



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

**Pwyllgor Deddfwriaeth Rhif 2  
Legislation Committee No. 2**

**Dydd Mercher, 28 Ionawr 2009  
Wednesday, 28 January 2009**

**Cynnwys**  
**Contents**

- 3 Cyflwyniad, Ymddiheuriadau a Dirprwyon  
Introduction, Apologies and Substitutions
- 4 Proposed Learning and Skills (Wales) Measure—Stage 2: Consideration of  
Amendments  
Mesur Arfaethedig ynghylch Dysgu a Sgiliau (Cymru)—Cyfnod 2: Ystyried  
Gwelliannau
- 4 Cydweithio—Cyflawni Hawlogaethau a Chanllawiau ayb (Adrannau 12, 13, 30 a 31)  
Joint working—Delivery of Entitlements and Guidance etc. (Sections 12, 13, 30 a 31)
- 10 Cydweithio—Canllawiau a Chyfarwyddiadau—Diogelu Grwpiau sy'n Agored i  
Niwed (Adrannau 13 a 31)  
Joint Working—Guidance and Directions—Safeguarding Vulnerable Groups  
(Sections 13 and 31)
- 14 Llunio'r Cwricwlwm Lleol (Adrannau 21, 22, 24, 29, 30)  
Formation of the Local Curriculum (Sections 21, 22, 24, 29, 30)
- 19 Hawlogaeth: Penderfynu 'Relevant School or Institution' (Adran 23)  
Entitlement: Determination of 'Relevant School or Institution' (Section 23)
- 34 Gwasanaethau Cymorth i Ddysgwyr—Cyngor—Y Gymraeg a'r Saesneg (Adran 37)  
Learner Support Services—Advice—Welsh and English Languages (Section 37)
- 41 Teithio gan Ddysgwyr (Adran Newydd)  
Learner Travel (New Section)

Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynnddi yn y pwyllgor. Yn ogystal,  
cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg.

These proceedings are reported in the language in which they were spoken in the committee.  
In addition, an English translation of Welsh speeches is included.

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

Jeff Cuthbert	Llafur Labour
Val Lloyd	Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair)
Sandy Mewies	Llafur Labour
Jonathan Morgan	Ceidwadwyr Cymreig Welsh Conservatives
Jenny Randerson	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Rhodri Glyn Thomas	Plaid Cymru The Party of Wales

**Eraill yn bresennol**  
**Others in attendance**

John Griffiths	Aelod Cynulliad, Llafur (Y Dirprwy Weinidog dros Sgiliau) Assembly Member, Labour (The Deputy Minister for Skills)
Grace Martins	Uwch Gyfreithiwr, Yr Adran Gwasanaethau Cyfreithiol, Llywodraeth Cynulliad Cymru Senior Lawyer, Legal Services Department, Welsh Assembly Government

**Swyddogion Gwasanaeth Seneddol y Cynulliad yn bresennol**  
**Assembly Parliamentary Service officials in attendance**

Sarah Beasley	Clerc Clerk
Claire Griffiths	Dirprwy Glerc Deputy Clerk
Gwyn Griffiths	Uwch-gynghorydd Cyfreithiol Senior Legal Adviser
Sarah Sargent	Dirprwy Glerc Deputy Clerk

*Dechreuodd y cyfarfod am 9.01 a.m.*  
*The meeting began at 9.01 a.m.*

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

*Nid oes recordiad ar gael o ddechrau'r cyfarfod.*  
*There is no recording available of the beginning of the meeting.*

9.03 a.m.

**Proposed Learning and Skills (Wales) Measure—Stage 2: Consideration of Amendments**  
**Mesur Arfaethedig ynghylch Dysgu a Sgiliau (Cymru)—Cyfnod 2: Ystyried Gwelliannau**

**Cydweithio—Cyflawni Hawlogaethau a Chanllawiau ayb (Adrannau 12, 13, 30 a 31)**  
**Joint working—Delivery of Entitlements and Guidance etc. (Sections 12, 13, 30 a 31)**

[1] **Val Lloyd:** [*Inaudible.*]—and other amendments in the group. Deputy Minister, would you like amendment 10 in your name to be proposed?

[2] **The Deputy Minister for Skills (John Griffiths):** Yes, please, Chair.

[3] **Val Lloyd:** I propose amendment 10 in the name of John Griffiths. I call on the Deputy Minister to speak to amendment 2 and the other amendments in the group.

*Cafodd gwelliannau 10, 11, 12, 13, 14, 25, 26, 27, 28, 29, 30, 31, 32 a 33 eu grwpio ar gyfer y drafodaeth.*

*Amendments 10, 11, 12, 13, 14, 25, 26, 27, 28, 29, 30, 31, 32 and 33 were grouped for debate.*

[4] **John Griffiths:** In its report, the Stage 1 committee recommended that the Welsh Assembly Government bring forward amendments at Stage 2 to strengthen this proposed Measure on collaboration. The committee will be aware that the objectives of sections 12 and 30 of the proposed Measure are to maximise the availability of local curriculum courses. These amendments make it clear that local education authorities and governing bodies of schools and further education institutions will be under a duty to take all reasonable steps to achieve the objective of maximising the availability of courses. It is within the context of the maximisation of courses to be made available to the learner that I have considered the Stage 1 committee's recommendation.

[5] It is true to say that co-operation and collaboration within the context of the Measure is not seen as an end in itself, but as a means of maximising the availability of local curricula for learners. For that purpose, local education authorities and the governing bodies of schools and further education institutions will be under a duty to seek to enter into co-operative arrangements. The objective of the duty is to maximise the availability of courses for study included in a local curriculum through joint working. In meeting the minimum requirements, providers will already be working in partnership and co-operating to offer the shared provision. It is also the case that this may involve co-operation across LEA borders, of which there are many examples that have developed throughout the course of 14-19 learning pathways.

[6] The committee will note that co-operative arrangements under the Measure can be entered into with any person, and that includes—across borders—schools, further education institutions and local education authorities. The committee will also be aware that the proposed Measure contains powers for Welsh Ministers to direct parties to co-operate should it become necessary.

[7] A major strength of the policy is that, while recognising diversity across Wales, it seeks to establish a minimum entitlement, but it does not, of course, stop with that minimum. Our ambition is to maximise the availability of choice for learners as widely as possible. The background to all this is to ensure that learners fulfil their potential. We believe that there is no room for complacency in that regard, which is why there is this drive to maximise choice over and above the minimum entitlements.

[8] For all those reasons, I urge support for the Government's amendments.

[9] **Val Lloyd:** Thank you. Does anybody wish to speak?

[10] **Jeff Cuthbert:** What the Deputy Minister has outlined is what we asked for at Stage 1, which is that amendments be brought forward to strengthen the duty to consider collaboration. I feel that that has been done. The Deputy Minister has outlined the reasons for its necessity; it is all about giving young people the broadest range of opportunities to study courses and subjects that are relevant to them. These amendments strengthen the Measure in the way that we wanted.

[11] **Rhodri Glyn Thomas:** Yr wyf yn fodlon cefnogi gwelliannau'r Dirprwy Weinidog. Er hynny, credaf fod y Llywodraeth wedi methu ag edrych ar y sefyllfa sy'n wynebu nifer o awdurdodau, yn enwedig y rhai gwledig—yr wyf yn siarad fel Aelod dros ardal felly, sef Dwyrain Caerfyrddin a Dinefwr. Nid yw'r cynlluniau sy'n cael eu hystyried gan sir Gaerfyrddin ar hyn o bryd yn cynnwys yr angen i edrych yn drawsffiniol ar siroedd eraill. Yn wir, mae wedi penderfynu edrych yn benodol ar un ardal o fewn sir Gaerfyrddin yn y lle cyntaf heb ystyried yr angen i weithio ar draws ffiniau sirol. Yr wyf yn nodi'r hyn mae'r Dirprwy Weinidog wedi ei ddweud ynglŷn â hawl y Llywodraeth i ymyrryd yn y broses hon i sicrhau ei bod yn digwydd.

**Rhodri Glyn Thomas:** I am content to support the amendments that the Deputy Minister has proposed. However, I think that the Government has failed to consider the situation facing several authorities, especially rural ones—I am speaking as a Member for such a region, namely Carmarthen East and Dinefwr. The schemes currently being considered by Carmarthenshire do not include the need to take a cross-border approach with other counties. Indeed, it has decided to initially focus specifically on one area within Carmarthenshire without any consideration of the need to work across county boundaries. I note what the Deputy Minister has said with regard to the Government's right to intervene in this process to ensure that it happens.

[12] O ran yr opsiynau a gynigir, yr wyf yn cytuno'n llwyr â'r angen i gael ystod eang o opsiynau yn y Mesur, ond a yw hynny'n golygu y dylai siroedd edrych ar nifer yr ysgolion a sefydliadau addysg bellach sy'n cynnig yr opsiynau hyn? A yw'r Llywodraeth ar hyn o bryd yn galw ar siroedd i leihau nifer y safleoedd lle y cynigir yr opsiynau hyn? A yw'r pwyslais ar gydweithredu, a nifer y partneriaid sy'n ymwneud â hyn o ran cynnig opsiynau, ynteu a yw'r Llywodraeth yn dweud wrth siroedd bod yn rhaid iddynt resymoli nifer y sefydliadau sydd ganddynt yn cynnig yr opsiynau?

With regard to the options offered, I agree completely with the need to have a wide range of options in the Measure, but does that mean that counties should look at the number of schools and further education institutes that offer these options? Is the Government currently calling on counties to reduce the number of locations that offer these options? Is emphasis being placed on co-operation, and the number of partners engaging with this with regard to offering options, or is the Government telling the counties that they have to rationalise the number of institutions offering the options?

[13] **Jenny Randerson:** In a way, my comments seek clarification from the Deputy Minister. I note that Jeff says that the report's recommendations have been accepted, but as I read it, the report says:

[14] 'The proposed Measure should place a "duty to collaborate" rather than a "duty to consider collaboration".'

9.10 a.m.

[15] The amendment that the Deputy Minister proposes deletes the whole section, inserts

various things and then says:

[16] ‘The duty under subsection (2) includes, but is not limited to, a duty to seek to enter into cooperation arrangements...’.

[17] It seems that that is no nearer to what the committee was after than the original, in this respect. The issue is that a large successful school can half-heartedly seek collaboration and, if it does not work, the school will manage to succeed on the basis of the buoyant number of courses that it already offers. The school will have large enough classes and will be able to offer enough of a range of subjects. Schools that have a poorer record, or weaker schools, will not have strong sixth forms with a strong range of subjects, and they will be forced into collaboration. The duty to collaborate should be the same for everyone. As it is written, it sounds reasonable, but it is so weak that it could work as a two-tier system, where schools in disadvantaged areas with a smaller sixth form are collaborating like mad, and schools in more prosperous areas, which have been successful academically, and so on, will continue much as they have been. The outcome of that would be an improvement for those going to the schools with a less good record, but it would still create a two-tier system. I thought that one of the aims of the Measure was to produce a system that was appropriate for all.

[18] **Sandy Mewies:** I think that the strengthening has succeeded—the wording, as it now stands, is what is required for the Measure.

[19] **Jonathan Morgan:** Having read the amendment and having listened to the Deputy Minister’s contribution during the Stage 1 debate in Plenary in December, there was a very clear intention in the committee report recommendation that this be strengthened in a certain way—there should be a duty to collaborate, not a duty to consider collaboration. I accept that the Government has made a step in the right direction with regard to trying to address the concerns of the committee, but I remind the Deputy Minister of what he said during the Plenary debate:

[20] ‘A valid argument is made in relation to the duty to co-operate. We will, therefore, give full consideration to reinforcing this aspect as recommended.’

[21] If you were happy to support the committee recommendation in the Stage 1 report, as you seemed to indicate in your contribution in Plenary, your amendment should reflect the amendment recommended by the committee at Stage 1. So, I fail to understand why, if you were happy to reinforce this aspect ‘as recommended’, your amendment does not go as far as the committee’s recommendation during its Stage 1 consideration.

[22] **Rhodri Glyn Thomas:** May I—

[23] **Val Lloyd:** I have already called you. I will let you in this time, but we will conduct the meeting as we did last time.

[24] **Rhodri Glyn Thomas:** We need a point of legal clarification in terms of whether the amendments proposed by the Deputy Minister allow for full co-operation. Jenny and Jonathan have suggested that they do not. My reading of the amendments suggests that they do, while allowing governing bodies to make their own decisions. I do not know whether Gwyn could offer some clarification.

[25] **Mr Griffiths:** The amendment, as it stands, allows the local education authority to enter into arrangements with any person. It is, therefore, permissive as far as the local education authority is concerned. On the other hand, it does not refer to any power or duty on any person to collaborate with the local authority. Therefore, while it goes further than would

otherwise be the case, it does not impose a clear duty on other authorities or schools outside the area to co-operate.

[26] **Val Lloyd:** I call on the Deputy Minister to reply to the debate.

[27] **John Griffiths:** I welcome the support that has been expressed for these amendments. On some of the issues that Rhodri Glyn Thomas mentioned about the situation in rural areas, and what that means for infrastructure and reorganisation in local areas, that brings into question a wide range of matters that are not within the scope of this Measure. This Measure is about meeting duties for minimum entitlements as regards choice for support for learners. They are general duties that will move forward and statutorily underpin 14-19 policy to date. There are other policies, such as the transformation policy that is being taken forward at the moment, that are highly relevant to the issues that Rhodri Glyn Thomas raised. The transformation policy is very much about local decision making within an overall framework that the Welsh Assembly Government has set. As far as this Measure is concerned, it is clear what the requirements will be for local areas across Wales. However, as I said, many other policies come into play in addressing the issues that Rhodri Glyn Thomas raised.

[28] On the question of whether or not the amendments make these requirements strong enough, we think that they will. The wording 'seek to' enter is necessary, because entering into an arrangement where you are dependent on someone else agreeing to do it with you must be recognised in terms of the duties imposed. You cannot impose a strict duty on someone to do something that they cannot fulfil on their own. If it can only be done co-operatively, that must be reflected in the wording of the legislation. It is clear that collaboration must be sought if that would maximise provision. It is not about collaboration for collaboration's sake, but, where collaboration would maximise provision, it must take place. There is a logic to all this, in that there is consideration of what will maximise provision, and after that consideration is made, it must be acted upon. So, we are confident that what is proposed in these amendments will strengthen the Measure in the way that the Stage 1 committee wished. In terms of the committee's recommendation, and whether we will enact it through these amendments, what the committee wanted was a reinforcement of the duties that we are discussing, and that is exactly what we are doing: we are reinforcing the previous position, through these amendments. So, I am confident that we can say with some force that these amendments will reinforce what the committee wanted. I urge support for these amendments.

[29] **Val Lloyd:** Do you wish to move to a vote on amendment 10, or do you wish to withdraw it, Deputy Minister?

[30] **John Griffiths:** I wish to move to a vote, Chair.

[31] **Val Lloyd:** The question is that amendment 10 be agreed to. I call for a vote.

[32] 9.20 a.m.

*Gwelliant 10: O blaid 3, Ymatal 0, Yn erbyn 2.*

*Amendment 10: For 3, Abstain 0, Against 2.*

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

Cuthbert, Jeff  
Mewies, Sandy  
Thomas, Rhodri Glyn

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

Morgan, Jonathan  
Randerson, Jenny

*Derbyniwyd gwelliant 10.  
Amendment 10 carried.*

[33] **Val Lloyd:** We will now dispose of amendment 62 in group 7, which we discussed at last week's meeting. The amendment appears on page 3 of the marshalled list. Would you like to formally propose that amendment, Jenny?

[34] **Jenny Randerson:** I propose amendment 62 in my name and with the names of Andrew R.T. Davies and Jonathan Morgan in support.

[35] **Val Lloyd:** The question is that amendment 62 be agreed to. I call for a vote.

*Gwelliant 62: O blaid 2, Ymatal 0, Yn erbyn 3.  
Amendment 62: For 2, Abstain 0, Against 3.*

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

Morgan, Jonathan  
Randerson, Jenny

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

Cuthbert, Jeff  
Mewies, Sandy  
Thomas, Rhodri Glyn

*Gwrthodwyd gwelliant 62.  
Amendment 62 defeated.*

[36] **Val Lloyd:** We will now dispose of a series of amendments, which we have already discussed as part of an earlier group—group 10—on the delivery of entitlements. In line with the order of consideration, we will now move to amendment 11, which appears on page 3 of the marshalled list. Would you like amendment 11 in your name to be formally proposed, Deputy Minister?

[37] **John Griffiths:** Yes.

[38] **Val Lloyd:** I propose amendment 11 in the name of John Griffiths. The question is that amendment 11 be agreed to. I call for a vote.

*Gwelliant 11: O blaid 3, Ymatal 0, Yn erbyn 2.  
Amendment 11: For 3, Abstain 0, Against 2.*

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

Cuthbert, Jeff  
Mewies, Sandy  
Thomas, Rhodri Glyn

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

Morgan, Jonathan  
Randerson, Jenny

*Derbyniwyd gwelliant 11.  
Amendment 11 carried.*

[39] **Val Lloyd:** Would you like amendment 12 in your name to be formally proposed, Deputy Minister?

[40] **John Griffiths:** Yes.

[41] **Val Lloyd:** I propose amendment 12 in the name of John Griffiths. The question is that amendment 12 be agreed to. I call for a vote.



*Gwelliant 12: O blaid 3, Ymatal 0, Yn erbyn 2.  
Amendment 12: For 3, Abstain 0, Against 2.*

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

Cuthbert, Jeff  
Mewies, Sandy  
Thomas, Rhodri Glyn

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

Morgan, Jonathan  
Randerson, Jenny

*Derbyniwyd gwelliant 12.  
Amendment 12 carried.*

[42] **Val Lloyd:** We now move to amendment 13, which appears on page 4 of the marshalled list. Would you like amendment 13 in your name to be formally proposed, Deputy Minister?

[43] **John Griffiths:** Yes.

[44] **Val Lloyd:** I propose amendment 13 in the name of John Griffiths. The question is that amendment 13 be agreed to. I call for a vote.

*Gwelliant 13: O blaid 3, Ymatal 0, Yn erbyn 2.  
Amendment 13: For 3, Abstain 0, Against 2.*

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

Cuthbert, Jeff  
Mewies, Sandy  
Thomas, Rhodri Glyn

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

Morgan, Jonathan  
Randerson, Jenny

*Derbyniwyd gwelliant 13.  
Amendment 13 carried.*

[45] **Val Lloyd:** We now move to the last amendment in this group, which is amendment 14. Would you like amendment 14 in your name to be formally proposed, Deputy Minister?

[46] **John Griffiths:** Yes.

[47] **Val Lloyd:** I propose amendment 14 in the name of John Griffiths. The question is that amendment 14 be agreed to. I call for a vote.

*Gwelliant 14: O blaid 3, Ymatal 0, Yn erbyn 2.  
Amendment 14: For 3, Abstain 0, Against 2.*

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

Jeff Cuthbert  
Sandy Mewies  
Rhodri Glyn Thomas

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

Jonathan Morgan  
Jenny Randerson

*Derbyniwyd gwelliant 14.  
Amendment 14 carried.*

**Cydweithio—Canllawiau a Chyfarwyddiadau—Diogelu Grwpiau sy'n Agored i Niwed  
(Adrannau 13 a 31)  
Joint Working—Guidance and Directions—Safeguarding Vulnerable Groups (Sections  
13 and 31)**

[48] **Val Lloyd:** We now move on to group 11, in which there are two amendments, namely amendments 34 and 35. In this group, the lead amendment is amendment 34, which appears on page 4 of the marshalled list. I therefore invite Jonathan Morgan to propose and speak to amendment 34, in the name of Andrew R.T. Davies, which is grouped with amendment 35.

[49] **Jonathan Morgan:** I propose amendment 34 in the name of Andrew R.T. Davies and with the names of Jenny Randerson and myself in support.

*Cafodd gwelliannau 34 a 35 eu grwpio ar gyfer y drafodaeth.  
Amendments 34 and 35 were grouped for debate.*

[50] There is reference in the evidence given to committee and in the consideration at Stage 1 of the Measure that we should consider the way in which this Measure would impact on a variety of groups of people. For those young people who would be regarded as vulnerable—I will not attempt to list them here—and those young people who may find the arrangements quite challenging, particularly with regard to being transported from one location to another, it is right that Welsh Ministers issue guidance to ensure that we safeguard those vulnerable groups of students who may be attending one or more locations for their education and training. We must ensure that arrangements are in place to safeguard those students and their interests.

[51] Amendment 35 is on the same theme, although it affects a separate part of the Measure. It reflects the concern of those people who feel that we should be issuing guidance to ensure that vulnerable groups are taken account of when planning where and how they will access the courses that they wish to study.

[52] **Val Lloyd:** I call on Jenny Randerson as a supporter of this amendment.

[53] **Jenny Randerson:** This amendment obviously applies to students with special educational needs, but the most clear and distinct vulnerable group are those who will enter the sphere of further education not having reached the age of 16. I am a fierce proponent of further education. As I said last week, I have considerable experience in that sector. It does a brilliant job, but until now, its work has involved people who are over the age of 16, and therefore past the legal school-leaving age. It is geared towards adults and provides wonderful support to them, but it not the type of in loco parentis support that a school provides. I have real concerns because further education is a very different environment, with different terms and conditions of employment for its staff. It does not aim to provide the fail-safe structure that a school has, by law, to provide.

[54] If we do not include this specific duty to safeguard vulnerable groups, the effect will be a lack of clarity about whether a designated person should have responsibility for learners who move from a school to an FE college for part of their education. For example, lunch hours and break times in the further education environment are much more free and easy than in a school, and rightly so. That will have to be dealt with. I know that the trade unions are deeply concerned about this issue, and that crossover between schools and further education will not work unless parents are convinced that their 14-year-old, going to study a vocational subject in an FE college, will be properly looked after, as they would put it. I realise that we cannot wrap young people up in cotton wool and keep them away from risk, but we have a

strong legal duty to minimise that risk and look after them at every point.

[55] So, the intention of this amendment is to make it clear that one or other of the institutions entering into these arrangements must ensure that a structure is in place that is absolutely precise on the legal responsibility.

[56] **Jeff Cuthbert:** I have an awful lot of sympathy with this amendment, but I also have some doubts. One of them is that ‘vulnerable groups of students’ is a broad heading. Indeed, that has been acknowledged—there is no attempt to define in more detail what type of students we may be talking about, other than those with additional learning needs, who are of course covered in other rules and regulations. We also have the LCO relating to vulnerable children and child poverty, and there are regulations under the Safeguarding Vulnerable Groups Act 2006. So, my feeling at this stage is that we probably have enough regulations in place and I cannot see the value of adding more regulations on the face of this proposed Measure along these lines. So, while I want to ensure that once vulnerable groups have been identified, whether that is by age, disability or need, there is proper protection and safeguards, I am not convinced that an extra, broad amendment on the face of the proposed Measure will add value.

9.30 a.m.

[57] **Rhodri Glyn Thomas:** Mae gennyf gydymdeimlad mawr â'r gwelliannau yma ac â'r ysbryd y cawsant eu cyflwyno ynddo, ond nid wyf wedi cael fy argyhoeddi fod union eiriad y gwelliannau o fudd. Mae'n rhaid i Lywodraeth Cymru edrych yn fanwl ar anghenion y grwpiau hyn o bobl sy'n cael eu disgrifio fel pobl fregus. Hoffwn gael diffiniad llawer manylach o'r grŵp hwn, oherwydd yr wyf i, fel nifer o Aelodau eraill, yn cael pobl yn dod i'r swyddfa yn wythnosol am eu bod yn poeni am y dilyniant o ran addysg yn y maes hwn. Mawr obeithiaf y bydd y Dirprwy Weinidog yn gwrando'n astud ar y sylwadau sydd wedi'u gwneud ac yn sicrhau, wrth i'r Mesur arfaethedig hwn symud ymlaen i'r Cyfnod nesaf, fod y gofidiau hyn yn cael sylw.

**Rhodri Glyn Thomas:** I have a lot of sympathy with these amendments and the spirit in which they were proposed, however, I have not been convinced that the exact wording of the amendments would be of benefit. The Government of Wales must look carefully at the needs of these groups of people who are described as vulnerable people. I would like a much more detailed definition of that group, because I, along with many other Members, are visited by people every week who want to express concern about the education continuum in this field. I hope that the Deputy Minister will have listened carefully to these comments and ensure that the concerns are addressed as the proposed Measure progresses to the next Stage.

[58] **Val Lloyd:** Thank you. I have no other speakers, therefore I call on the Deputy Minister.

[59] **John Griffiths:** Thank you, Chair. We listen carefully to these concerns, and, as the Welsh Assembly Government, we entirely understand where these amendments come from. We all want to ensure that vulnerable groups are safeguarded as much as possible, however, as some Members have said this morning, this amendment does not do that. Its practical effect would not add anything to the existing legislation and there is a real difficulty in that it does not define vulnerable groups in detail.

[60] The National Assembly for Wales (Legislative Competence) (No. 3) Order 2007 (Relating to Vulnerable Children) and the Safeguarding Vulnerable Groups Act 2006, which have already been mentioned, are obviously significant. There is other legislation that covers vulnerable groups and provides the required protection in a much wider context, and that is the right approach to safeguarding vulnerable groups. That must be done in the round, as it

were, encompassing all relevant services, organisations and bodies that have a role to play in that work. The Safeguarding Vulnerable Groups Act 2006 goes live in October of this year, and it will cover individuals working or volunteering, or seeking to work or volunteer, with children or vulnerable adults. There will be a scheme that such people must apply to, and, having joined that scheme, they become subject to monitoring, which will be very significant in safeguarding vulnerable groups.

[61] In addition to the LCO and to that Act, we have two comprehensive sets of guidance already issued by the Welsh Assembly Government—‘Safeguarding Children: Working together under the Children Act 2004’ and ‘Safeguarding Children in Education: The role of local authorities and governing bodies under the Education Act 2002’. The first of those sets out the roles and responsibilities of different agencies and practitioners, and deals with the processes that should be followed when there are concerns about a child, and the action that should be taken to safeguard and promote the welfare of children who are suffering or who are at risk of suffering significant harm. It also provides guidance on child protection in specific circumstances, including children living away from home.

[62] The second of those sets of guidance, ‘Safeguarding Children in Education: The role of local authorities and governing bodies under the Education Act 2002’, is also comprehensive and sets out the roles and responsibilities of local authorities, governing bodies, proprietors of independent schools, headteachers and staff, with designated responsibility for child protection. It deals with infrastructure and arrangements. Looking at all of that background, it is clear that there is a much wider context to this than what these amendments would deal with. We need a comprehensive approach, and that is the approach taken by the Welsh Assembly Government. Fully appreciating the motives behind this amendment, we feel that it does not properly and adequately recognise the work already undertaken and under way, which will provide the safeguards sought.

[63] I mentioned the definition; we believe that the proposed amendment is technically defective because, as I said earlier, it does not define vulnerable groups. The issue of vulnerable groups is a topical one; I mentioned the legislative competence Order relating to vulnerable children and child poverty earlier, which received Royal Approval in December 2008. It contains a definition of vulnerable children, which is quite extensive. For example, it includes children with a physical or mental impairment, those in the care of a public authority, and those provided with accommodation by a public authority in order to secure their wellbeing, which is one important definition that goes much wider than the areas that the proposed Measure deals with. Therefore, the lack of a definition would be very problematic, because provisions could be brought into question that are clearly outside the scope of this proposed Measure and for which it would be inappropriate for specific statutory guidance to be issued under the Measure if passed.

[64] As I said earlier, the committee was rightly concerned about all of this. I know that the committee’s recommendation was that any guidance issued under a Measure must state clearly the responsibilities relating to a duty of care for pupils in relation to their welfare and their progress through school, such as, for example, pupil development reporting, engagement with parents, pastoral care, examination, entries and so on. We understand that and the concern expressed by stakeholders with regard to the location of the duty of care when a pupil receives his or her learning at more than one institution. Therefore, it is my intention that this should be addressed in statutory guidance for learners covered by the proposed Measure.

[65] Although it is true that we must properly and adequately understand the new issues involved in the 14-19 learning pathways and what it involves for pupils under the age of 16—and, as Jenny mentioned, for under-16 pupils receiving education in further education institutions—it is also true to say that that has occurred for some time without problems. I appreciate that the fact that there have not been problems in the past is not a guarantee that

they will not arise in future. However, it has often been the most difficult pupils in schools who have gone to further education institutions for their education. Therefore, it has often been the most challenging group attending FE institutions, which have shown themselves and are showing themselves to be fully capable of dealing with all of the issues involved. However, for all of the reasons that I have mentioned, I urge Members to reject this amendment.

[66] **Val Lloyd:** I call Jonathan Morgan to reply to the debate.

[67] **Jonathan Morgan:** Thank you Chair. I did not realise that my tabling of 14 simple, straightforward words would cause such a debate. Before I respond to the points that have been raised, particularly by Jeff, Rhodri and the Deputy Minister, may I ask Gwyn for a steer as to whether the way in which the amendment is worded with regard to guidance connected to safeguarding vulnerable groups of students allows the Minister, if this amendment were to be passed, the flexibility for that guidance to define what Government would regard as vulnerable groups of students?

9.40 a.m.

[68] **Mr Griffiths:** The words that the committee has heard, ‘safeguarding of vulnerable groups’, are derived from the Safeguarding Vulnerable Groups Act 2006, and therefore that would appear to give a very clear steer as to what the meaning is. Secondly, it is a duty on Welsh Ministers not on any third parties, and Welsh Ministers are well placed to understand the meaning of those words. Thirdly, it is about the issuing of guidance rather than of making any formal regulations or imposing duties on third parties.

[69] **Val Lloyd:** Thank you, Gwyn.

[70] **Jonathan Morgan:** The Deputy Minister made it very clear in his contribution that there is a raft of legislation covering vulnerable groups. He made reference to the LCO on vulnerable children, but that is not exactly significant because it has not been implemented through Assembly Measures, so I do not think that we can really rely on that. However, we can rely on our legal advice, which is that vulnerable groups are clearly identified in the legislation currently on the statute book, and having an ability for a Minister to issue guidance with regard to this and stipulating that a Minister will issue guidance with regard to vulnerable groups will cover the situation that Jenny Randerson referred to, where young people below the age of 16 pursue a vocational course within a further education setting. The Deputy Minister and the Assembly Government have made great play of the fact that this proposed Measure embarks on new territory and that we are changing the learning environment of students—not only post-16 student, but pre-16 students—in that they will be able to access courses in a non-school environment. Given that this proposed Measure would quite radically alter the way in which education could be delivered in Wales and the fact that we are embarking on new territory, we must ensure that we cover our backs and cover further education and school staff and the students who will be taking courses in a variety of locations. We must ensure that we have enough weaponry in our armoury to ensure that those people are properly protected.

[71] The Deputy Minister has not given a logical reason as to why this amendment should not be agreed to today. It merely places a duty on Welsh Ministers to issue guidance. It is not saying that we ought to issue a raft of new regulations or that the proposed Measure needs to be amended to stipulate how those vulnerable groups should be listed and protected; it merely states that the Minister should issue guidance to ensure the maximum degree of protection for vulnerable groups. As Gwyn has said, vulnerable groups are already defined in statute. It is about ensuring that we cover all the bases, Deputy Minister. Your sitting there and reading out a whole raft of Acts of Parliament does not give me confidence that we are doing

everything possible to ensure that those groups of people are being taken into account. This very straightforward amendment at least allows the Government to issue guidance to ensure that we do that, and I am saddened that the Government is not treating this with the seriousness that it requires.

[72] **Val Lloyd:** Do you wish to move to a vote, Jonathan Morgan?

[73] **Jonathan Morgan:** I do.

[74] **Val Lloyd:** The question is that amendment 34 be agreed to.

*Gwelliant 34: O blaid 2, Ymatal 1, Yn erbyn 2.  
Amendment 34: For 2, Abstain 1, Against 2.*

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

Morgan, Jonathan  
Randerson, Jenny

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

Cuthbert, Jeff  
Mewies, Sandy

Ymataliodd yr Aelodau canlynol:  
The following Members abstained:

Thomas, Rhodri Glyn

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog Rhif 10.33.*

*As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order No. 10.33.*

*Gwrthodwyd gwelliant 34.  
Amendment 34 defeated.*

#### **Llunio'r Cwricwlwm Lleol (Adranau 21, 22, 24, 29, 30) Formation of the Local Curriculum (Sections 21, 22, 24, 29, 30)**

[75] **Val Lloyd:** I call amendment 44 in the name of Jenny Randerson, which is grouped with amendments 46, 45, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, and 58. I invite Jenny Randerson to propose amendment 44 and to speak to the other amendments in the group.

[76] **Jenny Randerson:** I propose amendment 44 in my name and with the names of Andrew R.T. Davies and Jonathan Morgan in support.

*Cafodd gwelliannau 44, 46, 45, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, a 58 eu grwpio ar gyfer y drafodaeth.*

*Amendments 44, 46, 45, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, a 58 grouped for debate.*

[77] Amendment 44 is part of a raft of amendments that change one particular facet of this legislation, which relates to the central body responsible for planning the curriculum. It changes that from the Welsh Ministers to the local education authority in consultation with further education. That is very important. I refer you to recommendation 14 of the Stage 1 report. It was recommended that:

[78] 'Welsh Ministers should use their powers to delegate responsibility for planning the local area curricula for 16 to 19 year olds to the local education authorities ... but that Welsh Ministers retain the power to approve the schemes proposed by LEAs.'

[79] This is, of course, reasonable. On page 25 of the report, it says in paragraph 76:

[80] ‘There was widespread support for the principle of a single body being given responsibility for planning local area curricula from 14 to 19 years.’

[81] The issue is that, without this, the LEA is responsible for provision up to the age of 16 and Welsh Ministers are responsible for that post 16, which is messy and lacks coherence. One possible way of going forward is to say that Welsh Ministers do it all and take that responsibility from LEAs; the other way is to say that LEAs do it, but in consultation with the further education sector, which is their partner in this.

[82] The advantage of giving this role to the local education authorities is local accountability. I do not believe in centralised command and control. If this is to work, the curricula have to respond to local needs. The needs of Rhodri Glyn Thomas’s area in Carmarthenshire are very different from the needs of Cardiff in many respects. We have to have that local knowledge and local understanding of what can be offered, which will extend to matters such as travel times and whether it is practical for the curriculum to be offered in that way. So, we believe that the issue is one of ensuring that local education authorities do this. Ultimately, Ministers have a role in relation to the LEAs and in relation to this as the final back-stop. However, the key issue is that you have a simplified system: the LEA does it all. It has to consult with the further education sector, because we are aware that further education undertakes much of this task at the moment, although Ministers have the final approval on that one. We are aware that there needs to be co-operation and co-ordination. I think that I have covered the main points, Chair.

[83] **Val Lloyd:** Thank you very much. I call on Jonathan Morgan, as a supporter of this amendment, to speak.

[84] **Jonathan Morgan:** As Jenny Randerson has pointed out, the Stage 1 recommendations that the committee considered referred to the delegation of powers. We have to understand that local education authorities—like them or loathe them—have a particularly key role in the delivery of education within each local authority area. Local education authorities have a variety of expertise, they have a substantial amount of local knowledge, and it makes perfect sense for them to deal with the entire remit within this section as opposed to dealing with just one part of it, with Welsh Ministers having responsibility for the rest.

[85] It makes perfect sense to have consistency so that local education authorities are responsible, but in consultation with further education. I thought that this was all about ensuring that we deliver solutions and educational outcomes on a very local level, recognising that there is a national framework in the proposed Measure to deal with these substantial reforms. This proposed Measure recognises the key role of local education authorities, so I am at a complete loss to understand why it has been drafted in such a way as to dilute their influence in this regard. I think that we have to make the best use of our local education authorities, and I do not think that the proposed Measure, as currently drafted, does that. The Minister must accept that Welsh Ministers are still very much a part of the equation. It is not as though they have been completely taken out of it; they are still playing a full role.

[86] I suppose that this relates to where we think the responsibility lies—with the Assembly Government or with those people who have a considerable degree of experience in delivering education services and curriculum planning. This amendment strikes the right balance and I am happy to support it.

[87] **Jeff Cuthbert:** I do not for a second dispute the recommendation of the Stage 1

committee; it was there for all to see, and I remember the evidence and discussions that we had.

[88] **Jonathan Morgan:** You chaired it.

[89] **Jeff Cuthbert:** Yes, thank you Jonathan; I remember what I did. However, sometimes reflection is important and that is the case here because the key theme—putting aside for a moment the preferred role of the LEAs—is for joined-up thinking. It is that there should be a consistent policy on the management of learning from age 14 through to 19 as opposed to a fragmented approach. That is the key issue.

[90] Certainly, the favoured view that came forward from those who talked to us about it was for the LEA to drive this but for Welsh Ministers to have the power to approve—or not, as the case may be—the schemes proposed by the LEA. However, I am perfectly happy to say that I have reflected on that. A key issue for me is that the great bulk of post-16 learners, some 64 per cent, are in further education colleges. So, in effect, if this amendment were carried, we would relegate the FE sector to being consulted with as opposed to taking a lead when it has the great bulk of students, so there is a question of balance to be considered here, and I can imagine what Fforwm may have to say on that if it became a reality. In other words, its role would be diluted. Jonathan used the phrase ‘diluting the influence of the LEAs’, but I do not think that that is the case with these proposals; this is a matter for the implementation group to consider thoroughly, to examine the ways and means on the ground of ensuring that there is joined-up thinking when it comes to planning a young person’s pathway right through from the age of 14 to 18 or 19, as the case may be.

[91] I urge the Minister to make this a key agenda item for the implementation group, so that it considers the issues, principles and practices involved, and then comes back, in due course, once it has been thrashed out among the practitioners. However, we certainly need a mechanism to ensure the properly joined-up flow-through of planning.

[92] **Val Lloyd:** I see that no other Members wish to speak, and so I call on the Deputy Minister to respond.

[93] **John Griffiths:** I wish to respond fully, because I take Members’ concerns on all issues very seriously as well as Members’ proposed amendments. We are making law here.

[94] These amendments would make each local education authority responsible for forming the local curriculum for pupils from age 16 to 18 rather than Welsh Ministers, as has been said. We want to see full and proper alignment and progression from key stage 4 to post-16 education, which is the cornerstone of learning pathways. In practice, we have well established joint working and partnerships that are aligned and that allow progression. That has been successful to date. Clearly, this proposed Measure will underpin that progress in statute and will ensure that it is consistent across Wales.

[95] The local area networks and the plans that they work up, which we have to approve as Ministers, are all about joining everything up—pre-16 compulsory education and post-16 education—in just the way that Members, the committee and some of the evidence-givers required. It is happening at the moment, but we have to build on existing legislation that includes this statutory split, with the Welsh Ministers responsible for post-16 education and the LEAs responsible for education for 14 to 16-year-olds. We want to build on that and make sure that it continues to be successful.

[96] Members have mentioned that some two thirds of post-16 learners have their education in FE colleges, which is indeed the case. It is also quite complex, at an FE level, because there is such a mix of vocational and academic, part-time and full-time courses.



Much expertise has been built up in the further education sector in that sort of education and training. We do believe that there should be a partnership approach between the further education institutions, the LEAs, the schools and Welsh Ministers. That is the sort of system that has been building up so far, and that is the sort of system that we want to continue with. As I say, it does reflect and build on existing statutes governing these areas.

[97] For effective co-ordination to take place, it is not necessarily the case that the same organisation or body needs to be responsible; what is more important is that bodies work together and make a contribution to planning. Section 29 of the proposed Measure, 'Planning the local curriculum', provides for a duty to assist Ministers in planning the local curriculum, placed on local education authorities, school governing bodies and headteachers and the governing bodies and principals of further education institutions. I mentioned the 14 to 19 networks and, of course, they are planning fora. Those networks will continue to make recommendations to the Welsh Assembly Government on the local curricula for an area, and that is for pre and post-16 education. The recommendation of the committee was for Welsh Ministers to use their powers to delegate responsibility for planning the local curriculum for 16 to 19-year-olds to LEAs, but these amendments go significantly further than that. It is possible under the Government of Wales Act 2006 for Welsh Ministers to delegate in the way in which the committee discussed, and it could be arranged for a local education authority to exercise Welsh Ministers' functions. That option could be considered at a later date if Welsh Ministers regarded it to be advantageous. Therefore, Chair, I would recommend the rejection of these amendments, also.

[98] **Val Lloyd:** I call Jenny Randerson to reply to the debate.

[99] **Jenny Randerson:** Much has been made of the fact that the great bulk of post-16 students are in further education. I am very glad that someone has said that; I have been saying it for years. However, virtually 100 per cent of pre-16 students are in schools that are run by LEAs, so that argument is completely upside down. We are talking about going with the flow of the organisation, but if you consider the sheer numbers of children and young people in education between the ages of 14 and 19, you see that the considerable majority are in the hands of LEAs. My advice is that, when we get to the Stage 3 debate, you should abandon that argument, because it does not have any intellectual coherence.

10.00 a.m.

[100] On consultation, I regard consultation with further education to be absolutely essential. FE institutions clearly have an extremely important part to play because they are looking after 64 per cent of post-16 students. It is for the Deputy Minister's guidance to spell out exactly what that consultation involves. That is not the kind of thing that you put in the main legislation; it is what you put in the guidance. You spell out that the consultation has to run throughout the process, be continuous, and pay due regard to the interests of the other organisation and so on.

[101] I agree with the Deputy Minister that all this working together, the local area networks and all the rest of it, is a great idea that works well in many areas. However, what are you going to do in the areas where it does not work? There are areas where it does not work, and there will be those where it fails, and arguments will arise. It is that kind of situation that we are seeking to avoid with our amendment. I remind you of the horrible spectre of the community consortia for education and training. They were supposed to ensure that everyone worked together, but they failed dismally.

[102] Deputy Minister, your comment that you would consider delegating responsibility to LEAs just turns on its head your argument that we cannot upset further education because it looks after 64 per cent of post-16 students. If you are thinking of delegating to LEAs, why not

put that in the legislation to make the situation clear?

[103] The Government and its supporters do not have any coherent arguments against this amendment at all. It amazes me that, for all the work done by the Stage 1 committee, and all the recommendations made under Jeff's chairmanship, Jeff is now opposing them, one after the other, for a range of reasons. One wonders what the point of all that consultation was.

[104] **Val Lloyd:** Do you wish to move to a vote, Jenny?

[105] **Jenny Randerson:** Yes, I do.

[106] **Val Lloyd:** The question is that amendment 44 be agreed to. I call for a vote.

*Gwelliant 44: O blaid 2, Ymatal 0, Yn erbyn 3.  
Amendment 44: For 2, Abstain 0, Against 3.*

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

Morgan, Jonathan  
Randerson, Jenny

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

Cuthbert, Jeff  
Mewies, Sandy  
Thomas, Rhodri Glyn

*Gwrthodwyd gwelliant 44.  
Amendment 44 defeated.*

[107] **Val Lloyd:** Having disposed of amendment 44, and, in accordance with the order of consideration, we now move to dispose of amendments 46, 45, 47 and 48. They are all part of group 12, which is on page 5 of the marshalled list.

[108] **Jenny Randerson:** I propose amendment 46 in my name and with the names of Andrew R.T. Davies and Jonathan Morgan in support..

[109] **Val Lloyd:** The question is that amendment 46 be agreed to. I call for a vote.

*Gwelliant 46: O blaid 2, Ymatal 0, Yn erbyn 3.  
Amendment 46: For 2, Abstain 0, Against 3.*

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

Morgan, Jonathan  
Randerson, Jenny

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

Cuthbert, Jeff  
Mewies, Sandy  
Thomas, Rhodri Glyn

*Gwrthodwyd gwelliant 46.  
Amendment 46 defeated.*

[110] **Val Lloyd:** I call on Jenny Randerson to propose amendment 45 formally.

[111] **Jenny Randerson:** I propose amendment 45 in my name and with the names of Andrew R.T. Davies and Jonathan Morgan in support.

[112] **Val Lloyd:** The question is that amendment 45 be agreed to. I call for a vote.

*Gwelliant 45: O blaid 2, Ymatal 0, Yn erbyn 3.  
Amendment 45: For 2, Abstain 0, Against 3.*

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

Morgan, Jonathan  
Randerson, Jenny

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

Cuthbert, Jeff  
Mewies, Sandy  
Thomas, Rhodri Glyn

*Gwrthodwyd gwelliant 45.  
Amendment 45 defeated.*

[113] **Val Lloyd:** I call on Jenny Randerson to propose amendment 47.

[114] **Jenny Randerson:** I propose amendment 47 in my name and with the names of Andrew R.T. Davies and Jonathan Morgan in support.

[115] **Val Lloyd:** The question is that amendment 47 be agreed to. I call for a vote.

*Gwelliant 47: O blaid 2, Ymatal 0, Yn erbyn 3.  
Amendment 47: For 2, Abstain 0, Against 3.*

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

Morgan, Jonathan  
Randerson, Jenny

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

Cuthbert, Jeff  
Mewies, Sandy  
Thomas, Rhodri Glyn

*Gwrthodwyd gwelliant 47.  
Amendment 47 defeated.*

[116] **Val Lloyd:** I call on Jenny Randerson to propose amendment 48 formally, which is the last amendment in the group.

[117] **Jenny Randerson:** I propose amendment 48 in my name and with the names of Andrew R.T. Davies and Jonathan Morgan in support.

[118] **Val Lloyd:** The question is that amendment 48 be agreed to. I call for a vote.

*Gwelliant 48: O blaid 2, Ymatal 0, Yn erbyn 3.  
Amendment 48: For 2, Abstain 0, Against 3.*

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

Morgan, Jonathan  
Randerson, Jenny

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

Cuthbert, Jeff  
Mewies, Sandy  
Thomas, Rhodri Glyn

*Gwrthodwyd gwelliant 48.  
Amendment 48 defeated.*

**Hawlogaeth: Penderfynu ‘Relevant School or Institution’ (Adran 23)  
Entitlement: Determination of ‘Relevant School or Institution’ (Section 23)**

[119] **Val Lloyd:** We now move to group 13, which contains amendment 16 only, relating to the determination of ‘relevant school or institution’. Deputy Minister, would you like amendment 16 to be proposed formally in your name?

[120] **John Griffiths:** Yes, please.

[121] **Val Lloyd:** I propose amendment 16 in the name of John Griffiths. I call on the Deputy Minister to speak to this amendment.

[122] **John Griffiths:** This is a technical amendment designed to ensure that there is no room to misinterpret the legal effect of section 23 of the proposed Measure and the process of identifying the relevant menu from which a pupil is to make local curriculum elections. Essentially, it makes it clear that there is no conflict between the process of identification of the school that is likely to be responsible for providing a child's education, so that the pupil can elect courses from the relevant menu where there is more than one local curricula in a local education authority area, and that school admission arrangements are made under separate legislation. So, I make it clear that it is technical in nature.

[123] **Val Lloyd:** I see that there is no debate for you to reply to, Deputy Minister. Is there anything further that you wish to say?

[124] **John Griffiths:** I would merely urge support, Chair.

[125] **Val Lloyd:** Thank you. Do you wish to move to a vote?

[126] **John Griffiths:** Yes, Chair.

[127] **Val Lloyd:** The question is that amendment 16 be agreed to. I call for a vote.

*Gwelliant 16: O blaid 5, Ymatal 0, Yn erbyn 0.  
Amendment 16: For 5, Abstain 0, Against 0.*

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

Cuthbert, Jeff  
Mewies, Sandy  
Morgan, Jonathan  
Randerson, Jenny  
Thomas, Rhodri Glyn

*Derbyniwyd gwelliant 16.  
Amendment 16 carried.*

[128] **Val Lloyd:** We now move to dispose of amendment 60, in line with the marshalled list. This was debated as part of group 1 last week. Jenny, please formally propose amendment 60.

[129] **Jenny Randerson:** I propose amendment 60 in my name and with the names of Andrew R.T. Davies and Jonathan Morgan in support.

[130] **Val Lloyd:** The question is that amendment 60 be agreed to. I call for a vote.

*Gwelliant 60: O blaid 2, Ymatal 0, Yn erbyn 3.  
Amendment 60: For 2, Abstain 0, Against 3.*

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

Morgan, Jonathan

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

Cuthbert, Jeff

Randerson, Jenny

Mewies, Sandy  
Thomas, Rhodri Glyn

*Gwrthodwyd gwelliant 60.  
Amendment 60 defeated.*

[131] **Val Lloyd:** We now vote on a series of amendments that have been debated earlier, as group 12, on the formation of the local curriculum. The first amendment is amendment 49, which is on page 6 of the marshalled list. Jenny, please formally propose amendment 49.

[132] **Jenny Randerson:** I propose amendment 49 in my name and with the names of Andrew R.T. Davies and Jonathan Morgan in support.

[133] **Val Lloyd:** The question is that amendment 49 be agreed to. I call for a vote.

*Gwelliant 49: O blaid 2, Ymatal 0, Yn erbyn 3.  
Amendment 49: For 2, Abstain 0, Against 3.*

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

Morgan, Jonathan  
Randerson, Jenny

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

Cuthbert, Jeff  
Mewies, Sandy  
Thomas, Rhodri Glyn

*Gwrthodwyd gwelliant 49.  
Amendment 49 defeated.*

[134] **Val Lloyd:** We now move to amendment 50. Jenny, please formally propose amendment 50.

[135] **Jenny Randerson:** I propose amendment 50 in my name and with the names of Andrew R.T. Davies and Jonathan Morgan in support.

[136] **Val Lloyd:** The question is that amendment 50 be agreed to. I call for a vote.

*Gwelliant 50: O blaid 2, Ymatal 0, Yn erbyn 3.  
Amendment 50: For 2, Abstain 0, Against 3.*

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

Morgan, Jonathan  
Randerson, Jenny

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

Cuthbert, Jeff  
Mewies, Sandy  
Thomas, Rhodri Glyn

*Gwrthodwyd gwelliant 50.  
Amendment 50 defeated.*

[137] **Val Lloyd:** We now move to amendment 51. Jenny, please formally propose amendment 51.

[138] **Jenny Randerson:** I propose amendment 51 in my name and with the names of Andrew R.T. Davies and Jonathan Morgan in support.

[139] **Val Lloyd:** The question is that amendment 51 be agreed to. I call for a vote.

*Gwelliant 51: O blaid 2, Ymatal 0, Yn erbyn 3.*

*Amendment 51: For 2, Abstain 0, Against 3.*

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

Morgan, Jonathan  
Randerson, Jenny

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

Cuthbert, Jeff  
Mewies, Sandy  
Thomas, Rhodri Glyn

*Gwrthodwyd gwelliant 51.  
Amendment 51 defeated.*

[140] **Val Lloyd:** We now move to amendment 52. Jenny, please formally propose amendment 52.

[141] **Jenny Randerson:** I propose amendment 52 in my name and with the names of Andrew R.T. Davies and Jonathan Morgan in support.

[142] **Val Lloyd:** The question is that amendment 52 be agreed to. I call for a vote.

*Gwelliant 52: O blaid 2, Ymatal 0, Yn erbyn 3.  
Amendment 52: For 2, Abstain 0, Against 3.*

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

Morgan, Jonathan  
Randerson, Jenny

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

Cuthbert, Jeff  
Mewies, Sandy  
Thomas, Rhodri Glyn

*Gwrthodwyd gwelliant 52.  
Amendment 52 defeated.*

[143] **Val Lloyd:** We now move to voting on an amendment that was discussed as part of group 2. It appears on page 7 of the marshalled list as amendment 42 in the name of Andrew R.T. Davies. Jonathan, please formally propose amendment 42.

[144] **Jonathan Morgan:** I propose amendment 42 in the name of Andrew R.T. Davies and with the names of Jenny Randerson and myself in support.

[145] **Val Lloyd:** The question is that amendment 42 be agreed to. I call for a vote.

*Gwelliant 42: O blaid 2, Ymatal 0, Yn erbyn 3.  
Amendment 42: For 2, Abstain 0, Against 3.*

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

Morgan, Jonathan  
Randerson, Jenny

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

Cuthbert, Jeff  
Mewies, Sandy  
Thomas, Rhodri Glyn

*Gwrthodwyd gwelliant 42.  
Amendment 42 defeated.*

[146] **Val Lloyd:** We now move to another series of amendments relating to group 3, on headteachers' and principals' decisions as to entitlement and to remove entitlement. Deputy Minister, do you wish to proceed with your amendment?

[147] **John Griffiths:** Yes.

[148] **Val Lloyd:** I propose amendment 17 in the name of John Griffiths. The question is that amendment 17 be agreed to. I call for a vote.

*Gwelliant 17: O blaid 3, Ymatal 0, Yn erbyn 2.  
Amendment 17: For 3, Abstain 0, Against 2.*

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

Cuthbert, Jeff  
Mewies, Sandy  
Thomas, Rhodri Glyn

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

Morgan, Jonathan  
Randerson, Jenny

*Derbyniwyd gwelliant 17.  
Amendment 17 carried.*

[149] **Val Lloyd:** We now move to amendment 18 in the name of John Griffiths. Deputy Minister, do you wish to proceed with your amendment?

[150] **John Griffiths:** Yes, Chair.

[151] **Val Lloyd:** I propose amendment 18 in the name of John Griffiths. The question is that amendment 18 be agreed to. I call for a vote.

*Gwelliant 18: O blaid 3, Ymatal 0, Yn erbyn 2.  
Amendment 18: For 3, Abstain 0, Against 2.*

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

Cuthbert, Jeff  
Mewies, Sandy  
Thomas, Rhodri Glyn

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

Morgan, Jonathan  
Randerson, Jenny

*Derbyniwyd gwelliant 18.  
Amendment 18 carried.*

[152] **Val Lloyd:** We now move to amendment 19 in the name of John Griffiths. Deputy Minister, do you wish to proceed with your amendment?

[153] **John Griffiths:** Yes, Chair.

[154] **Val Lloyd:** I propose amendment 19 in the name of John Griffiths. The question is that amendment 19 be agreed to. I call for a vote.

*Gwelliant 19: O blaid 3, Ymatal 0, Yn erbyn 2.  
Amendment 19: For 3, Abstain 0, Against 2.*

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

Cuthbert, Jeff  
Mewies, Sandy  
Thomas, Rhodri Glyn

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

Morgan, Jonathan  
Randerson, Jenny

*Derbyniwyd gwelliant 19.*  
*Amendment 19 carried.*

10.10 a.m.

[155] **Val Lloyd:** We now move to amendment 20 in the name of John Griffiths; this has already been debated with amendment 2. Deputy Minister, do you wish to proceed with your amendment?

[156] **John Griffiths:** Yes, Chair.

[157] **Val Lloyd:** I propose amendment 20 in the name of John Griffiths. The question is that amendment 20 be agreed to. I call for a vote.

*Gwelliant 20: O blaid 3, Ymatal 0, Yn erbyn 2.*  
*Amendment 20: For 3, Abstain 0, Against 2.*

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

Cuthbert, Jeff  
Mewies, Sandy  
Thomas, Rhodri Glyn

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

Morgan, Jonathan  
Randerson, Jenny

*Derbyniwyd gwelliant 20.*  
*Amendment 20 carried.*

[158] **Val Lloyd:** We now move to amendment 21 in the name of John Griffiths; this has already been debated as part of group 4. Deputy Minister, do you wish to proceed with your amendment?

[159] **John Griffiths:** Yes, Chair.

[160] **Val Lloyd:** I propose amendment 21 in the name of John Griffiths. The question is that amendment 21 be agreed to. I call for a vote.

*Gwelliant 21: O blaid 3, Ymatal 0, Yn erbyn 2*  
*Amendment 21: For 3, Abstain 0, Against 2.*

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

Cuthbert, Jeff  
Mewies, Sandy  
Thomas, Rhodri Glyn

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

Morgan, Jonathan  
Randerson, Jenny

*Derbyniwyd gwelliant 21.*  
*Amendment 21 carried.*

[161] **Val Lloyd:** We will now vote on a series of amendments that we discussed as part of group 3. I call amendment 22 in the name of John Griffiths; this has already been debated with amendment 2. Deputy Minister, do you wish to proceed with your amendment?

[162] **John Griffiths:** Yes, Chair.

[163] **Val Lloyd:** I propose amendment 22 in the name of John Griffiths. The question is that amendment 22 be agreed to. I call for a vote.



*Gwelliant 22: O blaid 3, Ymatal 0, Yn erbyn 2*  
*Amendment 22: For 3, Abstain 0, Against 2.*

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

Cuthbert, Jeff  
 Mewies, Sandy  
 Thomas, Rhodri Glyn

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

Morgan, Jonathan  
 Randerson, Jenny

*Derbyniwyd gwelliant 22.*  
*Amendment 22 carried.*

[164] **Val Lloyd:** We now move to amendment 23 in the name of John Griffiths. Deputy Minister, do you wish to proceed with your amendment?

[165] **John Griffiths:** Yes, Chair.

[166] **Val Lloyd:** I propose amendment 23 in the name of John Griffiths. The question is that amendment 23 be agreed to. I call for a vote.

*Gwelliant 23: O blaid 3, Ymatal 0, Yn erbyn 2*  
*Amendment 23: For 3, Abstain 0, Against 2.*

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

Cuthbert, Jeff  
 Mewies, Sandy  
 Thomas, Rhodri Glyn

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

Morgan, Jonathan  
 Randerson, Jenny

*Derbyniwyd gwelliant 23.*  
*Amendment 23 carried.*

[167] **Val Lloyd:** We now move to amendment 24 in the name of John Griffiths. Deputy Minister, do you wish to proceed with your amendment?

[168] **John Griffiths:** Yes, Chair.

[169] **Val Lloyd:** I propose amendment 24 in the name of John Griffiths. The question is that amendment 24 be agreed to. I call for a vote.

*Gwelliant 24: O blaid 3, Ymatal 0, Yn erbyn 2*  
*Amendment 24: For 3, Abstain 0, Against 2.*

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

Cuthbert, Jeff  
 Mewies, Sandy  
 Thomas, Rhodri Glyn

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

Morgan, Jonathan  
 Randerson, Jenny

*Derbyniwyd gwelliant 24.*  
*Amendment 24 carried.*

[170] **Val Lloyd:** We now move to amendment 53; this has already been debated with amendment 44 as part of group 12 on the formation of the local curriculum. Jenny, please

formally propose amendment 53.

[171] **Jenny Randerson:** I propose amendment 53 in my name and with the names of Andrew R.T. Davies and Jonathan Morgan in support.

[172] **Val Lloyd:** The question is that amendment 53 be agreed to. I call for a vote.

*Gwelliant 53: O blaid 2, Ymatal 0, Yn erbyn 3.  
Amendment 53: For 2, Abstain 0, Against 3.*

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

Morgan, Jonathan  
Randerson, Jenny

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

Cuthbert, Jeff  
Mewies, Sandy  
Thomas, Rhodri Glyn

*Gwrthodwyd gwelliant 53.  
Amendment 53 defeated.*

[173] **Val Lloyd:** We now move to amendment 54. Jenny, please formally propose amendment 54.

[174] **Jenny Randerson:** I propose amendment 54 in my name and with the names of Andrew R.T. Davies and Jonathan Morgan in support.

[175] **Val Lloyd:** The question is that amendment 54 be agreed to. I call for a vote.

*Gwelliant 54: O blaid 2, Ymatal 0, Yn erbyn 3.  
Amendment 54: For 2, Abstain 0, Against 3.*

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

Morgan, Jonathan  
Randerson, Jenny

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

Cuthbert, Jeff  
Mewies, Sandy  
Thomas, Rhodri Glyn

*Gwrthodwyd gwelliant 54.  
Amendment 54 defeated.*

[176] **Val Lloyd:** We now move to amendment 38 in the name of Andrew R.T. Davies; this has already been debated with amendment 37 and is in reference to joint working in the planning of the local curriculum in relation to additional learning needs. Jonathan, please formally propose amendment 38.

[177] **Jonathan Morgan:** I propose amendment 38 in the name of Andrew R.T. Davies and with the names of Jenny Randerson and myself in support.

[178] **Val Lloyd:** The question is that amendment 38 be agreed to. I call for a vote.

*Gwelliant 38: O blaid 2, Ymatal 0, Yn erbyn 2.  
Amendment 38: For 2, Abstain 0, Against 2.*

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

Morgan, Jonathan

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

Cuthbert, Jeff

Randerson, Jenny

Mewies, Sandy

Ymataliodd yr Aelod canlynol:  
The following Member abstained:

Thomas, Rhodri Glyn

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog Rhif 10.33.*

*As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order No. 10.33.*

*Gwrthodwyd gwelliant 38.  
Amendment 38 defeated.*

[179] **Val Lloyd:** We now move to amendment 40 in the name of Andrew R.T. Davies; this has already been debated with amendment 39, as part of group 6 on joint working in the planning of the local curriculum in relation to faith schools. Jonathan, please formally propose amendment 40.

[180] **Jonathan Morgan:** I propose amendment 40 in the name of Andrew R.T. Davies and with the names of Jenny Randerson and myself in support.

[181] **Val Lloyd:** The question is that amendment 40 be agreed to. I call for a vote.

*Gwelliant 40: O blaid 2, Ymatal 0, Yn erbyn 3.  
Amendment 40: For 2, Abstain 0, Against 2.*

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

Morgan, Jonathan  
Randerson, Jenny

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

Cuthbert, Jeff  
Mewies, Sandy  
Thomas, Rhodri Glyn

*Gwrthodwyd gwelliant 40.  
Amendment 40 defeated.*

[182] **Val Lloyd:** We now move to amendment 63 in the name of Jenny Randerson; this has already been debated with amendment 61 as part of group 7, on working with local educational authorities in planning the local curriculum. Jenny, please formally propose amendment 63.

[183] **Jenny Randerson:** I propose amendment 63 in my name and with the names of Andrew R.T. Davies and Jonathan Morgan in support.

[184] **Val Lloyd:** The question is that amendment 63 be agreed to. I call for a vote.

*Gwelliant 63: O blaid 2, Ymatal 0, Yn erbyn 3.  
Amendment 63: For 2, Abstain 0, Against 3.*

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

Morgan, Jonathan  
Randerson, Jenny

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

Cuthbert, Jeff  
Mewies, Sandy  
Thomas, Rhodri Glyn

*Gwrthodwyd gwelliant 63.  
Amendment 63 defeated.*

[185] **Val Lloyd:** We will now vote on amendment 66 in group 8, which we have already discussed. Jenny, please formally propose amendment 66.

[186] **Jenny Randerson:** I propose amendment 66 in my name and with the names of Andrew R.T. Davies and Jonathan Morgan in support.

[187] **Val Lloyd:** The question is that amendment 66 be agreed to. I call for a vote.

*Gwelliant 66: O blaid 2, Ymatal 0, Yn erbyn 3.  
Amendment 66: For 2, Abstain 0, Against 3.*

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

Morgan, Jonathan  
Randerson, Jenny

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

Cuthbert, Jeff  
Mewies, Sandy  
Thomas, Rhodri Glyn

*Gwrthodwyd gwelliant 66.  
Amendment 66 defeated.*

[188] **Val Lloyd:** We will now vote on amendment 69, which appears on page 11 of the marshalled list. Amendment 69 is part of group 9, which we have discussed earlier, on consultation with the business sector. Jenny, please formally propose amendment 69.

[189] **Jenny Randerson:** I propose amendment 69 in my name and with the names of Andrew R.T. Davies and Jonathan Morgan in support.

[190] **Val Lloyd:** The question is that amendment 69 be agreed to. I call for a vote.

*Gwelliant 69: O blaid 2, Ymatal 0, Yn erbyn 3.  
Amendment 69: For 2, Abstain 0, Against 3.*

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

Morgan, Jonathan  
Randerson, Jenny

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

Cuthbert, Jeff  
Mewies, Sandy  
Thomas, Rhodri Glyn

*Gwrthodwyd gwelliant 69.  
Amendment 69 defeated.*

[191] **Val Lloyd:** We will now vote on a series of amendments as part of group 10. Deputy Minister, do you wish to proceed with your amendment?

[192] **John Griffiths:** Yes, Chair.

[193] **Val Lloyd:** I propose amendment 25 in the name of John Griffiths. The question is that amendment 25 be agreed to. I call for a vote.

*Gwelliant 25: O blaid 3, Ymatal 0, Yn erbyn 2.  
Amendment 25: For 3, Abstain 0, Against 2.*

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

Cuthbert, Jeff  
Mewies, Sandy  
Thomas, Rhodri Glyn

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

Morgan, Jonathan  
Randerson, Jenny

*Derbyniwyd gwelliant 25.  
Amendment 25 carried.*

[194] **Val Lloyd:** We now move to amendment 26. Deputy Minister, do you wish to proceed with your amendment?

[195] **John Griffiths:** Yes, Chair.

[196] **Val Lloyd:** I propose amendment 26 in the name of John Griffiths. The question is that amendment 26 be agreed to. I call for a vote.

*Gwelliant 26: O blaid 3, Ymatal 0, Yn erbyn 2.  
Amendment 26: For 3, Abstain 0, Against 2.*

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

Cuthbert, Jeff  
Mewies, Sandy  
Thomas, Rhodri Glyn

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

Morgan, Jonathan  
Randerson, Jenny

*Derbyniwyd gwelliant 26.  
Amendment 26 carried.*

[197] **Val Lloyd:** We now move to amendment 27 in the name of John Griffiths. Deputy Minister, do you wish to proceed with your amendment?

[198] **John Griffiths:** Yes, Chair.

[199] **Val Lloyd:** I propose amendment 27 in the name of John Griffiths. The question is that amendment 27 be agreed to. I call for a vote.

*Gwelliant 27: O blaid 3, Ymatal 0, Yn erbyn 2.  
Amendment 27: For 3, Abstain 0, Against 2.*

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

Cuthbert, Jeff  
Mewies, Sandy  
Thomas, Rhodri Glyn

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

Morgan, Jonathan  
Randerson, Jenny

*Derbyniwyd gwelliant 27.  
Amendment 27 carried.*

[200] **Val Lloyd:** We now move to amendment 28 in the name of John Griffiths. Deputy Minister, do you wish to proceed with your amendment?

[201] **John Griffiths:** Yes, Chair.

[202] **Val Lloyd:** I propose amendment 28 in the name of John Griffiths. The question is

that amendment 28 be agreed to. I call for a vote.

*Gwelliant 28: O blaid 3, Ymatal 0, Yn erbyn 2.  
Amendment 28: For 3, Abstain 0, Against 2.*

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

Cuthbert, Jeff  
Mewies, Sandy  
Thomas, Rhodri Glyn

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

Morgan, Jonathan  
Randerson, Jenny

*Derbyniwyd gwelliant 28.  
Amendment 28 carried.*

[203] **Val Lloyd:** We now move to amendment 29 in the name of John Griffiths. Deputy Minister, do you wish to proceed with your amendment?

[204] **John Griffiths:** Yes, Chair.

[205] **Val Lloyd:** I propose amendment 29 in the name of John Griffiths. The question is that amendment 29 be agreed to. I call for a vote.

*Gwelliant 29: O blaid 3, Ymatal 0, Yn erbyn 2.  
Amendment 29: For 3, Abstain 0, Against 2.*

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

Cuthbert, Jeff  
Mewies, Sandy  
Thomas, Rhodri Glyn

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

Morgan, Jonathan  
Randerson, Jenny

*Derbyniwyd gwelliant 29.  
Amendment 29 carried.*

[206] **Val Lloyd:** We now move to amendment 55 in group 12. Jenny, please formally propose amendment 55.

[207] **Jenny Randerson:** I propose amendment 55 in my name and with the names of Andrew R.T. Davies and Jonathan Morgan in support.

[208] **Val Lloyd:** The question is that amendment 55 be agreed to. I call for a vote.

*Gwelliant 55: O blaid 2, Ymatal 0, Yn erbyn 3.  
Amendment 55: For 2, Abstain 0, Against 3.*

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

Morgan, Jonathan  
Randerson, Jenny

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

Cuthbert, Jeff  
Mewies, Sandy  
Thomas, Rhodri Glyn

*Gwrthodwyd gwelliant 55.  
Amendment 55 defeated.*

[209] **Val Lloyd:** We now move to amendment 56. Jenny, please formally propose

amendment 56.

[210] **Jenny Randerson:** I propose amendment 56 in my name and with the names of Andrew R.T. Davies and Jonathan Morgan in support.

[211] **Val Lloyd:** The question is that amendment 56 be agreed to. I call for a vote.

*Gwelliant 56: O blaid 2, Ymatal 0, Yn erbyn 3.*

*Amendment 56: For 2, Abstain 0, Against 3.*

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

Morgan, Jonathan  
Randerson, Jenny

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

Cuthbert, Jeff  
Mewies, Sandy  
Thomas, Rhodri Glyn

*Gwrthodwyd gwelliant 56.*

*Amendment 56 defeated.*

[212] **Val Lloyd:** We now move to amendment 57. Jenny, please formally propose amendment 57.

[213] **Jenny Randerson:** I propose amendment 57 in my name and with the names of Andrew R.T. Davies and Jonathan Morgan in support.

[214] **Val Lloyd:** The question is that amendment 57 be agreed to. I call for a vote.

*Gwelliant 57: O blaid 2, Ymatal 0, Yn erbyn 3.*

*Amendment 57: For 2, Abstain 0, Against 3.*

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

Morgan, Jonathan  
Randerson, Jenny

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

Cuthbert, Jeff  
Mewies, Sandy  
Thomas, Rhodri Glyn

*Gwrthodwyd gwelliant 57.*

*Amendment 57 defeated.*

[215] **Val Lloyd:** We now move to amendment 58. Jenny, please formally propose amendment 58.

[216] **Jenny Randerson:** I propose amendment 58 in my name and with the names of Andrew R.T. Davies and Jonathan Morgan in support.

[217] **Val Lloyd:** The question is that amendment 58 be agreed to. I call for a vote.

*Gwelliant 58: O blaid 2, Ymatal 0, Yn erbyn 3.*

*Amendment 58: For 2, Abstain 0, Against 3.*

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

Morgan, Jonathan  
Randerson, Jenny

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

Cuthbert, Jeff  
Mewies, Sandy  
Thomas, Rhodri Glyn

*Gwrthodwyd gwelliant 58.  
Amendment 58 defeated.*

[218] **Val Lloyd:** We now move to amendment 64, which appears on page 15 of the marshalled list. Amendment 64 is part of group 7, on working with neighbouring LEAs when planning local curricula. Jenny, please formally propose amendment 64.

[219] **Jenny Randerson:** I propose amendment 64 in my name and with the names of Andrew R.T. Davies and Jonathan Morgan in support.

[220] **Val Lloyd:** The question is that amendment 64 be agreed to. I call for a vote.

10.20 a.m.

*Gwelliant 64: O blaid 2, Ymatal 1, Yn erbyn 2.  
Amendment 64: For 2, Abstain 1, Against 2.*

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

Morgan, Jonathan  
Randerson, Jenny

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

Cuthbert, Jeff  
Mewies, Sandy

Ymataliodd yr Aelod canlynol:  
The following Member abstained:

Thomas, Rhodri Glyn

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog Rhif 10.33.*

*As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order No. 10.33.*

*Gwrthodwyd gwelliant 64.  
Amendment 64 defeated.*

*Gohiriwyd y cyfarfod rhwng 10.20 a.m. a 10.38 a.m.  
The meeting adjourned between 10.20 a.m. a 10.38 a.m.*

[221] **Val Lloyd:** We will now vote on another series of amendments that we discussed earlier as part of group 10, relating to delivery of entitlements. We will deal first with amendment 30, which is on page 15 of the marshalled list. Deputy Minister, would you like amendment 30 in your name to be formally proposed?

[222] **John Griffiths:** Yes.

[223] **Val Lloyd:** I formally move amendment 30 in the name of John Griffiths. The question is that amendment 30 be agreed to. I call for a vote.

*Gwelliant 30: O blaid 5, Ymatal 0, Yn erbyn 0.  
Amendment 30: For 5, Abstain 0, Against 0.*

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

Cuthbert, Jeff



Mewies, Sandy  
Morgan, Jonathan  
Randerson, Jenny  
Thomas, Rhodri Glyn

*Derbyniwyd gwelliant 30.  
Amendment 30 carried.*

[224] **Val Lloyd:** We now move to amendment 31. Deputy Minister, would you like amendment 31 in your name to be formally proposed?

[225] **John Griffiths:** Yes, Chair.

[226] **Val Lloyd:** I formally move amendment 31 in the name of John Griffiths. The question is that amendment 31 be agreed to.

*Gwelliant 31: O blaid 3, Ymatal 0, Yn erbyn 2.  
Amendment 31: For 3, Abstain 0, Against 2.*

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

Cuthbert, Jeff  
Mewies, Sandy  
Thomas, Rhodri Glyn

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

Morgan, Jonathan  
Randerson, Jenny

*Derbyniwyd gwelliant 31.  
Amendment 31 carried.*

[227] **Val Lloyd:** We now move to amendment 32. Deputy Minister, would you like amendment 32 in your name to be formally proposed?

[228] **John Griffiths:** Yes, Chair.

[229] **Val Lloyd:** I formally move amendment 32 in the name of John Griffiths. The question is that amendment 32 be agreed to. I call for a vote.

10.40 a.m.

*Gwelliant 32: O blaid 3, Ymatal 0, Yn erbyn 2.  
Amendment 32: For 3, Abstain 0, Against 2.*

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

Cuthbert, Jeff  
Mewies, Sandy  
Thomas, Rhodri Glyn

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

Morgan, Jonathan  
Randerson, Jenny

*Derbyniwyd gwelliant 32.  
Amendment 32 carried.*

[230] **Val Lloyd:** We now move to amendment 33. Deputy Minister, would you like amendment 33 in your name to be formally proposed?

[231] **John Griffiths:** Yes.

[232] **Val Lloyd:** I propose amendment 33 in the name of John Griffiths. The question is

that amendment 33 be agreed to. I call for a vote.

*Gwelliant 33: O blaid 3, Ymatal 0, Yn erbyn 2.  
Amendment 33: For 3, Abstain 0, Against 2.*

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

Cuthbert, Jeff  
Mewies, Sandy  
Thomas, Rhodri Glyn

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

Morgan, Jonathan  
Randerson, Jenny

*Derbyniwyd gwelliant 33.  
Amendment 33 carried.*

[233] **Val Lloyd:** Amendment 35 was part of group 11, regarding safeguarding groups of vulnerable students, which we debated earlier, and which appears on page 16 of the marshalled list. Jonathan Morgan, please formally propose amendment 35.

[234] **Jonathan Morgan:** I propose amendment 35 in the name of Andrew R.T. Davies and with the names of Jenny Randerson and myself in support.

[235] **Val Lloyd:** The question is that amendment 35 be agreed to. I call for a vote.

*Gwelliant 35: O blaid 2, Ymatal 0, Yn erbyn 3.  
Amendment 35: For 2, Abstain 0, Against 3.*

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

Morgan, Jonathan  
Randerson, Jenny

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

Cuthbert, Jeff  
Mewies, Sandy  
Thomas, Rhodri Glyn

*Gwrthodwyd gwelliant 35.  
Amendment 35 defeated.*

**Gwasanaethau Cymorth i Ddysgwyr—Cyngor—Y Gymraeg a'r Saesneg (Adran 37)  
Learner Support Services—Advice—Welsh and English Languages (Section 37)**

[236] **Val Lloyd:** I call amendment 43 in the name of Jenny Randerson, which is in a group on its own—group 14. I invite Jenny Randerson to propose amendment 43.

[237] **Jenny Randerson:** I propose amendment 43 in my name and with the names of Andrew R.T. Davies and Jonathan Morgan in support.

[238] Amendment 43 relates to section 37, which is on page 24 of the proposed Measure. You will recall that, last week, we proposed amendments relating to the availability of the curriculum through the medium of Welsh. The Deputy Minister also proposed amendments on that subject. The Deputy Minister's amendments were carried. The purpose of this amendment is to ensure that this is not an entirely curriculum-based approach and to ensure that advice is available in Welsh and English. This relates to bilingual learner support services, to ensure that bilingualism is thorough and systematic throughout the system and that it is not a system that simply stops at the end of the formal curriculum. The important thing is to consider the breadth of what advice might be. It relates to many of the more informal aspects of education, which are so very important. I do not wish to spend long on this; I think that people understand the principle we were talking about last week. It is a

principle that the Deputy Minister agrees with, because his own amendments, although taking a different approach, would have the sort of outcome that we were looking towards. I hope that he feels that he can support this.

[239] **Val Lloyd:** I call Jonathan Morgan as the supporter of amendment 43.

[240] **Jonathan Morgan:** I wish to point out that the role of the education system is not only to ensure that courses are delivered and that, within the framework that has been set, young people have access to a variety of courses in a number of institutions, but to ensure that they get the right help and advice. We need to take account of the fact that we have two official languages and that those young people who wish to have advice made available to them in Welsh should have that entitlement. Again, this would not only demonstrate support for the Welsh language from this institution, but ensure that those students who wish to receive advice through the Welsh language have that right fulfilled. It is consistent with the strategic direction of the Assembly Government and the debate that we have heard about ensuring that young people have access to courses through the medium of Welsh. I think it is equally right that they can access advice from institutions through the medium of Welsh.

[241] **Jeff Cuthbert:** In principle, I am very much behind this. Although I am not a Welsh speaker, I am learning Welsh—which is a painful exercise for me and for my tutor, but I am giving it my best shot—and I accept that provision should be available for young people to receive guidance in Welsh or English as the case may be. My only fear about bringing this in at this stage and putting it on the face of the proposed Measure through this amendment is the effect that it could have, as there could be unintended consequences. For example, we know—and this point was made to us by presenters, particularly those from sector skills councils and people on the industry side and work-based learning providers—that there is a range of more specialised vocational courses for which material is not yet available in the Welsh language, although it is the aspiration of the sector skills councils and the awarding bodies to develop it. One of the effects of this could be that young people may be denied explanations and guidance through the medium of Welsh if they have an interest in a vocational course of a rather specialised nature that may be relatively new to Wales. So, that is my concern about putting this on the face of the proposed Measure through an amendment at this stage. I certainly think that it is a matter for implementation and for regular consultation with those bodies outside of schools and further education colleges so that we work towards a position where that is achievable. I think that that is why there is no reference to this issue in the recommendations under ‘Learner Support Services’.

[242] **Rhodri Glyn Thomas:** Yr wyf yn dod i hyn o gyfeiriad cwbl wahanol i Jeff; byddwn yn croesawu'n fawr iawn pe bai'r Llywodraeth yn sicrhau bod y cyrsiau hyn ar gael yn y Gymraeg a bod adnoddau addysgiadol digonol ar gael ar gyfer myfyrwyr sydd am astudio drwy gyfrwng y Gymraeg.

**Rhodri Glyn Thomas:** I am coming at this from a different angle from Jeff; I would very much welcome it if the Government were to ensure that these courses were available through the medium of Welsh and that there were sufficient educational resources available for students who want to study through the medium of Welsh.

[243] Mae gennyf bryder ynglŷn ag union eiriad y gwelliant hwn a'i oblygiadau i addysg drwy Gymru. Yr wyf yn siarad fel Aelod sydd yn cynrychioli ardal o fewn sir Gaerfyrddin, ac ofnaf y byddai'r union eiriad hwn yn creu problemau mawr o ran cyfeiriad addysg yn sir Gaerfyrddin. Gofynnaf i'r Dirprwy Weinidog edrych ar y gwelliant yn yr ysbryd y mae wedi'i gyflwyno a cheisio

I am concerned about the exact wording of this amendment and its implications for education throughout Wales. I speak as a Member who represents an area within Carmarthenshire, and I am concerned that the exact wording of this would create great problems in terms of the direction of education in Carmarthenshire. I ask the Deputy Minister to look at the amendment in

canfod ffordd, o fewn yr arweiniad y mae ef yn ei gynnig, i awdurdodau addysg sicrhau hawliau plant sydd am gael eu haddysg drwy gyfrwng y Gymraeg.

the spirit in which it has been proposed and try to find a way, within the direction that he suggests, for education authorities to ensure the rights of children who want to receive their education through the medium of Welsh.

[244] **John Griffiths:** I think that we all want to achieve the same objectives in relation to the provision of learner support services advice through the medium of Welsh, but, with this amendment, we come up against some of the difficulties that we discussed at the previous committee meeting with regard to Welsh-language issues around entitlement and choice, as this amendment would impose a very difficult duty on both English and Welsh-medium schools. For example, Welsh-medium schools would have to provide advice through the medium of English, which would pose practical difficulties for them in terms of the Welsh-medium ethos of the school and so on. We know that there are some activities, such as individual counselling, which require specialist expertise and we come up against problems around the lack of availability of expertise through the medium of Welsh. So, it is a matter of practical difficulties that apply to both English and Welsh-medium schools and providers. We think that the best way forward is to deal with these issues around the availability of learner support services through Welsh and English in statutory guidance, and we think that that guidance should be particularly robust with regard to the learning coach function, which is at the very heart of learner support as far as the proposed Measure is concerned. Also, we can direct schools' governing bodies and further education institutes with regard to that guidance.

10.50 a.m.

[245] In essence, we would seek to understand what is practically achievable in promoting Welsh-medium education, and I think that this is what Rhodri Glyn Thomas and others were referring to. There are particular areas where there are particular issues, which we all understand. Where Welsh-medium education is particularly strong, that has to be protected. We should not place onerous requirements on Welsh-medium providers that would in fact weaken their provision. At the same time, we have to understand—as I have said often—we are not at the stage that we would like to be with regard to the aim in 'Iaith Pawb' to be a truly bilingual nation.

[246] We want to promote Welsh-medium education and develop it in a practical way that will work and can be delivered. Guidance and directions offer the best approach to that, so I urge Members to reject this amendment.

[247] **Val Lloyd:** Thank you, Deputy Minister. I call Jenny to reply to the debate.

[248] **Jenny Randerson:** Before I respond, Chair, may I ask Gwyn for his advice on the Deputy Minister's view that this would compel Welsh-medium schools to provide advice in the medium of English?

[249] **Val Lloyd:** Gwyn, would you care to respond?

[250] **Mr Griffiths:** Yes, Chair. The provisions are dealt with in section 7(1), which says that,

[251] 'Welsh Ministers may direct a person mentioned ... to provide learner support services... [or] to secure the provision of learner support services... [or] to participate in the provision'.

[252] It therefore does not necessarily mean that the persons mentioned, that is, the

governing bodies, have to provide it themselves; they can secure the provision of those services. So, Welsh-medium schools can secure the provision via English-medium schools nearby and vice versa.

[253] **Val Lloyd:** Thank you.

[254] **Jenny Randerson:** Thank you. I think that that makes the situation clear.

[255] I am a bit worried. In his reply, Jeff talked about course material for vocational courses. I am very aware of this issue, and it is something that we discussed last time. However, advice and learner support services are not 'course material'; they are the learner coach function, the personal advice and so on that you get as well. I want to make it clear that this amendment is not about the core curriculum. I do not believe that the wording as it is would force people in Welsh-medium schools to provide advice in English. After all, someone attending a Welsh-medium school chose to go there. Such people would not choose to have advice in English. If they wanted their advice through the medium of English, they would have gone to an English-medium school. I feel that the argument is a bit of a red herring.

[256] We have to look at the significance. If this proposed Measure is to work, it has to take on board the strong support services that many of these young people need. That is why this amendment has been proposed, because we are trying to look at the issue holistically. I therefore wish to move this to a vote.

[257] **Val Lloyd:** The question is that amendment 43 be agreed to. I call for a vote.

*Gwelliant 43: O blaid 2, Ymatal 0, Yn erbyn 3.*

*Amendment 43: For 2, Abstain 0, Against 3.*

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

Morgan, Jonathan  
Randerson, Jenny

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

Cuthbert, Jeff  
Mewies, Sandy  
Thomas, Rhodri Glyn

*Gwrthodwyd gwelliant 43.  
Amendment 43 defeated.*

**Gwasanaethau Cymorth i Ddysgwyr—Cyngor—Amhleidioldeb (Adran 37)  
Learner Support Services—Advice—Impartiality (Section 37)**

[258] **Val Lloyd:** We now move to group 15, which contains amendments 67 and 70. Amendment 67 appears on page 17 of the marshalled list. I call Jenny to propose her amendment and to speak to both.

[259] **Jenny Randerson:** I propose amendment 67 in my name and with the names of Andrew R.T. Davies and Jonathan Morgan in support.

*Cafodd gwelliannau 67 a 70 eu grwpio ar gyfer y trafodaeth.  
Amendments 67 and 70 grouped for debate.*

[260] These two amendments relate to recommendations 26, 27 and 28 of the Stage 1 committee report and to what is a key issue if the system is to work. It will not work if people do not believe that the advice that they get is impartial. Therefore, this amendment relates to the requirement for impartial advice.

[261] The Stage 1 committee could not have been stronger on this issue. Recommendation 27 states:

[262] ‘we recommend the proposed Measure should be amended to ensure that the needs of the learner are paramount and that any professional providing or delivering learner support services has a statutory duty to demonstrate impartiality.’

[263] Recommendation 28 is very specific:

[264] ‘We consider that a statement of intent similar to that included in Clause 80 of the Education and Skills Bill should be included in the proposed Measure in relation to all learner support services, not just careers advice.’

[265] This is important because there is a real concern—there was a lot of evidence on this to the committee and I have been aware of it for a long time—that often the advice that young people receive, not just on careers, but also on the variety of courses that they undertake, is given from the standpoint of the institution that they attend and with a view to benefiting that institution rather than the student. It is relatively rare to find a school that recommends that a student should go somewhere else voluntarily, unless the school has good reason for feeling that that particular pupil is not suited to that school. You do not find a school, or a college, saying to a bright and able student who will achieve much, ‘We think that you should go somewhere else because that set of courses will suit you better’. That is normal and would not surprise any of you, and it can be just a minor problem, but the impact on the student at its most extreme is considerable. It can mean withholding from students information that should be available to them. It can also mean that the advice that they receive is not balanced and is biased towards one organisation or institution.

[266] Compelling information was given to the committee on this. The UK Government felt that it was a key issue because it managed to include it in clause 80 of the Education and Skills Bill and it is disappointing that this strong recommendation of the Stage 1 committee has not been followed through by the Deputy Minister. He may respond by saying that he intends to include it in the guidance, but there is nothing like putting the principle in the legislation. It should never need to be changed because there is no practical reason why this should not be included in the legislation as a specific principle, which is then inviolable. The guidance would then simply attack the issue of how you judge advice to be impartial, which is the role of guidance.

[267] **Jonathan Morgan:** I am happy to support amendment 67 tabled by Jenny Randerson. It is a clear and simple way of ensuring that there is a requirement to give impartial advice to young persons. It is a simpler way of framing an amendment to the proposed Measure than amendment 70, in the name of the Deputy Minister, which I am sure that we will discuss later, and which seeks to do a similar thing.

11.00 a.m.

[268] The decision of the committee was absolutely clear. As Jenny said, there was a strong recommendation that any professional providing or delivering learner support services should have a statutory duty to demonstrate impartiality. My reading of amendment 67 is that it covers the provisions of amendments 26, 27 and 28. I am keen to hear how the Deputy Minister believes that his amendment, amendment 70, covers the points made in amendments 26, 27 and 28. Bearing in mind what I said earlier—namely that this is quite a substantial departure in the delivery of education in Wales, and these are big changes for teachers, schools, FE colleges and young people to deal with—we need to ensure that young people can have confidence in the impartiality of the advice that they receive. I fully understand why

the committee, at Stage 1, decided to make these recommendations. Amendment 67 tabled by Jenny Randerson gives a clear and simple way of ensuring that those recommendations are followed.

[269] **Rhodri Glyn Thomas:** Nid oeddwn yn rhan o drafodaethau Cyfnod 1, ond ymddengys i mi, o'r hyn y mae Jenny a Jonathan wedi ei ddweud, fod y Dirprwy Weinidog wedi ymateb i'r pryderon a godwyd yn ystod Cyfnod 1. Mae ei welliant 70 yn mynd i'r afael â'r cyfan sy'n cael ei godi yng ngwelliant 67. Nid wyf yn deall pam nad yw gwelliant 67 wedi cael ei dynnu yn ôl gan fod y Dirprwy Weinidog yn amlwg wedi ymateb i'r materion a godwyd yng Nghyfnod 1. Byddaf yn pleidleisio yn erbyn gwelliant 67 ond o blaid gwelliant 70.

**Rhodri Glyn Thomas:** I did not take part in the discussions at Stage 1, but, from listening to what Jenny and Jonathan had to say, it appears to me as though the Deputy Minister has responded to the concerns that were raised during Stage 1. His amendment 70 addresses everything that is raised in amendment 67. I do not understand why amendment 67 has not been withdrawn, as the Deputy Minister has obviously responded to the concerns raised during Stage 1. I will therefore vote against amendment 67 but in favour of amendment 70.

[270] **Jeff Cuthbert:** My point of view is similar to that of Rhodri Glyn. I remember the discussion at Stage 1 clearly. Indeed, the recommendation in paragraph 27 talks about the importance of impartiality—as does Jenny's amendment, and I would not dispute that for one second. However, we urged the Government to come forward with proposals to address the issues of impartiality, and I feel that it has done that. The difference that we have here is that we have a choice between two amendments, amendments 67 and 70, which we shall talk about later. I agree with Rhodri Glyn that amendment 70 is more comprehensive, particularly sub-section (b)(ii) of it. Presenters raised the need to ensure that, for example, in the case of the learning coach, who may also be an employee of a school or college for other purposes, depending on exactly how that is arranged, the needs of the coach's main institution do not become paramount. So, that addresses that issue over and above the impartiality of advice, and it is therefore more comprehensive and superior in that sense.

[271] **John Griffiths:** I agree with the last two speakers that our Government amendment 70 is more comprehensive and is stronger in responding to those valid concerns about the need for impartiality in the provision of advice. It is in that spirit that we are taking forward this amendment. It makes the interests of the young person paramount. In stressing impartiality, it ensures that information and advice provided or delivered by any professional involved in learning support services is impartial. It also provides for the promotion of the best interests of the young person. As Jeff just mentioned, it does not seek to promote the interests of any institution if they are contrary to the best interests of the young person. Therefore, Chair, I ask Jenny to withdraw amendment 67 and support amendment 70.

[272] **Val Lloyd:** I call Jenny Randerson to reply to the debate.

[273] **Jenny Randerson:** I am not prepared to withdraw the amendment, because it seems to me that the Deputy Minister's amendment has two worrying phrases in it. I was not going to attempt to address the Deputy Minister's amendment at this stage, but I will do so given that people are referring to it. Line 2 says,

[274] 'it must be framed so that',

[275] and line 3 says that it must be 'presented in an impartial manner'.

[276] People are very good at framing and presenting things so that they look impartial, but they may not necessarily be impartial. I would fully agree that the Deputy Minister's amendment is a lot longer and more detailed than mine, but what disappoints me is that it

seems to have those two get-out clauses in it. They make it nowhere near as strong as just saying, 'It must be impartial'. So, I will not withdraw my amendment and I would like to push it to a vote.

[277] **Rhodri Glyn Thomas:** On a point of clarification, Chair, surely if we accept Jenny's amendment, amendment 70 will fall by default, because it has the same phraseology as the proposed Measure. We cannot have contradictory amendments, surely.

[278] **Val Lloyd:** I am assured that that is not the case.

[279] The question is that amendment 67 be agreed to. I call for a vote.

*Gwelliant 67: O blaid 2, Ymatal 0, Yn erbyn 3.  
Amendment 67: For 2, Abstain 0, Against 3.*

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

Morgan, Jonathan  
Randerson, Jenny

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

Cuthbert, Jeff  
Mewies, Sandy  
Thomas, Rhodri Glyn

*Gwrthodwyd gwelliant 67.  
Amendment 67 defeated.*

[280] **Val Lloyd:** In line with the order of consideration, we now move to dispose of amendment 70 in the name of John Griffiths, which has just been debated as part of group 15. Deputy Minister, do you wish to proceed with your amendment?

[281] **John Griffiths:** Yes, Chair.

[282] **Val Lloyd:** I propose amendment 70 in the name of John Griffiths. The question is that amendment 70 be agreed to. I call for a vote.

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

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

Cuthbert, Jeff  
Mewies, Sandy  
Morgan, Jonathan  
Randerson, Jenny  
Thomas, Rhodri Glyn

*Derbyniwyd gwelliant 70.  
Amendment 70 carried.*

[283] **Val Lloyd:** We will now vote on amendments on inserting new sections into the proposed Measure. In line with the order of consideration, I ask the Deputy Minister whether he wishes amendment 1 to be proposed formally. We discussed this last week as part of group 2. This amendment is on local curricula and the Welsh language, and is on page 18 of the marshalled list. Deputy Minister, do you wish to proceed with your amendment?

[284] **John Griffiths:** Yes, Chair.

[285] **Val Lloyd:** I propose amendment 1 in the name of John Griffiths. The question is that



amendment 1 be agreed to. I call for a vote.

*Gwelliant 1: O blaid 5, Ymatal 0, Yn erbyn 0.  
Amendment 1: For 5, Abstain 0, Against 0.*

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

Cuthbert, Jeff  
Mewies, Sandy  
Morgan, Jonathan  
Randerson, Jenny  
Thomas, Rhodri Glyn

*Derbyniwyd gwelliant 1.  
Amendment 1 carried.*

[286] **Val Lloyd:** I call amendment 15 in the name of John Griffiths. Deputy Minister, do you wish to proceed with your amendment?

[287] **John Griffiths:** Yes, Chair.

[288] **Val Lloyd:** I propose amendment 15 in the name of John Griffiths. The question is that amendment 15 be agreed to. I call for a vote.

*Gwelliant 15: O blaid 5, Ymatal 0, Yn erbyn 0.  
Amendment 15: For 5, Abstain 0, Against 0.*

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

Cuthbert, Jeff  
Mewies, Sandy  
Morgan, Jonathan  
Randerson, Jenny  
Thomas, Rhodri Glyn

*Derbyniwyd gwelliant 15.  
Amendment 15 carried.*

### **Teithio gan Ddysgwyr (Adran Newydd) Learner Travel (New Section)**

[289] **Val Lloyd:** We now move to group 16. We have one amendment in that group, namely amendment 71, which is on page 20 of the marshalled list. I therefore invite Jonathan Morgan to propose amendment 71 in the name of Andrew R.T. Davies.

[290] **Jonathan Morgan:** I propose amendment 71 in the name of Andrew R.T. Davies and with the names of Jenny Randerson and myself in support.

[291] I refer Members to the report that was published by the committee at Stage 1 and to recommendation 20, which stated the following.

[292] ‘We recommend that the Minister clearly outlines how he intends to overcome the limitations on transport that the Learner Travel Measure has created and that amendments are brought forward to this proposed Measure to ensure that the transport provision and related costs are not a barrier to collaboration and pupil choice.’

[293] The committee also asked that,

[294] ‘the Minister should state clearly who is responsible for the costs relating to transport provision’.

11.10 a.m.

[295] The issue of transport was raised, and the committee felt at the time that this was sufficiently important to make reference to the learner travel Measure; that is why the amendment has been tabled. During the course of the Stage 1 committee debate, the Chair, Jeff Cuthbert, said that the committee was concerned about the limitations of the proposed learner travel Measure, specifically its exclusion of travel during the school day, and that it provides a right of transport only to a pupil’s nearest school. Jeff specifically recommended on behalf of the committee that the Deputy Minister bring forward amendments to ensure that the matter be taken account of. No amendment has been forthcoming, which is why my colleague, Andrew R.T. Davies, decided that we needed to table this amendment to take account of the interaction between this proposed Measure and the learner travel Measure.

[296] I know that the Deputy Minister referred to this issue during the Stage 1 debate, but the committee recommended that the matter be dealt with in the proposed Measure to take account of the fact that we are not just talking about people being transported to a place of learning and then collected at the end of the day; potentially, people will be transported from one location to another during the school day because they are studying a variety of courses. That is why this amendment has been tabled, and I hope that Members will support it as a sensible amendment taking account of other legislation that this institution has considered.

[297] **Val Lloyd:** I call on Jenny Randerson to speak as a supporter of the amendment.

[298] **Jenny Randerson:** The issue of free travel during the working day—or the school or college day—is at the crux of this. The proposed Measure will not work without that entitlement, and local authorities, given their financial situation, will certainly require that spur to ensure that they provide it. Unless you provide that obligation, there will be endless arguments about this in practice. We all know the dramatic limitations of the learner travel Measure, and the committee’s recommendation sensibly sought to overcome that and point towards a way forward. If this right is not put into the legislation, it will have a major impact on the freedom of choice of a large number of people, and on the type of courses that they can pursue. The costs of travel are prohibitive for many families. I do not need to say that it is the poorest families who will suffer the most, especially those in rural areas. If this travel were to be provided for free by the local authority, or by the learner institution—whatever the legislation stipulates—the impact, particularly on rural areas, would be massive. I believe that this is a sensible way forward to ensure that this curriculum entitlement is real as well as apparent. It is the cost of travel that stops people from taking up so many options in life.

[299] **Jeff Cuthbert:** I have an awful lot of sympathy with the points that have been made, and you are absolutely right about the importance that we attach to transport during the learning day. There is no doubt about that, and it is still my view that more thought and consideration needs to be given to how the 14 to 19 learning pathways will be delivered. Other issues were also raised, such as more travel by tutors, for example, and the use of information technology, videoconferencing, and so on, to reduce the need for travel. Nevertheless, travel will be involved to a degree, especially if substantial equipment is involved. For example, if construction courses were being pursued, you could not bring all the equipment needed to a school or wherever that young person may be. He or she would have to travel to the learning centre involved. So, that point has been made.

[300] It is quite right to refer to the recommendation that the Deputy Minister should

clearly outline how he intends to overcome the limitations and bring forward amendments to the Proposed Learner Travel (Wales) Measure 2008. That has not happened yet. It does not necessarily follow from that that individual members of the Stage 1 committee, which of course has now been dissolved, would support amendments from others, because clearly the burden was put on Ministers to explain how they intend to deal with that. I will be listening to the response very carefully. In terms of the Stage 1 debate, the issue of transport was acknowledged and, from discussions that I have had, I am confident that that matter will be addressed very seriously. As with others, it is a key matter for implementation and, as you know, we have deferred legal entitlement until September 2010, so there is time for critical, practical matters like this one to be addressed, and to be addressed on the basis of experience, particularly in the pilot areas. We do need the information from those pilots. That is not to undermine the importance of this recommendation from the Stage 1 committee in any way, but I am not convinced that the amendment as written, as proposed, is the right way forward.

[301] **Rhodri Glyn Thomas:** Mae gennyf amheuan hefyd ynglŷn ag union eiriad y gwelliant hwn ac mae gennyf amheuan ai i'r Mesur hwn y dylid cyflwyno'r gwelliant. Yr wyf yn credu mai gwelliant yn ymwneud â'r Mesur Arfaethedig ynghylch Teithio gan Ddysgwyr (Cymru) 2008 ydyw, yn hytrach na gwelliant yn ymwneud â'r Mesur hwn. Yr wyf yn hyderus bod y Dirprwy Weinidog wedi gwranddo ar yr hyn a ddywedwyd a'i fod yn deall yr ysbryd y cyflwynwyd y gwelliant hwn ynddo. Yr wyf yn mawr obeithio y bydd y Llywodraeth yn ymateb i'r anghenion hyn, naill ai o dan arweiniad y Dirprwy Weinidog neu yn y Mesur teithio gan ddysgwyr.

**Rhodri Glyn Thomas:** I also have doubts about the exact wording of this amendment and I have doubts about whether this amendment should be proposed to this Measure. I think that the amendment relates to the Proposed Learner Travel (Wales) Measure 2008, rather than this Measure. I am confident that the Deputy Minister has listened to what has been said and that he understands the spirit in which this amendment was proposed. I very much hope that the Government will respond to these needs, either under the leadership of the Deputy Minister or in the learner travel Measure.

[302] **Val Lloyd:** I call on the Deputy Minister.

[303] **John Griffiths:** Chair, we have made it clear that our policy is to minimise travel, and particularly learner travel, for very good reasons. It has been clearly recognised that, if learners spend a lot of time travelling around, that is time that is not spent in the classroom having the education and training that they require. So, it is a good idea to minimise travel for that purpose. We also have wider cross-cutting environmental concerns that mean that travel should be minimised. That is the approach that we have taken in terms of the 14-19 networks and the area development plans. Transport is, of course, costly and the cost of any commitments must be borne in mind, because we are always talking about limited public resources and whether those resources should be used on education and training or on transporting youngsters around. For all of those reasons, we want to minimise transport.

[304] That is why all of the 14-19 learning pathways networks, in developing their area network development plans for ministerial approval, have had to make these difficult decisions. Some funding for transport has been provided from the 14-19 learning pathways money. In other cases, it has been provided by the providers of education and training themselves. However, in all cases, there has been recognition of the need to understand the limitations of public resources and how they may be best used. For all of those reasons, I would strongly advise against supporting this amendment. It is right that we have to recognise all of the travel issues and we are doing that, Chair. We will do it by working with the 14-19 networks on marrying up all of the issues involved. We firmly believe that the best use of limited public resources necessarily means that we must incentivise the minimisation of learner travel. Of course, some of the ways of doing that involve the lecturers and teachers doing the travelling and, in fact, using new technologies for blended learning. So, when all of

that is taken into account, in the round, I think that it is right that this amendment is not supported.

[305] **Val Lloyd:** I call on Jonathan Morgan to reply to the debate.

[306] **Jonathan Morgan:** Jenny Randerson is absolutely right that travel during the school day will be absolutely central to this Measure. The ability to ensure that this new system works will rely on how students are able to access a variety of locations, potentially, to pursue their courses.

11.20 a.m.

[307] I am baffled by some of the arguments that have been deployed against this amendment. Jeff Cuthbert said that there will be more consideration, but we are at Stage 2 of this proposed Measure, where amendments are proposed. Yes, an amendment can be tabled at Stage 3, but Stage 2 committee is where consideration is given to amendments. In Plenary, Jeff Cuthbert, as chair of the Stage 1 committee, asked the Deputy Minister to bring forward amendments. The fact that the Deputy Minister has failed to bring forward an amendment does not mean that Members should not support the amendments of other Members, particularly when such amendments were requested during the Stage 1 committee's considerations. He went on to say that this matter would be addressed seriously—when, and how? This is the process that allows legislation to be formally amended to take account of the recommendations made at Stage 1. That is why we have a Stage 2 process during the consideration of Assembly Measures, to allow amendments to be tabled and proactively to take account of committee recommendations—supported by Jeff and his Labour colleagues on that Stage 1 committee—before reporting to Plenary last December.

[308] Rhodri Glyn said that for this amendment to pass, we ought to be seeking to amend the Proposed Learner Travel (Wales) Measure. Had he read amendment 71, he would have seen that it does exactly that, by inserting sections in that Measure. In amending this Measure, the Proposed Learner Travel (Wales ) Measure would be amended. It does exactly what Rhodri Glyn asked us to do.

[309] There are a number of questions that the Deputy Minister has to try to address. First, will the lack of an amendment take into account the travel arrangements for those who may have to travel some distance and those who may have to make several trips during the school day to reach the locations where their chosen courses are taught? Will the lack of provision in this Measure to take account of complex travel arrangements severely and adversely affect such people? I fear that, unless the amendment is passed and unless the Government, at Stage 3, proposes an amendment to deal with this issue, students' inability to travel between institutions may represent a serious barrier to their taking up learning opportunities, and then the whole idea of expanding learning opportunities is lost, because you will not have a framework that will allow people to travel between institutions.

[310] I acknowledge the Deputy Minister's remarks that there may be a variety of other ways of dealing with this in the form of new technologies and so on, but we are where we are. The geography of Wales means that, on some occasions, people may have to travel some distance. You cannot just say, 'In the future, we expect travel to be cut', as that will not apply to all students. In his Plenary contribution on the Stage 1 committee report debate, Jeff Cuthbert said that this depends on the circumstances that apply to the learner. He was absolutely right. So, we need to take all that into account. I fear that unless this is amended—I accept that this amendment will be defeated this morning—or the Government comes up with an alternative amendment at Stage 3, the lack of travel arrangements will be a serious barrier to this new framework working effectively. I ask the Deputy Minister to give this matter some serious consideration before this Measure is made, once Stages 3 and 4 have been navigated.

Otherwise, we will be doing the people affected a grave disservice.

[311] **Val Lloyd:** Do you wish to move to a vote or do you wish to withdraw your amendment?

[312] **Jonathan Morgan:** I wish to move to a vote, Chair.

[313] **Val Lloyd:** The question is that amendment 71 be agreed to. I call for a vote.

*Gwelliant 71: O blaid 2, Ymatal 0, Yn erbyn 3.  
Amendment 71: For 2, Abstain 0, Against 3.*

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

Morgan, Jonathan  
Randerson, Jenny

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

Cuthbert, Jeff  
Mewies, Sandy  
Thomas, Rhodri Glyn

*Gwrthodwyd gwelliant 71.  
Amendment 71 defeated.*

#### **Canllaw ar Waharddiadau (Adran Newydd) Guidance on Exclusions (New Section)**

[314] **Val Lloyd:** We turn now to group 17, which contains the single amendment 36 in relation to exclusion. It appears on page 20 of the marshalled list. I call Jonathan Morgan to propose and speak to amendment 36 in the name of Andrew R.T. Davies.

[315] **Jonathan Morgan:** I propose amendment 36 in the name of Andrew R.T. Davies and with the names of Jenny Randerson and myself in support.

[316] I will be as swift as I can with this particular amendment, Chair. During Stage 1 deliberations, the committee observed that it was concerned that different rules apply in schools and FE institutions with regard to exclusions and excluded pupils, and it recommended that the Deputy Minister address this issue before commencement. If the amendment were to be carried, Welsh Ministers would issue guidance to ensure that the FE sector and the maintained school sector had regard to legislation relating to the exclusion of pupils from schools. So, the amendment is about making sure that we have consistency across the board. We have legislation at the moment that relates to schools, procedures for handling exclusions in schools, procedures for the role of governing bodies and the headteacher, and we have procedures in place for the role of further education colleges with regard to students in post-16 education. So, it is about ensuring consistency.

[317] We have not sought to amend the Measure itself to allow for this, but to allow flexibility for Welsh Ministers to issue guidance to ensure consistency across the board. It reflects what the committee considered at Stage 1.

[318] **Val Lloyd:** Jenny Randerson is the supporter of the amendment.

[319] **Jenny Randerson:** I am delighted to support this amendment. As the committee recognised, there is a difference in the legal position between further education institutions and schools in relation to exclusions. The committee wanted to ensure that the situation was clarified so that there was consistency. We are not seeking to prescribe—we are seeking to ensure that the Deputy Minister issues guidance, so that there is consistency.

[320] To give you an example, a pupil could spend a morning in school and, in the afternoon, he or she could become a student at an FE college; in between the two locations, an incident could occur for which the pupil could be excluded. Whose responsibility would that be? If something happens during the afternoon to a pupil registered with the school but who attends classes in an FE college, is the exclusion the responsibility of the FE college or the school? Whose rules do you follow? These practical issues will emerge. The Deputy Minister said that we have not had any trouble before—I would argue about that—so there is no need to do anything about it. However, pupils are excluded every day in Wales, so this issue will come up soon, and there must be guidance on it. Ensuring that there is guidance to provide that consistency is a very reasonable amendment, and I hope that Members will support it.

[321] **Jeff Cuthbert:** This is a very important issue, which is why I was the Member at the Stage 1 committee that wanted it on the agenda. It was not there in the initial papers. I insisted that the matter be addressed. While I hope that the number of exclusions will drop, because there will be a greater variety of opportunities in the new way of learning and because learners will feel more engaged in the process, it would be naive in the extreme to imagine that it would be eliminated altogether. So, we need to consider how to handle the issue of exclusions should incidents occur, as Jenny rightly pointed out, in different learning centres or even in-between different learning centres. In a school, it is relatively straightforward, in that the governing body is required to have a policy; all FE colleges also have policies, although they are not necessarily the same. So, there is clearly a need for close consultation and agreement.

11.30 a.m.

[322] Although it is not reflected in the recommendation of the Stage 1 committee, evidence was given. We also need to bear in mind that the learner could be on work-based learning providers' premises or on employers' premises, and there may be health and safety implications. Considerable work needs to be done in terms of saying what should be the response of other learning centres—the schools or colleges—to an incident elsewhere. It is a complicated situation, and that is why the recommendation of the Stage 1 committee was:

[323] 'that the Minister addresses this issue before commencement'.

[324] That does not necessarily mean that amendments should be brought forward at this stage. I would argue that this is an issue of implementation, and it is crucial that this matter is given serious consideration by the implementation group that has been set up, and I would urge the Deputy Minister to view it in that way, so that experienced practitioners who are represented on that group can come forward with ways and means to move forward. I do not see that an amendment of this nature, which refers specifically to:

[325] 'having regard to legislation relating to the exclusion of pupils from schools',

[326] is necessarily the right way forward, because of the other learning centres and the need to consider the matter in the round.

[327] **John Griffiths:** The first thing that I need to say is that the systems and processes that are in place in schools are different to those in further education institutions for good reason. We are talking about compulsory education with schools, and excluding a pupil from compulsory education is a very serious matter. Excluding learners from further education institutions is also serious, but we must understand that attendance at those institutions is on a voluntary basis. So, they are different for good reason, because they are dealing with different legislative drivers and a different set of issues. It is entirely understandable that there is concern that the different systems must be coherent in the way that they operate in totality for 14-19 learning pathways and for the individuals moving between institutions, which, as Jeff

mentioned, also includes work-based learning providers. As I have said many times during this committee's proceedings, a number of matters are covered by existing legislation, and experience and practice to date in taking forward the 14-19 learning pathways with the networks has been promising and informative. It is right that we look at the experience to date, while understanding that, as I said earlier—and this deals with Jenny's point—the fact that problems have not arisen to date is no guarantee that they will not arise in the future. So, we need to approach all of this in that spirit.

[328] Jenny referred to practical examples, and the practice is clear: if a school pupil goes to a further education institution for part of their education where there is a problem that leads to the pupil's exclusion, it is a matter for the home institution, which is the school, in line with its processes and policies, to decide what action to take. It is often the case that schools will exclude learners from a particular subject because there has been a problem, for example, in a lesson, but those pupils will still have access to the other subjects that they study at that school. So, I do not think that those problems are in any way insurmountable. There are different processes to deal with behavioural issues, and they are different for good reason. It is up to the institutions to deal with what happens on their premises, and it is for a home institution to deal with matters in general, wherever pupils may go to exercise their options. I think that that is pretty clear, and the legislation in place in relation to exclusions and expulsions is adequate and appropriate. Therefore, I do not urge support for this amendment, rather, I urge its rejection.

[329] **Val Lloyd:** I call on Jonathan Morgan to reply to the debate.

[330] **Jonathan Morgan:** Jenny Randerson referred to some practical reasons as to why Government guidance is needed to ensure that we give a steer to further education colleges and schools on the handling of the exclusion process. There are plenty of reasons as to why the amendment is needed, but it was bizarre to hear Jeff Cuthbert saying that this is an issue of implementation. Guidance happens as part of legislation in order to aid implementation. This amendment states that the Minister must issue guidance. Guidance is issued as part of legislation. It is normal practice for Government to provide a steer so that legislation can be implemented in an effective way, and, in this case, it would deal with how institutions should react in certain circumstances. It was bizarre to hear the Deputy Minister give a variety of hypothetical examples about the interaction between a school and a further education college. He referred to a person having difficulty in a further education college, but having a school as his or her home institution would mean that that person would be subject to the school's procedures, and therefore, the further education college, if it wanted to exclude that pupil, would have to take into account the view of the home institution. If that is the case, we need to issue guidance so that we start taking account of the variety of circumstances that may come to light. The Deputy Minister went on and on about instances that could happen. Yes, they could happen, and they will happen, and that is why the guidance is needed. I am delighted that the Deputy Minister gave those examples because he has underlined why guidance should be given in the way that we have suggested.

[331] The Deputy Minister went on to refer to the legal requirements of schools and how those legal requirements are different to those of further education colleges that schoolchildren attend. If you take the vast bulk of children who are of compulsory school age, you will see that they are subject to a variety of legislation referring to exclusion policies and how governing bodies resolve those issues. However, there are children over the age of 16 in school on a voluntary basis, in the same way that a person over the age of 16 attends a further education college on a voluntary basis. If you are a schoolpupil over 16 years of age, you are subject to all of the requirements and policies set down by the school's governing body. It does not hold water for the Deputy Minister to say that a school's requirements are different because the legal framework and the legal standing of the pupils are different to those of FE students, because there will be pupils over 16 years of age in school sixth forms who

technically have the same legal status as FE students because both groups attend their respective institutions voluntarily. However, with regard to a school, students will still be subject to the whole-school policy around exclusion. Therefore, I do not think that the Deputy Minister's reason is valid.

[332] In effect, we are happy to give Ministers the power, or rather to make it a requirement of the legislation that the Minister issues guidance. I am satisfied that the Minister should be setting out how we resolve the kind of conflicts that are likely to occur. I do not think that I have heard any argument from the Government supporters this morning that gives any reason as to why this amendment should not be agreed.

[333] **Val Lloyd:** Amendment 36 has been proposed. The question is that amendment 36 be agreed to. I call for a vote.

*Gwelliant 36: O blaid 2, Ymatal 0, Yn erbyn 3.  
Amendment 36: For 2, Abstain 0, Against 3.*

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

Morgan, Jonathan  
Randerson, Jenny

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

Cuthbert, Jeff  
Mewies, Sandy  
Thomas, Rhodri Glyn

*Gwrthodwyd gwelliant 36.  
Amendment 36 defeated.*

[334] **Val Lloyd:** We have now disposed of all amendments at Stage 2, which brings this stage to a close. For the record, sections 14 to 22, 24 to 25, 29, 32 to 36, 38 to 44, and 45 to 47 of the proposed Measure, along with the Schedule and the long title, are deemed agreed by the committee.

[335] Under Standing Order No. 23.40, the committee can request that the Deputy Minister produces a revised explanatory memorandum ahead of Stage 3 proceedings. Would the committee like to request such a revised explanatory memorandum? I see that there is unanimous agreement. We will therefore make such a request on behalf of the committee.

[336] Before I close the meeting, I thank everyone for their courtesy and consideration throughout the Stage 2 proceedings. The meeting is now closed.

*Daeth y cyfarfod i ben am 11.40 a.m.  
The meeting ended at 11.40 a.m.*