



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

## **Y Pwyllgor Plant, Pobl Ifanc ac Addysg** **The Children, Young People and Education** **Committee**

**Dydd Iau, 23 Ionawr 2014**  
**Thursday, 23 January 2014**

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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)
Gemma Nye	Prif Swyddog Polisi Cyngor y Gweithlu, Llywodraeth Cymru Lead Policy Official, Workforce Council, Welsh Government
Iwan Roberts	Uwch-gyfreithiwr, Gwasanaethau Cyfreithiol, Llywodraeth Cymru Senior Lawyer, Legal Services, Welsh Government

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

Sarah Bartlett	Dirprwy Glerc Deputy Clerk
Steve Davies	Cynghorydd Cyfreithiol Legal Adviser
Gareth Rogers	Clerc Clerk

*Dechreuodd y cyfarfod am 09:30.  
The meeting began at 09.30.*

**Cyflwyniadau, Ymddiheuriadau a Dirprwyon  
Introductions, Apologies and Substitutions**

[1] **Ann Jones:** Good morning, everybody, and welcome to the Children, Young People and Education Committee, following yesterday's vote in the Chamber. I will do the usual housekeeping rules. I ask Members to switch off their mobile phones and pagers, as they affect the translation and broadcasting equipment. I also remind you that we do not expect the fire alarm to operate, so should it operate, we will take our instructions from the ushers, or as I always say, you can follow me out as I will be one of the first out of the building.

[2] I do not think that Members need to declare an interest, as they would have been declared at the start of this process. The only item on the agenda today is Stage 2 of the Education (Wales) Bill, so if everyone is happy, we will move on to Stage 2 of the Education (Wales) Bill and the consideration of all the amendments.

09:31

**Bil Addysg (Cymru)—Cyfnod 2: Trafod y Gwelliannau**  
**Education (Wales) Bill—Stage 2: Consideration of Amendments**

[3] **Ann Jones:** We are delighted to have with us Huw Lewis, the Minister for Education and Skills. Minister, you have officials who will be joining you later. You will start off with two officials and then you are going to have some more at a later date.

[4] **The Minister for Education and Skills (Huw Lewis):** No, I think that we will stick with the permanent team.

[5] **Ann Jones:** You are going to stick with the permanent team; okay. Due to the fact that it is Stage 2 and it is legislation, will you introduce yourself and your officials for the record, please?

[6] **Huw Lewis:** Of course. My name is Huw Lewis and I am the Minister for Education and Skills. On my left is Gemma Nye and on my right is Iwan Roberts.

[7] **Ann Jones:** Okay, thank you very much for that. As I said, we are going to look at Stage 2. Members should have the relevant information with them; they should have their marshalled list of amendments and the Bill. If everybody is okay, we are going to proceed.

**Grŵp 1: Darpariaeth AAA (Gwelliannau 28, 1, 2, 3, 4, 5, 6, 7, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42 a 43)**

**Group 1: SEN Provision (Amendments 28, 1, 2, 3, 4, 5, 6, 7, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42 a 43)**

[8] **Ann Jones:** The lead amendment in this group is amendment 28. I call on Angela Burns to move and speak to that amendment and any other amendments in this group.

[9] **Angela Burns:** I move amendment 28 in my name, supported by Aled Roberts and Simon Thomas.

[10] I also wish to speak to all the amendments in this group. Amendments 28, 29 and 30 through to 43 are all consequential amendments to the main seven amendments, which are numbered 1 through to 7. We have tabled these amendments because the Welsh Conservatives are of the firm opinion that Part 3 of the Bill, which deals with independent schools providing special education and post-16 education and training for persons with learning difficulties, does not sit well in a Bill that mainly deals with the regulation of the education workforce.

[11] The Government is absolutely right to recognise that post-16 education for people with special educational needs does need reform. However, we believe that the services provided for children with special educational needs should be looked at in a cohesive and holistic manner. We seek a Bill that will take a child with difficulties from birth to the completion of their statutory care at 18 or 25, and then some.

[12] We want to see a Bill that defines the terminology used, that brings together all the services required, whether that is education, health or social services, if appropriate, and that ensures that all the agencies involved undertake their responsibilities with diligence and alacrity. We have grave concerns that some local authorities do not have robust enough systems in place or sufficient capacity. Minister, you are aware of the freedom of information requests that we undertook seeking information from the 22 local authorities on their criteria for assessment. The responses gave no comfort and reinforced our view that we were not keen

to see the Welsh Government's powers of intervention removed, which is not something that the Welsh Conservatives often say.

[13] Having a child with special educational needs of any magnitude puts extreme burdens and pressures upon a family that even the most robust would find difficult to deal with. All of us will have issues in our casework where we have been asked to step in to try to ensure that appropriate support and tolerance are given. Part 3 of the Bill will not achieve those real benefits. It will remove the Government from the frame and, above all, it will ensure that young people's special educational needs are not on the radar of the local authority.

[14] I am very grateful that the Liberal Democrats and Plaid Cymru have supported the amendments that we have tabled previously in this regard. I know that this amendment reflects the views of the Chair and all the members of the Children, Young People and Education Committee. Minister, I think that you have signalled that you will accept this amendment, but before I tell you how wonderful I think that you are, I would like to hear your view on this. [*Laughter.*]

[15] **Ann Jones:** I will call on any other member of the committee to speak first, and then you can tell him how wonderful he is when you wind up. Does anybody else wish to speak?

[16] **Simon Thomas:** Diolch i Angela am fod y cyntaf i'r felin o ran gosod y gwelliannau. Fel y mae Angela wedi dweud, mae Plaid Cymru yn falch iawn i gefnogi'r gwelliannau ac yn falch o weld bod y Gweinidog wedi gwneud datganiad cyn y rhan hon o'r trafodion ar y Bil yn dweud ei fod ef hefyd eisiau gweld y Rhan hon o'r Bil yn cael ei symud ymaith.

**Simon Thomas:** I thank Angela for being the first in moving amendments. As Angela has said, Plaid Cymru is very pleased to support these amendments and is pleased to see that the Minister made a statement before this stage of proceedings on the Bill to say that he, too, wishes to see this Part of the Bill being amended.

[17] Yr unig beth rwyf eisiau ei ychwanegu at yr hyn a ddywedodd Angela a'r hyn sydd yn ein hadroddiad ni, a gytunwyd gan aelodau'r pwyllgor o bob plaid, yw dweud faint o bobl sydd wedi cysylltu â mi ers inni drafod hwn. Dim ond yn eithaf diweddar y mae'r stori hon wedi cael ei derbyn gan yr ysgolion a cholegau addysg arbennig yn benodol wrth iddynt ddechrau sylweddoli'r effaith y byddai hwn yn ei gael arnynt. Nid wyf yn meddwl bod y rhain yn gwrthwynebu, fel y cyfryw, ddiwygio yn y maes hwn, ond fel y gwnaeth Angela awgrymu, maent yn edrych ar rywbeth llawer mwy cynhwysfawr, lle y gallant drafod y maes yn llwyr ac yn llawn yn hytrach na delio ag ef fesul darn.

The only thing that I want to add to what Angela has said and what was in our report, which was agreed by committee members from every party, is to say how many people have contacted me since we discussed this. It is only relatively recently that this story has been understood by the special educational needs schools and colleges specifically as they have started to realise the impact that this will have upon them. I do not think that they necessarily oppose reform in this area, as such, but as Angela suggested, they are looking for something far more comprehensive, where they can discuss this field in its entirety and fully rather than dealing with it piecemeal.

[18] Rwy'n deall pam y mae'r Llywodraeth wedi manteisio ar y cyfle wrth gyflwyno Bil er mwyn cyflwyno rhywbeth yr oedd yn teimlo, ar y pryd, a oedd yn synhwyrol ac yn gallu manteisio ar broses ddeddfwriaethol, ond rwy'n credu ein bod i gyd wedi bod yn dysgu am y broses o

I understand why the Government has taken the opportunity given by a Bill to introduce something that it felt, at the time, was sensible and could benefit from the legislative process, but I believe that we have all been learning about the legislative process over the first year or two of our new powers

ddeddfu dros y flwyddyn neu ddwy gyntaf o'n pwerau newydd ac rwy'n credu ei bod yn glir erbyn hyn bod hwn yn faes mor bwysig bod angen ei roi yn ei holl gyd-destun fel y gallwn ei drafod fel pwyllgor a Chynulliad yn y ffordd fwyaf synhwyrol. Ymysg y bobl a oedd eisiau dod i'm gweld yfory i drafod hwn oedd Coleg Elidyr, sy'n goleg annibynnol yn sir Gâr. Mae'r coleg bellach mor falch bod hwn yn mynd drwyddo nad ydyw am ei drafod ymhellach gyda mi ar hyn o bryd, dim ond pan fyddwn yn trafod materion mwy cynhwysfawr. Felly, rwy'n ddiolchgar bod Angela wedi cyflwyno hwn ac yn hapus iawn i fynegi ein cefnogaeth lwyr o ran y gwelliannau sy'n ymwneud â'r Rhan hwn o'r Bil.

and I think that it is now clear that this is such an important area that it needs to be put in its whole context so that we can discuss it as a committee and as an Assembly in the most sensible way. Among the people who wanted to come to see me tomorrow to discuss this was Coleg Elidyr, which is an independent college in Carmarthenshire. The college is now so pleased that this is going through that it does not want to discuss it further with me at present, but it will want to discuss it when we come to deal with it in a more comprehensive manner. So, I am grateful to Angela for presenting these amendments and I am more than happy to express our full support for the amendments relating to this Part of the Bill.

[19] **Lynne Neagle:** The Labour Members shared the concerns about the inclusion of SEN in the Bill. We are very pleased to see these amendments and also very much welcome the fact that the Government has listened and acted on the committee's views.

[20] **Aled Roberts:** Nid wyf am ymhelaethu ar yr hyn sydd wedi cael ei ddweud, ond hoffwn ddweud bod nifer ohonom, ar draws y pleidiau, yn poeni ynglŷn â'r ffaith nad oedd y Bil yn delio â'r holl blant sy'n cael addysg arbennig. Mae'r Llywodraeth wedi bod yn synhwyrol iawn o ran y ffordd y mae wedi ymateb i rai o'r pethau y bu inni eu dweud yn adroddiad y pwyllgor, ond nid yw hynny'n meddwl nad ydym yn credu bod angen diwygio addysg arbennig, a hwyrach y bydd cyfle inni wneud hynny o fewn y Cynulliad presennol.

**Aled Roberts:** I do not want to expand on what has been said, but I would like to say that many of us, across the parties, were concerned about the fact that the Bill did not deal with all children who receive special education. The Government has been very sensible with regard to the way in which it has responded to some of the things that we said in the committee report, but that does not mean that we do not believe that there is a need to reform special education, and perhaps there will be an opportunity for us to do so within the current Assembly.

[21] **Keith Davies:** Rwy'n credu ei fod yn bwysig hefyd oherwydd, yn fy mhrofiad i, ac o'r hyn rwyf wedi bod yn darllen ar hyn, mae'r awdurdodau addysg yn wahanol ar draws Cymru. Mewn ambell awdurdod, mae plant yn cael eu cefnogi, ond mewn awdurdod arall, nid ydynt yn cael eu cefnogi. Felly, mae'n hollbwysig ein bod yn edrych ar y maes hwn ar ei ben ei hun a'n bod yn deddfu i sicrhau bod pob plentyn yn cael y gefnogaeth sydd ei heisiau arno.

**Keith Davies:** I also think that it is very important, because in my experience, and from what I know from reading about this, the education authorities differ the length and breadth of Wales. In some authorities, children are supported, but in others, they are not supported. Therefore, it is crucial that we look at this area as a standalone area and legislate in order to ensure that every child has the support that they need.

[22] **Ann Jones:** Minister, would you like to respond?

[23] **Huw Lewis:** As Simon mentioned, as I set out in my ministerial statement back on 6 January, and after a thorough analysis of the contributions and the recommendations made by the Children and Young People Committee in its report at the end of Stage 1 of the Bill, I have decided on balance to support the removal of the special educational needs provisions, Part 3, from the Education (Wales) Bill. The Government remains committed to these

learners; however, we have also listened to the opinions of stakeholders and Assembly Members, whose preference was that the SEN provisions be removed from this Bill and included in a standalone SEN reform Bill. The Government takes the scrutiny process very seriously indeed and it is for this reason that I will be supporting the removal of Part 3 from this Bill. While I am disappointed for our learners that there will be something of a delay in terms of the implementation of these important measures, I want to reassure them that my officials are working as we speak to bring forward SEN legislation at the earliest opportunity.

[24] **Ann Jones:** I call on Angela to reply to the debate.

[25] **Angela Burns:** Thank you very much, Minister, for your statement. It is incredibly welcome. I just want to pick up on the point that Keith Davies made. This is driven by the fact that the provision in local authorities throughout Wales is not consistent, it is not coherent and sometimes it is just not kind. We, as Welsh Conservatives, would certainly commit today, on the record, to working with you in every available way to ensure that we bring forward a holistic Bill and get it onto the statute books in very short order. I do understand that, for some families, this will be yet another delay, but I think that, overall, all of the parties in the Assembly working together will be able to produce something that will really benefit everyone. I thank the Government for accepting our amendment.

[26] **Ann Jones:** Okay; thank you very much. So, I have to ask you this now, Angela: do you want amendment 28 to go to the vote?

[27] **Angela Burns:** No, I do not.

[28] **Ann Jones:** You do.

[29] **Angela Burns:** Sorry, yes, I do. [*Laughter.*]

[30] **Ann Jones:** Sorry, I should not have said that. I was going to ask this: do you wish to proceed to a vote or do you want to withdraw the amendment?

[31] **Angela Burns:** No—

[32] **Ann Jones:** I will put it that way and you will understand then what I am saying.

[33] **Angela Burns:** Yes, I wish to proceed to a vote.

[34] **Ann Jones:** The question is that amendment 28 be agreed to. I see that there are no objections, therefore amendment 28 is agreed.

*Derbyniwyd gwelliant 28 yn unol â Rheol Sefydlog 17.34.*

*Amendment 28 agreed in accordance with Standing Order 17.34.*

[35] **Ann Jones:** We will vote on the remaining amendments later on, as per the marshalled list. That was the one mistake; we will all move on now and we will be fine.

**Grŵp 2: Pwerau Ymyrraeth Awdurdodau Lleol (Gwelliannau 9, 13, 14, 17, 24, 25 a 26)**  
**Group 2: Local Authority Intervention Powers (Amendments 9, 13, 14, 17, 24, 25 and 26)**

[36] **Ann Jones:** The next group of amendments is in relation to the intervention powers of local authorities. The lead amendment in this group is amendment 9. Minister, would you like amendment 9 in your name to be moved?

[37] **Huw Lewis:** Yes.

[38] **Ann Jones:** I move amendment 9 in the name of the Minister. I call on the Minister to speak to that amendment and any other amendments in the group.

[39] **Huw Lewis:** Thank you, Chair. If I may, I will start with amendment 14. This amendment makes minor amendments to the Welsh Ministers' powers of intervention as set out in the School Standards and Organisation (Wales) Act 2013. The amendments clarify that when a person appointed by the Welsh Ministers pursuant to a ministerial direction is exercising a local authority's education functions because the authority is not doing so adequately, they may make court applications in the name of the authority. An example of this would be court proceedings relating to persistent truancy, for example. We consider that this is the effect of the intervention powers in the 2013 Act in any event. However, there is some risk that the courts may not agree with that view. Therefore, for the avoidance of doubt, it is considered necessary to amend the 2013 Act to address this potential problem for Wales. The UK Government has already tabled amendments to the Children and Families Bill in the UK Parliament to amend the equivalent powers of the Secretary of State—that is section 497(a) of the Education Act 1996 in England. The Education (Wales) Bill is considered the most appropriate legislative vehicle to make these changes to the Welsh Ministers' powers. Amendments 9, 13, 17, 24, 25 and 26 are consequential to amendment 14.

[40] **Ann Jones:** Thank you very much, Minister. Does any member of the committee wish to speak? Simon is next.

[41] **Simon Thomas:** Rydym yn cefnogi'r gweliant hwn a'r gwelliannau eraill ac yn derbyn yr hyn y mae'r Llywodraeth yn trio ei wneud. Serch hynny, hoffwn nodi na wnaethom drafod hyn o gwbl wrth inni edrych ar y Bil. Mae'n eithaf anarferol i gael gwelliannau gan y Llywodraeth ar rywbeth nad ydym wedi ei drafod neu rywbeth nad ydym wedi derbyn unrhyw dystiolaeth arno. Mae'n amlwg bod y Llywodraeth—ar y cyd efallai gyda'r Llywodraeth yn San Steffan—wedi diuno i rywbeth a all fod yn broblem ac wedi defnyddio'r Bil hwn i gyflwyno gweliant. Rwyf jyst yn nodi bod hyn yn digwydd. Yn y cyd-destun hwn, nid wyf yn meddwl y bydd yn cael llawer o effaith, ac yn sicr nid yw'n andwyol, ond nid yw hyn yn rhywbeth y byddem yn licio ei weld yn dod yn arfer wrth inni ymdrin â deddfwriaeth.

**Simon Thomas:** We support the lead amendment and the other amendments and accept what the Government is endeavouring to do. However, I would just like to note that we did not discuss this at all when we were looking at the Bill. It is quite unusual to receive Government amendments on something that has not been discussed and that we have not received any evidence on. It is clear that the Government—along with the Westminster Government—has woken up to something that could be a problem and has used this Bill to introduce amendments. I am just noting that this is happening. In this context, I do not think that it will have any great impact, and is certainly not detrimental, but it is not something that we would want to see becoming practice as we deal with legislation.

[42] **Ann Jones:** Okay. Does anybody else wish to speak? I see that no-one does. Minister, do you want to respond to the debate?

[43] **Huw Lewis:** Yes. The necessity for these amendments has really only come to light because of a UK Government amendment. We are acting as a result of that. They are minor amendments that do not introduce any new policy of any kind. They are designed to ensure the clarity of the 2013 Act. On that basis, I trust that Members will be able to support them.

09:45

[44] **Ann Jones:** Thank you. Do you wish to proceed to a vote on amendment 9?



[45] **Huw Lewis:** I do.

[46] **Ann Jones:** The question is that amendment 9 be agreed to. Does any Member object? There are no objections, therefore amendment 9 is agreed.

*Derbyniwyd gwelliant 9 yn unol â Rheol Sefydlog 17.34.*

*Amendment 9 agreed in accordance with Standing Order 17.34.*

**Grŵp 3: Technegol (Gwelliannau 10, 18 a 23)**  
**Group 3: Technical (Amendments 10, 18 and 23)**

[47] **Ann Jones:** The lead amendment in this group is amendment 10. Minister, would you like amendment 10 in your name to be moved?

[48] **Huw Lewis:** I would.

[49] **Ann Jones:** I move amendment 10 in the name of the Minister, and I ask you, Minister, to speak to that amendment and other amendments in the group.

[50] **Huw Lewis:** Thank you, Chair. Amendments 10 and 18 are purely technical and seek to improve the clarity of the Bill and ensure consistency in the drafting. They do not introduce new matters of policy. Turning to amendment 23, this is a consequential amendment to section 32 of the Education Act 2002, which currently contains the law on school term date setting and school session times for England, as well as for Wales. It would amend section 32 so that it applies to England only. This amendment was not included in the first version of the Bill, as the UK Government also intends to change its term date setting arrangements through the deregulation Bill to carry out the necessary legislative amendments to section 32.

[51] However, the deregulation Bill is unlikely to receive Royal Assent until the end of 2014. It is therefore necessary for the Education (Wales) Bill to make these consequential changes now, so that section 32, as I say, would apply to England only.

[52] **Ann Jones:** Thank you. Does any Member wish to make any comments? I see that no-one does. There was no debate, Minister, so I will not ask you to respond to the debate. Do you wish amendment 10 to go to a vote?

[53] **Huw Lewis:** I do.

[54] **Ann Jones:** The question is that amendment 10 be agreed to. Does any Member object? I see that there are no objections, therefore amendment 10 is agreed.

*Derbyniwyd gwelliant 10 yn unol â Rheol Sefydlog 17.34.*

*Amendment 10 agreed in accordance with Standing Order 17.34.*

**Grŵp 4: Hyfforddiant a Datblygiad Proffesiynol Parhaus (Gwelliannau 48, 12, 44, 49 a 53)**

**Group 4: Training and Continued Professional Development (Amendments 48, 12, 44, 49 and 53)**

[55] **Ann Jones:** The lead amendment in this group is amendment 48. I call on Aled Roberts to move and speak to amendment 48 and any other amendments in this group.

[56] **Aled Roberts:** Cynigiaf welliant 48 **Aled Roberts:** I move amendment 48 in my yn fy enw i, gyda chefnogaeth Simon name, supported by Simon Thomas.

Thomas.

[57] Pwrpas gwelliant 48 yw cynnwys datblygiad proffesiynol a hyfforddiant gwreiddiol o fewn cyfrifoldebau'r cyngor. Mae'n debyg mai'r prif drafodaeth fydd y gwahaniaeth rhwng gwelliannau 44 a 49, gydag un gair yn unig yn wahanol rhyngddynt. Felly, mater i fwyafrif aelodau'r pwyllgor ydyw i benderfynu bod yn 'rhaid' i'r cyngor gymryd y gweithgareddau hyn i mewn, ynteu y 'caiff' wneud hynny. Nid wyf yn teimlo'n gryf dros y naill na'r llall; mater o ddefnyddio'r geiriad gorau ydyw. Rwyf hefyd yn barod i gefnogi gwelliant 12 y Llywodraeth.

The purpose of amendment 48 is to include CPD and initial training within the responsibilities of the council. It is likely that the main debate around this will be the difference between amendments 44 and 49, where there is only one word that is different. So, it is a matter for the majority of committee members to decide whether the council 'must' or 'may' undertake these activities within its remit. I do not feel strongly one way of the other; it is a matter of using the best wording. I am also willing to support the Government's amendment 12.

[58] **Ann Jones:** Thank you. Do Members wish to speak? I see that you do. I therefore call on Angela next, then Simon.

[59] **Angela Burns:** I just want to thank the Liberal Democrats for bringing forward these amendments and to say that we are of the view that it should be a 'must' not a 'may'. In fact, we would have supported Plaid Cymru's amendment as a fallback if it had been tabled behind the Liberal Democrat amendment. We think that it is incredibly important that we should support our teaching profession and restore to it much that has, perhaps, been eroded over the years. We should give them continual professional development and ensure that teachers understand that we all recognise the importance of the roles that they play, that their careers have the ability to grow over time and that people can move forward, which is very important. We think that the new council is a good place to have an overview on it, which is why we would like to see the 'must' word used in this connection. We support all of the other amendments, apart from the Plaid Cymru one.

[60] **Simon Thomas:** Mae gen i welliant reit debyg i un Aled yn y grŵp hwn, ond, fel y nododd Angela Burns, mae fy ngwelliant i yn rhoi pŵer i'r cyngor i ymgymryd â gwaith yn y maes hwn yn hytrach na gorfodaeth arno i'w wneud. O ran y drefn pleidleisio, efallai caiff Angela gyfle i gefnogi hwn fel *back-up*, ond cawn weld am hynny.

**Simon Thomas:** I have an amendment that is similar to Aled's in this group, but, as Angela Burns noted, my amendment gives the council the power to undertake work in this area, rather than it being a requirement on it to do so. In terms of the voting order, Angela might have an opportunity to support this as a back-up, but we will have to wait and see about that.

[61] Hoffwn esbonio pam rwyf wedi ei gynnig mewn ffordd ychydig yn wahanol, gan fod dau brif reswm dros hynny. Yn gyntaf oll, er ein bod wedi derbyn lot o dystiolaeth yn ystod yr ymchwiliad fod angen i'r cyngor weithredu yn y maes hwn, ac nad oes digon ar wyneb y Bil sy'n ymdrin â datblygu proffesiynol parhaus,

I would like to explain why my proposal is slightly different, for which there are two main reasons. First of all, although we received a great deal of evidence during our inquiry that there is a need for the council to take action in this area, and that there is not enough on the face of the Bill that deals with continuing professional development,

[62] Roedd teimlad yn y dystiolaeth mai rôl arweiniol a fyddai gan y cyngor, nid fel y prif ddarparwr ar gyfer y math hwn o ddatblygiad proffesiynol parhaus, ond yn

There was a feeling conveyed in the evidence that the council would have a leadership role, not as the main provider for this kind of CPD, but rather in setting leadership standards in

hytrach yn gosod safonau arwain yn y maes, ac yn sicrhau bod pawb yn dod at ei gilydd, os liciwch chi, ac, felly, mai rôl arweiniol oedd honno. A bod yn gwbl onest, yn y cyd-destun hwn, roeddwn i'n tybio y byddai'r Llywodraeth yn fwy tebygol o dderbyn gwelliant a oedd yn rhoi pŵer i'r cyngor weithredu yn y maes, yn hytrach na derbyn gwelliant a oedd rhoi gorfodaeth ar y cyngor i wneud hynny oherwydd y dystiolaeth a roddwyd gan y Gweinidog yn y cyd-destun hwnnw. Rwy'n ddigon parod i gydnabod bod fy ngwelliant i yn gyfaddawd rhwng efallai y safbwynt a oedd yn cael ei fynegi gan rai o'r tystion yn y pwyllgor a thystiolaeth y Llywodraeth. Felly, rwy'n gobeithio'n fawr, rhyw fodd—byddwn yn hapus i gefnogi gwelliant Aled hefyd—y down at sefyllfa, hyd yn oed drwy addewid gan y Gweinidog i gyflwyno gwelliant pellach yn y cam nesaf, lle mae mwy o sôn ar wyneb y Bil hwn am ddatblygu proffesiynol parhaus ac, yn bendant, rhyw fodd neu'i gilydd, fod gan y cyngor newydd hwn rym a phŵer i weithredu ac arwain yn y maes.

[63] **Keith Davies:** Nid wyf yn cytuno oherwydd nid wyf yn credu taw gwaith y cyngor yw hwn yn y pen draw. Os edrychwch chi ar adroddiad Robert Hill, mae'n dweud mai'r ffordd orau i ni wella sgiliau athrawon yw drwy athrawon yn gweithio gyda'i gilydd, gyda'r ysgolion gorau yn helpu'r ysgolion gwannach. Hefyd, wrth edrych ar y paragraff hwn, nid wyf yn credu, o'r hyn rwy'n deall, taw'r cyngor fyddai'n gyfrifol am hyfforddi athrawon, neu hyfforddi pobl sydd eisiau bod yn athrawon. Mae'n ymwneud â llawer yn fwy na jest sgiliau proffesiynol—o'r cychwyn, y cyngor fyddai â'r cyfrifoldeb, ac ni allaf dderbyn hynny o gwbl. Mae nifer o asiantaethau, ac rydym yn sôn am gael rhanbarthau, ac yn y blaen, i gefnogi athrawon, felly nid wyf yn gweld y byddai'r cyngor hwn yn gallu gwneud hynny.

[64] **Bethan Jenkins:** I think it is about how you interpret this, following on from what Keith Davies has been saying. Our interpretation differs in that we are saying that it may promote and enhance continued professional development, because we had evidence to suggest that it would be able to have a standardising role. That is how we would like to see the General Teaching Council for Wales. The evidence suggests that lots of different organisations would deliver it on the ground, but that you would need a national body to give that national guidance, and I think that that is the compromise that we wanted to put forward as a party, to acknowledge the fact that if the GTCW started intervening left, right and centre

the field, and in ensuring that everyone was coming together, if you like, and that that, therefore, was a leadership role. To be quite honest, in that context, I had assumed that the Government would be more likely to accept an amendment that would give power to the council to take action, rather than accepting an amendment that placed a requirement on the council to do that, because of the evidence provided by the Minister in that context. I am perfectly willing to accept that my amendment is a compromise between what was suggested by some witnesses in the committee and the evidence provided by Government. So, I very much hope that, one way or another—I would be happy to support Aled's amendment as well—we come to a position, even through a pledge from the Minister to bring a further amendment through at the next stage, that there is more talk on the face of this Bill about continuous professional development and, most certainly, one way or another, that this new council would have the power to take action and to lead in this area.

**Keith Davies:** I do not agree because I do not believe that this is the council's job, ultimately. If you look at the Robert Hill report, it says that the best way for us to improve the skills of teachers is through teachers working together, with the best schools helping the weaker schools. Also, when I look at this paragraph, I do not believe, from what I understand, that the council would be responsible for training teachers, or training people who want to be teachers. It is to do with much more than just professional skills—from the outset, it would have the responsibility, and I cannot accept that at all. There are a number of agencies, and we are talking about regions, and so forth, to support teachers, so I do not see that this council could do that.

in professional development, then nothing would be done, potentially, because there is so much to do. However, on the ground, there are different groups that could do that. So, that is what I would like to say in support of Simon's argument for the compromise, while acknowledging the strength of feeling in Aled's slight change of wording there, but it would not be an attempt to try to do what you implied.

[65] **Huw Lewis:** Amendment 48 tabled by Aled Roberts and the two similar amendments, namely 44 and 49, tabled by Simon Thomas, do not in my opinion, I am afraid, reflect the great differences of views given in evidence sessions during Stage 1, from unions, Estyn and the Welsh Local Government Association, on the subject of professional development. Placing the discretion to undertake such duties on the council would raise the very same concerns raised by unions, Estyn and the WLGA, as cited in their evidence to this committee, about significant duplication and a further muddying of the water over roles and responsibilities.

[66] Before I address amendment 12, may I first make clear to the committee that my Government's aim is to ensure that every learner gets the education they deserve to achieve their aspirations? The education workforce council will have a part to play by contributing to the improvement of standards of teaching and the quality of learning in Wales. Improving professionalism and standards has to be done across the board in education. This was the message coming from those who gave evidence to the committee at Stage 1, and I concur with that view. If we are to deliver sustainable improvements in outcomes for learners, we have to work together and have a joined-up approach. This is not about duplication of effort, but about recognising the role that all key partners have in raising standards, including the council, the Welsh Government, Estyn, the consortia and, not least, the practitioners themselves.

[67] The council already has a role in relation to professional development through the administration and management of Welsh Government programmes. There is an expectation that that will continue. However, in light of concerns raised at Stage 1, I have tabled an amendment under section 8 of the Bill that refers to the development of careers. It is intended to reassure Members and interested parties that Welsh Ministers will be able to request the council to undertake activities relating to professional development. The education workforce council's key task is to ensure that its registration procedures are in place and that they are fully operational by April 2015.

[68] I will move on to amendment 53. This amendment is not necessary as the Welsh Government has well-established procedures in place in relation to grant funding, which are built on the foundations of consultation and agreement. Any grant offers made to the existing GTCW are prepared following the grants centre of excellence minimum standards for grant funding and are set out in the grant offer letter. This offer is agreed and signed by the GTCW before activities can be undertaken. The committee can be assured that any future grant arrangements with the education workforce council will continue to be in line with Welsh Government procedures. However, in the spirit of cross-party working and to address in particular concerns about the funding that would be available for professional development, let me say again that, for 2013-14, I grant funded more than £6 million to the GTCW. This £6 million funds the GTCW to undertake specific work in relation to professional development, including early professional development and the Master's in educational practice programme. The Government's vision, through this primary legislation, is for a whole-system approach that sees a council that works with all partners, including the Government, Estyn, consortia and practitioners, recognising not only their own role, but the critical role that all play in raising standards.

[69] I believe that amendment 12 does go far enough in responding to recommendations made by this committee and to comments made by Members during the general principles

debate on 3 December. The establishment of the education workforce council sends out a hugely important signal about the aims and aspirations that the Welsh Government has for the wider education workforce.

[70] In conclusion, Chair, I ask Members to support amendment 12 and to resist amendments 48, 44, 49 and 53.

[71] **Ann Jones:** Thank you, Minister. I call on Aled Roberts to reply to the debate.

[72] **Aled Roberts:** Mae'n rhaid i mi ddweud, er fy mod i'n cefnogi gwelliant 12, fod y gwelliant hwn braidd yn gul. Rwy'n meddwl bod gwahaniaeth barn yma ynglŷn â bwriad yr holl welliannau, heb sôn am y gwahaniaeth o ran geiriad. Rwy'n meddwl bod llawer ohonom yn poeni am hyfforddiant cychwynnol athrawon a hefyd datblygiad proffesiynol, fel sy'n amlwg o adroddiadau. Rydym yn chwilio yn awr am fwy o arweiniad yn y meysydd hyn. Mae diffyg arweiniad, ond nid ydym am un funud yn dweud yn y gwelliannau mai'r cyngor ddylai gyflenwi'r hyfforddiant hwnnw. Serch hynny, mae angen mwy o gysondeb a mwy o arweiniad yn y maes. Os na wnawn ni ddelio â'r mater hwn, nid wyf yn credu y bydd y problemau yr ydym yn eu hwynebu ym myd addysg yng Nghymru yn cael eu datrys.

**Aled Roberts:** I have to say that, even though I support amendment 12, the amendment is quite narrow. I think that there is a difference of opinion about the intention of all these amendments, let alone the difference in terms of wording. I think that many of us are concerned about initial teacher training as well as professional development, as is evident from a number of reports. What we are looking for now is more leadership in these areas. There is a lack of leadership, but not for one minute are we saying in any of these amendments that the council should provide this training. However, we need more consistency and more leadership in this area. Unless we deal with this issue, I do not believe that the problems that we face in education in Wales will be resolved.

[73] Rwyf o'r farn y dylid cael gwelliant cadarn, a dyna paham y defnyddiais i'r gair 'rhaid'. Yn amlwg, mater inni bleidleisio arno fydd hwn.

I am of the opinion that we need to have a robust amendment and that is why I used the word 'must'. Evidently, that will be done through a vote.

[74] **Ann Jones:** Okay. Thank you. Do you wish to proceed to a vote on amendment 48?

[75] **Aled Roberts:** Yes, please.

[76] **Ann Jones:** The question is that amendment 48 be agreed. Are there any objections? We have an objection, therefore I will take a vote by show of hands.

*Gwelliant 48: O blaid 5, Ymatal 0, Yn erbyn 5.*

*Amendment 48: For 5, Abstain 0, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Burns, Angela  
Davies, Suzy  
Jenkins, Bethan  
Roberts, Aled  
Thomas, Simon

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Davies, Keith  
Evans, Rebecca  
Jones, Ann  
Neagle, Lynne  
Rees, David

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

*As there was an equality of votes, the Chair used her casting vote in accordance with*

*Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 48.  
Amendment 48 not agreed.*

[77] **Ann Jones:** We will return to vote on the rest of those amendments as per the marshalled list.

**Grŵp 5: Darparu Cyngor (Gwelliant 11)  
Group 5: Provision of Advice (Amendment 11)**

[78] **Ann Jones:** The fifth group of amendments relates to the provision of advice. The lead and only amendment in this group is amendment 11. Minister, would you like amendment 11 in your name to be moved?

[79] **Huw Lewis:** I would.

[80] **Ann Jones:** I move amendment 11 in the name of the Minister and I call on the Minister to speak to that amendment.

10:00

[81] **Huw Lewis:** Amendment 11 enables the education workforce council to register a significantly larger and more varied workforce than is the case for the GTCW. It is crucial that the council is properly focused on delivering its core functions and spends its budget appropriately in order that registration fees represent value for money.

[82] In response to the committee's perceived concerns about the independence of the council, the Government has tabled an amendment that will no longer require the council to obtain consent from the Welsh Ministers before advising on the relevant matters set out in section 7(4). The amended section will instead require that the council notifies the Welsh Ministers of the advice that it has provided during the preceding two months and the recipients of that advice.

[83] **Ann Jones:** Does any Member wish to speak? Simon.

[84] **Simon Thomas:** Byddaf yn cefnogi gwelliant y Llywodraeth, ac rwy'n derbyn bod y Gweinidog wedi ymateb i bryder y pwyllgor yn ei adroddiad. Wedi dweud hynny, rwy'n dal i weld y gwelliant hwn fel gwelliant sydd yn cyfyngu ar annibyniaeth y cyngor newydd, i raddau, ac mae gofyn iddo adrodd, bob hyn a hyn, ar yr hyn y mae wedi ei wneud yn y ddau fis diwethaf yn ffordd od o ymdrin â chorff sydd i fod yn gorff annibynnol o bobl broffesiynol. Byddech chi eisiau ymddiried ynddo a chraffu ar yr hyn y mae yn ei wneud drwy edrych ar adroddiad blynyddol a chyfrifon blynyddol—y ffordd arferol o ymwneud â chyrrff fel hyn.

**Simon Thomas:** I will be supporting the Government amendment, and I accept that the Minister has responded to the concerns expressed by the committee in its report. Having said that, I still see this amendment as an amendment that limits the independence of the new council, to a certain extent, and asking it to report, every now and again, on what it has done in the past two months is a strange way of dealing with a body that is supposed to be an independent body of professionals. You would want to place trust in it and scrutinise what it does through looking at an annual report and at annual accounts—the usual way of dealing with bodies such as this.

[85] Nid wyf yn deall pam mae'r Llywodraeth—. Mae'r mater hwn i'w weld I do not quite understand why the Government—. It is becoming apparent in

mewn ambell welliant arall y byddwn yn eu trafod yn nes ymlaen. Efallai nad yw'r Llywodraeth yn dal yn ymddiried yn y corff hwn i fod yn llwyr gyfrifol am ei waith ei hun, ac felly mae'n dal i gadw'r awenau, fel na all y corff newydd hwn redeg yn rhy bell bant. Mae'n ffordd od o fynd ati. Wedi dweud hynny, nid wyf eisiau gwrthwynebu gwelliant sy'n amlwg yn symud pethau ymlaen rhywfaint, ond nid wyf yn gweld hyn yn argoeli perthynas iach, broffesiynol a hyderus rhwng y Llywodraeth a'r corff newydd. Rwy'n gweld hynny'n rhedeg drwyddi draw yn y trafodion hyn.

some other amendments that we will discuss later on in proceedings that the Government still does not have confidence in this body to be fully responsible for its own functions, and therefore still wants the reins so that this new body does not run too far away. It is a strange way of dealing with it. Having said that, I do not want to oppose an amendment that obviously progresses things somewhat, but I do not see it boding well for a healthy, professional and confident relationship between the Government and the new body. I see that as a theme emerging throughout these proceedings.

[86] Mae'r Llywodraeth yn gyndyn iawn i symud tuag at sefyllfa yr oedd llawer ohonom, wrth ymdrin â hyn yn y pwyllgor, am ei gweld, gyda llawer mwy o annibyniaeth i'r corff. Felly, er y byddwn yn cefnogi'r gwelliant hwn heddiw, mae'n amlwg bod cyfle inni edrych ar y Bil pan fydd wedi ei wella yn y pwyllgor, ac, o bosibl, gallwn edrych ar ffyrdd o wella'r Bil pan ddaw i'r Cyfarfod Llawn. Fodd bynnag, rwy'n cydnabod bod y Llywodraeth, o leiaf, wedi ymateb i rai o bryderon y pwyllgor.

The Government is very reticent to move to a position that many of us, in dealing with this at committee, wanted to see, with far more independence for the new body. So, although we will support this amendment today, it is clear that we will now have time to look at the Bill once it has been amended in the committee, and we can possibly look to amend the Bill when it gets to Plenary. However, I recognise that the Government has, at least, responded to some of the committee's concerns.

[87] **Ann Jones:** Does anybody else wish to speak? Minister, do you have anything to add?

[88] **Huw Lewis:** Yes, I do, Chair. First of all, the Government believes that the process of notification every two months would not be onerous on the council, and it is consistent with existing arrangements that we have in place. The Government's intent is not to prevent the council from providing advice, but merely to help to ensure that its advice does not duplicate the work of other key partners. There have been instances where advice has been provided by the GTCW that duplicated other advice produced on the same matter by other publicly funded bodies such as Estyn. I am sure that Members would agree that that would be a waste of public resources, and, as I said earlier, amendment 11 responds to recommendations made by this committee and comments made by Members during the general principles debate on 3 December. For those reasons, I seek the committee's support for amendment 11.

[89] **Ann Jones:** Do you wish to proceed to a vote on amendment 11?

[90] **Huw Lewis:** I do.

[91] **Ann Jones:** The question is that amendment 11 be agreed to. Does any Member object? There are no objections, therefore amendment 11 is agreed in accordance with Standing Order 17.34.

*Derbyniwyd gwelliant 11 yn unol â Rheol Sefydlog 17.34.  
Amendment 11 agreed in accordance with Standing Order 17.34.*

[92] **Ann Jones:** We will now return to the marshalled list to dispose of amendments that we have already debated. Minister, would you like amendment 12 in your name to be moved?

[93] **Huw Lewis:** I would.

[94] **Ann Jones:** I move amendment 12 in the name of the Minister. The question is that amendment 12 be agreed to. Does any Member object? There is no objection, therefore amendment 12 is agreed.

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

[95] **Ann Jones:** Simon, do you wish to move amendment 44?

[96] **Simon Thomas:** Cynigiaf welliant 44 yn fy enw i. **Simon Thomas:** I move amendment 44 in my name.

[97] **Ann Jones:** If amendment 44 is carried, amendment 49 falls. The question is that amendment 44 be agreed to. Does any Member object? We have objection, therefore we will go to a vote by show of hands.

*Gwelliant 44: O blaid 2, Ymatal 3, Yn erbyn 5.  
Amendment 44: For 2, Abstain 3, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Jenkins, Bethan  
Thomas, Simon

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Davies, Keith  
Evans, Rebecca  
Jones, Ann  
Neagle, Lynne  
Rees, David

Ymataliodd yr Aelodau canlynol:  
The following Members abstained:

Burns, Angela  
Davies, Suzy  
Roberts, Aled

*Gwrthodwyd gwelliant 44.  
Amendment 44 not agreed.*

[98] **Ann Jones:** Aled, do you want to move amendment 49?

[99] **Aled Roberts:** I move amendment 49 in my name.

[100] **Ann Jones:** The question is that amendment 49 be agreed to. Does any Member object? There is objection, therefore we will go to a vote by show of hands.

*Gwelliant 49: O blaid 5, Ymatal 0, Yn erbyn 5.  
Amendment 49: For 5, Abstain 0, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Burns, Angela  
Davies, Suzy  
Jenkins, Bethan  
Roberts, Aled  
Thomas, Simon

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Davies, Keith  
Evans, Rebecca  
Jones, Ann  
Neagle, Lynne  
Rees, David



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

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

*Gwrthodwyd gwelliant 49.*

*Amendment 49 not agreed.*

**Grŵp 6: Ffioedd Cofrestru (Gwelliant 50)**  
**Group 6: Registration Fees (Amendment 50)**

[101] **Ann Jones:** The sixth group of amendments relates to registration fees. The lead and only amendment is amendment 50. Aled, I call on you to move and speak to that amendment.

[102] **Aled Roberts:** Cynigiau welliant 50 yn fy enw i gyda chefnogaeth Simon Thomas. **Aled Roberts:** I move amendment 50 in my name supported by Simon Thomas.

[103] Fel y mae'r Cadeirydd wedi dweud, gwelliant ynglŷn â ffioedd cofrestru yw hwn. Rwy'n teimlo bod yn rhaid inni ddiogelu annibyniaeth y cyngor hwn, a'r prif ffordd o wneud hynny yw gwneud yn siŵr bod yr holl bobl o fewn y proffesiwn sy'n cael eu dylanwadu arnynt gan y ddeddfwriaeth hon yn gwybod yn union mai corff hyd braich oddi wrth y Llywodraeth yw'r cyngor. Er mwyn sicrhau hynny, mae'n rhaid mai'r cyngor ei hun sy'n gyfrifol am bennu ffioedd, ond o fewn canllawiau sy'n cael eu gwireddu gan y Llywodraeth. Dyna'r rheswm y mae'r gwelliant hwn wedi cael ei ddwyn gerbron y pwyllgor.

As the Chair has said, this is an amendment about registration fees. I feel that we have to safeguard the independence of this council, and the main way of doing that is to ensure that all of the people within the profession who are influenced by this Bill know exactly that this is a body that is at arm's length from the Government. In order to ensure that, it must be the council itself that is responsible for setting these fees, but within guidelines that are published by the Government. That is why this amendment has been brought before the committee.

[104] **Ann Jones:** Do any other Members wish to speak? Keith.

[105] **Keith Davies:** Rwyf yn erbyn y gwelliant, oherwydd nos Wener ddiwethaf roeddwn mewn cyfarfod gyda phobl sy'n gweithio yn y maes ieuencid—pobl sydd, fel arfer, yn gwirfoddoli, ac sydd, efallai, yn gweithio am ddim ond dwy neu dair awr yr wythnos. Rwy'n credu ei fod yn fwy cymhleth nag y mae pobl yn meddwl, ac oherwydd y cymhlethdod hwn, rwy'n cefnogi beth y mae'r Gweinidog wedi'i ddweud, ac nid beth yr ydych yn cynnig yma yn awr.

**Keith Davies:** I oppose this amendment, because last Friday I attended a meeting with people working with young people—people who are usually volunteers, and who, perhaps, work for only two or three hours a week. I think that it is more complex than people think, and because of those complexities, I support what the Minister has had to say, rather than what you now propose here.

[106] **Ann Jones:** Okay. Angela.

[107] **Angela Burns:** I wish to speak in favour of this amendment, Chair. This amendment relates directly back to recommendation 7 of this committee's report. We believe that it is extremely important that there is real clarity over the whole issue of registration fees, and that we give the power back to the council. I would like to reflect a comment that Simon Thomas

made previously about whether we are looking for a truly independent council, and whether we trust it to do the job that we are seeking for it to do. I think that this is all part and parcel of its overall remit, and the responsibility and authority for this should reside with the council.

[108] **Ann Jones:** Thank you. Simon.

[109] **Simon Thomas:** Fel y dywedodd Angela, rwy'n meddwl ein bod yn dechrau mynd i mewn, yn y grŵp hwn ac yn y grŵp lle mae gennyf welliant ynglŷn â'r cod ymddygiad, i natur y berthynas rhwng y cyngor newydd a'r Llywodraeth. Mae'n amlwg bod y Llywodraeth eisiau, fel y dywedais, dal yr awenau a chadw rhyw fath o reolaeth ar y corff newydd hwn. Rwy'n deall pam, achos mae'r Llywodraeth wastad eisiau gwneud hynny. Os aiff rhywbeth o'i le, y Llywodraeth sy'n dueddol o gael y bai, felly mae'r Llywodraeth eisiau rhoi yn eu lle gymaint ag sy'n bosibl o'r pethau sydd, yn ei thyb hi, yn diogelu'r Llywodraeth.

**Simon Thomas:** As Angela said, I think that, in this group and the group where I have an amendment on the code of conduct, we are starting to get into the nature of the relationship between this new council and the Government. It is clear that the Government, as I said, wants to keep hold of the reins and wants to keep some sort of control over this body. I understand why, of course, because the Government will always seek to do that. If anything goes wrong, the Government tends to be blamed for it, so the Government wants to put in place as many of the things as possible that, in its view, would safeguard the Government against that criticism.

[110] Fodd bynnag, yn y bôn, rydym yn symud at gorff gwbl newydd fan hyn a fydd yn arwain grŵp o bobl broffesiynol. Rydym eisiau ymddiried ynddynt i godi safonau yn ein hysgolion; dyna beth yw'r broses yr ydym yn ceisio ei gweld yn y fan hon Rwyf am yrru, drwy ddeddfu yn y fan hon, neges i'r athrawon a'r staff cynorthwyol ein bod yn ymddiried ynddynt, ein bod yn credu eu bod yn bobl broffesiynol, ein bod yn mynd i gefnogi eu hyfforddiant a'n bod eisiau iddynt hwy arwain hefyd.

However, essentially, we are moving towards an entirely new body here that will lead a group of professionals. We want to put trust in them to raise standards; that is the process that we are trying to put in situ here. Through our legislation here, I want to give a message to teachers and support staff that we trust them, that we trust their professionalism, that we will support their training and that we also want them to lead.

[111] Os ydych yn mo'yn i rywun arwain, nid ydych yn eu gwneud yn ddibynnol arnoch. Mae'n amlwg bod rhai o'r gwelliannau gan y Llywodraeth wedi llacio rhywfaint ar yr hualau hynny, ond, yn fy marn i, nid yw hynny'n ddigonol. Dyna pam yr ydym ni, fel Plaid Cymru, wedi cefnogi gwelliant Aled Roberts, am yr un rheswm a roddais o'r blaen, a'r un rheswm y byddaf yn ei roi yn nes ymlaen; byddwch yn clywed hyn gennyf eto. Rwy'n erfyn ar y pwyllgor i ystyried ym mha ffordd y gallwn ddangos, fel Cynulliad, ein bod yn ymddiried yn y broses hon, yn ymddiried mewn pobl broffesiynol sydd, o'u gwirfodd, yn dod at ei gilydd fel corff i blismona ei gilydd, o ran ymddygiad, ond hefyd i godi safonau yn gyffredinol. Y mwyaf o ryddid y gallwn ei roi iddynt yn y ddeddfwriaeth, y gorau fydd y canlyniad yn y pen draw. Felly, rwy'n cefnogi'r gwelliant,

If you want someone to lead, you do not make them dependent upon you. It is clear that some of the Government amendments have loosened the Government's grip somewhat, but, in my opinion, it is not adequate. That is why we, as Plaid Cymru, have supported Aled Roberts's amendment, for the same reason that I gave earlier, and the same reason that I will repeat later as well; you will hear this message from me again. I urge the committee to consider how we can demonstrate, as an Assembly, that we trust this process, that we trust professional people who are voluntarily coming together as a body to police their own activities, in terms of conduct, but also to raise standards more generally. The more freedom that we can give them through the legislation, the better the outcome will be at the end of the day. So, I support the amendment, and urge

ac yn gofyn i'r Llywodraeth, beth bynnag sy'n digwydd yn y pwyllgor heddiw, i edrych eto ar hyn, cyn dod yn ôl i'r Cyfarfod Llawn. the Government, whatever happens at committee today, to look anew at this, before we return to Plenary.

[112] **Ann Jones:** Okay. Thank you, Simon. Minister, do you wish to comment?

[113] **Huw Lewis:** Yes, I do, Chair. Thank you.

[114] I think that I need to offer some clarity on the consequences of amendment 50. The Government objection to amendment 50 is not about protecting the Government—it is about protecting those who will have to register. I must make clear to Members that I have been under significant pressure, just recently, from the existing council of the GTCW to increase the registration fee. I am sure that Members would agree that, during these times of austerity and ongoing pay freezes in the public sector, it is my duty to protect the education workforce as much as I can from unnecessary increases. It is vital to ensure that the fees that are associated with registration are fair and comparable to practitioner salaries. Keith Davies's point about complexity, and about lower-paid professionals potentially being covered by the new council, is well made. That is why it is essential that the Welsh Ministers continue to set the fee. I am determined that the reformed education workforce council is given the appropriate time to bed in, and that it focuses on delivering its core functions of registration.

[115] The Bill allows us to specify in regulations who is to determine the amount. Now, initially, that will be for Welsh Ministers, but the Bill provides the scope to change this. Therefore, I suppose that what I am saying to the committee is that now is not the right time to make the leap that is represented by amendment 50, and, for that reason, I urge Members to resist this amendment.

[116] **Ann Jones:** Okay, thank you. I call on Aled to respond to the debate.

[117] **Aled Roberts:** Efallai yr ydym yn dechrau mynd at wraidd y ddadl rhwng y gwrthbleidiau a'r Llywodraeth, o ran lle ddylai'r cyfrifoldeb am wella addysg yng Nghymru sefyll. Rwy'n argyhoeddedig mai ymysg y proffesiwn y mae'r ateb i hynny. Soniodd y Gweinidog am y pwysau, ond, â phob parch, os yw'r cyngor yn adlewyrchiad o'r proffesiwn, mae'n siŵr y bydd aelodau'r cyngor o dan yr un pwysau i gadw'r ffioedd ac ati yn rhesymol—mwy o bwysau, buaswn i'n ei ddweud, nag sydd ar unrhyw wleidydd sy'n eistedd ym mae Caerdydd.

**Aled Roberts:** We are perhaps starting to get to the root of the debate between the opposition parties and the Government, in terms of where the responsibility for improving education in Wales should lie. I am convinced that the profession has the answer to that. The Minister mentioned pressure, but, with all due respect, if the council is a reflection of the profession, I am sure that council members will be under the same pressure to keep the fees and so on reasonable—more pressure, I would say, than there is on any politician sitting in Cardiff bay.

[118] Felly, rwy'n meddwl ei bod yn bwysig ein bod ni fel gwleidyddion yn dangos i'r proffesiwn fod gennym ymddiriedaeth ynddo. Mae nifer o gyrff eraill, megis y corff ar gyfer meddygon, yn rhoi'r cyfrifoldeb ar y proffesiwn. Felly, rwy'n credu bod hyn yn bwysig ac, ar adegau, bod gwleidyddion wedi ymyrryd yn y proffesiwn yn ormodol, ac eto, rydym yn gweld, ymysg rhai o'r gwelliannau, ac ymysg rhai o'r rhannau yn y ddeddfwriaeth hon, bod

So, I think that it is important that we as politicians show the profession that we have trust in it. There are several other bodies, such as the body for doctors, that puts the responsibility on the profession. So, I think that this is important and that, at times, politicians have interfered in the profession excessively, and yet, we see, among some of the amendments, and among some parts of this Bill, that there is still a tendency in Wales towards micromanagement—whatever

tueddiad tuag at *micromanagement*—beth the Welsh word for that is—by politicians. bynnag yw'r gair Cymraeg am hynny—o hyd yng Nghymru gan wleidyddion.

[119] **Ann Jones:** Okay. Thank you very much. Aled, do you wish to move to a vote on amendment 50?

[120] **Aled Roberts:** Yes, please.

[121] **Ann Jones:** The question is that amendment 50 be agreed to. Does any Member object? There is objection, therefore we will move to a vote by show of hands.

*Gwelliant 50: O blaid 5, Ymatal 0, Yn erbyn 5.  
Amendment 50: For 5, Abstain 0, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Burns, Angela  
Davies, Suzy  
Jenkins, Bethan  
Roberts, Aled  
Thomas, Simon

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Davies, Keith  
Evans, Rebecca  
Jones, Ann  
Neagle, Lynne  
Rees, David

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

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

*Gwrthodwyd gwelliant 50.  
Amendment 50 not agreed.*

**Grŵp 7: Gofynion Cyfreithiol ar Weinidogion Cymru (Gwelliannau 57, 58, 59, 60, 61 a 62)**

**Group 7: Legislative Requirements on Welsh Ministers (Amendments 57, 58, 59, 60, 61 and 62)**

[122] **Ann Jones:** The seventh group of amendments relates to legislative requirements on Welsh Ministers. The lead amendment in this group is amendment 57. I call on Suzy Davies to move and speak to that amendment, and to any other amendments in the group.

[123] **Suzy Davies:** I move amendment 57 in my name, supported by Aled Roberts and Simon Thomas.

[124] I think that I can speak to these amendments together, as they all act to improve the Bill in exactly the same way. They seek to replace the powers given to Welsh Ministers with duties and flow from recommendations that were made by the Constitutional and Legislative Affairs Committee, which I will call 'CLAC' from now on, just to make it a bit easier. Essentially, we are back to the 'may' versus 'must' question. CLAC, of course, does not scrutinise policy—it scrutinises the quality of legislation. Is the policy intention clearly reflected on the face of the Bill, and will the Bill, as drafted, successfully implement that policy intention?

10:15

[125] In a common law legal system, for law to work as intended, primary legislation must

provide certainty, or at least point to how certainty will be achieved. Certainty can be postponed to regulation, of course, but the primary legislation itself must still make it absolutely plain that the regulation will be introduced, and that it will complete the implementation of the legislative package, if you like, described in the primary legislation. Everyone it affects will then know where they stand. A lawyer could refer to it with confidence when advising a client or citing it in legal proceedings.

[126] Let me try to explain why I think these amendments are necessary to prevent this Bill from being inchoate. The policy intention in sections 14, 15 and 16 is clear in one respect—that is, that the Government believes that not all persons in a school or further education college should be allowed to carry out particular activities. That is why these three sections are even in the Bill at all. The Bill does not provide a complete list either of the persons or of the activities, and that has been left to regulation to provide certainty about who is to be caught by the sections and to which activities they will apply. The sections do give some idea about who and what could be included were the Government to go ahead and introduce those regulations. However, the section does not oblige Government to bring forward those regulations; it merely permits it to do it.

[127] Minister, I am sure that you will reassure us today that, of course, you will bring forward regulations in due course, when you have got around to deciding exactly what the three sections are for, but what we are talking about here now is law, not a policy statement. It does not function on the basis of ministerial reassurance; it functions on the basis of what is written in the legislation, and good legislation does not contain unenforceable provisions. At the moment, there is nothing in these sections to be enforced. If you do not intend them to come to anything, please just take them out of the Bill, because there is just enough detail in them for individuals to think that these sections might affect them in future, and quite considerably, but they will have no idea when. I cannot believe that it is your policy intention to have teachers and support workers in a semi-permanent state of anxiety, wondering whether they are doing something now that you may ban them from doing in future. If, of course, you do intend them to come to something, then commit to introducing those regulations, not here in this room, but on the face of the Bill. There is a critical difference between a power to determine the content of regulation and a power to determine whether there will be a regulation at all, and, for these sections to work, you must introduce regulation, and that is what the Bill should say.

[128] The same argument applies to section 17, whereby Ministers may introduce regulations about induction courses. There is fair detail on the possible content, but no obligation to introduce that content. Well, will induction courses be a requirement or not, whatever they look like? Will anyone be able to register, when this Bill is passed, if they do not what you are looking for, and by when? Legislation cannot keep people guessing. You need to commit to bringing forward regulations to bring certainty to this section. The same dilemma applies to section 26 and the appraisal procedures. Do you want appraisal procedures or not, Minister? If so, commit on the face of the Bill to having them.

[129] You clearly think a code is necessary. In section 24, it is stated that ‘Ministers must prepare and publish’ one, but section 25 allows you, if you want to, to introduce some more regulation about that code, including provision about the consequence of failure to comply with it. My own view is that anything punitive needs to be clear on the face of the Bill, but, in keeping with the rest of these amendments, if you commit to introducing clarifying regulations, then I would be content with amendment 62 as I drafted it.

[130] **Ann Jones:** Does any other Member wish to speak?

[131] **Simon Thomas:** Diolch, Gadeirydd. **Simon Thomas:** Thank you, Chair. I just Rwyf ond am ddweud y byddwn yn cefnogi'r want to say that we will support the

gwelliannau sydd wedi cael eu cynnig yn awr gan Suzy mewn egwyddor. Rwy'n meddwl bod gwahaniaeth rhwng rhai o'r pethau y mae Suzy yn ceisio eu gwella yma. Mae hi newydd sôn am un pwysig iawn, rwy'n meddwl, ynglŷn â'r cod disgyblu ac ati, ond, yn gyffredinol, byddai'n well gan bawb, ac yn sicr yn well gan y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol yr wyf i'n aelod ohono, a Suzy hefyd, bod yr hyn mae'r Gweinidog yn mynd i ddefnyddio'r pwerau amdano ar wyneb y Bil, a'i bod hi'n ddigon clir y daw deddfwriaeth.

amendments put forward by Suzy in principle. I think there is a difference between some of the things that Suzy is endeavouring to amend here. She just mentioned a very important one on the disciplinary code, but, generally speaking, I think everyone, and certainly the Constitutional and Legislative Affairs Committee, of which I am a member, as is Suzy, would prefer that what the Minister is going to use the powers for should appear on the face of the Bill, and that it is clear that legislation will follow.

[132] Rydym yn gwybod am enghreifftiau yn y gorffennol a oedd wedi digwydd o dan y pwerau a oedd gennym yn y Cynulliad yn flaenorol; un amlwg sy'n dod i'r meddwl yw'r un ynglŷn â safonau maeth mewn prydau ysgolion, a gafodd ei basio gan y Cynulliad. Roedd pum mlynedd, rwy'n meddwl, wedi mynd heibio cyn i unrhyw reoliadau gan y Gweinidog ddilyn hynny, oherwydd mai pŵer cyffredinol oedd yn y ddeddfwriaeth, yn hytrach na gorfodaeth i'w cyflwyno. Mae'r Llywodraeth wastad eisiau cael rhyw fath o hyblygrwydd, a dyna pam y mae'n mynd am bwerau heb ymrwymo i weithredu arnynt. Fodd bynnag, gan ein bod yn ymwneud â maes sydd mor bwysig i safonau a disgyblaeth broffesiynol, rwy'n meddwl ei bod yn briodol ein bod yn gweld llawer mwy ar wyneb y Bil. Felly, mewn egwyddor, byddwn yn cefnogi'r rhain yn absenoldeb unrhyw ddatganiad hyd yn hyn gan y Llywodraeth ynghylch sut y mae am ddefnyddio'r pwerau hyn.

We know of examples in the past that happened under the powers that we had previously as an Assembly; one obvious one that comes to mind is the one on nutritional standards in school meals, which was passed by the Assembly. It was five years, I think, before regulations from the Minister followed, because there was a general power in the legislation, rather than a requirement to introduce them. The Government always seeks some kind of flexibility, and that is why it seeks powers without committing to using them. However, as we are dealing with an area that is so important in terms of school standards and professional discipline, I think that it is very appropriate that we should see much more on the face of the Bill. So, in principle, I would support these in the absence of any statement to date by the Government as to how it wants to use these powers.

[133] **Ann Jones:** Would any other Member like to speak? No? I call the Minister.

[134] **Huw Lewis:** Thank you, Chair. To put this on the record once again, I am grateful for the committee's support for the principles around the education workforce council. I am grateful too for the strong and consistent support for the principles of extending registration to the wider education workforce, which we have seen demonstrated by two widespread public consultations and the focused work that we have done with children and young people. However, if we support the principle of extending registration, we have to recognise, as evidence to this committee has clearly demonstrated, that there are considerable differences and variation in the current arrangements for the wider education workforce as it is. This Government is committed to raising standards, and it is vital that the Bill provides the necessary agility to put in place different arrangements for the wider education workforce, reflecting and responding to the different stages of development. The Bill establishes the principle that those within the categories of registration must be registered to practice, and that they can be required to meet particular qualifications or standards and to have completed a period of induction. It is vital that we are able to set different conditions and timescales for the different categories.

[135] Retaining sections 14, 15, 16, 17, 23 and 25 as discretionary regulation-making powers will do that. We need to be able to meet the changing needs of the education workforce now and in the future and make certain that arrangements meet the different requirements of the wider workforce. For example, statutory induction and appraisal regimes—sorry about my pronunciation there, Chair; I have had trouble with my teeth over the last week, as you know—are already well-established for teachers, and I anticipate that regulations made under this Bill would largely reflect those arrangements. However, similar arrangements for the wider workforce are at significantly different stages of development. Indeed, regulations may not be appropriate in all circumstances. These amendments would mean that the Welsh Ministers are placed under a duty to make regulations. On the other hand, the use of ‘may’ allows the flexibility to legislate as appropriate to the circumstances of the workforce and the variety of roles that need to be considered.

[136] The education workforce council provisions would be flawed if we sought to tie down details relating to the wider workforce and left no scope for variation over time. In other words, one size would not fit all. There will be a formal discussion on any future proposals in relation to induction and appraisal for the wider education workforce. The same principle applies to setting out requirements to be met before certain services can be provided. The effect of these amendments would be to remove the necessary flexibility and would possibly lead to elements being legislated for prematurely, which is not in anyone’s interest. It is unnecessary legislation, in other words. That is why I believe that these sections should be discretionary powers. For those reasons, I ask Members to resist amendments 57, 58, 59, 60, 61 and 62.

[137] **Ann Jones:** Thank you, Minister. I call Suzy to reply to the debate.

[138] **Suzy Davies:** Thank you very much for the reply, Minister. I completely appreciate what you say about the flexibility of the regulations in order to accommodate the different types of workforce. However, with respect, the problem with this Bill is not its lack of flexibility, but its lack of certainty. If you are asking for the whole of the power that you are talking about, certainly in relation to the first three sections that I mentioned, why have you gone to so much effort to include a level of detail on the Bill that might create spectres for members of the workforce who are likely to be registered now, without any idea at all as to whether those particular obligations will be placed on them in the future? I also suggest that, in your final comments about one size not fitting all, you missed the essential point about what is to be ‘must’ and what is to be ‘may’ in these sections. The amendments refer only to the obligation being imposed upon Ministers for some sort of regulation to be introduced. There is no question of any obligation as to what should be in those regulations: it simply states that something should be introduced, not may be introduced. I agree with you entirely that the level of detail as to what applies to whom can safely be left to regulation, but, for these sections to work in the main Bill, we need some certainty that regulations will come in. On that, I do not think that you should have discretion. We need certainty that regulation would be introduced, even if we are not asking for certainty regarding what the content would be.

[139] **Ann Jones:** Do you wish to proceed to a vote on amendment 57?

[140] **Suzy Davies:** Yes, please.

[141] **Ann Jones:** The question is that amendment 57 be agreed to. Does any Member object? There is objection. Therefore, we will go to a vote.

*Gwelliant 57: O blaid 5, Ymatal 0, Yn erbyn 5.  
Amendment 57: For 5, Abstain 0, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Burns, Angela  
Davies, Suzy  
Jenkins, Bethan  
Roberts, Aled  
Thomas, Simon

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Davies, Keith  
Evans, Rebecca  
Jones, Ann  
Neagle, Lynne  
Rees, David

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

*As there was an equality of votes, the Chair used her casting vote in accordance with Standing Orders No. 6.20(ii).*

*Gwrthodwyd gwelliant 57.  
Amendment 57 not agreed.*

[142] **Ann Jones:** Suzy, would you like to move amendment 58?

[143] **Suzy Davies:** I move amendment 58 in my name, supported by Aled Roberts and Simon Thomas.

[144] **Ann Jones:** The question is that amendment 58 be agreed to. Does any Member object? There is objection. Therefore, we will go to a vote.

*Gwelliant 58: O blaid 5, Ymatal 0, Yn erbyn 5.  
Amendment 58: For 5, Abstain 0, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Burns, Angela  
Davies, Suzy  
Jenkins, Bethan  
Roberts, Aled  
Thomas, Simon

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Davies, Keith  
Evans, Rebecca  
Jones, Ann  
Neagle, Lynne  
Rees, David

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

*As there was an equality of votes, the Chair used her casting vote in accordance with Standing Orders No. 6.20(ii).*

*Gwrthodwyd gwelliant 58.  
Amendment 58 not agreed.*

[145] **Ann Jones:** Suzy, do you want to move amendment 59?

[146] **Suzy Davies:** I move amendment 59 in my name, supported by Aled Roberts and Simon Thomas.

[147] **Ann Jones:** The question is that amendment 59 be agreed to. Does any Member object? There is objection. Therefore, we will go to a vote.

*Gwelliant 59: O blaid 5, Ymatal 0, Yn erbyn 5.  
Amendment 59: For 5, Abstain 0, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:

Pleidleisiodd yr Aelodau canlynol yn erbyn:



The following Members voted for:

Burns, Angela  
Davies, Suzy  
Jenkins, Bethan  
Roberts, Aled  
Thomas, Simon

The following Members voted against:

Davies, Keith  
Evans, Rebecca  
Jones, Ann  
Neagle, Lynne  
Rees, David

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

*As there was an equality of votes, the Chair used her casting vote in accordance with Standing Orders No. 6.20(ii).*

*Gwrthodwyd gwelliant 59.*

*Amendment 59 not agreed.*

[148] **Ann Jones:** Suzy, do you want to move amendment 60?

[149] **Suzy Davies:** I move amendment 60 in my name, supported by Aled Roberts and Simon Thomas.

[150] **Ann Jones:** Amendment 60 has been agreed—sorry, amendment 60 has been moved, and therefore the question is that amendment 60 be agreed to. We are all having trouble with teeth today. [*Laughter.*] The question is that amendment 60 be agreed to. Does any Member object? There is objection. Therefore, we will go to a vote.

*Gwelliant 60: O blaid 5, Ymatal 0, Yn erbyn 5.*

*Amendment 60: For 5, Abstain 0, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Burns, Angela  
Davies, Suzy  
Jenkins, Bethan  
Roberts, Aled  
Thomas, Simon

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Davies, Keith  
Evans, Rebecca  
Jones, Ann  
Neagle, Lynne  
Rees, David

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

*As there was an equality of votes, the Chair used her casting vote in accordance with Standing Orders No. 6.20(ii).*

*Gwrthodwyd gwelliant 60.*

*Amendment 60 not agreed.*

[151] **Ann Jones:** We will now turn back to the marshalled list to dispose of amendments that we debated earlier. Minister, would you like amendment 13 in your name to be moved?

[152] **Huw Lewis:** I would.

[153] **Ann Jones:** I move amendment 13 in the name of the Minister. The question is that amendment 13 be agreed to. Does any Member object? There is no objection, therefore amendment 13 is agreed.

*Derbyniwyd gwelliant 13 yn unol â Rheol Sefydlog 17.34.*

*Amendment 13 agreed in accordance with Standing Order 17.34.*

[154] **Ann Jones:** Suzy, would you like to move amendment 61?

[155] **Suzy Davies:** I move amendment 61 in my name, supported by Aled Roberts and Simon Thomas.

[156] **Ann Jones:** The question is that amendment 61 be agreed to. Does any Member object? There is objection. Therefore, we will go to a vote.

*Gwelliant 61: O blaid 5, Ymatal 0, Yn erbyn 5.  
Amendment 61: For 5, Abstain 0, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Burns, Angela  
Davies, Suzy  
Jenkins, Bethan  
Roberts, Aled  
Thomas, Simon

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Davies, Keith  
Evans, Rebecca  
Jones, Ann  
Neagle, Lynne  
Rees, David

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

*As there was an equality of votes, the Chair used her casting vote in accordance with Standing Orders No. 6.20(ii).*

*Gwrthodwyd gwelliant 61.  
Amendment 61 not agreed.*

### **Grŵp 8: Cod Ymddygiad Cyngor y Gweithlu Addysg (Gwelliannau 45 a 46) Group 8: Education Workforce Council Code of Conduct (Amendments 45 and 46)**

[157] **Ann Jones:** The lead amendment in this group is amendment 45 and I call on Simon to move that amendment and speak to it and the other amendment in the group.

[158] **Simon Thomas:** Cyngiaf welliant 45 yn fy enw i, gyda chefnogaeth Aled Roberts. **Simon Thomas:** I move amendment 45 in my name, supported by Aled Roberts.

[159] Mae dau welliant yn y grŵp hwn gennyf, sy'n ymwneud, unwaith eto, â'r pwnc o annibyniaeth y corff newydd a'r ffordd y mae'r corff yn ymwneud â'r Llywodraeth a'r proffesiwn yn fwy eang. Fel y mae ar hyn o bryd, mae'r Bil yn nodi mai'r Gweinidog fydd yn llunio'r cod ymddygiad ar gyfer y proffesiwn ehangach hwn yn y lle cyntaf. Cawsom dipyn o dystiolaeth, wrth fynd drwy'r Bil, gan nifer o gyrff a oedd yn bryderus am effaith y Gweinidog ar y rhan hon o'r Bil ac yn teimlo na fyddai'r proffesiwn yn ymddiried mewn corff lle roedd y Llywodraeth yn llunio'r cod ymddygiad yn y lle cyntaf. Roedd penodi staff y corff yn un o'r meysydd lle roedd pobl yn dechrau ofni y byddai'r corff newydd yn ymdebygu'n ormodol i gwango, yn hytrach

The two amendments in this group in my name deal, once again, with the issue of the independence of the new body and the way that the body relates to the Government and the profession more generally. As things stand, the Bill sets out that it is the Minister who will draw up the code of conduct for this wider profession in the first place. We received some evidence, as we studied the Bill, from a number of organisations that were concerned about the Minister's influence on this part of the Bill and felt that the profession would not trust a body where the Government drew up the code of conduct in the first place. The appointment of the staff of the body was one of the areas where people were becoming concerned that the new body would become too much like a

na chorff hyd-braich gwir annibynnol. Cawsom sawl enghraifft o hynny gan undebau yn benodol ac yn y dystiolaeth a gawsom gan y cyngor addysgu cyffredinol yn yr Alban a oedd yn dweud ei fod llawer yn fwy annibynnol nag y byddai'r corff newydd yng Nghymru.

10:30

[160] Casgliad y pwyllgor oedd argymell y dylai'r Gweinidog adolygu a fydd darpariaethau ar gyfer llunio cod ymddygiad ac ymarfer cyntaf yn ymarferol ac yn golygu bod y corff newydd yr un mor annibynnol â'r cyngor presennol. Dadl y Llywodraeth yw y bydd y corff newydd yr un mor annibynnol. Fy nafl i yw y dylem chwilio am bob cyfle i roi annibyniaeth i'r corff hwn, gan fy mod i o'r farn y bydd y proffesiwn yn ymddiried llawer mwy mewn corff cwbl annibynnol. Bydd y proffesiwn yn ymddwyn yn llawer mwy hyderus os yw'r cod ymddygiad wedi cael ei lunio gan y proffesiwn ei hun. Bydd penderfyniadau'r corff newydd—boed hynny yng nghyd-destun arweinyddiaeth broffesiynol neu'n benodol yng nghyd-destun disgyblu proffesiynol—yn meddu ar lawer mwy o ymddiriedaeth a hyder os ydynt yn cael eu gwneud gan gorff sydd wedi ei lunio a'i arwain gan y proffesiwn ei hun.

[161] Mae *risks*, wrth gwrs, wrth wneud hynny; mae wastad *risks* o ofyn i gorff blismona ei hun. Fodd bynnag, byddai'n well gennyf i ein bod yn mynd lawr y llwybr hwn, lle mae hynny'n cael ei wneud yn agored ac yn gyhoeddus a lle mae pawb yn gweld beth sy'n digwydd, yn hytrach na gweld y Llywodraeth yn gosod y cod ymddygiad yn y maes hwn. Rwy'n meddwl bod hynny yn anfon y signal anghywir ynglŷn â ffydd yn y proffesiwn. Rwyf hefyd yn meddwl y byddwn yn ennill llawer mwy o gefnogaeth barhaol a brwdfrydedd yn y corff newydd os yw'r proffesiwn yn llunio ei god ymddygiad ac yn cario hwn ymlaen.

[162] Rwy'n siŵr y bydd y Llywodraeth yn dweud, 'Ar ôl llunio'r cod ymddygiad cyntaf, caiff y proffesiwn ail-wneud y cod yn nes ymlaen', sy'n mynnu'r cwestiwn, 'Pam nad ydych yn ymddiried yn y corff newydd i'w wneud yn y lle cyntaf?' Felly, rwyf am roi mwy o ryddid yn gyffredinol i'r corff

quango, rather than a truly independent, arm's-length body. We received a number of examples of that from the unions specifically and in the evidence that we received from the General Teaching Council for Scotland, which said that it was far more independent than the new body in Wales would be.

The committee's conclusion was to recommend that the Minister review whether provisions for drawing up a first code of practice and conduct would be practicable and would mean that the new body would be as independent as the current council. The Government's argument is that the new body will be as independent. My argument is that we should seek every opportunity to provide this new body with that independence, because I believe that the profession will have far more confidence in an entirely independent body. The profession will behave with much more confidence if the code of conduct has been drawn up by the profession itself. The decisions of the new body—be they in the context of professional leadership or in the context of professional discipline—will gain far greater trust and confidence if they are made by a body drawn up and led by the profession itself.

There are risks, of course, in doing so; there are always risks when you ask a body to police itself. However, I would prefer us to go down this route where that is done openly and publicly and where everyone can see what is happening, rather than seeing the Government setting the code of conduct in this area. I believe that that sends the wrong signal regarding our faith in the profession. I also believe that we will garner far more continuous support and enthusiasm for this new body if the profession draws up its own code of conduct and carries that forward.

I am sure that the Government will say, 'Having drawn up the first code of conduct, the profession can remake that code later on', which begs the question, 'Why don't you trust the new body to do that initially?' So, I want to provide greater freedom in general to the new body. I think that that reflects much

newydd. Rwy'n meddwl bod hynny'n adlewyrchu dipyn o'r dystiolaeth a gawsom, felly rwy'n gofyn i'r pwyllgor gefnogi'r ddau welliant hyn, sy'n galluogi'r corff addysgu newydd i osod ei god ymddygiad ei hun o'r cychwyn, ac ymddiried felly yn y proffesiwn.

of the evidence that we received, so I ask the committee to support these two amendments, which enable the new teaching body to set its own code of conduct from the outset, and therefore place that trust in the profession.

[163] **Ann Jones:** Does anyone else wish to speak?

[164] **Angela Burns:** I would like to speak in support of Simon Thomas's amendment. I think that Simon has very clearly enunciated the concerns that we share about whether or not we really trust this body to do the job that we are tasking it to do. It reflects, in part, the committee recommendation made only a few months ago.

[165] The Government has already set the direction of travel, and with the open and transparent methodology that we try to employ in how we run all of our public services, independent bodies and non-governmental organisations in Wales, we would be able to use that public scrutiny and transparency as levers that might need to be applied. Ultimately, we are saying to the teaching profession and to the council that is to govern it that we respect and trust them, that we believe that they are the professionals, that they form one of the great professions in our country and that we need to give them that freedom to move forward to put into place codes of conduct. We also believe that this will help to raise the standards that we so desperately want to see throughout Wales, and that it will manage and develop that profession, as I said in an earlier contribution, to restore it to the heart of life in Wales as a real driver for the country.

[166] So, we support wholeheartedly Simon Thomas's amendment, and support wholeheartedly this entire contention on the question of trust and the question of independence.

[167] **Ann Jones:** Does any other Member wish to speak? I see that no-one does.

[168] **Huw Lewis:** We need to remember that the code needs to be in place for the start date of the council, and there is a lot to do before that start date. The council needs to be focusing on that. It is set out on the face of the Bill that it will be for the council to maintain, review and revise the code. There is no shift in the balance of control as far as that goes. If the council felt that the code was not fit for purpose, it would be its duty to review the code and make such revisions to it as it considers appropriate. So, I do not support amendments 45 and 46. We need the first code to be in place from April 2015, when the education workforce council becomes fully operative. It would not be appropriate, in my view, for GTCW to develop the first code, given that it does not, as it is currently constituted, have the remit, legal or otherwise, for the wider education workforce. That is why the Bill provides Welsh Ministers with the powers to develop the first code.

[169] If the council is to be credible, the first code must be developed by key stakeholders, who have the knowledge and expertise of the wider workforce that we are concerned with. That is why, just a few days ago, back on 16 January, I announced the establishment of an independent expert reference group chaired by Gareth Jones—an appointment welcomed by GTCW. This group will provide advice on the transition from GTCW to the EWC, which will include the development of that first code.

[170] The code of conduct and practice will be vital to ensuring that we not only have high-quality practitioners working with our pupils but that we enhance public confidence in the registered profession. It will set a benchmark against which all education practitioners are measured, so, of course, we need to consult on that first code to ensure that we have it

absolutely right. For all of these reasons, I urge Members to resist amendments 45 and 46.

[171] **Ann Jones:** I call Simon to respond.

[172] **Simon Thomas:** Yn fyr iawn, rwy'n meddwl ei bod yn bwysig—ac y mae'r Gweinidog newydd ddweud—y bydd cyfnod trosiannol ac y bydd angen trefniadau ar gyfer y cyfnod trosiannol hwnnw. Mae'r Gweinidog newydd amlinellu sut y mae eisiau gwneud hynny. Nid wyf yn gweld, felly, ei bod yn wahanol o gwbl eich bod yn gofyn i'r cyngor presennol drosglwyddo cod newydd yn y cyfnod trosiannol, gydag unrhyw drefniadau diogelu y byddech eisiau eu gosod yn y Bil hwn.

**Simon Thomas:** Very briefly, I think that it is important—and the Minister has just stated—that there will be a transition period and that there will need to be arrangements in place for that period. The Minister has just outlined how he wishes to do that. I do not see, therefore, that it is any different that you should ask the current council to transfer the current code in that transition period, with any safeguarding requirements that you would want to put in place in this Bill.

[173] Mae'n glir i mi ei bod yr un mor bosibl i'r cyngor presennol ehangu sut y mae'n gweithio ag yw i'r Llywodraeth wneud hynny. Nid wyf yn gweld unrhyw wahaniaeth; yn y bôn, yr un bobl a fydd yn ei wneud. Y cwestiwn yma yw atebolrwydd. Rwyf i eisiau atebolrwydd i'r proffesiwn ac mae'r Gweinidog a'r Llywodraeth eisiau atebolrwydd i'r Gweinidog a'r Llywodraeth. Rwy'n meddwl mai dyna'r gwahaniaeth, yn hytrach na'r trefniadau, oherwydd nid wyf yn gweld bod hynny'n llawer gwahanol.

It is clear to me that the current council is as able to expand its work to include a code as it is for the Government, because, essentially, it is the same people who will do it. The question here is one of accountability. I want accountability for the profession, and the Minister and the Government want accountability for the Minister and Government. I think that that is the difference, rather than the arrangements that will be put in place, because I do not see that there is much difference therein.

[174] Hefyd, mae'n bwysig nodi, hyd yn oed o dan y drefn bresennol, bod adran yn y Bil—adran 25—sy'n galluogi'r Gweinidog i newid y cod hyd yn oed ar ôl iddo gael ei gymeradwyo gan y corff newydd, felly mae gan y Llywodraeth *back-stop powers* yn y Bil presennol. Nid oes neb wedi rhoi gwelliant i lawr sy'n newid hynny yn sylweddol o gwbl. Mae digon o ddiogelu i gael yna, rwy'n meddwl, ond nid oes ffordd o sicrhau bod llais y proffesiwn yn arwain ar y safonau proffesiynol a disgyblu proffesiynol. Dyna beth rwy'n ceisio'i wneud yn y gwelliannau hyn. Rwy'n meddwl eu bod yn adlewyrchu'r dystiolaeth rydym wedi'i derbyn, ac rwyf am i'r Llywodraeth o leiaf ystyried sut y gall fod yn llawer mwy parod i weld y proffesiwn ei hun yn arwain ar hyn.

It is also important to note that, even under the current regime, there is a section in the Bill—section 25—that enables the Minister to change the code even after its approval by the new body, so there are back-stop powers for the Government contained in the current Bill. Nobody has tabled an amendment to considerably change that. There are plenty of safeguards in place, in my opinion, but there is no means of ensuring that the voice of the profession leads on professional standards and professional discipline. That is what I am seeking to achieve through these amendments. I think that they reflect the evidence that we have received and I want the Government at least to consider how it could be far more willing to see the profession itself leading on this.

[175] **Ann Jones:** Do you wish to proceed to a vote on amendment 45?

[176] **Simon Thomas:** Yes.

[177] **Ann Jones:** The question is that amendment 45 be agreed to. Does any Member object? I see that there is objection, so we will go to a vote by show of hands.

*Gwelliant 45: O blaid 5, Ymatal 0, Yn erbyn 5.  
Amendment 45: For 5, Abstain 0, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Burns, Angela  
Davies, Suzy  
Jenkins, Bethan  
Roberts, Aled  
Thomas, Simon

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Davies, Keith  
Evans, Rebecca  
Jones, Ann  
Neagle, Lynne  
Rees, David

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

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

*Gwrthodwyd gwelliant 45.  
Amendment 45 not agreed.*

[178] **Ann Jones:** Simon, do you wish to move amendment 46?

[179] **Simon Thomas:** Cynigiau welliant **Simon Thomas:** I move amendment 46 in 46 yn fy enw i, gyda chefnogaeth Aled my name, supported by Aled Roberts. Roberts.

[180] **Ann Jones:** The question is that amendment 46 be agreed to. Does any Member object? I see that there is objection, so we will go to a vote by show of hands.

*Gwelliant 46: O blaid 5, Ymatal 0, Yn erbyn 5.  
Amendment 46: For 5, Abstain 0, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Burns, Angela  
Davies, Suzy  
Jenkins, Bethan  
Roberts, Aled  
Thomas, Simon

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Davies, Keith  
Evans, Rebecca  
Jones, Ann  
Neagle, Lynne  
Rees, David

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

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

*Gwrthodwyd gwelliant 46.  
Amendment 46 not agreed.*

[181] **Ann Jones:** In accordance with the marshalled list, Suzy, do you want to move amendment 62?

[182] **Suzy Davies:** Yes, please. I move amendment 62 in my name, supported by Aled Roberts.

[183] **Ann Jones:** The question is that amendment 62 be agreed to. Does any Member object? I see that there is objection, so we will move to a show of hands.

*Gwelliant 62: O blaid 5, Ymatal 0, Yn erbyn 5.  
Amendment 62: For 5, Abstain 0, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Burns, Angela  
Davies, Suzy  
Jenkins, Bethan  
Roberts, Aled  
Thomas, Simon

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Davies, Keith  
Evans, Rebecca  
Jones, Ann  
Neagle, Lynne  
Rees, David

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

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

*Gwrthodwyd gwelliant 62.  
Amendment 62 not agreed.*

[184] **Ann Jones:** The next seven amendments that we need to dispose of all relate to the removal of Part 3 of the Bill; therefore, I propose that, in accordance with Standing Order 17.36, we group these amendments for a single vote. Would any Member object to that? No.

[185] Angela, would you like to move amendments 1, 2, 3, 4, 5, 6 and 7?

[186] **Angela Burns:** I move amendments 1, 2, 3, 4, 5, 6 and 7 in my name, supported by Andrew R.T. Davies, William Graham, Aled Roberts and Simon Thomas.

[187] **Ann Jones:** The question is that amendments 1, 2, 3, 4, 5, 6 and 7 are all agreed to. Does any Member object? No.

*Derbyniwyd gwelliannau 1, 2, 3, 4, 5, 6 a 7 yn unol â Rheol Sefydlog 17.34.  
Amendments 1, 2, 3, 4, 5, 6 and 7 agreed in accordance with Standing Order 17.34.*

**Grŵp 9: Dyddiadau'r Gwyliau Ysgol (Gwelliant 8)  
Group 9: Dates of School Holidays (Amendment 8)**

[188] **Ann Jones:** The only amendment in this group is amendment 8. Therefore, I call on Bethan Jenkins to move amendment 8 and speak to it.

[189] **Bethan Jenkins:** I move amendment 8 in my name.

[190] My amendment focuses on the new powers for the Ministers that will allow the harmonisation of term dates, which will allow governing bodies or diocesan authorities to be overruled when it comes to setting holidays. As we have discussed in committee, we are all broadly in agreement with that because, at the moment, there is disparity at local level in when schools in different authorities take their holidays, which can cause confusion for parents who are teaching in other areas or those who have caring responsibilities in a different local authority area. It causes not only childcare issues but issues for their everyday working lives. We have had correspondence from the Catholic Education Service, which broadly welcomes the Bill and its proposals to improve education standards in Wales. However, it wanted to see safeguards for Catholic schools to ensure that the celebration of Easter—an essential part of Catholic school life—is not undermined, and this is what my amendment seeks to address. It is particularly worth bearing in mind that Easter, more than Christmas, is

the most important time of the year for Catholics.

[191] The issue arises from a reference made in the explanatory memorandum, which used Easter as an example of where the Minister may wish to set term dates. Paragraph 147 of the explanatory memorandum refers to Welsh Ministers being able to use their powers to direct varying term dates for different types of schools or local authority areas for good reason and gives as an example the Ryder Cup. This would appear to indicate that Ministers would consider an event such as this a greater priority than allowing people who are religious to mark festivals and events that are important to them. This may or may not be true and may just have been used as an example, but I believe that the decision to set term dates around the holy feast of Easter for Catholic schools is best made by the local diocesan authority and that an amendment to the education Bill is the best way we can seek to address this as a committee. I know that the Catholic Education Service has written to the Minister to voice its concerns, so I hope that members of this committee will support me. As you will know, this is the only movable Christian festival of the year and I believe that we need to give people on the ground local flexibility when it comes to such events so that they do not feel that they will not be able to celebrate Easter if the dates do not fall within term time.

[192] **Ann Jones:** Does any other Member wish to speak?

[193] **Rebecca Evans:** As you know, this is something that I have taken a particular interest in as we have scrutinised the Bill, and I fully understand why it is important for Catholic and Anglican faith schools to observe dates in the religious calendar, because that is part of the ethos and unique character of the schools. Regarding the amendment, I have taken some advice on the legal meaning of ‘having regard to’, and it simply means that you have to demonstrate that you have given something consideration. So I think that that is already covered in existing public law, such as the Human Rights Act 1998, which actually provides a greater level of protection than the proposed amendment today. I do not think that the amendment as it is written achieves its intended goal anyway, as Easter always falls on a Sunday. I assume that the aim of the amendment is to allow faith schools to mark holy week, but this amendment does not achieve that. I do think, however, Chair, that faith schools and their pupils and parents are looking to Government for some reassurance that their position is understood and will be respected.

[194] **Ann Jones:** Does any other Member wish to speak? No.

[195] **Huw Lewis:** Of course, I am very sensitive to and respectful of the needs of faith schools in relation to term dates, particularly around the all-important festival of Easter. However, we cannot single out one particular faith. That is worth putting on record. We live in a multicultural society and I am satisfied that the Bill already provides sufficient safeguard for faith schools and other faith-based organisations. Any consultation on proposed term dates will be properly carried out and any concerns raised about Easter or otherwise would be duly considered. The Bill places a duty on Welsh Ministers, which includes my successors, to carry out an appropriate consultation before using their term-date-setting powers. The duty to carry out an appropriate consultation means that the consultation must be carried out in what the law views as a reasonable manner, just as the use of Welsh Ministers’ powers to effectively set term dates must be used in a reasonable way. To do otherwise would risk legal challenge. So, I ask Members to resist amendment 8.

10:45

[196] **Ann Jones:** I call on Bethan to reply.

[197] **Bethan Jenkins:** I tabled this amendment in consultation with those in the sector, so I contest the suggestion that it does not go far enough, although I am happy to discuss it further



with those in the sector. I do not think that they are content that, if this amendment does not go in, there would not be issues in the future. While other legislation may exist, what we have done with other laws in the National Assembly is to reaffirm many points, especially when we have looked at the rights of the child, for example; we have sought to put those into law wherever we could. We need to reiterate this important matter to make sure that it is a consideration of the Government. If we do not put it in there, it could be ignored by Government. That is what I was trying to stop from happening in the future, hence this discussion today.

[198] **Ann Jones:** Thanks, Bethan. Do you wish amendment 8 to go to a vote? I see that you do. The question is that amendment 8 be agreed to. Does any Member object? I see that there is objection. Therefore, we will move to a vote.

*Gwelliant 8: O blaid 3, Ymatal 2, Yn erbyn 5.  
Amendment 8: For 3, Abstain 2, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Jenkins, Bethan  
Roberts, Aled  
Thomas, Simon

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Davies, Keith  
Evans, Rebecca  
Jones, Ann  
Neagle, Lynne  
Rees, David

Ymataliodd yr Aelodau canlynol:  
The following Members abstained:

Burns, Angela  
Davies, Suzy

*Gwrthodwyd gwelliant 8.  
Amendment 8 not agreed.*

[199] **Ann Jones:** Once again, in accordance with the marshalled list, we will dispose of amendments debated earlier. Minister, would you like amendment 14 in your name to be moved?

[200] **Huw Lewis:** I would.

[201] **Ann Jones:** I move amendment 14 in the name of the Minister. The question is that amendment 14 be agreed to. Does any Member object? I see that there is no objection. Therefore, amendment 14 is agreed.

*Derbyniwyd gwelliant 14 yn unol â Rheol Sefydlog 17.34.  
Amendment 14 agreed in accordance with Standing Order 17.34.*

[202] **Ann Jones:** With the committee's agreement, I intend to break now until 11 a.m.. We are about halfway through, so can we return promptly for an 11 a.m. start? Thank you very much.

*Gohiriwyd y cyfarfod rhwng 10:47 ac 11:01.  
The meeting adjourned between 10:47 and 11:01.*

**Grŵp 10: Gweithdrefnau Cyfreithiol (Argymhellion PMCD) (Gwelliannau 63, 15, 64, 16, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77)**  
**Group 10: Legislative Procedures (CLAC Recommendations) (Amendments 63, 15, 64, 16, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77)**

[203] **Ann Jones:** I see that all Members are back, so we will now reconvene as we go through Stage 2 of the Education (Wales) Bill. We are going to move on to group 10, which is the legislative procedures grouping. The lead amendment in this group is amendment 63, and I call on Suzy to move and speak to the amendment and any other amendments in this group.

[204] **Suzy Davies:** I move amendment 63 in my name, supported by Aled Roberts and Simon Thomas.

[205] These amendments are also tabled on the back of the recommendations made by the Constitutional and Legislative Affairs Committee in its report last November. Once again, they relate to the powers of the Welsh Ministers, rather than any change in policy. The recommendations were an inevitable consequence of the framework nature of the Bill as introduced. As I mentioned earlier, primary legislation needs to be clear about policy intention and clear about how the legislation—primary or secondary—will give effect to that policy intention.

[206] Generally, the Constitutional and Legislative Affairs Committee takes the view that framework Bills should only be introduced when there is a good reason for doing so. It is not a good reason to introduce a framework Bill just because the Government is not entirely clear what its policy objectives may be. The conclusion that this is such a Bill was, I am afraid, quite easy to draw, considering the amount of detail of both policy and procedure that has been postponed to secondary legislation, rather than appearing on the face of the Bill.

[207] However, what worried us in particular on that committee was that much of the considerable regulation—if it is ever introduced, of course—would be subject to the negative procedure and therefore not debated before a subject committee and not debated by the full Assembly. We rejected your argument, Minister, that you needed full use of the negative procedure for the greatest flexibility. The point that I raised in an earlier contribution was that it is not a lack of flexibility that is the problem with this Bill, but the lack of certainty.

[208] Minister, I thank you for bringing forward the two amendments to section 53, which reflect acceptance of two of the CLAC recommendations. Those amendments relate to sections 5 and 12, which you agree should be decided according to the affirmative procedure rather than the negative procedure. I look forward to hearing why you selected those two sections from the much longer list that the committee suggested. It is the remainder of those recommendations that is reflected in this group of amendments. With the exception of amendment 63, all of the amendments relate to section 53.

[209] Section 53 of the Bill as it stands sets out which regulations would be subject to the affirmative procedure. There are just four—or six, if the Minister's amendments are accepted. That is six regulations in a Bill that is built on subordinate legislation. Minister, if you are bringing forward a painting-by-numbers Bill, you must allow the Assembly a chance to scrutinise it as it develops into a complete legislative picture.

[210] So, why are we currently in the dark about so much? I ask that the Assembly be given the chance to scrutinise regulations that you bring forward to fulfil policy objectives on requirements for provisional registration, which is amendment 64; further provisions about the register that could include removal of people from that register, which is amendment 65; the people and activities affected by sections 14, 15 and 16 that I spoke about in group 7, reflected in amendments 66, 67 and 68; the induction period and appraisals that I also

mentioned, which are in amendments 69, 70 and 71 in this group; and then the power to alter the code of conduct, possibly amending primary legislation, which is reflected in amendment 72. I also ask for the Assembly to be able to scrutinise regulations that affect a council's disciplinary functions, which would amend primary legislation and could have potentially serious effects on someone's career. That is reflected in amendments 73, 74 and 75.

[211] Amendment 63 is something different; it seeks to introduce the superaffirmative rather than the affirmative process for section 52. That is because this particular section is drafted so widely that it allows Welsh Ministers to introduce any provision at all in order to give effect to this Act, which is one thing, but also to modify it, which is another thing. That allows for a wholesale change in this Act on the basis of a blunt 'yes/no' vote in the Assembly, with no process for tabling amendments. The inclusion of such sweeping freedom for Ministers invites the need for consultation with those affected as well as scrutiny by the Assembly. That argument is strengthened on noting that this particular section, as drafted, also permits modification of any other enactment. Therefore, it enables this Act to be used to modify other primary legislation, not just this Act. Amendment 75 is consequential to that.

[212] Amendments 76 and 77 reflect the concern of CLAC about there being no procedure to introduce commencement Orders containing ancillary provisions that,

[213] 'the Welsh Ministers consider necessary or expedient'.

[214] Without those ancillary powers, I do not think that there is a problem in having no procedure, but the negative procedure at least gives those advising the Constitutional and Legislative Affairs Committee a chance to raise any reporting issues, should the use of those ancillary powers stray a little beyond what is perhaps required to effect commencement. Bearing in mind that there was no change to the explanatory memorandum on this particular point when we had sought additional information about what those ancillary powers might look like, I brought these amendments forward today.

[215] **Ann Jones:** Thanks for that, Suzy. Does anybody else wish to speak? Simon?

[216] **Simon Thomas:** Diolch, Gadeirydd, a diolch i Suzy Davies am gyflwyno'r gwelliannau. Diolch yn arbennig am eu hesbonio nhw mor glir, Suzy. Rwy'n gobeithio bod hynny wedi bod yn help i'r pwyllgor, achos yr unig beth yr oeddwn i eisiau ei danlinellu oedd y ffaith nad yw'r gwelliannau hyn yn newid hawliau'r Gweinidog, neu'r grym sydd y tu fewn i'r ddeddfwriaeth. Yr hyn maen nhw'n ei wneud yw newid y drefn y bydd y Cynulliad yn ei defnyddio i graffu ar hynny. Ar hyn o bryd, mae'r hyn sydd yn cael ei gynnig yn y Bil, fel y mae wedi ei ddrafftio, ar y cyfan, yn mynd drwy'r broses negyddol. Fel y dywedodd Suzy, mae'r Llywodraeth wedi ymateb i adroddiad y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol drwy gyflwyno dau welliant, rwy'n meddwl, i droi'r negyddol yn gadarnhaol. Rwy'n croesawu hynny, ond mae gwelliannau Suzy yn mynd â holl argymhellion y pwyllgor yn eu blaenau, os wyf yn cofio'n iawn.

**Simon Thomas:** Thank you, Chair, and I thank Suzy Davies for bringing forward these amendments. Thank you in particular for explaining them so clearly, Suzy. I hope that that will have assisted the committee, because the only thing that I wanted to highlight was that these amendments do not change the Minister's rights, or the powers contained within the legislation. What they do is change the procedure used by the Assembly to scrutinise that. At the moment, what is proposed in the Bill, as drafted, generally speaking, will go through the negative procedure. As Suzy said, the Government has responded to the Constitutional and Legislative Affairs Committee report by bringing forward two amendments, I think, to turn the negative procedure into the affirmative procedure. I welcome that, but Suzy's amendments take forward all the committee's recommendations, if my memory serves me correctly.

[217] Yr ail beth yr oeddwn i eisiau ei ddweud oedd ei fod yn fater parhaol yn y pwyllgor hwnnw—a mater i'r pwyllgor hwnnw hefyd yw e, ac rwy'n derbyn hynny—ein bod yn gweld tipyn o bŵer yn cael ei gronni o gwmpas y Gorchmynion cychwynnol hyn, lle mae rhyw fath o ymgais, mae'n ymddangos, gan Weinidogion, ar hyn o bryd, nid yn unig i gychwyn deddfwriaeth, ac rydym yn derbyn hynny, ond i wneud y pethau ychwanegol hyn heb unrhyw ffordd i'r Cynulliad allu craffu ar hynny, achos eu bod yn cael eu gwneud drwy Orchymyn, heb fod hyd yn oed is-ddeddfwriaeth yn dod drwy'r Cynulliad. Mae rhai o welliannau Suzy yn ymdrin â hynny.

The second thing that I wanted to say was that it is a continuous theme for that committee—and it is a matter for that committee, I accept that—that we are seeing a great deal of power being garnered around these commencement Orders, where there is some sort of effort, it appears, by Ministers at present not only to commence legislation, which we accept, but to do these ancillary things without any way for the Assembly to scrutinise that, because they are done through Order, without even secondary legislation coming through the Assembly. Some of Suzy's amendments deal with that.

[218] Felly, gan nad yw'r gwelliannau hyn yn newid pwrpas nag effaith y ddeddfwriaeth, ond, yn hytrach, yn newid a chryfhau gallu'r Cynulliad i graffu ar hynny, a gan nad ydym wedi gweld llawer mwy gan y Llywodraeth, byddaf yn cefnogi gwelliannau Suzy.

So, as these amendments do not change the objectives or effect of the legislation, but simply change and make more robust the Assembly's ability to scrutinise that, and as we have not seen much more from the Government, I will support Suzy's amendments.

[219] **Ann Jones:** Okay, thank you. Does any other Member wish to comment? I see no-one does. I therefore call the Minister.

[220] **Huw Lewis:** Thank you, Chair. As Members have said, following the Constitutional and Legislative Affairs Committee report, I agreed that I would look again to make further amendments, where it is right and appropriate to do so. First of all, I will deal with the amendments that seek to change the procedure from the negative to the affirmative. These are amendments 15 and 16 and amendments 64 through to amendment 74. I recognise that a respectable case is made that the powers in sections 5 and 12 should be subject to the affirmative procedure and, as a consequence, I brought forward amendments 15 and 16 to give effect to that change. However, I believe that the negative procedure is appropriate and right for sections 10(2)(b), 13 through to 17, 19(3), 20(3), 25(1), 26(6) and 28(1). Attaching a negative procedure to a power should be seen in its proper context. We will consult both informally and formally before making such regulations. Therefore, such regulations should not be characterised as being without scrutiny. A number of the powers can be characterised as being administrative or procedural in nature, setting out the processes, rules and arrangements that need to be in place by the time the education workforce council is up and running. These include, for example, section 13 on the administration of the registration process, section 25 on the code of conduct and practice and sections 26 and 28 on disciplinary functions.

[221] Other regulation-making powers relate to professional standards and will reflect different stages of development for the different sectors of the education workforce. Examples are: section 10(2) on the requirements for provisional registration; sections 14, 15 and 16 on the requirements to be satisfied to provide services; sections 17 and 18 on induction requirements; and section 23 on appraisals. In accordance with the Counsel General guidance, the negative procedure is appropriate for the above. There are no factors that would indicate that the affirmative or superaffirmative procedure is appropriate for those. However, other subordinate legislation powers provide the agility to meet the changing needs of the education

workforce, both now and in future, to make certain that arrangements meet the different requirements of the education workforce.

[222] This will also depend on how the education workforce evolves and the success of what we are trying to achieve here. Examples are: section 5 on the power to add functions; section 10(6), which adds to the eligibility categories in section 10(3); section 12 on fee setting; and section 12(2) on adding, removing, amending or modifying categories. I recognise that this type of subordinate legislation is different and, in accordance with the Counsel General's guidance, these will be subject to the affirmative procedure. I believe now that we have the right procedures and I therefore resist amendments 64 through to 74.

[223] I now turn to amendments 63 and 75, which seek to apply this superaffirmative procedure to the Henry VIII power in section 53 of the Bill. I have listened carefully to concerns raised but I believe that it would not be proportionate. It is anticipated that the section 53 power would be used for such matters as making changes to other legislation needed in consequence of provisions of this Bill or to deal with unforeseen details arising out of the implementation of the new system. For example, amendments will need to be made to primary legislation to ensure the change of name from the General Teaching Council for Wales to the education workforce council. The amendments tabled are unnecessary, and that is because the power can only be used to give full effect to any provision made by or under the Bill. It cannot be used to introduce new matters of policy. The use of this power should not compromise private interests and individuals in a way that is specific to them, and the power will not impose a sanction or have a retrospective effect. Were there to be some form of retrospectivity or were private interests to be compromised, that might merit the superaffirmative procedure. However, that is not the case here. Therefore, I resist amendments 63 and 75.

[224] I turn now to amendments 76 and 77, which seek to apply an Assembly legislative procedure to commencement Orders. Currently, the Bill does not provide for any procedures to apply to commencement Orders. This is usual practice as the Assembly will have already approved the relevant provisions, and all that remains to be done is to switch them on. It is not appropriate to impose a further procedure on the commencement of provisions as this would give the Assembly the power to stop the bringing into force of provisions that have already been enacted. This would create a legal uncertainty and unnecessary delay. Commencement Orders with transitional, saving and consequential elements are designed to cater for the process of moving from one regime to another so that the process is as seamless as possible and so that the new law works. It is common wording in most Acts that include secondary legislation-making powers. Such provisions do not introduce new policy principles but ensure that the transition is smooth and that it is clear when either the old law or the new law applies.

11:15

[225] The transitional provisions that could be made by way of commencement Order are very limited and would have to relate to the commencement of the provisions and not just the provisions per se. If commencement Orders that included transitional, transitional or savings provisions were made subject to a form of Assembly procedure, we would find ourselves in the unfortunate position where it would be possible for the substantive provision to be commenced, but the connected saving, transitional or transitional provision to be annulled. It would be undesirable for the fate of a transitional Order to be uncertain when its provisions were necessary to allow the effective commencement of the main provisions. Making commencement Orders subject to a form of Assembly procedure would also cause uncertainty as it would subject the Order to the 40-day annulment period. In other words, if an Order was laid for the appropriate 21-day period, there would then be a further 40-day period when the Member may table a motion to annul the Order. This would mean that, within that 40-day period, it would not be clear to the public whether the old law or the new law was in force.

Commencement Orders are generally subject to no procedure partly because the time necessary to complete the procedure is too long for the practical administration of implementation, given that the commencement is a one-off event.

[226] Amendment 77 proposes the negative procedure where any commencement Order is made after the end of this Assembly. This, again, is unusual, and I do not think it is necessary for the reasons I have already outlined. Therefore, I resist amendments 76 and 77.

[227] **Suzy Davies:** Thank you very much, Minister, for that detailed response. I hope you will let me go through those three elements of it separately. Just to begin with the majority of the amendments, we are not, through these amendments, challenging in any way your right to flexibility in the use of secondary legislation. What concerns us, certainly as Welsh Conservatives, is that we really want to see what you are doing when you are exercising that flexibility. As I have mentioned previously, this particular Bill is so framework, if I can put it in those terms, that we are unclear about how your regulations might look, so we would really like to see how you will introduce them in due course. We are talking about some quite serious things here, not just simple procedural matters. We are talking about induction courses that people can fail; we are talking about changes to the register that people can get thrown off; we are talking about appraisal processes under which people can lose their jobs; and we are talking about provisional registration where people may have undertaken a lot of personal expense and a lot of training still to fail to get on the register. I suggest that those are well beyond simple procedural matters such as how long somebody might have to train, or if they have to come in on a Monday instead of a Friday, or something like that.

[228] On the Henry VIII powers, I must admit that I am always very reluctant to see these in any legislation, going back to my original point on clarity. I appreciate what you think Henry VIII powers should be used for, and perhaps that is how they been used in the past, but with nothing in the Bill to confirm that that is how you would use them, or even specifically in the explanatory memorandum, which will not form part of the final legislation, I think there is a good argument for saying that the superaffirmative process should be used for these, simply because you have a section here that says nothing about how they might be used.

[229] On the point of commencement Orders, I completely take the point that a simple commencement Order should need no procedure. In order to avoid even the simple negative procedure being attached to commencement Orders framed in this way and setting up all the problems that you referred to, Minister, surely the simplest way is not to include those ancillary powers in the section that introduces the commencement—do them in a different section.

[230] **Ann Jones:** Okay. Thank you. Suzy, do you wish to proceed to a vote on amendment 63?

[231] **Suzy Davies:** I do.

[232] **Ann Jones:** The question is that amendment 63 be agreed to. Does any Member object? I see that there is objection, so we will go to a vote by show of hands.

*Gwelliant 63: O blaid 5, Ymatal 0, Yn erbyn 5.*

*Amendment 63: For 5, Abstain 0, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Burns, Angela  
Davies, Suzy  
Jenkins, Bethan

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Davies, Keith  
Evans, Rebecca  
Jones, Ann

Roberts, Aled  
Thomas, Simon

Neagle, Lynne  
Rees, David

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

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

*Gwrthodwyd gwelliant 63.*

*Amendment 63 not agreed.*

[233] **Ann Jones:** Minister, would you like amendment 15 to be moved in your name?

[234] **Huw Lewis:** Yes, I would.

[235] **Ann Jones:** I move amendment 15 in the name of the Minister. The question is that amendment 15 be agreed to. Are there any objections? I see that there are none. Therefore, amendment 15 is agreed.

*Derbyniwyd gwelliant 15 yn unol â Rheol Sefydlog 17.34.*

*Amendment 15 agreed in accordance with Standing Order 17.34.*

[236] **Ann Jones:** Suzy, would you like to move amendment 64?

[237] **Suzy Davies:** Yes. I move amendment 64 in my name, supported by Aled Roberts and Simon Thomas.

[238] **Ann Jones:** The question is that amendment 64 be agreed to. Does any Member object? I see that there is objection, therefore we will move to a vote by show of hands.

*Gwelliant 64: O blaid 5, Ymatal 0, Yn erbyn 5.*

*Amendment 64: For 5, Abstain 0, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Burns, Angela  
Davies, Suzy  
Jenkins, Bethan  
Roberts, Aled  
Thomas, Simon

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Davies, Keith  
Evans, Rebecca  
Jones, Ann  
Neagle, Lynne  
Rees, David

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

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

*Gwrthodwyd gwelliant 64.*

*Amendment 64 not agreed.*

[239] **Ann Jones:** Minister, would you like amendment 16, in your name, to be moved?

[240] **Huw Lewis:** Yes, I would.

[241] **Ann Jones:** I therefore move amendment 16, in the name of Huw Lewis. The question is that amendment 16 be agreed to. Does any Member object? I see that there is no objection, therefore amendment 16 is agreed.

*Derbyniwyd gwelliant 16 yn unol â Rheol Sefydlog 17.34.  
Amendment 16 agreed in accordance with Standing Order 17.34.*

[242] **Ann Jones:** Suzy, would you like to move amendment 65?

[243] **Suzy Davies:** Yes, please. I move amendment 65 in my name, supported by Aled Roberts and Simon Thomas.

[244] **Ann Jones:** The question is that amendment 65 be agreed to. Does any Member object? I see that there is objection, therefore we will move to a vote by show of hands.

*Gwelliant 65: O blaid 5, Ymatal 0, Yn erbyn 5.  
Amendment 65: For 5, Abstain 0, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Burns, Angela  
Davies, Suzy  
Jenkins, Bethan  
Roberts, Aled  
Thomas, Simon

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Davies, Keith  
Evans, Rebecca  
Jones, Ann  
Neagle, Lynne  
Rees, David

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

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

*Gwrthodwyd gwelliant 65.  
Amendment 65 not agreed.*

[245] **Ann Jones:** Suzy, would you like to move amendment 66?

[246] **Suzy Davies:** Yes, please. I move amendment 66 in my name, supported by Aled Roberts and Simon Thomas.

[247] **Ann Jones:** The question is that amendment 66 be agreed to. Does any Member object? I see that there is objection, therefore we will move to a vote by show of hands.

*Gwelliant 66: O blaid 5, Ymatal 0, Yn erbyn 5.  
Amendment 66: For 5, Abstain 0, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Burns, Angela  
Davies, Suzy  
Jenkins, Bethan  
Roberts, Aled  
Thomas, Simon

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Davies, Keith  
Evans, Rebecca  
Jones, Ann  
Neagle, Lynne  
Rees, David

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

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

*Gwrthodwyd gwelliant 66.*



*Amendment 66 not agreed.*

[248] **Ann Jones:** Suzy, would you like to move amendment 67?

[249] **Suzy Davies:** Yes, please. I move amendment 67 in my name, supported by Aled Roberts and Simon Thomas.

[250] **Ann Jones:** The question is that amendment 67 be agreed to. Does any Member object? I see that there is objection; therefore, we will move to a vote by show of hands.

*Gwelliant 67: O blaid 5, Ymatal 0, Yn erbyn 5.  
Amendment 67: For 5, Abstain 0, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Burns, Angela  
Davies, Suzy  
Jenkins, Bethan  
Roberts, Aled  
Thomas, Simon

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Davies, Keith  
Evans, Rebecca  
Jones, Ann  
Neagle, Lynne  
Rees, David

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

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

*Gwrthodwyd gwelliant 67.  
Amendment 67 not agreed.*

[251] **Ann Jones:** Suzy, would you like to move amendment 68?

[252] **Suzy Davies:** Yes, please. I move amendment 68 in my name, supported by Aled Roberts and Simon Thomas.

[253] **Ann Jones:** The question is that amendment 68 be agreed to. Does any Member object? I see that there is objection, therefore we will move to a vote by show of hands.

*Gwelliant 68: O blaid 5, Ymatal 0, Yn erbyn 5.  
Amendment 68: For 5, Abstain 0, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Burns, Angela  
Davies, Suzy  
Jenkins, Bethan  
Roberts, Aled  
Thomas, Simon

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Davies, Keith  
Evans, Rebecca  
Jones, Ann  
Neagle, Lynne  
Rees, David

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

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

*Gwrthodwyd gwelliant 68.  
Amendment 68 not agreed.*

[254] **Ann Jones:** Suzy, would you like to move amendment 69?

[255] **Suzy Davies:** Yes, please. I move amendment 69 in my name, supported by Aled Roberts and Simon Thomas.

[256] **Ann Jones:** The question is that amendment 69 be agreed to. Does any Member object? I see that there is objection, therefore we will move to a vote by show of hands.

*Gwelliant 69: O blaid 5, Ymatal 0, Yn erbyn 5.  
Amendment 69: For 5, Abstain 0, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Burns, Angela  
Davies, Suzy  
Jenkins, Bethan  
Roberts, Aled  
Thomas, Simon

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Davies, Keith  
Evans, Rebecca  
Jones, Ann  
Neagle, Lynne  
Rees, David

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

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

*Gwrthodwyd gwelliant 69.  
Amendment 69 not agreed.*

[257] **Ann Jones:** Suzy, would you like to move amendment 70?

[258] **Suzy Davies:** Yes, please. I move amendment 70 in my name, supported by Aled Roberts and Simon Thomas.

[259] **Ann Jones:** The question is that amendment 70 be agreed to. Does any Member object? I see that there is objection, therefore we will move to a vote by show of hands.

*Gwelliant 70: O blaid 5, Ymatal 0, Yn erbyn 5.  
Amendment 70: For 5, Abstain 0, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Burns, Angela  
Davies, Suzy  
Jenkins, Bethan  
Roberts, Aled  
Thomas, Simon

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Davies, Keith  
Evans, Rebecca  
Jones, Ann  
Neagle, Lynne  
Rees, David

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

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

*Gwrthodwyd gwelliant 70.  
Amendment 70 not agreed.*

[260] **Ann Jones:** Suzy, would you like to move amendment 71?

[261] **Suzy Davies:** Yes, please. I move amendment 71 in my name, supported by Aled Roberts and Simon Thomas.

[262] **Ann Jones:** The question is that amendment 71 be agreed to. Does any Member object? I see that there is objection; therefore, we will move to a vote by show of hands.

*Gwelliant 71: O blaid 5, Ymatal 0, Yn erbyn 5.  
Amendment 71: For 5, Abstain 0, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Burns, Angela  
Davies, Suzy  
Jenkins, Bethan  
Roberts, Aled  
Thomas, Simon

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Davies, Keith  
Evans, Rebecca  
Jones, Ann  
Neagle, Lynne  
Rees, David

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

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

*Gwrthodwyd gwelliant 71.  
Amendment 71 not agreed.*

[263] **Ann Jones:** Suzy, would you like to move amendment 72?

[264] **Suzy Davies:** Yes, please. I move amendment 72 in my name, supported by Aled Roberts and Simon Thomas.

[265] **Ann Jones:** The question is that amendment 72 be agreed to. Does any Member object? I see that there is objection, therefore we will move to a vote by show of hands.

*Gwelliant 72: O blaid 5, Ymatal 0, Yn erbyn 5.  
Amendment 72: For 5, Abstain 0, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Burns, Angela  
Davies, Suzy  
Jenkins, Bethan  
Roberts, Aled  
Thomas, Simon

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Davies, Keith  
Evans, Rebecca  
Jones, Ann  
Neagle, Lynne  
Rees, David

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

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

*Gwrthodwyd gwelliant 72.  
Amendment 72 not agreed.*

[266] **Ann Jones:** Suzy, would you like to move amendment 73?

[267] **Suzy Davies:** Yes, please. I move amendment 73 in my name, supported by Aled Roberts and Simon Thomas.

[268] **Ann Jones:** The question is that amendment 73 be agreed to. Does any Member object? I see that there is objection, therefore we will move to a vote by show of hands.

*Gwelliant 73: O blaid 5, Ymatal 0, Yn erbyn 5.  
Amendment 73: For 5, Abstain 0, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Burns, Angela  
Davies, Suzy  
Jenkins, Bethan  
Roberts, Aled  
Thomas, Simon

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Davies, Keith  
Evans, Rebecca  
Jones, Ann  
Neagle, Lynne  
Rees, David

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

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

*Gwrthodwyd gwelliant 73.  
Amendment 73 not agreed.*

[269] **Ann Jones:** Suzy, would you like to move amendment 74?

[270] **Suzy Davies:** Tenaciously, I would. [*Laughter.*]. I move amendment 74 in my name, supported by Aled Roberts and Simon Thomas.

[271] **Ann Jones:** The question is that amendment 74 be agreed to. Does any Member object? I see that there is objection, therefore we will move to a vote by show of hands.

*Gwelliant 74: O blaid 5, Ymatal 0, Yn erbyn 5.  
Amendment 74: For 5, Abstain 0, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Burns, Angela  
Davies, Suzy  
Jenkins, Bethan  
Roberts, Aled  
Thomas, Simon

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Davies, Keith  
Evans, Rebecca  
Jones, Ann  
Neagle, Lynne  
Rees, David

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

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

*Gwrthodwyd gwelliant 74.  
Amendment 74 not agreed.*

[272] **Ann Jones:** Suzy, would you like to move amendment 75?

[273] **Suzy Davies:** Yes, please. I move amendment 75 in my name, supported by Aled Roberts and Simon Thomas.

[274] **Ann Jones:** The question is that amendment 75 be agreed to. Does any Member

object? I see that there is objection, therefore we will move to a vote by show of hands.

*Gwelliant 75: O blaid 5, Ymatal 0, Yn erbyn 5.  
Amendment 75: For 5, Abstain 0, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Burns, Angela  
Davies, Suzy  
Jenkins, Bethan  
Roberts, Aled  
Thomas, Simon

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Davies, Keith  
Evans, Rebecca  
Jones, Ann  
Neagle, Lynne  
Rees, David

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

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

*Gwrthodwyd gwelliant 75.  
Amendment 75 not agreed.*

[275] **Ann Jones:** Suzy, would you like to move amendment 76?

[276] **Suzy Davies:** Yes, please. I move amendment 76 in my name, supported by Aled Roberts and Simon Thomas.

[277] **Ann Jones:** The question is that amendment 76 be agreed to. Does any Member object? I see that there is objection, therefore we will move to a vote by show of hands.

*Gwelliant 76: O blaid 5, Ymatal 0, Yn erbyn 5.  
Amendment 76: For 5, Abstain 0, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Burns, Angela  
Davies, Suzy  
Jenkins, Bethan  
Roberts, Aled  
Thomas, Simon

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Davies, Keith  
Evans, Rebecca  
Jones, Ann  
Neagle, Lynne  
Rees, David

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

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

*Gwrthodwyd gwelliant 76.  
Amendment 76 not agreed.*

[278] **Ann Jones:** Suzy, would you like to move amendment 77?

[279] **Suzy Davies:** Yes, please. I move amendment 77 in my name, supported by Aled Roberts and Simon Thomas.

[280] **Ann Jones:** The question is that amendment 77 be agreed to. Does any Member object? There are objections, therefore we will move to a vote.

*Gwelliant 77: O blaid 5, Ymatal 0, Yn erbyn 5.  
Amendment 77: For 5, Abstain 0, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Burns, Angela  
Davies, Suzy  
Jenkins, Bethan  
Roberts, Aled  
Thomas, Simon

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Davies, Keith  
Evans, Rebecca  
Jones, Ann  
Neagle, Lynne  
Rees, David

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

*As there was an equality of votes, the Chair used her casting vote in accordance with Standing Orders No. 6.20(ii).*

*Gwrthodwyd gwelliant 77.  
Amendment 77 not agreed.*

[281] **Ann Jones:** We now go on to dispose of amendments that we have already debated in line with the marshalled list. Angela, would you like to move amendment 29?

[282] **Angela Burns:** I move amendment 29 in my name, supported by Aled Roberts and Simon Thomas.

[283] **Ann Jones:** The question is that amendment 29 be agreed to. Does any Member object? There are no objections, therefore amendment 29 is agreed.

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

[284] **Ann Jones:** Minister, would you like amendment 17 in your name to be moved?

[285] **Huw Lewis:** I would.

[286] **Ann Jones:** I move amendment 17 in the name of the Minister. The question is that amendment 17 be agreed to. Does any Member object? There are no objections, therefore amendment 17 is agreed.

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

[287] **Ann Jones:** Minister, would you like amendment 18 in your name to be moved?

[288] **Huw Lewis:** Yes, please.

[289] **Ann Jones:** I move amendment 18 in the name of the Minister. The question is that amendment 18 be agreed to. Does any Member object? There are no objections, therefore amendment 18 is agreed.

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

**Grŵp 11: Aelodaeth o'r Cyngor (Gwelliannau 19, 20 a 21)**  
**Group 11: Membership of the Council (Amendments 19, 20 and 21)**

[290] **Ann Jones:** The lead amendment in this group is amendment 19. Minister, would you like me to move amendment 19 in your name?

[291] **Huw Lewis:** I would, please.

[292] **Ann Jones:** I move amendment 19 in the name of the Minister, and invite you, Minister, to speak to that amendment and other amendments in this group.

[293] **Huw Lewis:** Thank you, Chair. May I begin by addressing the intent of amendment 19? As part of the ongoing work on the transition from the GTCW to the EWC, Public Service Management Wales was asked to work with the GTCW to look at its existing organisational structure and consider the changes that would be required to ensure that the reformed organisation is able to deliver the new requirements as efficiently and effectively as possible.

[294] The existing council membership is made up of 25 members. However, both the Welsh Government and the GTCW recognises that such a membership is not sustainable going forward. Responses to the consultation expressed that membership of the reconfigured council should be smaller and more focused on decision making and ratifying, providing better value for money while representing a larger and more varied workforce. Fourteen is the proposed membership, however Welsh Ministers may, by Order, make an amendment specifying a different number of members, or a specified minimum and maximum number of members. Ensuring that the members of the council have the skills, knowledge and expertise to accurately support the wider education workforce will be the key to its success. That is why members of the council will be appointed by Welsh Ministers, through an open and transparent public appointments procedure, which is designed to achieve the appointment of the most suitable candidate available for the post selected on merit.

[295] Turning to amendments 20 and 21, getting the appointments process right is a vital part of managing any public body and is an investment in its future. All appointments to the council will be made using the public appointments procedures that are designed to achieve the appointment of the most suitable candidate available for the post, selected on merit, as I said, using a fair, open, transparent and appropriate procedure.

[296] The procedures are likely to follow the principles in the code of practice for ministerial appointments for public bodies produced by the Commissioner for Public Appointments, and this will be set out in regulations. The use of the public appointments process will help ensure that the council members have the right balance of strategic abilities, skills and expertise that are necessary for the council to undertake its functions.

[297] **Simon Thomas:** Gwelaf fod gwelliannau'r Llywodraeth yn dod ag ychydig mwy o eglurder i wyneb y Bil, felly, ar sail hynny, byddwn ni'n eu cefnogi heddiw. Fodd bynnag, bydd yn rhaid edrych ar y Bil ar ei newydd wedd, ar ôl pasio drwy'r pwyllgor, i weld a yw'n mynd yn ddigon pell i ddiogelu'r hyn y mae gennym ddi-ddordeb ynddo, sef annibyniaeth y corff newydd hwn. Fodd bynnag, rwy'n derbyn bod mwy o eglurder fan hyn.

**Simon Thomas:** I see that the Government's amendments bring some more clarity to the face of the Bill, therefore we will support them today. However, we will need to look at the revised Bill, once it has gone through the committee, to see whether it goes far enough to safeguard what we are seeking, namely the independence of this new body. However, I accept that there is greater clarity here.

[298] **Ann Jones:** Thank you. Minister, do you need to reply?

[299] **Huw Lewis:** No, thank you.

[300] **Ann Jones:** Do you wish to go to a vote on amendment 19?

[301] **Huw Lewis:** I do.

[302] **Ann Jones:** The question is that amendment 19 be agreed to. Does any Member object? There are no objections, therefore amendment 19 is agreed.

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

[303] **Ann Jones:** Minister, would you like amendment 20 in your name to be moved?

[304] **Huw Lewis:** I would.

[305] **Ann Jones:** I move amendment 20 in the name of the Minister. The question is that amendment 20 be agreed to. Does any Member object? There are no objections, therefore amendment 20 is agreed.

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

[306] **Ann Jones:** Minister, would you like amendment 21 in your name to be moved?

[307] **Huw Lewis:** I would.

[308] **Ann Jones:** I move amendment 21 in the name of the Minister. The question is that amendment 21 be agreed to. Does any Member object? There is no objection, therefore amendment 21 is agreed.

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

11:30

**Grŵp 12: Cyllid ar gyfer Grantiau (Gwelliannau 51, 52 a 54)**  
**Group 12: Funding for Grants (Amendments 51, 52 and 54)**

[309] **Ann Jones:** The lead amendment in this group is amendment 51 and I call on Aled Roberts to move and speak to this amendment and other amendments in the group.

[310] **Aled Roberts:** Cynigiaf welliant 51 yn fy enw i. **Aled Roberts:** I move amendment 51 in my name.

[311] Mae'r gwelliannau hyn yn deillio o gonsŷrn oedd gennym fel aelodau'r pwyllgor ynglŷn â'r modd y bydd y cyllid yn cael ei bennu er mwyn i'r cyngor allu wireddu ei gyfrifoldebau. Yn arbennig, roedd nifer ohonom yn teimlo bod y memorandwm esboniadol—ac mae nifer o bobl, yn cynnwys Suzy, wedi dweud na fydd hyn yn rhan o'r  
These amendments stem from the concern that we had, as committee members, regarding the way in which the funding will be set in order for the council to discharge its responsibilities. In particular, a number of us felt that the explanatory memorandum—and a number of people, including Suzy, have said that this would not be part of the final



Bil terfynol—ond yn sôn am ‘*best estimates*’; credaf mai dyna yw’r geiriau sy’n cael eu defnyddio yn y memorandwm. Yn adroddiad y pwyllgor, nodwyd ein bod yn teimlo bod y wybodaeth ariannol yn y memorandwm yn annigonol. Felly, pwrpas y gwelliannau hyn yw cael rhyw fath o eglurdeb gan y Gweinidog ynglŷn â sut y bydd y cyngor yn gwreiddu ei gyfrifoldebau heb fod y wybodaeth ariannol honno ar gael. Teimlaf hefyd fod y gwelliannau yn rhoi dyletswydd ar y Gweinidog i ddangos yn union sut y mae’r arian hwnnw wedi cael ei bennu ar ôl ymgynghori â’r cyngor ac yn rhoi mwy o gyfleoedd i ni fel Cynulliad i graffu ar ba mor effeithiol yw’r trefniadau ariannol.

Bill—mentions only ‘*best estimates*’; I believe that those are the words used in the explanatory memorandum. In the committee’s report, we noted that we felt that the financial information in the memorandum was inadequate. Therefore, the purpose of these amendments is to have some kind of clarity from the Minister with regard to the way in which the council will fulfil its responsibilities without that financial information being available. I believe that the amendments place a duty on the Minister to demonstrate exactly how that funding has been set after consulting with the council and give us, as an Assembly, more opportunities to scrutinise the effectiveness of the funding arrangements.

[312] **Ann Jones:** Do any other Members wish to speak? I see not. I call on the Minister to speak.

[313] **Huw Lewis:** To be absolutely clear here, the GTCW is self-financing in respect of its core functions, and it raises that funding through its annual registration fee. It is the intention that this will remain the case for the education workforce council. The Bill does not seek to change that. Outside the core functions, the Welsh Government has funded the GTCW by way of a grant to undertake additional work on its behalf. That has included administering the award of qualified teacher status, issuing induction certificates and administering induction appeals, administering payments to the disclosure and barring service for disclosures for newly qualified teachers, and administering funding, recording and tracking arrangements for induction, early professional development and the Master’s in educational practice.

[314] Any grant offers made to the GTCW are set out in the grant offer letter. This offer is agreed and signed by the GTCW before the activities can be undertaken. The funding of these activities is set out in an annual grant offer letter, which is prepared following the grants centre of excellence minimum standards for grant funding. This is issued to the GTCW before the start of each financial year and sets out the amount of money that is to be made available to it and the terms and conditions of the grant.

[315] The Welsh Government already has well-established procedures in place in relation to grant funding. In considering whether or not to grant fund, an integral part of the process is the consultation and agreement of the grantee. Therefore, amendments 51, 52 and 54 are not necessary. I have, today, given further clarification on the funding provided to the council. So, to be clear, in requesting the education workforce council to undertake such activities, the appropriate funding would, of course, be made available. For these reasons, I urge Members to resist amendments 51, 52 and 54.

[316] **Ann Jones:** I call on Aled to reply.

[317] **Aled Roberts:** Unwaith eto, mae’r Gweinidog yn sôn bod y cyngor yn ddibynnol ar gyllid craidd, ond, wrth gwrs, mae’r penderfyniad y mae’r pwyllgor wedi ei gymryd ar sail pleidlais gan y Cadeirydd o fewn grŵp 6 yn ei wneud yn hollol glir mai’r Gweinidog ei hun fydd yn penderfynu ar y

**Aled Roberts:** Once again, the Minister mentioned that the council is reliant upon core funding, but, of course, the decision that the committee has taken on the basis of the Chair’s vote in group 6 makes it very clear that it is the Minister who will decide on the core funding. What we are doing here is

cyllid craidd. Yr hyn yr ydym yn gwneud yn y fan hon yw rhoi'r union rym i'r Gweinidog o ran unrhyw gyllid arall. Fel gwrthbleidiau, rydym yn teimlo bod yr holl rym yn cael ei roi yn nwylo'r Gweinidog o ran pennu'r arian sydd ar gael i'r cyngor er mwyn iddo wireddu ei holl gyfrifoldebau. Mae gwahaniaeth barn yma. Rwy'n derbyn yr esboniad y mae'r Gweinidog wedi ei roi, ond nid wyf yn teimlo bod hyn yn adlewyrchu'r ymddiriedaeth y dylem ni fel Cynulliad ddangos yn y proffesiwn.

giving exactly the same power to the Minister with regard to any other funding. As opposition parties, we feel that all of the power is being put in the hands of the Minister with regard to setting the funding that is available for the council to discharge its responsibilities. There is a difference of opinion here. I accept the explanation that the Minister has given, but I do not feel that this reflects the trust that we as an Assembly should show in the profession.

[318] **Ann Jones:** Okay. Thank you. Do you wish to proceed to a vote on amendment 51?

[319] **Aled Roberts:** Yes, please.

[320] **Ann Jones:** The question is that amendment 51 be agreed to. Does any Member object? There is objection, therefore I will take a vote by show of hands.

*Gwelliant 51: O blaid 5, Ymatal 0, Yn erbyn 5.  
Amendment 51: For 5, Abstain 0, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Burns, Angela  
Davies, Suzy  
Jenkins, Bethan  
Roberts, Aled  
Thomas, Simon

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Davies, Keith  
Evans, Rebecca  
Jones, Ann  
Neagle, Lynne  
Rees, David

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

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

*Gwrthodwyd gwelliant 51.  
Amendment 51 not agreed.*

[321] **Ann Jones:** Aled, do you wish to move amendment 52?

[322] **Aled Roberts:** I move amendment 52 in my name.

[323] **Ann Jones:** The question is that amendment 52 be agreed to. Does any Member object? There is objection, therefore I will take a vote by show of hands.

*Gwelliant 52: O blaid 5, Ymatal 0, Yn erbyn 5.  
Amendment 52: For 5, Abstain 0, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Burns, Angela  
Davies, Suzy  
Jenkins, Bethan  
Roberts, Aled  
Thomas, Simon

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Davies, Keith  
Evans, Rebecca  
Jones, Ann  
Neagle, Lynne  
Rees, David

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

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

*Gwrthodwyd gwelliant 52.*

*Amendment 52 not agreed.*

[324] **Ann Jones:** We will return to the marshalled list to dispose of an amendment that has already been debated. Aled, would you like to move amendment 53?

[325] **Aled Roberts:** I move amendment 53 in my name.

[326] **Ann Jones:** The question is that amendment 53 be agreed to. Does any Member object? There is objection, therefore I will take a vote by show of hands.

*Gwelliant 53: O blaid 5, Ymatal 0, Yn erbyn 5.*

*Amendment 53: For 5, Abstain 0, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Burns, Angela  
Davies, Suzy  
Jenkins, Bethan  
Roberts, Aled  
Thomas, Simon

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Davies, Keith  
Evans, Rebecca  
Jones, Ann  
Neagle, Lynne  
Rees, David

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

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

*Gwrthodwyd gwelliant 53.*

*Amendment 53 not agreed.*

[327] **Ann Jones:** Aled, do you wish to move amendment 54?

[328] **Aled Roberts:** I move amendment 54 in my name, supported by Simon Thomas.

[329] **Ann Jones:** The question is that amendment 54 be agreed to. Does any Member object? There is objection, therefore I will take a vote by show of hands.

*Gwelliant 54: O blaid 5, Ymatal 0, Yn erbyn 5.*

*Amendment 54: For 5, Abstain 0, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Burns, Angela  
Davies, Suzy  
Jenkins, Bethan  
Roberts, Aled  
Thomas, Simon

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Davies, Keith  
Evans, Rebecca  
Jones, Ann  
Neagle, Lynne  
Rees, David

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

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

*Gwrthodwyd gwelliant 54.  
Amendment 54 not agreed.*

**Grŵp 13: Ymestyn y Cofrestru i Gynnwys Gweithwyr Ieuenctid (Gwelliannau 55 a 56)**  
**Group 13: Extending Registration for Youth Workers (Amendments 55 and 56)**

[330] **Ann Jones:** The lead amendment in this group is amendment 55 and I call on Aled Roberts to move and to speak to that amendment and any other amendments in the group.

[331] **Aled Roberts:** Cynigiau welliant 55 yn fy enw i, gyda chefnogaeth Simon Thomas. **Aled Roberts:** I move amendment 55 tabled in my name, supported by Simon Thomas.

[332] Mae'r gwelliannau hyn yn seiliedig ar argymhellid 2 yn adroddiad y pwyllgor, sy'n sôn am ymestyn y diffiniad o ran cofrestru i weithwyr ieuenctid. Rwy'n teimlo bod tystiolaeth gref wedi ei derbyn gan y pwyllgor ynglŷn â rhai o'r pethau hyn sy'n ei gwneud yn anodd inni ddiffinio gweithwyr ieuenctid. Mae nifer o ddiffiniadau gwahanol, i ddweud y gwir. Rwy'n cyfaddef mai diffiniad eithaf syml a geir yng ngwelliant 56. Rwy'n derbyn bod y Gweinidog wedi dweud yn ei dystiolaeth i'r pwyllgor ei fod yn awyddus i ymestyn y cofrestru i gynnwys gweithwyr ieuenctid yn y pen draw a bod gwaith yn cael ei wneud ar y diffiniad. Serch hynny, rwy'n teimlo bod cynnwys y diffiniad hwn o fewn y gwelliant yn gwella statws gweithwyr ieuenctid, ac os nad yw'r Gweinidog yn awyddus i gefnogi'r gwelliant hwn heddiw, efallai y gall roi tystiolaeth bellach ynglŷn â'r diffiniad o weithwyr ieuenctid wrth inni fynd ymlaen at Gyfnod 3.

These amendments are based on recommendation 2 of the committee report, which talks about extending the definition in terms of registration to youth workers. I feel that strong evidence has been received by the committee about some of these things that make it difficult for us to define youth workers. There have been a number of different definitions, to be honest. I admit that it is quite a simple definition that is contained within amendment 56. I accept that the Minister has said in his evidence to the committee that he was eager to extend registration to include youth workers ultimately and that work is being done on the definition. However, I still feel that including this definition in the amendment improves the status of youth workers, and if the Minister is not eager to support this amendment today, perhaps he could give some kind of further evidence about the definition of youth workers as we proceed to Stage 3.

[333] **Ann Jones:** Okay. Thank you. Simon.

[334] **Simon Thomas:** Rwy'n cefnogi'r ddau welliant hyn, ar sail yr hyn a ddywedodd Aled Roberts. Roedd y pwyllgor yn glir, os taw'r bwriad yw ymestyn y Bil hwn i gynnwys gweithwyr ieuenctid, ei bod yn gwneud synwyr i gynnwys diffiniad o weithwyr ieuenctid—neu i gynnwys ryw ffordd arall o ddiffinio gweithwyr ieuenctid—ar wyneb y Bil.

**Simon Thomas:** I support both of these amendments, on the basis of the words of Aled Roberts. As a committee we were clear that, if it is the intention to extend the Bill to include youth workers, it makes sense to include that definition of youth workers—or to include some other way of defining youth workers—on the face of the Bill.

[335] Rwy'n cydnabod nad yw cynigion Aled, efallai, yn gwneud y tro, i fod yn onest, ond ni allaf feddwl am unrhyw beth gwell.

I admit that Aled's proposals are, perhaps, not sufficient, if truth be told, but I cannot think of an improvement. I hope that some of

Rwy'n gobeithio y bydd rhai o'r gweision sifil newydd a benodwyd i Lywodraeth Cymru, efallai, yn gallu cynnig diffiniad gwell inni erbyn Cyfnod nesaf y Bil. Yr egwyddor sy'n bwysig yma, ac mae cynnig gwelliant fel hwn yn taro deuddeg gydag argymhelliad y pwyllgor. Hefyd, fel y byddai pob un ohonom wedi ystyried wrth drafod y Bil, bydd unrhyw amheuaeth yn codi problem yn y system. Os bydd gweithwyr ieuenctid yn dod o dan y Bil rywbryd yn y dyfodol, yna mae'n ddyletswydd ar y Llywodraeth i ddweud ar wyneb y Bil beth yw'r cylchoedd gwaith sy'n berthnasol ar gyfer gweithwyr ieuenctid. Y ffordd orau o wneud hyn, rwy'n meddwl, fyddai drwy law y Llywodraeth, achos wedyn byddai pawb yn glir o ran pa feysydd y mae'r Gweinidog eisiau gweithredu arnynt a byddai amcanion a bwriadau'r Llywodraeth yn glir. Rwy'n dal i obeithio y bydd y Llywodraeth yn gwneud hyn, ond o leiaf mae'r gwelliant gan Aled yn ein galluogi i brofi'r hyn sydd gan y Llywodraeth i'w wneud, ac i wireddu un o brif argymhellion y pwyllgor y tro diwethaf.

[336] **Ann Jones:** Thank you. I call Bethan.

[337] **Bethan Jenkins:** Yr unig beth yr hoffwn ei ychwanegu yw bod cyfle gennym yn awr gyda'r ddeddfwriaeth hon, gan ein bod wedi ehangu'r ddeddfwriaeth i edrych ar bobl sy'n cynorthwyo yn y dosbarth. Os ydym yn meddwl am yr hyn yr ydym yn ei wneud o ran deddfwriaeth ar lefel eang, byddai'n dda cynnwys gweithwyr ieuenctid, oherwydd byddai hynny'n rhoi *signal* iddynt eu bod yn cael eu parchu o fewn y system, fel y bydd cynorthwywyr athrawon yn awr yn cael eu parchu fwy o fewn y system. Os ydym yn gadael gweithwyr ieuenctid allan, ni fydd yn glir i'r bobl sy'n gweithio yn y sector ar hyn o bryd beth yw eu dyfodol. Credaf fod angen diffiniad clir, felly, a'u cynnwys fel nad oes dadl yn y dyfodol nad ydynt yn rhan o hyn, gan eu bod yn rhan glir o ddelifro yn y sector addysg yng Nghymru.

[338] **Keith Davies:** Mae pwyllgor yng Nghymru o wirfoddolwyr sy'n gweithio gydag ieuenctid, sydd yn cynnwys pobl sy'n gweithio i Urdd Gobaith Cymru a Gwobr Dug Caeredin, ac yn y blaen. Mae'n rhaid inni sicrhau nad dim ond y rhai sy'n gweithio i'r awdurdodau lleol yr ydym yn eu cynnwys,

the new civil servants appointed to the Welsh Government may be in a position to bring a more adequate definition forward by the next Stage of the Bill. It is the principle that is at stake here, and tabling such an amendment strikes a chord with the committee's recommendations. Also, as we would all have found in discussing the Bill, any doubt will cause a problem within the system. If youth workers are brought into the remit of this Bill at some point in the future, then it is a duty on the Government to state on the face of the Bill what areas would be relevant to youth workers. The best way for this to happen, I believe, would be via the Government, because everyone would be clear on exactly which areas the Minister wants to see action taken and the Government's aims and intentions would be clear. I still hope that the Government will do this, but at least Aled's amendment enables us to test what the Government has to do, and to achieve one of the committee's main recommendations from last time.

**Bethan Jenkins:** The only thing that I would like to add is that we have an opportunity now with this legislation, as we have expanded the legislation to look at the issue of classroom assistants. If we are thinking about what we are doing in terms of legislation on a broader scale, it would be good to include youth workers, because that would give them a signal that they are respected within the system, as classroom assistants will now be respected more within the system. If we omit youth workers, it will not be clear for people working in the sector what their future is. I think we need a clear definition, therefore, and to include them so that there can be no argument in future that they are not part of this, because they are clearly part of delivery in the education sector in Wales.

**Keith Davies:** There is a committee in Wales of volunteers who work with youth, including those working for Urdd Gobaith Cymru and the Duke of Edinburgh Award, and so forth. We have to ensure that it is not only those who work for local authorities that we include, but the people who volunteer outside

ond y bobl sy'n gwirfoddoli tu fas i ysgol neu of schools or colleges.  
goleg.

[339] **Ann Jones:** Thank you. Does any other Member wish to speak? No? I call the Minister.

[340] **Huw Lewis:** Thank you, Chair. I need to make it clear that I welcome the principles behind amendments 55 and 56 tabled by Aled. I have made it clear that it remains my intention to require youth workers to register, recognising that they have a key role in supporting young people to successfully remain engaged in and progress through their formal education and training. However, Members will be aware that this sector of the workforce, as Keith has pointed out, varies considerably in terms of how it is defined and its contractual arrangements, and I will be using the enabling powers in the Bill to make regulations to require youth workers to register. These regulations will be subject to a further full consultation, which will assist in informing us on all aspects of the policy, including defining the workforce. The legislative approach will be different. This is vital to allow for the flexibility required for the sector. However, the outcome will be the same.

[341] Work is, as I say, ongoing to identify, for the purposes of the registration scheme, what we want 'youth worker' to actually mean. We need to ensure that, when we do legislate, we get it right, and we do not inadvertently include those whom we do not want to fall within the scheme. That is one of the reasons—and this is important—for the Schedule 2 Order-making power in this Bill. For these reasons, I intend to use the Bill's enabling powers to make secondary legislation to require this group to register. For this reason, I ask Members to resist amendments 55 and 56.

[342] **Ann Jones:** Thank you. I call Aled.

[343] **Aled Roberts:** Rwy'n cydnabod bod problemau ynglŷn â'r diffiniad. Mae hynny wedi bod yn amlwg o'r dystiolaeth yr ydym wedi ei dderbyn. Rwy'n cofio bod Cyngor Sir Caerfyrddin a gwasanaeth ieuencid Wrecsam, rwy'n meddwl, wedi awgrymu bod gwahanol ddiffiniadau hyd yn oed o fewn awdurdodau lleol. Mae gwelliant 56 yn cynnwys y rhai hynny sy'n gwirfoddoli yn hytrach nag y rhai sydd yn gyflogedig. Fodd bynnag, credaf ei bod hi'n bwysig, oherwydd yr holl ddryswech ynglŷn â pha gategori o weithwyr ieuencid sy'n cael ei gynnwys yn y Bil, fod hynny ar wyneb y Bil, neu bod o leiaf rhyw fath o ddiffiniad yn cael ei wneud. Nid wyf yn fodlon pleidleisio dros Fil lle y bydd rhai o'r grwpiau mae Keith Davies wedi awgrymu fydd yn cael eu cynnwys o fewn rheoliadau fydd yn cael eu dwyn ger ein bron gan y Gweinidog yn cael eu cynnwys o fewn y dyletswydd i gofrestru. Rwy'n cydnabod ei bod hi'n anodd i'r Llywodraeth, ond mae dyletswydd ar y Llywodraeth i fod yn glir ac i wneud yn sicr bod hyn ar wyneb y Bil, er fy mod yn derbyn ei bod hi'n anodd gwneud hynny.

**Aled Roberts:** I acknowledge that there are problems with the definition. That has been clear from the evidence that we have received. I remember that Carmarthenshire County Council and the Wrexham youth service, I think, suggested that there were different definitions even within local authorities. Amendment 56 includes those who volunteer rather than those who are employed. However, I think it is important, because of this whole confusion about which category of youth workers is included in the Bill, that that is on the face of the Bill, or that there is at least some kind of definition. I am not content to vote for a Bill where some of the groups that Keith Davies suggested will be included within the regulations that will be brought forward by the Minister are included within the duty to register. I acknowledge that it is difficult for the Government, but there is a duty on the Government to be clear and to ensure that this is on the face of the Bill, although I do accept that it is difficult to do that.

[344] **Ann Jones:** Thank you, Aled. Do you want to move to a vote on amendment 55?

[345] **Aled Roberts:** Please.

[346] **Ann Jones:** The question is that amendment 55 be agreed to. Does any Member object? There is objection. We will go to a vote.

*Gwelliant 55: O blaid 3, Ymatal 2, Yn erbyn 5.  
Amendment 55: For 3, Abstain 2, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Jenkins, Bethan  
Roberts, Aled  
Thomas, Simon

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Davies, Keith  
Evans, Rebecca  
Jones, Ann  
Neagle, Lynne  
Rees, David

Ymataliodd yr Aelodau canlynol:  
The following Members abstained:

Burns, Angela  
Davies, Suzy

*Gwrthodwyd gwelliant 55.  
Amendment 55 not agreed.*

11:45

[347] **Ann Jones:** Aled, do you wish to move amendment 56?

[348] **Aled Roberts:** I move amendment 56 in my name, supported by Simon Thomas.

[349] **Ann Jones:** The question is that amendment 56 be agreed to. Does any Member object? There is objection. We will go to a vote.

*Gwelliant 56: O blaid 3, Ymatal 0, Yn erbyn 7.  
Amendment 56: For 3, Abstain 0, Against 7.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Jenkins, Bethan  
Roberts, Aled  
Thomas, Simon

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Burns, Angela  
Davies, Keith  
Davies, Suzy  
Evans, Rebecca  
Jones, Ann  
Neagle, Lynne  
Rees, David

*Gwrthodwyd gwelliant 56.  
Amendment 56 not agreed.*

**Grŵp 14: Ysgolion Annibynnol (Gwelliannau 22 a 47)  
Group 14: Independent Schools (Amendments 22 and 47)**

[350] **Ann Jones:** The lead amendment in this group is amendment 22. Minister, would you like amendment 22 in your name to be moved?

[351] **Huw Lewis:** I would.

[352] **Ann Jones:** I move amendment 22 in the name of the Minister. I call on the Minister to speak to this amendment and the other amendment in the group.

[353] **Huw Lewis:** Thank you, Chair. Amendment 22 will enable education workers in the independent sector to register in the future. Given the strength of feeling during the Stage 1 debate, I wanted to ensure that the Welsh Ministers had the power to make an Order adding education workers in independent schools as a category of registration for the purposes of Schedule 2. This amendment would ensure that. Members must be clear that we would need to have a better understanding of the implications and impact that such a decision would have. I would remind Members that the independent sector did not form part of our original policy intent and, as a result, those workers' registration did not form part of the consultation process or impact assessment. Clearly, engagement on such a proposal will require a full impact assessment as part of the wider consultation with key stakeholders, including teachers, FE and support staff, as well as children and their parents.

[354] I do accept the principle behind amendment 47, tabled by Simon Thomas. It is, however, I feel, an unnecessary amendment to insert on the face of the Bill. I place on record my commitment to report to the Assembly on the impact of requiring the independent sector to register with the education workforce council and I further commit to do this no later than two years after the Act receives Royal Assent.

[355] **Ann Jones:** Simon, do you wish to speak?

[356] **Simon Thomas:** Diolch yn fawr, Gadeirydd. A gaf i, yn gyntaf oll, groesawu'r ffaith bod y Llywodraeth wedi cynnig gwelliant 22? Rwy'n gweld bod hwnnw yn galluogi'r Llywodraeth i gynnwys ysgolion annibynnol tu fewn i gwmpawd y Bil hwn. Mae hynny yn rhywbeth i'w groesawu.

**Simon Thomas:** Thank you very much, Chair. May I, first of all, welcome the fact that the Government has proposed amendment 22? I see that that enables the Government to include independent schools within the remit of this Bill. That is to be welcomed.

[357] Roedd e wastad yn fwriad gennyf i a Phlaid Cymru sicrhau ein bod yn dynesu at y mater hwn o safbwynt y plentyn. Nid oes ots gennyf lle mae'r plentyn yn cael ei addysg nac ym mha gyd-destun. Yr hyn sy'n bwysig yw dechrau gyda'r plentyn ac wedyn gwneud yn siŵr bod y ddarpariaeth broffesiynol, disgyblu a diogelu i gyd o gwmpas y plentyn. Yn hynny o beth, rwy'n meddwl yr oedd yn gam gwag nad oedd y Llywodraeth wedi ymgynghori â'r sector hwn yn drylwyr yn y lle cyntaf. Rwy'n nodi yn y llythyr atoch chi, Gadeirydd, ar 13 Tachwedd y llynedd, fod y Llywodraeth wedi cydnabod bod y sector preifat wedi cael ei gynnwys cyn belled ag y mae addysg anghenion arbennig yn y cwestiwn, felly roedd wedi gwneud hanner y gwaith ond heb estyn at y sector annibynnol llawn. Rwy'n meddwl bod y Llywodraeth wedi syrthio'n brin yn ei dyletswyddau yn hynny o beth. Byth ers hynny, rydym wedi

It was always my intention and Plaid Cymru's intention to ensure that we should approach this issue from the child's perspective. It does not matter to me where the child receives his or her education or in what context. What is important is that we start with the child and then ensure that the professional, disciplinary and safeguarding provisions are all child-centred. In that regard, I think that it was a mistake by the Government not to consult thoroughly with this sector initially. I note in the letter to you, Chair, on 13 November last year, that the Government acknowledged that the private sector had been included as far as special educational needs provision was concerned, so it had done half the work, but had not extended it to the independent sector as a whole. I think that the Government has fallen short in its duties in that regard. Ever since then, we have been playing catch-up, if truth



chwarae *catch-up*, a dweud y gwir, ac oherwydd hynny, rwy'n derbyn y pwynt sylfaenol nad oes modd mynd yn syth at gynnwys y sector hwn o fewn y Bil. Nid yw'r gwaith ymgynghori llawn wedi digwydd ac felly byddai posibilrwydd o her gyfreithiol yn y cyd-destun hwnnw.

[358] Pwrpas fy ngwelliant i, gwelliant 47, ac roedd y Gweinidog yn dweud ei fod yn cydymdeimlo gyda phwrpas y gwelliant, oedd gosod ar wyneb y Bil dyletswydd ar y Llywodraeth i wneud y gwaith ymgynghori hwnnw yn y sector preifat o fewn dwy flynedd. Gall fod yn ddwy flynedd neu'n dair blynedd. Gallwch drafod yr union gyfnod, ond yr hyn nad wyf eisiau ei weld—mae'n adlewyrchu rhai o'r trafodaethau yr ydym wedi eu cael—yw ein bod yn rhoi hawl i'r Gweinidog i edrych ar y sector hwn ac wedyn mae pum mlynedd yn mynd heibio ac nid oes neb wedi edrych ar y sector, ymgynghori â'r sector na gweld a fyddai'n well pe bai'r sector preifat hefyd yn dod yn rhan o system cofrestru yng Nghymru.

[359] Os credwch, ac rwy'n meddwl ei fod yn hollol gydnaws â phopeth rydym wedi ei basio a thrafod ar y pwyllgor hwn ac fel Cynulliad o safbwynt hawliau'r plentyn, y dylid dechrau gyda'r plentyn—fel arfer nid yw plentyn yn dewis lle mae'n cael ei addysg; mater i'r rheini neu'r ceidwaid yw hynny—ac os edrychwch ar y plentyn a dechrau yn y fan honno, mae'n bwysig bod pob un plentyn yng Nghymru yn cael yr un math o gyd-destun proffesiynol, disgyblu a diogelu.

[360] Yn hynny o beth, yn sicr mae'n fwrriad gan Blaid Cymru i'r sector preifat ddod yn rhan o hwn. Rwy'n derbyn bod y Llywodraeth yn meddu yn awr, os ydym yn derbyn gwelliant 22, ar y pŵer i wneud hynny. Mae hynny'n beth da, ond byddwn yn erfyn ar y pwyllgor i fynd ychydig ymhellach a mynnu bod y Llywodraeth yn gwneud y gwaith hwn yn y sector. Rwy'n agored iawn i'r Llywodraeth ddweud wrthyf, 'Wel, gosodwch dair blynedd i ni a newidiwch y cyfnod i fod yn fwy ymarferol', neu beth bynnag, ond nid wyf eisiau i'r peth lusgo a chael ei anghofio. Dyna bwrpas gwelliant 47.

[361] **Ann Jones:** Anybody else? Angela.

be told, and, as a result of that, I accept the fundamental point that we cannot move immediately to include this sector within the remit of the Bill. The full consultation work has not taken place and therefore there is a possibility of legal challenge implicit in that.

The purpose of my amendment, amendment 47, and the Minister said that he had sympathy with the aims of the amendment, was to place on the face of the Bill a duty on the Government to carry out that consultation within the private sector within two years. It could be two years or three years. You can discuss the exact period, but what I do not want to see—this reflects some of the discussions that we had earlier—is that we give the Minister the right to look at this sector and then five years could pass and nobody would have looked at the sector, consulted with it or seen whether it would be better if the private sector were also included in the registration system in Wales.

If you believe, and I think that it is entirely in accord with everything that we have passed and discussed as a committee and as an Assembly in terms of children's rights, that you should start with the child—usually, a child does not have a choice in where they receive an education; it is a matter for the parent or the guardian—and if you look at the child and start there, it is important that every child in Wales has the same kind of professional, disciplinary and safeguarding context.

In that regard, it is certainly Plaid Cymru's intention that the private sector should be included within this remit. I accept that the Government now, if amendment 22 is passed, would have the power to do that. That is a positive, of course. However, I would urge the committee to go just a little further and insist that the Government actually does carry out this work in this sector. I am very open to the Government saying, 'Well, give us three years and change the period to be more practicable', or whatever, but I do not want this to drag on and be forgotten. That is the purpose of amendment 47.

[362] **Angela Burns:** I would like to thank both the Minister and Simon Thomas for bringing forward these amendments. We will be supporting the Minister's amendment, because, like Simon Thomas and Plaid Cymru, we believe that the independent sector should be brought within the remit of this Bill. However, at this stage, we will not be supporting amendment 47, but what we would be interested in doing is looking for a slightly different form of words to come forward in Stage 3, because, rather than putting a date on it, we think that the most important thing is actually to ensure that certain key activities have occurred, such as a deep and meaningful consultation with the independent sector to ensure that we have its buy-in and support, and also to understand that we have proper monitoring processes in place, and to ensure that the question of the registration of the teachers or workforce, and the fees and how those fees are paid, is resolved, because we do not want to see any disparity or disadvantage between teachers in one sector and those in another. Those are the kinds of issues I would like to see dealt with before the Minister includes the independent sector in this. I also think it is very important because in Wales, of course, we have a very small number of such schools, and, of that small number, a very high percentage are schools that deal with special educational needs and SEN provision. So, I want to make sure that there is an equal playing field for everyone to operate on.

[363] **Ann Jones:** I call Bethan.

[364] **Bethan Jenkins:** It would be remiss of us not to conclude that the independent sector is something we need to look at, because we had evidence from the agency sector, and it appeared that many teachers were falling out of the system—when they left the state sector, they were then getting work by virtue of a loophole, not being monitored, and going into the independent sector. Again, we come back to the point of what Simon said: it is about the child, because if we do find that a teacher has gone into the independent sector who has had code of conduct problems in the past in the state sector, then we have to be monitoring that, and we have to be holding people to account for that. Simon's amendment looks to 'assess and report' to the Assembly whether an Order would be necessary, so it is not saying that it must happen, but that it should be considered. I think that is where the flexibility would be in the system.

[365] **Ann Jones:** I call Aled.

[366] **Aled Roberts:** Rwy'n meddwl ein bod yn unfarn yn y pwyllgor y dylid ymestyn y cyfrifoldebau hyn i'r sector annibynnol. Nid wyf yn meddwl ein bod yn gwrthod hynny o gwbl. Rwyf hefyd yn croesawu'r ffaith bod y Gweinidog wedi rhoi'r gwelliant hwn ymlaen, er, i fod yn deg, os nad yw'r ymgynghoriad wedi cynnwys y sector annibynnol yn y lle cyntaf, efallai y dylem feirniadu'r ffaith bod hynny wedi digwydd—ond mae wedi digwydd, felly mae'n rhaid inni ystyried hynny. Roeddwn yn meddwl fy mod wedi clywed y Gweinidog yn dweud ei fod yn barod i dderbyn, ar y cofnod, y byddai'n gweld yn union beth oedd y sefyllfa, a byddai'n gwneud hynny o fewn yr un amserlen. Felly, byddaf yn pleidleisio ar sail yr esboniad y mae'r Gweinidog yn rhoi wrth iddo gloi.

**Aled Roberts:** I think we are unanimous in the committee that the responsibilities should be extended to the independent sector. I do not think that we reject that at all. I also welcome the fact that the Minister has put forward this amendment even though, to be fair, if the consultation has not included the independent sector in the first place, maybe we should criticise that—but that has happened, so we have to consider that. I thought that I heard the Minister saying that he was prepared to accept, on the record, that he was going to see exactly what the situation was, and he was going to do that to the same timetable. So, I will be voting on the basis of the explanation that the Minister gives in closing.

[367] **Ann Jones:** Minister, do you want to speak?

[368] **Huw Lewis:** Yes, if I could, Chair. Just to add to Simon Thomas's point here, there is no question of this issue being forgotten. Just to reiterate, I place on record my commitment to report to the Assembly on the impact of requiring the independent sector to register with the new council, and I will do that no later than two years after the Act receives Royal Assent. It is worthwhile also putting on record that, during the interim period, I would like to reassure Members and, more importantly, the parents of children in primary schools, that prospective employers can obtain information about their employees through the register, and everyone working with children and young people is included and required to have the necessary disclosure and barring service checks, including those working in independent schools, and the Bill does not change that. There is very little between me and Simon Thomas in terms of agreement now on where we should travel with regard to independent schools. This agreement really is about the procedure of what appears on the face of the Bill and how we move forward.

[369] **Ann Jones:** Minister, do you wish to go to a vote on amendment 22?

[370] **Huw Lewis:** I do.

[371] **Ann Jones:** The question is that amendment 22 to be agreed to. Does any Member object? No Member objects to the amendment and therefore amendment 22 is agreed.

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

[372] **Ann Jones:** Simon, do you want to move amendment 47?

[373] **Simon Thomas:** In light of the commitment that the Minister has made, I will withdraw the amendment.

[374] **Ann Jones:** So, you wish to withdraw amendment 47.

[375] **Simon Thomas:** [*Inaudible.*]

[376] **Ann Jones:** Sorry, did you say you are going to move it?

[377] **Simon Thomas:** No, I do not want to move amendment 47.

*Ni chynigiwyd gwelliant 47.  
Amendment 47 not moved.*

[378] **Ann Jones:** Going back to the marshalled list, we will now dispose of some of the amendments that we have already discussed. Angela, would you like to move amendment 30?

[379] **Angela Burns:** I move amendment 30 in my name and supported by Aled Roberts and Simon Thomas.

[380] **Ann Jones:** The question is that amendment 30 be agreed to. Does any Member object? No, so amendment 30 is agreed.

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

[381] **Ann Jones:** Angela, would you like to move amendment 31?

[382] **Angela Burns:** I move amendment 31 in my name and supported by Aled Roberts and Simon Thomas.

[383] **Ann Jones:** The question is that amendment 31 be agreed to. Does any Member object? No, so amendment 31 is agreed.

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

[384] **Ann Jones:** Minister, would you like amendment 23 in your name to be moved?

[385] **Huw Lewis:** I would.

[386] **Ann Jones:** I move amendment 23 in the name of the Minister. The question is that amendment 23 be agreed to. Does any Member object? No, so amendment 23 is agreed.

*Derbyniwyd gwelliant 23 yn unol â Rheol Sefydlog 17.34.  
Amendment 23 agreed in accordance with Standing Order 17.34.*

[387] **Ann Jones:** The following 12 amendments are related and propose consequential amendments to the removal of Part 3 of this Bill. Therefore, I am proposing, in accordance with Standing Order 17.36, that we group them together for a single vote. Does any Member object to that? No. Good. Angela, would you like to move amendments 32 to 43?

[388] **Angela Burns:** I move amendments 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42 and 43 in my name and supported by Aled Roberts and Simon Thomas.

[389] **Ann Jones:** The question is that amendments 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42 and 43 be agreed to. Does any Member object? No. Thank you very much. That means that all those amendments are agreed.

*Derbyniwyd gwelliannau 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42 a 43 yn unol â Rheol Sefydlog 17.34.  
Amendments 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42 and 43 agreed in accordance with Standing Order 17.34.*

[390] **Ann Jones:** We now move to the fifteenth and final group—. Oh, no, sorry, I have gone too far. I was getting excited; I thought that we had moved right on but I had turned two pages at once. So, we continue to dispose of amendments according to the marshalled list. Minister, would you like amendment 24 in your name to be moved?

[391] **Huw Lewis:** Yes, I would.

[392] **Ann Jones:** I move amendment 24 in the name of the Minister. The question is that amendment 24 be agreed to. Does any Member object? No, so amendment 24 is agreed.

*Derbyniwyd gwelliant 24 yn unol â Rheol Sefydlog 17.34.  
Amendment 24 agreed in accordance with Standing Order 17.34.*

[393] **Ann Jones:** Minister, would you like amendment 25 in your name to be moved?

[394] **Huw Lewis:** Yes, please.

[395] **Ann Jones:** I move amendment 25 in the name of the Minister. The question is that

amendment 25 be agreed to. Does any Member object? No, thank you, so amendment 25 is agreed.

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

[396] **Ann Jones:** Minister, would you like amendment 26 in your name to be moved?

[397] **Huw Lewis:** Yes, please.

[398] **Ann Jones:** I move amendment 26 in the name of the Minister. The question is that amendment 26 be agreed to. Does any Member object? No. Therefore, amendment 26 is agreed.

*Derbyniwyd gwelliant 26 yn unol â Rheol Sefydlog 17.34.  
Amendment 26 agreed in accordance with Standing Order 17.34.*

**Grŵp 15: Teitl Hir (Gwelliant 27)  
Group 15: Long Title (Amendment 27)**

[399] **Ann Jones:** Right, we now come to the fifteenth and final group of amendments. The lead and only amendment in this group is amendment 27. I call on Angela to move the amendment and to speak to it.

[400] **Angela Burns:** I move amendment 27 in my name, supported by Aled Roberts and Simon Thomas.

[401] This is simply a consequential amendment to remove the special educational needs provisions contained in the Bill.

[402] **Ann Jones:** Minister, do you wish to speak?

[403] **Huw Lewis:** I just wish to say that I agree with this amendment.

[404] **Ann Jones:** Angela, do you want to—

[405] **Angela Burns:** I agree with the Minister. *[Laughter.]*

[406] **Ann Jones:** Oh, good. *[Laughter.]* Fine. Consensus is breaking out then. Do you wish to proceed to a vote, Angela?

[407] **Angela Burns:** Yes, please.

[408] **Ann Jones:** The question is that amendment 27 be agreed to. Does any Member object? I see no Member objecting, so amendment 27 is agreed.

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

[409] **Ann Jones:** Okay. So, we have now disposed of all the amendments and this is now the end of Stage 2. For the record, all sections of the Bill have been agreed by the committee. As we have disposed of all amendments, Stage 3 begins tomorrow. The deadline for tabling amendments will be notified to Members in due course.

12:00

[410] Under Standing Order 26.27, if a Bill is amended at Stage 2 so as to insert a section or a Schedule, or substantially alter any existing provision, the committee may ask that the Minister prepare a revised explanatory memorandum. Would we wish to see a revised memorandum?

[411] **Simon Thomas:** Yes.

[412] **Ann Jones:** So, we will have a revised explanatory memorandum, Minister, if that is okay.

[413] That concludes Stage 2 of the proceedings of the Education (Wales) Bill. I thank you all for your indulgence; it is tedious at times. We have no other items on our agenda, so the meeting is closed.

*Daeth y cyfarfod i ben am 12:00.  
The meeting ended at 12:00.*