

Proposed Learning and Skills (Wales) Measure Committee

LS(3)-03-08(p.8): 30 September 2008 (Saesneg yn Unig)

Response to Welsh Assembly Government Consultation from NAHT Cymru

Proposals for a Learning and Skills (Wales) Measure 2008

Date of issue: 15 January 2008

Responses by: 29 April 2008

Responses to:

Cath Ward
Policy Coordinator
Welsh Assembly Government
Cathays Park
Cardiff CF10 3NQ

14-19@wales.gsi.gov.uk

Consultation questions

Local Curriculum

1 Do you agree with the principle of increasing learner choice via co-operation between organisations and through the production of a local area curriculum?

Yes.

2 - For 14-16 learners registered at maintained schools the responsibility for planning the local curriculum rests with the local education authority and for governing bodies and head teachers to be required to assist the local authority in this regard. Do you agree that the responsibility should lie with local education authorities'

Yes. We note however that while the Measure states that local authorities 'may form the local curriculum for its area as it sees fit'", the extent to which it can actually determine provision will ultimately be prescribed by further regulation from Welsh Ministers.

We also note that the Measure states that the governing bodies and headteacher of maintained schools 'must assist a local authority in planning the local curriculum for its area.'

We have no objection to this in principle. However, we would ask that NAHT Cymru be involved in the consultation process surrounding the evolution of the accompanying regulations at a very early stage. There are questions of practicality and organisation that that will have to be addressed in this context:

- The timetabling implications of multi-site provision for individual students.

Much time may be taken up in travelling for some students, especially those in more rural areas, although travel times can also be significant in congested urban areas.

- The absence of a significant part of the cohort at a further education institution (or other partner provider) will influence the timetabling of lessons for pre-14 pupils in a school.

1 - The responsibility for planning the local curriculum for learners aged 16-19 rests with Welsh Ministers. Do you consider this appropriate and if not, why not?

Yes. We note that the measure states that the governing body and head teacher of maintained schools "must assist Welsh Ministers in planning the local curriculum.'Head Teachers therefore 'must assist' LEAs in creating a local curriculum for 14-16; and 'must assist' Welsh Ministers in planning the 16-19 local curriculum.

While we recognise the imperatives here in terms of funding and governance arrangements, we remain concerned that a coherent approach is maintained to the provision of courses for the entire 14-19 cohort; and that head teachers will not be required to engage - with all the attendant meetings, bureaucratic burdens and workload implications, with two different structures for the two age groups.

Ministers will have to be mindful that school planning is driven in large part by contractual obligations in terms of teachers' terms and conditions - contracts, reviews etc. These tend to have a more fixed character, and be less flexible, than the pattern in further education institutions. Schools would therefore require notice of the post 16 options menu in time to plan within these constraints.

2 - Would the setting of a minimum number of courses to be contained within the local curriculum at Key Stage 4 and a minimum number of courses for learners 16-19 years old, assist in ensuring equality of opportunity for learners across Wales?

Possibly. We would argue however that the appropriateness of the course provision - particularly in relation to vocational courses - for an area should be at least as significant a factor as the sheer number of courses. It does not seem sensible to determine absolutely the number of courses, while at the same time claiming that the local curriculum should be determined as the LEA/Welsh Ministers 'see fit' for a particular area - based presumably, in part at least, with reference to local employer demand.

3 - Is it appropriate that the decision as to an individual learner's entitlement should rest with the head teacher or principal?

Yes, though again we would urge that NAHT Cymru members have an early involvement in the drafting of the regulations which will clarify this aspect of the measure.

Areas of concern that will need to be considered:

- An absolute entitlement cannot be guaranteed. If a course is full, some pupils may not be able to pursue the course of their choice.
- The availability/practicality of continued individual support will have to be considered. Some pupils at school have individual assistance in terms of a member of staff who is constantly with them. How practical will it be for such staff members to move between learning providers in the way outlined in the Measure? What will the head teacher's responsibility be in relation to the maintenance of such a level of support?
- Possible health and safety issues necessitating the removal of a pupil from a particular course (this has already arisen in the context of a further education institution requesting the removal of a pupil from a car mechanics course after unsafe behaviour).
- If the head teacher is commissioning the learning, would the school budget be required to bear the costs of travel? There is currently no provision for this in school budgets and it could prove crippling.
- Schools and other providers often set entrance requirements for courses. It is to be expected that head teachers would continue to use such requirements as a filter to prevent learners undertaking inappropriate courses.

4 - Do you consider the use of minimum option numbers, allied with the use of learning domains succeed in supporting a workable framework for wider choice for learners in the 14-19 phase?

- The effect of this is unpredictable at present because the mapping of courses to domains is not complete and the option numbers are not specified. If the requirements are over-ambitious, there will potentially be a huge shift in the type of provision, especially at 14-16. This would have significant implications for schools in trimming back the workforce in unpopular subjects and retraining staff or contracting out to other providers. There are costs here that the Assembly Government should model and resource. NAHT Cymru would be keen to be involved in the modelling and costing exercise.
- NAHT Cymru is of the view that this is too blunt a tool if the learner is to remain at the centre of provision. Option numbers in remote or relatively hard-to-reach locations may be small but prove attractive to the learner because of the difficulties involved with accessing more cost effective provision elsewhere. A denial of choice to the individual may result from a vigorous and cost-related application of a legislatively embedded minimum. This seems a solution fitted to urban areas but much less relevant in rural Wales (including Welsh Medium Schools in all areas) and south eastern valley areas.

5 - Is it desirable to set a minimum number of vocational courses that must be included within a local curriculum?

- See answer to question 4. In addition, we would comment that a satisfactory definition of a vocational course is yet to be established, and the definition offered in the draft measure (it's vocational if ministers say yes) seems particularly unhelpful

6 - Should the minimum requirement for vocational courses be specified as having to fall across a range of learning domains?

It is not immediately apparent what this question means. If it is asking whether there should be a minimum number of vocational courses in each of the learning domains, the answer is probably "no", because some of the domains lend themselves more easily than others to vocational courses of a type that can be accessed by learners in the 14-16 age range in particular.

Joint Working

1 - Would the placing of a duty on local education authorities, governing bodies of schools and further education institutions, to consider co-operation be sufficient to achieve the provision of a local curriculum?

It would not be appropriate to insist that there are collaborative arrangements in place, even if the Government were to require co-operation, this may not be the right solution for all institutions in all areas.

2 - Please identify any barriers to co-operation that may need to be overcome. What possible solutions are there?

The main barriers, apart from institutional self-interest, corporate empire-building and parental preference, include the cost of purchasing provision; cost, availability and time constraints of transport; the difficulty of synchronising school timetables for all learners with the needs of the few who require off-site provision; the skills of the existing school workforce and the availability of appropriately trained and experienced staff to deliver vocational courses; the more intense resource needs of vocational courses and the lack of suitable premises and equipment in most schools; student reluctance to spend significant time travelling, and the amount of time missed from other courses or other school activities; the demands on school leaders in setting up and troubleshooting new arrangements,

Welsh Medium Schools will face difficulty because of their geographical locations, making co-operative working difficult. Added to this is

the lack of suitable courses at FE settings through the medium of Welsh.

Solutions partly involve political will, adequate resources and clear leadership at both WAG and LEA levels.

Learning Coach and Personal Support

1 The proposed measure makes provision for youth support services. Will the provision proposed facilitate young people's access to support services as envisaged within 14-19 Learning Pathways?

Additional queries/comments:

The measure states (part 2) that ' a registered pupil of a maintained school has the right to expect to follow...a course or courses of study included within the local curriculum for the local education authority area in which his or her relevant school or institution is situated...a pupil's relevant school or institution is such school or institution whose governing body the head teacher of the pupil's school has determined is likely to be responsible for providing (or making arrangements for the provision of) the majority of his or her education once he or she has ceased to be of compulsory school age.'

Presumably this will have to be determined in discussion with all the providers, and for each 16-19 pupil. That sounds very onerous. Are there any guarantees that, even if the balance of provision changes at any point, that this will not have to be revisited and refined each time?