our young people. I would submit that we need very rigorous standards in return for that recognition. I cannot translate that into numbers.

[68] **Simon Thomas:** The point that I was trying to—and this is a final point, Chair—

[69] **Ann Jones:** Yes. I was going to say, ‘Come on.’ [*Laughter.*]

[70] **Simon Thomas:** The point reflects back to Angela’s point earlier. I think that the perception that many would have is that not an awful lot of cases get through the GTCW at the moment. I do not think that it is numbered in the hundreds, or even in the scores. The new body might well, simply by being a new body, initiate more interest in the way of its use, and it would have to work in a very different way; it is not teachers judging teachers now, but it is a very different body judging a very different profession. I know, in a sense, that you might not be able to answer it, but I think that we all need to be aware of the things that need to be put in place to allow that explosion of interest, which might be over-putting it a little. [*Laughter.*] This would certainly include greater scrutiny of what this body does and how it maintains those professional standards in that wider workforce.

[71] **Huw Lewis:** Exactly. How this set-up works has to have the confidence of the professionals involved and public confidence built into it. Parents, particularly, as well as learners, need to be sure that there is someone watching over them and that the council has that role, and a very onerous role it is.

[72] **Ann Jones:** Dave, you have a point before Aled, who has patiently waited, but I am conscious that we are getting to be like the Committee of the Whole Assembly in moving along, so I am not going to spend that much time now.

[73] **David Rees:** It is a quick point on appraisal, because I notice that, in the Bill, you mention regulations relating to the person being listed having regard to the result of an appraisal and that the registration may be used in determining a registered person’s remuneration. It does not mention whether there should be an action plan created, as the result of appraisal, for development purposes. Will you consider that opportunity, so that we ensure that appraisal is for not just remuneration or deciding whether someone is bad, but development and progression, so they can show how they develop through appraisal?

[74] **Huw Lewis:** I would have thought that that would be part and parcel of good working.

[75] **David Rees:** It should be; I agree. It is just that it would be nice to be sure that it is there.

[76] **Ann Jones:** Right, it is on the record. We will pick it up when we come to write the report. You see, I have moved on to writing the report after we are halfway through the first session.

[77] **Aled Roberts:** Rwy’n meddwl bod Angela a Simon wedi gwneud pwynt pwysig ynghylch nifer yr achosion sydd wedi cael eu cyfeirio at y cyngor yn y gorffennol a’r ffaith bod arweinwyr yn ein hysgolion a’n hawdurdodau lleol sydd yn cael eu beirniadu **Aled Roberts:** I think that Angela and Simon have made an important point regarding a number of cases that have been referred to the council in the past and the fact that there are leaders in our schools and our local authorities who are being criticised because

gan nad ydynt wedi mynd i'r afael â safonau dysgu mewn rhai ysgolion. Felly, bydd yn bwysig, wrth i ni symud ymlaen, i ni ddeall y berthynas rhwng y cyngor newydd, y consortia rhanbarthol a'r awdurdodau lleol a fydd yn gyfrifol am godi safonau, oherwydd os yw'r cyhoedd yn gweld, ar ôl ychydig o amser, nad oes gwella o ran safonau dysgu, hwyrach y bydd beirniadu ehangach ar y gyfundrefn newydd.

they have not dealt with teaching standards within some schools. So, it will be important, as we move forward, for us to understand the relationship that will exist between the new council, the regional consortia and the local authorities, which will be responsible for raising standards, because if the public sees that, after some time, there is no improvement in terms of teaching standards, perhaps there will be further criticism of the new system.

[78] Fodd bynnag, a gaf symud ymlaen at y ffioedd o ran cofrestru? Yn yr ymgynghoriad gwreiddiol, roedd y Llywodraeth yn sôn am ffioedd yn seiliedig ar gategoriâu neu hyd yn oed ffi unffurf, ond mae'r Bil yn sôn am ffioedd yn seiliedig ar fandiau cyflog a chyfraniadau pensiwn. Pam fu newid?

However, may I move on to the fees in terms of registration? In the original consultation, the Government talked about fees that were based on categories or even a flat-rate fee, but the Bill talks about fees that are based on salary lands and pension contributions. Why the change?

[79] **Huw Lewis:** It was simply as a result of what has filtered through in terms of the consultation, but also with an eye to fairness. The council will have to be self-financing. We know where we are with the current financial situation of the GTCW. We also know that that is going to have to change. We know that there will be professionals drawn into the remit of the new council who will have starkly different abilities to pay and contribute. Again, I do not want to set numbers on all of this. Currently, we are talking about £45 for GTCW registration, which gives us a rough starting point, but a formal consultation is proposed on the fee levels next year, 2014, to make sure that we get that right. To my mind, common sense tells you that a scale relating to salaries and pensions would be the fairest way forward, but I would be interested in your views.

[80] **Aled Roberts:** Rwy'n derbyn y bydd ymgynghoriad flwyddyn nesaf ar lefel y ffioedd, ond mae'r opsiynau yn y memorandwm esboniadol yn sôn am incwm craidd ac mae opsiwn 2 yn sôn am gofrestru ymarferwyr yn gweithio mewn ysgolion a bod incwm craidd o £2.3 miliwn, ac, os yw'r cofrestru yn symud ymlaen at y gweithlu ehangach, y bydd incwm craidd o £2.7 miliwn ar gael. A allwch chi esbonio sut yn union y cyfrifwyd yr incwm craidd hwn o ran yr opsiynau?

**Aled Roberts:** I accept that there will be a consultation next year on the fee levels, but the options within the explanatory memorandum talk about core income, and option 2 talks about registering practitioners working within schools and that there is a core income of £2.3 million, and, if that registration moves onto the wider workforce, a core income of £2.7 million is available. Can you explain how exactly this core income was calculated in terms of the options?

[81] **Huw Lewis:** I turn to you, Gemma, for the detail on that.

[82] **Ms Nye:** What we have looked at is the existing GTCW costs and arrangements around cases for registration, disciplinary cases as well as appeals. It is our best estimate based on the increasing registration. So, option 2 deals with extending registration to those in schools and option 3 deals with extending registration, as proposed, to further education and support workers in further education as well. It is based on what we know about existing councils' costs and core functions, and working that up in terms of the extended registration.

10.15 a.m.

[83] **Aled Roberts:** So, it is dependent on cases and appeals, et cetera. Does the modelling include any expectation that the number of cases will increase?

[84] **Ms Nye:** It looks at a proportionate increase in relation to the numbers of extended registration. We have not calculated additional costs expecting a greater proportion of cases for the new registration workforce.

[85] **Ann Jones:** Suzy and Rebecca need to come in on this point, and then I will come back to you, Aled.

[86] **Suzy Davies:** I wonder if you could help me to understand something that is fundamental to this. I notice that the briefing notes that we have had state that this mandatory registration fee is subsidised by Government. With professional mandatory registration, I would have expected my employer to at least help with the cost of registration, but there would be no compulsion to pay for a practising certificate, for example, for me as a solicitor. Is it a commonplace situation within the public sector that anything that requires mandatory registration is subsidised by the employer, which is the state?

[87] **Huw Lewis:** We are taking the GTCW as a jumping-off point or as a model at the moment.

[88] **Ms Nye:** At the moment, the subsidy is part of the standard terms of teachers' pay and conditions, which has been an England-and-Wales document. So, it is a standard requirement under that. We are taking the opportunity to look afresh at the fee. As we have tried to identify in the illustration in the regulatory impact assessment, we are looking at a sliding scale.

[89] **Rebecca Evans:** The council will be self-funding, but the Bill gives Ministers the power to require the council to undertake certain acts. I am looking at section 8, for example, in terms of organising conferences and lectures to promote the profession. What safeguards will be in place to ensure that what Ministers ask of the council will be affordable?

[90] **Huw Lewis:** 'Good working practice' I suppose is the answer to that. I am sure that the council would not be shy in making clear any financial problems that it would be hitting if this were the case. I am not sure that the Bill would necessarily be the place to get into those sorts of questions.

[91] **Ms Nye:** To add to that, we currently fund the council, through grant offer, to undertake certain activities on our behalf. We fund it for those activities. That is within the explanatory memorandum on the existing arrangements.

[92] **Aled Roberts:** Mae'r cymhorthdal ar hyn o bryd yn rhyw £1.056 miliwn y flwyddyn. Os yw'r cymhorthdal hwnnw yn aros yr un fath ond bod y gweithlu'n fwy, mae amcangyfrif yma y bydd y gost i'r Llywodraeth yn codi i oddeutu £2.5 miliwn. A yw'r arian hwnnw wedi cael ei bennu gan y Llywodraeth?

**Aled Roberts:** At the moment, the subsidy is about £1.056 million per annum. If that subsidy remains the same but the workforce increases, there is an estimate here that the cost to Government could increase to around £2.5 million. Has that funding been put aside by the Government?

[93] Mae'r Bil yn rhagweld y bydd mwy o ddatblygiad proffesiynol i gynorthwywyr dosbarth. A oes unrhyw amcangyfrif wedi ei wneud o'r gost ychwanegol, achos, ar hyn o

The Bill sets out that continuous professional development of classroom assistants is to be extended. Has any estimate been made of the additional cost associated

bryd, nid oes cyllid yn cael ei yrru i'r ysgolion gan y cynghorau lleol ar gyfer datblygiad proffesiynol cynorthwywyr dosbarth? Felly, bydd yn rhaid i'r arian sydd ar gael i lywodraeth leol gynyddu, neu bydd pwysau ychwanegol ar ysgolion unigol.

with that, because, at present, no funding is currently sent to schools by local councils for the professional development of classroom assistants? So, the money available for local government will have to increase, or there will be additional pressure on individual schools.

[94] **Huw Lewis:** Anything proposed within the legislation would have to be fully costed, and we would have to meet those costs as part and parcel of passing good legislation.

[95] **Ms Nye:** As you have noted, within the explanatory memorandum, we talk about the costs if the subsidy were to remain. It is not the intention that the subsidy will remain at those levels. The Bill creates the framework for performance management and continuing professional development. When we develop any regulations from that, there will be a detailed consultation and further costing and analysis as part of that.

[96] **Aled Roberts:** So, if it is not expected that the subsidy will change, the expectation, therefore, will be that the individual contribution will increase, whether that is on the individual authority, or on the individual, if you actually change the terms and conditions.

[97] **Ms Nye:** At the moment, we are looking at the sliding scale that is in the annex to the regulatory impact assessment. The other part of the work that we have ongoing to report later this summer is that we are working with GTCW doing an organisational review of the existing council, its structures, its functions and its workload and looking at the size of the council we need for going forward. That is the other part in terms of looking at the fee that is needed to sustain the council going forward.

[98] **Huw Lewis:** This is all about finding the right balance and it would be silly to put numbers on things at the moment.

[99] **Ann Jones:** Fine, thank you. We will move on to theme 3, which is the reform of the registration and approval of independent schools in respect of special educational needs. We have questions from Keith and Suzy.

[100] **Keith Davies:** Gofynnaf fy **Keith Davies:** I will ask my question in nghwestiwn yn Gymraeg eto. Welsh again.

[101] Beth yw prif wendidau'r system bresennol bod yn rhaid cael deddfwriaeth newydd nawr i ysgolion annibynnol sy'n cynnig addysg arbennig i blant? What are the main shortcomings in the current system that you must have new legislation for independent schools that offer special education for children?

[102] **Huw Lewis:** Well, the current system is complicated. In some quarters, it is not well understood. It relies on at least two past education Acts, to which people have to refer. The proposals introduce a whole new level of clarity in terms of the suitability of destinations within independent schools for this group of learners. It essentially hands a register of suitable places to local government, for where particular SEN categories, if you like, would be best catered for. That is not the case at the moment. So, there should be a more streamlined, clearer path, particularly for local authorities to follow, in terms of making sure that they get placements right. Am I answering your question, Keith?

[103] **Keith Davies:** Ydych. Rydych hefyd yn dweud bod yn rhaid i Estyn fonitro'r ysgolion annibynnol hyn yn flynyddol cyn eu **Keith Davies:** Yes. You also say that Estyn has to monitor these independent schools on an annual basis before they can offer places

bod nhw'n gallu cynnig lleoedd i blant ag to children with special educational needs.  
 anghenion arbennig. Onid yw Estyn yn Does Estyn not do that at present?  
 gwneud hynny ar hyn o bryd?

[104] **Ms Williams:** Estyn does monitor independent schools and makes recommendations where there is an application to place an individual learner. The changes within the Bill proposals would mean that there would be a standard way of Estyn going in and doing an annual inspection and then doing a risk-based assessment on a regular basis that would put a greater amount of information, on a consistent basis, into the public domain.

[105] **Huw Lewis:** Essentially, it introduces an element of stability into the situation, both for the school and for all local authorities in terms of their forward planning. There is a clearer landscape out there about where suitable places exist and how local authorities could navigate towards the appropriate place. The quid pro quo is that, in relation to that service particularly, Estyn will keep an eye on it.

[106] **Keith Davies:** Ai dim ond i'r **Keith Davies:** Is it only to the independent  
 ysgolion annibynnol sydd wedi cael eu schools that have been registered that local  
 cofrestru y bydd yr awdurdodau lleol yn gallu authorities will be able to send children?  
 anfon plant?

[107] **Ms Williams:** If an independent school had not registered through section 160, through the new route, but then wished to admit, it could make an application to have the scope of its registration amended. So, there is an opportunity for a school to extend its provision to SEN learners beyond the original registration process.

[108] **Keith Davies:** Fodd bynnag, fy **Keith Davies:** However, my question was to  
 ngwestiwn i oedd yn ymwneud ag do with local authorities. Is it only to the  
 awdurdodau lleol. Ai dim ond i'r ysgolion schools that have been registered that the  
 sydd wedi cael eu cofrestru y bydd yr local authority will be able to send a child  
 awdurdod lleol yn gallu anfon plentyn sydd with special educational needs?  
 ag anghenion arbennig?

[109] **Huw Lewis:** I think I am correct in saying that, within Wales, yes. However, there would still be the possibility of children and young people being placed outside of Wales, if existing provision was not within the boundaries of Wales, in which case existing legislation would apply. I think I am correct in saying that.

[110] **Ms Williams:** Yes.

[111] **Keith Davies:** Beth yw hwnnw, te? **Keith Davies:** So, what is that, then? That  
 Dyna oedd fy nghwestiwn nesaf yn mynd i was going to be my next question, because a  
 fod, achos mae nifer o blant o Gymru yn number of children in Wales go to schools in  
 mynd i ysgolion yn Lloegr oherwydd bod England because they have special  
 anghenion arbennig arnynt. Bydd hynny'n educational needs. That situation will remain,  
 parhau, felly a fydd yr awdurdod yn gallu so can the authority decide that they go to  
 penderfynu eu bod yn mynd i'r ysgolion hyn these schools in England without Estyn or the  
 yn Lloegr, heb fod Estyn neu Lywodraeth Welsh Government having any idea of the  
 Cymru ag unrhyw syniad beth yw safon yr standards of those schools? I can tell you now  
 ysgolion hynny? Gallaf ddweud wrthoch chi that I know of an example of where one child  
 nawr fy mod yn gwybod am enghreifft lle goes to a placement in England, and it costs  
 mae un plentyn yn mynd i le yn Lloegr, ac £0.25 million a year to the authority.  
 mae'n costio £0.25 miliwn y flwyddyn i'r  
 awdurdod.



[112] **Huw Lewis:** We are not in a position to legislate for schools in England. I think it would be very short-sighted of me to assume that every possible need could be met within the system in Wales. We are talking about a very diverse group of young people, and the possibility remains that needs could be met only elsewhere in the UK. It is not just England, obviously; we are also talking about Scotland and Northern Ireland here, and those jurisdictions have their own systems.

[113] **Ann Jones:** Suzy is next.

[114] **Suzy Davies:** Minister, may I ask you a question on Estyn's role as a result of these changes? We have not got that many independent schools in Wales, from memory, and I would imagine that quite a lot of those are primarily for special educational needs anyway, and will be registered in some way, and Estyn is already visiting them. I appreciate that this statute will make that annual, and therefore that certainty comes into it, but will it also allow Estyn to do any deeper and wider work in those individual schools? There will be schools that are independent that are not just for SEN provision, so is it giving Estyn a back-door way into examining the general scope of those schools more in depth, or will it be restricted to SEN?

[115] **Huw Lewis:** This is about SEN. You quite rightly say that a number of these schools are primarily for SEN. They are a small number; I think the total number is 60-something, and almost 40 of them are already engaged in this sort of work, and so they are known by Estyn and so on. The estimate that I have seen is that the likely increase in terms of numbers of registrations would be about 12 schools, but the relationship with Estyn is about SEN.

[116] **Mr Morea:** It is important to note that Estyn does inspect independent schools anyway. These extra 12 schools will receive an annual monitoring visit to make sure that the placement is appropriate. That does not happen at the moment in respect of—

[117] **Suzy Davies:** No, I understand that. That is uncontroversial as far as I am concerned. I just want to ask you about the actual impact of these. As I say, we are talking about a small number of schools, and there was a very small number of respondents to the consultation. Did you get a sense that that was because independent schools in particular did not think that these changes would have a big effect on their day-to-day life? As you said, most of these are registered already.

[118] **Huw Lewis:** Yes, that is very much the impression I formed: that the independent schools concerned do not see this as anything remarkable, out of the ordinary, or anything that they need to be worried about. All the schools were written to. I have the terminology wrong, but there is an annual conference, is there not, of independent schools in Wales?

[119] **Ms Williams:** Yes.

[120] **Huw Lewis:** This was presented to the annual conference of those schools, and that small number of responses is what has come back. My interpretation is that people are relaxed about this.

10.30 a.m.

[121] **Suzy Davies:** Local authorities strike me as a bit relaxed about this as well. I am guessing that most of them will have been interested in placing children in schools already registered, rather than looking for these one-offs where special permission had to be given by Welsh Ministers anyway. So, this consolidation, is it getting rid of law that we did not need, particularly?

[122] **Huw Lewis:** Well, it is a streamlining, as I say. It is within the powers and the remit

of local authorities to hunt high and low for suitable placements and to do a bespoke job for individual learners. We have to allow them to do a good job in that regard.

[123] **Suzy Davies:** How did your conversations with local government pan out when it came to reminding authorities that they now have to be completely sure that the placement of the child is very specific to their needs? Given that the schools will, in the majority, have a very general SEN registration, it does not necessarily mean that they are the best fit for the individual child. So, will these changes still protect the individual child enough, when we are talking about general registrations for SEN?

[124] **Huw Lewis:** Well, yes. You are talking about a local authority doing its job to the utmost of its ability.

[125] **Suzy Davies:** I would hope so.

[126] **Huw Lewis:** We would all expect that. I suppose that what the Bill does here is to put a more user-friendly framework in place so that that can happen. However, it would remain the responsibility of the local authority to do its job properly.

[127] **Mr Morea:** The changes to section 160 will also require the school not just to be registered generally, but to be registered for a specific type of SEN. We are very hopeful that that will mean that local authorities will be able to consult the register, and also the Estyn website, to see what type of SEN that **school** will provide for, so that a better placement can take place.

[128] **Suzy Davies:** If a child's family is unhappy with the school to which their child has been sent, because the local authority has said, 'Oh, it is an SEN school; that is good enough', they still have a right of appeal, I presume, do they?

[129] **Mr Morea:** Yes, but it would not be just an SEN school; it would be an SEN school that catered for that particular type of SEN.

[130] **Suzy Davies:** What if it was the wrong sort of SEN school, then? That is, somewhere that offers quite a wide provision, when the parent thinks that the child should have something more specialist.

[131] **Huw Lewis:** We still have the SEN tribunal, of course.

[132] **Suzy Davies:** That is all I wanted to check. Thank you.

[133] **Ann Jones:** You may have a very brief question, Keith.

[134] **Keith Davis:** I would like to follow this up, because I actually have a case at the moment of a six-year-old child who is really autistic, cannot speak and gets into violent moods with his parents, and they cannot find a school in Wales for him. The parents are looking at somewhere in England now as the only school. Does the authority get involved in terms of a tribunal if the authority does not wish to send that child to that school?

[135] **Huw Lewis:** The authority should, first of all, be proactively on the side of the parent here. It should not be solely the parents' responsibility, and, certainly, this system would be about better enabling local authorities to take a proactive stance in that regard. Of course, we cannot hold a surgery in committee. Did you want to respond, Simon?

[136] **Mr Morea:** The legal framework for appeals, and the local authority's responsibilities in respect of individual children, will not change.

[137] **Keith Davies:** Okay. Thank you.

[138] **Ann Jones:** Right, we have about 20 minutes remaining, and we have two themes that we need to get through. We are going to move to the theme of the specialist post-16 provision for learners with learning difficulties and/or a disability. Angela is first and then Lynne.

[139] **Angela Burns:** Minister, thank you very much indeed. I would just like to put on record my appreciation of the technical briefing that you offered to me and my colleague the other day. I know that I covered then quite a bit of the issues that we are going to talk about again now, so forgive me for rehearsing them, but I just want to make sure that the committee is aware. If I could just try to gallop through Part 3 on persons with learning difficulties, I will ask a couple of quick questions and then perhaps come to some more substantial stuff in a moment.

[140] There is a reference to local authorities providing assessments for young people who appear to have a learning difficulty. So, these may be people who have some form of statement, but they also may be people who do not have one but whose needs have perhaps developed late, or have only just become apparent. I want to clarify whether there is going to be any further guidance in the regulations as to how you make that judgment on ‘appears’, because that seems to be a bit of a woolly word to me. What would appear to me to be somebody with a learning difficulty may not appear to Suzy, for example, as somebody with a learning difficulty.

[141] **Huw Lewis:** Gosh, that is a very particular question.

[142] **Ann Jones:** It is. [*Laughter.*]

[143] **Angela Burns:** Well, if you want to—

[144] **Ann Jones:** If we could have a note to the committee on that, then that might help us in our deliberations, unless you want to answer.

[145] **Ms Williams:** I would be happy to, but, as a starting point, we would say that there will be a code of practice, which will include the criteria and circumstances in which we think it would be appropriate for a local authority to use its power, rather than its duty. That will start to pick up on some of those issues in relation to that particular point.

[146] **Angela Burns:** That is what I wanted to know—whether you were going to have further detail in the code of practice or regulations.

[147] **Huw Lewis:** Yes, if the committee wants it, the committee can have it.

[148] **Angela Burns:** Thank you. To go on a little bit more, there is a point in the Bill where it states that, for the purposes of sub-section ad nauseum,

[149] ‘transport to or from a place where education or training is provided is not to be treated as relating to the provision of that education or training.’

[150] Once again, in the code of practice, will you look at things like transportation and also health issues? You may have somebody, for example, with learning difficulties who ought to go to a certain school, but they also have severe physical disabilities and therefore that school, from a health point of view, would not be appropriate. Will you be trying to tie in all of the other aspects that would help to give proper provision to someone?

[151] **Ms Williams:** In relation to health requirements, within the current process there is a process of negotiation with health and social care colleagues to ensure that the support provided covers all aspects of a learner's requirements when they go into either a specialist placement or into a college with additional support. So, with regard to that, yes, there will be guidance setting out those negotiations and how that should take place.

[152] The transport issue is not covered within these provisions.

[153] **Huw Lewis:** No, it is not a part of the Bill. Essentially, in the two instances that you are talking about, the current system prevails. The Bill does not really delve into those issues.

[154] **Angela Burns:** This is something that I am sure many Assembly Members will have dealt with—where somebody requires and is offered a place, but getting there is not doable.

[155] I am sure that every Assembly Member has had issues of trying to help a parent or a carer secure appropriate education for a child of any age, but we are dealing here with post-16 education. In some ways, that gets more difficult, because post-16, there seems to have been, in many cases, a stepping back by local authorities as to responsibility—and I will have every local authority phoning me up because of that now, but it is true. Then, they become very difficult battles and I appreciate, as I said, the conversation that we had over this. Would you expand on whether you think that point 40E, on the resolution of disputes about assessments of post-16 educational and training needs, is strong enough and has enough teeth—we are obviously very toothy today—and whether it will help to lance what has, at times, become a very toxic area? Would you also explain a little further about the role of the Welsh tribunal and about judicial review per se? I have had parents who have just been told by local authorities, 'Tough. Take us to a judicial review'. Then, of course, there are all of the cost implications of doing that. So, I suppose my last question is this: you have quite a long list under section 46, where it states

[156] 'Regulations made under this section may (among other things)—

- (a) confer functions on the Welsh Tribunal;
- (b) make provision about procedures in relation to case friends;'

[157] Might you add in a point (g) or look at all at the cost, or some kind of cost constraint? Sorry, that is a big question, but if I get it all out, then you can wander around in answering it.

[158] **Huw Lewis:** No, Angela, you are really getting to the heart of the matter here. I suppose that what lies at the heart of these proposals is to make a shift—and Angela used the word 'battle'. Certainly, what we have at the moment seems to revolve around conflict. This quite often tips over into conflict between parents and local authorities in particular. The idea is that we make it very clear that the local authority is responsible for these young people up to the age of 25, so that they do not wash their hands of them and move on when they reach the age of 16. This is something that needs to be planned for and negotiated. People need to be co-operating before the young person reaches the age of 16. Good practice would mean that that was happening quite early on in their progression and that there was a good local set-up for the parents, the learner and the local authority concerned to talk about how things were going to be resolved when the young person leaves the school setting.

[159] I cannot pretend that, within that, there would be automatic resolution of all forms of dispute and that, overnight, everyone would be happy with the situation that they are in. However, the idea that a parent could travel so far and then come up against a blanket refusal where the only option is judicial review would be removed from the system. There would be a

progressive conversation that might go on for some considerable time about the destination of young people when they leave the school setting. Judicial review would remain, tribunals would remain. However, the whole point of this change in legislation is that we have another opportunity, before that kind of extreme is reached, whereby sensible solutions can be reached.

[160] On cost, I am not quite au fait with the sections that Angela was talking about there.

[161] **Angela Burns:** I am not sure what costs are involved in the tribunal element. We know what costs are involved in judicial review.

[162] **Huw Lewis:** I can tell you that there is an overall existing cost for this sort of system, which is roughly around £9 million annually. That is how much the system currently absorbs from Welsh Government funding. I hope and anticipate that we would not have to move too far away from that envelope. Given that the system should be far less fraught, it should allow forward planning on the part of local authorities and FE providers in particular to be sure about what is coming down the track in terms of costs. So, in other words, that co-working should enable a situation whereby local authorities, three or four years in advance, are able to predict how things are going to end up in the main. It should be a much more manageable system in terms of cost pressures than the one that we have at the moment, which could lead to sudden and unexpected expenditure on the part of a local authority. For instance, if it lost a judicial review, it could suddenly be plunged into something that is beyond its budgetary planning. Emma, did you want to come in?

[163] **Ms Williams:** I was going to reiterate that I think that the provisions in the Bill provide far greater safeguards for this group of learners than currently exist. At the moment, there is no dispute resolution service offered. There is no right of appeal to SENTW. There is only judicial review, which is very limited in what it can actually tackle. So, this is the first time that these learners will actually have a route for recourse if they are not happy with the assessment of their needs or the provision being offered to meet those needs.

[164] **Angela Burns:** Is there a cost on the learner to go to tribunal? That is what I am not quite sure of.

[165] **Ms Williams:** There may be costs if they sought independent legal advice to support them, in which case it would be down to the provisions relating to any support for that as to whether they would have to meet those costs. The costs are fairly limited and there are provisions within the Bill to provide advocacy services to support people who are engaging in an appeal.

[166] **Suzy Davies:** Minister, in attempting to resolve one area of conflict, I wonder if, perhaps, you might by opening another area for scope for new conflict. In removing the obligation on Welsh Ministers, in this case through Careers Wales, to make the independent assessment in the first place and transferring that obligation to local authorities, is there not a risk that local authorities might be tempted to, shall we say, under-assess an individual's needs, knowing that, further down the line, they are going to be expected to pay for meeting those needs? Can you not see that there is a chance that parents might want to speak to tribunals at that stage, rather than further down the line?

10.45 a.m.

[167] **Huw Lewis:** Yes, if you had a suspicious mind, you would be worried about that as a potential outcome. The existing safeguards remain, as I said. The tribunal side of this remains. However, you make an apposite point. Would you like to comment on that, Emma?

[168] **Ms Williams:** You could look at it cynically and say that there may be an incentive for local authorities to underestimate, in which case, the tribunal would be able to look at the needs assessment and say whether it is an appropriate assessment of those needs. We also have other safeguards. Local authorities are subject to inspection through the Estyn framework, which includes looking at the way that they provide for these learners. There are regulation-making powers in the Bill that allow us to set down the process for undertaking an assessment and what the assessment and the report of that assessment must contain. So, there are a number of safeguards there that should be able to deal with those issues.

[169] **Huw Lewis:** Overall, there should be a lessening of pressure on local authorities. We all know that local authorities are concerned about the cost element of these issues, but there is much more of an opportunity, if local authorities do their job right, to be able to predict what is coming down the road for them. If they are working with young people and their parents at the age of 12, instead of suddenly expecting Careers Wales to hand them a fait accompli at the age of 16, then there should be, with everyone doing their job right, the ability for people to at least understand what the near future holds financially.

[170] **Ann Jones:** There is a brief question from Aled and then we will go back to Angela, but time is pressing.

[171] **Aled Roberts:** I think that there is a problem because, currently, Careers Wales brings pressure to bear in that last year, when it is clear that the local authorities are not responding. Given that we are not moving forward with an additional learning needs agenda as we originally envisaged, are you able to tell us when that ALN agenda will move forward and whether there will be any requirement in the individual development plans for authorities to engage? The cross-party group on neurological conditions in the Assembly has heard evidence that there are still a high percentage of children with very complex needs—we are not talking about the ones with what might be just an apparent need, but complex needs—but local authorities are not engaging with them until, in some cases, after their sixteenth birthdays.

[172] **Huw Lewis:** You are absolutely right. The strength of this little aspect of the legislation is in getting away from that almost hand-to-mouth system that is fraught, with a lot of potential for conflict. It is also right to point out that these are the first steps in terms of a wider additional learning needs agenda that we intend to pursue legislatively during this Assembly. I do not know whether we have said anything else about timescales in terms of the wider steps that are necessary, but I think that it is good sense to bring these aspects of the system under the microscope in this Bill and to get this sorted out as quickly as possible. That is partly because it is an area that I know that every single Assembly Member has sometimes found quite disturbing and unsettling, with real-life stories about children and young people being caught up in the system as it is. I think that one thing that everyone would agree on is that the system as it is is not fit for purpose. However, Aled is quite right; this is not the be-all and end-all. These are the first steps in terms of the wider additional needs agenda that we are going to have to address.

[173] **Ann Jones:** Angela has the last question.

[174] **Angela Burns:** I reinforce Aled's point because, in a country where we have, in some areas, children waiting seven years for a statement for autism—and they do not get it until they are 13 or 14 years old, so their life chances have whizzed by in a flash of an eye—I would not only urge but I would offer to do anything that we as a party could do, to support you in bringing forward that second bit of legislation, because we have to get those local authorities to really engage at an early age. I suppose that my last question to you, Minister, is: do you see any role at all for the regional consortia in this, or are they not part of this at all?

[175] **Huw Lewis:** First of all, thank you for the constructive comments. Likewise, I am very interested in this legislation and I do not see it as a party political piece of legislation. This is about good law being made for the benefit of these children and young people. I am sorry; I have forgotten the second part of your question now.

[176] **Angela Burns:** It was about the regional consortia.

[177] **Huw Lewis:** Regional consortia are going to affect the way that everything is done over time. There should be, within a consortium system, an even greater potential for good forward planning, for avoiding financial shocks, and greater capacity within the system, greater expertise at the disposal of parents and young people, and all the spin-offs that we would expect from consortium working as described in the Hill report.

[178] **Ann Jones:** I now call on Lynne.

[179] **Lynne Neagle:** The Welsh Government has expressed a preference for option 4 as the delivery mechanism for these changes, rather than option 2. Can you tell the committee the main reasons why the Welsh Government favours option 4, please?

[180] **Huw Lewis:** It is the best collaborative option, in our view. It is the most likely, to my mind, to support the collaboration between local authorities and the post-16 provider. That means that planning and supporting learners within the local context, particularly, are best addressed by option 4.

[181] **Lynne Neagle:** Has local government expressed a preference between the two options?

[182] **Ms Williams:** It has not specifically been offered the two options in those blander terms and asked to choose, but our discussions with local government colleagues have indicated that they are relatively comfortable with the broad proposals. They can see the logic in the principles that we are trying to achieve here. They can also see that going for option 2, which would have placed a greater level of responsibility on them in relation to the funding of FE placements and things like that, would add bureaucracy and complexity, rather than reduce it, which is what we are trying to achieve here.

[183] **Lynne Neagle:** Has local government sought and received any assurances regarding the funding of option 4?

[184] **Huw Lewis:** The regulatory impact assessment sets out the estimated costs. I have touched on this already. Of course, we have the historic spend that we can understand on the system that currently runs with Careers Wales, and the spend on specialist placements. It is my understanding that, at present, that envelope of spend is about £9 million across Wales annually. So, I would not anticipate that there would be any sudden change in that overall level of spend. The RIA, I think, sets that out.

[185] **Ann Jones:** Suzy has a very small point to raise.

[186] **Suzy Davies:** Yes. As you know, there is another Bill going through this place at the moment regarding the classification of further education colleges. Does either of these options strike you as having any potential impact on that classification?

[187] **Huw Lewis:** No.

[188] **Suzy Davies:** Good. *[Laughter.]*

[189] **Huw Lewis:** Unfortunately, the classification of FE has been sort of foisted on us, really. It is an unhappy situation about some technical changes that the Office for National Statistics is involved with. We have to deal with that. It is a technical question about how FE is designated, more than anything else. So, I would not see any impact.

[190] **Suzy Davies:** Will you double check that, because, obviously there is a direct funding mechanism under option 4?

[191] **Huw Lewis:** Absolutely.

[192] **Suzy Davies:** Thank you.

[193] **Ann Jones:** The last thing that we want to look at today is school term dates and appointments to Estyn. To give it a fair hearing, Minister, can we push this meeting back 10 minutes or so? You are not desperate to be anywhere, are you?

[194] **Huw Lewis:** I am afraid that I am launching a children and young people's action plan immediately after the committee meeting.

[195] **Ann Jones:** Oh, right; okay. I am sure that they will wait for you; you are a very important person. [*Laughter.*]

[196] **Huw Lewis:** There are children waiting at the other end of this building. [*Laughter.*]

[197] **Ann Jones:** Okay, then. Bethan is first, and then Simon.

[198] **Bethan Jenkins:** Mae'r mater hwn yn bwysig i ni i gyd, ac fe'i codais gyda'r Gweinidog blaenorol, Leighton Andrews, ar lawr y Siambr, achos mae nifer o bobl wedi dod ataf gyda phroblemau rhwng awdurdodau lleol ac o fewn awdurdodau lleol o ran tymhorau ysgol. A allwch ddweud i ddechrau a ydych yn hapus eich bod chi fel Gweinidog wedi cael cysondeb rhwng y pŵer sydd gan awdurdodau lleol a'r ysgolion penodol, a'r pŵer sydd gan y Gweinidog a'r Llywodraeth i gysoni tymhorau ysgol?

**Bethan Jenkins:** This issue is important to us all, and I raised it with the previous Minister, Leighton Andrews, on the floor of the Chamber, because a lot of people have come to me about problems between local authorities and within local authorities with regard to school terms. Could you say to begin with whether you are happy that you as Minister have achieved consistency between the power that lies with local authorities and specific schools, and the power that the Minister and the Government have to harmonise school terms?

[199] **Huw Lewis:** I think so, in terms of the proposals that we have in front of the Assembly. Essentially, what we are asking for here is a duty of co-operation, a duty for them to co-ordinate with each other—that is, schools, governing bodies and local authorities—and if all else fails, or there are exceptional circumstances, there is a power of direction from the Minister, which strikes me as being the way a dispassionate observer would naturally set these things up this.

[200] **Bethan Jenkins:** Diolch am yr ateb hwnnw. Mae lot o bobl wedi dod ataf i yng nghyd-destun yr ysgolion ffydd—hyd yn oed o fewn awdurdodau lleol, mae problemau yn barod yng nghyd-destun y ffaith bod ysgolion Catholig mo'yn cael tymhorau gwahanol ar gyfer *Holy Week*, er enghraifft. Sut ydych yn

**Bethan Jenkins:** Thank you for that response. A lot of people have come to me in the context of faith schools—even within local authorities, there are already problems in the context of the fact that Catholic schools want to have different school terms for Holy Week, for example. How do you think this



credu bod y ddeddfwriaeth wedi cymodi hynny, ac a fydd y problemau sy'n digwydd ar hyn o bryd o ran tymhorau gwahanol i ysgolion yn cael eu cydnabod yn y ddeddfwriaeth benodol hon? legislation has reconciled that, and will the problems that occur at present in relation to varying terms in different schools be recognised in this specific legislation?

[201] **Huw Lewis:** You are quite right to say that these issues already exist within local authority areas; there are, out there, local authorities that work in partnership with faith schools very well in trying to resolve concerns around Easter in particular, and they have a good historical track record of making it work. Under that duty of co-operation and co-ordination, we would expect all local authorities to take a sensitive approach to this issue in particular. We know that it is a resolvable problem, because we know that some local authorities do this as a matter of course. So, I am very much aware of the issue, and very sensitive towards it.

[202] I do not think that there is any pretence in the legislation that we will somehow, through it, reach some kind of Napoleonic timetabling of schools in Wales. There will no doubt still be some kind of variation across the country as a whole, although we hope that, within a local area, they will be able to co-ordinate things as well as can be managed. The phrase in the legislation is that the dates are to be,

[203] 'the same (or as similar as can be)'.

[204] The aim here is to offer a better environment for parents for holiday-setting and childcare, of course. It is not to introduce some kind of top-down diktat from Welsh Ministers about exactly when lessons begin and when they end.

[205] **Bethan Jenkins:** Ond dyna beth yr oeddwn yn trio dod ato, achos nid oes cymaint o wybodaeth ynglŷn â'r pŵer disgresiwn fydd gan y Gweinidog, er enghraifft, os bydd awdurdod lleol yn parhau i fod yn broblem wrth beidio â chymodi ysgolion ffydd. A fydech chi, fel Gweinidog, yn ymyrryd a dweud, 'Wel, sori, ond rhaid i chi newid eich system'? Rwy'n cydnabod yr enghreifftiau sydd wedi cael eu rhoi o ran digwyddiadau mawr, ac mae hynny'n rhesymol, ond pryd bydd rheswm i'r Gweinidog—sef chi—ymyrryd yn hynny o beth? **Bethan Jenkins:** That is what I was trying to get to, because there is not that much information about the discretionary power that the Minister will have, for example, if a local authority continues to be a problem by not harmonising faith schools. Would you, as Minister, intervene and say, 'Well, sorry, but you have to change your system'? I do recognise the examples that have been given in terms of major events, and that is reasonable, but when will there be a reason for the Minister—namely you—to intervene in that regard?

11.00 a.m.

[206] **Huw Lewis:** I think that there are two circumstances. One would be some kind of irretrievable breakdown of communication between schools' governing bodies and the local authority—perhaps a breakdown of trust so that things were not operating—and, in which case, the Minister would be able to step in as a fair and dispassionate arbitrator. I think that we have to have that exceptional circumstance issue written in to this as well. In happy circumstances, we could be talking about things like major sporting events—for instance, the Commonwealth Games might come to Merthyr. [*Laughter.*]

[207] **Simon Thomas:** Is that a bid?

[208] **Huw Lewis:** There we are; you heard it here first. [*Laughter.*] You would want to be

sure that children could take the best advantage of experiences like that.

[209] There could be unhappy circumstances too. My mind turns to the measles outbreak in Swansea and the old West Glamorgan area that we have seen. That perhaps did not necessitate a change of school dates, but we could, in the future, be facing a much more serious health issue that necessitated children not mingling at school. I think that we have to have that power as a reserve, to face up to situations that might come about.

[210] **Bethan Jenkins:** Mae'r cwestiwn olaf sydd gennyf am yr hyn sy'n digwydd yn Lloegr ar hyn o bryd, lle bydd y pwerau yn cael eu rhoi i'r *governing bodies*—beth bynnag yw hynny yn y Gymraeg. Mae'n ymddangos bod polisi gwahanol iawn yn cael ei weithredu yno. A yw hynny yn mynd i gael unrhyw effaith amoch chi fel Llywodraeth?

**Bethan Jenkins:** The final question that I have relates to what is happening in England at present, whereby the powers are going to be handed over to governing bodies. It looks like a very different policy is being implemented there. Will that have any effect on you as a Government?

[211] **Huw Lewis:** No, but there will be issues for local authorities on Wales's borders. There will be families that might have children in schools on either side of the border. We would expect our Welsh border authorities to take account of that and to try to make sure that there was as much co-ordination as possible with local authorities over the border. In terms of the wider picture, I do not see any problem other than that. We are taking a very different direction to the Minister in England. I am very much of the view that, although you could point to advantages in terms of what Michael Gove is doing, essentially the proposals in England are not about parents, childcare or holidays, but a philosophy—an ideology, if you like—about the relationship between schools and the state. He sees that relationship as one that needs to be as distant as possible. We see it as being the reverse.

[212] **Ann Jones:** Okay. Rebecca has a point to make before I fetch Simon in.

[213] **Rebecca Evans:** It is really just a very quick question. To go back to the questions on faith schools, my reading of the Bill is that it does include a provision to create a situation where church schools are able to observe Holy Week, but it is not explicit, so it will require political will to do so. Would you intend to issue any guidance on this issue?

[214] **Huw Lewis:** That is certainly something that I would be happy to consider. It immediately springs into my mind that this could be rather fraught with difficulty when you consider the multiple-faith nature of Wales. Does this extend to the observance of individual families, as opposed to school communities as a whole? Yes, I am sure that we could take a look at this, but it would need to be very carefully done.

[215] **Ann Jones:** Simon is next.

[216] **Simon Thomas:** On holidays, if I could just—

[217] **Ann Jones:** Yes, that is fine.

[218] **Simon Thomas:** This is a final question, really. Was there any consultation or consideration given to basically national holidays for Wales—a set of holidays that all schools would be obliged to follow? I know that the Bill, as set out, does not do that, but I wondered whether you had consulted on that at all as an alternative approach. There are pluses and minuses to all approaches, as I know. I wondered whether that had been done. Also, do you feel that the current school holiday set-up, which, okay, varies by a few days, but is basically the same set-up that we have had since the first schools in Wales were built in the Victorian era, is still delivering the kind of school year that suits your wider standards agenda?

[219] **Huw Lewis:** You are quite right. What is currently before you is not a Napoleonic, every-school-in-Wales-starts-at-9-a.m.-type approach—

[220] **Simon Thomas:** Not everything Napoleon did was wrong.

[221] **Huw Lewis:** I agree with you on that, that is for sure. [*Laughter.*] He smashed every feudal system in Europe bar two: ours and the Russians'. Never mind. [*Laughter.*]

[222] **Ann Jones:** Shall we move on to what is on the agenda, which is school term times and holidays?

[223] **Huw Lewis:** This Bill does not get into the debate around the timing of holidays—things like the summer holiday. This is about the harmonisation of the system as it roughly exists at the moment. I think that that is another debate altogether. It is not part of the reach of this legislation. I would be happy to have that debate, but I do not think that it is relevant within the context of the Bill as proposed, really, at all. It is another debate.

[224] **Simon Thomas:** So, to be clear, you did not consult on it.

[225] **Ms Williams:** No, I do not believe that the consultation proffered options. It set out the proposals more or less as set out within this Bill.

[226] **Simon Thomas:** So, it invited comments on the proposals, rather than options.

[227] **Ms Williams:** Yes.

[228] **Simon Thomas:** Right, okay.

[229] **Ann Jones:** Very briefly, Becks.

[230] **Rebecca Evans:** With regard to the proposal on the timing of sessions, there is nothing in the Bill that would stop schools with, for example, SEN units allowing their pupils to arrive later and to leave earlier and so on.

[231] **Huw Lewis:** No. This is all about co-operating and co-ordinating on the ground, with local authorities, governors and parents having a duty to try to harmonise things as much as possible. There is no reason for stopping schools doing that.

[232] **Ann Jones:** There is just one final question, and then we are moving on. It is on Estyn and the procedure for appointing Her Majesty's chief inspector and inspectors—the Estyn people—in Wales. I note here that both the Deputy Prime Minister and the Secretary of State for Wales are happy that that procedural point will be made. So, I am perhaps just telling you that I do not want us to return to the situation in which the Secretary of State, once we have done the report, suddenly decides that he does not like it. I just want to put on record that everybody is aware of the procedural point being made—that they are handing those powers over to us.

[233] **Huw Lewis:** My understanding is that the Secretary of State and the Deputy Prime Minister, in his capacity as Lord President of the Privy Council, and the First Minister, have agreed this—it is above my pay grade, and who am I to argue with any of the three?

[234] **Ann Jones:** That is fine. It is on the record; thank you.

[235] Thank you, Minister, for coming in, and for that. As ever, we will send a copy of the

transcript for you to check for accuracy. I am sorry that we have delayed your launch—you can go and blame this awful chairperson.

[236] **Huw Lewis:** I will blame you.

[237] **Ann Jones:** That is fine.

[238] Before we break into private session, I would just say that this is the last meeting that Claire Morris and the clerking team, including Sarah and the legislative clerking team, will attend. There has been a reshuffle, or rather they have all been moved around and there is a new clerking team coming in in September. I just want to place on record on behalf of the committee, and certainly those of you who have worked a lot longer with the previous clerking team, our thanks for the way in which they have carried out their work. No doubt, we wish them well in their new positions.

11.08 a.m.

**Cynnig o dan Reol Sefydlog Rhif 17.42 i Benderfynu Gwahardd y Cyhoedd  
Motion under Standing Order No. 17.42 to Resolve to Exclude the Public**

[239] **Ann Jones:** I move that

*the committee resolves to exclude the public from the remainder of the meeting in accordance with Standing Order No. 17.42.*

[240] I see that everybody agrees. Please clear the public gallery. Thank you.

*Derbyniwyd y cynnig.  
Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 11.08 a.m.  
The public part of the meeting ended at 11.08 a.m.*