



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

**Pwyllgor y Mesur Arfaethedig ynghylch Dysgu a
Sgiliau (Cymru)
The Proposed Learning and Skills (Wales) Measure
Committee**

**Cyfnod 1
Stage 1**

**Dydd Iau, 25 Medi 2008
Thursday, 25 September 2008**

Cynnwys
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Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynddi yn y pwyllgor. Yn ogystal, cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg. Mae hon yn fersiwn ddrafft o'r cofnod. Cyhoeddir fersiwn derfynol ymhen pum diwrnod gwaith.

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. This is a draft version of the record. The final version will be published within five working days.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Christine Chapman	Llafur Labour
Jeff Cuthbert	Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair)
Andrew R.T. Davies	Ceidwadwyr Cymreig Welsh Conservatives
Janet Ryder	Plaid Cymru The Party of Wales
Kirsty Williams	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats

Eraill yn bresennol
Others in attendance

John Davies	Cyfarwyddwr Cynorthwyol (Datblygu), CBAC Assistant Director (Development), WJEC
Ben Gray	Llywydd, Undeb Cenedlaethol Myfyrwyr Cymru President, National Union of Students Wales
Carl Harris	Dirprwy Lywydd, Undeb Cenedlaethol Myfyrwyr Cymru Deputy President, National Union of Students Wales
Gareth Pierce	Prif Weithredwr, CBAC Chief Executive, WJEC
Yr Arglwydd/Lord Rowlands	Llywydd Ffederasiwn Hyfforddiant Cenedlaethol Cymru President National Training Federation Wales
Alun Tait	Trysorydd Llywodraethwyr Cymru Treasurer Governors Wales
Arwyn Watkins	Cadeirydd Ffederasiwn Hyfforddiant Cenedlaethol Cymru Chair National Training Federation Wales
Ray Wells	Swyddog Datblygu (Gogledd) Llywodraethwyr Cymru Development Officer (North) Governors Wales

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

Claire Griffiths	Dirprwy Glerc Deputy Clerk
Gwyn Griffiths	Cynghorydd Cyfreithiol Legal Adviser
Anne Thomas	Gwasanaeth Ymchwil yr Aelodau Members' Research Service
Siân Wilkins	Clerc Clerk

Dechreuodd y cyfarfod am 12.30 p.m.
The meeting began at 12.30 p.m.

Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions

[1] **Jeff Cuthbert:** I welcome you all to this first meeting of the Measure committee. My

name is Jeff Cuthbert, the Assembly Member for Caerphilly, and I am pleased to be chairing these meetings. Before we begin with the first substantive item of business, I remind members of the public in the gallery—I am pleased to see a number there—that this committee operates bilingually, and that headsets are available for translation or as an induction loop to amplify proceedings. Channel 0 provides the verbatim broadcast and channel 1 the translation.

[2] If there is a fire alarm, the ushers will escort you from the room. As far as I am aware, there are no drills planned, so if the alarm sounds, it will be the real thing. I ask Members to turn off mobile phones, pagers and other electronic devices as they interfere with the broadcast and translation system. Finally, I remind everyone around the table that there is no need to touch the microphones—they will come on automatically, and touching them would disable the system.

[3] We have not received any apologies from Members, so we will proceed.

12.31 p.m.

**Mesur Arfaethedig Dysgu a Sgiliau (Cymru) 2008—Cyfnod 1, Sesiwn
Dystiolaeth 1
Proposed Learning and Skills (Wales) Measure 2008—Stage 1, Evidence Session
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[4] **Jeff Cuthbert:** This is the first oral evidence session for the Proposed Learning and Skills (Wales) Measure Committee. The evidence will form part of our consideration of the general principles, or Stage 1 of the legislative process. The committee consulted on the proposed Measure over the summer, and has also referred to the Welsh Assembly Government consultation response on the draft Measure, so we have more than one paper from some witnesses.

[5] I welcome the representatives of Governors Wales, Alun Tait and Ray Wells. Welcome to our meeting. You have been told that there is no need for you to make an opening presentation, and if you do not mind, we will move quickly to questions. However, I will give you the opportunity to briefly mention anything that you feel is necessary by way of clarification—or are you ready to go into questioning?

[6] **Mr Tait:** Could I make a brief introductory statement by way of explanation? You may wonder why the treasurer of Governors Wales is sitting in front of you. There is no particular significance in that; I am one of the four officers, and one of my roles is to co-ordinate submissions on consultations like this. Secondly, Ray Wells is one of the small number of paid staff that we have. His role is to promote governing body and governor association development in north Wales, but of more particular interest to you, he is a governor of both a college and a high school, and he is a former chair of a 14-19 employers' network; so, he has a particular background that I hope will be useful.

[7] **Jeff Cuthbert:** Thank you for that brief opening statement. We now move into questions. I have the first question, and it concerns the need for legislation. It seems to us to be clear from your written response that you support the need for legislation in relation to the proposed changes to the 14-19 provision. The key purpose of the Measure is to create a right for learners aged 14-19 in Wales to elect to follow a course of study from a local area curriculum. Do you consider that the proposed Measure achieves this key objective, and if not, how could we achieve that objective?

[8] **Mr Tait:** Put simply, it does. Do you want to add to that, Ray?

[9] **Mr Wells:** It is clear from the way that the paper has been presented that we fully support this.

[10] **Jeff Cuthbert:** That is an extremely clear and brief response. Does anyone want to add to that? I see that you do not. We will move on to the second question, which I will ask, and then to Kirsty's question.

[11] The Assembly Government proposes implementing the changes to the 14-19 provision for year 10 pupils from September of next year, with full roll-out across Wales within four years. Do you consider this to be achievable?

[12] **Mr Tait:** It seems a logical approach on the basis that we are taking one year group at a time—and we are talking about four year groups. There are obvious issues of finance. I do not know whether Ray wants to come in on that.

[13] **Mr Wells:** Most of the governors to whom I have spoken are concerned about the funding issues, which we will perhaps talk about a little later on. It seems rational to start with year 10. They have just taken their options and are starting to work towards their qualifications. Phasing it in over four or five years is a logical approach.

[14] **Janet Ryder:** Do you foresee any impact on staffing arrangements in schools if you are starting a new curriculum with roll-out in year 10?

[15] **Mr Wells:** It falls back on collaboration and partnership between schools and colleges. We are already starting to see a will to collaborate and work in partnership. I am currently based in Flintshire—although the work done there is replicated across north Wales—where around 500 pupils from high schools across Flintshire are attending Deeside College on a weekly basis. Two years ago, there would have been nothing like that number. I do not think that it has had that much of an impact on staffing arrangements.

[16] **Andrew R.T. Davies:** I would like to clarify the point about the will to collaborate. Based on your experience in Flintshire, how would this work in the rest of Wales? I can give examples in my own region where that co-operation does not exist, and there is competition rather than co-operation.

[17] **Mr Wells:** I have been very fortunate, really, in that I have got to know the colleges across north Wales very well, particularly Coleg Menai, Coleg Llandrillo and Yale College. There is a will to work in partnership. You are right to say that there is still an element of competition, which is more to do with the way that things are funded than anything else, but there is definitely an understanding within colleges and a growing awareness in governing bodies in schools that this is the way to go.

[18] **Jeff Cuthbert:** Thank you. The next three questions will be asked by Kirsty Williams.

[19] **Kirsty Williams:** Good afternoon. You have mentioned the need for greater co-operation and adequate finance. What other main developments do you think will need to take place for the Welsh Assembly Government to meet the implementation timetable that it has set itself?

[20] **Mr Wells:** There is a need for awareness among governing bodies, in particular, about the requirement and the imperative to form partnerships and collaborate. Provision is an issue across north Wales. There are differences between an urban area like Flintshire, which is very well off and which has many big businesses on the doorstep that are happy to do what they can to support schools, and Gwynedd, for example, which is not as well off, and where

there are some issues in terms of what is available. These need to be addressed.

[21] **Janet Ryder:** Are you satisfied that there is currently sufficient Welsh-medium provision to allow everyone to have access to Welsh-medium provision, or is that one of the issues that needs to be addressed?

[22] **Mr Wells:** It is an issue that needs to be addressed. It is growing, but Welsh-medium provision is not as prevalent in north-east Wales as it may be in north-west Wales. It is certainly an area that needs to be addressed.

12.40 p.m.

[23] **Mr Tait:** That is the case in my area in south-east Wales; there is a similar situation there.

[24] **Janet Ryder:** Does that mean training up staff?

[25] **Mr Tait:** Yes.

[26] **Mr Wells:** Yes.

[27] **Kirsty Williams:** I wish to move on to the planning of the local area curricula. The responsibility for planning the local curricula rests with the LEAs for 14 to 16-year-olds, and with the Welsh Ministers for 16 to 19-year-olds, with a requirement for the governing bodies, headteachers and principals to assist in that process. However, in your evidence to the Assembly Government on the draft of this Measure, you state that it might be more appropriate for Welsh Ministers to delegate planning for the older students back to the LEAs. Can you comment further on your concerns, if planning for 16 to 19-year-olds were to remain with Welsh Ministers?

[28] **Mr Tait:** It makes sense, on the face of it, at any rate, for the planning for both age groups to be done by the same body, rather than for the 16 to 19 age group to be done centrally, as it were. It is as simple as that really. That was the basis of our evidence—to simply put the two together.

[29] **Kirsty Williams:** What do you fear might happen if that divide were to continue? If the Government did not change its mind, what do you fear might be the consequence of having two planning authorities, basically?

[30] **Jeff Cuthbert:** I have a question in addition to that. Up to school-leaving age, it is logical for the LEAs to be the principal movers in this regard. However, after that might not the FE sector, for example, feel excluded from the planning process if the older students are then under the remit of the LEA as the principal driving force?

[31] **Mr Tait:** I do not believe that it is a matter of excluding—it is a matter of having a single body at local level that has the final responsibility. The legislation as drafted allows for that responsibility to be delegated. Obviously, it would need to be done in a co-operative way—it is not a matter of going back to the old days when FE was under the direct control of the LEAs; it is not that at all, and hopefully colleges would not fear that.

[32] **Mr Wells:** I think that the fear perhaps with having the 16 to 19 age group under Assembly control would be that it would be a one-size-fits-all approach, which may hurt us.

[33] **Kirsty Williams:** Thank you—that is clear. We have received some evidence to suggest that the Measure does not provide for sufficient input from the business sector and

those providing work-based learning in determining the local curricula. You have said that, in your part of Wales, many businesses want to get involved. However, other evidence suggests that the effect of the legislation will be to put too much emphasis and focus on vocational study, and that that will shift the focus of learning for 14 to 16-year-olds away from school, and onto FE institutions. What is your view on that?

[34] **Mr Wells:** There must be a balance. I do not fear—and the governors that I have spoken to do not fear—that the balance will shift towards vocational study. That needs to be provided in order to stop 14 to 15-year-olds becoming disengaged with the system that they are offered. In terms of employers, my experience is that employers want to be involved, but they just do not know how. There is an education process that has to go on there in terms of communication and dialogue with employers and schools, to say, ‘This is what we are looking for—what are you looking for?’, and then trying to match up those expectations.

[35] **Kirsty Williams:** Do you believe that the Measure as it is currently drafted makes that clear and explicit and would ease that process of businesses being able to be involved, or do you think that we could ask the Government to look at that again?

[36] **Mr Wells:** I think that it would benefit from greater clarity as to what the expectation is.

[37] **Jeff Cuthbert:** The next four questions will be asked by Andrew R.T. Davies.

[38] **Andrew R.T. Davies:** Thank you, gentlemen, for coming along today. The proposed Measure seeks to set a minimum and maximum number of courses for the local curriculum. Your evidence states that having a minimum number of courses will not in itself ensure equality of opportunity. Could you think of a better way of ensuring that?

[39] **Mr Wells:** One issue for us relates to ensuring that the provision, if we are looking for equality of opportunity, can be extended to rural areas as well as urban areas. Perhaps that can be done through video conferencing and online teaching, but it requires some resourcing. As I have said, some areas benefit greatly from having industry all around them and employers who are willing to contribute and there are other areas that do not have that luxury. So, how do we extend that provision that pupils in urban areas are getting to ensure that pupils in more rural areas have the same opportunities? The only way in which I can see that happening at the moment is by using technology, because bussing people around is impractical.

[40] **Andrew R.T. Davies:** Many of the land-based colleges have gone, of course, which would once have been a way of centralising campuses in rural areas, would they not? That would have helped the secondary sector.

[41] **Mr Wells:** Colleges right across north and south Wales are looking at how they can make better and greater provision on smaller campuses, extending into the community and working with schools that way.

[42] **Andrew R.T. Davies:** Talking of equality of opportunity, in terms of someone with a disability or handicap of some shape or form, courses need to be tailored to take that into account to ensure that no-one is excluded and that everyone has the same opportunity. Are you aware of any special way of making that more accessible for people with handicaps or disabilities so that they can take full advantage of the skills sector?

[43] **Mr Wells:** That issue, of how we ensure that the disadvantaged do not become more disadvantaged, has generated much discussion among governors. We do not have any ready answers for that—it will require some creative thinking.

[44] **Andrew R.T. Davies:** Sadly, Governors Wales did not have any answers to add.

[45] **Mr Wells:** I have not spoken to anyone who can give me a good answer to that.

[46] **Andrew R.T. Davies:** Most of the comments in the consultation agreed with introducing learning domains. Some commented that the proposed learning domains needed greater clarity. Do you agree or are they fit for purpose?

[47] **Mr Tait:** It seems quite a logical analysis to me on the face of it.

[48] **Andrew R.T. Davies:** Are they broad enough, then?

[49] **Mr Tait:** Yes, they seem to be.

[50] **Mr Wells:** They have been taken from the current provision and they have been broadly categorised, so I think that they are fit for purpose.

[51] **Andrew R.T. Davies:** Fine. When you start on courses, you get a points-based system, but there was a need to clarify what a course constituted. Do you think that the clarity is there now and that the courses are correctly constituted to provide the right qualification?

[52] **Mr Wells:** I do not think that we are there yet in terms of vocational skills qualifications, for various reasons, but I think that we are heading in the right direction. The points score has generated debate among governors about what is fair and equitable and whether you should give greater weighting to vocational courses compared to the traditional ones. That argument is ongoing. As long as the stakeholders, namely the schools, colleges and the people who have an interest in the success of this, sit down and agree on what is fair and equitable in terms of how courses are weighted or what constitutes a course, I think that we can find a way forward.

12.50 p.m.

[53] **Janet Ryder:** I know that you have already answered some questions on this, but I have a couple of questions on the definition of a local area curriculum and the problems that may or may not arise. More than one local area curriculum can exist within a local authority area. Will this cause any practical difficulties for individual institutions or for those responsible for planning and delivering the local provision?

[54] **Mr Tait:** I think that it is inevitable that you will have more than one curriculum body in some areas because we have 22 local education authorities, and there are many cross-border issues currently, so there must be flexibility. The obvious way to do it is to try to group schools together, but I do not think that you will ever have a watertight pattern in that sense—it will be a bit messy. That is inevitable.

[55] **Janet Ryder:** Do you foresee a situation where curricula cross more than one county border when you take school distributions or the college distributions?

[56] **Mr Tait:** Yes, definitely.

[57] **Janet Ryder:** In response to the Welsh Assembly Government consultation, some respondents suggested that one way to do things would be to synchronise timetables, and that that might be a pragmatic approach for neighbouring institutions. Should the synchronising of timetables be recommended, and what might be the practical difficulties of that approach?

[58] **Mr Tait:** I think that Ray has a view on that.

[59] **Mr Wells:** There are issues about that, and some schools collaborating in clusters are finding difficulties with a mismatch in the timetabling. They are trying to come up with ways and means of overcoming that. There are still issues around this mismatch in the way that timetables have been put together, even with videoconferencing. In the main, schools collaborating in clusters and colleges are sorting out between themselves what is required for the benefit of the pupils, and that is what it is all about. They are sorting it out by themselves because they recognise that there is a need to do that.

[60] **Janet Ryder:** So, you would not recommend that it should be included in the Measure?

[61] **Mr Wells:** Guidance is certainly required.

[62] **Janet Ryder:** Taking this further, looking at the individual pupil's entitlement, the Measure includes the grounds on which a headteacher or principal can remove a pupil's entitlement to follow a course. The grounds can include the pupil's level of educational attainment, the amount of time likely to be spent travelling—which you have touched on—disproportionate expenditure and the pupil's or another person's health or safety. Will the inclusion of these grounds in the proposed Measure safeguard the entitlement of the individual to a reasonable level, but also give clear grounds for heads and principals to remove a learner's entitlement?

[63] **Mr Wells:** I think so, but the aspect that we wondered about that is not spelt out in the paperwork at the moment is the right of a student to challenge a decision. Logically, that would be done through the complaints procedure—I think that that is what happens at the moment at a school level—and I think that that aspect needs to be written in.

[64] **Janet Ryder:** You would like to see that stipulated in the Measure, would you?

[65] **Mr Wells:** Yes. I could not see any reference to it in the paperwork.

[66] **Jeff Cuthbert:** I have a supplementary on this. In terms of judging pupils' levels of educational attainment, there are previous test and examination results to look at, but do you think that that might be potentially unfair in certain cases if, for example, a student has not had a course of study that has encouraged him or her, but there may be different options? Can you see an issue in that regard with educational attainment being a criterion?

[67] **Mr Wells:** Attainment is ultimately what it is all about, whether vocational or academic—we want the pupils or students to achieve and attain. If the system or process or what we have to offer enables them to achieve their full potential, which currently it does not, that has to be a move in the right direction.

[68] **Janet Ryder:** I have one more question on the duty of care for learners. Are there any significant advantages or disadvantages resulting from the decision to identify the school or further education institution from whose curriculum a pupil is entitled to choose a course as being that which has a duty of care for the child?

[69] **Mr Tait:** It is logical to designate the particular institution where the student is spending the bulk of their time, but that should not exclude a duty of care on the part of any other institution.

[70] **Mr Wells:** That is right. The prime duty of care lies with the institution where the student spends most of their time. They have to own the process, if you like, to ensure that,

wherever the student goes, they are cared for and are in a safe environment.

[71] **Janet Ryder:** May I just clarify that? If a pupil is registered with school A, but spends a day or two a week in college B, school A has the duty of care to ensure that that pupil is attending, progressing and having their needs met.

[72] **Mr Wells:** That is the system as it currently works now, as I have observed it and talked to governors about.

[73] **Kirsty Williams:** Earlier, in answer to a question from Andrew about equality of opportunity, you expressed a concern that those pupils who may already be in danger of being failed by the system or of slipping through the net should not be further disadvantaged by the introduction of this proposed Measure. Do you see any potential problems for more vulnerable students because of this potential to be moving from campus to campus? For relatively young pupils, it could be quite challenging physically to organise themselves and their time to ensure that they get to where they need to be. It could be quite easy to disappear in the system, could it not? Do you think that there are adequate safeguards in the proposed Measure to ensure that those students are not disadvantaged?

[74] **Mr Wells:** I am just thinking back to the wording of the Measure, and I think that it would benefit from greater clarity to ensure that students are where they should be and are being cared for.

[75] **Janet Ryder:** On that aspect, with every child, what do you see as the role of the learning coach? Do you see the learning coach as having a role to play in this aspect?

[76] **Mr Wells:** I think that they play a fundamental role in building the relationship with the student. We have already seen that happening in a variety of circumstances: children who might otherwise have fallen out of the system have gone on to attain, as well as achieve, because of the role of the learning coach, and because they have been supported in a pastoral sense as well as an academic sense.

[77] **Jeff Cuthbert:** That takes us logically to the final group of questions from Chris Chapman.

[78] **Christine Chapman:** I want to pursue the idea of the learning coach, because your evidence does support it. How independent do you feel the learning coach should be, because this is a strong part of the 14-19 agenda? How do you feel about the learning coaches being independent?

[79] **Mr Wells:** The learning coach works as part of a team. It has to, to benefit the student. If it is independence in making decisions for that particular student, which would give them the opportunities that they deserve, that is fine, but it also has to be put in a wider context for the school and for that particular student's environment and circumstance.

1.00 p.m.

[80] **Christine Chapman:** Over the years, the accusation has always been that there is the potential for there to be vested interests. That is why I suppose that the 14-19 agenda is so important, because it puts the learner at the heart of everything. There has always been this perception of a vested interest, be it from the school, a training provider, an employer or a college. How effective could a person be? Should that be strengthened to ensure that a learner is genuinely at the heart of the process?

[81] **Mr Wells:** I have not observed a particular problem in this area. The governors to

whom I have spoken, with regard to additional needs, have certainly not raised this as an issue. The learning coaches seem to be working very well as a team, and are making decisions that are student-focused as opposed to being focused on what the school might want or what a wider vested interest might want.

[82] **Christine Chapman:** Okay, thanks. Moving on now to the final part of the evidence, we talked earlier about collaboration and co-operation, but I want to press you a bit more on this. The proposed Measure places a duty on those delivering a local curriculum to consider co-operation to deliver the maximum availability of courses. If they conclude that joint working is appropriate, they must seek to enter into such arrangements. Is that provision strong enough to ensure effective co-operation?

[83] **Mr Tait:** It will not be sufficient in itself. The wording could be sharpened up a little, but other measures are needed as well. You had a particular idea on that, did you not, Ray?

[84] **Mr Wells:** On schools pursuing collaboration, the emphasis needs to be on their considering it, trying it and doing their best, as they may decide that they cannot do it for whatever reason. It may be that the school is isolated, remote or does not have the facilities. So, the emphasis should be on the school's trying to do it. Some schools will be better placed than others to enter into clusters, collaborate and form partnerships.

[85] In my discussions with governors, the overriding feeling that I get is that the carrot works better as an incentive than the stick, although they recognise that there should perhaps be a balance. Therefore, the thinking is, 'What is in it for the school?'. Pupils or students will attain at a higher level, hopefully, thereby benefiting them in the long term, but there is also the issue of how the school will benefit. For instance, would there be a reward or recognition in the form of increased funding if a school can demonstrate that, as a result of entering into partnership and collaboration, its attainment and achievement levels have risen over a number of years, and if it can demonstrate that it has raised its game?

[86] Conversely, what happens if governing bodies and schools do not enter into collaboration? How do we handle that? Does Estyn play a role in that? Would it say, for instance, that a school cannot be awarded a grade 1 in a particular key question of an inspection if the school cannot demonstrate that it has tried to go down that route?

[87] **Christine Chapman:** Okay. I want move on to question you about funding structures and methodologies. Some evidence suggests that the current funding structures will continue to promote competition rather than co-operation. What is your view of the effect of retaining current funding methodologies on co-operation and joint working?

[88] **Mr Tait:** As long as funding is based on student numbers, it is inevitable that there will be a competitive push. It is difficult to see how you will get rid of that entirely. As Ray said, there is a history of people working together well now, and the more contact they have, the better that will get.

[89] **Mr Wells:** I think that that is true. As long as the funding is based on a headcount, it encourages schools to recruit as many people as possible to their sixth forms and to keep them there. You will inevitably get competition with the FE colleges for those people, and that might hinder future co-operation.

[90] **Janet Ryder:** Have you given any thought to another method of funding that would move away from that competition?

[91] **Jeff Cuthbert:** That is the \$64,000 question.

- [92] **Janet Ryder:** I will give you half an hour. [*Laughter.*]
- [93] **Mr Wells:** It is a difficult one.
- [94] **Janet Ryder:** With Education and Learning Wales, we tried funding the course units, but that did not prove successful.
- [95] **Mr Wells:** I have not spoken to any governor who has come up with a magic solution.
- [96] **Mr Tait:** It is all the more difficult because of declining population numbers. Initially, that was felt in the primary sector, but that is feeding into the secondary sector, and so there is a natural inclination to try to maximise places.
- [97] **Janet Ryder:** I do not know whether I am stepping on Christine's toes with her next questions, but have you given any consideration to the impact on the rest of the school if a change in the funding formula were to take place post year 10?
- [98] **Mr Wells:** As I said, I do not think that there is a magic solution to this. If we shift the emphasis to colleges, for example, how would we fund the vocational area? The impact on the rest of the school would be considerable, and would need to be taken into account.
- [99] **Jeff Cuthbert:** We now need to move on to the final question.
- [100] **Christine Chapman:** Finally, are there any changes that you would like to see to the proposed Measure that you have not already outlined?
- [101] **Mr Tait:** We have mentioned one or two, such as the ability of a student to challenge a decision to exclude them from a particular course. I do not think that there is anything that we have not mentioned already.
- [102] **Mr Wells:** We have mentioned everything that we wanted to add.
- [103] **Jeff Cuthbert:** Thank you very much for the time and trouble that you have taken to come here to provide us with oral evidence, as well as your written evidence, and for the way in which you have dealt with our questions. A transcript will be provided of this scrutiny session, which you can check is accurate to your satisfaction. Thank you again.
- [104] I now welcome our next presenters to this committee meeting, who represent the National Training Federation for Wales. I am pleased to welcome Lord Rowlands, or 'Ted' as I call him, and Arwyn Watkins. We would like to move straight into questions, if that is all right with you, but are there any brief clarifying statements that you want to make before we begin? I see that you are happy to go straight into questions. The first couple of questions are from me.
- [105] Is there a need for legislation in this area, or do you consider the current voluntary approach to be sufficient?
- [106] **Lord Rowlands:** Based on our experience, and Arwyn will speak about this, as he is a major provider, we believe that entitlement does need statutory reinforcement. If we are to meet the aspirations contained in all of the documents that I have read, achieve all the targets that the Assembly Government has set, and get anywhere close to realising the aspirations of the Leitch review, we will not only have to raise our game but also get support from statutory measures. The burden of our evidence is that this Measure is not strong enough.

1.10 p.m.

[107] **Jeff Cuthbert:** Thank you very much. That is absolutely clear. I will therefore move on to the second point, which is certainly linked to the evidence that you have provided. You recommend strongly that young people aged 16 to 19 in work should be entitled to appropriate learning experiences in the same way as those in schools and colleges. How would you like to see the Measure altered or amended to make that possible?

[108] **Lord Rowlands:** I thought hard to see whether we could submit an amendment but it is quite a complicated issue. Above all, it is on the borderline to employment issues, which are not devolved, and therefore we have to work out and think through how we might do it. However, we feel strongly that if we can accept the principle that 16 to 18-year-olds in work should be part and parcel of the thrust of a new policy towards learning entitlement, we can get around the practicalities of it. The key thing is to accept the principle. Our concern is that that has not been accepted. We have had a response from Welsh Assembly Government officials, and I wish to quote a phrase from that submission because the nature of it concerns us:

[109] ‘Learners within the 16 plus age range who are in employment have effectively made an option choice to enter work whilst those young people in education/training are still developing their learning pathway’.

[110] I think that that is a distinction that we do not and could not support. First, young people go into employment for a variety of reasons at the age of 16. All of us here who have represented communities will know the variety of reasons why people leave school or college: they can be domestic, familial or economic; the decision is not necessary voluntary or some sort of an option choice. Those choices and options are limited. The notion is that leaving school or college means that one should not have some kind of learning or training pathway development. Unless I am wrong, that is what that statement implies, and it is something that we think should be challenged and questioned.

[111] **Jeff Cuthbert:** That is absolutely clear. Therefore, following on from that, presumably, but correct me if I am wrong, you feel that that category of young people—16 to 19-year-olds in work—should have a statutory entitlement as opposed to a non-statutory collaborative approach. Do you feel that that is the case?

[112] **Mr Watkins:** Yes, absolutely.

[113] **Jeff Cuthbert:** Thank you; that is very clear. The next group of questions will be asked by Kirsty.

[114] **Kirsty Williams:** Lord Rowlands, would it be possible for us to have a copy of the correspondence that you have received?

[115] **Lord Rowlands:** It was a note that was circulated to us as a federation in response to some earlier representations that we made. We have a copy here and we will hand it to you.

[116] **Kirsty Williams:** Do you think that it would be okay to give it to the clerk and then it can be circulated to Members for completeness so that we could see the context?

[117] **Lord Rowlands:** Yes; of course.

[118] **Kirsty Williams:** Thank you very much. The key purpose of the Measure as outlined in the explanatory memorandum is to create a right for learners aged 14 to 19 to elect to follow a course of study from a local area curriculum. Do you consider that the Measure will

achieve this in the way that it is currently drafted?

[119] **Lord Rowlands:** It will not achieve for those who are excluded—16 to 18-year-olds who are not included in the process. We have no reason to disagree but I will ask Arwyn. We believe—and we will come to that, if we may, at a suitable moment—that the collaboration arrangements are not robust enough, and we suggest that the model should be much stronger and more radical to create the kind of collaboration that is necessary to make this learning Measure really work.

[120] **Mr Watkins:** In that way the vocational aspect is central to the whole thing. In terms of whether we agree that this should be thus, which was the Chair's first question, we absolutely do agree, provided that the cohort of learners that we are talking about is included in the Measure and that, vocationally, we are at the centre of the planning process of that local curriculum. In terms of the variety of choices available, no matter how rural an area you are in Wales, you just have to engage. It is a case of 'have to engage', rather than 'may wish to engage' or 'might want to engage'. It is about compelling all of us—the three constituent parts in terms of this. Obviously, this Measure excludes the work-based learning aspect in terms of that.

[121] **Janet Ryder:** Do you think that there is a way to extend the Measure to include the apprenticeship schemes?

[122] **Mr Watkins:** Just to make the panel aware of the recent statistics, there has been an increase in the age profile of the apprentices engaging with the programme, so I do not think that the 16 to 19 arrangements would have an impact. The pre-apprenticeship learning programme, PAL, which is currently being piloted, is the route at the 16 to 18 stage for progression in the learning pathway on to the apprenticeships. The average age of apprentices currently coming on the programme in my organisation is in excess of 25.

[123] **Lord Rowlands:** That astonished me when I first became involved. I had an old-fashioned, traditional view that apprentices are all about 16 years old, just leaving school and doing their usual apprenticeship thing. Now, the vast majority of apprentices are 25 years old and over. So, we need to look at a different approach.

[124] **Janet Ryder:** Would you recommend that we look at this pre-apprenticeship scheme?

[125] **Mr Watkins:** Absolutely.

[126] **Jeff Cuthbert:** As you say, work on older apprentices—and there is no age limit in Wales—may need to be a separate piece of work.

[127] **Kirsty Williams:** The explanatory memorandum states that

[128] 'it will be possible for 14-19 year olds to study outside their main learning setting.'

[129] Perhaps we might have thought that that would include a role for work-based learning, but that does not seem to be the case in the information that you have been given from the Welsh Assembly Government in response to your initial enquiries. I think that we can take it as read that you think that it should include the study of work-based learning settings, but, practically, do you think that organisations that you represent could deliver?

[130] **Mr Watkins:** Absolutely and we already do in many cases, but I cannot overestimate the frustrations that the network has found in engaging even at the CCET levels, if we go back to those. To make this fully effective, you must be at the very centre of the planning of

any curriculum, locally, in sharing resources, responsibilities and the delivery of the outcome, so that there is a total partnership. It has shocked me how, sometimes, the public purse is paying twice for the same product, because, sometimes, a vocational programme has been delivered in a non-vocational setting; it ended in an outcome, but when that achievement is put into its right vocational setting in a place of work, the individual learner is identified as not being competent and having to complete the programme again from start to finish. We have raised our concerns on that with awarding bodies in ensuring that they are more stringent with regard to whom they are approving to deliver vocational qualifications and the settings that they have been approved to deliver in, because it is fundamental that vocational training is hands-on, up-to-date and relevant and that it is what the industry is about.

[131] **Christine Chapman:** We have discussed this issue before, but there is a perception that there are sometimes practical barriers to young people being out of school, such as Criminal Record Bureau checks, health and safety or timetabling. Have we moved on a little from that?

[132] On the role of things such as work experience, I know that the Confederation of British Industry recently made a point about how difficult it is sometimes for smaller employers to take on people on work experience. That is sort of linked, but I just wondered whether these barriers had been discussed?

[133] **Mr Watkins:** I do not perceive those barriers to be the same. Every single one of us who is contracted to deliver apprenticeship programmes in Wales operates within the Welsh Assembly Government's health and safety plan, in terms of the risks and the assessments; every single member of our staff, throughout the whole federation of organisations, is subject to an enhanced CRB check; and we are inspected by Estyn, which provides a performance review and a self-assessment report.

1.20 p.m.

[134] I do not perceive those as barriers; the barrier is that we are not around the table.

[135] **Lord Rowlands:** With regard to those young people who are not on work experience but in work in a part-time capacity, I have spoken to some youngsters, mostly in Merthyr, who have been through this experience and it is encouraging to see their enthusiastic interest. These are young people who have often been switched off education or who have escaped from education. Now, with the new combination in the 14 to 16 group, they are beginning to have the experience of going into a work place, not just for work experience, but as a part of their weekly learning process, and we have had some feedback that that also improves their performance and interest in school itself. These kinds of alternative curricula or arrangements that have been developed, and that are very much a part of the 14 to 19 agenda, are something that work-based learning providers are not only keen on, but helping to deliver. That is why we should be a part of the planning process—we are now helping to deliver.

[136] **Jeff Cuthbert:** We move on to your final question, Kirsty—although, to a degree, the discussion has covered it.

[137] **Kirsty Williams:** Just to clarify my understanding of your thoughts: the Measure builds on the policy intentions that have been set out in a plethora of documents that we have enjoyed from the Welsh Assembly Government over the years. That is,

[138] '95 per cent of young people by the age of 25 will be ready for high-skilled employment or higher education by 2015'.

[139] Do you think that this Measure will help to achieve that target?

[140] **Mr Watkins:** No.

[141] **Lord Rowlands:** Not as currently drafted.

[142] **Jeff Cuthbert:** Thank you. Andrew R.T. Davies has the next group of questions.

[143] **Andrew R.T. Davies:** Thank you, gentlemen, for coming in today. It seems that every man and his dog are involved in the setting up of the curriculum for 14 to 16 year olds and 16 to 19 year olds—that is, LEAs and Welsh Assembly Government Ministers. In your submission you seem to recommend that sections 10 and 24 be amended so that you become a statutory part of the planning criteria, and you touched on that earlier in response to Kirsty's question. If you were put on that footing, what role do you see yourselves and your organisation providing, and what benefit would you bring to the table?

[144] **Mr Watkins:** The critical factor that we could bring is very much the relevant, up-to-date, vocational aspect within the learning programmes. One of the critical factors—

[145] **Andrew R.T. Davies:** Do you think that the others could not do that on their own—that they would not have the understanding or ability to do it, whereas you would bring something distinctive to the table?

[146] **Mr Watkins:** Absolutely, yes. From the point of view of the national training federation, we do not go down the road of delivering A-levels, AS-levels, and so on—that is not where we are based. We are based in occupational competency, working directly with the sector skills councils, getting engaged with national occupational standards for specific job roles, and we are at the forefront of that, as are our membership. They are all approved—some to deliver some very sector-specific qualifications—and the minute that you start diluting that vocational aspect, you risk prolonging the situation that we find ourselves in, where the public purse is funding the same qualification twice, because the employer considers that, even though an individual has a paper qualification, they are not competent.

[147] **Lord Rowlands:** If I could just add to that, the other thing that we will bring to the table is engagement with employers. We engage considerably with large numbers of employers, so we would bring to the table an employer view. I am not deriding other sectors in any way—they have their roles and their expertise.

[148] **Andrew R.T. Davies:** You would bring private enterprises to the table, along with all the rest from the public sector.

[149] **Lord Rowlands:** That is the other dimension that we would bring to the table.

[150] **Christine Chapman:** One of the ambitions of the 14-19 learning pathways was to start to address gender stereotyping, but we are still very slow in that area. I wondered, if you were more involved, whether you thought that you could start to address that from your unique position.

[151] **Mr Watkins:** There are definitely some ambassadors engaged with the National Training Federation in terms of learners who would definitely, given the opportunity, present that gender balance in terms of ladies in engineering, ladies in butchery, and gentlemen in hairdressing, for example. However, they are real good news stories and could become ambassadors back in their schools. We are not currently allowed to engage in that way.

[152] **Andrew R.T. Davies:** Do you consider the proposed learning domains to be appropriate? Do you believe that they are drafted fully to include vocational courses?

[153] **Lord Rowlands:** Do you mean 33A? There is a long list here of learning domains, such as mathematics, science and technology; and business, administration and law. Is that what you are talking about?

[154] **Jeff Cuthbert:** Yes, those are the learning domains.

[155] **Lord Rowlands:** Except for the words ‘preparation for life and work’, there is very little reference to work, employability skills and that side of things in that domain. I have not thought through this one, because we are not party to it. These domains are reasonable for the two parties, namely the local education authority and schools/colleges—the formal education sector. If we were there, there would be a strong case for thinking that the learning domain should be broadened into the world of work. I am not sure which of these categories brings in that type of experience or interest.

[156] **Jeff Cuthbert:** ‘Services for people’, for example, might include the hospitality industry. The terms are meant to be generic. When you talk about preparing for the world of work, are you talking about things like key skills, which should be incorporated into any scheme of learning?

[157] **Lord Rowlands:** Absolutely.

[158] **Mr Watkins:** Employers tell us that the critical ones are the ability to work in a team and to improve your learning. When many employers interview people for jobs, one of the key things that they want to understand from the individual is that they have the ability to learn. That is more important than anything else, because technology is changing at such a pace; the ability to learn is more important for them than the skills that they are bringing into the job.

[159] **Andrew R.T. Davies:** There is the risk, or the possibility, that you will have two local curricula existing in one area. Do you see that causing a problem? That is, you could have one LEA with two different curricula.

[160] **Lord Rowlands:** I am sorry; I do not quite understand the question.

[161] **Andrew R.T. Davies:** As it stands, one local curriculum can exist within a local authority area. Do you see that duplication could cause problems?

[162] **Lord Rowlands:** Our concern, which we may come on to when we discuss collaboration, is that we are seeing the duplication of resources within a sector—although not necessarily in a local authority area. One of the problems that we have with this concept is that it is LEA drawn, but employment patterns and other movements are not necessarily LEA orientated. One of the big points brought up by Webb very strongly in his collaboration model was that it was not, and should not be, only LEA based. So, there is a problem there anyway with regard to ensuring that we do not waste resources by duplicating and that we do not distort choices as a result of the competitive system that exists. Those are the issues that we thought collaboration was supposed to address. We do not think that it is robust enough in the Measure. However, we believe that the principle of the Measure is right.

[163] **Jeff Cuthbert:** The issue of local curricula should take account of the local economy and the geography of the area, so that it is not a question of directing what young people study, but of helping them to make an informed choice as to what might follow in terms of work or further learning. You could imagine that, in some parts of Wales, there may be more than one local curriculum—whether it is an urban, semi-urban or rural area, and allowing for different interests. So, that is the nub of the question: do you see conflict in that area, or is it

an issue of co-ordination?

1.30 p.m.

[164] **Lord Rowlands:** I do not think that we have enough experience in this area to answer that question.

[165] **Jeff Cuthbert:** Okay. We will move on to the next group of questions, from Janet Ryder.

[166] **Janet Ryder:** In your evidence, you say that, because the funding for implementing the 14 to 19 agenda has been largely channelled through the authorities, FE colleges and schools—you have touched a lot on this—this has, by default, largely marginalised the integration of work-based learning provision into the learning pathways agenda. I am sure that you have considered this issue. What changes can be made, including changes to the funding structures, to strengthen the role of work-based learning providers in the 14-19 agenda?

[167] **Mr Watkins:** Things have currently been very much pump-funded, but that is unsustainable going forward; we are all aware of the budgets, and so on. If the federation is involved in planning the curriculum locally, and so on, the funding should follow the learner. So, if you are talking about collaboration, to us, collaboration means commitment to delivering on something, as opposed to sitting around a table talking. That is true where a piece of vocational learning has a notional value to it, whoever delivers it—the notional value comes with that piece of learning.

[168] **Janet Ryder:** To expand on that, if a learner spends a few days a week in school, a few days in college, with maybe a day in industry, would you split the funding for that pupil between the learning credits—or however it is split—that take part in each institution?

[169] **Mr Watkins:** Absolutely, especially if the work-based learning was a true partner in terms of this Measure. Contractually, and so on, everyone would be on a level playing field in those terms. Everything would be open and transparent, and there would be none of this protectionism around the funding—although I can understand it—in terms of who that learner belongs to, and so on. However, if we are equal partners in delivering these learning outcomes, as is often the case in an apprenticeship, where different people might be responsible for its various arms in achieving the total framework, within that framework, each part has a notional value in terms of its worth.

[170] **Janet Ryder:** In a business such as Airbus, for example, where the apprenticeship schemes are delivered at Deeside College, should the funding go to Deeside College?

[171] **Mr Watkins:** Yes.

[172] **Janet Ryder:** I do not know whether you have considered this aspect, but the Government proposes implementing these changes for year 10 pupils from September, with a full roll-out across four years. Have you considered any pitfalls in that, or anything that might need to be done?

[173] **Mr Watkins:** We believe that the timelines are extremely challenging in terms of rolling this out in 2009, with a full roll-out in 2013.

[174] **Jeff Cuthbert:** Is it challenging in that it is too tight or too loose?

[175] **Mr Watkins:** It is challenging in that it is too tight. I do not believe that there has

been enough time to make learners aware of what is available—the choices, and so on—and there are many hearts and minds to be won over, including parents, and so on. Clearly, there needs to be well-planned, collaborative delivery.

[176] **Janet Ryder:** So you think that more needs to be done in the preparation leading up to it, rather than going straight into it?

[177] **Mr Watkins:** Absolutely.

[178] **Lord Rowlands:** From a parliamentary point of view, there has to be an LCO; I do not know what the timescales are and how that is framed.

[179] **Jeff Cuthbert:** This is a Measure—we are able to proceed.

[180] **Lord Rowlands:** I know, but there is an LCO to follow, is there not?

[181] **Jeff Cuthbert:** No, it is the other way—we are able to proceed with the detail of it.

[182] **Lord Rowlands:** Okay. So there is no other parliamentary hurdle—so that is already done. The other illustrative, or comparable, point is the timescale that the United Kingdom Government is working to on introducing the compulsory extension of the learning age.

[183] **Janet Ryder:** That is England-only legislation.

[184] **Lord Rowlands:** Yes, but those timescales, and the lead-ins on the various aspects of that, are interesting; it might be informative.

[185] **Jeff Cuthbert:** Indeed. We need to take note of these matters.

[186] **Janet Ryder:** On the shift in responsibility for providing support to learners, in your evidence to the committee, you are concerned that funding for the training of learning coaches has been largely targeted at schools and FE institutions. How can providers of work-based learning improve their learner support services?

[187] **Mr Watkins:** I wish to clarify why we are currently contractually excluded from the learning coach world. That was not included in our remit following the last round of tendering, so we do not form part of it. Some of our members have managed to secure funding for their learning coaches, but they are mainly within local authorities.

[188] We are clear that, if we were working collaboratively—which is where we want to be and why we think this Measure is so important—the one thing that we do not want across the whole of Wales is loads of learning coaches competing against one another for the end user, as opposed to working collaboratively, because we are already coming across learning coaches with a vested interest in the organisation or the institution where they are employed.

[189] **Jeff Cuthbert:** Thank you, that is clear. The final questions are from Christine Chapman.

[190] **Christine Chapman:** We have discussed collaboration quite a bit and I have noted that this proposed Measure is strengthened to ensure the promotion of collaboration according to proposals in the Webb review, which you mentioned. However, are there any other changes that you would like to see to this proposed Measure that you have not already outlined?

[191] **Lord Rowlands:** No, I think that the three fundamental points that we have tried to make are: to try to somehow involve 16 to 18-year-olds in work in a learning entitlement

process; to establish a much more robust collaboration as outlined in Webb and to include work-based learning providers in the planning process, because we are already part of delivering that. Those are our three messages.

[192] **Jeff Cuthbert:** Thank you for attending. A transcript of this meeting will be produced, which you are welcome to check for accuracy.

*Gohiriwyd y cyfarfod rhwng 1.38 p.m. ac 1.44 p.m.
The meeting adjourned between 1.38 p.m. and 1.44 p.m.*

[193] **Jeff Cuthbert:** I call the meeting to order and welcome Gareth Pierce and John Davies from WJEC. Thank you for the written evidence that you have already provided for us. Are you ready for us to move to direct questions from Members?

[194] **Mr Pierce:** Yes, that is fine.

[195] **Jeff Cuthbert:** The first few questions are from me. Do you feel that the current voluntary approach regarding provision for 14 to 19-year-olds is adequate or do you feel that there is a need for legislation in this area?

[196] **Mr Pierce:** We feel that a certain mechanism is needed in order to drive the agenda in the partnership direction that is being sought. We are not convinced that legislation is necessarily the mechanism that is needed. Arrangements that facilitate joint working, particularly funding mechanisms that are better geared towards that, may well be a much better option. However, on the other hand, if legislation is the direction taken, then we would have some observations about the emphases within that legislation.

[197] **Jeff Cuthbert:** I see. Our proposal at the moment is to create a Measure, which is legislation, but you think that there are other issues, such as funding arrangements and other practicalities.

[198] **Mr Pierce:** The other major concern that we have is that the emphasis in the Measure seems to be on organising and reorganising, whereas I think, from our perspective, the emphasis should be more on improving the provision. We do not necessarily see that reorganising meets the same objectives as those that an improvement agenda would address.

[199] **Jeff Cuthbert:** Thank you very much. I will now ask the second question. The key purpose of the Measure is to create a right for learners, aged 14 to 19, to elect to follow a course of study from a local area curriculum. Do you think that this Measure will achieve that?

[200] **Mr Pierce:** I think that this is to do with what should be the strengths and merits of a good local curriculum. We certainly feel that the concept of a local curriculum is an important one, but we would see a strong local curriculum as one that delivers high-quality pathways that are relevant locally and which support wider aspirations. However, I think that the direction in which the Measure is going in terms of local curricula is to do with counting courses into categories. We are not convinced that that will address the learning pathways vision. Perhaps there are some real tensions between a Measure that organises things into categories, which then define the local curriculum, and taking a wider view of what that curriculum should be achieving.

[201] **Kirsty Williams:** Can you legislate for aspiration or do aspiration and the other things that you are talking about have a place in the policy documents? What a Measure does is that it is a piece of legislation that underpins a policy objective. Is there a difference? Can you legislate for aspiration?

[202] **Mr Pierce:** You cannot legislate for aspiration, but I think that the Assembly Government can certainly set the tone for a strong curriculum in Wales in terms of programmes of learning and qualifications. I think that there are ways in which that agenda can be addressed and should be addressed. Addressing that requires quite different things from what is in this Measure. I think that that is our feeling. I cannot say that you can legislate for aspiration. I think that the aspirations are those of young people and those of Wales. The responsibility of all involved in the education agenda is to develop curricula that support aspiration. There are certain things that are legislative about the curriculum; there are statutory elements in it. Our feeling is that categorisation, which is what a lot of this is about, is not necessarily the right legislation to strengthen what already needs to be in place in statute.

[203] **Jeff Cuthbert:** Thank you very much. Before I pass on to Kirsty for the next batch of questions, I will just say that it ought to be put on record, as a declaration of interest, that I am a former employee of the Welsh Joint Education Committee.

[204] **Kirsty Williams:** I would like to pursue the planning of the local curricula and establish what the local curricula would look like. In your evidence to the Government's consultation on the draft of the Measure, you said that

[205] 'As a principle, learner choice cannot be questioned. However...there will need to be clear guidance on the roles and responsibilities and membership of the body that decides the local curriculum'.

[206] What is your view of the provisions in the proposed Measure for planning the local curricula? Does the Measure deal with your concerns about having clarity around roles and responsibilities as the legislation is currently drafted?

[207] **Mr Pierce:** I think that there are still some tensions there, especially if the purpose is to take a holistic view of 14 to 19 as a period of development for young people and looking at the totality of choice across that age range. I think that that is where our point was most directed, because there are different interests among providers of education and learning, and the young person is the one who needs the independent guidance. Many levers will be brought to bear on determining choice—there are differences in local need, differences in capability and capacity to provide, resource issues and there are the 14 to 16 and 16 to 19 themes. The extent to which those are sufficiently addressed is what is doubtful.

1.50 p.m.

[208] **Kirsty Williams:** On that split between 14 to 16 and 16 to 19 provision, the ability to agree the curriculum rests with two different areas—the local education authorities for the curriculum up to the age of 16 and Welsh Ministers for that for 16 plus. What do you consider to be the practical implications of those arrangements? We have already heard from the governors that they do not think that that is acceptable—they think it should be delegated to the LEAs and that you should not have that split. Do you have any views on the implications of that split?

[209] **Mr Pierce:** The implications probably relate to the nature of the learning programmes and progression. If learning programmes are seen as being 14 to 19, the continuity of managing the vision would seem to be essential. It is possible to think of the system where 14 to 16 was the building block, a natural break, and a different way of thinking about 16 to 19. There needs to be consistency between the way in which the learning programmes are viewed and the way in which different players steer the provision. As it happens, there is a split in the traditional curriculum, GCSEs and A levels, between 14 to 16

and 16 to 19, but several of the newer themes—and perhaps John can say a bit about those—with which we and other awarding bodies are involved are deliberately designed as being for 14 to 19.

[210] **Mr Davies:** One of the things that we have been saying with the Welsh baccalaureate is that we have continuity, with the pilot being rolled out. We have started to see a breakdown in cohorts, albeit small, between the traditional vocational and academic divide, and that is happening without any coercion; it is just that there is a framework and the ability to achieve it through the Welsh baccalaureate, and the learners get recognition for that. The traditional bastions of academic education are seeing the benefit of this for learners. I think that that divide, if it were to spin out operationally in very different attitudes to the qualifications, could cause all types of problems for continuity.

[211] **Jeff Cuthbert:** It is pleasing to hear about the Welsh baccalaureate, but that is a process of natural evolution in that sense; this is a bigger agenda, which may not evolve so smoothly in this case.

[212] **Mr Pierce:** One of the issues with the Welsh baccalaureate is that the schools and colleges involved have benefited hugely from what they have done at 14 to 16 before the young people address the requirements of the baccalaureate post-16. So, continuity has been a major theme. The young people coming into the baccalaureate for the first time at the age of 16 have found many issues with the totality of the workload required, and have not had the experience of working on the skills agenda pre-16, as you would expect. So, we find that a successful 14 to 19 curriculum is based on a good join between 14 to 16 education and afterwards. If there is any aspect of the Measure that would put that continuity at risk, that needs to be looked at.

[213] **Kirsty Williams:** In your evidence, you also highlighted the importance of all learning providers in an area having their say to ensure effective collaboration in producing the curricula. As you might expect, we have received evidence to say that the voice of the business sector is not being adequately provided for, or that work-based learning—as the people before you said—is not adequately provided for. However, other evidence has said that there is too much focus on the vocational aspect and that this would shift the focus of learning between the ages of 14 and 16 away from traditional school models and much more onto further education institutions. What is your view on that?

[214] **Mr Davies:** This is an interesting one, because that is one issue with the Measure. If you contrast it with what is happening with the diplomas in England, you see a set of qualifications being implemented that currently do have very strong employer support. That will, hopefully, build a set of qualifications that will allow students and learners to progress and to do well.

[215] We then have a set of schools and colleges that is perhaps not offering enough of a range of vocational courses. Somewhere in the middle, business needs and what schools and colleges can deliver are meeting. That is what those two seemingly different voices are actually saying. If you were to say tomorrow that a school had to offer a set of vocational options, it would immediately ask, 'How? We have no history of this, so how do we do this?', and it would have an uphill struggle. Likewise, if you say, 'Learners have to do these courses', and businesses were not consulted on that, they would feel cheated because the kinds of courses that they want, which would deliver the kinds of youngsters that they want at the end, would not be available.

[216] **Janet Ryder:** Surely, behind all this is the fact that one provider cannot provide all the courses. That is the ethos behind the consortia. It is not just a matter of schools saying that they cannot provide these courses; it is a matter of their saying, 'We have to find these,

because we have to provide those options, so who will we partner with?'

[217] **Mr Pierce:** That is right. Our view is that there is at least a triangle of contributing parties to the design of a successful curriculum and its delivery. Of those at least three parties, the employer will have an interest in, and a view of, what is fit for purpose, the learning provider will have a view, whether it is a school, college or workplace, on what it is feasible to deliver and the resources that will be necessary to deliver it, and then there are the awarding bodies, the Welsh Joint Education Committee being one, though there are other important ones, which contribute to the design of the curriculum in Wales and in England. Designing and then delivering a local curriculum—the options menu or whatever—requires the right partnership between those interests. There are plenty of examples in Wales and elsewhere of an imbalance in such partnerships leading to a poor outcome for what is available.

[218] **Janet Ryder:** Who should judge whether the local area curriculum balance is right?

[219] **Mr Pierce:** At the end of the day, the stakeholders—the young people—have to play a key part in making that judgement. Our view is that the local curriculum has to be judged against its fitness for purpose. The people for whom it serves a purpose are the young people experiencing that curriculum. Their experience will then become real by way of outcomes and progression. Some will progress into the local economy, which is why employers' views on the local curriculum's fitness for purpose are so vital. Some of those young people will progress to wider opportunities, however, away from their locality, which is why the perspectives of other stakeholders, such as that of the higher education sector and of employers further afield, are also important in this. Any other view on what the local curriculum should be is likely to be an administrative and a categorisation-type view, and that is the big risk that we fear with this proposed Measure. It puts all the effort and all the thinking into the counting and categorisation of the curriculum, and puts hardly any emphasis at all on what the curriculum is designed to serve.

[220] **Jeff Cuthbert:** So, in essence, the curriculum needs clear planning, a collaborative approach from the outset, and a regular review, based on tracking the learners and their destinations, perhaps. Thank you.

[221] **Christine Chapman:** We have heard two different views. Employers will often say that young people are not coming forward to them with the right skills, and so those young people, presumably, have not even considered the local opportunities, but you have just said, Gareth, that it is also down to what young people want. That is not always about local opportunities, as it can be about what jobs they see on television, and about the particular fashion of options. I am just wondering where the balance lies and how we can get it right. There may be things that they enjoy doing that may not lead to a local opportunity. Those things may motivate them to do well, but they may not be particularly relevant locally. Is the balance right there?

2.00 p.m.

[222] **Mr Pierce:** I agree that getting the balance right is important. There are also many things that may exist in 10 years' time that do not exist now. There needs to be a link between curriculum emphases and the economic view of Wales over a decade, or 20 years. We have to take a broad view of the skillsets and learning experiences that best serve young people, locally and internationally, now, in a decade, or in 20 years' time. It is a complex picture. However, what all those have in common is a need for a flexible set of skills, and that is where some of the tension comes from between shifting too early towards what you might call 'vocational learning' where that means work-ready. The skills required to be work-ready now are not necessarily the skills that will be needed for different work when current work is

not available, or to secure future flexibility.

[223] **Christine Chapman:** As John said, that is why the Welsh baccalaureate has been so successful. It gives that broad range of skills and interest to young people, whether they are traditionally academic or more vocational. It gives a balanced approach.

[224] **Jeff Cuthbert:** We will move on now to the next set of questions from Andrew R.T. Davies.

[225] **Andrew R.T. Davies:** Thank you, gentlemen, for coming in. Do you consider the proposed learning domains appropriate or are they too restrictive? In your evidence, you highlighted design and technology. You could not pigeonhole that into any one specific area.

[226] **Mr Davies:** It depends on how the domains are applied. If they are applied rigidly, we will have problems. As an example, a consortium in Caerphilly came to us with an environmental design qualification for which they had huge support from employers and which we wanted to develop with them. That does not fit easily into any of the categories, because it deliberately cuts across disciplines. It is land and environment design, design, business and all sorts of curriculum areas. It would be bad to get into an exercise where we have to fight for categorisation, and where, because we are in one category, we cannot do what we want to do with a qualification that would actually meet learners' needs. So, it depends on how that domain framework works. If it is relatively relaxed and informs development, that is fine, but if it starts to constrain, it could become a problem.

[227] **Andrew R.T. Davies:** So, at this stage, I presume that it will be more of an exercise in seeing how it works, rather than its being definitively right or wrong. There is no one way or the other, therefore.

[228] **Mr Davies:** That is the other thing. You could never get a perfect cut; there will always be problems.

[229] **Jeff Cuthbert:** As far as I am aware, there is nothing to say that a course cannot cover more than one learning domain, is there?

[230] **Mr Griffiths:** No.

[231] **Jeff Cuthbert:** There may be some practicalities involved. You mentioned Caerphilly, which is my own back yard, and I am meeting the 14-19 learning pathways co-ordinator there later this week or next week, so I want some more information about what is happening. Thank you for that.

[232] **Andrew R. T. Davies:** Some of the evidence that we have received suggests that the terminology used in planning and delivering a new system is extremely important if we are to achieve parity of esteem for vocational and academic courses. What are your views on that?

[233] **Mr Pierce:** This is a very important area, because the terminology will project outwards to stakeholders. To start with the word 'vocational', we have to be very careful about what that is intended to mean and to what it is applied as a label. Headteachers have mentioned to me recently that there are courses within the current GCSE suite that are more practical and applied than those that would be classed as 'vocational' under this proposed Measure, were it passed. So, we would question the usefulness of that label. In Wales and in England, for different reasons, there is a big risk of making parity of esteem more of a problem than less of a problem. In England, the big question is the dichotomy in the public's perception of diplomas on the one hand and GCSEs and A-levels on the other. In Wales, it would be between what is classed as general and what is classed as vocational in the local

curriculum. So, there is a real risk of making parity of esteem more of a problem.

[234] In Wales, a lot of effort has gone into developing the credits framework, which allows things to be accredited at a level and to a certain size. Our view is that that is sufficient. We need a culture that recognises things that have a credit value. That should be enough. There is no need to label them as being ‘general vocational’. That is our view. Linked to that, there is always a need to evaluate the diversity of a curriculum in light of pathways and professions.

[235] **Andrew R.T. Davies:** The proposed Measure enables Welsh Ministers to make regulations to prescribe a minimum or maximum number of courses. Do you think that setting a minimum number of courses by regulation is a correct approach? Is it also a valid approach to set a minimum number of vocational courses?

[236] **Mr Pierce:** We see the minimum number concept as being a way of guaranteeing a certain amount of choice, which may well be necessary. Perhaps we can come back to that in a minute to discuss the vocabulary used to define it. The concept of a maximum number is to do with ensuring that no individual demands more than their share of the resources, by requiring more courses than would be sensible. The only question mark over that is whether it constrains in any way our ability to respond to gifted individuals. Does it set an unfortunate cut-off point for young people who really could benefit from the extra?

[237] On defining the minimum number, while the concept might be a worthy one, there are interesting issues about how it is defined. Our view is that the use of points would be an unfortunate concept. Stakeholders are already working with a number of different points systems: UCAS points, performance scores, and I just mentioned the credit system. Introducing yet another points system would cause confusion.

[238] We would also question the need for points. A young person’s choice does not become more of a choice, as it were, because they choose a bigger course. Once you have defined the unit that represents a course—say, for example, that your course concept is big enough to be a GCSE—anything bigger than that would still represent only one choice for the young person. We must view this from the point of view of the young person. Something that counts for 50 points is still only one choice.

[239] We also have major issues with the view, from some quarters, that Welsh-medium delivery counts as an additional choice to English-medium delivery, as, again, that is only one choice for the young person. In no way do we want the situation of people claiming to be delivering a wider range of options because they are delivering in two languages. For any one young person, that is still only one choice, because no young person would choose both Welsh and English-medium education. So, there are pretty obvious flaws in some of the rationale being bandied around to do with defining the minimum, and it could be made much simpler. The minimum number is a valid concept, to do with assuring a certain element of choice everywhere, but some of the potential regulations and guidance might be overly complex, especially from the stakeholders’ perspective. They would not even understand choice in the same way as the young person would understand choice.

[240] **Andrew R.T. Davies:** So, it needs refining, more than not accepting the principles?

[241] **Mr Pierce:** Yes.

[242] **Jeff Cuthbert:** Are you saying that the key driver is not so much the weight or the size of the cost, but its appropriateness to the learner, given his or her circumstances, the local environment and the economy, and that those issues are more important?

[243] **Mr Pierce:** Yes. Another point to add on that is that some of the more recent work that we have seen targets level 2 as the defining level. Our view would be that learners operating at entry level and level 1 also have a genuine need for choice.

[244] **Janet Ryder:** You have covered a lot of what I was going to ask. You have touched on the Welsh language. Do you consider provision through the medium of Welsh to be adequately included as a fundamental right?

2.10 p.m.

[245] **Mr Pierce:** Our policy at the WJEC is that anything we do we make available through the medium of Welsh. We have also commented that we think that that should be in the Measure. We think that, in all parts of Wales, there should be an entitlement for everything to be available in Welsh. As an awarding body, we uphold that policy.

[246] **Janet Ryder:** So, training in every sector of whatever constitutes a local curriculum should be available through the medium of Welsh?

[247] **Mr Pierce:** Yes, if there is a demand for it, it should be available through every awarding body. So far as I can see, every 14-19 network in Wales will have a Welsh-medium demand within it—

[248] **Janet Ryder:** I am not so much talking about the awarding body as the providers. Should we be using this as a mechanism to increase the Welsh-medium provision?

[249] **Mr Pierce:** I am not sure that it ever can. The challenge for Welsh-medium provision is in increasing the demand and responding to that demand. At the moment, there are all kinds of factors that suppress both those aspects. One of the factors that suppresses the response is that an awarding body can get away with saying 'Sorry, we cannot provide that in Welsh.'. We think that that is wrong and that the regulator in Wales, which is the Welsh Assembly Government, should be telling all awarding bodies working in Wales that if they provide a qualification in English, they must also provide it in Welsh.

[250] That is one factor working against this. One contribution that the Measure could make is that the partnerships could promote Welsh-medium education. In the network, you could often have one partner that specialises in Welsh-medium delivery but does not have a wide enough curriculum. Through working with the other partners in the network, yes, there is a way of promoting Welsh-medium education. Indeed, we have seen examples of this where there are young people from Welsh-medium schools taking a programme in college and, although the programme is perhaps not delivered in Welsh, it is a means of reinforcing a Welsh-medium approach to learning. Even in a context where the classroom activity is in English, there are ways that schools and colleges can work together to provide Welsh-medium support around that course.

[251] **Jeff Cuthbert:** Andrew has a question on this point.

[252] **Andrew R.T. Davies:** What is your perception of the demand out there for Welsh-medium education on the skills-sector side of things? I have had meetings with other organisations that have said that the demand is simply not there.

[253] **Mr Pierce:** The evidence that we have is that there is a growing demand.

[254] **Andrew R.T. Davies:** It might be growing, but is it a viable demand or is front-loading necessary to service that demand, so that it becomes a critical mass that allows the courses to function? There is x amount of money and x amount of resources; this is a question

of how you use those resources so that the whole lot does not come tumbling down.

[255] **Mr Pierce:** Absolutely. To be fair to the Welsh Assembly Government, there are funding streams that we at WJEC receive to support our Welsh-medium activity. That funding is also available to other awarding bodies. The point that you are making, I think, is that if there is low demand, the way to respond to it is by aggregating at some level—it might need to be the Wales level, in some courses—which means that for some programmes of learning, the 14-19 network is not the level at which the decision and the planning needs to happen.

[256] Perhaps there are certain courses that need to be available in Welsh but on a wider consortium basis. One of the ways that the WJEC contributes to that is the NGFL Cymru programme for developing learning resources digitally, which means that, if there is any corner of Wales with Welsh-medium provision that wants to work with us on learning resources, that set of resources can then be available anywhere in Wales. So, there are ways in which we need other collaborative mechanisms around this Measure to strengthen the viability of some programmes of learning. It is also important to recognise that, in a bilingual country, many learning programmes do not need to be delivered entirely in the Welsh medium. What is needed is often a combination of Welsh-medium and English-medium experiences, and therefore the ability to work in that sector in both languages. Perhaps we do not recognise that sufficiently—a balance is needed between English and Welsh inputs, particularly once people are in post-16 education or training, when they will hopefully have Welsh language skills. It is then important to use those skills in mixed language contexts.

[257] **Jeff Cuthbert:** We need to move on. This is obviously a matter that will be returned to many times during our work.

[258] **Janet Ryder:** On the definition of local areas, given that more than one local area curriculum can exist in an authority area, can you see any practical problems arising from such an arrangement?

[259] **Mr Pierce:** This is the example in which an area is sufficiently large in its definition that perhaps three curricula can serve parts of that area. I do not think that they add any new problems, because, if an area is confident enough that it has sufficient strength among its learning providers to require three, then that probably affords extra flexibility and extra confidence in meeting needs, rather than having to provide one single curriculum across a larger territory.

[260] **Janet Ryder:** That is fine.

[261] In your evidence, you noted the need for robust systems to avoid paying lip service to partnership and collaboration. The proposed Measure places a duty on those delivering local curricula, that is, the governing bodies and LEAs, to consider co-operation in delivering maximum availability of courses. Where LEAs conclude that joint working is appropriate, they must seek to enter into such arrangements. You touched on it slightly when you talked about Welsh-medium provision and how that can be extended if the right consortia are put together. In your opinion, is that provision strong enough to ensure effective co-operation?

[262] **Mr Davies:** As it is written at the moment, I do not think that it is strong enough to enforce co-operation. However, I do not really think that there should be the need to force co-operation, if you see what I mean. The answer to your question is that the wording of it will allow people consider and think about it but not necessarily do much about it in reality.

[263] **Janet Ryder:** And if it were not to happen?

[264] **Mr Davies:** Well, they could say that they have considered it according to the letter of the Measure as it stands.

[265] **Jeff Cuthbert:** They would have to show how they considered it.

[266] **Mr Davies:** Yes, but it could become more of a bureaucratic exercise than something real for learners and students, and that is my concern. I have seen quite a few forced initiatives, from GNVQ to AVCE in England, and watched those qualifications forced on people, and it is a very painful process. I remember talking to a senior colleague at the Qualification and Curriculum Authority, who said, 'If only we'd spent all this money spent on GNVQ on staff development and working with the centres, we would perhaps have achieved a lot more.'. If you are going to force something, you have to be absolutely sure that it is right and that it works. I am not sure, in the point score and the mechanism being proposed, that you can be that confident really.

[267] **Janet Ryder:** You may have touched on my last question, which is about the proposed roll-out from year 10, from September 2009 onwards. Do you consider that to be an achievable timescale? What key developments need to take place to ensure that the timetable is adhered to?

[268] **Mr Davies:** We were talking about it this morning and, technically, it is doable. You can see how centres could be planning for the implications of the Measure in the spring, provided they have all the details and understand exactly what they have to do by the spring. That will be a very tight timescale, however.

[269] **Janet Ryder:** It has been raised in evidence, even this afternoon, that it perhaps does not allow sufficient time to prepare pupils who are entering year 10 for a brand new curriculum, or to prepare staff.

[270] **Mr Pierce:** The cohort would be current year 9 pupils who, normally, would have their year 10 options explained to them. I am not sure that there would be that many new elements in that set of options for them, because most of the courses probably already exist. I therefore agree with John that this is achievable for those that are already thinking in this particular way. My understanding is that there would be an option for networks that declare that they certainly will not be ready to come in a year later. We would think that, for the people who are in the lead already, 2009 is achievable, but it would be unwise to force this change universally for September 2009, given that, as awarding bodies, we normally would not be allowed to bring in any course for September 2009 this late.

2.20 p.m.

[271] It would be an exception for us to commit to producing a specification and giving it to schools now for September 2009, so that is why we would expect some leniency and no requirement for everyone to be on that timeline.

[272] **Jeff Cuthbert:** The final group of questions are from Chris Chapman.

[273] **Christine Chapman:** I wanted to ask you about the learner support services. The proposed Measure shifts to a much greater emphasis on providing support for learners. In your evidence, you say that the responsibility for learner support services should lie with local curriculum boards. Can you explain the reasons for your comments?

[274] **Mr Pierce:** Our view is that the support needs to be managed closely to the learner, because it is support that is responsive to learners' needs. Therefore, we feel that the delivery of those services needs to be managed in a responsive way, and the people best placed to steer

that in the right direction would be local. However, we also agree that there should be national standards. So, it is local delivery and local management but to national standards of support. Therefore, themes such as the learning coach and the advisory and guidance service would be benchmarked. We feel that the national framework will have an important role to play in setting the standard, but if it is to be a responsive service, its management should be much closer to the learner.

[275] **Christine Chapman:** You just talked about an impartial learning coach. Do you think that there are any problems with that or do you think that that is achievable?

[276] **Mr Pierce:** There are different issues. An independent advisory and guidance service is one thing, but the learning coach is very much engaged with promoting an individual's progress. Therefore, that is not as detached a role as some people sometimes like to think.

[277] **Christine Chapman:** Do you think that it should be?

[278] **Mr Pierce:** Ideally, yes, because one would think that any educator involved in supporting a young person would take a detached view when advising him or her. Perhaps that is more achievable if some of these mechanisms to support partnership give people confidence that things such as funding do not work against them once they have advised someone to go in a particular direction. A lot of the nervousness about giving advice is to do with consequences for the learning provider, but genuinely fair mechanisms of funding can promote an independent view in advising.

[279] **Christine Chapman:** To move on, you referred in your evidence to the need to develop a:

[280] 'measurement of "learning" success not purely based on GCSE and GCE A* - C grades'.

[281] What might be the appropriate measurements?

[282] **Mr Pierce:** Our view of the learning pathways agenda is that it is successful when it promotes the achievement of all young people in Wales. The problem with some of these statistical measurements is that they often refer only to targets that are relevant to some young people or some age groups. Progression in pathways needs to be evaluated in its totality. To return to your comment about the baccalaureate, the impact and the success of the baccalaureate is entirely to do with whether it enhances people's total achievement and progression opportunities. We need to be more ambitious in our choice of measurements; we need measurements that reflect progression and outcomes, not measurements that count output on the way. Unfortunately, some of the themes in the Measure emphasise countable, administrative things rather than taking a bigger view of what successful learning pathways should represent for Wales and its young people.

[283] **Christine Chapman:** Finally, are there any changes that you would like to see to the proposed Measure that you have not already outlined?

[284] **Mr Pierce:** None that we have not already outlined. There are many aspects of detail that need real care, because of the risk of a set of unintended consequences, not least where the effort of a range of people goes, especially education managers within schools and colleges, local authorities, the Welsh Assembly Government and even awarding bodies; there is a real risk that the attention shifts to counting and categorising and away from educational outcomes.

[285] **Janet Ryder:** I have a question on an area that I do not think you have covered yet,

namely the ability of headteachers and principals, under the Measure, to remove a pupil's entitlement. Have you any concerns about that, or are you happy with the way that that is written?

[286] **Mr Pierce:** We felt that that was a viable proposition and an important facility to have.

[287] **Janet Ryder:** It has been raised today that there should be an appeals mechanism.

[288] **Mr Pierce:** We would agree with that. Most of the territory that we work in, as an awarding body, is subject to appeals processes. We can see why that would also be important in this context.

[289] **Jeff Cuthbert:** Thank you for your presentation and attendance. The clerk will send you a copy of the transcript, which you can check for accuracy. Once you have reflected on this conversation, if there is anything further that you would like to send to us, we would be very pleased to receive it. Thank you.

[290] **Mr Pierce:** Diolch yn fawr.

Mr Pierce: Thank you.

[291] **Jeff Cuthbert:** We will now move on to the fourth and final session today, which is to receive evidence from the National Union of Students Wales. I welcome Carl Harris and Ben Gray. This takes me back to 1973 or 1974, when I was a student, when we founded NUS Wales. I am glad to see that you have built on those firm foundations.

[292] Thank you for the written information that you have given us. We would like to move straight into questions, unless you would like to make any brief opening statements.

[293] **Mr Gray:** We would just like to thank the committee for inviting us along today to answer your questions. We hope that we have continued to build a strong and active students' union that is able to better represent the national voice of students in Wales—following on from 1974, or whenever. So, please fire your questions and we will do our best to answer them for you.

[294] **Mr Harris:** I would like to add to that. It is important to point out that we are not academics and we may not have a view on some of the questions that you put to us if they are about the Measure, as we represent students in post-16 education. If we can answer those questions—if we have an opinion—we will do so. It is something to bear in mind.

[295] **Jeff Cuthbert:** That is absolutely fine. I will ask the first few questions. The first question is one that we are asking all presenters. Do you feel that there is a need for legislation in this regard—the 14-19 learning pathways policy—or do you think that a voluntary approach would be sufficient?

[296] **Mr Gray:** There is definitely a need to legislate. There are simple reasons that back up this view. If you are looking for a partnership approach in this age range, you need a national framework that founds it on various principles. A voluntary arrangement will not give the sort of links that will make it a worthwhile exercise. So, for those reasons, there is a need to legislate.

[297] **Jeff Cuthbert:** Thank you; that is clear. The key purpose of the Measure is to create the right for learners aged 14 to 19 to elect to follow a course of study from a local area curriculum, taking account of local needs, the economy, the environment, and so on. Do you think that the Measure will achieve this?

[298] **Mr Harris:** The Measure is quite strong, but there is one element that we would like to see included, namely the representation of learners. The Measure states that headteachers of maintained schools and principals of further education institutions, along with their governing bodies, would be working with the local education authorities to form the local curricula.

2.30 p.m.

[299] Who better than the students and the learners to assist in this process? I am sure that we will touch on the barriers to this process later on, but who better than the students who will be studying the local curricula to provide that list of barriers and inside information? Therefore, we would like to see representation—when I was in school there were head boys and head girls, and school councils are strong now; in FE institutions, you have student unions—from the learners involved in the process of building the local curricula.

[300] **Jeff Cuthbert:** Thank you. Kirsty Williams has the next questions.

[301] **Kirsty Williams:** You have mentioned barriers. In your written evidence, you identify the barriers that you believe will need to be overcome in order for FE institutions to work in co-operation, which need to be addressed at the planning stage. You have outlined those barriers. How do you believe that these issues can be addressed effectively?

[302] **Mr Harris:** Several barriers are listed. The first barrier is timetabling. I do not have our response in front of me, but what we mentioned was a generic system of timetabling. How that is worked is up for discussion and debate.

[303] **Kirsty Williams:** Do you have any initial ideas about how that would work?

[304] **Mr Harris:** Yes. The initial idea is to have the learning domains working at the same time in the institutions—for example, you have learning domain 1 in the first part of the day—so that all institutions are working in the same areas. It depends on what options are available, and what options learners take. Midday, perhaps around 11 a.m. to 1 p.m., you have learning domain 2. Again, on session 3, if you like, you have these learning domains going on in all the institutions that are involved in the local curricula.

[305] **Mr Gray:** The key rationale behind needing a generic timetable is having one that is easily transferable and understandable. So, it is about the ability to link up even basic transport needs between two different institutions that might be offering the timetabling of courses, but also so that there is a clearness of understanding for students who are engaging in the system, so that they can expect a certain subject at a certain time. Although you may say that that makes it more national, the local input is on content and how to shape that best to deliver those learning outcomes in those areas.

[306] **Kirsty Williams:** What are some of the other barriers? You have touched on transport, for example.

[307] **Mr Harris:** Transport goes alongside timetabling. A lot of this stuff that we are talking about probably goes in the guidance, rather than in the Measure itself. However, there are issues around who provides the transport, whose responsibility it is, whether learners have to pay for this transport in any way, shape or form, what are the health and safety implications of travelling from one institution to the other, and whether there need to be wardens on buses, and so on. Having the timetabling and travelling issues together ensures that there is sufficient time between lectures to travel to different institutions, should that need to happen.

[308] **Kirsty Williams:** Therefore, this legislation needs to be cross-checked with the

learner travel legislation that is currently being developed? That only makes it a legal requirement to transport people to their place of education at the beginning and the end of the day—it makes no reference at all to anyone who may have to travel during the day, and also makes no guarantees that anyone over the age of 16 will have access to free transport. It does not guarantee that right.

[309] **Mr Harris:** It is exactly that.

[310] **Jeff Cuthbert:** That is a good question.

[311] **Kirsty Williams:** That is what I am worried about—one department does not know what the other department is doing.

[312] **Jeff Cuthbert:** You may well say that; I could not possibly comment. Andrew R.T. Davies has the next questions.

[313] **Andrew R.T. Davies:** Thank you for coming to committee this afternoon, gentlemen. The proposed Measure places a duty on those delivering the local curriculum to consider co-operation in delivering the maximum availability of courses if they conclude that joint working is appropriate. It states that they must seek to enter into such arrangements. Is this provision strong enough to create that element of co-operation?

[314] **Mr Harris:** We did not touch on that in our initial response. I have read some of the other consultation responses, and I agree with many of the respondents who say that, ‘considering co-operation’ is not necessarily a strong enough statement: you are either going to co-operate or you are not going to co-operate. You can consider it and still not do anything about it. So, I would say that, from the point of view of the National Union of Students, it is not a strong enough statement to ‘consider co-operation’. Also, accountability comes into it at this point; for example, if headteachers and institutions are not going to consider co-operation, they need to be accountable for that and explain why they are not prepared to co-operate.

[315] **Andrew R.T. Davies:** They need to explain themselves.

[316] **Mr Harris:** Exactly.

[317] **Mr Gray:** I can see the rationale in having some flexibility in place in terms of schools or institutions that may not be able to work in partnership, so I do not think that we were looking for it to be enforced, but the ‘seek’ element makes it seem even more wishy-washy in terms of whether that will happen at the other end. So, a measure of how many steps they have taken towards achieving this would be a useful way of seeing that they had tried to seek out those innovative ways of doing so, particularly in areas where institutions are spread further apart; that is when transport becomes even more crucial.

[318] **Andrew R.T. Davies:** In your evidence you highlight the important role that students can play in co-operating and working with governing bodies and so on. Do you think that the proposed Measure will ensure that that co-operation is transparent, accountable and representative of students?

[319] **Mr Gray:** First, we touched on the setting of the curriculum and talked about students being involved in that process or that they should be a partner in the process. This is what happens in higher education and I see no reason why an adapted form of that could not happen here. I heard the previous speaker talk about the headteacher’s or principal’s power to remove a course of study, but I think that there needs to be a way of making those decisions accountable and a way that includes students or a student representational structure. So, to read through, there does not seem to be a clear way of outlining what that representational

structure will look like. Clearly, at the moment, how well different student unions or councils—depending on the institution—work is quite fragmented, so recognition of what part of the process they will play a key part in will help to shape, naturally, the local provision of those representational structures. So, it is not the job of the Measure to lay out in principle what a student representative council would look like for every institution, because that defeats the objective of a local curriculum. However, something that can lay out what processes you expect them to be involved in would be a stronger way of tackling that problem.

[320] **Mr Harris:** To add to that, there is one FE institution in the whole of Wales with a learner involvement strategy and that is in south-east Wales. We would like that practice to be rolled out; it is something that can be done nationally. As you said, it needs to have a local element which could be included in the Measure, but each FE institution or maintained school needs to have a learner involvement strategy. The strategy states how they will get the involvement—basically what it says on the tin—of learners and get their input to ensure that what they do is representative. That could be included in the Measure, namely that every institution has a learning involvement strategy, and then the Measure could be left to the local education authorities.

[321] **Andrew R.T. Davies:** Which institution is that?

[322] **Mr Harris:** If it is okay to mention, it is Coleg Gwent.

[323] **Janet Ryder:** You touched on this when you talked about the appeals position, but do you think that it is right for the proposed Measure to include the grounds on which a headteacher or principal may remove a pupil's entitlement to follow a course, and does anything need to be expanded?

[324] **Mr Harris:** Something that needs to be expanded—I cannot remember the exact wording—is the disproportionate amount that could be spent on a student. What are the barriers to, or guidelines on, that amount?

[325] **Janet Ryder:** The grounds include the pupil's level of education attainment, the amount of time likely to be spent travelling, disproportionate expenditure and the pupil's or another person's health and safety.

[326] **Mr Harris:** What is disproportionate expenditure?

2.40 p.m.

[327] **Janet Ryder:** You would like to see it defined, would you?

[328] **Mr Harris:** Obviously, there is not a system that will fit every individual student, but I think that this is where we come back to accountability. If the headteacher or principal has the power to make those decisions, he or she needs to be accountable for those decisions and has to be able to explain why those decisions were made. If it was in the guidelines, that would be great, but we still need to reference why that entitlement has been taken away.

[329] **Janet Ryder:** Earlier, you touched on the fact that you would like to see an appeals mechanism in this Measure.

[330] **Mr Harris:** Yes, I certainly would. Again, that is where student representation comes in, in that if a decision is made by the heads and principals, students must have the option of being represented when appealing.

[331] **Janet Ryder:** You said that

[332] ‘All post-16 education institutions should be required to have a strategy on how they will consistently improve their quality in relation to the learner experience’.

[333] Again, you might have touched on some of this already. Do you think that the proposals in the Measure, in conjunction with the 14-19 learning pathways policies regarding learner support services, will improve the quality of a learner’s experience?

[334] **Mr Harris:** To be perfectly honest with you, I do not think that I know enough about this particular area to give you a good answer. I cannot see how learner support services and the learning coach service from the learning pathways would differ that much under this. When we started having learning coaches there were a number of reasons for them and this was the job that they were doing. I believe that they will, essentially, be doing the same job if this new system should come in. Ben may have a different opinion—do not get me wrong—but I cannot see how it would change that much.

[335] **Mr Gray:** We have a united voice. The only point that I wondered about with regard to the learning coach, and it is something that we have seen throughout education, is where the responsibility would sit. Where learners are having issues in another institution, how do you keep track of how that is going? How will they be able to support learners in every part of their study and have knowledge of how that is working? Equally, if we move across to something that is not necessarily explicitly mentioned, that is, the education maintenance allowance, who is registering the fact that that is happening? Who is administering that? Are there mechanisms in place to ensure that if learners are taking part in representational work they are still able to keep their EMA? There are currently cases that we know of where people have been denied their EMA because they have come to our events. That issue has developed over time. I think that, in terms of learner support and being able to actively engage in being a learner and having that voice, there are things to iron out.

[336] **Janet Ryder:** We have heard from other people this afternoon about the need to register a student with a base institution or school, so that wherever a student travels in the course of the week to complete his or her study course, the student is registered in one school, which would take the duty of care further forward and be responsible for ensuring that that was happening in other institutions. Would that cover the concerns that you have about the EMAs?

[337] **Mr Gray:** They can establish whatever recording system works best for them in terms of whether they have attended a course or not. I think that there are always some problems about being able to keep an eye on someone who is registered in one place, but who also attends somewhere else. If you will allow me to delve into an area that I know more about—higher education—when it comes to joint honours courses, where you are studying one degree across two departments or two faculties, it is very hard to get equal support or academic guidance between those two. It can be quite challenging to find out where you should go. If I were a learner, I would find it very challenging to match that with two different institutions, within maybe a less mature learning environment, and to understand where I should turn.

[338] **Mr Harris:** Also, it does not address the fact that there is not a national protocol to allow authorised absences for representational work. In further education, student unions are increasingly building up and developing, which is great and we champion that, but we also find that attendance at events and representational work is not as strong as it could be because student representatives will not get their education maintenance allowance for attending our events and, in essence, representing the students whom they were elected to represent. Certainly, if there was a way of completing the EMA forms when they were in different

institutions that would be great—that would be step one—but essentially there needs to be a protocol saying, ‘These are the guidelines for education maintenance allowance’, and they need to go a lot further than simply saying who is going to tick that they have arrived at a lecture.

[339] **Jeff Cuthbert:** I would like clarification on the point about students being denied their EMAs for coming to your events. Is that a conscious policy of the colleges concerned, or is it a communication issue?

[340] **Mr Harris:** It differs in institutions throughout Wales. Some will grant the education maintenance allowance; others will not.

[341] **Jeff Cuthbert:** So, it is not consistent.

[342] **Mr Harris:** There is no consistency whatsoever. We have included this point in a number of our consultation responses, the first of which was to the Webb review. We said that that was an ideal opportunity. It is even more of an ideal opportunity now, because the EMA is quite important at this point.

[343] **Jeff Cuthbert:** Of course.

[344] **Mr Gray:** Rather than having a draconian enforcement policy, a way of measuring or accrediting representation within a learning structure would be a positive way of ensuring that representational work is included. It is also a learning support tool to improve the standard of the learner voice. There are a variety of ways of making it happen. We are certainly not advocating an inspection regime on this particular point.

[345] **Christine Chapman:** I would like to ask about learners with additional learning needs. Do you think that such learners will be able to participate fully in the opportunities provided by 14-19 provision? Do you think that there are barriers that need to be looked at?

[346] **Mr Harris:** I cannot think of any more barriers than those that we have discussed, namely timetabling and transport. Will the transport be accessible? With regard to timetabling, if there are student carers, will lectures start at a time when they can attend?

[347] **Mr Gray:** Is there a different, disproportionate cost for learners with additional needs compared to learners with no additional needs before ruling out their involvement in other activities? That comes back to the clarification on the disproportionate cost elements of that. Health and safety issues are also relevant when you are talking about certain additional needs. So, yes, there are areas that need to be clarified in order to guarantee those.

[348] **Jeff Cuthbert:** Do you think that, in terms of the question that you have just dealt with from Christine, there might be an issue—which, in all probability, is a perception issue—in terms of workplace learning and employers who may feel reluctant to take someone with additional learning needs, because they feel that there is extra work involved? Do you think that that could be an issue? Would the NUS be in a position to assist?

[349] **Mr Gray:** We are not structured as a trade union, so we would not be in a position structurally to assist. If there were a greater recognition of the local student union as an entity, there may be assistance that we could offer there. In terms of the guidance that we put out on disabled students and working in placements, work has been done to encourage businesses to engage with those. I would be happy to source them for the committee. However, it is difficult to perceive what other people’s reluctance might be. It is something on which you have to establish separate recognition of the issues and the problems before you can open it up; you must acknowledge that they are there. I hope that I have answered your question.

[350] **Jeff Cuthbert:** Yes, that is absolutely fine.

[351] **Christine Chapman:** The Assembly Government proposes implementing these changes for year 10 pupils from September 2009, with a full roll-out across Wales within four years. What key developments will need to be achieved in order to meet this timescale?

[352] **Mr Harris:** I was not aware of the timescale; you have put me on the spot there. The Government needs to ensure that, in every area in which issues have been raised—such as the barriers and the other points raised by the stakeholders who have given evidence—any genuine issues are addressed before anything is rolled out. That is especially true in relation to guidance. The Measure is just the foundation; the work does not really start happening until the guidance is issued. If it is to be rolled out for year 10 in September, then the guidance needs to be out now so that institutions and staff are working and preparing for this. A good question is when the guidance will be ready. Will there be sufficient time to implement it in 11 months?

2.50 p.m.

[353] **Mr Gray:** The roll-out of any programme needs the same buy-in from other departments or areas of policy that will assist this. We have listed three or four different areas of policy, be that additional learning needs, welfare needs or transport, which need to be brought in at the same time. I do not know what the capacity for co-operation between departments to achieve the aims is; it would be a judgment as to how best that could be achieved.

[354] **Christine Chapman:** Finally, do you wish to see any changes to the proposed Measure? Are there any other things that you have not mentioned?

[355] **Mr Harris:** Things that we have not mentioned?

[356] **Christine Chapman:** Yes—is there anything in addition to what you have already mentioned?

[357] **Mr Harris:** No. I would just to echo the bit about representation, especially in building local curricula and having the voice of the learners involved when developing the local curricula.

[358] **Jeff Cuthbert:** Thank you very much for coming along today. You will be sent a copy of the transcript to check for accuracy, and if there are any further comments that you think of in the near future, you are welcome to send them to us in writing. Thank you very much.

[359] Before we finish, the clerk has asked me point out that it would be helpful, if there are any questions that have been asked this session that you want to be asked in the next session, which will also have questions based on the evidence that has been provided to us by those presenters, for you to let the clerk know as soon as possible so that they can be included. We will be meeting again on Tuesday at 9.15 a.m. and later on that week on Thursday at 8.45 a.m. Thank you for your attendance.

*Daeth y cyfarfod i ben am 2.52 p.m.
The meeting ended at 2.52 p.m.*