

Education and Lifelong Learning Committee ELL(2) 08-03(min)

Minutes

Date: Wednesday 19 November 2003

Time: 9.30am - 12.30pm

Venue: Committee Rooms 3 & 4, National Assembly for Wales, Cardiff Bay

Members

Constituency

Peter Black (Chair)	South Wales West
Jane Davidson (Minister)	Pontypridd
Leighton Andrews	Rhondda
Jeff Cuthbert	Caerphilly
David Davies	Monmouth
Irene James	Islwyn
Mark Isherwood	North Wales
Denise Idris Jones	Conwy
David Melding	South West Central (second half)
Janet Ryder	North Wales
Owen John Thomas	South West Central

Officials

Richard Davies	Group Director, Department for Training and Education
Elizabeth Taylor	Head, Schools Management Division
Judith Cole	Central Support Unit
Keith Davies	Head, Standards and Performance Division
Alan Lansdown	Head, Pupil Support Division
Anne Morris	Financial Planning Division

In Attendance:

Professor Steve Bristow	Director, Open Direction Limited
Gari Lewis	Independent Research and Evaluation Consultant, Open Direction Limited

Alasdair MacLaughlin	Performance Improvement and Service Provision Consultant, Open Direction Limited
Mike de Val	Chair of ADEW sub-group for SEN/ Director of Education, Torfaen County Borough Council
Denise Inger	Director, SNAP Cymru
Mary Jones	South West Wales Area Manager, SNAP Cymru, SNAP Cymru

Committee Secretariat

Chris Reading	Clerk
Holly Pembridge	Deputy Clerk
Ruth Hatton	Committee Support Officer

Item One: Introduction, apologies, substitutions and declarations of interest

- 1.1 The Chair welcomed the Committee and members of the public.
- 1.2 The Chair noted an apology from Helen Mary Jones. Janet Ryder substituted.
- 1.3 David Melding (Health and Social Services Committee) would join the meeting after the break for the session on the SEN policy review.
- 1.4 Staff from Record of Proceedings would make a verbatim record of the second half of the meeting, as part of a pilot project to assess resource implications of fully applying standing order 18.2. (This would not be made available for public use, as it was a pilot project).
- 1.5 There were no declarations of interest.

Item Two: Minister's Report Paper: ELL(2) 06-03(p.1) and Annexes

2.1 The Chair invited the Minister to introduce her report. The following issues were raised in introduction:

- Members were invited to bring items of secondary legislation that they wished the Committee to discuss to the attention of the Clerk as soon as possible;

- In response to a request from Members, the Minister agreed that future versions of the schedule of secondary legislation would include a column outlining the proposed procedural route of the legislation;
- The Minister referred to her Cabinet written statement on her visit to the 15th Conference of Commonwealth Education Ministers. A hard copy of the statement was provided for Members;
- The Minister had recently attended a productive Youth Forum meeting on Sustainable Development (SD) in Llandrindod Wells. A major international youth conference on SD would be hosted in Wales next year; and
- The Minister referred the Committee to Annex C of her ministerial report, which had been made available for Members at the meeting. The Minister drew the Committee's attention to the Budget Expenditure Line (BEL) to BEL transfers within the Education and Lifelong Learning (ELL) Main Expenditure Group (MEG) and transfers of existing ELL MEG provision.

2.2 The Chair invited Members to question the Minister on items in her report and the Minister's responses are summarised below:

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- Immersion pilot schemes would offer second entry points to the Welsh language for pupils. The first pilot would start at year six, May 2004. The second pilot would be aimed at year three. Provision for work this year amounted to £155,000 and next year £245,000;
- An audit of current provision of training and development needs for Welsh medium and bilingual early years education, would assess current demand and also potential demand. Sian Wyn Siencyn had been involved in developing this agenda. The Minister undertook to provide a paper to Committee on progress in early years bilingual education in January 2004. Owen John Thomas requested a copy of the audit form;
- ACCAC had been invited to report back to the Minister in April 2004 with advice on issues of linguistic continuity and measuring pupil progress on a linguistic continuum as part of the consolidated advice on the review of the curriculum and assessment arrangements;
- Janet Ryder requested that ELWa's Welsh Language strategy came back to Committee for future discussion;
- There was a significant variation across LEAs in Wales about defining what constituted Welsh medium provision. The Assembly Government would alongside the Welsh Language Board, continue a dialogue with LEAs on this matter. ELWa had been invited via the ministerial remit letter to increase bilingual lifelong learning opportunities in Wales;
- In response to concern that some sector skills councils had been reluctant to invest in Welsh medium materials, the Minister confirmed that sector skills councils were obliged to have Welsh language schemes in place;
- The Minister confirmed that all LEAs had to comply with the same requirements within School Organisation Planning guidance when making proposals for new schools whether Welsh medium

or English medium; and

- ELWa-NC was carrying out a review of costs of teaching through the Welsh medium and bilingually in post-16 education and would report back in late November.

Teachers' Workload

- Members broadly welcomed the funding for implementation of the national agreement on teachers' workload. In response to concern that small schools would still struggle due to capacity issues and insufficient funding, the Minister explained that the first year of the agreement would include provision for a range of administrative tasks that teachers would not be expected to carry out. The second stage would commence in September 2004, £33m would provide for cover and invigilation purposes. From September 2005, teachers would spend 10% of time out of the classroom for planning and marking;
- Janet Ryder suggested that the Committee undertook an appraisal of work carried out in England to encourage recruitment and retention of teachers. The Minister explained that there was far less of a recruitment problem in Wales than in England;
- The Minister confirmed that £33m allocated to implement the national agreement would be identified in the overall local government revenue settlement and she would make representations to the Finance Minister about identifying the amounts for individual authorities; and
- The Minister stated that £3.5m grant for small and rural schools would be available next year.

Area Schools

- Reference was made by some Members to individual schools in their constituencies where decisions to close these schools had received no local support for closure. The Minister said that the issue was not whether or not individuals/groups objected to a closure but whether the key objections raised were adequately dealt with by the LEA. In cases where there were objections she had to take a quasi-judicial decision. If proposers were able to demonstrate that the proposals met the criteria in the guidance: Circular 23/02, then they would be approved even if there were objections.

Rathbone/Work Based Learning Provision

- The Minister was pleased to confirm that there were more providers offering provision to those trainees affected by Rathbone's withdrawal of operations than places required;
- The Minister agreed that Rathbone's closure in Caerphilly was related to a planning application being rejected;
- Jeff Cuthbert felt it would be beneficial to have the Confederation of Business and Industry (CBI), Trade Union Congress (TUC) and ELWa appear before the Committee to discuss work-

based learning, namely the differences between full modern apprenticeships and modern apprenticeships;

- Members had some concerns about the tendering process for work based learning contracts and whether ELWa was able to fulfil its function with regards to work based learning. The Minister said that the tendering process would be based on best value principles of volume, quality and pricing as opposed to lowest-priced tendering. ELWa had inherited four different pricing models from the previous Training and Enterprise Councils (TECs) and it was therefore appropriate that ELWa was moving towards its new planning and funding framework. The recent report by PricewaterhouseCoopers had demonstrated on an external level that ELWa was acting appropriately.

Secondary Legislation

- The Minister confirmed that 'The Education (Information About Individual Pupils) (Wales) Regulations 2003, pertained to schools and information was collected on behalf of the schools by LEAs; and
- The Minister told the Committee that data relating to ethnicity would be gathered as there was some evidence that minority ethnic groups were sometimes served either better or worse by the education system.

Item Three: Interim Report of the Quinquennial Review of ACCAC Papers: ELL(2) 08-03(p.2) and (p.3)

3.1 The Chair welcomed Professor Steve Bristow, Alasdair MacLaughlin and Gari Lewis to the table. Professor Steve Bristow drew the Committee's attention to the report's executive summary and recommendations. The Chair invited Members to comment and the following issues were raised:

Memorandum of Understanding

Members noted the lack of progress on the Memorandum of Understanding between ACCAC and the Qualifications and Curriculum Authority (QCA). Professor Bristow said that there had been an indication that DfES had been minded to support significant change with regard to the modus operandi of the QCA; this would have implications for other qualifications regulators in the UK, including ACCAC. It was important to be clear on what scope was between actions/limits between the different organisations. It was felt that the Memorandum of Understanding should be concluded at the earliest opportunity.

Broader Role

It was felt that ACCAC's role could be widened, with particular reference to the provision of bilingual materials, i.e. Welsh writing through the medium of English. Professor Bristow explained that this

consideration did not come under the remit of stage I of the review, however, there was a need to clarify with the Assembly Government where responsibility for this would lie. It could be a matter of political judgement by the Assembly Government on its own political priorities.

Curriculum Cymreig

There was some concern that access to teachers' materials/resources for teaching of the Curriculum Cymreig was sometimes difficult. Professor Bristow told the Committee that he had recently attended a dissemination conference in Llandrindod Wells concerning the development of the Curriculum Cymreig. There had been a very positive response to ACCAC's guidance and evident commitment of the senior leadership of ACCAC to this agenda. These issues could be reported on in stage II of the review if specifically required. Any feedback from schools on making use of Curriculum Cymreig materials would fall beyond the remit of stage II but Open Direction Ltd would discuss this issue with its client: the Assembly Government's Financial Planning Division and the Sponsor Division. It was felt that the draft guidance document, 'Establishing the Curriculum Cymreig' had been produced well and consulted upon widely. One of the liveliest debates had concerned whether Welsh medium materials could be generating a more active market through a body other than ACCAC. The review team had concluded that this was not the case.

Post-16 Learning

It was felt that clarification of ACCAC's role in post-16 education would be welcomed by stakeholders, as ACCAC's effectiveness would be judged by stakeholders' acknowledgement of ACCAC's role. Professor Bristow said that the Assembly Government would have to decide whether to remit ACCAC further and outline this in its remit letter to the organisation.

Remit Letter

Some Members felt that the Committee should have an active role in assisting the Minister in setting her remit letter to ACCAC. The Minister confirmed that the Committee would have an opportunity to influence as to what was included in the remit letter. The Chair said that this could be discussed further at party spokespersons' meetings. Professor Bristow undertook to provide informal notes concerning Assembly Committees' inputs into remit letters.

Consultation

Professor Bristow confirmed that he was satisfied that Fforwm had responded to the consultation on behalf of all Further Education (FE) colleges. The responses would be available in the Assembly Library. In response to a Member's question concerning group responses, Professor Bristow explained that there had been a range of views within each grouping. The Churches had been unanimous; the awarding bodies' responses had shown some considered differences. The federation of awarding bodies had come from a more critical perspective; the Welsh Joint Education Committee (WJEC) had issued a

positive response. Some awarding bodies had felt that the National Curriculum test functions sat awkwardly with a regulatory body. Many of the stakeholder groupings tended to agree with one another: there was some confusion as to the role of ACCAC and its relationship with the QCA. It was also felt in some cases that ACCAC was not instructed/resourced to exact certain functions. The largest number of respondents had come from end-users: schools. Governors Wales, the Welsh Local Government Association (WLGA) and headteachers' and teachers' associations had responded to the consultation.

Terms of Reference - Stage II

The Committee confirmed that it was content with the terms of reference for stage II of the review. The presenters confirmed that they would return to Committee in the New Year if they were commissioned to undertake the second stage of the review.

3.2 The Chair thanked presenters for attending the meeting.

Item Four: Policy Review - Special Educational Needs (SEN) - Information Gathering Papers: ELL(2) 08-03 (p.4) and (p.5)

4.1 The Chair welcomed David Melding (Health and Social Services Committee) to the meeting. He would attend future sessions of the Committee when the review was being considered and would feed back deliberations to the HSS Committee.

4.2 The Chair stated that Members of the Committee had undertaken a productive and valuable visit to three schools in North Wales as part of the information-gathering process for the review. The Chair suggested that the Committee use its provisional additional meeting slot on 22 January (subject to Business Committee approval to undertake a similar visit to Heronsbridge School and Yr Bont School in Bridgend. Members would be asked to indicate their approval or not for this at the next meeting on 10 December.

4.3 The Chair welcomed Mike de Val, Director of Education for Torfaen/Chair of Association of Directors of Education in Wales (ADEW) sub-group for SEN and Denise Inger, Director of the Special Needs Advisory Project (SNAP Cymru) to the meeting.

4.4 Mike de Val spoke to his paper and Denise Inger spoke to her paper using a PowerPoint presentation, which can be accessed via the Committee's webpages.

4.5 The Chair then invited Members to ask questions and the following issues were raised in discussion:

Local Government and SNAP Cymru

The Minister asked how LEAs perceived their relationship with SNAP Cymru and vice versa. Mike de Val said that 75% of LEAs subscribed to SNAP Cymru. In South Wales most LEAs used SNAP as a

parent advocacy body. The Citizens' Advice Bureau was used in North Wales. LEAs valued the role of SNAP Cymru as it helped parents to recognise their rights under the SEN Code of Practice. ADEW was attempting to go out to tender on a dispute conciliation service, which was hoped to be on an all-Wales basis by April 2004. The relationship between LEA officers and parents was crucial and constructive. Where there was resource implications, there would be recourse to SNAP and then dispute conciliation would have to be employed. LEAs had to ensure that information provided to parents was comprehensive and that LEA officials were fully trained. Denise Inger explained that SNAP Cymru received funding from 74 sources, including 20 out of 22 LEAs. The service was open to families in Wales, serving children and young people from 0-25 years of age. SNAP Cymru had offered direct services to around 3,000 families, whilst also disseminating information and holding seminars etc. SNAP had also piloted a disagreement resolution project.

Disruption to other Pupils

There was some concern that those pupils exhibiting challenging behaviour might impinge on other learners in the classroom. Mike de Val said that teacher unions shared these concerns. There was a need to have good staff development and in and out of school optional settings for those pupils with very challenging behaviour. It was important to respond to individual needs but also to acknowledge the needs of other learners in the classroom. Torfaen LEA had developed a number of initiatives to address this problem in the various key stages.

Genuine Cases

It was felt that an advisory service could give a pupil quasi-respectability that did not have particular SEN or was abusing the system. Denise Inger stated that SNAP Cymru was an independent organisation. It assisted parents in presenting their views. In terms of behavioural problems, a high percentage of people in prisons had poor literacy skills; it was felt that early intervention could help reduce this phenomenon.

Early Identification

It was hoped that the review would address the process of early identification being carried throughout the school system. Mike de Val agreed and said that multi-agency working was important for this process, as was working with parents who were the first educators of their children. There was a diversity of parent programmes in Wales but they varied in quality. The voluntary sector and the health, education and social service sectors could all feed into the process of early identification.

Parental Support

Members and presenters agreed that parental support was vital. Plas Bron Dyffryn School (North Wales) was cited as an example of best practice, with particular regard to family/sibling support.

Parental Assurance/Statementing

There was some discussion concerning the fact that although statementing was not felt to be the most effective approach to securing provision, parents felt that without one, their child would not be guaranteed the provision they required. Mike de Val said that the main issue was not about receiving a statement as such but receiving the appropriate support/provision. Some LEAs had reduced the number of statements produced by undertaking multi-disciplinary assessments. Dyslexia and development co-ordination delay were both sometimes difficult to diagnose therefore parents and pupils should be supported. Mary Jones said that parents would find it difficult to have confidence in the system if there was a refusal to undertake assessments; parents would require some sort of guarantee. It was also important to build confidence in parents and children. Mike de Val said that there were some inconsistencies in the process of statementing between England and Wales; local policies on statementing sometimes related to the SEN provision available locally. Any attempt to develop national criteria in Wales would need to be explored.

All-Wales Approach

It was generally agreed that a dispute conciliation service would have to be independent of local authorities and be available on an all-Wales basis.

Data

Presenters were asked to comment on how the lack of adequate data relating to patterns in early years SEN, affected planning for SEN provision/services. Mike de Val said that evidence-based decision-making was important. LEAs' work on SEN was orientated to nursery and school provision but there was a general desire to dedicate more resources to pre-school identification/provision. The data was not felt to be robust as it could be. Torfaen LEA currently employed five educational psychologists, with one dedicated to early years. Children would hopefully be reviewed at nursery level or year one or two. More often than not in Wales, some children did not receive statements until the end of infants' school.

SEN - 'A Mainstream Issue?'

Reference was made to the Audit Commission report as cited above. The report alluded to the fact that procedures in place in England were often piecemeal, with particular relevance to planning/funding. There was some interest from the Committee as to whether this was the case in Wales. Mike de Val said that there was a need to move on from an over-reliance on statutory procedure. Effective interventions and confidence building were essential; pupils should be supported as early on in their education as possible. Practice varied in different areas. There would be a report published shortly on the future role of the educational psychologist, where the report would look at how educational psychologists could support teachers. Also, it was important to acknowledge that there was some excellent work in Wales, namely, Surestart programmes and the early years integrated centres.

Inconsistency in Interpretation

Reference was made to the Committee's visit to North Wales, where it had been suggested that there was an inconsistency across LEAs as to what was constituted SEN.

Vocational Training

There was some discussion about the positive benefits of vocational training for young people with SEN. Denise Inger agreed and said that part of SNAP's role was to try and identify opportunities for young people to pursue and achieve in. Pupils should be developed and reintegrated back into mainstream education. Mike de Val said that there would be more opportunity for young people to pursue vocational training opportunities with the development of the 14-19 Learning Pathways agenda.

Item Five: Minutes of the previous meetings

Papers: ELL(2) 05-03(mins) and ELL(2) 06-03(mins)

5.1 The Committee ratified the minutes of the previous meetings of 16 and 22 October 2003.

Action Points

- Future versions of the schedule of secondary legislation to include a column outlining the proposed procedural route of the legislation;
- Owen John Thomas to receive a copy of the audit form regarding current provision of training and development needs for Welsh medium and bilingual education;
- The Minister to provide a paper to Committee on progress in early years bilingual education in January 2004;
- ELWa's Welsh Language strategy to come back to Committee for future discussion;
- Professor Bristow to provide informal notes concerning Assembly Committees' inputs into remit letters; and
- The Committee to receive briefing no.200 of the National Children's Bureau: early years and SEN, as suggested by David Melding.