



**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 Llun, 13 Hydref 2008
Monday, 13 October 2008**

Cynnwys
Contents

- 3 Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions
- 4 Y Mesur Arfaethedig ynghylch Dysgu a Sgiliau (Cymru) 2008: Cyfnod 1, Sesiwn
Dystiolaeth 5
The Proposed Learning and Skills (Wales) Measure 2008: Stage 1, Evidence Session 5

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

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

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Christine Chapman	Llafur Labour
Jeff Cuthbert	Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair)
Janet Ryder	Plaid Cymru The Party of Wales
Kirsty Williams	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats

Eraill yn bresennol
Others in attendance

Dr Chris Howard	Is-Lywydd Cenedlaethol, NAHT National Vice President, NAHT
Gareth Jones	Ysgrifennydd, ASCL Cymru Secretary, ASCL Cymru
Phil Whitcombe	Llywydd, ASCL Cymru President, ASCL Cymru

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

Claire Griffiths	Dirprwy Glerc Deputy Clerk
Siân Wilkins	Clerc Clerk

Dechreuodd y cyfarfod am 2.34 p.m.
The meeting began at 2.34 p.m.

Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions

[1] **Jeff Cuthbert:** Welcome to this meeting. I will make some domestic announcements first. I remind everyone present, including those in the public gallery, that this committee operates bilingually and that headsets are available. You will find an English translation of any Welsh spoken on channel 1 and the verbatim feed with enhanced sound on channel 0.

[2] No fire drills are planned, and so, if there is a fire alarm, the ushers will escort us to a place of safety. Please switch off all your mobile phones, pagers and other electronic devices as they interfere with the broadcasting and translation systems.

[3] I remind everyone around the table that there is no need to touch the microphones as they will come on automatically when you are called to speak. The only apology that we have received this morning is from Andrew R.T. Davies, who cannot be with us today. Kirsty Williams, I am advised, is coming and will presumably be joining us shortly. There are no substitutions or declarations of interest, as far as I am aware.

2.35 p.m.

**Y Mesur Arfaethedig ynghylch Dysgu a Sgiliau (Cymru) 2008:
Cyfnod 1, Sesiwn Dystiolaeth 5
The Proposed Learning and Skills (Wales) Measure 2008:
Stage 1, Evidence Session 5**

[4] **Jeff Cuthbert:** This is the fifth oral evidence session of the Proposed Learning and Skills (Wales) Measure 2008. This forms part of our committee's consideration of the general principles, which is Stage 1 of the legislative process.

[5] I thank our three witnesses for returning to a smaller but, hopefully, drier committee room. We apologise again for the disruption at our last meeting, and we hope that you were not inconvenienced too much. We are pleased that you were able to come back to complete the evidence-taking session. I believe that you have been advised that there is no need to make opening introductions, but, for the record, I would be grateful if you could give your names and positions. We will then move to questions from Members, which will take account of what you said last time. We will not repeat what you said last time, but will carry on with the situation as it has developed. Therefore, could you please introduce yourselves for the record?

[6] **Mr Jones:** I am Gareth Jones, secretary of the Association of School and College Leaders Cymru.

[7] **Mr Whitcombe:** I am Phil Whitcombe, president of the Association of School and College Leaders Cymru.

[8] **Dr Howard:** I am Chris Howard, vice-president of the National Association of Headteachers.

[9] **Jeff Cuthbert:** Thank you. If you are content, we will now move on to questions. I have the first question. When you came to us before, we talked about the implementation of the proposed Measure. Since then, the committee has received additional information from the Deputy Minister for Skills on the proposed roll-out. As you may remember, there was concern about the full roll-out from 2009, but the Deputy Minister has now made it clear that roll-out will still commence in full in September 2009 for band A—and local authorities have been banded in line with their readiness for the new system—with a fewer number of courses in bands B and C. However, those bands will catch up with band A by 2012, when there will be full entitlement across Wales to the minimum number of courses offered. Therefore, does this staged approach, by area, reduce your concerns?

[10] **Mr Jones:** There are two headteachers here to answer that question.

[11] **Jeff Cuthbert:** I do not mind who starts.

[12] **Mr Whitcombe:** I will start then. It does not have a dramatic effect on my concerns, to be honest. The real issue here is the timescale, and not just for implementation, but for consultation at local level. For further developing and ensuring that this hits the ground running, the timescale is still incredibly short, and it is not a matter of whether we are looking at 24, 26 or 28 courses, or the maximum of 30. We are talking about the time in which we can build those strategic relationships with a number of partners. They will not just be the further education institutions, but also other local schools, and a range of other providers outside the core education sector. If we are to have a wide and diverse range of learning pathways for children, we need time to get that settled. I believe that Estyn has made a similar statement, in that it also sees the 2009 date as being an unachievable timescale. We are not arguing about the principle at all. I do not think that any of the unions are, even though we all have a similar

view about the timescales. We are all signed up to the principle, and we think that it is an outstanding development. However, we want to do it well, rather than do it quickly and badly.

[13] **Dr Howard:** We are worried that we are about to repeat the errors that were made with the roll-out of the foundation phase. As you know, everyone was signed up to the foundation phase in principle, and, when the fine detail of budgets and planning hit principals'—or headteachers in this case—desks in the spring, it was found to be unachievable in practice. You represent one of the better prepared areas in this regard, Chair, but there are still issues that we have to resolve in delivering minimum entitlement across the whole borough. Undoubtedly, planning to deliver that minimum entitlement will be rushed, even coming from the base that we are coming from.

2.40 p.m.

[14] The delivery of courses to meet that enhanced planning that will be done, in a budget year that is extremely tight and may well get tighter, is bound to draw resources from some parts of existing budgets into others and, quite frankly, between January and late May, schools will be in no real position to drag those resources across. It is simply not the case, in schools, that you can change labour patterns that quickly in order to accommodate the change. Some courses will have to be put on and other courses will have to be taken off. Some courses will have to be put on for 14 to 19-year-olds—particularly for 14 to 16-year-olds—and we may need to increase class sizes further down the schools. Those are large-scale planning matters that most schools will need to be looking at now in order to deliver them next September.

[15] **Jeff Cuthbert:** Thank you, Chris. I will call Janet in on this point, in a moment, but I was going to say one thing. Am I right that you are of the view that, even if you took Caerphilly LEA in isolation—even there, where there has been participation on a voluntary basis for a while now—this would be too demanding?

[16] **Dr Howard:** Yes. I have a point to make later in the proceedings about that voluntary participation, but it would be demanding. The partnership in Caerphilly works through the voluntary participation, the management teams, with the authority, and we come together to plan at regular—perhaps too regular—intervals. The number of such planning slots that are available between now and, say, February or March is, in itself, limited. I think that the planning phase would be rushed, but each institution will find it extremely difficult to deliver whatever is then determined in what is a two-to-three month planning period. There will not be any extra money floating around—let us be pretty clear about that. I will be amazed if extra money gets into school budgets as a result of this budget round and this development. Schools will have to draw funds across their spectrum of operations, either by taking out some courses that are running now in order to meet the local area plan or, I suspect, by increasing class sizes elsewhere in the school in order to put on additional courses in the short term.

[17] **Mr Jones:** We need to be clear that there is a difference between what you might call the starting curriculum plan—what you set out as what is available—and the actual delivery at the end of the day. There is a gap between them. Perhaps it is not fully appreciated that devising that initial curriculum plan, the overall entitlement, is the starting point. What comes from that is that you then have to market it—you have to explain every course to every child and every parent and that will take a month. Once you have done that, it will then have to go back to the central departments, the central area of the body, to determine what courses will be run and where. Then you reach the phase of each institution adjusting its staffing. You are into contractual negotiations with other partners and that is where it starts taking a month or more. That is why we are trying to say that it will not be effectively run next September.

[18] **Jeff Cuthbert:** Thank you; that is quite clear. Before I bring you in, Phil, I will bring in Janet Ryder so that her point is not lost and out of context.

[19] **Janet Ryder:** I have two questions. I understand that the local authorities have, themselves, chosen what time zone they are going to go in for. Can you explain that, and why local authorities are opting for one of these timescales if they know that it is not deliverable?

[20] **Mr Jones:** I will come back on that. It is interesting that several events were organised last week to explain a document called, 'Transforming Education and Training Provision in Wales'. Only headteachers were allowed to attend—they had a letter saying that they could not even send a deputy. Those headteachers who attended were told by the senior officers of DCELLS that, regardless of what is happening, this is going to happen for September 2009. They have told the LEAs that it is going to happen. The consultation with LEAs was presumably with the learning network champions; they have not consulted headteachers at all. There is a gap—to be blunt—between what the LEA officers may perceive as feasible and what is feasible from the point of view of the principals and headteachers.

[21] **Janet Ryder:** It would appear that we have a similar gap to that which opened up between LEAs and their schools during the run up to the foundation phase. Is what you are really saying that LEAs do not know their schools?

[22] **Mr Jones:** I am not saying that it is all of them.

[23] **Janet Ryder:** How is this happening, then?

[24] **Mr Jones:** You could ask the question: how many LEAs have senior staff who have senior management experience at secondary level?

[25] **Janet Ryder:** What do you see as being a feasible and practical timescale in which this can and will be achieved?

[26] **Mr Whitcombe:** I would happily sign up to a year's delay—to a 2010 start for the roll-out—which would give us the magical breathing space that we keep talking about. I was at one of the training events, and I wrote down the quotation when both Dennis Gunning and Mike Hopkins stated that 'the timescale is not for discussion'. That is not helpful, because we were trying to discuss genuine concerns to ensure that what we believe is a really useful initiative is implemented correctly. This is not a case of people saying, 'We don't want this to happen'; this is a case of saying, 'We want it to happen well', as opposed to it being badly thought out.

[27] **Jeff Cuthbert:** I do not want to add too much, because we are seeing the Minister tomorrow. Clearly, these are matters that we will raise then. I do not want this part of the session to go on too long, but by all means carry on, Janet.

[28] **Janet Ryder:** This question is to the representatives of both unions. Would you be happy to sign up to a year's delay?

[29] **Dr Howard:** Yes. I see a parallel with the foundation phase. Parts of the current roll-out are extremely critical to the way that planning operates in schools and to the detailed curriculum and delivery for each youngster. In the present plan, you might think that the difficulty and debate that we are having about the place of level 1 qualifications would be the equivalent of the ratio in the foundation phase. Extra time would allow us to address that principle in more detail, and to properly plan for level 1 and level 2 courses in the numbers that the proposed Measure envisages.

[30] **Mr Jones:** I would add that we must learn the lessons of two other major initiatives. One is the Welsh baccalaureate and the other is the foundation phase. Okay, the foundation phase has had its problems, but generally speaking, it has been successfully implemented, because there was a clear pilot stage. One has to ask, with these proposals, why we are not following the same model. It is only when you go through a pilot stage that some of the true difficulties and the true costs start to emerge.

[31] **Mr Whitcombe:** There has been no legislative demand for the Welsh baccalaureate, yet it is being rolled out successfully, and the biggest delay has, in fact, been caused by insufficient funding to roll it out fast enough, as many of us would like to get involved. We want this new initiative to work, and that has to be reiterated. Both unions, I am convinced, would say the same, that we want this to succeed, and that applies to all the other unions, which are not represented here today.

[32] **Jeff Cuthbert:** I can see the logic in the argument for drawing a comparison. The Welsh baccalaureate is a qualification in its own right, as opposed to a different way of learning—although it does involve different ways of learning. However, I think that there is a difference here.

[33] **Christine Chapman:** I just want to pick up on what Phil mentioned about the comments made by officials. Did that necessarily rule out the delaying of the roll-out? You were there, but you could interpret those comments as meaning, 'We'll put that to one side while we discuss other things'. I was not present.

[34] **Mr Whitcombe:** Being a sensitive person, Christine, I was deeply upset. *[Laughter.]* We were almost put down, as if they were saying, 'You can discuss what you like, but it's going to happen anyway'. That was the implication.

[35] **Christine Chapman:** It is just that the quotation that you mentioned could be interpreted in another way.

[36] **Mr Whitcombe:** That is not the way I saw it. We were raising fairly similar issues to the ones that we have shared with you, with regard to wanting this to succeed, but just asking for a delay.

[37] **Mr Jones:** May I come in on that point?

[38] **Jeff Cuthbert:** Okay, but you are the last one, Gareth, because I think that we have dealt with this point for now.

[39] **Mr Jones:** I can confirm that other members received the same message at other venues. It was not just at the one venue that this message was given. They were also told that the 14 to 19 networks were going out as well.

[40] **Jeff Cuthbert:** Those are points well made, and I am sure that they will be articulated in some of our later sessions. Chris Chapman has the next batch of questions.

[41] **Christine Chapman:** I want to discuss the issue of co-operation between institutions, which is a big factor in the proposals. The proposed Measure places a duty on those delivering the local curricula to consider co-operation to deliver the maximum availability of courses. If they conclude that joint working is appropriate, they must seek to enter into such arrangements. What needs to happen to ensure that consideration does not become a purely bureaucratic exercise? Can you tell us what factors might be barriers to co-operation?

2.50 p.m.

[42] **Mr Jones:** I will take the lead on this one if I may. The revised version of the proposed Measure has strengthened this considerably from the original; it now says that, if the governing body recognises that there is a need to consider collaboration, it must collaborate. The question then comes back to who provides the evidence of need. I would argue that there is a strong role for the LEA, which has the strategic duty of commissioning provision and ensuring that provision is made. So, if the LEA provides the evidence to the governing body that clearly identifies the need, the governing body will have to collaborate. So, when you talk about what is needed, it is essentially the strategic role of the LEA to provide the evidence to the governing body.

[43] **Mr Whitcombe:** There is almost a list of things that get in the way at the moment, which is why we are asking for the time to negotiate these. Transport is an easy one to pick up; I think that we are all very much aware of that. There are disparities between timetable structures in a range of schools—whether they have three lessons in the morning and two in the afternoon, or four and two—and further education timetables run on totally different schedules. There is also the issue of the validity and the viability of courses at FE. Currently, if a course has below a certain number of students, FEIs can pull that course. That should not be an option: if we have children committed in their first year, they have to be able to attend in the second year. If that happened, we would have substantial concerns that we would have to cover the costs of perhaps a financially unviable course for another year for those children. There are child protection issues if 14-year-old vulnerable children are in an environment where, perhaps, two thirds of the population are over 18, as students, none of whom will have gone through child protection clearance. They will be fellow students, but there will be 35-year-old fellow students as well. It goes on and on. We need time to iron out the protocols to ensure that our duties to the children are fulfilled.

[44] **Dr Howard:** I would like to make a point from the perspective of Caerphilly, but there are implications elsewhere. The genius of the Caerphilly plan was that it was a voluntary collaboration between 16—in the first phase—consenting institutions. That is not to say that we have not had difficulty over the years, although it is now seen as a model of best practice. There have been significant and substantial difficulties involving the kind of details that we have spoken about, not least transport, the cost of transport, the cost of the centralised infrastructure, the difficulty about co-ordinating timetables and about extending our activities as we go into next year with the need to further extend timetables. There is the difficulty of teachers' pay and conditions and the barriers that they place on extended work beyond the normal school day and the difficulty of getting youngsters of 14 to 16—or 16 to 19 for that matter—to stay in the institution in the twilight hours. Some will go into college-based education or school-based education in the evening, but it is more difficult to get them to do so in the twilight hours.

[45] Every time we face those barriers, one of the key controlling factors in the discussion between principals has been that we volunteered to do this, and we are signed up to it locally as something that this area owns and believes in. Here, you have a proposed Measure that is compelling institutions to do that. Compulsion and collaboration are contradictory. I wonder about the benefits of compelling collaboration, because it seems that, simply by compelling, you will create an additional set of barriers. Individual institutions will, if they think they need to, seek to avoid this, rather than sign up fully to solving the problems. I think that institutions could be signed up if the role provided by Estyn, for example, in terms of area inspections or quality assurance generally was significantly beefed up and if the Government took an enhanced role in quality assurance rather than compelling at ground level.

[46] With regard to institutions that have not completely signed up, every time you get to a small scale barrier, such as how to get youngsters to a course 10 miles away and back again,

or how to find a teacher to deliver high-quality science in a particular locality, someone will say that it is difficult to do it in partnership and it would be easier if they did it on their own. That is always a way out if people are not signed up to collaborative working at base. I think that compulsion is self-defeating and that it would be better to build on best practice, but we are where we are and we will go forward as we go forward. However, there are some huge dangers in this approach.

[47] **Christine Chapman:** I want to pick up on the barriers to synchronising timetables. I know of the good work that has been done in Caerphilly, and the idea was that the best practice should be shared across other authorities, but would an extra year make a difference? I know that there are still barriers. Are partnerships and areas actively trying to address and eradicate them?

[48] **Mr Whitcombe:** We have some activities now in the Vale, and we have good practice, but, again, that is on a voluntary basis. We have children moving between several schools and a further education institution and so on. I will share some things that I have jotted down that will affect secondary schools in the next year. There are changes to the key stage 3 orders, validation requirements for key stage 3 for all the non-core subjects, new key stage 4 subjects and modular GCSEs are coming on stream, as are new ASs and A2s, there is the tail-end of workforce remodelling, and some funding issues, because we are already expecting efficiency savings and know that there are issues in the Assembly Government's funding settlement for last year. Having those on top of this will be a real help to the smooth introduction of this, as we can see.

[49] The key is that we need time to rationalise and find out what is out there. We are talking about, in theory, having three months to do this. It takes me longer than that to place an advertisement and appoint a member of staff. There are delays. We are already planning next year's curriculum, and I am sure that it is no different for Chris, and we are already looking at our staffing requirements for next year. So, to have this pushed on us too early is a recipe for disaster, and we want it to be successful.

[50] **Christine Chapman:** Can you also say something about rural schools?

[51] **Mr Jones:** I was going to come in on that. I was talking to a head up in Conwy, and his nearest other educational institution, whether a further education institution or a school, is 10 miles away. His school is bilingual and has 500 students. Put all of those factors together. You can see that he has diseconomies of scale because of the size. If five of his students take another course at another school, he must still provide that course at his school for the other students, so he is not saving any money. If the students go to a further education college in Llandudno, the college has different term dates, so what are the students supposed to do, and what is the school supposed to do with the students, during the weeks when the further education college is closed? All these practical problems start to creep in. They can be resolved, but it takes time to negotiate settlements. Those are some of the barriers. In addition, when you are talking about bilingual schools, you are dividing the cohort into even smaller groups.

[52] **Christine Chapman:** I wish to return to the roll-out. I am sorry to go back to this, but there are clearly barriers that need to be looked at. Would another year resolve the problems? Could you sort them out with an extra year?

[53] **Mr Jones:** I would not be a 100 per cent confident that, if it is in the legislation that something must be delivered to a certain standard, every school and further education college throughout Wales will be absolutely ready to deliver everything in September 2010. That is why I would suggest that we see this rolled out as pilot schemes. *[Interruption.]* I am talking about the difference between entitlement and delivery, and I am trying to deliver for learners.

[54] **Jeff Cuthbert:** That is clear. I call Janet on this point.

[55] **Janet Ryder:** It is a phased roll-out, whatever the start date is, is it not? So it is not expected that every school will be ready to hit it completely. It will follow the way that the foundation phase has come through: it is a phased roll-out. Do you still not think that that will work?

[56] **Mr Whitcombe:** Realistically, if you are talking about 24, 26 or 28 courses, which is the number, depending on whether you are band A, B or C, that is achievable. I work in the Vale and it is achievable for me, because I have other schools in relatively close proximity and I have a further education college in the middle of all the schools, so it is manageable. However, in rural areas, there is a lot more work to be done.

3.00 p.m.

[57] In sector schools, again, there is a problem because the local Catholic school may be 15 miles or 20 miles from the next Catholic school. Also, if you consider the situation in the Welsh-medium sector, there is clearly an issue as to whether the further education sector can deliver courses through the medium of Welsh as well as through the medium of English. There is a need for planning and there has to be a delay of a year, at the absolute minimum.

[58] **Janet Ryder:** That point has been made, but, even after that, presumably, it would still be a phased roll-out.

[59] **Mr Whitcombe:** It would have to be.

[60] **Janet Ryder:** You said that you did not see the need for compulsion and, yet, listening to what has been said, it could be that institutions are not going to work together voluntarily. We have heard evidence from several groups that have said that you need that compulsion to ensure collaboration.

[61] **Jeff Cuthbert:** Yes, for the benefit of learners.

[62] **Dr Howard:** I concede that you need a stick of some kind, but whether the stick should be a legislative instrument that tells institutions that they must collaborate, or whether the stick should be an outcome-driven inspection process that penalises those schools that walk away from collaboration is the moot point. I would have thought that there would have been some mileage in looking at the alternative, rather than looking at compulsion. As I said, compulsion will in itself raise barriers. In Caerphilly, it was the fact that we all signed up and agreed to go in at the same time, and had momentum from that time onwards, that allowed us, 12 months later, to do something, and two years later to do something of significance.

[63] **Kirsty Williams:** We have clearly got the message that the Government is in danger of trying to rush this through in a way that would be unacceptable. I do not underestimate the difficulties of doing this, because I have a local education authority in my constituency that cannot agree to bus a child to study in a different sixth form that offers a different A-level course, because it is outside its current transport policy. There are local education authorities that are ill-prepared for this, even if the mindset is willing.

[64] What would be the danger for the Government's aspirations if it does not listen to the unified voice that has emerged in the evidence that I have heard to this committee so far, stating that this is going too far? Can you give us some idea of what might happen if the Government persists in forcing everyone to go down this road within this timescale?

[65] **Mr Jones:** It depends on your perspective. What is the purpose of all of this? Is it just a paper exercise, so that you can publish a booklet that says, 'Hey, we're offering 600,000 courses'—

[66] **Kirsty Williams:** Forensic science and origami, for example.

[67] **Mr Jones:** Or are you interested in what students are learning and in delivering the skills that the Welsh economy needs in the long term? That is the real issue. We are in danger of focusing purely on the number of courses offered in a curriculum plan, rather than on what students are choosing to learn and what skills, therefore, they are being equipped with for their future as adults in the Welsh economy. Our focus is on what students are learning.

[68] **Mr Whitcombe:** It takes us back to the point that I made at the beginning. The Welsh baccalaureate is rolling out successfully. All of us who are involved in education are always looking for the best route for our children, and we like what we see with the Welsh baccalaureate and we can see how it develops a wider range of skills for children, as well as being an accredited qualification. That may be the best model. I am not convinced that legislation is the way forward. We are convinced that the timescale is wrong, and I am not convinced that this is the best way forward.

[69] **Jeff Cuthbert:** There is no doubt that this is about improving opportunities for learners. That is what is driving us here and the purpose of this committee is to hear evidence and information as to how that can be best achieved.

[70] Chris, can we return to your other questions?

[71] **Christine Chapman:** I will move onto the funding structures and methodologies. We have taken evidence that suggests that the current funding structures encourage competition rather than co-operation. What is your view on the effect of retaining the current funding methodologies in relation to co-operation and joint working?

[72] **Jeff Cuthbert:** I think, in a sense, you partly answered this, Chris, when talked about the carrot and the stick. Do you want to begin?

[73] **Dr Howard:** If either the Government or the local authority is the controlling body for the local curriculum, it would have the power to adjust the funding stream as appropriate, with certain outcomes. From the point of view of my institution, the fact that something was built into the inspection measure and we failed to get a grade 1 three years ago—because, although we were co-operating, we were not co-operating significantly enough at that point in time, strange as it may seem—was enough to drive me and my institution.

[74] In Caerphilly, we are on the traditional funding model; no organisation has come into the partnership saying that it is not going to co-operate because it would lose pupils—rather the reverse. I think that what has happened is that, within an umbrella that says, 'We will co-operate, and every child has an open offer in Caerphilly and can therefore choose.', we realise that, between us, we must put on courses that satisfy national need. Those institutions that have a particular lead in certain areas are emerging as the best practice providers. These are difficult decisions to take, but over the three or four years we have seen schools emerging as the lead in history or physics or whatever and other schools are saying, 'We will let you have that.', because they cannot provide as well as those lead schools from within their existing resources.

[75] You can take the view that schools will defend their own interests—which they will to an extent because they want to preserve their own staffing—but the present funding mechanism within the voluntary collaboration allows schools to find their own path through

these matters. Headteachers and governing bodies are particularly good at doing that, as are the local colleges, I have to say, because they have adjusted their work and partnership operations with schools in order to maximise their own revenues, but also to maximise the offer for students.

[76] **Mr Jones:** I am going to show my age now, because I was in senior management prior to the introduction of local management of schools—

[77] **Jeff Cuthbert:** I remember that, too.

[78] **Mr Jones:** The point that I want to make is that funding must be distributed by some means or methodology. Prior to the introduction of the local management of schools, there was no overt formula or method, and I am afraid that a great deal was dependent upon which county councillor sat on your governing body; politics influenced funding. Therefore, the introduction of a formula made the process more open and transparent and took a lot of the politics out of it.

[79] Milton Friedman, an economist of some note, made the point some years ago that, when you spend your own money, you are far more careful than when you are spending someone else's, and schools have made the maximum use of the funds to get the best benefit for learners. Therefore, what we are really talking about is what formula is used to distribute the funds. When we talk about competition, at the end of the day, any formula is going to be influenced by the number of students. The fixed cost is the cost of a member of staff; the variation in costs comes in depending on whether that is shared between 10 students or 20 students for example.

[80] We would argue that there now needs to be a complete review of the funding formula to create a national, needs-based funding formula for a core curriculum. What we must remember is that, even at the ages of 14 to 16, the majority of students will be going to school to receive the core curriculum. That needs to be funded via a national funding formula, rather than by the vagaries that exist at present—the post-code lottery of which LEA you happen to be in. Once you have that baseline of a national formula, you are then talking about additional provision, which is where partnership arrangements come into play. In one area, the headteachers and principals are given the budget and they sort out the allocation themselves, which is a good way of doing it.

[81] **Mr Whitcombe:** To provide a simple explanation at the local level, I share a sixth form with the local boys' comprehensive school, which maximises the number of courses available to sixth-form pupils. We also participate in joint activities with the further education college, so it is conceivable that one of my pupils will be spending some time with me, some in the boys' comprehensive and some in the further education college, and we share the funding appropriately. The funding follows the pupil to whichever institution teaches those modules. It is not competitive, because we are living in a business model. We know full well that we cannot both afford to run minority subjects, so it is about maximising opportunity for children. For example, with physics, we are teaching the AS-level and the other school is teaching the A2-level. That way, we can retain our expertise without having to worry about running classes that are not viable.

3.10 p.m.

[82] **Jeff Cuthbert:** Janet has another question on this point and then we will move on.

[83] **Janet Ryder:** I want to ask about colleges, because you have talked about schools being able to collaborate. However, there are two different funding formulas here, and they need to work together. Much of the evidence has touched on problems with colleges not

running courses even when children have signed up for them, or not running them the year after, which causes other problems. Are you still happy that the present funding arrangements will suffice, considering all these other factors? Do we need to look at how the whole sector—

[84] **Mr Howard:** Gareth is right. We need to look at what we need to do, but implicit in some of the discussion so far has been the notion that we might unpeel local management of schools funding and, through a new formula, return to a system where allocations are made by the LEA, a consortium, or the Welsh Assembly Government. Schools would not then have control of their own budgets and funding mechanisms, and we think that that would be an unmitigated disaster. Who is best able to determine how to service the needs of youngsters? For the past 20 years, in this part of the UK, we have considered that LMS-funded schools are best able to make those decisions, because the funding formula is pupil-driven and mitigated by needs factors and local authority planning, which has had to work with those fair funding formulas. We are worried that more centralised resource planning will lead to more centralised decision-making about delivery, not only by institutions, but for individual youngsters. There is no way that we can accept that that is the way to go.

[85] **Jeff Cuthbert:** Janet, could you be brief on this point?

[86] **Janet Ryder:** The other question that I want to raise is about situations where joint curricula cross borders and there are different LEAs that provide funding at different levels. What are your thoughts on that?

[87] **Mr Whitcombe:** I run an all-girls school, so inevitably, I have a number of children coming into Cardiff from the Vale of Glamorgan. It is a key issue. I get funded at Vale level for children coming out of Cardiff, and there is a reciprocal arrangement to recover funding. A common funding formula and a level of minimum entitlement to deliver the core requirements across Wales would be very helpful. However, it has to be allocated at institution level to allow that flexibility.

[88] **Mr Jones:** It has been suggested that the 16 to 19 formula should come down to 14 to 16—in other words, from the sixth form down to key stage 4. The problem is that you would then have a clash of funding methodologies between key stage 3 and key stage 4. That is what I keep coming back to—we need a national formula. As I have said before in another forum, the population of Wales is equivalent to Greater Manchester, and yet we have 22 authorities. Surely it is not beyond our wit to devise a national formula for the core curriculum. Every student will be doing English, maths, personal, social and health education and so on. You know what the staffing costs are for that, and they do not vary much across Wales, so let us fund that core curriculum. Then, you are looking at the funding of the options as a different mechanism.

[89] **Jeff Cuthbert:** In population terms, of course, Iceland is much smaller than Wales, but look at the problems it has caused for LEAs.

[90] **Mr Jones:** Point taken.

[91] **Christine Chapman:** This question is on Welsh-medium education. You have already talked about that, but I wondered whether you could expand on your previous comments. I know that some of you have expressed particular concerns with regard to how the proposed Measure would affect Welsh-medium schools. Please can you explain your concerns and say what impact it would have on those schools?

[92] **Dr Howard:** There are two areas of concern. One is about transport and logistics, because Welsh-medium schools tend to be semi-isolated communities, with a fair travelling

distance between them. Many Welsh-medium schools have made brave attempts to solve these problems over the past decade by looking at electronic and video-conferencing methods. Some good work has been done in carrying through soft partnerships where there will be exchanges of teachers so that the offer gets bigger across the schools inside the partnership. That certainly does not, by any means, involve youngsters travelling all of the time; they use a teacher-travelling base. We feel that there is no doubt that a compulsion to take this to another level for Welsh-medium schools will increase their difficulties. Whatever we have said about the difficulties and the barriers faced by the English-medium sector, they are multiplied by the transport or geographical logistics of the Welsh-medium sector, but also by the difficulties in the supply of Welsh-medium teachers. There are also difficulties in bilingual schools in parts of Wales, as Gareth mentioned earlier, where schools are providing in both languages as the mainstream language.

[93] **Christine Chapman:** You mentioned video-conferencing—and I know that Kirsty, in particular, has raised this several times in the committee—is there any evidence, good or bad, about the video-conferencing side, particularly with regard to Welsh-medium schools?

[94] **Dr Howard:** I have seen this in operation, and we established video-conferencing suites in Caerphilly in order to deliver just this for Ysgol Gyfun Cwm Rhymni in 2002 when we built the school. The video-conferencing suite was installed to deliver along just those lines, based on a model that had been picked up at the time from Gwynedd. The model in Gwynedd was working, largely, I think, because it was developed on the ground between partners who had to make it work. However, it did seem to be working. I think that my colleagues in Ysgol Gyfun Cwm Rhymni have had a more mixed response with it.

[95] Teaching is about personal interaction at the end of the day, and it is very difficult to interact with young people across a television wire—which is what it is, essentially; it might work for adults, but it is more difficult with young people. It might work on a one-to-one basis, as it does; young people are very adept at working one to one with cameras on top of their computers these days, but one to six or one to 10 is another matter—you can lose the group dynamics, it requires a particularly skilled teacher to deliver properly, and it needs a particularly enthusiastic group of youngsters. However, it will not do for the marginal learner or for what is sometimes called ‘the new sixth-former’ who does not adapt as easily as some other pupils to study. It is certainly not a panacea.

[96] **Mr Jones:** I have had experience of this at Bryncelynnog in Rhondda Cynon Taf where we offered A-level courses via a video-conferencing link with two different colleges, one of which was in Shrewsbury, I think, and the other of which was in west Wales. Where the course involved purely the transmission of factual knowledge, it was not a problem, but you had to have the tutor interacting with the students at least once a month for that personal body language and all of the other things that go into communication. It is not so effective once you are getting away from just the transmission of facts—lecturing, if you like—into teaching. For another thing, video-conferencing is not that cheap because you still have to have an adult in the room with the students to ensure supervision. If you are using it with 14-year-olds, that is even more important. Therefore, it is not as cheap as some people like to make out.

[97] **Jeff Cuthbert:** I want to move on, but are you indicating that you want to speak, Phil?

[98] **Mr Whitcombe:** Yes, just very briefly, Chair. Going back to Christine’s original question, there are issues about capacity with regard to the number of suitably qualified Welsh speakers in further education as well as with regard to transport. We have given up on using video-conferencing as a teaching aid. We use it as curriculum enhancement, so my Spanish students have a link to a school in Asturias and our children converse in Spanish

while the children there speak in English, which allows the children to get what used to be provided by a language assistant in school. It is a fabulous bolt-on but it certainly does not replace this interaction, which is essential. Otherwise, we could have had this meeting by video-conferencing.

[99] **Jeff Cuthbert:** There we are—and then it would not have mattered whether it was raining.

[100] **Mr Whitcombe:** We would not have needed a mac then, Chair. [*Laughter.*]

[101] **Jeff Cuthbert:** No. Thank you very much. We will now move on to the next set of questions.

3.20 p.m.

[102] We have had quite a few supplementary questions now, so if committee members think that any of their questions have been covered by the answers to those, please do not ask the questions.

[103] **Kirsty Williams:** On the last point, as a parent, I know that I want my children to be taught by a teacher in a classroom and not a video screen, and I do not think that my views would be out of step with the vast majority of parents across Wales. You touched earlier on the drive to define success by the number of courses that were on offer. Is setting a minimum number of courses through regulation a correct approach, and would it guarantee choice for individual learners? At the other end, the proposed Measure would set a maximum number of courses for an individual. Would that disadvantage any group of students, particularly gifted children who may want to study even more courses than the number prescribed?

[104] **Mr Whitcombe:** The idea of having 20, 30 or 40 options, which children may or may not require, is a pointless exercise, but at least we will set a minimum standard. I have grave concerns about limiting the maximum access. We have all seen the four or five A-level-type child—the very high-flyer who will need that intellectual challenge. Putting an upper ceiling on the score that such children can pick up is quite worrying. The glass ceiling that we are talking about in that regard will result in conformity of mediocrity, rather than challenging and stretching the most able. So, it is quite a worrying concept.

[105] **Kirsty Williams:** There have also been comments about the learning domains and pigeonholing groups of subjects into a learning domain. Do you have any specific views on the appropriateness of the learning domains?

[106] **Dr Howard:** I think that the concept of domains is apposite. We have argued for some time that it would be better if we saw the curriculum in terms of those domains. If the curriculum were organised in such a manner, it would look much more like curricula in countries in western Europe that have made significant strides in delivering vocational courses over the years. It should also help with the parity of esteem issue. Once you start saying that a particular subject fits only one domain, you have a difficulty because some subjects by their nature cross domains. We would urge the Government to think about that. Is it too difficult to put a subject in two domains?

[107] **Jeff Cuthbert:** No, not at all. This point has been made before, and there is no reason why courses or subjects cannot cross domains—as long as it is clear.

[108] **Kirsty Williams:** Given your concerns about the maximum entitlement, you will be aware that the proposed Measure enables the awarding of point scores to facilitate the process of identifying the minimum and maximum number of courses. We have received evidence

that the last thing we need is another points system to further complicate the existing systems, and that it could also lead to a focus on counting points and categorising, rather than looking at outcomes with regard to the types of things that children are learning and the skills that they are attaining to take forward. What do you consider would be the impact of awarding point scores to courses? Would it be a help or a hindrance to students?

[109] **Mr Jones:** The idea of point scores is intended to have the opposite effect—it is not intended to cause confusion, but to clarify things. What we must appreciate about the learning pathways is that we are getting away from the concept of students choosing a course at the age of 14 and having to follow it for two years. If I may use a more colloquial phrase, it is far more of a mix and match curriculum. A student could study a module in one pathway and change to pick up a module in another pathway. To use traditional subjects such as geography or design technology as examples, if a pupil spends one term doing a module in geography and then changes courses to do something in design technology, how do you equate those modules? That is where the points score system comes in, and it enables far greater flexibility, because one of the concerns about the present curriculum is that students can make the wrong choice at the age of 14 and be locked into a learning pathway if they are not careful. However, we all know from our lives that you change, and you change your mind.

[110] **Mr Whitcombe:** The points model is not new—it is the same as the credit accumulation and transfer model that is used widely in the higher education sector. So, students who go on to university will regularly mix and match on general degree courses. What I am concerned about is the current framework of qualifications—although I realise that we are diversifying from this present argument—which does not include the vast majority of OCNs and NOCNs at levels 1 and 2—they are not approved qualifications in Wales. That means that, when we are looking at outcomes—the number of children achieving threshold 1 and threshold 2—we will disadvantage children in Wales when compared with those across Offa's Dyke, where those qualifications are included.

[111] Therefore, if we are to go down the route of having a point score, I can live with that, although the administration of it sounds a nightmare. What I am much more concerned about is that we have a more diverse range of the traditional vocational pathway courses also available and also issued to valid levels of point score. A hair and beauty course on NOCN level 2 is equivalent to a GCSE by volume of work, but if that course that does not count in the Welsh scoring system, we would be disadvantaging our youngsters.

[112] **Janet Ryder:** I wish to raise a point that people who have been listening to the evidence from outside have mentioned to me, although I have not heard any witnesses mention it yet. Will this complement the development of the Welsh baccalaureate, will it work against it, or will they be neutral to each other and just carry on regardless?

[113] **Mr Whitcombe:** I do not see it having any major negative impact; if anything, it would be slightly more positive, because the Welsh baccalaureate is intended to be the overarching qualification.

[114] **Dr Howard:** On the points score, I wish to mention an issue that has arisen with the scores given, if any, to level 1 qualifications. There is an intention that five level 2 courses should have the equivalent number of points as a similar academic course. One understands why that has been done: it is to try to secure parity of esteem. However, our experience as headteachers is that greater parity of esteem has been secured over the past three or four years, because the points scores attached to level 2 courses now, in the reporting mechanism, have led schools to improve their performance by putting on more level 2 courses. Therefore, the notion that runs in much of the literature that has been created in this debate, namely that schools do not put on level 2 courses, only level 1 courses, is outdated and needs to be radically revised. Schools are putting on level 2 courses, and are doing so successfully,

whether it is by BTEC or by an array of OCN or City and Guilds modules.

[115] However, schools also put on level 1 courses, and they do so for particular youngsters. There is a significant cohort coming through our secondary schools at age 14 to 16, who are not ready to do level 2 courses. It is a complete misconception that just putting on a level 2 course, perhaps in a practically based subject, immediately enables a huge cohort of extra youngsters to do that course. It does not. There are youngsters with emotional needs and additional learning needs, as well as those who have disappeared from school or who are disengaged from school. Therefore, there are youngsters with an array of problems, for whom level 1 is the appropriate level.

[116] The present proposal is that level 1 courses count only if you have five level 2 courses on offer, although that has changed since the original proposal, when they were not to count at all. However, if level 1 courses are not properly recognised in the construction of the curriculum, the message received will be that they do not count and they are not appropriate for the cohort of 14 to 16-year-olds. However, they are very appropriate, and they provide a valuable service. They represent the first and valuable rung on the ladder, which eventually might take the youngster with those problems up to level 2 by age 18 or 19.

[117] That is the problem with legislatures. The Government is building this into legislation, and then regulation. By doing so, the Government is in danger of prejudicing an awful lot of the good work that has been and will be done on level 1, if it is still available. The number of level 1 courses is growing, and the providers in England and Wales are providing different suites of qualifications and modules, which engage youngsters as part steps along the way. If we tell youngsters that that does not count in the construction of courses, and if we tell schools and colleges that that does not count, that sends entirely the wrong message.

3.30 p.m.

[118] **Jeff Cuthbert:** Thank you. The point that you have made is quite consistent with those made by other presenters. That important matter will be raised with the Minister tomorrow. Gareth, I see that you want to come in. Is that on a different point?

[119] **Mr Jones:** It is. I just want to come back to the points score system. As it is so new, I doubt whether very many teachers or heads know how it works. It will present another barrier, because we will have to train people in what the heck it means. You should think of the administrative task now faced by students on an options evening. Students are submitting their option forms and then someone has to sit down and do the sums. That is another barrier. It is a whole new culture.

[120] **Kirsty Williams:** Some evidence suggests that the geographic size of some of our LEAs will make the delivery of this collaborative provision, especially the vocational side of it, very difficult. Do you have any views on the corporate capacity within LEAs to assist you in delivering this? You will also be aware that the Measure allows for more than one local area curriculum to exist in a local area. Do you see any complications arising out of that?

[121] **Dr Howard:** On the first question, it goes without saying that some authorities in Wales are too small to be able to service developments at this level, and I would be amazed if local authorities did not admit that. Anecdotally, I can tell you that when the Caerphilly consortium was founded, we invited the boroughs on our borders to the table in the hope of inspiring people in other areas to take up the same model. We have two or three small authorities on our borders and they said immediately that they were in no position to do so, because they did not have the staff to take it forward and support it. There is potential for there to be a lead provider in a particular area, with some authorities operating as satellite providers off it, in a common partnership, but then you are looking at a wider consortium on a

regional or sub-regional level. One difficulty with the present proposals is that you might have 22 different solutions, and some of them will be beggarly solutions because the authorities do not have the capacity to deal properly with the problems and the barriers that will surface.

[122] **Mr Jones:** To some extent, your first question is the reason why the paper, 'Transforming Education and Training Provision in Wales', is talking about learning partnerships on a regional basis and going through the four consortia areas of directors of education. I think that there is recognition that there needs to be far more regional working.

[123] On your second question, as to whether it matters if there are two curriculum plans within an area, I think that the reality is that there will have to be. For a start, bilingual schools, which I mentioned earlier, will have to consider two different plans. In addition, the courses that have a low number of students will be viable only if they have a larger cohort area to draw upon. Therefore, clusters will need to overlap.

[124] **Kirsty Williams:** Finally, the proposed Measure gives your members the power to curtail the entitlement of a student, and includes grounds on which headteachers may remove entitlement. Do you have any views on whether that gives your members the adequate tools to do the job? Do you think that there should be a complaints and appeals process for someone who may disagree with the decision of one of your members?

[125] **Mr Jones:** I will start on this one. This is another area that has considerably improved since the original consultation draft of the proposed Measure. The reasons for a headteacher or principal to decline to grant entitlement are now far clearer, and I think that that helps. However, coming to your second point, what is missing from the Measure is any kind of appeals procedure and, in the absence of an appeals procedure, you will get litigation.

[126] **Kirsty Williams:** I am sure that you are looking forward to that. That will keep you busy.

[127] **Mr Jones:** Yes. Could I suggest, though, that what we do not want to do is create yet another procedure? There is an existing complaints procedure and legislation, so one would suggest that the appeals process for this could go through that same process—in other words, an appeal to the governing body, and so on. What I am saying is that there is no need for a separate procedure.

[128] **Mr Whitcombe:** To build on that, there is enough talk of litigation for any excuse these days. We have adopted the American culture in that respect. An appeals procedure would take the sting out of it and ensure that headteachers are behaving in a manner deemed to be reasonable, for the needs of the children.

[129] **Jeff Cuthbert:** Right. We will now move on to the next set of questions from Janet Ryder.

[130] **Janet Ryder:** In some ways, the next question follows on from what we have just been talking about, as it is about the choice of local curriculum. The choice of local curriculum courses by a pupil would, under the proposed Measure, determine their relevant school or institution. Are there any significant advantages or disadvantages to that? It does not necessarily follow that the child, at age 14, will be at the same school. If pupils have to choose which curriculum to follow, should they do that at age 14, or would this kick in at age 16? Are there any advantages or disadvantages arising from the decision to identify the school or the further education institution from whose local curriculum the pupil will be entitled to choose courses?

[131] **Mr Whitcombe:** I think that we are probably already experiencing that. Towards the end of key stage 3, if children are interested in a particular set of subjects or study areas, their parents can choose to move them out, and we do see such movement, occasionally. We have all experience of children moving at that time, just before they go in for GCSE or college link courses and so on. Certainly, we all have experience of that with post-16 pupils, where the arrangement is much more fluid. That is entirely appropriate. In fact, the converse would worry me, as having allocated courses attached to a range of institutions might stop innovation and discourage schools from taking a chance on trying to do something a bit different and a bit more unusual for the needs of the children. As long as the mechanism is in place for my school, for example, to go through the consortium to produce new and innovative procedures that would add to and expand the range of options, I would not have a problem. It is important to note that we do not want to see creativity stifled.

[132] **Mr Jones:** I presume that we are discussing the host institution. Under the present legislation as I understand it, every child under the age of 16 must be registered at a school and cannot be taken off that register until the school knows where that child is being transferred to. So, a permanently excluded child will still remain on the register until he or she is transferred to and registered at another school. They are not just out of the system. It is illegal for a school to take a child off the register, even when that child takes an extended holiday abroad. It is illegal for a child not to be registered.

[133] As we already have that arrangement, I do not see any problem with arranging the curriculum for 14 to 16-year-olds based on the host school. The legislation is already there, and the change is not significant.

[134] **Janet Ryder:** In the case of greater movement by pupils at age 14 between schools and colleges, even if it is for part of the day or part of the week, what issues do you feel might need to be addressed? You have already raised some, but could you be more specific?

[135] **Mr Jones:** Child protection will be a key barrier, because there will be adults who are students at further education institutions. Therefore, the principal or headteacher of the secondary school will be allowing students into a situation in which they are potentially at risk. Currently, if students go on work experience for a week or so, the school has to carry out a safety check. Under the new regulations, that could well involve having to carry out a child protection check on any adult involved in the work experience situation. These are the bureaucratic nightmares that are beginning to emerge. If you are talking about putting a child under the age of 16 into a further education college for half a day a week, you are putting that child at risk through interaction with people we do not know. That issue has not yet been resolved.

[136] **Mr Howard:** That is why the school at which the pupils are registered, be they 14-year-olds or 18-year-olds, needs to 'own' the pupil, the funding for the pupil, and the responsibility for securing all the things that need to be secured. Child protection, as Gareth says, is important, and there will be some bureaucratic problems to overcome, which will add to costs. However, there is an array of pastoral considerations involved in the movement of pupils that operates below that level. There is getting them there, making sure that they are happy when they are there, and providing support for them when they switch off the learning that is made at the college.

3.40 p.m.

[137] Throughout the last 10 years of this debate, some contributors have sounded the simplistic and easily spoken notion that simply sending a 14-year-old to college to do a course in carpentry or hairdressing immediately solves all of the problems that that youngster takes with them. This is absolute nonsense. They need to be supported as heavily in college as they

are in schools. Schools have a lifetime, and more, of experience in supporting those youngsters; colleges, until recently, did not. In some parts of Wales, colleges still do not have the experience of dealing with them and will need to work with partners to provide the support mechanisms that will look after youngsters on site. There are many issues involved, all of which, by the way, add to costs. This needs to be factored in. You can do this on the cheap, but you will not be supporting the youngster adequately in college. If you provide adequate support, it is no longer the cheap option for the education of a 14 to 16-year-old.

[138] **Jeff Cuthbert:** I will bring you in in a moment, Phil, but I will let Kirsty ask a question on this point.

[139] **Kirsty Williams:** I have a request. On the issue of child protection and the correct stage for CRB checking, could Anne or Gwyn could give us more information?

[140] **Mr Griffiths:** It has already been provided.

[141] **Kirsty Williams:** I have not seen it.

[142] **Jeff Cuthbert:** That question has been asked before.

[143] **Kirsty Williams:** I am sorry; it is my mistake.

[144] **Jeff Cuthbert:** Would you like to say anything, Gwyn, on this?

[145] **Janet Ryder:** Before Gwyn does, am I right to understand that the law on this is changing, or will be changing soon?

[146] **Mr Griffiths:** It is. The law is always changing, I am afraid; you can never predict where it might go.

[147] **Mr Jones:** The independent safeguarding authority comes into being in September 2009. Any adult who comes into regular contact with a child under the age of 16 will have to have a CRB check.

[148] **Kirsty Williams:** Is an adult classed as anyone over the age of 18?

[149] **Mr Jones:** Yes. It includes, for example, school governors, any volunteers coming to work in schools, and parents who are coming in to help with reading in a primary school; all of these would have to be checked.

[150] **Janet Ryder:** Would it be your interpretation, therefore, that that could well apply to adult students in a further education college?

[151] **Mr Jones:** From the point of view of a headteacher of a school, if a child goes to college on a long-term, full-time placement arranged under contract, and something unfortunate happens through interaction with another adult student—someone over the age of 18—who would be liable?

[152] **Jeff Cuthbert:** It is a well-made point. It is clearly something that we will have to look at.

[153] **Janet Ryder:** Could we have further advice, in addition to that which we received last week, on this change and the implications that it might have?

[154] **Jeff Cuthbert:** Okay. We will take that on board.

[155] **Christine Chapman:** What about work experience?

[156] **Dr Howard:** It is the same problem. We made the point to the UK Government when the legislation was before Parliament, that work experience provision might be in danger, because employers will pull back from offering places.

[157] **Jeff Cuthbert:** Thank you. We will return to your questions, Janet.

[158] **Janet Ryder:** I am sorry; that has thrown me.

[159] I wish to look at the role of the learning coach. Some evidence that we have received supports the need for learning coaches to be independent of both schools and further education institutions. Concerns have been raised that it will be tagged onto other roles, and that it should be a dedicated resource that puts the needs of the learner first. What are your views on the role of learner support services generally—because the role of the careers service in this has been raised—and specifically where the responsibility for learning coaches should lie?

[160] **Dr Howard:** I am glad that you have asked that. You will forgive my rant—

[161] **Jeff Cuthbert:** We shall see as it goes on. [*Laughter.*]

[162] **Dr Howard:** I have been doing this job for a long time, and I have been engaged in this debate since these policies were first mooted in around 1999, and I have been heavily involved in the discussion about the learning coach since 2002. Last week, I asked my deputy what a learning coach is, because he said that the funding for our learning coach was threatened and we might not have it in March. I instantly said, ‘What does she do?’. She is a good employee, and I am pleased with what she does, but I asked what she does because I was being asked to contribute school funding, because the funding was in danger, and at that point, I needed to know whether I was getting value for money.

[163] I have a learning coach and a learning mentor, who do similar, but not completely related, things, and they are funded by different Assembly funding streams. I will shortly be responsible for some of those funding streams, but not all. My youngsters also have a careers adviser, a teacher and dedicated pastoral support if they have additional emotional needs. I think that that is about five people, other than teachers, who are offering advice to 14 to 16-year-olds of a particular category. When I say ‘particular category’, I refer to the learners who most needs that advice.

[164] We have been saying for five or six years that this notion of a learning coach and the way that it was first conceived was really being targeted at a particular part of the cohort, namely those who had no idea about what they might do beyond the ages of 14 to 16, and who were badly supported by their families. It is still the case that most youngsters have their closest support and guidance about what to do in the 14 to 19 pathways from their parents and their teachers. Of course, teachers sometimes offer partisan advice—they are partisan about the choice between schools and colleges, and, believe it or not, they are partisan about the choices within schools as well, because they all want them to choose their subjects; they would be poor teachers if they did not.

[165] A spectrum of advice is given in schools, and has been for 20 years, but neutral and objective advice is provided to students. In Wales, for most of that time, it has been given by the careers service, which has done a very good job. For the last six years, I have not known where the idea of a learning coach or a learning mentor has come from. There are bits of additional support that the youth workers attached to my school are providing in learning

mentor and coach roles, but those functions, although badged up in this particular context, are no different to employing youth workers in a number of other ways through our own offices, or in partnership with the county council, to support the youngsters who need it in the 14 to 19 spectrum. I must say, strongly, that we could have cut through a lot of this by giving the money straight to schools, and letting headteachers appoint the staff that they wanted.

[166] **Jeff Cuthbert:** That was only a rant at the very end.

[167] **Mr Whitcombe:** That was the shortest version of that rant that I have heard, so that was excellent.

[168] On a serious note, I have real concerns about the idea of someone parachuting into a class full of people whom they do not know, dealing with an individual who may have aspirations that are incredibly far above or below realistic levels, who does not have a link to the emotional needs of that child, with no background information on that child, and who, in a quarter of an hour's support interview two or three times a year, will magically give some guidance. I have an issue with that. I have absolutely no concerns about our careers service support, because we have someone who has been with us for a few years—they are leaving us shortly, and there is a constant period of handover, so that we get good-quality careers and development advice for the youngsters. The 'SAS' dropping in from on high, dispensing advice and then disappearing, is about as much use as the nit nurse, because it is of no value to the long-term health and wellbeing of those children.

[169] **Jeff Cuthbert:** I will call on you, Gareth, but I will take a point from Chris on this.

[170] **Christine Chapman:** To go back to the rant, I agree with a lot of what Chris and Phil have said, but, realistically, there is more to a learning coach than giving advice. It is about understanding different learning styles. I know that a good teacher will always do that, in an ideal world, but, when learning pathways were first discussed, it was obvious how beneficial they would be to the young people who really had great needs; this is also addressed towards those in the middle band. I think that Jane Davidson made a speech about the invisible young people who are fairly quiet and who just get on with things. So, it is about raising the aspirations of the middle band too.

3.50 p.m.

[171] Chris, you also spoke about these people being employed by schools, but, realistically, there is a hierarchy in schools, and staff may feel that they cannot speak out if the headteacher says one thing. There is an issue there and I am keen to hear your comments on that, particularly if they are not seen as impartial.

[172] **Dr Howard:** I take the point that there is an issue there. The people who deliver the advisory services in my school—the learning coaches and the careers services, at present—are not my staff. My budget will pay for some of them in future, but they are not on our payroll at present, so they are not beholden to me as the headteacher; I do not think that I would want them to be, because the neutral function is important, as you suggest.

[173] My problem is that we have worked as schools with the local authorities and with Careers Wales to provide and grow a whole set of the important support services that are needed for young people, which are now multidisciplinary. One problem with the focus on the learning coach is that funding has been rolled out in a particular way, roles have been defined in a particular way, and, at ground level, it has taken away some of the flexibility, which has been generally unhelpful.

[174] I do not see that, in our local area, the development of the learning coach or learning

mentor is servicing the silent and quiet cohort in the middle. I do not think that at all. There is a different set of policy developments, in Caerphilly anyway, that might address that, not least the fact that the emergence of the collaborative partnership has produced a collaborative county menu and a glossy booklet and, for the first time for perhaps a decade, some sharp focus about what guidance is given to youngsters at 14 years of age. That is then supported appropriately by the careers service, which, these days, supports more heavily those youngsters who need it, because they are seen to be more at risk.

[175] **Jeff Cuthbert:** I call on Gareth on this point, and then we will move on, because time is pressing.

[176] **Mr Jones:** A point that I want to repeat, which I made last time, is that our focus, certainly up to the age of 16, is on general education and developing generic skills for all possible career pathways. On that basis, where is the evidence of the need for learning coaches? Where are the hard facts? We are told that policy will be based on evidence, but I have yet to see hard evidence that proves that schools and teachers are so seriously biased that they will damage a child's educational chances.

[177] **Jeff Cuthbert:** I do not think that anyone has ever alleged that teachers would damage a child's educational chances, by whatever means. I cannot get into a debate on the question now, but this is a completely new way of providing learning opportunities, and it is felt that an independent person—the role has been called a 'learning coach'—could be that important middleman or middlewoman providing balanced opinion, where there is uncertainty.

[178] **Mr Jones:** May I clarify that point? I accept that there is a client group that needs support but is not getting it from a family perspective. We have always been aware of that, and one of the complaints from schools has been how difficult it was in the past to engage other agencies to support children who needed that support outside school. That has always been a problem. I will leave it there.

[179] **Janet Ryder:** I will move on to the provision for learners with additional needs and enabling them to participate in the learning pathways. Is there enough to enable, as far as is practically possible, each learner to participate, or, if not, what needs to be strengthened?

[180] **Mr Whitcombe:** Additional learning needs at both ends of the spectrum are important; the brightest need that ceiling taken away so that they can have their needs met, so that they can be challenged, as opposed to top-limiting the amount of activity that they can take part in. For younger children—Chris made the point well—we need to ensure a wide range of level-1-equivalent courses to provide those steps to allow the children to make progress upwards, and also, for some of those children, sub-level-1 courses to provide an access system. It is a learning ladder, and not everyone is ready to make that progress up the ladder at the same pace.

[181] **Dr Howard:** To return to my earlier point, if there is compulsion now to provide a particular number of level 2 courses from next September, one place where you might get the resource to service those courses is from the level 1 courses that are fulfilling the additional learning needs. There is one other feature of all of this that you, as a scrutiny committee, might take into some account and ask the Government to do some work on. We have seen evidence of this locally in Caerphilly, and I am sure that it will be repeated elsewhere as this rolls out. As you are developing these structures, a great deal of senior management time goes into, first, the bureaucracy of establishing them, secondly, the legislative points such as CRB checks, and thirdly, undoubtedly, because of Wales's topography, discussing transport—whether the children get there, whether the buses get there, who is paying for it, who is not paying for it because they do not get there and so on. A great deal of management time is

spent discussing these, not minor, but relatively low-level matters.

[182] What we are not spending enough time doing—and what we are not spending enough time doing in this debate—is looking at what holes we have in our national educational provision and what we need to fill. For example, you might argue that the outlook for modern foreign languages in Wales is about as dire as it has ever been. What are we doing nationally? What will the consortia do? Where is the incentive in the proposed Measure for consortia to do something about that and do it quickly? What about the provision of very high-quality science? I am increasingly worried about that in certain parts of Wales. We do not have as many physics and chemistry teachers as we used to have, and those who are qualified and can do a good job tend to pick where they want to go, which means that some schools and some localities find it difficult to get the very best teachers in those subjects that are of importance nationally for the UK and for Wales.

[183] Over the past five to six years, we have heard a great deal of discussion of structures, but we have not seen enough discussion about whether the outcomes from those structures are suiting our needs. For the past five to six, maybe 10, years we have heard a great deal of discussion about how to engage the disengaged, which, in our circumstances, is vital. However, we have not done enough about the other end of the spectrum that Phil has referred to. Nor do I think that we have done enough about real breadth, and the indication that the Government was seeking to put a maximum limit on the number of courses that could be taken demonstrates that, because if you want to get into a Russell Group university, to Oxford or Cambridge, or if you have aspirations to go to the Sorbonne—and why should youngsters in Wales not have those aspirations?—these days, you need to present some kind of hothouse educational background. You need very high-quality teaching and you need at least a couple of languages in many cases to do many such courses, and what I see at present in Wales is that we are not meeting that challenge in the way that the system in England is at least gearing up to. If the system in England does not meet that challenge, the independent sector will, but, of course, we do not have an independent sector in Wales. That means that the choice for youngsters becomes much more limited. Therefore, in your conclusions, you might just ask the Government to consider some of those matters as well as the mechanistic and bureaucratic matters to do with planning.

[184] **Jeff Cuthbert:** I am a very liberal chap as you know—although not in your sense, Kirsty. [*Laughter.*] However, this is an evidence-gathering committee for the proposed Measure. That said, I take your point, and we will certainly be noting issues of broader concern in our feedback. We are not technically a scrutiny committee, although I suspect that tomorrow's session with the Minister will be a scrutiny session.

[185] **Janet Ryder:** You touched earlier on the issue of how different institutions deal with excluded pupils. Will the current arrangements for excluded pupils be adequate when the proposed Measure is implemented? Do they need to be reviewed, and, if so, how could they be improved?

[186] **Mr Jones:** First, if we assume that, up to the age of 16, every child remains registered at a school, which, to me, is a sensible approach—they may be having their lessons elsewhere, but they will remain registered with a particular host institution—the exclusion decisions, whether for a day or permanently, will come back to the host institution. A problem can arise because, these days, you need a careful, formal investigation of an incident before you can exclude to ensure that the exclusion decision is a fair one. When the child is at a further education college, or another school, how do you undertake that investigation? It would be done by other people, and that would complicate matters. It could cause problems in a small number of exclusion cases. There is a lot of consortia work going on where students are travelling from institution to institution, and this has not been a major problem so far. However, it could be in a minority of cases.

4.00 p.m.

[187] I do not see a particular problem with the under-16s, at present. At 16-plus, it depends on the host institution. One issue could be that they transfer back to school, as they have done at Bryn, when the college does not want them.

[188] **Jeff Cuthbert:** Dr Howard, would you like to make a point on this?

[189] **Dr Howard:** I have the same point that Gareth made at the end. If students are excluded by the learning provider, they transfer back to the school, which has to go through the process of finding the course again. The course might not be entirely suitable, because timetables will already be in place, and there are other difficulties.

[190] **Jeff Cuthbert:** These are the arrangements that you are currently obliged to follow.

[191] **Dr Howard:** Yes.

[192] **Mr Jones:** Yes.

[193] **Janet Ryder:** The next question is on transport, which has already been mentioned, so unless you have anything extra that you want to mention, I will move on.

[194] **Mr Whitcombe:** I think that our feelings are well-known. [*Laughter.*]

[195] **Janet Ryder:** I will ask you about Estyn. How can it evaluate each institution's progress in implementing the proposals?

[196] **Mr Jones:** We have already put forward proposals last December for the inspection framework from 2010. In our view, inspections should start with self-evaluation of the school. In other words, the school should be reviewing all aspects of its work as part of an annual process—and that includes consortium collaboration working. In our view, that report should be read by Estyn every year. Therefore, with the LEA doing a monitoring report as well as the school's self-evaluation, there would be a fair amount of evidence available immediately for a desk-based review, which will soon tell you if problems are beginning to occur. If there needs to be further investigation, Estyn goes in to investigate.

[197] **Janet Ryder:** Finally, the Catholic Education Service has provided evidence on many aspects of the proposed Measure, and says that the values and ethos of schools of a religious character need to be taken into account in any proposed local operations. Has the role of faith schools and the provision of learner choice in relation to them been adequately taken into account in the proposed Measure?

[198] **Mr Whitcombe:** We raised this in passing earlier. It is a similar situation to the Welsh-medium issue—they should have the ability, and the capacity, to offer as wide a range of choices as for the rest of the school population, through the accepted framework. It is a potential issue, because they are geographically isolated.

[199] **Dr Howard:** I work on a consultancy basis with a relatively small Catholic school in south Wales. It works in co-operation with a large Catholic sixth-form college in this city, and has done so for three or four years, in the spirit of the 14-19 learning pathways. It values that partnership. It is not a bilateral partnership—there are many partners involved—so there is a faith family of providers. They all value that partnership, and they are learning from it, but my recent work with the school does not suggest that it will enable them to meet the enhanced level of collaboration that is necessary under this Measure. They would probably need to seek

partnership with non-faith schools more locally. They will have issues arising from that, I am sure. The logistical difficulties are the same.

[200] **Jeff Cuthbert:** The final question, the catch-all, is from me. Are there any other implications for headteachers, principals, and senior managers that you have not already discussed? Are there any other changes that you would like to see in the proposed Measure that have not been mentioned so far?

[201] **Mr Jones:** Do you want me to repeat everything that we said last time that we were in the Enterprise and Learning Committee? [*Laughter.*]

[202] **Jeff Cuthbert:** No, no—anything else.

[203] **Mr Jones:** There is nothing to add to what we said to the Enterprise and Learning Committee last week. There is a serious workload implication for senior staff in secondary schools at present, and this will add to it.

[204] **Mr Whitcombe:** We must re-emphasise that we are not putting forward these arguments for negativity's sake. We are looking forward to implementing a structure, legislative or otherwise, that will benefit the learners and ensure that whenever it gets off the ground, it is done at an appropriate speed to deliver the needs for the children.

[205] **Janet Ryder:** As this is a separate committee to the Enterprise and Learning Committee and the minutes might not necessarily overlap, would you like to briefly reiterate the issues with the workload agreement and concerns about the staffing at senior management level to cope with the extra negotiations?

[206] **Mr Jones:** First, in the context of the secondary sector, due to budget constraints, there has been a reduction in the size of the leadership teams. So, usually when a senior member of staff retired, with tight budgets, the choice often had to be made as to whether you replaced the senior member of staff or lost two or three teachers or other staff. For the benefit of students, the leadership teams tended to be contracted. At the same time, as Phil has indicated, we have a long list of initiatives under way, relating to the curriculum, assessment and qualifications as well as financial considerations and all the consortium meetings relating to 14-19 provision, transition planning with feeder schools and with colleges or wherever the students will go at the age of 16. So, you already have that workload and this will create an additional workload.

[207] **Jeff Cuthbert:** Your members are coping with the existing workload.

[208] **Mr Jones:** Yes, but as I pointed out last week, the Manpower Services survey of our teacher and senior staff workload has shown that although it had started to decrease, it has increased since last year and that is particularly significant for senior staff and deputy heads who are now getting drawn into the kind of workloads that headteachers face. When you are talking about 50-plus hours per week, you are beginning to intrude on people's work-life balance.

[209] **Dr Howard:** I know that you told me that my last contribution was slightly off the mark, but I think that there is a relationship here that you need to consider. I am currently invited to six headteacher partnership meetings a year. My deputy goes to another six and my pastoral leader goes to another six. I also go to a local area network that considers many of the same issues as those six meetings. Also, when we attend the three or four meetings a year of secondary headteachers in the borough, we talk about similar issues. All that time—because all of those meetings last for most of the school day—is time off site for members of my senior team. Schools in Wales like to see their senior managers on site. I know that in

England the notion has been developed whereby school leaders need never go near schools and can run four or five schools at the same time and then float above them all, but parents like to see headteachers in school, as do teachers.

[210] This is the point that I was trying to make before: if senior managers are engaged in so much planning about the mechanics of providing courses—whether transport or the overall curriculum or the legislative background—then they are not thinking of the quality of the learning and teaching in their own institutions. In the terms defined by Estyn, it is therefore a distraction. Those functions cannot be provided by anyone else—you cannot hire non-teachers to undertake such functions for you. The workload agreement and new methods of working will not allow for that. You need someone who knows children and the curriculum and who can make executive decisions on behalf of the school to benefit the learners in that school. That has to be done by a senior teacher—it cannot be done by anyone else. I have already said that I think that there is a real concern about the focus of schools being diverted to what you might term bureaucratic concerns rather than concentrating on the teaching and learning of pupils in the round on site.

[211] **Jeff Cuthbert:** I will now draw the meeting to a conclusion. I thank the representatives of the National Association of Headteachers and of the Association of School and College Leaders. Again, I express my thanks to you for returning after the enforced adjournment last time.

[212] **Mr Jones:** Thank you for giving us the opportunity to come back. It is much appreciated.

[213] **Jeff Cuthbert:** It is kind of you to say so, but we are delighted to hear what you have to say.

[214] **Dr Howard:** I was not here last time, Chair, as you know; my colleague Iwan Guy represented us, but he got so wet that he decided to go off to Cyprus instead. [*Laughter.*]

[215] **Jeff Cuthbert:** Thank you and in closing the meeting, I remind Members that we will meet again at 9.15 tomorrow morning when we will have our pre-meeting, after which the Deputy Minister for Skills will answer our questions.

*Daeth y cyfarfod i ben am 4.10 p.m.
The meeting ended at 4.10 p.m.*