



**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 Mawrth, 30 Medi 2008  
Tuesday, 30 September 2008**

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

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

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

Christine Chapman	Llafur Labour
Jeff Cuthbert	Llafur Labour
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**

Dr Philip Dixon	Cyfarwyddwr, Cymdeithas yr Athrawon a'r Darlithwyr Director, Association of Teachers and Lecturers
Elaine Edwards	Ysgrifennydd Cyffredinol, Undeb Cenedlaethol Athrawon Cymru General Secretary, Undeb Cenedlaethol Athrawon Cymru
David Evans	Ysgrifennydd Cymru, Undeb Cenedlaethol yr Athrawon, Cymru Wales Secretary, National Union of Teachers Cymru
Iwan Guy	Cyfarwyddwr Dros Dro, NAHT Cymru Acting Director, NAHT Cymru
Gareth Jones	Ysgrifennydd, ASCL Cymru Secretary, ASCL Cymru
Gareth Matthewson	Aelod o Bwyllgor Cymru, NAHT Cymru Member of the Welsh Committee, NAHT Cymru
Rex Phillips	Trefnydd Cymru, NASUWT Wales Organiser, NASUWT
Phil Whitcombe	Llywydd, ASCL Cymru President, ASCL Cymru
Rebecca Williams	Swyddog Polisi, Undeb Cenedlaethol Athrawon Cymru Policy Officer, Undeb Cenedlaethol Athrawon Cymru

**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
Siân Wilkins	Clerc Clerk

*Dechreuodd y cyfarfod am 9.31 a.m.*  
*The meeting began at 9.31 a.m.*

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

[1] **Jeff Cuthbert:** I welcome you all—Members, officials, witnesses, and those in the public gallery—to this evidence-gathering meeting of the Proposed Learning and Skills Measure Committee. I remind everyone that this meeting can be conducted through English or Welsh, and for those who need it, there are simultaneous translation facilities available on channel 1. Channel 0 can be used to enhance the sound if you have any hearing difficulties.

[2] There is no fire alarm test planned, so if we hear an alarm, it will be the real thing and the ushers will lead us to a place of safety. I ask everyone, including myself, to ensure that electronic devices, such as mobile phones and pagers, are switched off, because they can interfere with the audio and the translation systems. I remind everyone not to touch the buttons on the microphones; they should come on automatically as you speak.

[3] We have not received any apologies. It is my understanding that we will be joined shortly by Kirsty Williams and Andrew R.T. Davies.

9.34 a.m.

### **Mesur Arfaethedig ynghylch Dysgu a Sgiliau (Cymru) 2008—Cyfnod 1, Sesiwn Dystiolaeth 2 Proposed Learning and Skills (Wales) Measure 2008—Stage 1, Evidence Session 2**

[4] **Jeff Cuthbert:** This is the second oral evidence session of the Proposed Learning and Skills (Wales) Measure 2008. These sessions will form part of our committee's consideration of the general principles of Stage 1 of the legislative process—sorry, of the legislative process; I hope that it is not a protest, but who knows?

[5] I welcome the witnesses before us today: Rex Phillips from the NASUWT, Elaine Edwards and Rebecca Williams from Undeb Cenedlaethol Athrawon Cymru, Dr Philip Dixon from the Association of Teachers and Lecturers, and David Evans from the National Union of Teachers.

[6] I will be asking the introductory question and the final question, and I will allocate other questions to committee members. Committee members are also free to ask any other questions for clarification and supplementary questions. We will try to have as free a discussion as we can, and there will be a full record of these proceedings.

[7] I will begin by asking each of the three organisations a question. The key purpose of this Measure, as outlined in the explanatory memorandum, is to create a right for learners aged 14 to 19 in Wales to elect to follow a course of study from a local area curriculum. Do you consider that the proposed Measure achieves that key objective and, if not, how could we achieve it more effectively?

[8] **Mr Evans:** The Measure—and you have just highlighted part of its purpose—is about providing equality of opportunity for the 14 to 19-year-old learners in Wales and looking at the options and support that may be available for them at key stage 4. At the moment, it seems to us that there are several grey areas. In terms of determining whether or not it will be fit for purpose, the proof of the pudding will be very much in the eating.

[9] The areas that jump out at us in terms of achieving this aim are timetabling, funding,

co-operation issues and travel issues. All those need to be considered in quite some detail to ensure that the main purpose of this Measure is achieved. There is some way to go on that before we can nail this down.

[10] **Dr Dixon:** I agree with much of that. I think that the aim of the Measure is quite clear and we would support the fact that there needs to be an equality of choice across the board in Wales. However, as David says, there are still those grey areas—the major one is about funding; we want to signal that at the very start of this. There are also issues around the three t's: travel, timetable and tongue. We would also see a major issue relating to the terms and conditions of school and further education staff. Those would need to be reconciled, otherwise, you could have a situation in which you had staff on different terms and conditions delivering in the same areas.

[11] We think that it is travelling in the right direction—and we were grateful for the Deputy First Minister's further clarifications—but work still needs to be done to ensure that equality of provision can be delivered effectively and sustainably.

[12] **Ms Edwards:** Byddai'r Mesur yn rhoi hawl o fewn deddfwriaeth i ddisgyblion, ond nid yw sicrhau bod rhywbeth yn bodoli mewn deddfwriaeth o reidrwydd yn sicrhau y bydd yn hawdd ei wneud. Mae perygl o gyfreitha os nad yw'r Mesur yn gywir cyn iddo gael ei weithredu.

**Ms Edwards:** The Measure would provide a right within legislation for pupils, but ensuring that something is within legislation does not necessarily ensure that it will be easily achieved. There is a legal danger if the Measure is not right before being implemented.

[13] Mae sôn yma am bob disgybl yn meddu ar yr un hawl. Dyna nod cyfle cyfartal, ond, ar yr un pryd, mae'r Mesur yn sôn am hawliau gwahanol mewn awdurdodau addysg lleol gwahanol. Hefyd, nid oes cyfeiriad at addysg cyfrwng Cymraeg. Mae hynny'n peri gofid i ni oherwydd, yn amlwg, nid yw'r capasiti gennym ar hyn o bryd i roi'r un hawliau i ddisgyblion cyfrwng Cymraeg ag sydd gan ddisgyblion cyfrwng Saesneg. Felly, mae nifer o bethau am y Mesur fel mae'n sefyll sydd yn peri gofid. Teimlwn nad yw Cymru'n barod i weithredu ar hwn erbyn Medi 2009.

There is mention here of each pupil having the same right. That is the aim of equality of opportunity, but at the same time, the Measure talks about different rights and different local education authorities. Furthermore, there is no mention of Welsh-medium education. That causes us concern because, clearly, we do not currently have the capacity to give Welsh-medium pupils the same rights as English-medium pupils have. Therefore, there are a number of things regarding the Measure as it stands that are concerning. We feel that Wales is not ready to implement this by September 2009.

[14] **Mr Phillips:** I agree with much of what has been said by others; I certainly agree with Elaine. I think that to go with equality of opportunity, you must have equality of access. That needs to be established, and the whole process needs to be based on collaboration and partnership and not on takeover. A major concern for us is that this will be seen as a takeover by the FE sector for 14-to-19 provision rather than what is going on in schools at the moment being recognised.

9.40 a.m.

[15] Looking at it as a whole, the direction of travel of education in Wales in terms of a foundation phase, what we would see as a secondary phase, which would be seven to 14, and then a tertiary phase that would end up under the remit of FE institutions, there is no democratic accountability within the FE sector—there is a major democratic deficit there—and we believe that it is vital for local education authorities to play a role in the 14-19 provision of the future. They are not mentioned in the document in terms of collaboration

between FE institutions and schools, other than to request a copy of the minutes of joint committees, so a lot more work needs to be done. I think that what is needed here is evolution rather than revolution. I think that the Welsh Assembly Government is moving too quickly to go down that route of revolution.

[16] **Jeff Cuthbert:** We will now move on to the next group of questions, which will be asked by Kirsty Williams.

[17] **Kirsty Williams:** I will move on to the issues of implementation that have already begun to be raised. You will be aware that the Assembly Government proposes to implement the changes to 14-19 provision for year-10 pupils from September 2009, with a roll out across Wales within four years of that date. Do you consider that timetable to be achievable?

[18] **Mr Phillips:** I would say 'no' and that the lessons of the foundation phase have to be learnt here: everybody tied themselves into something, tried to move forward too quickly and then realised that there was a major issue about funding. Funding has to be established first of all; that needs to be sorted out. You need to get the basics right and make sure that the funding mechanisms are in place and that the funding is there for the roll-out. I think that next September will be too early.

[19] I will give you a little bit of anecdotal evidence. A situation is developing in the Denbighshire authority area in north Wales, in the Rhyl area, in that Rhyl High School tried to enrol pupils on a level 2 course at Coleg Llandrillo Cymru from this September. Those pupils were turned down for the level 2 course—they would only be accepted for a level 1 course—and that meant that the school had to take them back. They were year-10 pupils and the school had to reorganise the timetable in order to accommodate them. That is down to the funding mechanisms that are in place. I think that the colleges are playing safe with pupils and you could end up dumbing down rather than raising standards and extending pupils, if you go too quickly.

[20] **Ms Edwards:** Fel y dywedais y tro cyntaf, mae'n glir bod hyn yn digwydd yn rhy gyflym. Nid yw'r capasiti gennym. Mae angen edrych o ddifrif ar y sefyllfa ariannol. Mae'r system ariannu ar hyn o bryd yn milwrio yn erbyn cydweithio—mae'n dal i wneud hynny. Mae llawer o gamau wedi eu cymryd yn wirfoddol, gydag anogaeth, felly nid ydym mewn sefyllfa lle nad oes unrhyw ddewis ychwanegol i ddisgyblion blwyddyn 10. Mae llawer yn y sefyllfa lle mae mwy o ddewis, ond mae'n rhaid i ni hefyd sicrhau bod cyrsiau addas ychwanegol yn barod rhag ofn y bydd Llywodraeth y Cynulliad yn rhoi isafswm o niferoedd ar gyfer ardaloedd penodol. Ar hyn o bryd, nid wyf yn sicr os yw'r cyrsiau hynny hyd yn oed ar gael drwy gyfrwng y Saesneg, gyda'r sicrwydd eu bod yn gyrsiau o safon. Mae angen i ni sicrhau bod ansawdd i'r cyrsiau, nid dim ond ystod eang o ddewisiadau. Mae nifer o bethau sydd angen edrych arnynt cyn i ni weithredu. Mae angen sicrhau ansawdd cyrsiau, sicrhau bod ystod eang o gyrsiau ar gael drwy gyfrwng y Gymraeg a'r Saesneg, a sicrhau bod

**Ms Edwards:** As I said the first time, it is clear that this is happening too quickly. We do not have the capacity. We need to look seriously at the financial situation. The current funding system militates against co-operation—it continues to do that. Many steps have been taken voluntarily, with encouragement, so we are not in a situation whereby there are no additional options for year-10 pupils. Many are in the situation where there is more choice, but we also have to ensure that additional appropriate courses are available now in case the Assembly Government sets minimum numbers for specific areas. At the moment, I am not even certain if those courses are available through the medium of English, with the certainty that they are quality courses. We need to ensure that the courses are of a certain standard, not only a range of options. Many issues need to be looked at before we move forward. We need to ensure the quality of the courses, ensure that a wide range of courses are available through the medium of English and Welsh, and ensure that co-operation is

cydweithio'n bosibl. Mae ysbryd cydweithio mewn nifer o ardaloedd ac mae angen sicrhau nad yw'n cael ei danseilio gan y system ariannu. Hefyd, mae'n rhaid edrych ar broblemau hanesyddol. Bu diffyg cydweithio ar adegau oherwydd pethau fel y disgrifiodd Rex. Ar adegau, yr oedd rhywrai wedi dod i gytundeb ond wedyn yr oedd yn rhaid newid y cytundeb ar y funud olaf. Yn y pen draw, mae nifer o sefydliadau—ysgolion, er enghraifft—wedi penderfynu ei fod yn haws iddynt weithredu ar eu pennau eu hunain, neu gydag ysgol gyfagos, na chydweithio gyda'r sector addysg bellach.

[21] Yn bendant, un peth yr wyf yn teimlo bod yn rhaid edrych arno yw beth yn union fydd sefyllfa disgyblion 14 i 16 oed, gan mai nhw yw'r disgyblion bregus sydd gennym. Y rhai yn y grŵp oedran hwnnw a fydd efallai angen mwy o ddewis o gyrсияu galwedigaethol yw'r rhai mae'r Mesur hwn yn eu targedu. Mae angen dewis ar gyfer cynnwys y plant mwyaf difreintiedig a'r rhai sydd fwyaf tebygol o optio allan. Os ydym yn eu hanfon allan o'r ysgolion, a'u bod efallai yn treulio tri diwrnod yr wythnos y tu allan i'r ysgol, mae'n rhaid inni fod wedi paratoi systemau diogelwch ar eu cyfer, fel bod rhywun yn gwybod yn union lle maent bob awr o'r dydd.

[22] Ar hyn o bryd, ni chredaf fod gan golegau addysg bellach systemau i ofalu am ddisgyblion 14 i 16 oed. Yn waeth na hynny, nid oes profiad ganddynt ychwaith. Mae'n wahanol iawn delio â disgyblion 16 oed i ddelio â rhai 14 oed. Yr ydym yn sôn yn y fan hon, yn aml, am y disgyblion mwyaf bregus yn ein cymdeithas, ac mae perygl inni fetu'r disgyblion hynny eto os na wnawn yn sicr, cyn ein bod yn deddfu'n iawn, ein bod wedi datrys y problemau hynny.

[23] **Jeff Cuthbert:** I will ask Philip to respond next, and then David. I hope that I am not being rude, but, as we have a lot of questions to get through, could you please make your answers as concise as possible.

[24] **Dr Dixon:** I can give a very concise answer to Kirsty—no, I do not think that it could possibly be rolled out by 2009. It is important that this has been brought up, and a great deal of work has gone into this, and it has set a direction of travel. However, the devil will be in the detail, which might well scupper it—it is far too ambitious to think that we can go forward in 2009. At present across Wales, we know that co-operation is patchy; there are some excellent examples, and there are others that are not so excellent. We have two funding systems—funding schools and funding FE institutions. As I alluded to before, we also have

possible. There is a spirit of co-operation in many areas, but we need to ensure that that is not undermined by the funding system. We must also look at historical problems. There has been a lack of co-operation at times because of issues like the one that Rex described. At times, people have been willing to come to an agreement, only to have to change that agreement at the last minute. At the end of the day, many institutions—schools, for example—have decided that it is easier for them to operate on their own, or with a neighbouring school, than to co-operate with the further education sector.

One thing that I certainly feel that we must look at is what the situation will be for 14 to 16-year-old pupils, because they are our vulnerable pupils. The pupils in that age group, who may need more options in terms of vocational courses, are the ones that this Measure is targeting. More options are needed to include the most disadvantaged children and the ones who are most likely to opt out. If we send them out of school, and that they perhaps spend three days a week outside the school, we must have prepared safety regimes for them, so that someone knows exactly where they are every hour of each day.

At present, I do not believe that FE colleges have any sort of regimes in place to take care of 14 to 16-year-old pupils. What is even worse is that they do not have the experience either. Dealing with 16-year-old pupils is very different from dealing with 14-year-olds. We are talking here, often, about the most vulnerable children in our society, and we are in danger of failing those pupils again if we do not ensure that, before legislating properly, those problems are sorted out.

different terms and conditions, and those would have to be worked out; they are not just trimmings and stuff that can be pushed to one side.

[25] Furthermore, issues around special education needs provision, work-based learning, employer engagement in certain areas, and the whole problem of Criminal Records Bureau checks—not just for staff, but also for older students in FE institutions, and so on—would need to be worked out. Those issues need to be put on the table, and then perhaps a revised timescale needs to be looked at. I would not want to see it pushed off into the distant future, but I believe that 2009 would be far too ambitious.

[26] **Jeff Cuthbert:** Before David comes in, Janet has a question on this point.

[27] **Janet Ryder:** May I clarify what you mean by checks on older pupils?

[28] **Dr Dixon:** My understanding, from talking to a principal, was that the checks are done on members of staff in FE institutions. However, you could have situations where there are pre-16 pupils along with post-16 students in an FE institution; would you have to check the students who were over 16 if they are mixing with those under 16?

[29] **Janet Ryder:** Are pupils checked in a school, where you have children whose ages range from 12 to 18?

[30] **Dr Dixon:** No, but it would—

[31] **Jeff Cuthbert:** I will ask Gwyn—our legal adviser—to make a note of that, and we will get some more information on that point.

[32] **Mr Evans:** My answer to Kirsty's question is also 'no'. We are talking about a major change in the way in which we are dealing with the 14 to 19 age group, and a significant amount of work has to be done. We must remember that the interest of the learners is paramount here, and that has to be our focus. This Measure impacts on all areas. Some areas have already been mentioned by Philip, Rex and Elaine, but we need to look at other areas such as behaviour, and we need clarification of responsibilities. We need to consider governance—what will happen on the articles and instruments of governance? Philip mentioned conditions of service, and there are also issues around capital investment, and what will happen regarding inspections. These are all huge issues that must be considered. Rex alluded initially to the foundation phase. I do not want to be sitting on another task and finish group in six or seven months' time, with panic setting in because there are only another few months until this is rolled out. We need to get it right now, and we have the opportunity to do it.

[33] **Kirsty Williams:** I would like to clarify the issues that you believe need to be clarified before the implementation can possibly go ahead. I believe that you say that they are: funding, course development in both languages, the capacity to co-operate, the terms and conditions of service across both sectors, health and safety and pastoral care issues for students, inspection regimes and capital investment. Are there any other areas that have not been mentioned that you believe the Government would have to give due attention to before moving forward?

[34] **Jeff Cuthbert:** It sounds like a long list as it is.

[35] **Ms Williams:** Travel would be another issue—time, travel and cost and health and safety while travelling.

9.50 a.m.



[36] **Mr Phillips:** Teaching children with special educational needs is also an issue.

[37] **Kirsty Williams:** Moving on to planning the local curricula, you will be aware that there is a divide in terms of where responsibility for planning the local curricula rests. Between ages 14 to 16, it rests with the local education authority, but from 16 to 19, it rests with the Assembly Minister with feed-in from various organisations. What is your view on that split? Is it appropriate? We have already heard evidence to suggest that that is a ridiculous scenario and that one person or body should set the curriculum across the age range.

[38] **Dr Dixon:** If you want the sort of seamless working that the Measure aims for, you do not want two parties responsible for setting the curricula. There are questions about whether some of the LEAs will have the capacity, because of their size, to do that effectively, and we would welcome some sort of clustering arrangement. Equally, we think that, if the LEAs are involved in that, that element would give an accountability through local democracy to set a genuinely local curricula. However, on the substantial question, my answer is 'no'—it would be much better if it were clear that one group was setting the curricula for ages 14 to 19.

[39] **Mr Phillips:** We certainly agree with the local authority having a role with schools in terms of the 14 to 16 provision. Schools have to play a role in terms of ages 16 to 19. In our response, we accepted that the Minister would have the overarching responsibility for the curriculum and that that was to cater for the issue of the democratic deficit in the FE sector. However, one overarching body looking at this would be the best way forward in our view.

[40] **Kirsty Williams:** Much of the evidence that we have received highlights the importance of all learning providers in an area having their say in what the local curricula should be and then be able to deliver that local curricula. We have had evidence to suggest that the Measure does not provide for sufficient input from the business sector. It is true to say that, last week, work-based learning providers were very critical of how their role in this has been left out. However, on the other hand, and we have seen a little of it this morning, people are worried that there is too much emphasis on vocational education and the FE sector will come in and take it away from schools. I would be interested to hear your view about how you see the balance in terms of people's input into the curriculum-setting process.

[41] **Mr Evans:** If we start from the premise that both learners and employers have legitimate needs, it will be a bit short-sighted to place too much emphasis on meeting the needs of the employer, which seems to be the suggestion from the other evidence that you have taken. The long-term aim of the Measure is to provide equality of opportunity for 14 to 19-year-olds—that is the long-term measure and, too often, the interests of the business community focus on short-term needs and short-term interests. They are probably not best-placed to be making long-term decisions on educational provision in that area.

[42] **Mr Phillips:** One of the thrusts of the Measure was to provide local skills for local people and that has its part to play, of course. Our view was that business had too much influence and certainly would be given too much say under the terms of the Webb review. We found that the proposals were rooted in an excessively utilitarian view of education rather than looking at education as being an intrinsically worthwhile exercise in itself. Business has a part to play, but you cannot organise education around the world of business—education has to be there for education's sake and the role that schools play in that should not be missed.

[43] **Jeff Cuthbert:** But would you accept that education also has a role to play in terms of preparing young people for the world of work?

[44] **Mr Phillips:** Absolutely, yes. I do not think that we knock the idea of vocational courses, and I would not want us to give that impression. I think that there is a place, and a valuable place, for vocational courses in the education system, but equally there is education for its own sake.

[45] **Christine Chapman:** I totally agree with you on that. There is a balance to be struck, but, as a committee, we occasionally get comments from businesses saying that when schools set up workshops, for example, they do not provide appropriate support for young people who want to go into other companies. There has been quite a lot of evidence on that from businesses. Do you have any comments on that? I have read evidence that schools will sometimes provide workshops on hairdressing and construction, but when you speak to employers, they say that that is not very supportive of their needs—although I agree with what you say, Rex.

[46] **Jeff Cuthbert:** I will take a comment from everyone, but, Rex, do you want to come back on that specific point?

[47] **Mr Phillips:** I think that that is due to a lack of dialogue between the schools and business. This is supposed to be about collaboration and partnership and if that is their criticism that should be easy to resolve through a dialogue with the schools and the local authorities.

[48] **Ms Edwards:** Rhaid cofio mai pwrpas busnes yw gwneud elw a phwrpas ysgol yw addysgu disgyblion, ac mae tipyn o wahaniaeth rhwng y ddau nod hynny. Ni fydd busnes yn darparu'r hyn sydd orau ar gyfer y plentyn. Os yw busnes yn cynnig cwrs yn y gweithle ac y daw problemau ariannol, y peth hawsaf i'r busnes fydd cael gwared ar y cwrs am nad yw'n ariannol dderbyniol. Byddai ysgol yn sicrhau y byddai cwrs yn cael ei ddarparu ar gyfer plant nes iddynt gael ei gymhwyster. Dyna'r gwahaniaeth. Mae'n rhaid i ni fod yn ymwybodol o hynny pan dym yn sôn am fusnes.

**Ms Edwards:** I think that we must remember that the purpose of a business is to generate profit, and the purpose of a school is to educate pupils, and there is quite a difference between those two aims. Business will not provide that which is best for the child. If a business offers a course in the workplace and financial problems arise, the easiest thing for that business will be to get rid of the course because it is financially unacceptable. A school would ensure that a course was provided for a child until he or she qualified. That is the difference. We have to be aware of that when we talk about business.

[49] Mae'n rhaid i ni gofio hefyd mai nid dim ond cyrsiau galwedigaethol sy'n arwain at waith ac sy'n paratoi disgyblion at fyd gwaith. Os nad ydym yn diogelu cyrsiau academiaidd, o ble y ddaw meddygon y dyfodol? Beth am gyfreithwyr ac athrawon y dyfodol? Beth am y bobl a fydd eu hangen i weithio yn y Cynulliad ac yn y blaen? Nid dim ond cyrsiau ym myd gwaith a fydd yn sicrhau dyfodol disglair i'n pobl ifanc. Mae'n gamarweiniol i ddweud mai dim ond cyrsiau galwedigaethol pur sy'n paratoi pobl ifanc ar gyfer byd gwaith.

We must also remember that it is not only vocational courses that lead to work and prepare pupils for the world of work. If we do not protect academic courses, from where will the doctors of the future come? What about the solicitors and teachers of the future? What about the people who will be needed to work in the Assembly and so on? It is not only work-based courses that will ensure a bright future for our young people. It is misleading to say that only purely vocational courses prepare young people for the workplace.

[50] Mae'n rhaid i ni hefyd gofio tystiolaeth Estyn. Mae byd gwaith wedi ei feirniadu'n llym o ran ei ddarpariaeth o gyrsiau ar gyfer pobl ifanc ac mae'n cael ei

We must also remember Estyn's evidence. Workplaces have been severely criticised about their provision of courses for young people and have received even greater

feirniadu hyd yn oed yn llymach o ran ei criticism about their Welsh-medium  
ddarpariaeth cyfrwng Cymraeg. Mae hynny'n provision. That is also true of the further  
wir hefyd am y sector addysg bellach. education sector.

[51] **Jeff Cuthbert:** Thank you for that. You are, of course, drifting into the issue of what we mean by 'vocational'. For me, courses that lead to medicine or to teaching are vocational, but there we are.

[52] **Dr Dixon:** I think that it is important that we give our youngsters a generic skill set so that they can then use those skills. Those skills need to be transferable. We would like to see the curriculum moving much more in the direction in which it is going now and becoming much more skills based. However, as has been said before, you cannot organise a curriculum around the needs of local employers, because they are bound to see things in a term much shorter than the 40 years that most of those youngsters are going to spend in the workplace. It is about striking a balance and getting a dialogue going. I think that there was a novel by David Lodge about putting an academic and a business person together and trying to discover their different worlds. Sometimes, when we meet business people, we discover that they do not quite know what goes on in schools or FE colleges. It is about trying to get that dialogue going so that we can work constructively together. However the main point has been made, that education has a value in itself, and we want to stand by that. It is also a question of giving generic skills to youngsters that they can port around with them to different jobs as the job market changes in the next decades.

[53] **Jeff Cuthbert:** Kirsty, I have to keep an eye on the clock, so perhaps you could combine the next two questions.

[54] **Kirsty Williams:** Yes. This comes back to the issue of co-operation. Do you believe that the wording in the Measure as currently drafted that places a duty on institutions to consider co-operation—if you have considered it and you do not like it, you do not have to do it—and says that you may seek to enter into such arrangements is adequate? Apart from funding and some of the issues that we talked about earlier, are there any other barriers that stand in the way of the co-operation that the Measure seeks to take forward?

[55] **Mr Evans:** Our view is that the duty should be to consider co-operation rather than institutions being forced into co-operation. There could be some very good reasons why, having considered it, a particular institution decides that it is not for it, and we have to be mindful of that. In such cases, they should not be forced to do so. I looked at the barriers outlined in the summary document, and we agree with virtually all of those. Many of them have been mentioned today.

10.00 a.m.

[56] The issue of funding for education is complicated enough as it is. We have huge problems, and we saw them this year in the build-up to the foundation phase. We have to ensure that we get the funding right and we have to find a way through.

[57] **Jeff Cuthbert:** Does anybody want to add to that?

[58] **Mr Phillips:** One of the barriers to co-operation is the predatory nature of the FE institutions. The issue of funding has already been mentioned, and there is, of course, the threat to school sixth forms. There is a commitment across Wales to school sixth forms. If you go down the route of trying to legislate to place a duty that is greater than just consideration, then you are going a step too far, because you will end up with campaigns against losing sixth forms from schools. We are already encountering that in the Rhyl area, in Denbighshire, where the sixth forms in Blessed Edward Jones Roman Catholic High School

and Rhyl High School are threatened with closure.

[59] Another barrier to co-operation is the threat to our members' jobs. David mentioned the pupils involved, but, as a trade union, we put the interests of teachers first, and we have to look to see that our members' jobs are not threatened. When you go down the route of closing school sixth forms, it is not just the teachers that teach within the sixth form that are affected—there is a knock-on effect further down the school. As for the suggestion that school sixth forms are expensive, you can view it in that way, but those teachers are not with the sixth-form pupils all the time. In many cases, school sixth-form provision subsidises the education of children further down in a secondary school. The job losses resulting from closing a sixth form can therefore seriously affect a school's ability to deliver the curriculum further down the school.

[60] **Ms Williams:** Mae'r ddogfen hon yn rhoi pwyslais ar rôl yr awdurdodau addysg lleol wrth annog ac ystyried cydweithio, ac yr ydym yn cytuno â hynny. Byddem yn mynd ymhellach a dweud y dylai fod gan yr awdurdodau lleol rôl gryfach efallai, nid yn unig yn yr ysgolion, ond yn y sefydliadau addysg bellach hefyd o ran cynllunio cwricwlwm a chyllido.

**Ms Williams:** This document places an emphasis on the role of local education authorities in encouraging and considering co-operation, and we agree with that. We would go further and say that the local authorities ought perhaps to have a stronger role, not just in schools, but in the further education institutions as well with regard to curriculum planning and funding.

[61] Mae'n bwysig bod y pwyslais sydd ar rôl yr awdurdodau yn llifo i mewn i ddogfennau eraill sydd â pherthynas â hon. Yr wyf yn meddwl yn benodol am y rheoliadau drafft ynglŷn â chydweithio a chydlafurio rhwng ysgolion a cholegau addysg bellach, gan fod diffyg cyfeiriadau ar rôl yr awdurdod lleol.

It is important that the emphasis placed on authorities flows into any other documents that have a bearing on this one. I am thinking specifically of the draft regulations on co-operation and collaboration between schools and further education colleges, as any reference they make to the role of the local authority is scant.

[62] **Jeff Cuthbert:** Thank you very much. We now move on to the next group of questions, which Andrew R.T. Davies will ask. I ask all Members, if questions can be combined logically, to combine them and, indeed, to consider whether we have already had evidence that has addressed the main theme of a question, so that questions can perhaps be omitted.

[63] **Andrew R.T. Davies:** Thank you for coming along this morning. Some of the evidence that we gathered on Thursday was on the funding formula and how it creates conflicts and tensions. What do you think about retaining the current funding formula to deliver this project and the tensions that keeping the formula as it is will carry on creating in the education sector?

[64] **Dr Dixon:** Which formula? We have two of them, and that is inherently problematic from the word go. Trying to understand two funding formulae and how they work together is very difficult. What is certain is that the present system encourages competition between institutions. There is no doubt about that, because they can see that their bread and butter, and their future, is in retaining pupils and students.

[65] **Andrew R.T. Davies:** Much of what you are saying is what we heard on Thursday. Give me an alternative that would work better, because I have not heard anyone offer such an alternative.

[66] **Dr Dixon:** It is a good point, because we present you with all of the problems. First

of all, there needs to be an increase in the quantum of funding. Both schools and colleges are chronically underfunded in Wales, so there needs to be an increase in the funding. You also need to look at what you want to fund and how want to you weight that, to look at the Government's priorities, and then re-devise the formula accordingly to balance those things in a way that would serve schools and colleges. Hopefully, there would be more money in the pot for both schools and colleges.

[67] **Janet Ryder:** Is that not what we tried with ELWa—one system that funded colleges and schools alike?

[68] **Dr Dixon:** Yes. Perhaps it cannot be done, but possibly we should have another go and try to learn the lessons from ELWa.

[69] **Mr Phillips:** What will not work is the current system, where you are funded by numbers and results—that is the problem within the FE sector. If courses do not attract a certain number of students, they are cut, and if they do not get certain results, they are cut, and therein lies the problem. A radical review is needed. Some years ago, at the time of the setting-up of the Welsh Assembly Government, we submitted a document produced by the trade unions and parent-teacher associations that covered post-16 education as well as pre-16 education. That was based on a formula based on the curriculum, and funding the needs of the curriculum, rather than on funding students. If you fund students and the funding is cut because you do not have the students, you will always have problems. You should decide what your curriculum will be and fund it accordingly; that is the only way forward. If you really want to address the problems, that is what needs to be done. It will be expensive. There is a commitment in 'One Wales' and in the Measure, but the money must follow. If you stick to the formulae that you have for schools and FE colleges, it will not work—a radical review is needed. That comes back to the point made earlier, that you are moving too quickly. If you try to move this forward with funding systems that are broken, it will be a disaster before it has even started. You should get the funding systems right first. Let us return to the basics, look at the funding, agree on the funding mechanisms with the schools, local authorities and the colleges, and then you may take this forward.

[70] **Janet Ryder:** Would your formula transpose to a local area curriculum? You fund the local curriculum, and the funding is distributed to those who are providing it.

[71] **Mr Phillips:** I am sure that it would. It would have to be looked at, but it cannot be beyond the wit of others to devise that. If you know what you need, you can work out how much money you need to put in to deliver it. However, once you start saying, 'We will only run this course if we get four students, six students or 10 students', you run into problems. You will not increase choice by doing that and you will not broaden pupils' horizons and pathways—you will narrow pathways for students. This could turn on itself if you do not get the funding mechanisms right.

[72] **Jeff Cuthbert:** I realise the significance of this issue—

[73] **Kirsty Williams:** This is very good. You should carry on, Mr Phillips.

[74] **Jeff Cuthbert:** That is what I was about to say—you have just taken up 20 seconds unnecessarily, Kirsty. You are welcome to come back on this issue, but bear in mind that it may rule out time for other questions.

[75] **Andrew R.T. Davies:** My next batch of questions was on the curriculum, so you could fund the curriculum in one, really.

[76] **Jeff Cuthbert:** Elaine, did you want to come in on this?

[77] **Ms Edwards:** Mae'n rhaid cydnabod, os ydym am gynnig mwy o ddewis, yn enwedig mewn cyfnod o drawsnewid, y bydd yn costio mwy o arian. Ni allwn hyd yn oed ddarparu'r hyn sydd yn y system ar hyn o bryd. Mae problem ychwanegol wedi bod dros y blynyddoedd wrth inni ddechrau ar y llwybr cydweithio, sef problem wrth wneud ceisiadau am grantiau. Bu cyfnodau lle y bu i arian gyrraedd y rhwydwaith yn sydyn, gyda'r wybodaeth fod ond chwech wythnos ar ôl i wario'r arian. Nid dyna'r ffordd orau o wario arian addysg, ac nid yw'n dda derbyn yr wybodaeth ym mis Gorffennaf fod eich cais am grant wedi cael ei dderbyn ar gyfer cwrs ym mis Medi. Dylech fod wedi dechrau cyflogi pobl ar gyfer y cwrs eisoes.

**Ms Edwards:** It must be acknowledged that, if we want to provide greater choice, particularly in a period of transformation, it will cost more. We cannot even provide what is in the system at present. There has been an additional problem over the years as we have begun to go down the path of collaboration, and that is with applying for grants. There have been occasions when funding has suddenly reached a network, with the information that there is six weeks left in which to spend the money. That is not the best way to spend education funding, and it is not good to find out in July that your application for a grant has been accepted for a course in September, as you should have started to employ people for that course.

[78] Felly, mae llawer o arian wedi'i wastraffu hyd yn hyn, a rhaid inni osgoi hynny os ydym yn dymuno'r gorau ar gyfer ein plant. Rhaid i rywun edrych ar y system gynigion hefyd.

So, a lot of money has been wasted up to this point, and we must avoid that if we want the best for our children. Someone also has to look at the bids system.

10.10 a.m.

[79] **Jeff Cuthbert:** Thank you for that. If I were sitting over there, I might ask whether you think the current funding is being used as well as it could be by various sectors, but I will not. [*Laughter.*]

[80] **Andrew R.T. Davies:** I will lump the next two questions together to ask about the setting of minimum and maximum courses. If you provide a curriculum, it must be funded, but do you think it sensible to prescribe a minimum number of courses by regulation, particularly in the vocational sector? Likewise, is it sensible to prescribe a maximum number of courses, given that bright students might be held back by that regulation?

[81] **Dr Dixon:** I had not thought about the maximum number of courses, so I will give it some thought. On the minimum number, if you are to have basic equality across Wales, you have to set a minimum, so that any youngster in any part of Wales can access that. You have to guarantee that as well as fund it.

[82] A maximum number of courses could well be a problem, but, as in all these things, you have to weigh up the needs of the individual versus the collective. However, a minimum must be set, because, if you do not have that, you cannot establish equality.

[83] **Jeff Cuthbert:** It was a maximum for an individual that was being referred to.

[84] **Dr Dixon:** Oh, I see. The professionals, namely the principals of colleges and headteachers, are in the best place to judge the individual maximum. I thought that you meant the maximum number of courses. Sorry.

[85] **Mr Phillips:** There certainly needs to be a minimum entitlement. There should be a common set of entitlements in the national curriculum for 14 to 19-year-olds that will cover

basic needs, but that could incorporate flexibility to meet local needs on an agreed basis. That is the right way forward on this. You should decide what will be put into the curriculum in the first place, what the basic entitlements are, and then look at local needs. You then return to the point that it cannot be impossible to devise a funding formula to cater for that. It can work if you look at it in that way.

[86] **Ms Edwards:** Efallai mai fi sydd wedi camddeall, ond, o'm darlleniad gwreiddiol, gwelais sôn am y posibilrwydd o osod isafswm gwahanol ar gyfer pob ardal. Os ydych yn sôn am isafswm, rhaid iddo fod ar gyfer Cymru gyfan ac yn y ddwy iaith, am resymau cyfle cyfartal. Rhaid iddo hefyd fod ar gyfer pobl ag anghenion oherwydd anabledd neu ag anghenion dysgu. Rhaid i bob plentyn gael hawl sylfaenol iddo.

**Ms Edwards:** It may be that I have misunderstood, but, from my original reading, I saw a reference to the possibility of setting a different minimum for each area. If you are talking about a minimum, it has to be throughout Wales and in both languages, for equal opportunity reasons. It should also be for learners with disability needs or learning needs. It should be a fundamental right for each child.

[87] **Mr Evans:** Briefly, I agree that there should be a minimum number of courses. The intent, ultimately, is to offer a breadth of choice, but we need to ensure that the needs of learners are met, and we have to do that by specifying an initial minimum and look at how that will operate. As regards a maximum, I have not given it a great deal of thought either. I am not sure whether it was Rex who said this, but I agree that that decision should be taken by the head of the institution.

[88] **Andrew R.T. Davies:** I presume that you are all familiar with the various learning domains—and I say that because, when I put the same question to the panel on Thursday, one member did not know what they were. Do you think that greater clarity and guidance is needed on how courses will fit into the individual domains? One witness asked where design and technology would fit into the domains, for example. Would these domains bring parity of esteem between the vocational and academic courses that are offered?

[89] **Ms Edwards:** Mae lle i ddadlau mai'r byrddau dyfarnu fyddai'n gallu ateb orau am eu bod yn gwybod natur y cyrsiau y maent yn eu cynnig. Yn ogystal, os oes meysydd dysgu penodol, a oes rhaid labelu cyrsiau yn rhai galwedigaethol neu academaidd? Yr ydym o hyd heb ddiffiniad clir o'r hyn yr ydych yn ei gyfrif yn alwedigaethol. Yn hanesyddol, mae rhieni a'r cyhoedd yn gyffredinol wedi gweld y term 'galwedigaethol' yn rhywbeth sy'n cyfeirio at gwrs israddol ar gyfer plant o alluoedd llai, yn hytrach nag â galluoedd gwahanol. Felly, mae perygl ynghlwm wrth labelu cwrs yn un galwedigaethol neu academaidd.

**Ms Edwards:** There is scope to argue that the awarding bodies are best placed to answer that, because they know the nature of the courses that they offer. In addition, if there are particular learning domains, do we have to label courses as vocational or academic? We still do not have a clear definition of what you considered to be vocational. Historically, parents and the public in general have regarded the term 'vocational' as something that refers to a second-rate course for pupils of lesser ability, rather than of different abilities. Therefore, there is a danger inherent in labelling a course as being vocational or academic.

[90] Os ydym i sicrhau bod ystod eang o gyrsiau o fewn maes dysgu, efallai bod hynny'n llwybr gwell i'w gymryd.

If we are to ensure that there is a broad range of courses available within the learning domain, perhaps that that would be the better route to take.

[91] **Mr Evans:** Elaine actually stole a bit of my thunder there, because one thing that I was about to raise was the issue of academic and vocational education. The proposed Measure refers, early in the document, to general and applied courses, which takes away some of the

tags that could be associated with what is academic or vocational. It helps to break down the traditional divide that there has been in the past because of that. That is all I wanted to say about that.

[92] **Andrew R.T. Davies:** Last question. What is your view on the impact of awarding point scores to the relevant courses? How could it impinge on the learner going forward?

[93] **Jeff Cuthbert:** Would anyone like to start on that?

[94] **Ms Edwards:** Pe bai un cwrs yn cyfrif am wyth pwynt ac un arall am chwe phwynt, mae posibilrwydd y gallai rhywun weld un cwrs yn fwy israddol na'r llall. Heblaw am hynny, rhaid imi ddweud nad wyf wedi meddwl ymhellach am hwn. Mae'n bosibl y gallai hynny sicrhau nad yw plant yn cymryd gormod o waith ond, ar y llaw arall, rhaid bod yn sensitif i sut y mae pobl ifanc yn dehongli'r wybodaeth a gânt.

**Ms Edwards:** If one course counted for eight points and another for six points, there is a possibility that one could consider one to be inferior to the other. Apart from that, I have to say that I have not considered that further. It is possible that that could ensure that pupils do not take on too much work but, on the other hand, we have to be sensitive to how young people interpret the information that they are given.

[95] **Dr Dixon:** Just to add to that, when the point scores are put in, we would not want to see them being used to rank institutions, or to see how schools are measuring up in some cluster, because that could be introducing some sort of league table by the back door. You would then be back to funding according to success—the point that Rex has made very eloquently. Therefore, you would have to be careful about your reasons for introducing that and state what purpose it served. If you tie it to funding, you will come across all sorts of problems.

[96] **Mr Phillips:** Phil has covered the points that I wanted to ask, except for the question about whether the points are also linked to the funding. Do you get more funding for a course that has higher points? That needs to be looked at very carefully. I do not think that we care very much for a points system.

[97] **Janet Ryder:** To go back to the local curriculum, you have already expressed concerns about different local area curricula existing throughout Wales, and the problems that that might cause. To apply it in a practical way, can you see any difficulties with applying different local area curricula for the individual institutions planning that provision? Some of the evidence that we have had suggests that the delivery might be difficult. It might be difficult to incorporate academic—I mean non-vocational—and vocational courses due to the sheer geographical size of the areas covered by some local education authorities, or other factors that might militate against it. Have you had any thoughts on that?

[98] Finally, we took a lot of evidence last week about the need to synchronize timetables across institutions that form one local area curriculum. I would welcome your thoughts on that.

[99] **Dr Dixon:** On the timetable, first, the members to whom I have spoken who are responsible for timetabling, particularly in more rural areas, assure me that this would be a nightmare. In addition, you could have a situation in which you just have students on a bus all day long. I think that the practice of that definitely needs to be considered in much greater detail. That would be problematic and I think that it has already proved to be problematic where there has been co-operation between colleges and schools.

[100] The impact of geography on the design of the local area curriculum goes back to some of the evidence that we submitted. Not just for geographical reasons but also for reasons



of capacity, we wonder whether some of the local education authorities may be too small or too stretched to deliver effectively. That is why we would like to see some sort of clustering arrangement between them, so that they are of sufficient size to develop a local curriculum for that area, which would be able to deliver the choice, and so on.

10.20 a.m.

[101] **Janet Ryder:** Some of the evidence that we gathered last week suggested that the area should not be defined by the local education authority boundaries, but by the home institute area.

[102] **Dr Dixon:** That would lead to a question about what the home institute would be, so you would have arguments about that. I suspect that there will be different answers across Wales, depending on different situations.

[103] **Mr Phillips:** One of the other issues that could develop in terms of having different local curricula in different areas and crossing local authority boundaries is that you could end up increasing competition across the various institutes providing the courses. I would have thought that that would work against equality of opportunity and equality of access to courses.

[104] **Mr Evans:** Geographical considerations are huge, and if you are talking about going across boundaries, then there are issues with regard to ultimate responsibility. I am sure that Kirsty would agree with that with regard to Powys.

[105] **Kirsty Williams:** Absolutely. It must be cross-boundary, because you are not going to send someone from Ystradgynlais to Brecon or Llandrindod, when Neath is across the way. We also have the English border to consider.

[106] **Mr Evans:** Absolutely. So you have particular problems that other areas will not necessarily have. For example, there is a world of difference between what you would find in Merthyr Tydfil and what you would find in Powys.

[107] **Janet Ryder:** If it did cross the local education authority boundary, what impact would that have on funding, if any?

[108] **Mr Evans:** There would be huge difficulties with regard to the funding and who has the ultimate responsibility for it. With the current funding of schools, generally, you can have schools in neighbouring authorities of a similar size and providing similar services for schools receiving totally different amounts of funding. So, that comes back to the responsibility issue and who would have responsibility for the funding of 14-19 education provision in the future.

[109] **Ms Edwards:** Efallai ei fod yn dibynnu a yw un awdurdod yn prynu i mewn unrhyw wasanaethau gan awdurdod arall, yn hytrach na'u bod yn cael eu hariannu ar y cyd. Mae'n dibynnu sut y bydd y comisiynu cyrsiau yn digwydd.

**Ms Edwards:** Perhaps it depends on whether one authority is buying in services from another authority, rather than their being jointly funding. It depends how courses are to be commissioned.

[110] Un o'r pethau yr ydym yn pryderu amdano mewn nifer o siroedd yw'r cydweithio o ran y sector cyfrwng Cymraeg. Mae llawer o arfer da wedi datblygu mewn nifer o siroedd, ond mae llai o ddewis gan sefydliadau. Mae hynny'n her, ac yn fwy o her mewn rhai ardaloedd na'i gilydd.

One of the things that we are concerned about in several counties is collaboration in terms of the Welsh-medium sector. A great deal of good practice has developed in a number of counties, but there are not as many choices available to those institutions. That is a challenge, and it is a greater challenge in

certain areas than in others.

[111] O ran yr amserlenni, efallai ei fod yn haws i rai sefydliadau gyd-amserlennu, er enghraifft colegau addysg bellach, ond rhaid ystyried bod ysgolion sy'n darparu addysg ar gyfer disgyblion 11 i 19 oed yn gorfod amserlennu i lawr yr ysgol. Rhaid gofyn wedyn beth yw pwrpas y cyd-amserlennu. Os taw un sefydliad a fydd yn darparu'r cwrs, efallai ei fod yn fater o sicrhau bod amserlennu'n eistedd yn dda gyda'i gilydd, yn hytrach na'u bod yn edrych yr un peth.

In terms of timetabling, it may be easier for some institutions to timetable jointly, for example further education colleges, but you have to consider that schools that provide 11 to 19 education have to timetable in the lower school. You then have to ask what the purpose of co-timetabling is. If it is one institution providing the course, it may be a matter of ensuring that timetables are synchronised rather than their looking the same.

[112] **Kirsty Williams:** It has been suggested to me that one way to overcome some of these problems is by videoconferencing, where you would stick a few people in front of a television screen and the teacher would be in another venue. Would you say, in your professional capacity as people who educate children, that educating 14-year-olds via a television screen or a computer is a way forward?

[113] **Ms Edwards:** Nid wyf yn rhy hoff o fideogynadledda; teimlaf ei fod yn bellennig iawn—yr ydych yn teimlo'n bell oddi wrth y person sy'n siarad â chi. Gall weithio fel rhywbeth sy'n cefnogi cwrs os oes gennych ddisgyblion sydd yn teimlo'n frwdfrydig am eu cwrs, sy'n gallu gweithio'n annibynnol, sydd ag ymddygiad da ac sydd heb unrhyw broblemau ymddygiad. Fodd bynnag, os ydych yn sôn am ddisgyblion sydd angen mwy o gefnogaeth, nid yw'n mynd i weithio. Dyna'r broblem. Mae'n gallu gweithio fel rhywbeth i gefnogi cwrs, ond, wedyn, mae angen rhywun yn yr ysgol i fod yn gyfrifol, ac mae angen tiwtor sy'n gallu dod i'r ysgol neu'r sefydliad i ymweld yn aml i roi cefnogaeth. Felly, 'na, nid yn gyffredinol' yw'r ateb.

**Ms Edwards:** I am not particularly fond of videoconferencing; I feel that it is isolating—you feel removed from the person talking to you. It can work as something that supports a course if you have pupils who are enthusiastic about their course, who are able to work independently, who have good behaviour and who do not have any behavioural problems. However, if you are talking about pupils who need greater assistance, it is not going to work. That is the problem. It can work as something that supports a course, but then you need someone in the school to be responsible and you need a tutor who can visit the school or institution regularly to provide support. So, the answer is, 'generally speaking, no'.

[114] **Janet Ryder:** The Measure provides for the determination of pupils' relevant school or institution. Do any significant advantages or disadvantages result from the decision to identify the school or FEI to whose local curriculum the pupil is to be entitled? What issues might need to be addressed? You have touched on some in relation to 14 to 16-year-old pupils receiving education in FE institutions.

[115] **Ms Edwards:** O safbwynt yr undeb, dywedwn bob amser taw'r ysgol yw'r sefydliad a ddylai fod yn gyfrifol am ddisgyblion rhwng 14 a 16 oed—ni waeth beth sy'n digwydd, yr ysgol ddylai fod yn gyfrifol.

**Ms Edwards:** From the union's point of view, we would say every time that the school should be the institution with responsibility for pupils between the ages of 14 and 16—regardless of what happens, it is the school that should be responsible.

[116] Achos pryder inni yw bod systemau gwahanol o fewn sefydliadau. Wrth edrych ar y rheoliadau cydlafurio y soniodd Rebecca

It is a cause of concern to us that there are different systems within the institutions. Looking at the collaboration regulations that

amdanynt, gwelwn eu bod yn sôn bod y sefydliadau addysg bellach a'r ysgol yn gallu disgyblu. Mae'n rhaid wrth system glir a chanllawiau clir ynglŷn â phwy sy'n gyfrifol am fynd ar ôl cwynion ac am faterion tracio datblygiad a gwaith y disgybl. Mae pob math o bethau felly y mae'n rhaid eu hystyried. Mae'n rhaid cael un sefydliad sydd yn gyfrifol am hyn. Mae'n golygu bod rhaid wrth gyfathrebu da iawn rhwng y ddau, tri neu bedwar sefydliad sy'n cydweithio. Bydd y cyfathrebu hynny'n anodd yn ystod diwrnod prysur iawn byd addysg.

Rebecca mentioned, we see that they refer to further education institutions and schools having the ability to discipline. A clear system with clear guidelines on who has responsibility for following up complaints and for tracking issues with regard to pupils' development and work is a necessity. There are all sorts of similar issues to consider. There must be a single institution that is responsible for this. It means that you need to have excellent communication between the two, three or four collaborating institutions. Such communication will be difficult during the very busy educational day.

[117] **Janet Ryder:** To move on from that, there has been some debate on the role of the learning coach, and whether the learning coach should be independent of the school or FE institution. Some concerns have been raised that the role of the learning coach might just be tagged on to other responsibilities. What are your views on where the responsibility for learning coaches should lie?

[118] **Mr Phillips:** We certainly do not think that it is a role for the teacher to perform, and it should not be tagged on as responsibility for a teacher. The role needs to demonstrate independence. Whether that means that it is someone who is independent of the school or the FE institution or whether it is somebody who is employed by those bodies is another matter, but the coaches have to demonstrate independence. We are clear that it is not the role of a teacher to be a learning coach within a school.

[119] **Jeff Cuthbert:** Does anybody want to say anything different? I see that you do not.

[120] **Janet Ryder:** In that case, the learning coach should be an independent person who oversees each pupil's development and would work solely with each pupil, without being accountable to either FE institute or school.

[121] **Mr Phillips:** There needs to be a degree of accountability in all jobs. I would see them as being employees of either an FE institution or a school, depending on who is providing the learning coach. They would need, however, to demonstrate a form of independence in the work that they do. There would need to be an overarching line of accountability somewhere, unless you were to set up a whole group of learning coaches across Wales in the employ of some other body. However, that would be fraught with difficulties too.

[122] **Christine Chapman:** Are you saying that you would exclude teachers from this role? We had a discussion about the independence, but learning is an integral part of teachers' role, is it not? You may not have teachers in the school as learning coaches, but are you saying that you definitely would not want some in the profession to become learning coaches?

[123] **Dr Dixon:** Just briefly on that, I do not think that we would want to say that they are excluded, but we certainly would not want to see it forced on teachers as another role for them to perform. It may be a role that certain teachers would want to take on, but it should not be obligatory.

[124] **Ms Edwards:** Mae cynghori plant yn waith y mae llawer yn ei wneud bob dydd. Er hynny, credaf taw Llywodraeth y Cynulliad **Ms Edwards:** Advising children is work that many undertake every day. However, I believe that it was the Assembly Government

ei hun, yn ei dogfen ar lwybrau dysgu, a ddiffiniodd rôl anogwyr dysgu fel rôl ar wahân i rôl athro. Dywedodd y dylai fe neu hi fod yn person ar wahân, a rhywun sy'n annibynnol ar swyddogaeth y dosbarth. Dylai fod yn berson a all roi cyngor hollol ddiuedd i'r disgybl. Dyna pam yr ydym yn dweud bod angen iddynt fod yn ddiuedd, ond nid dyna yw rôl yr athro. Mae'r athro yno i gynghori yn gyffredinol, ond nid i roi cyngor penodol y byddai'r anogwyr dysgu yn ei roi.

itself, in its learning pathways document, that defined the role of the learning coach as being different to that of the teacher and said that he or she should be a separate person who is independent from classroom duties. It should be a person who can provide completely impartial advice to pupils. That is why we are saying that they need to be impartial, but that is not the role of the teacher. The teacher is there to give general advice, but not to give the specific advice that a learning coach would give.

10.30 a.m.

[125] **Janet Ryder:** I have two questions but on slightly different things. Do you have a view on how Estyn will be able to evaluate each institution's progress in implementing the proposals in the Measure? Is there anything further that you wish to add about the impact that this may have on Welsh-medium provision?

[126] **Mr Phillips:** In terms of Estyn's role, one of the issues that we would have some concern about is Estyn being used as the body that, in many respects, would be deciding on the funding, because the funding is linked to outcomes in terms of courses being good or outstanding. That was one of the issues that seemed to emerge from the documents that I have read on this matter. It would give Estyn a very strong role in terms of whether or not institutions receive funding. So, we would have some concern about that general direction.

[127] In terms of Estyn's role in Welsh-medium provision, clearly it must have a role there to ensure that there is the equality of access and opportunity that Elaine talked about.

[128] **Ms Edwards:** Gwn fy mod wedi dweud llawer eisoes am ddarpariaeth addysg cyfrwng Cymraeg, ond mae'n allweddol os ydym am gael cyfle cyfartal. Mae perygl i'r Mesur hwn danseilio yr holl gamau ymlaen yr ydym wedi eu cymryd dros y blynyddoedd diwethaf. Os nad yw un cyfrwng yn gyfartal â'r llall sydd yn y Mesur, bydd problemau mawr yn codi. Gallem hyd yn oed weld pobl yn mynd i'r llys unwaith eto er mwyn sicrhau bod eu plant yn cael yr un chwarae teg. Gallech hefyd weld sefyllfa lle mae llawer mwy o ddewis mewn addysg cyfrwng Saesneg nag sydd mewn addysg cyfrwng Cymraeg, a bydd disgyblion wedyn yn cael eu denu at gyrsiau nad ydynt ar gael drwy gyfrwng y Gymraeg, er mai cwrs drwy gyfrwng y Gymraeg fyddai eu dewis cyntaf. Mae problemau o ran staffio a phobl i ddarparu cyrsiau drwy gyfrwng y Gymraeg, ond y gwirionedd yw bod llawer o ddarparwyr yn bodoli, ond nid oes gennym restr gyfredol o ddarparwyr cyfrwng Cymraeg. Pan ydych yn chwilio amdanynt mewn ardaloedd gwahanol, gwelwch fod

**Ms Edwards:** I know that I have already spoken at length about Welsh-medium education provision, but it is key if we are to have equality of opportunity. There is a risk that this Measure will undermine all of the good work that we have done over the past few years. If one medium is not equal to the other in the Measure, major problems will arise. We could even see people going to court again to ensure that their children have a fair treatment. You could also have a situation whereby there is much more choice in English-medium education than there is in Welsh-medium education, and pupils will then be attracted to courses that are not available through the medium of Welsh, despite the fact that their preference would be for a Welsh-medium course. There are problems with regard to staffing and people to provide Welsh-medium courses, but the truth is that there are many providers out there, but we do not have a current list of Welsh-medium providers. When you look for them in different areas, you will see that there are providers there. One county has seconded

darparwyr yno. Mae un sir wedi secondio rhywun am ddau ddiwrnod yr wythnos i weithio gyda chonsortia o ysgolion uwchradd cyfrwng Cymraeg. Tra bod yr ysgolion cyfrwng Saesneg yn gallu darparu 26 o gyrsiau cyfrwng Saesneg ar hyn o bryd, mae'r consortia yn gallu darparu 22 o gyrsiau cyfrwng Cymraeg. Mae hynny'n wych. Nid yw'n digwydd ym mhobman yng Nghymru ac mae'n arfer da y dylem edrych arno. Unwaith y bydd gennych restr o ddarparwyr cyfrwng Cymraeg, gellir ei diweddarau yn gyson. Mae'n bwysig, felly, ein bod yn edrych ar y llwybr hwnnw o sicrhau bod y wybodaeth ar gael yn hawdd. Mae pobl yn dueddol o feddwl nad oes neb yn gallu darparu addysg o'r fath, ond maent yn bodoli ac mae angen eu darganfod.

someone for two days a week to work with a consortia of Welsh-medium secondary schools. While the English-medium schools can currently provide 26 English-medium courses, the consortia can provide 22 Welsh-medium courses. That is brilliant. It does not happen in every part of Wales, and it is good practice that we should be looking at. Once we have a list of Welsh-medium providers, it could be regularly updated. It is therefore important that we look to going down that road of ensuring that the information is easily available. People tend to think that there is not anyone to provide this education, but they do exist and they need to be found.

[129] **Andrew R.T. Davies:** What level of demand is there for Welsh-medium skills? From some of the evidence that I have heard it seems that the demand is not overly great, and it could cause there to be an undue burden. We all subscribe to the aim of being able to access Welsh-medium education for the skills sector.

[130] **Ms Edwards:** A ydych yn sôn am y gweithle neu am ysgolion?

**Ms Edwards:** Are you talking about in the workplace or in schools?

[131] **Andrew R.T. Davies:** I am talking about schools and the workplace, in particular, for people who want Welsh in order to develop their skill base.

[132] **Ms Edwards:** Mae niferoedd y disgyblion yn gostwng ym mwyafrif helaeth o ysgolion Cymru, ond y sector sy'n cynyddu ac nad oes ganddo broblemau o ran hynny yw'r sector cyfrwng Cymraeg, oherwydd bod pobl yn cael eu denu i'r sector. Felly, mae rhieni yn dymuno i'w plant dderbyn addysg cyfrwng Cymraeg ac mae pobl ifanc yn dymuno ei chael hefyd. Mae galw yn awr am goleg ffederal, ac os cawn goleg o'r fath, bydd pobl ifanc yn gweld bod modd iddynt gamu ymlaen ar ôl addysg bellach i addysg uwch drwy gyfrwng y Gymraeg, ac y bydd pwrpas felly iddynt ddilyn cwrs chweched dosbarth neu addysg bellach drwy gyfrwng y Gymraeg.

**Ms Edwards:** Pupil numbers are falling in the vast majority of schools in Wales, but the sector that is on the increase and which does not have problems with falling numbers is the Welsh-medium sector, because people are attracted to the sector. Therefore, parents wish their children to receive Welsh-medium education and young people wish to receive it too. There is now a call for a federal college, and if we have such a college, young people will be able to see that they can move on after further education to higher education through the medium of Welsh, and that there is therefore purpose in their following a sixth form or further education course through the medium of Welsh.

[133] O ran y gweithle, os edrychwch ar y byd addysg yn unig, cewch fod prinder cynorthwywyr addysgu cyfrwng Cymraeg a phrinder athrawon cyfrwng Cymraeg. Dywedodd yr Athro Furlong ein bod yn cynhyrchu gormod o athrawon ond nid ydym yn cynhyrchu digon o athrawon sy'n gallu addysgu drwy gyfrwng y Gymraeg. Mae

In terms of the workplace, if you just look at the area of education only, you will find that there is a shortage of Welsh-medium teaching assistants and of Welsh-medium teachers. Professor Furlong said that we produce too many teachers but we do not produce enough teachers who can teach through the medium of Welsh. The Assembly's sabbatical scheme

cynllun sabothol y Cynulliad yn hynod boblogaidd. Pwrpas y cynllun yw denu athrawon, darlithwyr a hyfforddwyr i ddysgu a hyfforddi drwy gyfrwng y Gymraeg. Mae rhywbeth tebyg yn bodoli yn y GIG i feddygon ac yn y blaen i annog pobl i ddarparu gwasanaethau drwy gyfrwng y Gymraeg. Beirniadaeth Estyn oedd nad yw'r byd gwaith yn darparu digon o gyfleoedd i bobl ddefnyddio eu Cymraeg, a bod cwsmeriaid am drafod yn y Gymraeg. Felly, mae tystiolaeth, boed yn anecdotaidd neu fel arall. O'n safbwynt ni, mae digon o dystiolaeth i ddweud bod galw.

is extremely popular. The purpose of the scheme is to attract teachers, lecturers and instructors to teach and instruct through the medium of Welsh. A similar scheme exists in the NHS for clinicians and so on to encourage people to provide services through the medium of Welsh. Estyn's criticism was that the workplace does not provide sufficient opportunity for people to use their Welsh, while customers want to do business through the medium of Welsh. Therefore, there is evidence, be it anecdotal or otherwise. From our point of view, there is enough evidence of demand.

[134] **Jeff Cuthbert:** Thank you. We will now move on to the final set of questions from Chris Chapman. I apologise to our next set of presenters. I estimate that we have another 10 minutes to go. You are welcome to stay where you are, but if you would rather wait outside, I will quite understand. It is entirely up to you.

[135] **Christine Chapman:** I will try to wrap some of these questions up. Do you feel that the Measure makes adequate provision for pupils with additional learning needs, or for pupils in special schools? I would also like to talk to you about excluded pupils. We know that schools and FE have different arrangements for colleges and schools. Do you have any views on that?

[136] **Mr Phillips:** I do not think that it does address the issues adequately. Again, I will give you a little bit of anecdotal evidence from a meeting that I attended in north Wales last week. I was talking to a teacher who worked in a pupil referral unit in one of the authorities there. The unit had sent 28 of its pupils to Llandrillo college—it had bought places for those pupils in the college. Of those 28, only one pupil completed the course, and that pupil left with no qualifications. The other pupils were returned to the PRU. I do not think that college lecturers are trained to deal with disruptive pupils. There is a massive issue there. I do not know whether the Measure addresses the issues of special educational needs. Many schools have placed pupils in FE institutions under the guise of education, but I do not think that they remain there very long. I do not think that they gain a great deal from going to the FE institution. It is an area that needs to be looked at very carefully rather than just saying, 'There is the provision; put the pupils into the provision'. There seems to be an open-door policy, but the open-door policy is that they return to the schools. FE lecturers find it difficult to cope with challenging pupils. We have special schools across Wales, but one of our concerns is the demise of this sector across Wales, because you need specialist provision to cater for the special needs of those particular pupils.

[137] **Mr Evans:** The issue of additional learning needs is huge. The evidence that we have received from our members across Wales clearly demonstrates that there is a range of provision in different areas within this field. For example, some areas do not have certain facilities and will look to incorporate certain requirements and needs into the mainstream education provision—all of which could be good ideas and very welcome, depending on how they do it. Within this scenario, huge problems will arise with regard to the way in which additional learning needs are dealt with across different institutions that may be working in collaboration.

[138] With regard to excluded pupils, the arrangements are probably inadequate. It is a separate area. There are ongoing reviews looking into behavioural issues and so on; that causes enough difficulty. We have recently heard the Children's Commissioner for Wales

speaking about exclusions, unofficial exclusions, and other such problems. I do not think that this Measure goes far enough in dealing with all of those problems.

[139] **Dr Dixon:** I agree with David completely. I do not think that enough thought has been put into the Measure with regard to additional learning needs. I do not want to say any more about that.

[140] On the question of excluded pupils, we have anecdotal evidence—because we straddle the gap and have members in FE institutions—of pupils who have been excluded from schools and were then taken in by FE institutions, and who then succeeded. Part of the overarching theme of the Measure is trying to find a locus where pupils can learn and find a suitable environment for that learning. Therefore, I believe that FE institutions can do some good work.

10.40 a.m.

[141] Again, it comes back to questions of consistency. If you are going to encourage co-operation, how will you ensure that you are singing from the same sheet about how you treat excluded pupils, deal with behavioural problems, and so on? Much more work will need to be done on that—nationally, at this level, but also locally—in order to have clear guidance on how the institutions will co-operate and what sort of policies they are going to adopt.

[142] **Ms Edwards:** Cytunaf â hynny i gyd. Mae gennyf un sylw arall i'w ychwanegu. Mae llawer o ymdrech wedi bod i sicrhau y gall disgyblion ag anabledau a phroblemau dysgu llai dwys gael eu dysgu yn y brif ffrwd. Gofidiaf na fydd y disgyblion hyn, os oes rhaid iddynt deithio i sefydliadau gwahanol, yn cael yr un mynediad i gyfleoedd â phobl eraill. Mae angen hyblygrwydd ar y bobl ifanc hyn, ond mae angen sefydlogrwydd hefyd, a rhaid edrych ar y materion hynny a sicrhau cysondeb.

**Ms Edwards:** I agree with all of that. I have one further comment to add. Great efforts have been made to ensure that pupils who have disabilities and less severe learning difficulties can be taught in the mainstream. I am concerned that these pupils, if they find themselves in a situation where they have to travel to separate institutions, will not have the same access to opportunities as others. These young people need flexibility, but they also need stability, and we need to look at those issues, and ensure consistency.

[143] **Andrew R.T. Davies:** I wish to mention the timescale to which we must work, namely September 2009. There are pupils with learning difficulties and disabilities; you have highlighted transport issues, Elaine, and Philip said that there is a great deal more work to be done on this aspect alone. That timescale has therefore been called into question, leave alone the funding and getting everything else into place. That would be my understanding from all parties—is that correct?

[144] **Mr Phillips:** We made that quite clear.

[145] **Jeff Cuthbert:** Thank you for that comment. The last group of questions is about transport and the use of IT, such as videoconferencing, which we have probably addressed during earlier points; do you agree, Chris?

[146] **Christine Chapman:** Yes, I think so. We have discussed that. I do not know whether our witnesses wish to add anything to that, because it is a significant feature of this Measure.

[147] **Jeff Cuthbert:** Is there anything more under either of those points that you want to add briefly?

[148] **Ms Edwards:** Mae'r Mesur **Ms Edwards:** The Proposed Learner Travel

Arfaethedig ynghylch Teithio gan Ddysgwyr (Cymru)—y credaf ei fod yn mynd rhagddo ar hyn o bryd—yn nodi'n glir mai dim ond ar gyfer teithio i brif sefydliad addysg y disgybl ac oddi yno y telir y gost. Felly, pwy sy'n mynd i dalu am unrhyw drafnidiaeth yn ystod y dydd? Mae'n rhaid ystyried hynny hefyd.

(Wales) Measure—which is going through at present, I believe—states clearly that only the cost of travel to and from the pupil's main educational institution will be met. Therefore, who is going to pay for any transport during the day? That needs to be considered too.

[149] **Jeff Cuthbert:** Finally, is there anything else that you might like to see changed in this Measure that you have not alluded to already?

[150] **Ms Edwards:** Nid y Mesur ei hun—credaf ein bod wedi sôn digon am y Mesur i roi digon i feddwl amdano. Fodd bynnag, hoffwn ofyn i rywun fwrw trosolwg ar bob dogfen sy'n clymu mewn â hyn, oherwydd mae pethau'n gwrth-ddweud ei gilydd. Maent yn gamarweiniol, gan greu teimlad nad oes neb yn gwybod yn union i ba gyfeiriad mae popeth yn mynd. Mae hynny'n peri gofid.

**Ms Edwards:** Not the Measure itself—I think that we have said enough about the Measure to give you food for thought. However, I would like to ask whether someone could have an overview of every document that links into this, because things are contradicting each other. They are misleading, creating a sense that no-one knows exactly in which direction things are going. That is a cause for concern.

[151] **Jeff Cuthbert:** I will call Rex and Philip as well—I should not have asked that question, as everyone has an answer. That is a fair point, Elaine. For example, as you say, the learner travel Measure is going through now, and a lot of work is being done on additional learning needs, where detailed Measures will follow. However, you are right to say that it is important that these things are joined up.

[152] **Mr Phillips:** I wish to echo that point. There is a need for that co-ordination, co-operation and joined-up thinking to be put in place here. Consultation documents are coming out on learning and skills for Wales like confetti at the moment, and it is hard for us to keep abreast of those. There are also those tensions between the various documents, including the legislation, regarding collaborative arrangements for FE institutions and schools, which I mentioned earlier.

[153] As I said, there does not appear to be a role for local authorities in that. I would ask for that legislation to be placed on hold until that is addressed, because I believe that it is a poorly constructed, dangerous and insidious piece of legislation that can be used inappropriately. It allows things to happen that I am sure neither the Welsh Assembly Government nor the Assembly would want to happen, because, as we see it, it could be one step down the road of dismantling state education. One of the Assembly's strengths is that you have a commitment to state education across Wales; we hope that that commitment remains.

[154] **Dr Dixon:** We have raised many of the barriers and problems, but from where I am sitting, the timescale is far too ambitious. However, it is important that we realise that the status quo is not an option, because we all know examples of where it is not functioning in the best interests of learners. This Measure has started a serious debate, and it is a debate that we need to have with all sorts of stakeholders. It is the timescale that I have the greatest problem with. You may question the direction of travel, but you would not say, 'It cannot be done', and push it to one side. However, a lot of the issues that were raised need to be addressed, because we want this equality of opportunity across Wales, with greater learner choice and a more balanced curriculum, and so on. All those things are goods that we want to see delivered. It is in the detail that we have to work out how that will go forward.



[155] **Jeff Cuthbert:** I will now draw this session to a close. I thank the representatives of the NUT, NASUWT, UCAC and ATL for attending. I am sorry that we have taken longer than expected, but that reflected the depth of interest in this matter. The clerk will send you a copy of the transcript for you to check for accuracy before it is made public. If there are any points that, upon reflection, you want to send to us in writing, please feel free to do so.

[156] We will press on. I apologise for keeping the new witnesses waiting, but at least you benefited from hearing some of the questions, and being able to formulate some of your responses. From the National Association of Head Teachers, I welcome Iwan Guy and Gareth Matthewson, and from the Association of School and College Lecturers, I welcome Phil Whitcombe and Gareth Jones.

[157] **Mr Jones:** Sorry—it is the Association of School and College Leaders.

[158] **Jeff Cuthbert:** I beg your pardon—the Association of School and College Leaders. It is not my day for introductions. It is not my fault. I have ‘the National Union of Students’ written here as well, and they are not coming at all. However, we are not to worry. I beg your pardon. ‘Association of School and College Leaders’ is what I have written here, and I should have said that. I apologise.

[159] If you do not mind, we would like to go straight into questions. I will ask the first question, and indeed the last. In your evidence to the committee, you question the need for legislation, and you explain some of the reasons for that, such as the work on the learning pathways agenda. There seems to be a feeling that legislation will cause additional bureaucracy, and that it is time-consuming and costly. Would you elaborate on why you feel strongly about that?

[160] **Mr Guy:** I will lead off on that, if I may. First, both headteachers’ associations are in agreement on this, and are working together on it. We do not feel that there is a need, at this point in time, for legislation. There are many collaborative working arrangements already in place between schools and other institutions. We feel that we should look at those closely, evaluate them, look at current best practice, and learn from that. If collaborative working is good, then people will want to subscribe to it. We do not, at this time, feel that legislation is the necessary way to go about it. We feel that the timescale is unrealistic.

10.50 a.m.

[161] **Mr Jones:** First, I reiterate what Iwan has said. The NAHT and ASCL have worked together, and we share similar views. Both organisations were closely involved in the formulation of learning pathways as a concept—we support it, and, indeed, many of our members formed the working groups, and I chaired one. So, in principle, we support learning pathways, and we support the idea of a Measure as legislation to put in place the concept of entitlement. However, we have concerns where the legislation starts to get too detailed, and tries to plan how delivery will occur. Therefore, we are not concerned about the Measure per se, but some of the detail.

[162] **Jeff Cuthbert:** Does anyone else have a comment?

[163] **Mr Matthewson:** We do not feel that we have seen enough evidence to convince us that legislation is necessary.

[164] **Jeff Cuthbert:** Phil, do you want to add anything?

[165] **Mr Whitcombe:** I think that it was Iwan who mentioned the timescale, and an anticipated start date of one year away. As a practising head, I must say that I find that quite

frightening, because there is so much on the table at the moment: changes to pay and conditions, workforce remodelling, and changes to GCSE and A-level curricula provision. This is just another issue at a time when there is other legislation on the table. We are pushing too hard, too fast on this, as opposed to allowing the evolution of the very good co-operative partnership arrangements that are already in place. My school is based in Barry, and we have an extremely effective arrangement with other schools, the FE college, and other providers. It works for the needs of the children at the moment, and there must be dozens of other examples of good practice, which have not come about because of legislation, but because of our wish to get the learning pathways agenda in place. I would suggest that we move slowly at this stage, rather than rushing in with legislation. There is always the danger that you will take out some existing good practice in prescribing a path that we all have to follow.

[166] **Jeff Cuthbert:** Thank you, that is very clear. We now move to Kirsty Williams for the next group of questions.

[167] **Kirsty Williams:** You have answered quite clearly my question on the achievability of the implementation date: that was an obvious ‘no’. The previous group of witnesses said that the barriers to meeting that deadline would include funding, course development in both English and Welsh, capacity to co-operate, terms and conditions for staff across both sectors, health and safety and pastoral issues across both sectors, inspections, capital investment, travel arrangements, and special educational needs. Would you agree that that list encapsulates everything that needs to be sorted out before we can move forward with the legislation? Are there other items that I should add to my list?

[168] **Jeff Cuthbert:** Is there anything else left to add? [*Laughter.*]

[169] **Mr Jones:** I would add that there has been a reduction in the size of the leadership teams in most secondary schools. So, we have a situation, which Phil alluded to, where we have about 10 separate initiatives that all have to be implemented during the next 12 to 18 months at a time when the size of the leadership team to manage that strategically has been reduced. So, our ability to do this is a key issue, and we are therefore putting at risk the students who are currently in the system, because the energies of leadership teams will be diverted, if we are not careful, away from the core tasks of teaching and learning. School leaders can manage change—it is part of their job. However, if you overload the system, then somewhere, someone will suffer. That is our concern.

[170] I will also say that one pressed man—I do not mean to be sexist, so I will say that one volunteer is always better than 10 pressed men. That sounds better, does it not?

[171] **Jeff Cuthbert:** You still managed to use ‘men’ at the end.

[172] **Mr Jones:** You can tell that I retired as a head two years ago—I have lost my communication skills. [*Laughter.*]

[173] **Andrew R.T. Davies:** Could you give me a feel for how that management capacity across Wales has decreased? Is it specific to certain areas, and certain LEAs? I know that Cowbridge Comprehensive School, in my constituency, has done exactly that—at the start of this academic year, to help balance the budget, it decided not to replace a deputy principal on its senior management team. Is that specific to certain LEAs, or is it widespread across Wales?

[174] **Mr Jones:** The information that I am getting is that it is pretty widespread across Wales, and it is a consequence of budgets. The choice is between losing a member of the senior management team when someone retires or losing three teaching posts.

[175] **Jeff Cuthbert:** Phil, do you want to make a different point?

[176] **Mr Whitcombe:** I just have a brief comment on that. In many respects, the deputy headteacher is becoming an endangered species, because most of us have stripped down from three to two, and sometimes down to one, and the number of people on the next tier at secondary level, of assistant headteachers, is also being reduced. Therefore, we have a very limited capacity, and that is purely down to budgets. We all know that we have a difficult few years ahead of us, too.

[177] **Kirsty Williams:** Moving on to the planning of local area curricula and whose responsibility that is, you will be aware that there is a split between responsibility for 14 to 16-year-olds, which rests with the local area, and responsibility for 16 to 19-year-olds, which rests with the Welsh Minister. Is it sensible to split the responsibility for planning and local curricula in this way?

[178] **Mr Whitcombe:** Patently not. The majority of children are not highly mobile; they cannot pop 50 miles down the road to take advantage of other provision, and local provision needs to reflect not only national needs, but local needs. The 14-19 working groups that are already in place are doing a pretty reasonable job of getting in place structures and approaches to provide children with a wide variety of courses and access. It is by co-ordination between the institutions in an area and the local education authority with an overview that we will get the very best provision for children in any community.

[179] **Mr Guy:** It also has workload implications for school leaders in that they will be dealing with two different sets of people, and the nature of the curriculum at secondary level means that you must plan in advance—it is not something that you can react to from one year to next, and so a great deal of planning is involved. School leaders will now have to deal with two different bodies that may not agree on how the curriculum should be provided. At a ministerial level, there could be political changes and influence as to how things move, but the LEAs may see it differently. Apart from anything else, that situation will have huge workload implications.

[180] **Mr Jones:** I think that I said in our response that the explanatory note that accompanies the Measure sets out that there is a possibility that the Minister could delegate the responsibility for the 16-19 curriculum to a suitable agency. We would want that to be strengthened to say that it should be delegated to the LEA, so that there will be consistency of transition planning. There is this assumption that headteachers and schools say to pupils at the age of 16, 'Fine, you are going to a college—that is nothing to do with us'. Every headteacher that I have ever worked with wants to know where every student has gone.

[181] **Janet Ryder:** Like Andrew, I must apologise as I have another meeting, which I cannot change, scheduled for 11 a.m. with the Minister. I feel that the discussions that we have had this morning with the people who must implement this have been crucial. I would like to make a plea that we attempt to get some people back to committee because there were further questions that we could have asked this morning and issues that might need clarification. I would certainly welcome the opportunity to put further questions to the groups before us today. I feel that we have heard time and again today that the timescale for this committee is unrealistic. I would ask, Chair, whether you could possibly take this issue to the Business Committee and tell it that a Measure of this magnitude cannot be squeezed into one of the smallest scrutiny timetables that has been given to a Measure committee.

[182] **Jeff Cuthbert:** I note your points, Janet, and I will certainly give that serious consideration.

[183] **Kirsty Williams:** In September 2009, your members will have to begin to implement

this for pupils. What information and guidance will your members need and when will they need it if they are to deliver this Measure in their schools?

[184] **Mr Whitcombe:** We have already started a curriculum this year that we have been planning to implement since two to two and a half years ago. We are involved with the Welsh baccalaureate more effectively this year, and there was a two-year lead-in time to get the right staffing and resources in place. Information is one thing; I need time. More than anything, that is what we need. I am sorry if it sounds as though I am Janet's personal assistant, but the reality is that the lead-in time to deal with implementation is the biggest issue for us. There is an implication in all of the discussions that are going on at all union levels at the moment that nothing is happening, but of course it is. There is an enormous amount of collaboration and co-operation already in place, and we want to build on the most effective parts of those partnerships rather than rush through something that, to be frank, is going to disadvantage the children.

[185] **Mr Jones:** We would propose delaying compulsion for three years and having an evaluation exercise in three years' time. If there are any areas of Wales that have not complied with the requirements to deliver learning pathways by then, tackle them then, rather than rushing in now with compulsion for everybody. In three years' time, find out where the gaps are and deal with the problems.

11.00 a.m.

[186] **Christine Chapman:** I appreciate your points, Gareth, when you were talking about being committed to learning pathways, but, as you know, there has been a change over the past two years so we are not starting from scratch here, are we? We are building on things that have happened already, but you still said that you would like to delay this—is that right?

[187] **Mr Jones:** What is happening at the moment is that each 14-19 learning network is developing a curriculum plan, an options process and delivery mechanisms geared to the needs of its particular area, and you have flexibility. For example, in Rhondda Cynon Taf, which we both know very well, there are four or five clusters, and each cluster is approaching the problems in its own way with the resources available and the needs of its students in mind. The problem with the Measure is that you must now almost start from scratch; there is a different set of requirements, and the danger in our now having to sort out where we are all starting from is that you will create more confusion—that is my fear.

[188] **Mr Guy:** Pupils in year 9 have already selected the courses that they wish to follow in years 10 and 11; you cannot, halfway through that course, say that, for the remainder of this year, they will have the tuition elsewhere. That is why you need a lead-in period; we have seen the debacle with the foundation phase and what happens when you rush things. Surely, lessons must be learned from that; this should not be rushed.

[189] **Mr Matthewson:** The issue of lead-in time is crucial. I will not repeat the points that have been made, but there are other changes taking place within the system at the moment, such as the new GCSE and A-level examinations and the development of the Welsh baccalaureate, which are being planned ahead for in schools, and a great deal of work on key stage 3 is also being done. There is a tremendous amount going on, which makes life difficult for those running schools and for teachers themselves. Often, for a new course, there is a lead-in time of as much as four or five years. If, for example, the school is going to move to a new post-16 programme, you will often inform the youngsters of that when they are in years 7 or 8 so that they can plan for and get used to the idea that something new will be taking place when they reach the age of 16 and so that they can be educated appropriately. Therefore, the lead-in time is crucial. The idea that you can suddenly introduce something quickly is wrong—it would be very detrimental.

[190] **Jeff Cuthbert:** Thank you. I must apologise for this disruption—we have a leak in the Assembly of the wrong sort. It is making more noise than anyone speaking. I do apologise; it is very embarrassing, but we will persevere.

[191] **Christine Chapman:** Obviously, there are concerns about the timing of this, which we acknowledge. I suppose we will never get a system that is perfect; it is always a case of achieving a balance between helping to meet the needs of many pupils who currently do not have choice and ensuring that the system is absolutely ready for the change. Where does the balance lie between those two aims?

[192] **Mr Jones:** Having the Measure in place to establish the entitlement is one thing. In a sense, that does not create a problem. The problem is that the proposed Measure as it stands contains implementation aspects dated for September 2009. Passing a Measure that creates the legal entitlement for students is one thing; it is the implementation details that are the cause of the problem.

[193] **Christine Chapman:** Are you saying that it is going to be more disruptive if we start early?

[194] **Mr Jones:** Potentially, it could be, because there is another factor that I could mention, which is that, according to the General Teaching Council figures, 40 per cent of the secondary headteachers in Wales are aged 55 or over. Therefore, in the next four to five years, you could see a heck of a turnover in secondary school leadership. That in itself is going to be a disruptive factor to the communications. If you change a member of a group it alters the dialogue.

[195] **Mr Guy:** There has not been an overview or definitive study of existing collaboration. We must learn from that rather than look for something new without having studied what is in existence and is working.

[196] **Kirsty Williams:** May I carry on and ask about integration, Jeff?

[197] **Jeff Cuthbert:** By all means.

[198] **Kirsty Williams:** The proposed Measure places a duty on those delivering the local curricula to consider co-operation in delivering the maximum availability of courses. If they conclude that joint working is appropriate, they must seek to enter into such arrangements. What needs to happen to ensure that that consideration does not become a purely bureaucratic exercise?

[199] **Mr Jones:** First of all, the revision of the proposed Measure since the original draft has strengthened this duty to consider, by adding that, if there is recognition of need, it must be met. That raises the question of the role of the LEA in producing the evidence of need.

[200] **Kirsty Williams:** Sorry, but the noise is getting worse.

[201] **Jeff Cuthbert:** It is loud for you over there and it is loud for me. We are reaching the point at which it is ridiculous, quite frankly. What we are discussing is so important that I am seriously questioning whether it is wise to seek an adjournment, especially given that some people will have to leave in about 10 minutes. Perhaps we should see whether we can reconvene at a mutually convenient time rather than carry on under these circumstances.

[202] **Kirsty Williams:** With no disrespect, as I do not want to do a disservice to what is being said here today, but would our witnesses be happy to come back?

[203] **Mr Whitcombe:** This is potentially the most earth-shattering thing to hit the secondary sector for many years, so I would happily give up a couple of mornings to ensure that we get it right.

[204] **Jeff Cuthbert:** I am very grateful for that consideration. I, too, feel that way. If I have to go back to the Business Committee to ask for more time, I will do so. The current situation is not acceptable, to be quite frank. I know that two Members have to leave at 11.15 a.m., which would make us inquorate and would leave us unable to proceed, and so I would have to close the meeting then in any event. We have recorded all that has been said up to now, so we will not need to duplicate that. You will receive a transcript, which we would be grateful if you could check for accuracy. At a time to be agreed, we will continue with the rest of the discussion and the questioning. Is that acceptable? I see that it is. Under those circumstances, I declare the meeting closed.

*Daeth y cyfarfod i ben am 11.07 a.m.*  
*The meeting ended at 11.07 a.m.*