

Education and Lifelong Learning Committee

Minutes (ELL2-02-05mins)

Meeting date: Wednesday 9 February 2005

Meeting time: 9.00am -12.15pm

Meeting venue: Committee Room 2, National Assembly Building, Cardiff Bay

Assembly Members in Attendance

Assembly Member	Constituency
Peter Black (Chair)	South Wales West
Christine Chapman (Deputy Minister)	Cynon Valley
Jeff Cuthbert	Caerphilly
Jane Davidson (Minister)	Pontypridd
Mark Isherwood	North Wales
Irene James	Islwyn
Denise Idris Jones	Conwy
Janet Ryder	North Wales
Owen John Thomas	South West Central

Officials in Attendance

Name	Job title
Richard Davies	Group Director, Department for Training and Education (DfTE)
Elizabeth Taylor	Head, Schools Management Division
Catherine Roberts	Schools Management Division

Carrie Moss	Schools Management Division
Lowri Reed	Business Systems Unit
Phillip Rogers	Teaching and Leadership Division
Julian Pritchard	Standards and Performance Division

Committee Service

Name	Job title
Chris Reading	Clerk
Ruth Hatton	Committee Support Officer
Joanest Jackson	Committee Legal Adviser

Item 1: Introduction, Apologies, Substitutions, Quorum and Declarations of Interest

1.1 The Chair welcomed Committee Members and members of the public.

1.2 The Chair welcomed Christine Chapman to her first meeting of the Committee and congratulated her on her appointment as Deputy Minister for Education and Lifelong Learning.

1.3 The Chair paid tribute to the contribution of Leighton Andrews to the work of the Committee.

1.4 The Chair thanked Members who had attended a joint meeting, with other committees, on 27 January to question the Children's Commissioner on his recently published annual report.

1.5 The Chair noted an apology from David Davies. There was no substitute.

1.6 Jeff Cuthbert declared, in relation to item 3, that he had formerly been employed by the Welsh Joint Education Committee.

Item 2: Minister's Report

Paper: ELL2-02-05(p.1) and Annexes

2.1 The Minister made a brief introduction:

- Standards for Qualified Teacher Status - in response to a commitment given in a plenary debate the previous week, the Minister referred to two items of subordinate legislation contained in the current schedule; (ELL-09-05 and ELL-19-05) concerning standards for qualified teacher status and criteria for accreditation of Initial Teacher Training Institutions;
- Estyn Chief Inspector's Annual Report - the Minister welcomed the recently published Estyn annual report for 2003-2004 and noted the continued improvement in the performance of school

pupils over that period, building on achievements in previous years. The Minister referred to her press release on the report, which had been distributed to Members and noted that the Chief Inspector, Susan Lewis, was due to address the Committee on 9 March 2005.

2.2 The Chair invited questions from Members and the following issues were raised

False accusations about teachers by pupils:

- Response to the recommendations by the Children's Commissioner in the Clywch report about handling such complaints and the role of school governing bodies;
- The Minister was concerned about recommendation 21.9 in the Clywch report, concerning the establishment of independent disciplinary tribunals to hear evidence in such cases;
- The Children's Commissioner had concerns about the competency of some governing bodies to deal with such cases, and their tendency to halt disciplinary proceedings if the teacher being investigated chose to retire;
- The Minister had dealt with matters relating to governing bodies by issuing guidance;
- The Minister had convened a meeting with local authorities and other bodies to discuss issues arising from the Clywch report and intended to report to plenary on this matter before the Easter recess;
- The Minister's officials were currently drafting guidance for local authorities concerning the procedures to be followed in such cases, and this would deal with the appropriate use of suspensions, amongst other matters;
- The Minister undertook to provide Members with copies of a flow chart setting out the key features of the process, including the role of the General Teaching Council for Wales;
- The Minister agreed with Members that it was important that any guidance struck the right balance between giving confidence to pupils who had been abused to speak out, and affording adequate protection to teachers who were the subject of false accusations.

Funding 'Out of School' Clubs

- Members welcomed the valuable work being carried out by out of school clubs, known as kids' clubs, but were concerned about the uncertainty of future funding;
- Members sought clarification on ministerial responsibilities for the policy making and funding of such clubs and the implications for this committee regarding the scrutiny of these matters;
- The Minister confirmed that the responsibility for developing and implementing policy in this area had transferred to her portfolio, and therefore this committee was responsible for scrutiny.
- The Minister confirmed that the relevant financial transfer will be proposed within the March supplementary budget;
- The Minister stated that an additional £2 million of lottery funding would be made available for sustainability and workforce development, and officials were preparing a bid for a European Structural Fund grant;
- The Minister undertook to keep the Committee informed of progress.

ACCAC and ELWa Merger: Progress Report

- Members sought clarification on how the committee would hold the Assembly Government to account for these bodies after the merger, and also whether it would be possible to continue with the rapporteur visits, piloted last year;
- The Chair asked when the new organisational structure for the Assembly's education department would be finalised;
- The Minister referred Members to the framework for the departmental structure contained in the consultation document;
- The Minister stated that relevant officials from the new Department for Education and Lifelong Learning would appear before the committee for scrutiny, as a standing item on the agenda;
- In response to a question on the cost of the merger, the Minister stated that over the first five years it was anticipated that there would be a saving of some £10 million;
- The Minister stated that the merger would result in clearer lines of ministerial accountability;
- In response to questions on the proposed new structure, the Minister referred to the overall strategy set out in 'The Learning Country' and transition arrangements in the foundation phase and the 14-19 agenda;
- The Minister stated that she had no plans to change the current divisions between nursery, primary and secondary schools.

Focus on Competence Conference and EARLALL Board Meeting

- Members welcomed this report;
- Jeff Cuthbert asked how Sector Skills Councils would work with their European counterparts to produce a common assessment framework for skills, in order to encourage mobility of the workforce within Europe;
- The Minister had just announced the formation of a new Sector Skills Council. The Minister hoped that the Sector Skills Councils would collaborate with their European colleagues to address issues of common interest, possibly through the auspices of the Sector Skills Development Agency.

Development of a National Inclusion Policy and Performance Framework

- In response to a question from Mark Isherwood, the Minister stated that she wanted local authorities and schools to embrace inclusive education as a philosophy, rather than a process;
- The Minister referred to her report and emphasised the need for "a single, cohesive, targeted, funded or managed strategy of inclusion."
- The Minister undertook to keep the Committee informed of progress.

School Reserves in Wales

- Janet Ryder felt that the statistic for the overall level of reserves within Welsh schools of some

£69 million, at the end of March 2004, was misleading because it implied that all schools had healthy reserves, whereas this was not necessarily true;

- Janet Ryder felt that LEAs should establish the reason for a particular level of reserves at each school; there could be good reason, for example saving to pay for a particular project;
- Mark Isherwood endorsed Janet Ryder's comments;
- The Minister stated that these were not her figures, but were issued by the Assembly's Statistical Directorate, as stated in her report. The Minister stated that this showed that schools were receiving adequate levels of funding;
- The Minister agreed that there could be legitimate reasons why individual schools had built up substantial reserves;
- LEAs had a responsibility under the Education Act 2002 to establish the reason for reserves in excess of 5% of the school's delegated budget;
- Janet Ryder suggested that, in future, this item should be given as a note for information, but this was not accepted by other Members. The Chair felt that it should be included in the Minister's report, to allow Members to raise questions.

Action

- The Minister to provide Members with copies of a flow chart setting out the key features of the process for disciplinary action against school staff, including the role of the General Teaching Council for Wales.

Item 3: Welsh Baccalaureate - Progress Report

Paper: ELL2-02-05(p.2)

3.1 The Chair welcomed three representatives from the Welsh Joint Education Committee: Keith Davies (Project Director), Derec Stockley (Director of Examinations and Assessment) and Gareth Pierce (Chief Executive).

3.2 The Chair invited the WJEC representatives to make a brief presentation, setting out the key points in their paper.

3.3 The Chair then invited questions from Members and the following issues were raised:

- Evaluation: The Welsh Baccalaureate is subject to an internal formative evaluation, which is being carried out by the University of Bath. The Chair thanked Jeff Cuthbert, Mark Isherwood and Janet Ryder for agreeing to take part in this process;
- Parity of esteem between academic and vocational courses; The WJEC was keen to promote parity of esteem between these two elements of the Welsh Baccalaureate. They recognised at present schools tended to offer more academic courses, and further education colleges tended more towards vocational courses. It was therefore important to encourage greater collaboration between schools and colleges to share resources;

- Recognition by higher education institutions (HEIs); At present the recognition of the Welsh Baccalaureate by HEIs when awarding places to students was variable, both in Wales and England. Those universities that operated a tariff system, awarded the Welsh Baccalaureate 120 points when considering applications. This helped to make the Welsh Baccalaureate more acceptable to students and their parents. Other HEIs required lower 'A' level grades than they would normally expect, providing the student also passed the Welsh Baccalaureate. However, some HEIs did not value this qualification as highly as others. The WJEC was trying to address this problem by educating university admissions tutors about the Welsh Baccalaureate. One conference had been held in Cardiff for this purpose, and another was planned;
- Recognition by industry; There was a similar problem in making industry more aware of the advantages of employing Welsh Baccalaureate students, and also giving them work experience opportunities. The WJEC was working with the Confederation of British Industry and other organisations to help promote the Welsh Baccalaureate. They were also keen to promote an understanding of enterprise, as part of the work experience learning;
- 14-19 Learning Pathways; The cohorts of pilot students had all started studying the Welsh Baccalaureate post -16, and so had not had sufficient opportunities to develop the required key skills at an earlier age. The WJEC felt it was important to develop a framework showing how the Welsh Baccalaureate fitted in with the Assembly Government's 14-19 Learning Pathways initiative;
- Extra resources; The WJEC stated that extra resources were required to develop the vocational part of the Welsh Baccalaureate and to forge links with schools, colleges, universities and industry. Also, they felt it was very important to provide more pastoral and practical 'one to one' support for students, to help them complete their course and develop an appreciation of lifelong learning. Such support was expensive to provide;
- Welsh language; Some Members felt that Welsh should be one of the core subjects of the Welsh Baccalaureate. Also, they asked what would happen when the Welsh Baccalaureate was extended to include students aged 14-16, for whom Welsh was currently a compulsory part of the national curriculum. The WJEC replied that they were keen to promote the study of modern foreign languages as part of the Welsh Baccalaureate, and felt that Welsh should be given equal status with French, German and other languages. Regarding 14-16, Welsh would still be a compulsory part of the national curriculum and so pupils in this age group choosing to study the Welsh Baccalaureate would also have to study Welsh. The WJEC stated that they were committed to offering more opportunities to study through the medium of Welsh;
- Breadth and depth; The WJEC felt that the Welsh Baccalaureate offered greater breadth and depth of knowledge than GCSEs and produced more rounded and articulate individuals; better able to pursue higher education courses, further education courses or modern apprenticeships.

Item 4: Scrutiny of Secondary Legislation

The Education (Head Teachers' Qualifications and Registration) (Wales) Regulations 2005 (ELL-07-05)

The Education (Admission Appeals Arrangements) (Wales) Regulations 2005 (ELL-29-04)

4.1 Both regulations were chosen by Committee on 19 January 2005.

4.2 In discussion of the first set of regulations (ELL-07-05), the following concerns were raised:

- Funding; The level and method of delivery;
- Age profile of the profession; Given that a large proportion of head teachers are due to retire during the next five years, had the Minister allowed sufficient funding to facilitate new head teachers studying for the National Professional Qualification for Headship (NPQH);
- Recognition of other qualifications; Had thought been given to recognising other qualifications (e.g. a Masters degree) in counting towards award of the NPQH qualification.

4.3 In response to the above, the Minister made the following points:

- Funding; The Minister referred to paragraph 6.2 of the consultation response summary;
- Age profile of the profession; Appropriate funding would be provided;
- Recognition of other qualifications; Philip Rogers, one of the Minister's officials, stated that this matter had been considered but it was not felt appropriate to recognise other qualifications for this purpose, because the NPQH was a practical qualification; intended to develop leadership qualities.

4.4 The Committee recommended approval of the draft regulations.

4.5 In discussion of the second set of regulations (ELL-29-04), the following concerns were raised:

- Timing; Why is there to be a delay in revising guidance on timing, and is the time taken for appeals monitored by the Assembly Government;
- Revised Code of Practice; Why is it not intended to revise the Code immediately;
- Appeals Panels to reflect the language of their area; Would this be covered in the revised Code of Practice.

4.6 In response to the above, the Minister made the following points:

- Timing; The Minister stated that there had been no problems with timing in the past, and introducing new time limits now could cause practical difficulties, particularly for governing bodies of voluntary aided and special schools. However, this issue could be revisited in the future and possibly a consultation held;
- Revised Code of Practice; The Minister referred to paragraph 6.3 of the consultation response summary;
- Appeals Panels to reflect the language of their area; This was a matter for local authorities, who would have their own Welsh language schemes.

4.7 The Committee recommended approval of the draft regulations.

Item 5: School Transport Policy Review - Draft Report

Paper: ELL2-02-05(p.5)

5.1 Before consideration of the draft report, the Committee watched a video entitled 'Your Life in Their Hands'. This was produced by Bridgend County Borough Council, to promote awareness of road safety with respect to travel on school buses.

5.2 Prior to the meeting, the Clerk had distributed a summary of Members' suggested amendments. This is appended to the minutes at Annex 1.

5.3 The Committee considered each suggested amendment in turn, and the outcome of these deliberations is recorded at Annex 1.

5.4 The Chair queried whether the ministerial responsibilities referred to in paragraphs 2.67 to 2.69 were still accurate, in the light of recent changes to Cabinet portfolios. The Minister undertook to provide the Clerk with an updated version of these paragraphs.

5.5 The Clerk pointed out that there were two recommendations in Section 2 that should be in bold type, and added to the schedule of recommendations in Section 3. The relevant paragraphs were 2.12 and 2.45.

5.6 The Minister proposed that paragraph 2.72 should contain a section concerning the responsibilities of LEAs, under the terms of the Education Act 2002, to draw up transport plans. The Minister undertook to provide the Clerk with a suitable form of words.

5.7 Janet Ryder pointed that paragraph 1.5 did not accord with the terms of reference. The Clerk undertook to amend this paragraph to reflect the fact that the Committee had not had an opportunity to address this issue, but would incorporate transport into the ongoing review of special educational needs.

5.8 The Chair thanked Members for their constructive contributions, and said that the Clerk would produce an updated report (with track changes), for approval by the Committee on 9 March. At this meeting, Members could also consider arrangements for launching the report and likely timing of the plenary debate.

Actions

- The Minister to provide the Clerk with a form of words for paragraphs 2.67 to 2.69 and reference to transport plans under the Education Act 2002 in paragraph 2.72; and
- The Clerk to take account of Members' comments and produce an updated report, for approval by the Committee on 9 March 2005.

Item 6: Secondary Legislation Forward Look

Paper: ELL2-02-05(p.6)

6.1 The Committee noted the schedule of forthcoming legislation and agreed to send any suggestions for scrutiny to the Clerk.

Item 7: Minutes of the previous meeting

Paper: ELL2-01-05(min)

7.1 The Committee ratified the minutes of the meeting of 19 January 2004.

Paper to note:

Paper: ELL2-02-05(p.7)

The Committee noted the revised terms of reference for the next stage of the special educational needs policy review.

Annex 1

Members' suggested amendments to the draft School Transport Report

1.7 Extend second sentence by adding "and other circumstances that could put children at risk." (Accepted; add to paragraph 2.47)

1.7 Extend final sentence by adding "which we would recommend bearing in mind the huge increase in traffic since the statutory walking distance was first laid down." (Accepted; add to paragraph 2.47)

2.22 Insert new sentence after first sentence to read "This to be achieved by 2010." (Accepted)

2.25 Last sentence, replace "consider that adult escorts may be required on some routes" with "recommend that adult escorts be requires on all routes and for all contracts involving children under 8years old." (Withdrawn)

2.34 Add at the end "and should form part of a contract between school, pupil, parent and bus company." (Accepted)

2.35 Add "to include pupil consultation." (Accepted)

2.39 Delete sentence "The cost of the checks should be met by staff concerned." (Accepted)

2.45 How would risk assessments be validated by LEAs? Should they be conducted jointly with LEAs? (Withdrawn)

2.46 Regarding risk assessments to embarkation areas and disembarkation areas, this should be extended to make it clear it applies to all areas, school gates and kerb-side parking. (Not accepted)

2.47 That each local authority amends its free school transport policy so that children aged three will benefit from it, with effect from the beginning of the term following their third birthday. (Not accepted)

2.51 Add "escape hatches" to list of " other items". (Not accepted)

2.51 Add "and condition" after "age" - and make some reference to statutory testing and certification referred to during Wrexham evidence session. (Accepted)

2.67 to 2.69 Check ministerial responsibilities, in light of recent changes in Cabinet portfolios. (Accepted; Minister to advise the Clerk)

2.72 Regarding 16-18 year olds; Delete final sentence and insert "All 16-18 year olds living outside the reasonable walking distance established by their local authority, should be granted free school transport." (Not accepted)