



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

**Pwyllgor Deddfwriaeth Rhif 4
Legislation Committee No. 4**

**Dydd Iau, 3 Rhagfyr 2009
Thursday, 3 December 2009**

Cynnwys
Contents

- 3 Cyflwyniad ac Ymddiheuriadau
Introduction and Apologies
- 4 Gorchymyn Arfaethedig Cynulliad Cenedlaethol Cymru (Cymhwysedd
Deddfwriaethol) (Addysg) 2010—Sesiwn Dystiolaeth
The Proposed National Assembly for Wales (Legislative Competence) (Education)
Order 2010—Evidence Session

Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynddi 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

Lorraine Barrett	Llafur Labour
Michael German	Democratiaid Rhyddfrydol Cymru (Cadeirydd y Pwyllgor) Welsh Liberal Democrats (Committee Chair)
Bethan Jenkins	Plaid Cymru The Party of Wales
Jonathan Morgan	Ceidwadwyr Cymreig Welsh Conservatives
Joyce Watson	Llafur Labour
Kirsty Williams	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats

Eraill yn bresennol
Others in attendance

Tim Cox	Aelod Gweithredol Cenedlaethol, NASUWT Cymru National Executive Member, NASUWT Cymru
Eurig Davies	Cadeirydd, CYDAG Chair, CYDAG
Elaine Edwards	Ysgrifennydd Cyffredinol, UCAC General Secretary, UCAC
Arwel George	Swyddog Proffesiynol, CYDAG Professional Officer, CYDAG
Rex Philips	NASUWT Cymru NASUWT Cymru
Rebecca Williams	Swyddog Polisi, UCAC Policy Officer, UCAC

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

Stephen Davies	Cynghorydd Cyfreithiol Legal Adviser
Owain Roberts	Dirprwy Glerc Deputy Clerk
Gareth Williams	Clerc Clerk

Dechreuodd y cyfarfod am 9.30 a.m.
The meeting began at 9.30 a.m.

Cyflwyniad ac Ymddiheuriadau
Introduction and Apologies

[1] **Michael German:** Good morning, and welcome to this meeting of Legislation Committee No. 4. We have not received any apologies for absence. We are considering the Proposed National Assembly for Wales (Legislative Competence) (Education) Order 2010. Before I introduce our witnesses, I will make the usual introductory remarks. The committee operates through the media of both English and Welsh, and headsets are provided to access the simultaneous interpretation or to reinforce the sound if you are hard of hearing. The

interpretation is on channel 1, and the verbatim feed on channel 0. In the event of a fire alarm, please go to the marked fire exits and follow the instructions of the ushers and staff. No fire alarm is forecast for today. Please switch off all mobile phones, pagers and BlackBerrys as they interfere with the broadcasting equipment.

9.31 a.m.

**Gorchymyn Arfaethedig Cynulliad Cenedlaethol Cymru (Cymhwysedd
Deddfwriaethol) (Addysg) 2010—Sesiwn Dystiolaeth
The Proposed National Assembly for Wales (Legislative Competence)
(Education) Order 2010—Evidence Session**

[2] **Michael German:** Before we begin and I ask my first question to our witnesses today, I will just remind the committee and the witnesses that our terms of reference are to consider the general principles of the proposed Order, whether the legislative competence in the areas identified in matters 5.2A, 5.2B and 5.2C should be conferred on the Assembly, and whether the terms of the proposed Order are too broadly or too narrowly defined. That is all that we are interested in at this time with regard to this piece of legislation. Today's meeting will be divided into three sections. We have the NASUWT first, then Undeb Cenedlaethol Athrawon Cymru, and then CYDAG, the association of schools for Welsh-medium education. The purpose of today's meeting is to take further oral evidence in connection with the Welsh Government's proposed Order.

[3] I welcome Tim Cox and Rex Philips from NASUWT. I would prefer to go straight to questions, unless there is anything that you want to add to the written evidence that you have already provided.

[4] **Mr Philips:** I will just thank you for inviting us to give evidence.

[5] **Michael German:** Thank you, Rex. In your written evidence, you outline your concerns with the proposed Order, and you say that it may lead to

[6] 'increased competition between schools and colleges and the privatisation of services to schools'.

[7] First of all, can you confirm whether you are in favour, in principle, of the National Assembly for Wales having competence over school governance?

[8] **Mr Philips:** Our position on that would be one of ambivalence and neutrality. The issue is understanding how those powers, if the Assembly gets them, will be used. There does not appear to be much clarity about that at the moment. The question is why you would need those powers. If you look at pages 5 and 6 of the explanatory memorandum, particularly paragraphs 10 to 13, it appears that these powers are necessary in order for the Assembly to pursue the agenda of the school effectiveness framework, which is based on four consortia, and to pursue the agenda of the 14-19 learning pathways and enforce collaboration between schools and further education institutions and other providers. That is why we expressed that concern. The explanatory memorandum also implies that the local management of schools is a good thing, and as a trade union we have been opposed to that ever since it was brought in. We believe that it has been an unmitigated disaster. It has led to teachers being made redundant, and to governing bodies making their own decisions and going outside of local authority control for services. We believe that this legislation will add to those problems and that we could see the dismantling of the state education system in Wales.

[9] **Michael German:** Given that our terms of reference, which I deliberately read out,

are that we are seeking to understand whether the proposed Order itself is needed, and whether the powers are too broad or too narrow, perhaps I could put the question the other way around. Are you content, therefore, that powers over matters relating to school governance in Wales should remain with the UK Government?

[10] **Mr Philips:** My answer is going to be more or less the same. We need to understand how the powers are going to be used before we can say one way or another whether they need to come to Wales. I used the word ‘ambivalence’ in a calculated way. Clearly, if you read through the written response, we feel that there are issues that could assist the running of the education system in Wales. If these powers would allow schools to redeploy staff rather than having to make them redundant, we would be all for them. However, without clarity on how the powers will be used, we have to maintain a position of neutrality.

[11] **Mr Cox:** We are trying to find out exactly what the purpose of this is. If, as Rex said, the purpose is to force collaboration, then it seems to be the wrong solution to the problem. The problem appears to be that local authorities do not have the co-ordinating role that they once had before the local management of schools came in, that local authorities are too small, and that further education colleges are also outside of their control. If the purpose of this proposed Order is to bring all those things together, and to bring about that co-ordinating function, then we think that there are simpler ways of doing that. We could return FE colleges to local authority control, and we could look at the size of local authorities in light of their number and economies of scale and return to them some of the powers that have been given to school governing bodies. This proposed Order seems a very clumsy way of going about solving what we believe the problem seems to be, although, as we said, it is difficult to discern, from the documentation, exactly what the purpose of this is.

[12] **Michael German:** The legislative competence Order scrutiny procedure, as it is laid down for us to follow, is not about the purposes to which the powers will be put, but whether Wales should have these powers in the first place—they are, of course, powers in perpetuity, not just powers for the present Government. I understand why you are seeking to define purposes, but that is not within the remit of this committee. What we are looking at is whether these powers should be devolved to Wales or whether they should remain with the UK Government. Could you, in responding to that, tell me whether you think that legislation is needed in order to tackle school governance issues? In other words, are laws needed to ensure that school governance issues are dealt with properly?

[13] **Mr Cox:** That depends what you mean by school governance issues. If it is an issue of the quality of school governors, and I think that evidence that you have had in other committees suggests that there are problems in that regard, local authorities currently have a duty to provide training. If this is about forcing people to do training before they can become governors, that would be welcome. Do local authorities have the powers to support governors at the moment? Yes, they do. Therefore, we do not see that there is a need to legislate to ensure training.

[14] **Jonathan Morgan:** On that particular point, my understanding is that, under the Education Act 2002, the only power that Welsh Ministers have with regard to governor training is to prescribe in regulations that local authorities need to provide training. They do not have the power to say that training should be compulsory. That is, as I understand it, one reason why the proposed LCO has been drafted as it has—to give that extra bit in the toolbox, if you like, in relation to the training of school governors. Is that something that you would welcome?

[15] **Mr Cox:** Yes, that would be something that we would welcome, because we see that there is a problem with the knowledge, background and understanding of school governors. Too often, school governors simply accept what school managers say and, basically, rubber-

stamp their decisions. There is not enough scrutiny undertaken by school governors, and not enough understanding of the job that they have. They have a very wide brief, and an awful lot of powers. Making sure that they understand that better would be helpful. However, there seems to be a piece of legislation to deal with something that is not particularly of a legislative nature.

9.40 a.m.

[16] **Michael German:** Just to be absolutely clear for the record, you can foresee circumstances in relation to school governance issues where legislation would be required where we do not currently have the powers.

[17] **Mr Philips:** Yes, I think that we can foresee that situation. Tim has alluded to the issue of training. The other issue is powers to remove some of the powers that were given to governing bodies in the hiring and firing of staff. Again, I made reference to that in our presentation. If this is about taking away the powers given to schools under the 1986 Act, which allowed them to hire and fire, that, in our view, would be a good thing because, prior to the 1986 Act, local education authorities were able to redeploy teaching staff and other staff at a school. There was no teacher redundancy. If part of this proposed Order—and I know that you are not interested in enabling things—will facilitate the development of 14-19 education, then it needs to address the issue of making sure that there are no casualties as a result and that we do not end up with huge swathes of redundancies where further education institutions and schools enter into collaborative arrangements. If this proposed Order would allow that sort of Measure to be brought in, it would be a good thing. That is why, as I said earlier, we used the word ‘ambivalence’, because there are some areas where this could assist in the delivery of education and, at the same time, protect the livelihoods of the people working in secondary education.

[18] **Michael German:** Given that it is not always possible to detect what the Measures will be—and that is not the purpose of an LCO—and you have outlined circumstances where it might or might not be beneficial and which would apply to all school governance issues from now on, can I conclude that you think that the terms of the proposed Order are broad and not narrow? In other words, it would encompass some things that you might like and some things that you might not like, but it is broad enough to cover all eventualities.

[19] **Mr Cox:** You could argue that we think that it is too broad, because it gives powers in some areas where we would not want to see legislation. So, if it was narrower, in that it was prescribed in a way that only those things that we would favour were possible, then we would be more in favour of that than of broad powers under which, it would seem, anything is possible.

[20] **Mr Philips:** I do not think that it is a question of being broad or narrow; it is a question of a lack of focus and transparency. I read the transcript of the debate on the proposed LCO, and it was quite clear that there was not much transparency at that stage. I think that you, Jonathan, asked a question about the foundation status of schools. Others asked whether this would address staffing and pay. So, the understanding is not there, and that is our major concern.

[21] **Kirsty Williams:** Mr Cox, you said that, in your view, it was too broad because it could give Welsh Ministers powers to legislate in areas where you would not want to see legislation. However, would it not be more appropriate for that power to lie with the Welsh Assembly Government than with Westminster? The fact that those powers are not devolved to Wales does not mean that a subsequent Government somewhere else will not legislate in the very areas where you fear legislation.

[22] **Mr Philips:** There are certain powers that rest with Westminster that we would want to see remaining with Westminster, not least the powers over teachers' pay and conditions of service. That is an area that would cause us concern. Again, looking at the transcript of the debate, I noticed that there was a hint that staffing matters and other issues could be legislated on in future Measures. Therefore, there are some areas where we would say that the power does not necessarily have to come to Wales.

[23] **Mr Cox:** On that basis, we would say that if this does not allow for that, it is broad enough, but if it does allow it, it is too broad.

[24] **Jonathan Morgan:** In your evidence, you say that you are concerned that the Assembly Government could create a climate in which the public services ethos is lost in favour of a market-driven system, and, as a result, we could also see a disregard for good employment practice. How have you drawn that particular conclusion from the proposed LCO?

[25] **Mr Philips:** That comes from matter 5.2C, which talks about allowing the following activities by

‘persons...with functions relating to schools maintained by local education authorities—

(a) establishment of bodies—

to carry out activities relating to education and training, or

to exercise functions on behalf of local education authorities’.

[26] To us, that is saying that this would put in place a body other than a local authority to provide services to schools. Schools can already buy services from outside local authorities, but when you go out into the market, the maintenance of national pay and conditions is not guaranteed. Our major concern about this proposed LCO is that schools may buy the cheaper option. It seems to allow for the dismantling of local authority structures. To tie that back in with the school effectiveness framework, which is based on four consortia, we wonder whether this proposed LCO is a part of that agenda. Is it to introduce a Measure that would allow education to be determined by and provided through four consortia, maybe with the FE institutions at the heart of them? So, that is where that concern comes from.

[27] It is not a concern that we are raising now. We have raised it from day one, when we first saw the measures that were being put in place for the 14-19 learning pathways, the collaboration between schools and between schools and FE institutions, and the federation of school governing bodies. The other aspect of this is that it links in quite clearly with the idea that a federation of schools cannot collaborate with an FE institution. Part of this seems to be designed to address that issue. We could end up with a fundamental change in how education is provided in Wales. It is one of Wales's great strengths that we have managed to maintain the local education authority control of schools, as Tim has already pointed out. Whether 22 local authorities is the right number is another issue, but is not the one under consideration here. The proposed Order could lead to education being controlled and run through the consortia and through the school effectiveness framework.

[28] **Mr Cox:** However, there is a lack of clarity at local authority level over how the school effectiveness framework works. Authorities do not quite understand its functionality. If matter 5.2C is about that, there are still problems, and not just with the clarity of its purpose, but also the clarity of the purpose beyond that, of the consortia. Will moving the governance of schools and FE colleges to another body outside local authorities create a democratic deficit? What will that body look like? Will it have democratic accountability?

How can you relate to it, particularly from the perspective of the trade unions? How can we access what those people are doing and saying? There is a complete lack of clarity. If matter 5.2C is about moving the powers out of local authorities into some other body, we would have great difficulties with it.

[29] **Bethan Jenkins:** In your evidence, you say that

‘The NASUWT is gravely concerned that the purpose of the proposal is to facilitate the transfer of governance of 14-19 provision out of the control of schools’—

[30] I think that you have already mentioned that—

‘and local education authorities and into the control of...higher education institutions under the smokescreen of collaboration.’

[31] I think that I understand why you say that, but could you expand on it somewhat?

9.50 a.m.

[32] **Mr Philips:** All the evidence is pushing in that direction. To give a simple illustration, in the Rhyl area of north Wales, we have seen post-16 education leave the hands of the local authority. There has been a complete abdication of responsibility for post-16 education in the Denbighshire area, and it has been passed over to Coleg Llandrillo. The livelihoods of our members at Rhyl High School and Blessed Edward Jones RC High School are now under threat, because the contractual arrangements appear to be spasmodic and fractionalised, and there seems to be a lack of understanding that teachers, when they are employed in a school, teach right the way through the school, not just the sixth form. I foresee a situation again this year where we will be threatened with redundancies in that area. Our concern is that the agenda appears to be that, in certain areas, post-16 education will be provided through a tertiary system and the choice to take your education in a sixth form will be removed and will disappear. More worrying to us is that this will be linked to areas of social deprivation. Various local authorities have announced their proposals for a tertiary system, for example, Blaenau Gwent, Merthyr and Rhondda Cynon Taf, which is the latest to announce that it is going tertiary, so you could end up with a tertiary system in areas of social deprivation, but have the opportunity of a school-based sixth form education in the more affluent areas, in the leafy suburbs, and that is a major concern.

[33] **Mr Cox:** It is also a matter of whether this is by way of collaboration or by way of simply moving post-16 education into the FE sector. If it is about collaboration, then we welcome that; we see that the mix between FE and school sixth forms is very valuable. Some pupils would thrive in FE colleges and some would do better in sixth forms. However, in some areas, there will be no choice: it is this smokescreen of collaboration. The issue is whether it is collaboration or whether it is simply a takeover by the FE institutions, removing post-16 education from local authority control, and that bringing with it that democratic accountability deficit that we saw before. There are major concerns about all of that.

[34] **Bethan Jenkins:** I appreciate what you say, but do you not think that that is a discussion that we could have at the Measure stage when discussing the detail of what could be provided in schools under that system or under collaborative structures? We are talking about the principle of bringing those powers to Wales. So, do you not think that that should be done? Do you think that this proposed LCO could be expanded to justify some of your points or to reflect some of your concerns?

[35] **Mr Cox:** It is almost all too late in a way, because this is happening now. I have the timetable set out for this proposed LCO before me, and I think that it is a bit optimistic to say

that it will be done by the late spring, and, by the time any Measures follow, most of these collaborations and takeovers will already have taken place. So, what will be the purpose of these powers if the face of education in Wales has completely changed in the meantime?

[36] **Mr Philips:** One concern is that you are tying yourself to a principle and sorting out the detail later. I have never liked that approach.

[37] **Bethan Jenkins:** Neither do I, but that is the system that we have, unfortunately.

[38] **Mr Philips:** It is what happens, unfortunately, but there is a concern about that. There should be transparency so that people can see the direction of travel from day one. Tim is absolutely right; these things are happening out there—schools are collaborating and things are changing—and I wonder whether part of the reason for this proposed LCO and the possible Measures that it would bring in is to try to address issues that are being raised now. Do not ask me what those are, because I do not know, but I know that there is a problem with Powys's approach and what it wants to do, and that, in order for it to be able to do what it wants legislation may be needed, and this could be the legislation that it needs. So, what you are doing is playing catch-up with what has already gone on, and that is where there is a lack of transparency with regard to the whole process.

[39] **Michael German:** Before we go on to Joyce, do you want to come back on that, Jonathan?

[40] **Jonathan Morgan:** Yes, thanks. In your written evidence, you say that you view

'with caution the reference to the need for linked changes to the persons or bodies with functions relating to staffing and finance if new governance arrangements were created under the LCO'.

[41] Can you explain further why you view this with caution?

[42] **Mr Philips:** If you start to look at staffing and finance, then you are starting to look at pay and conditions as well, and that is why we would view that with caution. We are clear that we do not want pay and conditions devolved to the Assembly Government, for the obvious reason that Wales is a lower-wage economy and so that may well devalue the pay that teachers attract. You need teachers to be able to transfer between England and Wales. So, our major concern is that that may take us down that particular route. We want to see it go the other way, in fact—we want to see the control of staffing returned to local education authorities, so that we can effect redeployment. That is vital. If this legislation would allow us to address that issue, we could live with what it will do. If it can allow us to put in place a system whereby you can have redeployment between the FE institutions and the schools, rather than redundancies, there would be some merit in the proposal.

[43] Let us make no bones about it: NASUWT exists to protect the livelihoods and the interests of the teachers whom we represent. That is our role, and it serves no-one's interest to pursue an agenda that results in casualties and unrest in our schools. I mentioned Rhyl earlier. We took industrial action there, and we will take industrial action wherever the livelihoods of our members are threatened. There is a way of delivering on all of this. As a trade union, we agree with the federation of governing bodies; we see that as a way forward. Also, as Tim has said, we are not opposed to collaboration between institutions, but it has to be true collaboration and true partnership. If you have a Government that is going to legislate to enforce partnerships, that is when things will start to dismantle and go wrong.

[44] **Joyce Watson:** You have started to answer the question that I was going to ask, which is about the fact that you say

‘that collaboration has to be based on true partnership and a willingness to work together, rather than by government dictate’.

[45] Do you believe that there is a need for legislation to ensure collaborative working?

[46] **Mr Cox:** I do not think so, because it is already happening across Wales, and for very sensible reasons. Schools are not able to provide for all the needs of their pupils, and FE colleges can provide different things. Schools do not always have the size or capacity to provide lots of courses and can, therefore, collaborate with FE colleges and other schools to ensure that everyone can access a wide curriculum. That is in everyone’s interest, and that is being done now. Nothing is needed to ensure that that happens. Schools, after all, are there for the best interests of their pupils. That is their purpose. Why would they do anything else? In that regard, if we get true collaboration and partnership, there is no need to legislate. The legislation would say, ‘We are going to force you to do this, because you are not doing it’. That forcing of collaboration will not work.

[47] **Joyce Watson:** That being the case, is there anything that you think could be included or excluded in matter 5.2B to allay your concerns?

[48] **Mr Philips:** If it is there for the purpose that Tim has suggested, to force collaboration, then, clearly, what needs to be excluded is the provision that allows the Government to force collaboration. That is what would need to be excluded in order to support collaboration, but not to enforce it.

10.00 a.m.

[49] Other meetings that I attend include the FE governance review, and, from that, it is clear that collaboration is working, and it is working in many areas. So, as the simple maxim goes, ‘If it ain’t broke, don’t fix it’. Why try to force some parties to go down a route that they are unwilling to go down?

[50] If you are going to do this, you will also have to address who is to control the collaboration. Who will be the driver? I do not think that that is clear. Will it be the FE institution, the local authority, a federation of school governing bodies, or a joint committee? There are so many different things going on out there, and that is one of the difficult questions. You would be tying yourself to a principle without knowing the detail of it. In short, is it necessary to enforce it and, if so, who will do the enforcing? I presume that it will be the Welsh Assembly Government, but who will be the enforcer at the local level, at the point of delivery?

[51] **Mr Cox:** Matter 5.2B links into matter 5.2C. What are these bodies that are being set up, separate from local authorities? We have concerns about that. Therefore, if those bodies are the consortia or are outside that, we would have significant concerns.

[52] **Lorraine Barrett:** Tim, you must have seen my question, because I was just about to ask you about the establishment of those bodies and your concerns. Could you expand a little on your written evidence, in which you suggest that this proposal could undermine local authorities’ control of schools or lead to services being outsourced, either through the public sector or by private sector providers? Could you say a bit more about your concerns?

[53] **Mr Cox:** If four is perceived to be the right number for the consortia, it seems more sensible to have four local authorities. Then, you would have the democratic accountability feeding through that system. Setting up these sub-regional groups or bodies or whatever to collaborate with local authorities, and having legislation to make them collaborate seems to

be the wrong solution to the problem. As I said, there is no depth of understanding about exactly how the SEF functions. Is it a governing body or a committee that runs it? Will that be given to a private company to run? If so, that would be a major concern, as local authorities would then be buying in the services of a private company to run all education services across Wales. The proposed Order has the potential to allow that to happen.

[54] **Lorraine Barrett:** My next question is similar to Joyce's. Is there anything that you feel should be included or excluded from matter 5.2C that would make you feel a bit more confident about this proposed LCO?

[55] **Mr Philips:** If that matter is to be included in the proposed LCO, I think that you need to look at the nature of the bodies that will be established, and at the nature of the services that will be bought. Something needs to be included to make sure that the service providers subscribe to the principles that underpin the public sector. It is not just a group of people who can provide the services much cheaper than anyone else. We have concerns about the centralisation of some services within local authorities. We would be even more concerned if services such as human resources were outsourced to private providers, such as firms of solicitors. There are grave concerns over that, because the checks and balances would need to be in place for the finances, to make sure that money was being spent wisely, but the more each institution buys from outside, the more the economies of scale argument comes to the fore.

[56] Tim mentioned four consortia; whether four areas to control education is the right number is another issue. However, in general terms, if we did not have 22 local authorities, if we did not have the incorporation of the FE institutions and if we had not had the 1986 Act, which gave the power to hire and fire to school governing bodies, I do not think that we would be where we are with regard to putting the 14-19 collaboration arrangements in place. It would be done and the driver would be the local education authorities. They are crucial to this process, yet they do not appear to have been included to any great extent in many of the other pieces of legislation that are being put in place in relation to this.

[57] **Mr Cox:** If the principle is that education provision remains within local authorities, there is nothing in 5.2C that we would support. If it means taking it out of local authority control, that would signal the end of that, which would be a major concern. So, if people are content with local authorities maintaining control over education, that section is not required.

[58] **Kirsty Williams:** In previous sessions, we have heard concerns over the centralisation of human resource functions within local authorities and the loss of expertise in that particular area. I take it, from the comments that you have made this morning, that you share those concerns.

[59] **Mr Philips:** Yes, very much so. It is a move that many local authorities have undertaken, to put in place what they call corporate policies: to get rid of the dedicated personnel officers with responsibility for schools. That is a matter of grave regret. There are probably about four or five local authorities that still have dedicated personnel officers, but it has been centralised in other authorities. The lack of understanding of school teachers' conditions of service and the conditions of service of other staff in schools is there for all to see. So, it has been a concern for us. I do not know whether this can be addressed in this proposed LCO, or in the Measures that will result from it. However, although we are not happy with what is happening in some of the local authorities, the alternative of buying from outside is worse. There is also the idea of shared services, which is being introduced to give better economies of scale. However, having seen the proposals for shared services in south-east Wales, we would have concerns about the way in which those services will be provided and, again, the potential for job losses.

[60] **Michael German:** I will ask the final question, which is based upon everything that you have said this morning and gets to the heart of the purpose of this legislation committee. Do you think that it is reasonable or fair to base decisions on what powers should come to the National Assembly for Wales on how these powers should be used, given that there is a Measure-making process to follow?

[61] **Mr Philips:** Yes, it is fair to base it on that. I think that you are asking whether we should have the detail first, or should we know what the detail is—

[62] **Michael German:** No, I am asking whether Wales should have these powers or should they remain in the UK. The decision regarding whether Wales should have the powers should be taken only on whether the National Assembly for Wales would use them in a particular way, as opposed to the way in which Parliament might use them. In other words, is it reasonable to say that the decision on whether Wales should have law-making powers in this area should be based only on your view of how Wales would use those powers? You would be sitting in front of a different committee, talking about those Measures and giving your views in the same way.

[63] **Mr Philips:** I think that that is probably fair to say.

[64] **Mr Cox:** What you are saying is that you will take the powers, whatever they are and it does not matter what they are for.

10.10 a.m.

[65] **Michael German:** That is the question that I am asking you.

[66] **Mr Cox:** My response to ‘any power, at any time’, would be ‘no’. We would want to know and understand the reason for taking the power. We would be unable to accept taking the power for the sake of taking the power. If we knew the reason for it, and understood with clarity the taking of the power, then we could accept it.

[67] **Michael German:** Thank you. That is a straightforward answer. Thank you very much for your evidence this morning. You will be given a transcript of the proceedings, which you can review. If there is anything that you think has been unfairly attributed to you, please let the clerks know.

[68] We now move on to evidence from UCAC. I welcome Elaine Edwards, the general secretary of UCAC, and Rebecca Williams, policy officer for UCAC. If there is anything that you want to say in advance of our questions, please do so now, otherwise, we will go straight into questions.

<p>[69] Ms Edwards: Byddai'n dda dechrau gyda'r ffaith mai UCAC—dyna'n safbwynt ni, a byddai'n anodd dadlau yn erbyn hyn—yw'r unig undeb athrawon hollol Gymreig. Mae'n cynrychioli athrawon Cymru yn unig, a sydd â phencadlys yng Nghymru. O'r herwydd, bydd ein dadleuon ychydig yn wahanol i'r rhai yr ydych eisoes wedi'u clywed.</p>	<p>Ms Edwards: It would be good to begin with the fact that UCAC—it would be difficult to argue against this—is the only completely Welsh teachers' union. It only represents teachers in Wales, and has its headquarters in Wales. As a result, our arguments will be somewhat different from the ones that you have already heard.</p>
---	---

[70] **Kirsty Williams:** Just a bit. [*Laughter.*]

[71] **Michael German:** I will start with my last question to the last witnesses. Can I take it

that you believe that it would be appropriate to comment upon the seeking of powers for the National Assembly for Wales without knowing what the uses may be, and that you think it fair and reasonable to have the powers in Wales, and to make a decision on whether they are appropriately used when it comes to the use of those powers?

[72] **Ms Edwards:** Ydych. Mae UCAC yn credu mewn cyfundrefn addysg annibynnol i Gymru. Credwn, felly, mai Cynulliad Cenedlaethol Cymru ddylai ddeddfu ym maes addysg yn gyfan gwbl yng Nghymru. Mae'n bwysig hefyd i'r rhai sy'n erbyn y safbwynt hwnnw i gofio bod cyfundrefn addysg Cymru ar hyn o bryd yn datblygu'n wahanol iawn i gyfundrefn Lloegr, a bod perygl, felly, y byddai Cymru'n gorfod aros i Loegr i ddeddfu ar fater, ac na fyddai'r Ddeddf yn y pen draw yn hollol addas ar gyfer gofynion Cymru. Mae nifer o resymau pam y credwn yn gryf y dylem dderbyn y pwerau, a'r amser i ddadlau'r manylion fyddai adeg cyflwyno unrhyw Fesur. Yn ein profiad ni, er enghraifft gyda'r Mesur Ynghylch Dysgu a Sgiliau (Cymru) 2009, bu llawer o ddadlau ac ymgynghori, ac, o'n safbwynt ni, bu llobio ac ymgyrchu cryf iawn er mwyn sicrhau, er enghraifft, bod cyfeiriad at addysg cyfrwng Cymraeg ar wyneb y Mesur. Llwyddodd y llobio a'r ymgyrchu, a dyna arwydd o ddemocratiaeth ar waith yng Nghymru. Yn ystod y cyfnod o baratoi'r Mesur y dylai'r dadlau ynglŷn â sut y byddai'r pwerau'n cael eu defnyddio ddigwydd.

Ms Edwards: Yes, you can. UCAC believes in an independent education system for Wales. We therefore believe that the National Assembly for Wales should legislate in the area of education in its totality in Wales. It is also important for those who are opposed to that view to bear in mind that the Welsh education system is currently developing in a very different way from that in England, and that there is therefore a danger that Wales would have to wait for England to legislate on a matter and that, at the end of the day, the Act would not be entirely appropriate for the needs of Wales. There are many reasons why we strongly believe that we should get the powers, and the time to debate the detail would be when a Measure was brought forward. In our experience, for example with the Learning and Skills (Wales) Measure 2009, there was a great deal of debate and consultation, and, from our point of view, there was some very strong lobbying and campaigning in order to ensure, for example, that there was a reference to Welsh-medium education on the face of the Measure. That lobbying and campaigning succeeded, and that is a sign of democracy in action in Wales. The period during which a Measure is being drawn up is the time to debate how the powers should be used.

[73] **Michael German:** I would like to narrow that down a little more. Do you think that legislation is needed to tackle school governance issues?

[74] **Ms Edwards:** Ydym.

Ms Edwards: Yes, we do.

[75] **Michael German:** Can you expand on why?

[76] **Ms Williams:** Mae'r Pwyllgor Menter a Dysgu wedi cyhoeddi adroddiad ar rôl llywodraethwyr a cheir nifer fawr o argymhellion yn yr adroddiad hwnnw. Gellir gweithredu nifer ohonynt heb ddeddfwriaeth ond cawn ar ddeall y byddai angen deddfwriaeth i weithredu rhai ohonynt, yn benodol lle bo hyfforddiant gorfodol o dan sylw ar gyfer cadeiryddion, llywodraethwyr neu, efallai, glercod.

Ms Williams: The Enterprise and Learning Committee has published a report on the role of governors and a great many recommendations are contained within that report. A number of them could be implemented without legislation but we understand that legislation would be necessary to implement some of them, specifically where mandatory training is involved for the chairs of governing bodies, governors or, perhaps, clerks.

[77] Gwn fod y Gweinidog wedi amlinellu meysydd eraill hefyd yn y memorandwm esboniadol. Maent yn feysydd lle byddem efallai yn cytuno neu'n anghytuno â'i bwriad mewn deddfwriaeth. Serch hynny, fel y dywedasom, dyna drafodaeth ar gyfer diwrnod arall. Ein dealltwriaeth ni yw bod angen deddfwriaeth ar gyfer cyflawni rhai o argymhellion y Pwyllgor Menter a Dysgu.

I know that the Minister has outlined other areas in the explanatory memorandum. They are areas where we might agree or disagree with her intention in legislation. However, as we have said, that is a discussion for another day. Our understanding is that legislation will be required in order to implement some of the recommendations of the Enterprise and Learning Committee.

[78] **Joyce Watson:** Good morning. Do you consider that the proposed Order is broad enough to enable future Measures to address all relevant issues relating to school governance?

[79] **Ms Williams:** Yn sicr. Credwn fod y Gorchymyn arfaethedig wedi'i ddrafftio mewn ffordd penagored, a chawn ar ddeall ei bod yn ddigon penagored i gyflawni'r holl ofynion polisi sydd gan y Gweinidog mewn golwg ar hyn o bryd. Fel y dywedasom, bydd angen proses graffu ofalus iawn adeg llunio'r Mesurau.

Ms Williams: Certainly. We think that the proposed Order is drafted in an open-ended manner, and we understand that it is sufficiently open-ended to accomplish all of the policy requirements that the Minister has in mind at present. As we have said, a very careful scrutiny process will be needed at the time of drawing up the Measures.

[80] **Bethan Jenkins:** Yr ydych yn awgrymu yn eich tystiolaeth y dylai'r Cynulliad geisio cymhwysedd dros dâl ac amodau gwaith athrawon. Yr ydym wedi clywed heddiw, ac mewn sesiynau tystiolaeth eraill, nad yw cyrff eraill yn dymuno i ni gael y pwerau hynny. A allwch ymhelaethu ynghylch paham y credwch y dylai Cymru a'r Cynulliad geisio'r cymhwysedd yn y sector penodol hwn?

Bethan Jenkins: You have suggested in your evidence that the Assembly should seek competence over teachers' pay and conditions. We have heard this morning, and during other evidence-giving sessions, that other organisations do not wish us to have those powers. Could you expand on why you think that Wales and the Assembly should seek competence in this particular area?

[81] **Ms Edwards:** Mae hynny oherwydd ein safbwynt ni ynglŷn â chyfundrefn addysg cwbl annibynnol i Gymru. Mae materion staffio, a thâl ac amodau gwaith athrawon yn rhan bwysig iawn o hynny. O ran y trefniadau presennol, mae'n siŵr eich bod yn ymwybodol o'r ffaith bod cyfle i gyflwyno tystiolaeth i'r Corff Adolygu Athrawon Ysgol yn Llundain, sydd yn rhoi argymhellion i'r Llywodraeth. Yna gwneir penderfyniadau cyn cyhoeddi'r ddogfen ar gyflog ac amodau gwaith athrawon ysgol yn flynyddol.

Ms Edwards: That is because of our stance on a completely independent education system for Wales. Staffing matters and teachers' pay and working conditions are a very important part of that. As regards the current arrangements, you are no doubt aware of the fact that there is an opportunity to present evidence to the School Teachers' Review Body in London, which makes recommendations to the Government. Decisions are then made before the school teachers' pay and conditions document is published annually.

[82] Mae UCAC yn rhoi tystiolaeth ysgrifenedig ac yn mynd i Lundain i roi tystiolaeth ar lafar. UCAC yw'r unig undeb athrawon o Gymru sydd yn mynd, gan mai arweinwyr Lloegr yr undebau eraill sy'n mynd i'r cyfarfodydd hynny. Mae Llywodraeth y Cynulliad yn cyflwyno

UCAC submits written evidence and goes to London to give oral evidence. UCAC is the only teachers' union from Wales to attend, because the other unions that attend those meetings are sending their leaders in England. The Assembly Government does present evidence but there is a risk that more

tystiolaeth ond mae perygl y rhoddir mwy o bwyslais ar ofynion Lloegr a chyfundrefn addysg Lloegr nag ar gyfundrefn addysg Cymru.

[83] Teimlwn fod rhai datblygiadau wedi digwydd o ran tâl ac amodau gwaith athrawon yn y blynyddoedd diwethaf sydd heb roi digon o ystyriaeth i sefyllfa unigol Cymru o ran ei natur ddaearyddol a maint ysgolion Cymru ac ati. Un enghraifft yw'r penderfyniad i greu lwfansau newydd a chael gwared ar lwfansau rheolaethol ysgolion a chyflwyno system TLR—cyfrifoldebau addysg a dysgu. Mae'r isaf o'r rheiny, o ran gwerth, yn fwy na gwerth y lwfans rheolaethol isaf, ac o'r herwydd, yn y sector cynradd, yn arbennig, ac mewn rhai ysgolion uwchradd bach, mae nifer o athrawon bellach wedi colli lwfansau yn llwyr gan nad yw'r ysgolion bach yn gallu fforddio symud i fyny'r cam i dalu lwfans TLR iddynt. Mae hynny wedi creu tipyn o anfodlonrwydd ac wedi golygu bod pobl weithiau â baich gwaith enfawr heb gydnabyddiaeth ariannol. Yn ein barn ni, mae hynny'n digwydd gan nad oes digon o ystyriaeth wedi'i roi i'r effaith a geir ar y math hwnnw o ysgol yng Nghymru.

[84] **Bethan Jenkins:** Nid ydych yn cydfynd â'r ddadl, felly, y byddai datganoli amodau gwaith—a gwn ein bod yn sôn am Fesur yn y fan hon—yn cael effaith negyddol ar amodau gwaith a thâl athrawon yng Nghymru oherwydd bod y grym ynghlwm wrth y system addysg yn Lloegr.

[85] **Ms Edwards:** Byddai'n rhaid inni gael proses o drafod, lobïo ac ymgynghori, ond pam y dylai'r sefyllfa fod yn waeth? Byddai'n rhaid sicrhau bod Cymru yn ariannu addysg yn ddigonol, ond nid yw'r system bresennol, gyda Llundain yn penderfynu ar ein rhan, yn ddigonol ychwaith.

10.20 a.m.

[86] Mae cytundeb wedi bod o ran addysg bellach, er enghraifft, a deallaf fod telerau addysg bellach yng Nghymru yn well na'r telerau yn Lloegr ar hyn o bryd. Felly, nid yw'r ddadl yn ddigon clir i ddweud na

emphasis is placed on the requirements of England and the English education system than on the education system in Wales.

We feel that there have been some developments with regard to teachers' pay and conditions over the past few years that have not taken sufficient account of the individual position of Wales with regard to its geographical nature and the size of schools in Wales and so forth. One example is the decision to create new allowances and to get rid of the managerial allowances in schools and to bring in the TLR—teaching and learning responsibilities—system. The lowest value allowance is greater than the value of the lowest managerial allowance, and, therefore, in the primary sector, in particular, and in some small secondary schools, a number of teachers have lost their allowances completely because the smaller schools cannot afford to move up a step to pay them the TLR allowance. That has created quite a bit of dissatisfaction and has meant that people sometimes have a huge workload without financial recognition. In our view, that is because there was not sufficient consideration of the impact that it would have on that type of school in Wales.

Bethan Jenkins: So, you would not agree with the argument, therefore, that devolving working conditions—and I know that we are talking about a Measure here—would have a detrimental effect on teachers' pay and conditions in Wales because the power lies with the education system in England.

Ms Edwards: We would have to have a process of discussion, lobbying and consultation, but why should the situation be worse? We would have to ensure that Wales funded education adequately, but the current situation, with London making decisions on our behalf, is not adequate either.

There has been an agreement in further education, for example, and I understand that terms in further education in Wales are better than those in England at the moment. Therefore, the argument to say that we should

ddylem gael y pwerau, yn fy marn i.

not get the powers is not sufficiently clear in my view.

[87] O ran a yw'n addas i gynnwys hynny yn yr LCO arfaethedig hwn, fel y gwyddoch, yr oedd yr amserlen ar gyfer paratoi'r dystiolaeth yn fyr iawn. Efallai, wedi ailfeddwl, y dylai hwnnw fod mewn LCO arall.

With regard to whether it is appropriate to include that in this proposed LCO, as you know, the timetable for preparing the evidence was very tight. Perhaps, having reconsidered, that should be in a separate LCO.

[88] **Ms Williams:** Un o'r rhesymau am hynny yw nad ydym am weld pwerau dros dâl ac amodau gwaith yn nwylo llywodraethwyr. Er eu bod yn ymwneud â gweithredu gofynion tâl ac amodau gwaith, nid ydynt yn gwneud penderfyniadau ynglŷn â lefelau tâl a natur amodau gwaith. Er ein bod am weld y pŵer dros hynny yn cael ei drosglwyddo i Gymru, ni fyddwn am weld y grym hynny yn nwylo'r llywodraethwyr. Felly, efallai mai LCO ar wahân byddai'r lle priodol ar gyfer y pwerau hynny.

Ms Williams: One of the reasons for that is that we do not want to see powers over terms and conditions being placed in the hands of the governors. Although they are involved in implementing requirements on pay and conditions, they do not make decisions on pay rates or the nature of working conditions. We would like to see the power over those being transferred to Wales, but we would not want to see that power in the hands of governors. Therefore, perhaps a separate LCO would be the appropriate place for those powers.

[89] **Lorraine Barrett:** I would like to make a small point. A comment was just made about decisions being made in England; they are England-and-Wales decisions. I am sorry, but I cannot leave that on the record.

[90] In your evidence, you say that the inclusion of the word 'securing' in matter 5.2B could limit the Assembly's competence to deal with issues relating to collaboration. Could you explain further what you mean by this and what the effect would be were it to be removed?

[91] **Ms Williams:** Ers llunio'r dystiolaeth, yr wyf wedi darllen tystiolaeth y Gweinidog i'r pwyllgor. Deallaf resymeg ei dadl hi: bod angen yr un patrwm o eiriau yn yr LCO arfaethedig hwn mewn perthynas ag ysgolion ag a geir ym mater 5.12 a 5.13 o faes 5 o Atodlen 5 ar gyfer addysg bellach. Yr wyf yn siŵr bod rhesymeg gyfreithiol y tu ôl i gadw'r gair '*securing*' yn yr LCO arfaethedig ac felly mae'n bwysig ystyried hynny. Os yw'n ddefnyddiol, gallaf amlinellu fy rhesymeg wrth ysgrifennu'r dystiolaeth wreiddiol.

Ms Williams: Since drafting the written evidence, I have read the evidence given by the Minister to this committee. I understand the logic of her argument: that there needs to be the same pattern of words in this proposed LCO in relation to schools as in matter 5.12 and 5.13 of field 5 in Schedule 5 for further education. I am sure that there is a legal reason for keeping the word 'securing' in the proposed LCO and it is therefore important to take that into consideration. If it is useful, I could outline my reasoning when writing the original evidence.

[92] Mae'n dibynnu i raddau ar y diffiniad cyfreithiol o '*securing*', ond mae'n bosibl bod elfen o sicrhau neu orfodi yn y gair. Dyna y mae'n ei awgrymu i mi, yn sicr. Nid wyf yn gyfreithiwr, ond mae'r awgrym hwnnw'n glir imi. Os yw'r cymal yn dweud '*securing collaboration*', mae'n golygu bod yn rhaid i unrhyw Fesur lynu at hynny, sef

It depends to an extent on the legal definition of 'securing', but it is possible that there is an element of ensuring or enforcing in the word. That is certainly what it suggests to me. I am not a lawyer, but that suggestion is clear to me. If the clause talks about 'securing collaboration', it means that any Measure has to abide by that, and would therefore have to

gorfodi cydweithio. Mae hwn, efallai, yn cyfyngu ar agweddau eraill o gydweithio, megis rheoli perfformiad, polisiau disgyblu, ariannu, datblygu proffesiynol, ac yn y blaen, oherwydd ni fyddai hynny'n rhan o 'securing collaboration' os ystyr 'securing' yw gorfodi trefniadau. Fel y dywedais, mae hynny'n dibynnu ar ddehongliad cyfreithiol y gair 'securing'.

enforce collaboration. That, perhaps, would restrict other areas of collaboration, such as performance management, disciplinary procedures, finance, professional development, and so on, because they would not be included in the understanding of 'securing collaboration' if the meaning of the word 'securing' is to require arrangements. As I said, that depends on the legal interpretation of 'securing'.

[93] Gwn fod hwn yn fater sy'n ymwneud mwy â Mesur, ond yr ydym wedi clywed eisoes y bore yma gan dystion—a gwn fod tystion eraill wedi codi'r un pwynt—fod amheuron ynghylch gorfodi trefniadau cydweithio. Mae UCAC yn rhannu'r amheuron hynny. Nid ydym am weld mecanwaith a fyddai'n gorfodi unrhyw drefniadau cydweithio penodol. Yn ystod y cyfnod craffu ar y Mesur ynghylch Dysgu a Sgiliau (Cymru) 2009, cafwyd trafodaeth helaeth ar y mater hwn yn benodol. Yr oedd darpariaeth yn nrafft gwreiddiol y Mesur oedd yn gorfodi cydweithio. Yn ystod y broses craffu, penderfynwyd nad oedd hynny'n briodol, a dylai orfodi ystyriaeth o gydweithio. Dyna'r geiriad sydd yn y Mesur fel y mae yn awr. Felly, mewn ffordd, yr ydym wedi bod yma o'r blaen ac ni hoffwn ailagor y drafodaeth honno. Dyna rai o'n amheuron ni o ran defnyddio'r gair 'securing'.

I know that this is a matter that relates more to a Measure, but we have already heard from witnesses this morning—and previous witnesses have raised the same point—that there are doubts regarding requiring collaboration arrangements. UCAC shares those doubts. We do not want to see a mechanism that would require any specific collaboration arrangements. During the scrutiny period on the Learning and Skills (Wales) Measure 2009, there was an extensive discussion on this matter specifically. There was a clause in the original draft of the Measure that required collaboration. During the scrutiny process, it was decided that this was not appropriate and that it should require that collaboration be considered. That is the clause contained in the Measure as it now stands. Therefore, in a way, we have been here before and we do not want to reopen that discussion. Those are some of our doubts regarding the use of the word 'securing'.

[94] **Michael German:** We will ask our legal adviser to prepare a short note on this matter for us.

[95] **Jonathan Morgan:** In the evidence that the Welsh Local Government Association gave us on 19 November, it talked about the fact that more and more authorities were centralising their human resource functions. It said that in centralising HR functions, there is a possibility that in some instances, some expertise in relation to schools and school governance may be lost and that it is in discussion with the teaching unions about that. Do you have a view on that?

[96] **Ms Edwards:** Byddem yn cytuno'n llwyr â hynny. Clywsoch Rex o NASUWT Cymru yn gynt yn dweud mai nifer fach o awdurdodau lleol sydd ag arbenigwyr ar dâl ac amodau gwaith athrawon. Mae hynny'n golygu nad yw'r arbenigedd ar gael ar gyfer ysgolion a llywodraethwyr i droi atynt pan fydd cwestiynau'n codi. Mae hefyd yn rhwystredig i'n swyddogion ni sy'n ymdrin â phroblemau pan maent yn codi gan ei fod yn

Ms Edwards: We would agree completely with that. You heard from Rex from NASUWT Cymru saying earlier that it is a small number of local authorities that have the experts on the pay and conditions of teachers. That means that the expertise is not available for schools and for governors to turn to when questions arise. We also find that frustrating for our officials who deal with the problems when they arise because it is

anodd dod o hyd i'r person cywir o fewn y sir i drafod y materion hyn gyda hwy. Pan fydd ein swyddogion yn dod o hyd i'r unigolyn hwnnw, sydd â rhywfaint o wybodaeth, ar hap, beth all ddigwydd yw eu bod yn troi at yr unigolyn hwnnw drwy'r amser ac felly mae goblygiadau llwyth gwaith o safbwynt yr unigolion hynny hefyd.

difficult to find the correct person in the county with whom to discuss these issues. When our officials find that individual, who has some knowledge, arbitrarily, what can happen is that they turn to that individual all of the time and there are therefore workload implications for those individuals.

[97] Mae angen arbenigedd ar y ddogfen gyflog ac amodau athrawon ysgol, neu'r llyfr bwrgwyn fel y'i gelwir, ar gyfraith cyflogaeth yn gyffredinol ac ar gytundebau lleol o fewn yr awdurdodau lleol ac efallai hyd yn oed o fewn yr ysgolion sy'n mynd ychydig bach ymhellach. Wrth gwrs, mae hynny'n anodd iawn, ond mae'n adlewyrchiad o'r patrwm yn ystod y blynyddoedd diweddar wrth edrych am doriadau effeithlonrwydd. Mae'r gwasanaethau sy'n cefnogi gwasanaethau cyhoeddus yn cael eu torri yn ôl—y *back-office functions*, fel maent yn ei ddweud—gan fod pobl o'r farn eu bod yn gallu hepgor y gwasanaethau hynny. Fodd bynnag, y perygl wrth wneud hynny yw y byddwch yn effeithio, yn y pen draw, ar y gwasanaeth a gynigir. Yn bendant, os yw hynny'n digwydd, mae'n rhoi mwy o straen ar ein hysgolion, ein llywodraethwyr ac ar ein hathrawon. Mae'n drueni bod yr arbenigedd hwnnw'n cael ei golli.

Expertise is required on the school teachers' pay and conditions document, or the burgundy book as it is called, on general employment law and on local contracts within the local authorities and perhaps even within schools that go a little bit further. Of course, that is very difficult, but it reflects the pattern in recent years in looking for efficiency cuts. The services that support public services are being reduced—the back-office functions, as they say—because people think that they can do away with those services. However, the danger in doing so is that you will eventually impact on the service being offered. Certainly, if that happens, it puts a greater strain on our schools, our governors and on our teachers. It is a shame that that expertise is then lost.

[98] **Michael German:** Is there anything else that you might want to add that we have not covered in our questions or that you have not covered in your written evidence? It is not compulsory—you do not have to add anything.

[99] **Ms Edwards:** Cydymdeimlaf â rhai o'r gofidiau a glywsom ar faterion yn ymwneud â chydweithio a rhai o'r pwerau. Fodd bynnag, hoffwn ailddatgan mai'r amser priodol i gael y drafodaeth honno fydd pan greffir ar y Mesur arfaethedig. Teimlwn y dylai'r pwerau ddod i Gymru ac y dylai Cymru gael y llais a'r gallu i benderfynu ynghylch y mater.

Ms Edwards: I sympathise with some of the concerns we have heard on issues relating to collaboration and some of the powers. However, I would like to reiterate that the appropriate time to have that debate will be when the proposed Measure is scrutinised. We feel that the powers should be conferred on Wales and that Wales should have the voice and the ability to decide on this matter.

[100] **Michael German:** Thank you both for coming here this morning to give us evidence. There will be a record of proceedings and you will be able to check what you have said.

[101] We now move on to our next witnesses, who are from CYDAG. I welcome to the table Eurig Davies, who is chair of CYDAG, and Arwel George, who is the professional officer for CYDAG. You are both welcome. Unless there is anything that you wish to say to supplement your written evidence, we will move straight to questions. Are you happy with that?

[102] **Mr George:** Yes.

[103] **Michael German:** Kirsty has the first question.

[104] **Kirsty Williams:** I will begin with the question that I have asked all witnesses this morning. In principle, can you state for the record whether you believe these powers should rest here within the National Assembly for Wales?

[105] **Mr George:** Ydyn. Yr ydym yn glir iawn o safbwynt hynny. **Mr George:** Yes, we are clearly of that opinion.

[106] **Kirsty Williams:** Could you explain why you believe it is necessary to have legislation to tackle school governance issues? What can we not do under the current system?

[107] **Mr Davies:** Yn benodol, mae angen y ddeddfwriaeth oherwydd bod Cymru wedi datblygu polisïau a blaengareddau sy'n wahanol ac ar wahân i'r polisïau yn Lloegr. Mae ambell fater, y down atynt yn nes ymlaen, ond mae un mater yn benodol na ddylai pwerau arno gael eu trosglwyddo i Gymru yn ein barn ni, ond, ar y cyfan, cytunwn â'r Gorchymyn cymhwysedd deddfwriaethol arfaethedig ac yn sicr fe'i cefnogwn. **Mr Davies:** The legislation is needed specifically because Wales has developed policies and initiatives that are different and separate from the policies in England. There are a few matters, which we will come to later, but there is one matter in particular on which, in our view, powers should not be transferred to Wales, but, on the whole, we agree and certainly support the proposed legislative competence Order.

[108] **Kirsty Williams:** Are there any specific issues relating to governance that you feel cannot be tackled by the powers that we already have? Do you have any examples of why it is necessary to have this legislation?

10.30 a.m.

[109] **Mr George:** Y prif faes yw'r symudiad at resymoli'r gyfundrefn addysg yng Nghymru. I gael pobl i gydweithio, mae agenda gref o drawsnewid ar y gweill. Yr ydym o'r farn nad yw'r sefyllfa o ran llywodraethu ar hyn o bryd yn adlewyrchu hynny, ac y gallai ei gwneud yn anodd iawn i symud yr agenda. Mae'n ei gwneud yn anodd i lywodraethwyr gymryd rhan yn y newid hwnnw, ac mae'n anodd iawn i bobl sy'n gyrru polisi gael siâp ar y jig-so. Felly, i ddychwelyd at y cwestiwn gwreiddiol, nid mater ydyw o allu gwneud rhywbeth neu fel arall, ond mater o gael y pwerau yng Nghymru fel y gallwn yrru'r holl agenda ymlaen yn gydlynus. Dyna pam yr ydym yn gweld yr angen i gael y pwerau hyn i'r Cynulliad. **Mr George:** The main area is the move towards rationalising the education system in Wales. To get people to collaborate, a strong transformation agenda is proposed. We believe that the current situation as regards governance does not reflect that, and that it could make it very difficult to progress the agenda. It makes it difficult for governors to participate in this change, and it very difficult for policy drivers to make sense of the jigsaw pieces. So, to return to the original question, it is not a matter of whether we can do something or not, but a matter of having the powers in Wales to drive this strategy forward in a co-ordinated manner. That is why we see the need for the Assembly to have these powers.

[110] **Kirsty Williams:** Is the proposed LCO as currently drafted broad enough to cover all eventualities to be able to respond in the strategic way that you have just outlined?

[111] **Mr Davies:** Mae'n ddigon eang, ond mae rhai materion ynglŷn â'r geiriad, fel y clywsom gan rai o'r tystion blaenorol. Mae angen mireinio'r geiriad, ond mae'r Gorchymyn arfaethedig yn ddigon eang a chryf i gario'r gwaith ymlaen.

Mr Davies: It is broad enough, but there are some issues regarding the wording, as we heard from some of the previous witnesses. The wording needs to be refined, but the proposed Order is broad and strong enough to carry this work forward.

[112] **Kirsty Williams:** Obviously, you are a driving force around issues of bilingual and Welsh-medium education, so are there specific issues pertinent to Welsh-medium and bilingual education that the proposed Order will address?

[113] **Mr Davies:** Mae rhai materion o safbwynt partneriaethau rhwng ysgolion, a rhwng ysgolion a cholegau, sydd o bryder i'n cymdeithas, sydd yn hyrwyddo addysg cyfrwng Cymraeg. Efallai cawn gyfle yn nes ymlaen i sôn am ein gofidiau o ran partneriaethau, yn enwedig os ydynt yn bartneriaethau gorfodol. Mae gennym yr un math o ofidiau o ran llywodraethu ar y cyd. Mae ysgolion cyfrwng Cymraeg ymhellach oddi wrth ei gilydd, ac felly mae rhwydweithio rhyngddynt yn anoddach. Nid yr ateb yw fideo-gynadledda bob tro, achos mae'r pynciau mae angen inni ymestyn y cyfleoedd i bobl ifanc i'w hastudio yn bynciau galwedigaethol, at ei gilydd. Nid yw'r dechnoleg bob amser yn hyrwyddo pynciau fel garddwriaeth, weldio ac adeiladu, lle mae'n rhaid i bobl ifanc gael profiad ymarferol.

Mr Davies: There are some issues with regard to partnerships between schools, and between schools and colleges, which are of concern to the association, which promotes Welsh-medium education. We might have an opportunity later on to discuss our concerns about partnerships, especially if they are compulsory partnerships. We have the same concerns regarding joint governance. Welsh-medium schools are further apart, so it is more difficult to network between them. Video-conferencing is not always the solution, because the subjects that we must extend the opportunities for young people to study are vocational subjects, generally speaking. The technology does not always promote subjects such as horticulture, welding and construction, where young people need practical experience.

[114] **Mr George:** Dyna sy'n ein poeni, fel y dywedodd tystion eraill. Daw'r glo mân ger ein bron pan fydd y pwerau hyn yn cael eu troi'n Fesurau. Gyda llaw, mae dros chwarter o ysgolion uwchradd Cymru yn aelodau o CYDAG, felly yr ydym yn sôn am grŵp sylweddol o ysgolion. Fel y dywedodd Eirug, mae pryderon ynglŷn â gorfodaeth i gydweithio a chydlywodraethu a allai gyfaddawdu neu danseilio polisïau iaith, gan fod 'dwyieithrwydd' yn derm niwlog tu hwnt—mae'n golygu bob dim i bob dyn. Fodd bynnag, wrth sôn am ysgolion cyfrwng Cymraeg yn mynd i bartneriaeth, mae tensiynau amlwg yn y fan honno, fel y byddwn yn amlygu yn ein hatebion heddiw. Yr ydym yn rhannu'r pryderon hyn â llawer o'r tystion blaenorol—yr ydym wedi darllen y trawsgrifiadau, ac mae'n amlwg fod llawer o dir cyffredin rhyngom. Fodd bynnag, fel cymdeithas, efallai y gallwn drafod rhai o'r materion Cymreig sydd yn achosi hynny.

Mr George: That is what concerns us, as other witnesses have mentioned. The fine detail will appear when these powers are actually turned into Measures. By the way, over a quarter of secondary schools in Wales are members of CYDAG, so we are talking about a substantial group of schools. As Eirug said, there are concerns about compulsion to co-operate and joint governance as that could compromise or undermine language policies, because 'bilingualism' is a very hazy term—it means everything to everyone. However, when you talk about Welsh medium schools going into partnership, there are obvious tensions in that regard, as we will highlight in our answers today. We share the concerns of many previous witnesses—we have read the transcripts, and it is obvious that there is much common ground between us. However, as an association, perhaps we could discuss the Welsh issues that give rise to that.

[115] O ran addysg cyfrwng Cymraeg, dywedodd y Gweinidog yn ei thystiolaeth na fyddai'r Gorchymyn cymhwysedd deddfwriaethol arfaethedig hwn yn newid dim ar brosesau yn ymwneud â newid categori ysgolion. Os cofiaf yn iawn, ni chyfeiriwyd yn benodol ac yn uniongyrchol at gategori iaith ysgol yn y drafodaeth honno. Mae categori iaith yn un o'r dimensiynau y dylem gadw mewn golwg pan ddaw Mesur ger bron, achos byddai hynny o ddiddordeb i ysgolion CYDAG, a gallai fod o bryder hefyd.

[116] **Bethan Jenkins:** Yr ydych yn awgrymu yn eich tystiolaeth y dylai'r Cynulliad geisio cymhwysedd dros gyflogau ac amodau gwaith athrawon yn y dyfodol. Mae tystion eraill wedi dweud na ddylai'r Cynulliad geisio cymhwysedd yn y maes hwnnw. A wnewch chi ymhelaethu ynghylch pam y dylai Llywodraeth Cymru ddeddfu ar y mater hwn?

[117] **Mr George:** Nid yw CYDAG chwaith o'r farn y dylid cael amodau gwahanol i Loegr. Cyfeiriwn at y dyfodol am ein bod ni am dynnu sylw at fater pwysig iawn, sef nad yw amodau gwaith cyfredol staff ysgolion yn caniatáu iddynt ymdopi â'r doreth o flaengareddau swmpus sydd ar y gweill. Mae'r rheini'n cynnwys y cwricwlwm, trefniadau asesu ar draws pob cyfnod allweddol, materion strwythurol mawr fel agenda trawsnewid llwybrau dysgu, a'r fframwaith effeithlonrwydd a glywsom amdano gan yr NASUWT, ac yn y blaen. Mae pethau swmpus yno. Ni fydd yr amodau gwaith, yn nhermau darparu amser o ansawdd, yn caniatáu i ni fel pobl broffesiynol i fynd i'r afael â'r agendâu hynny.

[118] Mae'r un peth yn wir yn Lloegr. Mae'r agenda yn Lloegr wedi newid ers i'r amodau gwaith sylfaenol presennol ddod i rym. Mae'r byd wedi symud ymlaen beth wmbredd ac efallai fod Cymru ymhellach ar y blaen na Lloegr. Mater i eraill ddadlau yn ei gylch yw hynny. Fodd bynnag, gallai Llywodraeth y Cynulliad ystyried ailedrych ar amodau gwaith athrawon i sicrhau eu bod yn gydnaws â'r gofynion ar y proffesiwn i ymateb i'r llu o newidiadau hyn, fel bod y newidiadau'n llwyddiannus ac er tegwch i'r

On Welsh-medium education, the Minister said in her evidence that this proposed legislative competence Order does not change the processes related to changing school categories. If I remember correctly, there was no specific direct reference to a school's language category in that discussion. Language category is a dimension that we must bear in mind when the Measure is proposed, because that will be of interest to CYDAG schools, and it could also be of concern.

Bethan Jenkins: You suggest in your evidence that the Assembly should seek competence over teachers' pay and conditions in the future. Other witnesses have stated that the Assembly should not seek competence in that area. Will you elaborate on why you think the Welsh Government should legislate over this matter?

Mr George: CYDAG does not believe either that there should be different conditions to those in England. We referred to the future because we want to draw attention to a very important issue, which is that current terms and conditions of school staff do not allow them to cope with the huge amount of substantial initiatives on the horizon. They include the curriculum, assessment arrangements across all key stages, huge structural issues such as the learning pathways transformation agenda and the efficiency framework that we heard about from NASUWT, and so on. These are substantial items. The terms and conditions, in setting aside good-quality time, will not allow us as professionals to tackle those agendas.

The same is true in England, where the agenda has changed since the current basic terms and conditions came into force. The world has moved on quite significantly and perhaps Wales is further in the vanguard than England. That is a matter for others to debate. However, the Assembly Government could consider looking again at teachers' terms and conditions to ensure that they conform with the requirements on the profession to respond to all these changes, so that these changes are successful and are made in a way that ensures

dysgwyr, yn bennaf, ond hefyd i'r proffesiwn wrth geisio gyrru'r un agenda â Llywodraeth y Cynulliad yn ei flaen. Yn Lloegr, mae'r agenda wedi newid mewn ffordd wahanol, ond synnwn i ddim pe na bai tir cyffredin y gallai Llywodraeth y Cynulliad ei ystyried o safbwynt amodau gwaith a'i drafod gyda Lloegr. Byddai'r ddwy wlad wedyn yn gallu ailystyried ar y cyd, achos mae'r agenda sydd yn wynebu'r gyfundrefn yn llawer mwy heriol nag yr ydoedd yn 1998 pan sefydlwyd yr amodau presennol. Mae'r byd wedi symud ymlaen. Nid ydym yn credu bod amser proffesiynol o'r ansawdd angenrheidiol ar gael i'r proffesiwn er mwyn iddo fod yn bartner llawn sy'n gallu hyrwyddo llwyddiant yr holl newidiadau.

[119] **Mr Davies:** Yr ydym yn gwbl grediniol y dylai fod gan Gymru fesur o arwahanrwydd, ond, dylem drafod maes fel amodau gwaith athrawon, sydd, yn ei dro, yn effeithio ar feysydd megis hyfforddiant cychwynnol athrawon a chyflogaeth athrawon, yn y dyfodol.

[120] **Bethan Jenkins:** Nid yn awr, felly.

[121] **Mr Davies:** Yn yr achos unigol hwnnw, nid yn awr.

[122] **Bethan Jenkins:** Yn eich tystiolaeth ysgrifenedig, yr ydych yn cyfeirio

[123] 'at yr angen i gryfhau hyfforddiant a ffocws cyrff llywodraethu.'

[124] A oes angen deddfwriaeth benodol i gryfhau hyfforddiant ac a yw'r Gorchymyn arfaethedig yn ddigon eang i allu cyflwyno Mesurau i wneud hyn yn y dyfodol?

[125] **Mr Davies:** Fel un sydd yn gweithio gyda llywodraethwyr bron iawn yn ddyddiol, ni welaf fod rhuthr mawr o bobl ar lawr gwlad sydd eisiau bod yn llywodraethwyr ysgolion. Efallai fod eich profiad chi'n wahanol, ond yn ein profiad ni nid oes cymaint â hynny. Mae cyfrifoldebau mawr gan lywodraethwyr. Yr wyf i wedi bod yn bennaeth am 15 blynedd—ac mae gan Arwel fwy o brofiad—a phrin yw'r bobl sy'n eu cynnig eu hunain fel llywodraethwyr ysgolion erbyn hyn oherwydd y cyfrifoldebau mawr sydd ganddynt. Yr ydym wedi clywed

fairness for the learner, primarily, and for the profession in trying to drive forward the same agenda as the Assembly Government. In England, the agenda has changed in a different way, but I would not be surprised if there was common ground that the Assembly Government could consider on terms and conditions and then discuss with England. Both countries could then reconsider this together, because the agenda facing the system is much more challenging than it was in 1998 when the current terms and conditions were established. The world has moved on. We do not believe that enough professional time of the quality required is set aside if the profession is to be a full partner in promoting the success of all the changes.

Mr Davies: We are wholly convinced that Wales should have a measure of separateness, but an area such as teachers' conditions, which will, in turn, have an impact on areas such as initial teacher training and the employment of teachers, should be discussed further down the line.

Bethan Jenkins: So, not now.

Mr Davies: In that individual instance, not now.

Bethan Jenkins: In your written evidence, you referred to the

'need for more robust training and focus for governing bodies'.

Is specific legislation required to make the training more robust and is the proposed Order broad enough to allow future Measures to do this in the future?

Mr Davies: As someone who works with governors on an almost daily basis, I can say that there is no great surge of people out there who want to be school governors. Your experience might be different, but in our experience there are not all that many people. Governors have significant responsibilities. I have been a headteacher for 15 years—and Arwel has greater experience than I do—and those who put their names forward as governors are few and far between by now because of the significant responsibilities. We have heard about a measure of compulsion to

am elfen o orfodaeth i'r hyfforddiant—a phe bai'n dilyn y patrwm presennol byddai'n gorfod bod yn hyfforddiant gyda'r nos ac ar ddydd Sadwrn—ond i bobl sy'n gwirfoddoli i wneud y gwaith ac a fyddai'n gorfod cael eu talu, o bosibl, i gael eu rhyddhau o'u gwaith, mae oblygiadau mawr i hyfforddiant gorfodol i lywodraethwyr. Mae angen elfen o gysondeb, yn sicr, ond nid ydym eisiau lleihau'r nifer sydd yn gwirfoddoli i fod yn llywodraethwyr ar hyn o bryd chwaith.

[126] **Mr George:** Cytunwn yn llwyr fod cyfrifoldebau ac agendâu cyrff llywodraethol yn gymhleth ac yn mynd yn fwy cymhleth. Felly, mae'r angen am hyfforddiant ac am ffynonellau o gyngor dibynadwy a diogel yn bwysig. Fodd bynnag, gwirfoddolwyr ydynt. Felly, pan fyddwn yn defnyddio termau fel 'darparu gwasanaeth proffesiynol', mae tyndra'n bodoli. Fel y dywedodd Eurig, un o'r cyfarfodydd mwyaf lletchwith bob blwyddyn yw'r un i benodi cadeirydd y corff, am fod pawb yn edrych o gwmpas y bwrdd ac mae llygaid pawb yn mynd i lawr. Awn mor bell â dweud bod cyfrifoldebau cadeirydd ac is-gadeirydd corff llywodraethol yn y dyddiau hyn yn arswydus. Wrth feddwl hefyd am yr hinsawdd gyllidol sydd yn ein hwynebu, mae cyfrifoldebau'r cadeirydd a'r is-gadeirydd, sy'n gyfrifol am ddau is-banel ac ati, yn fawr. Mae'n rhaid troedio'n ofalus, felly. Mae'r geiriad yn ddigon eang—ac nid oes dwywaith am hynny—ond wrth inni droi hwn yn weithredu, rhaid cymryd llawer o ofal.

10.40 a.m.

[127] O ran hyfforddiant, pa apêl bynnag a pha rym bynnag sydd gan benaethiaid, mae'n anodd cael llywodraethwyr i fynychu'r cyfarfodydd y dylent eu mynychu er budd yr ysgol a'u budd nhw o ran peidio â bod mewn perygl o wneud penderfyniadau annoeth. Gallai cyflwyno deddfwriaeth fod o help. Ar y llaw arall, gallai eto leihau'r apêl o fod yn llywodraethwr. Mae eisiau inni fod yn ofalus iawn o ran costio hynny pe bai hyfforddiant yn orfodol. Ar gyfartaledd, mae chwarter aelodaeth cyrff llywodraethol yn newid bob blwyddyn ac mae llawer o lywodraethwyr ar draws Cymru, felly byddai cost sylweddol i ddarparu'r hyfforddiant hwnnw. Pe bai'n rhaid ichi fynd mor bell â thalu cyflogau pobl

the training—and if it followed the current pattern then that training would have to be in the evenings or on Saturdays—but for people who volunteer to do the work and might have to be paid to be released from their work, there are great implications to compulsory training for governors. We need some consistency, certainly, but we do not want to see a reduction in the number of people who put themselves forward to be governors either.

Mr George: We agree entirely that the responsibilities and agendas facing governing bodies are complex and becoming more so. So, the need for training and for reliable and sound sources of advice is important. However, they are volunteers. So, when we use terms such as 'providing a professional service', a tension arises. As Eurig said, one of the most awkward meetings every year is the one to appoint the chair of the governing body, because everyone looks around the table and then they lower their eyes. I would go as far as to say that the responsibilities of the chair and deputy chair of governing bodies in these days are frightening. When you also consider the current financial climate that we face, the responsibilities of the chair and the deputy chair, with responsibility for two sub-committees, are substantial. We have to tread carefully, therefore. The wording is broad enough—and there is no doubt about that—but as we turn this into implementation, we will have to take great care.

On training, regardless of the appeal or power of headteachers, it is difficult to get governors to attend the meetings that they should attend for the sake of the school and their own sakes so that they are not in danger of making unwise decisions. The introduction of legislation could help. On the other hand, it could also diminish the appeal of being a governor. We need to be very careful about costing that if training were to become compulsory. On average, a quarter of the members of governing bodies change during each year and there are a lot of governors across Wales, and so there would be a significant cost implication to the provision of that training. If you had to go as far as to

er mwyn iddynt gael eu rhyddhau i wneud hyfforddiant proffesiynol, bydd y bil yn chwyddo'n gyflym iawn. Mae hwnnw'n bwynt arall ichi ei ystyried. Byddai'n braf i'w weld, ond credwn ei fod yn dipyn o her yn ymarferol.

[128] **Bethan Jenkins:** A ydych yn credu bod angen deddfwriaeth i sicrhau hynny neu a allech berswadio mwy o bobl i fynd?

[129] **Mr George:** Yr oeddwn yn meddwl am hynny wrth wrando ar y ddwy set arall o dystion y bore yma. Efallai y dychwelwn at hwn yn ein sylwadau i gloi. Mae angen gwneud llawer o waith os yw'n cyrff llywodraethol a'u cymdeithas yng Nghymru i ddeall beth sydd ar y gweill. Mae angen iddynt ddeall pam mae angen gwneud hyn, nid cael eu gorfodi'n ddall i'w wneud. Mae angen eu tywys drwy esbonio mor bwysig yw eu rôl ac felly mor bwysig ydyw eu bod yn hawlio'r hyfforddiant. Ni ddylid sôn am eu gorfodi i fynychu'r hyfforddiant am fod seicoleg wahanol yn perthyn i hynny. Rhaid trin a thrafod hwnnw mewn ffordd hynod sensitif, addysgol dros gyfnod sylweddol o amser. Ni fydd yn datblygu dros nos oherwydd nid ydynt yn gyfarwydd â'i wneud.

[130] Yr wyf yn anghytuno â rhai o'r sylwadau yr wyf wedi'u darllen a'u clywed heddiw am natur rôl cyrff llywodraethol. Fy mhrofiad i, o'u parchu nhw a rhoi gwybodaeth iddynt, yw nid oes stamp rwber gan corff llywodraethol. Maent yn gyrff deallus. Maent yn cymryd penderfyniadau yn annibynnol ar y tîm rheoli hyd yn oed, pan fyddant yn teimlo mai dyna sydd orau o ran buddiannau'r ysgol. Rhaid bod yn ofalus iawn i ddeall natur y bwystfil. Mae'n amrywiol iawn, ac mae rhai yn dweud amen i bopeth, heb gwestiynu dim. Mae Estyn a phobl eraill yn dweud bod anwadalwch mawr yn y system a bod eisiau gwella hynny.

[131] **Mr Davies:** Yn sicr, nid stamp rwber ar yr uwch-dîm rheoli mewn ysgol yw corff llywodraethol yn fy marn i ac yn fy mhrofiad i. Un pwynt arall i gloi ar y maes hwn yw bod awdurdodau lleol bellach wedi adeiladu timau da iawn i gynnig cefnogaeth i lywodraethwyr, disgyblion a rhieni. Efallai mai'r llwybr hwnnw, o ran hybu awdurdodau lleol i ddatblygu cefnogaeth o fewn yr

pay people's wages so that they could be released to undertake professional training, the bill would get bigger very quickly. That is another issue for you to consider. It would be good to see it, but we think that it would be quite a challenge in practice.

Bethan Jenkins: Do you believe that legislation is required to secure that or could you persuade more people to go?

Mr George: I was thinking about that as I listened to the two other sets of witnesses this morning. Perhaps we will return to this in our closing remarks. A great deal of work needs to be undertaken if our governing bodies and their association in Wales are to understand what is being proposed. They need to understand the need for this, and not be blindly compelled to do it. They need to be led by explaining the importance of their role and therefore how important it is that they take advantage of the training. There should be no mention of compelling them to attend training because that has a different psychological impact. That must be discussed in an exceptionally sensitive, educational way over a significant period. It will not develop overnight because they are not used to it.

I disagree with some of the comments that I have read and heard today about the nature of the role of governing bodies. In my experience, of respecting them and sharing information with them, governing bodies do not have a rubber stamp. They are intelligent bodies. They make decisions independently of even the management team, when they feel that that is what would be best for the school. We must be very careful to understand the nature of the beast. It is highly variable, and some say amen to everything, without questioning anything. Estyn and other people say that there is a great deal of variation in the system and that that needs to improve.

Mr Davies: A governing body is certainly not a rubber stamp for a school's senior management team, in my opinion and in my experience. I have one point to add in conclusion on this issue, namely that local authorities have now built very good teams to provide support for governors, pupils and parents. Perhaps that route is the way forward, encouraging local authorities to

awdurdod, yw'r ffordd ymlaen.

develop the support within an authority.

[132] **Jonathan Morgan:** In your written evidence, you say that there is a combination of tension and a lack of clarity relating to the role and status of governing bodies. I am just wondering what you mean by 'tension'. Is that tension within governing bodies or between governing bodies? Where is there a lack of clarity on the role? You said earlier that there was support for governors from local authorities. If that support is there, surely there should not be much in the way of a lack of clarity.

[133] **Mr George:** Fel yr ydych wedi clywed, mae'r gefnogaeth yn anghyson iawn ar un llaw. Yn ail, fel yr ydym eisoes wedi'i ddweud y bore yma, mae parodrwydd llywodraethwyr i fynychu'r hyfforddiant pan fydd ar gael hefyd yn amrywiol tu hwnt. Gallwn ddweud y brawddegau hynny, Jonathan, a byddem yn dweud yr un math o beth â chi ond, mewn realiti, mae'n llawer mwy anghyson na hynny.

Mr George: As you have heard, the support is very inconsistent on the one hand. Secondly, as we have already said this morning, the willingness of governors to attend training when it is made available also varies a great deal. We can say such sentences, Jonathan, and we would be saying the same sort of thing as you but, in reality, it is far more inconsistent than that.

[134] Mae hynny'n ddealladwy oherwydd yr ydym ar ganol cyfnod o'r newidiadau mwyaf yr wyf yn eu cofio, ac yr wyf wedi bod yn y proffesiwn am 40 mlynedd, bron. Dyma'r cyfnod â'r mwyaf o newidiadau ac maent yn rhai mawr. Fel y dywedodd rhywun y bore yma, bydd y newidiadau yn trawsnewid y ffordd yr ydym yn darparu addysg yng Nghymru. Mae'r darlun presennol o ran cydweithio yn datblygu ac yn ffurfio wrth inni siarad y bore yma. Gall fod modelau gwahanol o gydweithredu gwirfoddol sy'n gweithio'n llwyddiannus ar hyn o bryd. Yn aml, mae'r cydweithredu sy'n bodoli eisoes yn ymwneud â ffynonellau newydd o arian at ddibenion penodol—er enghraifft, yr agenda 14-19—ond nid yw'n delio â chyllidebau creiddiol, sefydlog ysgolion a cholegau ac yn y blaen.

That is understandable because we are in a period of the greatest changes that I can recall, and I have been in the profession for almost 40 years. In this period, we have seen the greatest number of changes, and those changes are huge. As someone said this morning, these changes will transform the way in which we deliver education in Wales. The current picture of co-operation and so on is developing and evolving even as we speak this morning. There could be different models of voluntary co-operation that are working successfully at present. Often, that co-operation that already exists deals with new sources of funding, specifically allocated for certain purposes—such as the 14-19 agenda—but it does not deal with the core, fixed budgets of schools or colleges and so on.

[135] Mae gennym bryder o ran ysgolion, sef pan ddaw cyfnodau o ariannu penodol i ben a phan ddeuwn i drafod y gyllideb graidd, bydd y gair hwnnw 'tensiwn' yn amlygu ei hun. Nid ydym yn sôn am yr arian ychwanegol sy'n cael ei wthio i mewn gan Lywodraeth y Cynulliad, sy'n sylweddol iawn ond sy'n dod i ben ymhen dwy flynedd. Bryd hynny y bydd tensiwn yn codi, a byddwn yn gweld buddiannau pobl. A fyddant yn brwydro dros yr ardal a'r hyn sydd orau i'r rhwydwaith lleol, neu a fyddant yn dweud mai'r ysgol a'i buddiannau sy'n dod gyntaf? Mae hynny'n arbennig o wir yn yr hinsawdd gyllidol yr ydym i gyd yn ei

With regard to schools, we have a concern, which is that when specific funding periods come to an end and when we come to discuss the core budget, that word 'tension' will rear its head. We are not talking about the extra money that the Assembly Government is pushing in, which is quite substantial but will cease in two years' time. It is at that time that we will see tensions arise, and we will see where people's allegiances lie. Will they fight for the area and what is best for the local network, or will they say that the school and its interests come first? That is especially true in the financial climate that we all face currently. The pressure on individual

hwynebu. Bydd y gwasgedd ar gyrff llywodraethol unigol yn fwy na'r hyn sy'n deilwng o ystyried y rôl y maent yn ei chwarae yn y cwricwlwm lleol. Bydd cwricwlwm plant yr ysgol yn fwy pwysig iddynt.

[136] **Mr Davies:** O safbwynt yr hyn y mae CYDAG fel cymdeithas yn sefyll drosto, mae'r hyn y mae Arwel newydd ei ddweud yn cael ei adlewyrchu ym maes y cwricwlwm hefyd. Er enghraifft, cyn y partneriaethau yn y ddogfen 'Trawsnewid y Ddarpariaeth Addysg a Hyfforddiant yng Nghymru', byddai cwrs galwedigaethol y byddai ysgol benodol yn ei gynnig yn cael ei gynnal drwy gyfrwng y Gymraeg. Mae gennyf brofiad uniongyrchol o greu cwrs tebyg mewn partneriaeth â choleg yn fy ardal i. Nid yw'r cwrs bellach yn Gymraeg, er bod ein plant mewn ysgol ddwyieithog benodedig. Oherwydd y partneru gyda choleg addysg lleol, mae'r cwrs hwnnw bellach yn Saesneg gan nad oes gan y coleg y staff i'w gynnig yn Gymraeg. Felly, mae'r un tensiwn yn datblygu yn y maes cwricwlaidd drwy'r ddogfen ag a geir yn y maes ariannol. Felly, yn amlwg bydd corff llywodraethol yn amddiffynnol o arian ac o natur ac ethos y cwricwlwm y mae eisiau ei gyflwyno ar gyfer ei ddisgblion.

[137] **Mr George:** I ochel rhag polareiddio'r drafodaeth, fel petai, soniais fod mwy na chwarter o ysgolion uwchradd yn perthyn i CYDAG. Mae tua hanner o'r rheiny yn ysgolion penodedig Cymraeg, ond mae'r hanner arall yn ysgolion sy'n draddodiadol ddwyieithog. Mae hyd yn oed perygl o gyfaddawdu ar bolisiâu dwyieithog pan ddeuwch â phobl at ei gilydd am resymau eraill megis adnoddau dynol prin, ynghyd â phrinder adnoddau eraill. Nid yn unig yr ysgolion penodedig Cymraeg sydd yn y pair, ond yr holl sbectrum o ysgolion dwyieithog.

[138] Mae dau achos o dyndra: cyllid a'r toriadau sy'n dilyn; a'r polisiâu egwyddorol sylfaenol sy'n ymwneud â'r iaith, sy'n rhan o bethau fel strategaeth yr iaith ac addysg cyfrwng Cymraeg a ddaw allan yn y flwyddyn newydd. Yr oeddwn yn darllen y strategaeth ddrafft sydd ar y gweill gan Fforwm—neu ColegauCymru, sef ei enw

governing bodies will be greater than that warranted by the role that they play in the local curriculum. The curriculum for the pupils at the school will be more important to them.

Mr Davies: As regards what CYDAG stands for as an association, what Arwel has just said is also reflected in the field of the curriculum. For example, before the partnerships in the 'Transforming Education and Training Provision in Wales' document, a vocational course that a particular school would offer would be delivered through the medium of Welsh. I have direct experience of creating such a course in partnership with a college in my area. That course is no longer available in Welsh, even though our pupils are in a designated bilingual school. As a result of creating that partnership with the local college, the course is now delivered in English as the college does not have the staff to offer the course in Welsh. Therefore, the same tension is developing in the curriculum field because of the document as is the case with regard to funding. Therefore, a governing body will clearly be protective of the money and of the nature and ethos of the curriculum that it wants to deliver to its students.

Mr George: To prevent polarising the discussion, as it were, I mentioned that more than a quarter of secondary schools are members of CYDAG. Around half of those are designated Welsh-medium schools, but the other half comprises schools that are traditionally bilingual. There is even a risk of compromising bilingual policies when you bring people together for other reasons, such as scarce human resources as well as a scarcity of other resources. This does not relate merely to schools that are designated as Welsh medium, but to the whole spectrum of bilingual schools.

There are two sources of tension: funding and the cuts that will ensue; and the fundamental principles of policy on language, which fit into things such as the Welsh language strategy and Welsh-medium education strategy to be published in the new year. I was reading the draft strategy in the pipeline by Fforwm—or CollegesWales, to use its

newydd. Mae'r agenda yn cael ei chymryd o ddifrif, ond mae'n heriol iawn.

new name. That agenda is being taken seriously, but it is very challenging.

[139] **Joyce Watson:** In your evidence, you say that you think that

'The need for more collaboration between schools, and between schools and further education colleges, underlines the need to review these roles as well as the interrelationship between that and the role of Local Education Authorities'.

[140] Could you explain what you mean by that?

[141] **Mr George:** Mae ynghlwm wrth yr hyn y bu inni gyfeirio ato yn awr. Mae ysgolion sydd ag ethos cyfrwng Cymraeg yn addysgu pynciau drwy gyfrwng y Gymraeg, ond, o fynd i mewn i bartneriaeth, nid yw'r cyrsiau hynny'n cael eu diogelu yn y Gymraeg. Mae ysgolion Cymraeg eisiau bod yn rhan o'r agenda drawsnewid, ond rhaid inni hefyd fod yn driw i'r rhieni hynny sydd wedi dewis addysg Gymraeg ar gyfer eu plant. Ar hyn o bryd, yng nghwm Tawe yr ydym yn edrych am bartneriaethau. Mae ysgol uwchradd yn Ystradgynlais, yn ne Powys, filltir o'r ysgol. Yr ydym yn ysgol benodedig Gymraeg, ac mae'r ysgol honno yn un draddodiadol. Gallwn rannu rhai pethau, ond oherwydd ein ethos Gymraeg benodol, ni allwn fynd i mewn i bartneriaeth lawn. Ychydig iawn o bartneriaethau ymarferol all fod gyda'r coleg addysg lleol i gynorthwyo addysg ein plant, achos mae'r rhieni wedi dewis addysg Gymraeg ar gyfer ein disgyblion. Yr ydym wedi gweld ffigurau yn ddiweddar sy'n dangos cyn lleied o ddarpariaeth cyfrwng Cymraeg sydd mewn colegau addysg bellach. Felly, nid ymdrech i beidio â phartneru yw hyn, ond mae'n anoddach creu partneriaethau penodol yn y sector Cymraeg.

Mr George: That is linked to what we have just referred to. Schools that have a Welsh-medium ethos teach subjects through the medium of Welsh, but, upon entering into a partnership, those Welsh-medium courses are not protected. Welsh-medium schools want to be a part of the transformation agenda, but we also have to be true to those parents who have chosen a Welsh-medium education for their children. At the moment, in the Swansea valley, we are looking for partnerships. There is a secondary school in Ystradgynlais, in southern Powys, which is a mile from our school. We are a designated Welsh-medium school and it is a traditional school. We can share some things, but because of our specific Welsh ethos, we cannot enter into a full partnership with it. Very few partnerships can exist in practice with the local education college to assist our pupils, because the parents have chosen a Welsh-medium education for our pupils. We have recently seen figures showing the lack of Welsh-medium provision in further education colleges. So, this is not an attempt by us not to create partnerships; it is just more difficult to create specific partnerships in the Welsh-medium sector.

10.50 a.m.

[142] O gysylltu hynny â'r cwestiwn blaenorol am gyrff llywodraethu, mae llawer o'r partneriaethau hyn yn croesi ffiniau sirol. Felly, mae dau awdurdod addysg ynghlwm wrth y bartneriaeth yn ogystal â chyrrff llywodraethu mewn ysgolion sydd, o bosibl, yn croesi ffiniau dau awdurdod.

Linking that to the previous question about governing bodies, many of these partnerships cross county boundaries. Therefore, there are two education authorities involved in the partnership as well as the governing bodies of those schools that may cross authority boundaries.

[143] **Mr George:** I fynd yn ôl, Joyce, mae'r busnes o orfodi, fel mae pobl eraill wedi dweud, yn cynnwys peryglon o ran statws sefydliadau unigol, rôl penaethiaid, ac

Mr George: To go back, Joyce, the issue of compulsion, as others have said, has dangers in relation to the status of individual institutions, the role of headteachers, and the

atebolrwydd corff llywodraethu gyda rhieni. Mae Eurig newydd gyffwrdd â hyn. Os yw rhieni yn teimlo'n gryf am ethos ysgol benodol—boed honno'n ysgol eglwysig, ysgol Gymraeg neu ysgol Saesneg, gan fod y peth yr un mor wir yr ochr arall i'r geiniog—bydd penderfyniadau a wneir i ffwrdd o'r ysgol mewn cyfundrefn o orfod cydweithredu yn mynd yn groes i egwyddorion yr ysgol, fel y'u gwelir gan y rhieni a'r myfyrwyr, ac yn creu tyndra gyda'r corff llywodraethu yn gorfod bodloni Duw a Mammon, fel petai. Os yw'r ardal yn mynd i un cyfeiriad, gall y rhieni a'r myfyrwyr wasgu mewn cyfeiriad arall. Gall hynny greu tomen o waith a thensiynau real a all dynnu sylw pawb oddi ar y bêl o godi safonau a mynd i'r afael â'r hyn sydd wir yn greiddiol. Yr ydym i gyd yn euog o edrych ar strwythurau yn hytrach na'r hyn y mae myfyrwyr yn ei brofi a'u llwyddiannau nhw. Felly, mae peryglon.

responsibilities of governing bodies to parents. Eurig has just touched on this. If parents feel strongly about the ethos of a specific school—be it a church school, a Welsh-medium school or an English-medium school, as the same is equally true of the other side of the coin—decisions taken away from the school in a system of compulsory collaboration will go against the school's principles, as viewed by parents and pupils, and will create tensions for the governing body in having to serve both God and Mammon, as it were. If the area goes in one direction, the parents and pupils can push for another direction. That can create a pile of work and real tensions that can lead to everyone taking their eye off the ball of raising standards and dealing with what is genuinely important. We are all guilty of focusing on structures rather than on student experiences and successes. So, there are dangers.

[144] Pan ddaw Mesur arfaethedig gerbron, bydd angen pwyso a mesur ac ymgynghori yn ofalus i berswadio, i annog ac i resymu. Fodd bynnag, bydd angen cadw llygad ar y peryglon a all fynd â bwriadau cwbl anrhydeddus i gyfeiriad hollol wahanol. Dyna'r tensiwn—nid yn unig rhwng llywodraethwyr, awdurdod a cholegau, ond o fewn y partneriaethau eu hunain, a allai fod yn wrthgynhyrchiol.

When a proposed Measure is introduced, we will need to consider and consult carefully, to persuade, to encourage and to reason. However, we will need to keep an eye on the dangers that could take genuinely honourable intentions in totally the wrong direction. That is the tension—not only between governors, authorities and colleges, but within the partnerships themselves, which could be counterproductive.

[145] **Lorraine Barrett:** Do you consider that there is a need for legislation to ensure collaboration?

[146] **Mr George:** You need something.

[147] **Lorraine Barrett:** I could have guessed your answer to that. [*Laughter.*]

[148] **Mr George:** O ystyried y cwestiwn hwn, yr oeddwn yn credu na fydddech yn dechrau o'r fan hon pe bai gennych ddewis. Yr ydym yn gweithio mewn system sydd, yn greiddiol, yn hongian ar y dulliau ariannu. Dyna'r ocsigen sy'n cadw pob sefydliad yn fyw: arian. Mae'r system ariannu yn mynd yn ôl cryn bellter i system rheolaeth leol ysgolion. Os wyf wedi darllen y trawsgrifiadau hyn yn gywir, ynghyd â sylwadau'r Gweinidog, nid oes bwriad i fynd yn ôl i ddadwneud y system honno ar gyfer dosrannu'r arian. Sefydlwyd y system honno nid ar ethos o gydweithredu ond i greu

Mr George: In considering that question, I was thinking that you would start from this point if you had a choice in the matter. We work in a system that, in essence, hangs on the methods of funding. That is the oxygen that keeps all institutions alive: money. The funding system goes back quite a distance to the system of the local management of schools. If I have read the transcripts correctly, along with the Minister's comments, there is no intention to go back to undo that system for distributing the money. The system was based not on an ethos of collaboration but on creating competition.

cystadleuaeth. Mae gan bob myfyriwr swm o arian ar ei dalcen, ac yr ydych am gael pob un i mewn. Mae hynny'n creu tyndra, gan eich bod, wrth gydweithio yn y system sy'n bodoli ar hyn o bryd, yn talu'r arian o'ch cyllideb chi. Fel y dywedodd eraill y bore yma, mae hwnnw'n effeithio nid yn unig ar y plant sy'n rhan o'r cydweithio ôl-14 ac ôl-16 ond hefyd ar blant dan 14 a dan 16 oed. Felly, mae gennym system sydd wedi'i seilio ar gystadlu am adnoddau prin a fydd yn mynd yn brinnach, gan symud i ethos o gydweithredu yn rhwydd ac yn braf. Mae tensiwn anhygoel yn y fan honno.

[149] Felly, yr ateb i'r cwestiwn o bosibl yw y dylid ailystyried yn ehangach na grymoedd gweithredu. Dylid edrych ar y modd yr ydym yn rhoi arfau i lywodraethwyr a sefydliadau eraill i ddarparu'r system, gan fod gwrthdaro rhwng sut mae'r arian yn llifo a sut yr ydym eisiau i bobl gydweithio. Yr ydym wedi gofyn ers blynyddoedd a oes unrhyw ffordd o newid hynny, ond nid oes neb eisiau ei newid. Mae hwnnw'n fwystfil mawr arall ac yn her arall ar ganol newid mawr arall. Os oes gennych ddau sefydliad a'ch bod am sefydlu rhywbeth ar y cyd, ond eich bod am warchod eich cwricwlwm a'ch lefelau staffio oherwydd toriadau, byddwch yn gyndyn o gadw at y bartneriaeth. Mae tyndra mawr yno.

[150] **Mr Davies:** Ar y pwynt hwnnw, mae'n amser anodd i ni fel ysgolion sydd, wrth gwrs, i fod i sicrhau bod digon o bynciau yn cael eu cynnig i'n myfyrwyr mewn cyfnod o doriadau cyllidol. Felly, mae dau beth yn y fan honno sy'n mynd benben â'i gilydd.

[151] **Mr George:** Pwynt arall ar hynny yw nad yw cyllid a chydweithredu yn mynd law yn llaw yn gyfforddus iawn. Mae cydweithio, yn fy marn i, yn fwy costus na gweithio ar eich liwt eich hun. Mae costau mawr ynghlwm â hynny.

[152] **Michael German:** Is there anything else that you want to add to your evidence? It is not compulsory, but is there anything else that you wish to say?

[153] **Mr George:** I would like to make one comment, if I may.

[154] Mae'r drafftio yn eang iawn, fel yr ydych wedi clywed gan lawer o dystion. Fel

Every student has a sum of money stamped on their forehead, and you want to get them all in. That creates tension, because, as you collaborate in the current system as it stands, you pay the money out of your budget. As others have said this morning, that affects not only those children who are a part of the post-14 and post-16 collaboration, but also children under 14 and under 16 years of age. Therefore, we have a system based on competing for scarce resources that will become even scarcer, moving to an ethos of happy, easy collaboration. There is incredible tension there.

So, the answer to the question is possibly that this should be revisited on a broader basis than operating powers. We should look at how we provide governors and institutions with the tools to operate the system, as there is a conflict between how the money flows and how we want people to collaborate. We have been asking for years whether that could be changed, but no-one wants to change it. That is another huge bugbear and is another challenge amid another big change. If you have two institutions and you want to set something up jointly, but that you want to safeguard your curriculum and your staffing levels from cuts, you will be reluctant to keep to the partnership. There is a great tension there.

Mr Davies: On that point, it is a difficult time for us as schools that need to ensure, of course, that an adequate number of subjects are offered to our students in a period of budgetary cuts. Therefore, there are two things there that are in conflict with each other.

Mr George: Another point on that is that funding and collaboration do not comfortably sit together. Collaboration, in my opinion, is more costly than working individually. There are huge costs involved.

The drafting is very broad, as you have heard from a number of witnesses. As I said at the

y dywedais ar y cychwyn, yr ydym yn cytuno'n fawr â'r egwyddor o gael y pwerau hyn i Gymru fel ein bod yn gallu symud yr holl agenda yn ei blaen. Fodd bynnag, o ddarllen y trawsgrifiadau—yr ydym wedi cyffwrdd â hyn yn barod—os yw'r pwyllgor hwn a'r tystion sydd wedi ymddangos ac a fydd yn ymddangos ger eich bron, gan gynnwys y Gweinidog ac uwch-swyddogion, yn cael anhawster deall y geiriad, nid yw'n argoeli'n dda o ran cyfleu ei fwriad a'i sgîl-ffaith i bobl y tu allan i'r cylch hwn, ac yn arbennig i lywodraethwyr. Mae gwir her yn ein hwynebu wrth geisio troi hwn yn rhywbeth dealladwy ar lawr gwlad.

beginning, we strongly agree with the principle of getting these powers for Wales so that we can move the whole agenda forward. However, having read the transcripts—we have already touched on this—if this committee and the witnesses that have appeared before you and who will appear before you, including the Minister and senior officials, have difficulties in understanding the wording, it does not bode well for explaining its intention and its effects to people on the outside, especially governors. We face a real challenge in trying to turn this into something that people understand on the ground.

[155] Diolch am y cyfle.

Thank you for the opportunity.

[156] **Michael German:** I might say 'amen' to that. One of the big challenges facing the National Assembly is to make our legislation understandable not just to the professionals but, as far as possible, to the public. It is one of the issues that we are struggling with at the moment, and we certainly need to improve upon it. Thank you for your evidence this morning.

[157] That brings the witnesses' evidence to an end. A draft transcript will be provided; please advise the clerk if anything needs to be corrected. The next meeting will take place on 10 December, when we will take evidence from the Minister for Children, Education, Lifelong Learning and Skills. As we have already said, the timetable set by the Business Committee meant that we must conclude our report within a particular timescale. If, for any reason, the meeting next week becomes difficult, the only solution that we have would be to ask the Business Committee for an extension. However, unless we hear otherwise, we will meet with the Minister next week.

*Daeth y cyfarfod i ben am 10.58 a.m.
The meeting ended at 10.58 a.m.*