

Minister's Report - 22 October 2003

1. This report updates the Committee on specific issues raised by members and on issues of current interest. There have been no specific items raised by members for this report. Annex A sets out major engagements since the last report.

2.Devolution of Student Support

A three-year programme of work has been designed to deliver the transfer of the tuition fee regime and student support. This will include the work associated with the policy review to be conducted by Professor Rees.

A formal stakeholder Project Board, under the chairmanship of Richard Davies, Director of the Department for Training and Education, is being established to oversee project implementation. The Board will comprise the main users and suppliers of the student support and tuition fee regimes as they relate to Wales and this transfer of functions.

I shall keep the ELL Committee informed of developments with the study group over the coming months.

3. Initial teacher training provision in Wales: scoping study for review.

The Committee will wish to note that I have approved a scoping study to look at what would be involved in a review of initial teacher training provision in Wales.

Each year the Welsh Assembly Government sets intake targets for recruitment to initial teacher training courses in Wales. These intake targets are notified to the Higher Education Funding Council for Wales (HEFCW), which allocates the total intake figures to individual institutions.

The biggest factors affecting future teacher recruitment needs in total are issues such as likely retirements, pupil numbers, and so on. Because of the significant Wales and England initial teacher training market, intake targets are based on projections of the number of qualified teachers which are likely to be required in Wales and England in total, using information from a supply and demand model run by the Department for Education and Skills.

The model takes account of information such as the age structure of the profession, retirements, pupil demographics, government policies affecting teacher numbers, etc. This information is considered alongside structural issues such as available budgets, provider capacity, etc.

In addition to the factors mentioned above, intake targets set in Wales also take account of issues affecting Wales in particular. However, some issues local to Wales are not easily accommodated in this process – in particular, the need for Welsh medium teachers and teachers of Welsh as a second language.

We therefore want to look at the provision for initial teacher training in terms of how intake targets, courses and course availability deliver teachers for Wales. The aim is to see how the existing system might ensure that initial teacher training provision in Wales assists in producing teachers to meet the needs of schools in Wales more closely.

As a first step, I have agreed a scoping study to establish the precise areas a review of the provision for initial teacher training should cover, the terms of reference for a review and recommendations on how it might be conducted. This work will be undertaken on a consultancy basis. The study will mainly involve meetings with a range of bodies with an interest in initial teacher training provision and the supply of teachers. No decision on a wider review will be made until after the scoping study has been completed and the results considered.

Below you will find details of the terms of reference for the scoping study.

Terms of reference

This will be a scoping study to be carried out prior to a full scale review of initial teacher training (ITT) provision in Wales.

The study will explore the issues set out below, mainly through structured interviews with key partners and stakeholders (to be agreed separately), with the aim of:

- recommending whether a full scale review is needed; and if so,
- what its detailed terms of reference should be; and,
- how the review might be carried out in terms of its timing and methodology.

The objective

To examine the provision of ITT in Wales and possible alternative routes into teaching, with the objective of determining how the supply of newly qualified teachers might more closely match the needs of schools in Wales.

Issues

The scoping study will take the following into consideration:

- the adequacy of the current Wales/England model for setting overall intake targets for ITT
- the arrangements for setting intake targets and funding ITT provision in Wales
- the methodology for setting appropriate intake targets that match Welsh needs (taking account of cross-border movement and the need to maintain viable courses)
- the effectiveness of the arrangements, including incentives to recruit and retain trainees, to produce teachers to meet current and future demand – particularly in shortage subjects, including teaching Welsh as a second language, and for Welsh medium provision
- means of increasing diversity by offering ITT provision that is attractive to under-represented groups and the disabled
- strategies to reduce wastage during training
- the accessibility and spread of ITT provision across Wales by training offered – identifying where there is potential under or over provision and taking into account any issues arising from reconfiguration in the ITT sector such as amalgamations of providers or collaborative working arrangements
- the availability and potential for more flexible or different types of training provision (e.g. SCITTs - school centred ITT; Open University courses; etc.) and the operation of the graduate and registered teacher training programmes (GTP and RTP).

Timing

The study is expected to start from 13 October 2003 and to take the equivalent of a total of 19 days to complete.

Outputs

A report to be presented to Teaching and Leadership Division before the end of December 2003 to include:

- the findings from the structured interviews, with a commentary covering the issues above and any other matters that might arise from the interviews
- based on that outcome, a statement of the case for a full review of ITT provision

recommendations (if it is concluded that a review is desirable) as to the timing and methodology for carrying out that review.

4. BELMAS Conference 2003– Saturday 4th October

Kent's Hill Park Milton Keynes

I was invited by the British Educational Management & Administration Society to attend their annual

conference on 4th October 2003 in Milton Keynes. At the Conference I delivered a keynote speech on "The Learning Country, developing a World Class Education System in Wales".

BELMAS was founded more than 25 years ago and seeks to advance the practice, teaching and the study of educational management and leadership in the United Kingdom. The Society is unique in that it brings together educationalists that work in school, LEA, Government and University settings.

BELMAS has a membership of some 550 members and publishes two highly regarded journals on Educational Leadership: Educational Management & Administration and Management in Education.

Some 150 residential delegates, with a third or so of these coming from overseas countries (including Australia, United States of America and Canada), attended the Conference.

The speech will be made available on the BELMAS website <http://www.belmas.org.uk/>

5. Education and Lifelong Learning Schedule to the Memorandum of Understanding with NSW

I indicated in my report to the last ELL committee that, following my visit to New South Wales in August, I would seek to put in place a detailed education and lifelong learning schedule to the Memorandum of Understanding that already exist between the Government of New South Wales and the Welsh Assembly Government. I also said that I would report on developments to ELL Committee.

Official level contacts between the two Departments for Training and Education have confirmed the intention to develop an educational schedule to the MOU. To take this forward I shall be writing to with Dr Andrew Refshauge, Deputy Premier, Minister for Education and Training and Minister for Aboriginal Affairs in the New South Wales Government to outline the key areas, that, with his agreement, would help secure collaborative learning between our respective Governments.

The final programme and detail of the schedule to the MOU will be subject to further consideration and correspondence between the two Departments. We are already looking to establish an early videoconference between officials in DfTE and officials in the Department of Education and Training in New South Wales. I will report further following the First Minister's visit to New South Wales at the end of the month.

6. Inclusive Education

A consultation document on Inclusive Education has been issued for consultation until 31 December 2003. This document provides draft statutory guidance on the practical operation of the statutory framework (sections 316, 316A and Schedule 27) of the Education Act 1996 and the Special Educational Needs (SEN) and Disability Act 2001. It provides practical examples of the steps schools, LEAs and other providers should consider taking to ensure inclusive education for all children and

young people.

I attended the launch of the Welsh Index for Inclusion in schools in Wales at the Pavillion Conference Centre, Llandrindod Wells on 9th October and translation by Denbighshire. In summary, the Index offers schools a process of investigation and change to help break down barriers to learning and participation for all pupils. The process does not just focus on special educational needs, but offers cycles of activities and questions under the three broad headings of School Cultures, Policies, and

Practices, thus affecting a whole school's population. I have provided a copy of the index for every school in Wales in their choice of either English or Welsh and have asked Estyn are to monitor how schools and LEAs are developing inclusive practices.

The launch was a very positive event and the Index was well received.

7. Early Professional Development

The early years of a teacher's career are vital, and it is my intention that statutory Induction will be followed by a two-year programme of flexible and coherent Early Professional Development (EPD).

I am pleased to inform committee that the EPD Pilot Programme was launched with 85 schools across Wales at the beginning of this month. This pilot will build on the success of last year's Induction Pilot Programme that proved vital in the development of the final framework and materials for the Induction period. All LEAs are represented in this pilot.

The Teaching and Leadership Division have held conferences with all schools participating in the EPD Pilot to outline the structure of the programme. Schools in the pilot have been asked to trial one of three options during this year that explore a performance management based model where the EPD programme will give direct support to the teacher's performance management objectives; a specific training model where the teacher will follow a structured programme of training (In most cases this training will be delivered by the LEA or local Higher Education Institution); and a fully flexible model where the teacher will have free choice in the structure of their EPD programme.

In addition, teachers in the pilot will receive the support of an EPD mentor throughout the year. The role of the EPD mentor will be to provide the teacher with guidance and advice.

Initial feedback received from the pilot participants has been extremely positive and many have already indicated support for a national programme of EPD that will help to focus on teachers' professional development at the beginning of their careers.

During April 2004, further conferences will be held with the pilot schools where they will provide detailed feedback of their experiences during the year. This feedback will directly inform the final structure of the EPD framework which will be rolled out nationally in September 2004. From September

2004, EPD will be funded through GEST.

In addition, the Teaching and Leadership Division are preparing to consult on proposed amendments to the Education (Induction Arrangements for Schools Teachers) (Wales) Regulations 2003 which will help to ensure maximum flexibility for the Induction and EPD programme in Wales.

8. Meeting young people in Rhyl

I recently attended a Young People's Partnership event in Denbighshire where I met with a number of young people. I was lucky enough to watch their film, "Is Anyone Listening", about young people's views on democracy and people in authority not consulting the young people on what services they wanted. I was very impressed with the way they put their message across and although it was localised to the Rhyl area, I am sure the messages would have been the same elsewhere in Wales. It further highlighted the importance of listening and taking account of the views of the children and young people in Wales, and that the challenge for us all will be in demonstrating through our actions that we are doing just that.

9. Secondary Legislation

The planned Secondary legislation for Summer Term 2003 to 2004 is attached (annex B) and I shall be advising the Committee of changes to it at each monthly report. Members have indicated that they would wish to consider The LEA Budget, Schools Budget and Individual Schools Budget (Wales) Regulations 2003 and The School Budget Shares (Wales) Regulations and the LEA Financial Schemes (Wales) Regulations in particular and details of these are below . The Education Act 2002 Commencement order is also included for members' information as indicated last meeting, I should be grateful if members could continue to alert me to any items they wish to scrutinise.

The Education Act 2002 (Commencement No.3) (Wales) Order 2003

Commencement Order No.3 and Regulations along with Explanatory Memorandums attached at Annex C and C1.

Replacement of the Financing of Maintained Schools Regulations 1999

In March 2003 a consultation document was issued which looked at proposals for replacing the existing Financing of Maintained Schools Regulations 1999 (the 1999 regulations) for the 2004-05 financial year onwards.

The existing regulations are overdue for revision and the replacement regulations will consolidate the amendments that have been made since 1999 as well as covering new provisions contained within the Education Act 2002.

The 1999 regulations cover three distinct areas:

- part 2 and schedule 2 deal with the definitions of the local schools budget and the individual schools budget and define the classes or descriptions of expenditure for which local authorities can retain funding centrally;
- part 3 and schedule 3 set out the requirements and options that local authorities have to take into account when setting their local funding formula for allocating delegated budgets to schools;
- part 4 and schedule 5 cover the items which need to be dealt with in each authority's scheme for financing the schools it maintains.

Given the different areas covered by the regulations and the different timetable requirements we decided that three separate sets of regulations would be made. This approach also makes it easier to deal with any future amendments to the regulations that may be required.

The LEA Budget, Schools Budget and Individual Schools Budget (Wales) Regulations 2003

Currently section 46 of the School Standards and Framework Act 1998 (the 1998 Act) requires local authorities to allocate expenditure to two budgets – the local schools budget (LSB) and the individual schools budget (ISB). Part 2 and schedule 2 of the Financing of Maintained Schools Regulations 1999 define the LSB and the ISB and prescribe the classes or descriptions of expenditure which may be held centrally within LSB.

Subject to Assembly approval, section 41 of the Education Act 2002 will be commenced for Wales on 4 December and will insert a new section 45A into the School Standards and Framework Act 1998 (the 1998 Act). Section 45A introduces new definitions - the LEA Budget for central functions and the Schools Budget for expenditure on pupils. The part of the Schools Budget that will be placed under the control of the schools will continue to be known as the Individual Schools Budget.

Section 45A also requires that local authorities must notify the National Assembly of their proposed Schools Budget by 31 January in 2004 and in each subsequent year. This requirement relates to the overall Schools Budget not the individual schools budget. In order to achieve this section 41 of the 2002 Act has to be commenced at the beginning of December with the LEA Budget, Schools Budget and Individual Schools Budget regulations coming into force at the same time. The deadline for notifying schools of their individual delegated budget will remain 31 March and this ties in with the requirement on local authorities to set their overall budgets by 11 March.

The LEA Budget, Schools Budget and Individual Schools Budget (Wales) Regulations 2003 define the LEA budget, Schools budget and the individual schools budget. A copy of the draft regulations is attached at Annex D. Schedule 1 of the regulations prescribes classes or descriptions of planned expenditure which make up the LEA budget and schedule 2 prescribes classes or descriptions of planned expenditure which may be retained centrally by the LEA within the Schools budget.

The main principle underlying the division between the two budgets is that expenditure on the LEA's strategic management and non-schools functions should go into the LEA budget and expenditure relating to the provision of services to schools should go into the Schools Budget. Most of the categories of expenditure covered in the existing regulations are contained in the new regulations, although some have been updated or amended. There are also a number of new categories which are required as a result of new provisions within the Education Act 2002.

Once section 41 of the 2002 Act is commenced in December section 46 of the School Standards and Framework Act 1998 will cease to have effect. The new regulations therefore need to come into force on 4 December to replace part 2 and schedule 2 of the Financing of Maintained Schools Regulations 1999 which will be revoked.

The consultation on the replacement of the existing Financing of Maintained Schools regulations which took place earlier this year invited views on the proposed allocation of categories of expenditure to the LEA budget and the Schools Budget. It also sought comments on the amendments and new areas that needed to be covered. The consultation responses have been analysed and have informed the content of the draft regulations.

The draft regulations were sent out to authorities and other interested parties on 3 October with any further comments invited by 15 October. It has only been possible to offer a very short period of time for comment on the draft regulations themselves but given the earlier wide consultation I do not believe the short timescale will prevent all relevant issues being taken into account.

The ELL Committee Secretariat have already circulated a copy of the letter and draft regulations to you. I will update the Committee on the responses received and any changes to the draft regulations as part of my oral report on 22 October.

Section 42 of the Education Act 2002 will be commenced alongside section 41. This inserts new sections 45B and 45C into the School Standards and Framework Act which provide a reserve power for the Assembly to set a minimum schools budget for an LEA. This relates to the schools budget as defined in section 45A of the Act not the LEA budget as a whole. It is envisaged that the powers will only be used as a last resort.

The School Budget Shares (Wales) Regulations and the LEA Financial Schemes (Wales) Regulations

The above regulations will replace the remainder of the existing Financing of Maintained Schools Regulations. They will deal with the factors that local authorities can take into account when determining their local formula for funding schools and the schemes that authorities have to put in place in relation to the financing of their schools. Proposed amendments to the existing regulations were also covered in the consultation document issued in March.

Both these sets of regulations will follow the same timetable and it is proposed that they should come into force in February 2004 though there will be no requirement for authorities to make changes for the 2004-05 financial year. Authorities will be free to make changes if they wish and depending on the content of the regulations there may be requirements for change for the 2005-06 financial year.

The consultation responses are being analysed and will inform the draft regulations which will shortly be issued to local authorities, teaching unions, governors associations, schools and other interested parties for comment. The regulations will need to be tabled for Assembly consideration in early December.

I will ensure that you are provided with a copy of the consultation document as soon as it is issued and will cover the content of the draft regulations in my next report to Committee in November.

10. Consultation on exclusions guidance

As I informed you in my report on 1 October, I published a policy consultation document on the content of proposed regulations governing exclusion from school on 1 September 2003. This followed discussions with education practitioners and local authorities on exclusions and other issues around pupil support and discipline that began in March this year. An initial discussion document requesting views was also placed on the internet in April.

We are proposing to make two sets of regulations on exclusions under the Education Act 2002 – one relating to maintained schools and the other to Pupil Referral Units (PRUs) – and they will cover both fixed period and permanent exclusions. The regulations will prescribe the limits on the powers of head teachers and teachers in charge of PRUs to exclude pupils, and will also set out the procedures to be followed following an exclusion.

In addition we intend to require the relevant parties involved in exclusion to have regard to guidance issued by the National Assembly for Wales. I issued draft guidance for consultation, to accompany and support the proposed regulations, on 3 October. It provides detailed guidance on the exclusion process and covers the following areas :

- Use of exclusion;
- Procedure for excluding a pupil: role of the head teacher;
- Responsibilities of the school governing body's discipline committee;
- Independent appeal panel process;
- Police involvement and parallel criminal proceedings;
- Procedures and reintegration following exclusion; and
- Money to follow excluded pupils.

The consultation document on the draft exclusions guidance has been sent to key partners including: schools; PRUs; local education authorities; teaching and other unions; pupil and parent support organisations, diocesan authorities and voluntary organisations. The consultation period runs until

Friday 14 November 2003 and the consultation document can be found on the Learning Wales website at www.learning.wales.gov.uk

Annex A

Minister's Engagements 25th September – 14th October 2003

25th September

MTG – Host EARLALL Conference
MTG - Skillset Cymru
ATTEND - Open Extension of School of Psychology

26th September

SPCH - Annual SNAP CYMRU Conference

28th – 30th September – Labour Party Conference

1st October

MTG – AUT (Annual)

2nd October

VISIT - Breakfast Launch at Coleg Menai
SPCH - Wales Education Conference
SPCH - Launch of Teacher Support Cymru

4th October

KEYNOTE SPCH – Belmas Conference, Milton Keynes

6th October

VISIT - Llanilltyd Fardre School for the presentation of the Eco Schools Green Flag award
MTG - Professor Richard Daugherty, Dean of the Faculty of Arts University of Wales, Aberystwyth to discuss the Independent Review of Testing
MTG - Geraint Talfan Davies, Chair of IWA
MTG – Early Professional Development Pilot

7th October

MTG - Dr Lyn Williams and Professor Derek Ilwyd Morgan, University of Wales
MTG - Hywel Jones and Rita Jones - Mudiad Ysgolion Meithrin

8th October

VISIT - University Of Wales, Cardiff
VISIT - University Of Glamorgan, Pontypridd

9th October

SPCH - Launch of the Welsh Translation for the 'Index for Inclusion'
SPCH - Young People's Partnership Celebration Event – Rhyl, Denbighshire
OPEN - Beaumaris Youth Centre refurbishment 2003
SPCH - National Tutor Awards (NIACE Dysgu Cymru), Llandudno

10th October

SPCH - National Primary Centre, Fourth Annual Congress - "Developing Independent Learners"

13th October

SPCH - Launch of Wales Maths Week
MTG - Partnership Council - Wrexham
MTG - Play Wales (Jane Hutt and Jane Davidson) to discuss 'Open Access Play'
SPCH - Wrexham ITEC's Anniversary dinner

14th October

MTG - Hon Stéphane Dion, Canadian Minister of Intergovernmental Affairs

Annex C1

To: Business Committee

From: Jane Davidson AM

Minister for Education and Lifelong Learning

The Education Act 2002 (Commencement No.3) (WALES) Order 2003

Summary

The purpose of the Instrument is to commence provisions in the Education Act 2002 ("the 2002 Act") so as to continue the delivery of proposals made in the paving document 'The Learning Country' and bring into force other provisions in the Act that apply to Wales.

1. This Memorandum is submitted to the Assembly's Business Committee in relation to the Education Act 2002 (Commencement No.3) (Wales) Order 2003, in accordance with Standing Order 22.5.
2. A copy of the Instrument is submitted with this Memorandum.
3. The power enabling the Instrument to be made is in section 216 of the Education Act 2002.
4. Taking account of what was commenced on Royal Assent and subsequently by the Assembly, the proposed Instrument commences provisions in December 2003 and January 2004 which would:
 - amend the School Standards and Framework Act 1998 ("the 1998 Act") to require LEAs to establish admission forums in accordance with regulations to be made by the Assembly;
 - amend the School Inspection Act 1996 to require the Chief Inspector to keep the Assembly informed of the quality of leadership in and the management of (including whether financial resources are managed efficiently) schools in Wales;
 - amend the 1998 Act to introduce new definitions of "LEA budget" and "schools budget". Regulations to be made by the Assembly will set out the details;
 - amend the 1998 Act to enable the Assembly to set a minimum schools budget for a LEA if the budget proposed by the LEA is inadequate or if the LEA has failed to notify the Assembly of its proposed budget;
 - re-enact provisions in the Education Act 1996 ("the 1996 Act") to introduce a new system for regulating independent schools;
 - amend the 1998 Act in relation to children who are permanently excluded from two or more schools to provide that a child is not to be regarded as permanently excluded from a school if a

governing body or exclusion panel would have directed that the child be reinstated, had it been practicable to do so;

- repeal provisions of the 1998 Act relating to exclusion and make new provision enabling the headteacher of a maintained school and the teacher in charge of a pupil referral unit to exclude a pupil on disciplinary grounds. Regulations to be made by the Assembly will set out the procedures for exclusion, reinstatement and appeals;
- re-enact provisions in the 1996 Act enabling the Assembly to make regulations in relation to recoupment adjustment between LEAs; and
- make minor and consequential amendments.

Target Making/Coming Into Force Date

5. It is intended that the proposed instrument be made on 11th November 2003 with the earliest appointed day for the coming into force of the provisions in Part I being 1st December 2003. If the appointed day is not achieved, this would delay the introduction of subsequent regulations on School Admission Forums, School Exclusion and regulation of Independent Schools and therefore have a detrimental impact on the effectiveness of the admissions process, the school exclusion procedures and appeals, and on how Independent Schools operate.

Financial Implications

6. I can confirm that there are no additional financial implications for the Assembly or others arising from the commencement of these provisions in Wales. The financial implications attaching to individual sets of regulations arising from commencement are being considered separately and will be explained when each proposed item comes forward for consideration. The Assembly's Financial Planning Division and Local Government Finance Division have been consulted and are content

Regulatory Appraisal

7. Having regard to Assembly guidance, I have decided that a regulatory appraisal shall not be carried out in this particular instance because the Instrument is a Commencement Order which would bring into force primary legislation.

Consultation

With Stakeholders

8. In September 2001 I published 'The Learning Country', a paving document, consulting on a wide

range of comprehensive education and lifelong learning policies to 2010 in Wales including measures requiring primary legislation. Responses from stakeholders were overwhelmingly in favour of the proposals made in the paving document. Those led to provisions in an Education Bill introduced to Parliament in November 2001 and, following scrutiny by both Houses, its enactment (The Education Act 2002) on 24 July 2002. I concluded that further consultation upon commencement of the provisions would not have been appropriate.

With Subject Committee

9. During the passage of the Education Bill, I provided the Subject Committee with regular progress reports and secured the Business Committee's agreement to a plenary debate on the Education Act 2002 which took place on 16 October 2002 when the Assembly agreed that further work be put in hand to commence its new powers in the Act. Since then, in plenary on 17 December 2002 and 9 July 2003 the Assembly agreed the first and second Commencement Orders and their related transitional regulations. The proposed Instrument was included in the list of forthcoming secondary legislation put to the Education and Life-long Learning Committee on 1st October 2003 and was not identified for detailed scrutiny.

Recommended Procedure

10. Subject to the views of the Business Committee, I recommend that the Instrument proceeds to plenary under the Standard procedure.

Compliance/Statutory Cross Cutting Themes

11. The power enabling the Instrument to be made, as set out at paragraph 3 above, is vested with the National Assembly for Wales. Assembly functions in and under the 2002 Act are delegated to my portfolio and therefore Assembly functions in or under the Instrument will stand delegated to my portfolio.

12. The legislation will (so far as is applicable):

- have due regard to the principle of equality of opportunity for all people (Government of Wales Act 1998, section 120);
- be compatible with the Assembly's scheme for sustainable development (section 121);
- be compatible with Community law (section 106);
- be compatible with the Assembly's human rights legislation (section 107); and

- be compatible with any international obligations binding the UK Government and the Assembly (section 108).

13. The information contained in this memorandum has been cleared with the Office of the Counsel General and the Assembly Compliance Officer.

14. Policy division contacts are Judith Cole, extension 5468 and Paul Brown, extension 5897.

Jane Davidson

Minister for Education and Lifelong Learning October 2003