

Education Lifelong Learning and Skills Committee

ELLS(2) 11-06(Paper 1)

Date:	5 June 2006
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. Clwyd

As we approach the 2nd anniversary of the publication of the Children's Commissioner's Clywch Report, I am taking the opportunity of providing, as an annex to this report, a further written update setting out the latest position. We have continued to work closely with the Office of the Children's Commissioner for Wales to ensure the development of our responses is in line with his Recommendations and issues that emerge as part of the overall safeguarding agenda.

On 8 February 2006, I provided a report to the Committee on progress on the implementation of each of the recommendations addressed to the Welsh Assembly Government in the Clywch Inquiry report. I also undertook to report further on how many whistleblowing policies are in place in schools.

On 16 March 2006, the Committee were provided with a further update on the specific recommendations relating to whistleblowing, the outcomes to the consultation on our "Guidance on Safeguarding Children and Child Protection for Managers and Drama Teachers" and an update on the scoping study for a national counselling service. More detail on my proposals for taking forward the counselling service in response to Recommendation 21.29 is set out as a separate item to this report at Annex B.

On 7 June, I invited the Committee to comment on our proposed consultation document on draft guidance and a model policy covering the Children's Commissioner's recommendations about whistleblowing. This guidance in response to Recommendation 21.5 and 21.6 will issue in the coming weeks.

Recommendation 21.3 asked the Welsh Assembly Government to take steps to ensure that teachers receive specialist input in their professional qualifying training programme about the way in which abusers operate and that the findings of the Clywch report form part of that training. This is already in practice on a voluntary basis: all initial teacher training (ITT) providers in Wales have confirmed to us that they are following the principles set out in the recommendation.

However, we said in our response that we would be putting this on a statutory footing. As part of the introduction of revised Qualified Teacher Status (QTS) Standards that trainee teachers must meet, the Welsh Assembly Government now proposes to introduce legislation (the Criteria for Initial Teacher Training Accreditation by the Higher Education Funding Council for Wales 2006), which includes requirements for the provision of courses of ITT. The requirements for ITT courses in this legislation specifically include a section which meets the Commissioner's recommendation 21.3. We also propose issuing a handbook which contains non-statutory guidance on the aims and scope of both the QTS Standards and requirements for the provision of ITT. This will include coverage of this issue and provide information for ITT providers on particular areas of concern raised in the Commissioner's report.

Subject to Assembly approval, the legislation is planned to come into force on 1 September 2006 on a voluntary basis, becoming mandatory for courses starting in September 2007. The provision for it to take effect from 1 September 2006 on a voluntary basis will allow ITT providers a transitional year (2006-07) to review course content and materials to reflect the new legal requirements. As noted, all ITT providers in Wales are already following the principles set out in the recommendation.

On 21 March 2006, the Assembly approved regulations to come into effect from 1 April 2006 requiring governing bodies to appoint an independent non-governor member with voting rights for staff dismissal / disciplinary committees and dismissal / disciplinary appeal committee in cases involving child protection matters.

The regulations also provide that, from 1 September, governing bodies will be required to appoint an independent investigator to investigate child protection allegations against staff. The Children's Commissioner had indicated he considers these proposals adequate alternatives to his Recommendations 21.8 and 21.9 on this issue. In light of these revised requirements we will be reviewing and revising the "Guidance on Staff Disciplinary Procedures", issued in November 2004, in response to Recommendation 21.7.

A guide and good practice exemplification for awarding bodies entitled "Safeguarding And Protecting Children and Young People" has now been published by the regulatory authorities in Wales, England and Northern Ireland, endorsed by the Scottish Qualifications Authority in response to Recommendation 21.12. The consultation draft of this document drew many positive responses with words such as "clear", "effective" and "eminently appropriate" being used and we expect that the final version will have a practical and positive effect on practice.

The practice guidance on teaching drama, under recommendation 21.13 was issued for consultation in February. Responses to the draft guidance were overwhelmingly supportive and a finalised text, which has been amended to reflect detailed comments from the consultation, is included at Annex C.

This will be published on the internet shortly and hard copies will be issued early in the Autumn term. While the guidance is specifically for distribution to schools, colleges and drama practitioners in Wales, it is relevant to all areas of the UK. It will help inform practice and may be adapted for use in England, Northern Ireland and Scotland, in the particular contexts of each country.

In the coming weeks, guidance will issue to Local Safeguarding Children Boards providing guidance on information sharing in line with Recommendation 21.14.

Responsibility for implementing Recommendations 21.21 - 21.24 was addressed to Area Child Protection Committees. From 1 October, these will become statutory Local Safeguarding Children Boards. "Safeguarding Children – Working Together under the Children Act 2004" will issue in the coming weeks and outline the revised responsibilities for all those who work with children and families in Wales to safeguard and promote the welfare of children.

Responsibility for taking forward Recommendation 21.31 has passed from ACCAC to the Welsh Assembly Government following the recent merger. The review of the PSE Framework is being taken forward as an integral part of the review of the National Curriculum for Wales and is on course for formal consultation during Spring 2007 and implementation from September 2008.

In recommendation 21.29, the Children Commissioner recommended

that the Welsh Assembly Government devise a national strategy for the provision of an independent children's counselling service for children and young people in education.

The Assembly Government carried out an initial scoping study at the end of 2005 and the report on this study was presented to the ELL committee on March 16th, along with an update of current plans on taking the work on developing a national strategy forward. I am now able to give you a further update as I undertook at that meeting on the plans for spending the money available for 2006-07 and for developing a national school counselling strategy.

I am intending to use the funding available for 2006-07 (£200K) to evaluate the effectiveness of existing models of counselling in secondary education in Wales and other parts of the UK as far as possible.

The main aim of this work will be to see whether the current models used in Wales are ones which are sufficiently robust and flexible enough to apply more widely throughout Wales and in particular whether they are adaptable enough to fit in with the new planning and joint-working arrangements that we envisage putting in place as part of developments under the Children Act 2004.

We will be consulting with partners over the next few weeks on the exact content of the evaluation but early thoughts on what aspects would be considered as part of the evaluation are as follows:

- Current planning arrangements used by local authorities for their counselling services
- School based services compared with authority-wide services

- Differing requirements of urban and rural authorities
- Links between the different services – particularly between health and education
- Confidentiality and the sharing of information
- Adequacy of accommodation
- Referral systems, including opportunities for self-referral and referral to more specialised mental health services
- Independence of service
- Costs
- Effectiveness and value for money
- What self-evaluation systems are currently in place
- Qualifications of counsellors
- Any further work to determine the current level of counselling in Welsh schools beyond that already undertaken in the initial exercise

I will be looking for a balanced approach to evaluation combining qualitative and quantitative evidence from young people, teachers, other partners and counsellors.

Findings and recommendations from the evaluation will be used to inform and update the counselling strategy and to consider how funding available for 2007-08 and 2008-09 will be used.

We have written out to external partners inviting them to take part in the working group to advise on the development of a National Strategy for Counselling in Education in Wales. This group is due to meet in July.

As part of the strategy we are looking to bring together a guidance document to assist schools in developing counselling provision. In the longer term we will look at the benefits of producing guidance for local authorities on developing a counselling service for children and young people and consider whether this should be specifically on education based provision or whether it should concentrate on a wider community-based provision.

An initial draft of a strategy, drawing largely from findings in the initial Scoping Report will be presented to the Strategy Working Group in July and this will be refined over the next few months in order for the draft to go out for consultation in the Autumn. We are also intending to run a seminar whilst the document is out for consultation to strengthen links throughout Wales, share information

and to inform the final strategy.

The Working Group will consist of officials working on a number of Minister's portfolios as well as practising counsellors, Estyn, representatives from schools, local education authorities, health services, social services, children and young people's partnerships and the voluntary sector. The work of the group will be informed by the views of children and young people.

2. Wales: A Better Country - Targets for School Buildings

An Assembly plenary motion approved on 8 November 2005 directed me to commission a full, detailed, and up to date assessment of the school repair and maintenance backlog and to bring that assessment to the education subject committee by 10 July 2006.

As I explained to members in responding to the debate, information on this is held by individual local authorities and it would not be sensible or feasible for the Assembly Government to commission its own assessment. I have therefore taken the matter forward by seeking the information from local authorities.

Repair and Maintenance Backlog

The overall repair and backlog maintenance requirement at an all Wales level is assessed at £620.6m. A breakdown for each authority is given in Annex D table 1.

The repair and maintenance backlog information provides a snapshot of the position as regards existing buildings. It does not take account of the need to remove surplus school places and to invest in new build and renovation projects which are necessary if all school buildings are to be fit for purpose. In many cases investment in new buildings or renewal of existing buildings will remove the requirement for repairs and maintenance work because existing buildings will be replaced or brought up to standard as a result of major investment.

The repair and maintenance backlog figures do not include information for Voluntary Aided schools (162 schools) in Wales. Work is in hand to complete building condition surveys for VA schools. Once that is done we will be in a position to determine the extent of the backlog repair and maintenance required for VA schools and the overall investment needed in new build and renovation.

Investment 2002-03 to 2006-07

Details of each individual authority's spend in respect of School Buildings Improvement Grant is at Annex D table 2, and authorities' use of their own funds is at Annex D table 3.

Local authorities' own funds are made up of annual capital allocations (General Capital Funding provided by the Assembly Government to local authorities which is unhypothecated) capital receipts, prudential borrowing and transfers from revenue to capital. A notional figure is identified within overall GCF for education but each authority decides how much of its overall GCF to use for individual services.

In 2002-03 the notional education element of GCF was £54.939m; expenditure from LEAs own resources was £76.049m and total spend inclusive of Assembly grants was £96.933m. For 2003-04 the notional education element of GCF was £54.939m; expenditure from LEAs own resources was £70.089m and total expenditure inclusive of Assembly grants was £115.863m. In 2004-05 notional education element of GCF was £54.939m; expenditure from LEAs own resources was £97.741m and total expenditure inclusive of Assembly grants was £143.758m (see table 3). In addition in 2004-05 the capital value of PFI schemes supported through revenue funding was £58.5m making a total spend of £202.258m.

For 2005-06 notional education GCF was £59.331m and Assembly grants totalled £86.376m. The forecast overall total of local authority capital expenditure for education is £169.248m (see table 4). In addition the value of PFI schemes was £33.2m making a total of £202.448m. Overall Assembly Government provision in 2006-07 is £143.516m made up of £74.685m SBIG, £9.5m VA capital grant and £59.331 notional GCF. Local authority forecast of education capital expenditure in 2006-07 totals £174.276m.

On an all Wales basis authorities are spending from their own resources in excess of the notional GCF figure. Overall expenditure on education capital from all sources from 2002-03 to 2004-05 was £356.554m with a further £169.248m forecast for 2005-06 – this totals £525.802m. To this needs to be added the £91.7m capital value of PFI schemes supported through revenue funding, making a total of £617.502m in the period 2002-03 to 2005-06. However there are a number of authorities who devote a low level of funding to schools capital. This is being pursued with these authorities.

A commitment has been made to continue funding for schools capital at £143.516m per annum until at least the end of the decade. Over the 4 year period 2004-05 to 2007-08 Assembly funded investment in school buildings is therefore expected to be £629.412m. Overall planned funding for the period 2006-07 to 2009-010 is £574.064m excluding Early Year's capital works (£6.197m) in 2006-07. Decisions have yet to be taken about funding post 2010 and members' views are invited.

Local Authority Progress in producing Asset Management Plans

Local authorities were required to have in place Asset Management Plans (AMPs) covering all their capital assets by April 2004. AMPs are based on surveys of building condition, suitability and sufficiency. They are intended to help authorities to decide on retention or disposal or change in use of capital assets and to prioritise capital investment accordingly.

Currently 12 authorities have an education service asset management plan in place. They are Caerphilly, Cardiff, Ceredigion, Conwy, Merthyr Tydfil, Monmouth, Neath Port Talbot, Newport, Pembrokeshire, RCT, Vale of Glamorgan and Wrexham. A further 9 are in development Anglesey, Blaenau Gwent, Bridgend, Denbighshire, Flintshire Gwynedd, Powys, Swansea, Torfaen and are due for completion during 2006. Carmarthenshire does not have an AMP but does have a comprehensive Modernising Education Plan.

Reorganisation Strategies/Surplus places

A number of authorities have both asset management plans and school reorganisation strategies and thus have a clear view of the capital investment they need to make to deliver reorganised provision in buildings fit for purpose. A number of local education authorities have indicated that they are in the process of undertaking reviews of their primary and secondary schools taking account of the fact that surplus places could exceed 100,000 by 2013 unless action is taken. These authorities are Swansea, Torfaen, Powys, Anglesey, Bridgend, Ceredigion, Cardiff, Denbighshire, Flintshire and Gwynedd. Once this work is complete I expect those authorities to take timely action to finalise their capital investment plans.

3. Key Skills Statistics

I would like to draw Committee Members attention to the recently released (27th June) statistical bulletin "Awards of Key Skills Qualifications", which provides information on the number of awards of Key Skills qualifications in institutions in Wales.

Future Skills Wales research continues to highlight the importance placed by employers on communication, application of number and IT capability, as well as individuals ability to work effectively within teams, solve problems and take the initiative for their own development – these are what Key Skills qualifications measure.

Key Skills qualifications are a range of essential skills that underpin success in education, employment, lifelong learning and personal development. Key Skills qualifications are an integral part of the Welsh Baccalaureate Qualification and Modern Apprenticeship Frameworks. Also, as part of the Learning Core in the 14-19 agenda all 14-16 year olds will be expected to develop all 6 key skills at the level appropriate to their chosen programme.

Key results for Wales in 2005:

- Over 168,000 Key Skills were awarded to approximately 85,700 learners between October 2000 and September 2005.
- 85,294 Key Skills qualifications were awarded in Wales between October 2004 and September 2005. This is an increase from 30,786 awards in 2003/04.
- In 2004/05, 28 per cent of Key Skills awards were Communication awards, 22 per cent were Application of Number awards, 20 per cent were Information Technology awards, 12 per cent were Improving Own Learning awards, 7 per cent were Problem Solving awards and 12 per cent were Working with Others awards.
- Over 22,200 individuals have achieved three or more Key Skills since October 2000. Nearly all of these were aged 16 or over.

But the published statistics do not tell the whole story. Information gathered by DfES for England, Northern Ireland and Wales, upon which our statistical release is based, shows that Wales is out-

performing England in the achievement of these vital skills. Key skills in Wales are growing at a faster rate than in England; Wales has a larger share of awards than any other region in the UK for both Key Skills (16% of all awards) and Wider Key Skills (27% of all awards).

In Wales, the number of Key Skills awards achieved has increased each year since they have been introduced. I believe we are beginning to see the impact that Welsh Assembly Government's emphasis, support and approach to Key Skills qualifications is having. This outstanding performance is testimony to the fact that the development of our work-based qualifications, the pre-16 Key Skills Support Programme, the Learning Pathways and Learning Core and the broad focus in Wales of embedding Key Skills in enrichment activities and informal learning, allied to rigorous assessment through a portfolio rather than a test, are paying big dividends in terms of skills and employability for our learners of all ages.

4. Food in Schools

a) Primary School Free Breakfast Initiative

There are currently over 350 schools offering a free healthy breakfast to pupils with at least 150 more due to start before the end of 2006. Already we are aware that a further 47 schools will enter the Initiative in the spring of 2007. This means that there are a total of 556 schools or over one third who are already signed up to it. This number continues to increase regularly as more and more schools recognise the benefits of participating in the scheme.

In addition to monitoring the number of schools taking part in the initiative, once a term the local authority coordinators submit statistics on the number of children who have participated in the initiative. These figures have shown a consistent increase in the number of children benefiting from the opportunity to have a free healthy breakfast at the start of the school day.

April 2005 (week commencing 18 April 2005)

- There were 69 schools taking part in the scheme.
- 3,149 (28%) pupils attended at least one breakfast session during the week

November 2005 (week commencing 7 November 2005)

- The number of schools taking part had increased to 145.
- 6,599 (29%) pupils recorded as present for least one breakfast session.

March 2006 (week commencing 13 March 2006)

- The most recent figures show 227 schools offering a free breakfast

- 10,538 (28%) pupils took advantage of the scheme on at least one day during the week.

Information from the most recent take-up exercise (week commencing 12 June 2006) is currently being collated.

b) Appetite for Life

As part of the Welsh Assembly Government's commitment to developing a whole school approach to improving food and nutrition in schools, the Food in Schools Working Group was set up in July last year to undertake a review of the food available in schools in Wales. I enclose a copy of the group's report, Appetite for Life, which I launched for consultation at the Food and Fitness Conference on 29 June 2006. The consultation period runs to 31 October 2006 and an action plan based on its recommendations is due to be published in the first half of 2007.

5. The Assembly's Response to the Recent CWLS Committee's Review on Dance

I welcomed the Culture Committee's report as an important contribution to the future of dance in Wales. As set out in the Cabinet Statement on the Committee's report there is much good practice in schools in Wales but also a need to ensure that all young people have the opportunity to perform and develop an appreciation of dance.

It is for this very reason that dance has been identified as one of the key development areas in the Assembly's PE and School Sport Initiative (PESS). The Assembly has made a total of £5m available to the Sports Council for Wales (SCW) to support the implementation of the initiative with a focus on drawing together schools and local partners, including the dance sector, to forge effective partnerships to improve both the range and quality of opportunities provided for young people. Some 2000 teachers and practitioners have already received training through the initiative much of which has been delivered in partnership with community dance companies.

To build on this I have made a further £1.9m available to SCW in the current year. This includes an additional £100,000 that will be used to add to the current work on dance in schools delivered through the initiative. This will include support for the National Dance Forum and wider opportunities for Community Dance Wales to work with and mentor primary school teachers. In addition, SCW will increase the opportunities for leadership training in dance for 14-19 year olds and run 2 national and 6 regional workshops for teachers and local authority practitioners to promote dance.

I am also committed to improving opportunities for dance as part of 14-19 learning pathways. One element of the 14 -19 action plan lies in the development of work focused learning pathways or "combined apprenticeships" which draw together learning in schools with more practical hands on experience in a work setting. As part of this we are working with the Sector Skills Council for the Creative and Cultural Industries to develop learning pathways that incorporate wider opportunities for dance. This work will be undertaken in partnership with the dance companies in Wales.

6. Statement on Funding of CPD in Wales

On 16 March, I reported to the Committee on the funding of CPD in Wales in 2005-06. Now that we have confirmed end year figures for last year, we have refined our initial findings and have used the information to write to the General Teaching Council for Wales. I have also used the opportunity to map out the range of CPD opportunities that are currently available to teachers in Wales. A copy of my letter to the Council is attached at Annex E.

7. Consultation on Amendments to the GTCW Constitution

I would like to bring to your attention a consultation that is currently underway to make amendments to the General Teaching Council for Wales Constitution Regulations 1999 as amended, which govern the constitution of the GTCW. Copies of the consultation paper have been sent to you electronically.

The proposed regulations will be known as The General Teaching Council for Wales Constitution Amendment Regulations 2007.

In July last year we consulted on minor amendments to the 1999 Regulations. We received 14 responses, all supportive of the proposed amendments, but three issues were raised by respondents that were not part of the consultation. These were that all members of the GTCW should act as individuals, and not as representatives of an organisation; that teacher unions in Wales should be given a guaranteed place on the Council and that consideration should be given to providing representation based on the linguistic nature of the education system in Wales.

In view of these additional comments, I took the decision to put the proposed regulations on hold and to undertake a full and thorough consultation on the additional issues. In order to do this I asked 13 members of the Council, whose term of appointment was due to end in August 2006, to serve for a further year.

The consultation began on 26 June and was sent to all committee members. I would be grateful if members could send their responses to the Committee Clerk by 8 September.

8. Estyn

Estyn's Remit Letter

I currently commission Estyn to provide approximately 30 pieces of advice each year as just one but an important element of the evidence base that underpins The Learning Country programme. The committee currently receives a copy of the remit letter issued to the Chief Inspector annually and the letter is also published on the Assembly Government's website.

Since April 2005 I have also provided the committee with regular updates on the work completed. A list of the advice received from Estyn has been provided in my report to committee in July 2005, November 2005 and March 2006 with confirmation that the full reports can be accessed on Estyn's website. A further list of the reports completed and published since April is attached at Annex F for Committee members to note.

The advice provided by Estyn plays an important role in informing policy development and I therefore propose to add to the current arrangements by publishing in each case the Assembly Government's response to the key recommendations set out by the Inspectorate in remit reports. The responses will be made available on the Assembly Government's website with a link to the full report on the Estyn website. The first set of responses will be posted to the website in July.

Estyn Corporate Plan

In accordance with the requirements of the Learning and Skill Act 2000, I have recently agreed Estyn's Corporate Plan for the period 2006 to 2009.

The plan is due to be published on Estyn's website (www.estyn.gov.uk) and provides an overview of the challenges and strategic priorities identified by the inspectorate in the next three years. It also provides detail on the inspection programme for 2006-09 and the advice and support to be provided to the Welsh Assembly Government in 2006-07.

I welcome, in particular, the attention given to addressing the agenda set out in the Welsh Assembly Government's Making the Connections programme.

Inspection and regulation have a key role to play in helping to improve services and in providing information and assurances about such services. I will look to the Inspectorate over the period of the plan to work with partners across Wales to ensure that inspection is well co-ordinated and proportionate to risk. In this context, the work being undertaken to restructure Estyn's inspection divisions will play an important role in ensuring that there continues to be a joined up and effective approach to service delivery.

It is also clear that good progress is being made in the bedding in of the central elements of the Common Inspection Framework introduced in September 2004. As the Chief Inspector notes there is now an opportunity to begin to give thought to the further development of inspection arrangements to ensure they continue to best serve the needs of Wales.

9. Panademic Flu

My Officials in the Department for Education, Lifelong Learning and Skills (DELLS) have been working closely with DfES and are developing planning guidance for schools, childcare facilities, further and higher education Institutions in the event of a pandemic flu outbreak. This is part of the Assembly's ongoing contingency planning and not as a response to an increase in risk. We believe it will help local authorities, schools, colleges and providers of other children's services to develop appropriate plans to address any human flu pandemic, as part of the wider emergency response.

The guidance proposes a staged approach to responding to pandemic flu but advises a managed closure of schools and group childcare facilities in the interests of minimising fatalities among children. The advice in respect of further and higher education institutions is, appropriately, less prescriptive, respecting their autonomy and recognising that their cohorts of learners are older and

less vulnerable.

The current proposed publication date for the guidance is 10 July 2006. DELLS officials are liaising with DfES colleagues to ensure simultaneous publication of the guidance in England, Wales and Scotland. The publication of the guidance will be low-key, on the Assembly's web-site, in order to balance the need to inform the public without causing unnecessary concern.

It is anticipated that this initial planning guidance will be supplemented with further information at a later date drawing on advice from other relevant Assembly and Westminster Departments.

10. Legislative and Regulatory Reform Bill

At the Business Committee meeting on 20 June, it was agreed that I should write to you to draw your Committee's attention to the possible implications for the Assembly of the Legislative and Regulatory Reform Bill which is currently passing through the UK Parliament.

The Bill was presented to Parliament on 11 January 2006. It has three aims: to increase the pace of regulatory reform; to restructure the regime for private regulators; and to improve the way in which EU legislation is implemented in UK law.

As part of the 2005 Budget, the Chancellor announced a reform package to reduce the burden of regulation. All Government departments are required to produce rolling programmes of simplification by the autumn, including proposals to reduce administrative burdens, and wider simplification measures to reform and deregulate existing regulation. A number of departments, including the Department for Trade and Industry (DTI), the Department for Environment, Food and Rural Affairs (DEFRA), and the Health and Safety Executive (HSE), have already published draft simplification plans.

The Bill is intended to facilitate the delivery of any proposed measures in these simplification plans which would require amendment to primary legislation. Therefore, the Bill extends the scope of the powers available to Ministers to amend statute law by Order and at the same time relaxes the constraints of Parliamentary scrutiny on the Order-making process.

The Government of Wales Bill provides that when the separation of the Assembly executive and legislature takes place in 2007, the functions exercised by the Assembly will become functions of the Welsh Ministers unless different provision is made by Order in Council. Therefore, it would be the Welsh Ministers, rather than the National Assembly as at present, who would have to give their agreement to Orders which affect their functions (Clause 9 of the LRR Bill) and who would have to be consulted on proposals relating to their functions (Clause 11(1) (c)).

Members of the Business Committee felt that these functions of the Assembly of agreeing with, or being consulted on Orders should, post May 2007, vest in the National Assembly and not in Welsh Ministers. I therefore intend to write to the Secretary of State setting out the Business Committee's concerns and asking him to take steps to ensure that this happens either by amending the Government of Wales Bill or by arranging for the making of an appropriate Order in Council under paragraph 29

of Schedule 11 to that Bill.

The Bill was remitted to EDT (EIN) Committee when it was first printed in January 2006. I understand that they have similar concerns. However, in practice, the powers in the Bill have the potential to be applied across all policy areas, not just those of the Enterprise, Innovation and Networks Minister. Therefore, I would be grateful if your Committee could give this matter urgent consideration so that their views can inform my correspondence with the Secretary of State.

In order to assist your Committee's consideration of this matter, I have enclosed copies of the legal briefing note prepared for the EDT (EIN) Committee by the APS Legal Division. This gives examples of the way in which the powers in the Bill might operate with respect to the Assembly.