

Education and Lifelong Learning Committee

Date:	9 February 2005
Time:	9.00am
Title :	Minister's Report

This report updates the Committee on specific issues raised by members and on issues of current interest. Annex A sets out major engagements since the last report

1. False Accusations about Teachers by Pupils

The Welsh Assembly Government is committed to the principles of the UN Convention on the Rights of the Child and holds as one of its core principles and aims that all children and young people should be listened to and treated with respect.

The Children's Commissioner for Wales refers to the importance of complaints initiated by children and young people as a 'crucial process in safeguarding children's interests'. Children and young people need to understand their right to complain and be given appropriate support if they make a complaint or are involved in a complaint case.

In his report into the Clywch case the Commissioner concluded that the voices of the children were not heard and acted upon and that lessons must be learnt and efforts made to ensure that children and young people understand their right to complain and are given appropriate support if they make a complaint. At the time of the incidents considered in the Clywch inquiry no process was in place to assist children nor were they encouraged to speak out.

In light of the Commissioner's findings and following extensive consultation with partners including the teacher unions, WLGA, ADEW, and Governors Wales, the Assembly Government has prepared draft guidance to schools and governing bodies on dealing with complaints involving pupils, which is due to be issued for consultation later in February.

The draft guidance sets out the principles which should underpin any complaints procedure for pupils and covers issues such as the purpose of a procedure and its content; the roles of the pupil as the complainant or as witnesses; the roles of adults; confidentiality; equality of rights; evidence gathering, handling complaints; recording information; and techniques for interviewing children.

It is important that pupils have confidence that they will be heard if they raise a complaint, that it will be taken seriously and they will be treated fairly, and the Assembly Government's guidance seeks to assist schools to achieve this. The draft guidance recognises however the very real issue of pupils making false or malicious complaints and the effects these can have on staff.

We know that teachers, other staff, and carers are vulnerable to false allegations. That is why any procedures must strike the right balance, have the confidence of all concerned and ensure that any allegations are dealt with by the appropriate agencies in a careful and measured way.

The draft guidance advises that governing bodies need to send a clear message to pupils that raising a complaint is a serious matter and that they need to be truthful and honest. Pupils need to understand that false and malicious complaints are distressing and potentially damaging to those accused. They need to know that a false allegation may lead to disciplinary action against the pupil making it.

The Welsh Assembly Government has also recently issued comprehensive guidance to schools and governing bodies on dealing with disciplinary matters in NAW Circular No 45/2004 Staff Disciplinary Procedures in Schools. This guidance places an emphasis on fairness and impartiality throughout the disciplinary process, and the need for thorough and unbiased investigation of all allegations against members of staff.

The guidance also focuses on two important issues that can arise when dealing with complaints and allegations from pupils about members of staff - the process the school has to follow when dealing with allegations involving child protection matters and the use of suspension.

Circular 45/2004 makes it clear that all allegations involving child protection matters must be referred by the headteacher (or chair of governors if the allegation is against the headteacher) to the LEA officer designated to lead on child protection matters. If the allegation relates to a potential criminal act or indicates that a child has suffered or is likely to suffer significant harm there needs to be an immediate referral by the LEA officer and the headteacher to the Area Child Protection Committee.

If following initial consideration it is clear to the headteacher (or chair of governors) and the LEA designated officer that the allegation is demonstrably false because the circumstances of the allegations show that it is not possible for it to be true, the matter can be dealt with by the school following its own agreed disciplinary procedures.

When Circular 45/2004 is re-issued on a statutory basis following the implementation of the staffing provisions in the Education Act 2002, due to come into force later this year, there will be an opportunity to reinforce the message in the pupil complaints consultation document that whilst pupil allegations must be taken seriously, pupils need to be aware that false allegations may lead to disciplinary action against the pupil.

On the issue of suspension of members of staff, Circular 45/2004 makes it clear that suspension should

only be used in appropriate circumstances and where allegations relate to gross misconduct. The guidance emphasises that an over hasty or ill judged decision to suspend could have a detrimental affect on the member of staff's career; and that suspensions should be reviewed regularly (usually by the headteacher). The governing body and the headteacher can both suspend members of staff but only the governing body can lift a suspension.

2. Funding of Out of School Clubs

I wish to take this opportunity to welcome the First Minister's decision to transfer childcare to my portfolio. I am determined to develop the quality and quantity of childcare provision, exploring fully the opportunities to link up this agenda with Early Years developments and Integrated Centres.

Out of School clubs themselves have been funded through the New Opportunities Fund, and have now the opportunity to benefit from sustainability grants from the Cymorth grant. The umbrella organisation for out of school clubs, Clybiau Plant Cymru Kids' Club (CPCCK) was awarded an Assembly Government contract in July 2001, on their formation. This contract provided development support to the clubs and helped create more than 24,000 new out of school childcare places. As this £3.4 Million contract expires on 31 May 2005, CPCCK were invited to bid for funding under the Children and Families Organisations Grant (CFOG), to continue after the conclusion of the contract. In a highly competitive grant scheme bidding round, CPCCK were offered an award of £275,000 (in addition to remaining contract payments of approximately £155,000) in 2005-06, £396,000 in 2006-07 and £435,600 in 2007-08. This level of core funding is similar to that offered to other childcare organisations in Wales.

The Assembly Government is in continued dialogue with CPCCK regarding the level of their CFOG award and is considering their arguments carefully and sympathetically. We wish to continue to support CPCCK and to support the further expansion of out of school childcare provision. The Minister for Health and Social Services is taking this forward and has agreed to meet with CPCCK. Thereafter, we envisage that the CFOG grant scheme will transfer to my responsibility and the relevant financial transfer will be proposed within the March Supplementary budget.

3. ACCAC and ELWa Merger: Progress Report

We launched our consultation on the mergers with ELWa, the WDA and WTB on 19 January. The consultation document starts a process of consultation. That process will end on 15 April. It shows that we are well on track to achieve these first mergers by 1 April 2006. Views are invited on a number of issues, including the nature and scope of external advice and the development of regional services.

As the First Minister confirmed in plenary on 19 January, we have decided at ACCACs request that ACCAC will merge with the Welsh Assembly Government at the same time as ELWa.

An Implementation Project has been set up, led by the Director of the Department for Education and

Training, along with the Chief Executives of ELWa and ACCAC, to prepare for and manage the process of merging those three organisations to form the new Department of Education and Lifelong Learning. In order to secure maximum continuity and coherence the aim is that the new integrated department will come into being on 1 April 2006. The project will work alongside the wider Welsh Assembly Government Change Programme, and build close links with the Economic Development and Training Department project in respect of developing our vision of customer-focused public service delivery across the regions.

One of the principal objectives of the project will be to secure the necessary business continuity during the transition period and beyond, so that delivery of the education agenda for the learners of Wales is sustained. I know that the National Council and the Curriculum Authority are fully committed to delivering against my remit letters to them for 2005-06 and all three organisations are determined to work effectively together to secure this.

The project will ensure that the best possible use is made of the different skills and expertise in each of the organisations, building on what everyone brings in order to deliver improved service for the people of Wales.

4. Attendance at the Focus on Competence Conference and EARLALL Board Meeting.

On 21 and 22 January I travelled to Florence to speak at the international Focus on Competence Conference, which was organised by Tuscany on behalf of the European Commission, our partners from the European Association of Regional and Local Authorities for Lifelong Learning (EARLALL).

At the conference I spoke about measuring and assessing skills competencies, and particularly the dissemination of best practice from EU funded projects. I emphasised the need for regions across Europe to co-operate in developing workable schemes to accredit competencies on a consistent basis, to increase and promote mobility and to supplement the valuable work the European Union is doing through such initiatives as Europass. This theme struck a strong chord with the delegates.

The conference, which was also attended by a senior representative of ACCAC, is yet another example of the close links that we continue to forge with our European partners across a wide range of activities. These partnerships are providing valuable opportunities for us to share ideas and experiences with our European neighbours and, in turn, to benefit from their experiences.

Whilst in Florence, I also attended the EARLALL Board meeting where we discussed a number of practical measures to increase inter-regional co-operation in the field of lifelong learning. Wales continues to be involved in a number of projects with EARLALL partners, including the System Actions project, which seeks to test the scope for identifying common occupational standards and competencies for a particular job. We are also about to become involved in a new project entitled ESVAC, which, if a funding bid to Leonardo is successful, will focus on developing common approaches to the assessment of competencies for vocational qualifications with a view to encouraging geographical mobility across

Europe.

This was another constructive meeting of the EARLALL Board and I am delighted that the Association is continuing to mature into an active and cohesive organisation with the potential to play an important role in shaping both policy and practice in lifelong learning throughout the European Union.

5. Development of a National Inclusion Policy and Performance Framework.

In taking account of Welsh Assembly Government policy on meeting the educational needs of individual children and young people, a National Inclusion Policy and Performance Framework is being developed. It will bring together the key issues/principles of Inclusive Education, encourage collaborative working arrangements within and between statutory agencies.

The vision for education in Wales, and more specifically SEN has been set out in 'The Learning Country' and establishes a number of key principles in relation to support and access for all children including those with special needs.

A document on inclusive education was issued for consultation in October 2003. The document offered draft statutory guidance on the practical operation of the statutory framework and practical examples of the steps schools, LEAs and other providers should consider taking to ensure inclusive education for all children and young people. Analysed responses are available on the Learning Wales Web Site. This has now been incorporated into the Assembly's wider vision of inclusion as part of the revision of circular 3/99, encompassing the needs of all learners with additional needs and not just those considered to have SEN as described with the SEN Code of Practice.

To further encourage the inclusion agenda the Welsh Assembly Government and the Association of Directors of Education in Wales jointly funded a research project entitled 'Modernising the Management of Special Educational Needs in Wales'. The findings from this report together with the findings of ESTYN's recent review of 'Best Practice in the Development of Statements of SEN and Delivery by Schools of the Action Agreed' provide the basis to take forward the development of this policy.

It is clear in the findings of these reports that there is a willingness of authorities to encompass inclusion fully. One of the key themes arising from the reports highlighted the need for 'a single, cohesive, targeted, funded or managed strategy of inclusion' that authorities across Wales can work to.

The above reports were discussed and disseminated at a conference with LEA colleagues in October. Key issues were identified as needing further work which would begin the process of development of a National Inclusion Strategy and Performance Framework for Wales.

The overall aims of the strategy will enable all children, including those with additional learning needs to realise their full potential by improving access to education, raising standards of teaching and learning and improving information available to parents and carers. Some elements of the strategy will be taken

forward quickly while others will require further research and development projects. Although it is recognised as an ambitious agenda, there is a need for an overarching strategy that encompasses all the processes involved with additional learning needs in the context of inclusion, e.g. assessments, statements, provision, commissioning, outcomes and funding, which would provide a strategic direction to which individual service policy guidance could relate.

The final strategy will therefore set out a clear way forward to securing real improvements over a long-term period of 10 years.

The main issues are being taken forward through collaborative working with stakeholders in the first instance. The first meeting of the task and finish groups took place in January.

6. School Reserves in Wales

The Assembly's Statistical Directorate has issued a statistical brief on school reserves held at 31 March 2004. The paper was published on 27 January 2005 and is available at www.wales.gov.uk/keypubstatisticsforwalesheadline/content/local-gov/2005/headlinbe-local-gov.htm.

The key points of the paper are:

- The overall level of reserves within Welsh schools was £69 million at the end of March 2004, this is equivalent to £143 per pupil.
- Overall school reserves in Wales increased by 7% during the financial year 2003-04.
- 163 primary schools, 33 secondary schools and 1 special school in Wales had deficits totalling £3.9 million at the end of March 2003.

The reported figures are a 'snapshot' of the situation at the end of the financial year. The level of reserves held by an individual school will depend on a number of factors including such things as the timing of payments and receipt of income; the view of the governing body as to the need for contingency provision; whether the school is 'saving' to fund a particular project or activity.

The Education (LEA Financial Schemes) (Wales) Regulations 2004 make it a requirement that when dealing with the carry forward of funds from one year to another authorities must have a monitoring regime in place for balances which amount to 5% or more of the individual delegated budget for the school. Decisions on how the information is used is for the LEA. We would expect them to talk to schools with significant balances to determine how they had arisen and what purpose schools intended to put them to. Where schools have deficit budgets LEAs must work with those schools to bring them back to balance.

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contingency provision; whether the school is 'saving' to fund a particular project or activity.

7. Specialist Equipment Grant

I am pleased to announce the introduction of a Specialist Equipment Grant of £500,000 for 2004-05. This is a one-off grant for authorities to purchase specialist equipment and resources to assist children and young people with special educational needs to access the curriculum and remove barriers to learning. This grant is to support services in the purchase of training materials for staff and parents; in providing very specialist equipment needed by children with profound and multiple learning difficulties; specialist play materials and; other learning aids. This grant is intended to provide support to individual learners in the most appropriate and effective manner through access to a range of resources. Funding will be allocated this financial year.

This further demonstrates our commitment to the Inclusion agenda by ensuring support is provided in a timely and sensitive way to enable all children, including those with additional learning needs to fully participate in learning.

8. UCAS/EMA Statistics

UCAS Statistics

The Universities and Colleges Admissions Service (UCAS) final figures for 2004 entry to higher education were published on Thursday 27 January 2005. (Press release at Annex B). The figures represent the number of full-time students accepted by UK universities and colleges in autumn 2004. Across the UK, a total of 377,544 applicants were accepted onto undergraduate courses compared with 374,307 in 2003. The final figures for 2004 indicate that the number of applicants accepted by higher education institutions show an increase across all countries within the UK.

The number of applicants living in Wales and accepted by Welsh institutions has increased by 1.6% compared with 2003.

EMA Statistics

I mentioned in my previous report that indications from the Student Loans Company's management information on the take-up of the Education Maintenance Allowance was very encouraging. This has now been confirmed, and statistics released on 27 January show that by 31 December 2004 a total of 13,470 EMA applications had been received. 74 per cent of the applications - nearly 10,000 - received were approved whilst only 2 per cent were rejected. Most of the remaining 24 per cent of applications were awaiting further information to be provided by the applicants.

77 per cent of approved applications were from students with a household income of less than £19,630 and thus were entitled to the maximum EMA of £30 per week. Females accounted for 53 per cent of

both approved applications and all applications received.

I am very impressed with the take up of the EMA scheme in Wales. It is excellent news that the young people are taking advantage of the allowance and staying on schools and colleges. The EMA has been extensively piloted in other parts of the UK and has been shown to have a positive effect on raising the aspirations of young people in further education and encouraging students to stay committed to their courses.

9. Professional Development Framework For Teachers

In May 2003, the Assembly Government published a consultation document 'Continuing Professional Development for Teachers - The Way Ahead'. (Attached at Annex C). That document proposed the idea of a professional development framework that 'builds on the newly developed induction standards and the Framework for Early Professional Development for years two and three of a teacher's career, in order to provide a basis for identifying the competencies and expectations of teachers as they progress through their careers. That progression may ultimately lead to senior leadership, but should also recognise and celebrate the achievement of best practice in the classroom.

Following widespread acceptance of the concept of such a framework, in April 2004 I asked the General Teaching Council for Wales to take the lead, with other partners, in its development.

The Assembly Government's objective is to provide a basis for assessing and planning the development of individual teachers. This would build on and complement the new performance management arrangements for teachers - and would help to embed the idea of continuing professional development in the profession. The overall aim being to raise standards of teaching and so of pupil achievement.

I believe that it is important for the framework to be developed by the profession so that teachers can take full ownership of it. Our approach in this matter, as with others, is to work, through the Council, with the teaching profession.

The Council has now published the results of the first phase of its work for consultation. It has identified four main strands to the framework:

- Career progression - the professional milestones and standards that mark stages in a teacher's career;
- Professional development, recognition and accreditation;
- Recording of professional development and self reflection;
- Quality assurance of providers.

The 'milestones and standards' reflect existing statutory standards - QTS, Induction and NPQH. The Council suggests two new career milestones - Classroom Excellence and Middle Leader.

These two ' new milestones' are likely to be of greatest interest - although the consultation proposed consultation paper does not specify in any detail what the standards would be - preferring to leave that until the consultation indicates that there is acceptance for the idea.

I am keen to see progress on the framework and I look forward to seeing the outcome of the consultation and the Council's proposals following that.