

Proposed Learning and Skills (Wales) Measure Committee

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Response to Assembly Committee Consultation from NAHT Cymru

Consultation on the proposed Learning and Skills (Wales) Measure 2008

NAHT Cymru response to specific questions which form the framework of the committees work

Is there need for legislation to re-organise 14 -19 provision?

Legislation could ultimately lead to a faster and more consistent delivery on policy objectives, but much could be achieved by clarity of definition and political drive. eg. we have been awaiting a satisfactory definition of what constitutes a vocational course and what the extent of the options menu should be. Lack of this information hinders schools in their planning.

However, Legislation is both time consuming and costly. The Learning Pathways strategy is the result of much hard work and collaboration, and NAHT Cymru has contributed to this process. NAHT Cymru would like clarification of the evidence that legislation is required.

Consultation Document 052/2008 is also considering collaborative working arrangements. There would appear to be several document addressing similar issues.

Does the proposed Measure achieve the policy objective or could changes be made without legislating?

NAHT Cymru feels that we are in danger of entering an era where collaborative working is seen as an end in itself, irrespective of the costs and benefits to learners. Legislation in itself will not necessarily achieve the objectives. As stated above much work has been done to promote the Learning Pathways agenda.

What are the views of stakeholders who will have to work with the new arrangements?

As well as the detailed evidence already provided, NAHT Cymru has concerns about the additional bureaucracy arising from the legislation; the lack of adequate resources, etc; the retention and recruitment of Headteachers; attention must be given to the geographical and demographic pattern of Wales.

What might be the barriers to delivering the policy agenda and does the proposed Measure take account of them?

In addition to evidence already submitted, NAHT Cymru wishes to underline the significant funding resources that will be required.

NAHT Cymru is particularly concerned as to how these proposals will affect Secondary Schools in rural areas, and Welsh Medium Schools in particular. There are Geographical and logistical difficulties in enforcing collaborative working. What may work in urban areas will not necessarily work in rural areas. Legislation in itself cannot accommodate the diversity of provision that already exists.

Additional Comments on the Proposed Learning and Skills (Wales) Measure

Submitted by NAHT Cymru

Giving Evidence: Iwan Guy (Acting Director NAHT Cymru)

Frank Ciccotti:- Headteacher Pembroke School

Dr. Chris Howard - Headteacher Lewis Boys School Pengam (National Vice-President NAHT)

In relation to the previous NAHT response: (Copy included)

"The paragraph reference below refers to the original submission made by"

"NAHT Cymru. (29.04.08)"

Paragraph 1 - unchanged

Paragraph 2 - unchanged

Paragraph 3 - unchanged, although it should be further noted that school teachers' terms and conditions of service are set by UK government regulations and are most inflexible. In most schools, early decisions on options patterns are made in December and the options process operated in February - this is in order to fit in with any staffing implications of option uptake numbers; school teachers would require redundancy notices and appeals processes to be complete by 31st May. Welsh Ministers would need to complete their negotiation of local options menus on an equivalent timescale.

Paragraph 4 - unchanged

Paragraph 5 - most of these areas of concern are successfully addressed in the re-drafted legislation. The issue of the cost of travel is not addressed and will continue to prove important.

Paragraph 6 - unchanged

Paragraph 7 - unchanged

Paragraph 8 - unchanged

Paragraph 9 - unchanged

Paragraph 10 - unchanged

Paragraph 11 - unchanged, although this now refers to section 23 (33c).

Additional Observations:

In the new section 116a - Formation of local curricula for pupils in key stage 4 - section 5b refers to the number and proportion of vocational courses of study. We still have the problem that this neglects the width of qualifications and the number of points allocated. Vocational qualifications can be worth the equivalent of 1, 2 or even 4 GCSE's. If the proportion of vocational to academic courses is specified, and there is a requirement for a certain number of vocational courses, this will force a disproportionate reduction of the number of other singly-weighted (academic) courses of study, whether because of funding or to make the maths work.

In section 116e - Headteacher's Decision as to Entitlement:

It is interesting to note that the Headteacher must have regard to guidance that there is no requirement here (as there is elsewhere) to comply with direction. The same applies in 116g, 33f and 33h.

In 116i - Delivery of Local Curriculum Entitlement: Joint Working - the choice of "maximise" is unfortunate. In paragraph 2a, the governing body would automatically be forced to conclude that co-operation arrangements would further the objectives of this section, unless (and this is unlikely) every element of the options menu is already in place. Having so concluded, it would then be forced to seek to enter into co-operation agreement. There is no qualification in this section that such arrangements would need to be reasonable and not incur disproportionate costs.

In 116i Section 3, (a), Local Education Authorities would also need criteria of reasonableness to decide whether it was appropriate to commission provision to maximise availability of courses. There is also a question mark over funding of such provision - would costs be referred to the school using the provision, or taken out of the general schools budget? Either way, it impacts on school funding arrangement and the work of the schools forum, both of which are set down elsewhere in law.

Comments in relation to 116i also apply to 33 J and K.

In 116j - Joint working: Guidance and Directions - Welsh Ministers may make a direction which specifies terms upon which arrangements are to be entered into. Again this conflicts with principles in local management of schools and the funding of schools. In particular, governing bodies of maintained schools are required to set the annual budget. To have Welsh Ministers override this process would seem to put ministers in conflict with other aspects of law.

In 33e - Students' Local Curriculum Entitlements - headteachers are required to make decisions on entitlement before the beginning of the entitlement period. As the entitlement period is defined as beginning of the first day of the academic year, it is implied that decisions must be made during the school holiday period (as results from GCSEs are generally required as the basis of decision making). Although it is common practice for schools to operate their enrolment to sixth form before the start of term, this is rarely complete at the start of term and it would not be possible to insist that this took place during the school holiday periods because school teachers - who need to be involved in the decisions - cannot be required to work before the start of the school term.

In Part 3 - Services Related to Education Training and Skills, Section 37, Welsh Ministers are granted the powers to require schools to provide learner support services. This is an unlimited new power and there is no indication that such support services should be reasonable in respect of availability, resour, funding and so on.

In sub section 6, the young persons for whom such support services would be directed are defined as being from age 11 to 26, well outside the 14-19 age range which the legislation claims to target. We are concerned that this legislation would give Welsh Ministers unlimited powers to introduce an elaborate system of Learning Coaches, giving schools the responsibility for the system but no funding to deliver it.

Section 38 emphasises this - this is not a case where governing bodies have regard to guidance, but one in which they must comply with direction.

Section 43 (1) (B); it should be noted that in law the local education authority is the admitting authority, even for post 16 students. There may therefore need to be amendments to other legislation to ensure that there are no conflicts.