

# Education, Lifelong Learning and Skills Committee

## ELLS(2) 13-06(Paper 1)

**Date: 18 October 2006**

**Time: 9:00am**

**Venue: Committee Room 2 The Senedd**

**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**

### **School Curriculum, Assessment and Qualification Arrangements**

This item covers: assessment arrangements for key stages 2 and 3: the overall timetable and consultation on the school curriculum 3-16 including the foundation stage and its assessment arrangements; and GCSE coursework.

### **GCSE Coursework**

A major review of coursework within the shared examinations system in Wales, England and Northern Ireland has been underway since last year. This review is being led by the Qualifications and Curriculum Authority (QCA) in England, working closely with its sister regulators in Wales (DELLS) and Northern Ireland (the Council for Curriculum, Examinations and Assessment, CCEA).

I am pleased to report that the review has led to a number of positive and well-evidenced recommendations that will be of benefit to learners in Wales as well as in England and Northern Ireland. I have agreed that, in principle, unsupervised coursework assessments should no longer contribute towards final GCSE grades, and have asked my officials to:

- Collaborate with QCA and CCEA to develop a set of recommendations on the nature of controls needed to make the various forms of assessment valid and reliable and support good teaching and learning, to be available in time for the development of new GCSE specifications for teaching for September 2009.
- Continue discussions with teaching professionals to ensure that future coursework tasks and assessments are appropriate to each subject and have the support of subject teachers/specialists.
- Look closely at the manageability of controlled assessments for schools and colleges.

A full report of this further work is due in Spring 2007 and final decisions will be made at that point.

My officials will consult widely with teachers and schools in preparing that report.

For the more immediate future, I have also agreed that, given the overwhelming support of mathematics teachers, coursework be removed from mathematics GCSE from September 2007.

We must always be prepared to review our practice to ensure the system has appropriate rigour to encourage public confidence. I am concerned that coursework assesses pupils' work in a fair and robust way. It is really important that people do respect and reward the hard work undertaken by pupils. The changes are designed to address the many concerns that have been raised about ensuring that the work assessed really is the pupils' own and not the result, even in part, of inappropriate levels of help or even plagiarism via the internet or elsewhere.

These changes will not, however, mean that practical assessments in subjects like drama, art, music or design and technology, will disappear. Such practical internal assessments by teachers will continue. However, in reviewing GCSEs in practical subjects, my officials will ensure that awarding bodies' arrangements include tasks and mark schemes that are fully fit for their purpose, and that permit teachers confidently to confirm that the work they mark is the candidate's own.

In reviewing coursework within GCSE subjects, we shall safeguard the valuable opportunities and contexts, which these courses can offer for young people. For example, there is widespread support for activities such as fieldwork and investigatory work in geography and history. These develop both subject-specific and also generic skills. We shall ensure that the subject-specific skills and understanding that candidates gain are assessed in a fair, rigorous and reliable way. Generic skills, however, may not necessarily form part of the assessment of each GCSE subject. Indeed, assessment of generic skills within many subjects would risk duplication and an unnecessary assessment burden.

By contrast, the Key Skills qualifications provide an appropriate means of accrediting these skills. Whilst there is already growing provision for Key Skills in pre-16 provision, the anticipated roll-out of the Welsh Baccalaureate at Key Stage 4 and the implementation of the wider 14-19 agenda will provide further opportunities for young people to develop Key Skills and have them assessed.

Although the announcement in England was made earlier than we had anticipated, the substance of the proposals had already been agreed between my Department and DfES. These changes in GCSE for teaching in 2009 are planned to coincide with the implementation of the revised National Curriculum at Key Stage 4 in Wales .

## **Consultation on Assessment Arrangements**

Beginning on 31 October 2006, the Wales Assembly Government will hold a national consultation on the revised assessment arrangements for Key Stages 2 and 3. The national consultation will cover arrangements for supporting and securing end of Key Stage 2 and 3 teacher assessment, and proposals for the coverage and design of skills assessments and pupil profiles. The consultation will run until 12 January 2007 and the outcomes of the consultation exercise will be submitted in February, for consideration prior to the 2007 Assembly elections pre election period. The proposals will also be discussed with the School Workload Advisory Panel (SWAP).

Preparatory work has included support for LEA-based exploratory studies to identify best practice in teacher moderation which will be collated and refined into central guidance for all schools (Key Stage 2 TA). Independent expert research has been commissioned to inform development of models to support teacher assessment of pupils' skills from Year 5, through Year 6, to transition to secondary school; and, at Key Stage 3, national piloting work has been undertaken on securing and accrediting teacher assessment by external moderation of sample evidence and verification of school-based systems and procedures. Early piloting and research have informed planning and refinement of models for further roll out in 2006/07.

The timelines for implementation have been designed to ensure manageability for schools, and guidance and support should enable schools to meet requirements. The guidelines will be provided to Key Stage 2 and 3 schools in autumn 2007, and will have been influenced by the outcomes from the national consultation and on-going pilot work.

## **Overall Curriculum Timetable and Consultation Arrangements**

Beginning in January 2007, the Wales Assembly Government will hold a national consultation on the revised Orders for all National Curriculum subjects; the Frameworks for Personal and Social Education, Religious Education, and Careers and the World of Work; the curriculum and assessment framework for the Foundation Phase; and the non-statutory Skills Framework. The consultation period will be completed before the 2007 Assembly election's pre-election period. The outcomes of the consultation exercise will be considered after the election.

Post consultation, revised National Curriculum Orders and Frameworks will be distributed to schools/stakeholders in early spring 2008 for implementation from September 2008.

The timelines and phasing in of the elements of the programme have been designed to ensure manageability and ease workload in schools. As part of the consultation exercise, schools will be asked about the manageability of this proposed implementation timetable.

## **Dynamo 14-19 Curriculum Materials**

I launched the latest set of Dynamo Enterprise and Entrepreneurship Curriculum materials, designed for use with those aged 14 – 19, in Llandrindod Wells on 9 October. This is the third set of such curriculum materials produced, following on from the primary materials in July 2004 and the Key Stage 3 materials in November last year. Take up has been very impressive and approximately 1,000 staff from over 800 primary schools and over 240 staff from secondary schools have been trained in the use of the materials to date.

The materials have been developed within the broader context of the Entrepreneurship agenda and support the Youth Enterprise and Entrepreneurship Strategy (YES) - our written commitment to the entrepreneurial development of Wales' young people. They are the result of close collaborative working between the Department for Education, Lifelong Learning and Skills and the Department for Enterprise, Innovation and Networks. There has been teacher input throughout the process, to ensure

the materials are relevant to the classroom environment. They help the delivery of the Work Related Education and Careers Education and Guidance elements of the curriculum and will also help deliver important elements of our Baccalaureate and the 14-19 learning pathways agenda.

The launch of this latest set of materials marks a very important step in moving to a position where all young people in Wales receive an introduction to and an understanding of the entrepreneurial skills and attitudes that they need to succeed in the future, whether in further learning, their own business, or employment in the private, public or voluntary sectors.

Once the materials have been fully rolled out and the supporting programme of training completed, we will have a common model of entrepreneurship learning and a delivery framework in place that will enable all our young people to be entrepreneurially aware and active. This model is unique in Europe and it has been developed collaboratively in Wales, for the young people of Wales.

I will be reporting on our approach to Entrepreneurship education at the next EARLALL Assembly in Brussels on 20 October. I also look forward to hearing of the approaches of other EARLALL regions to entrepreneurship, particularly as this is a key strategic objective of the Commissions.

### **Launch of National Quality Standards for Able and Talented Pupils**

On the 9<sup>th</sup> October 2006 I launched a consultation document, "Meeting the Challenge - Quality Standards in Education for More Able and Talented Pupils," at the Metropole Hotel, Landrindod Wells.

In Wales we use the term "more able and talented" to describe pupils who require opportunities for enrichment and extension that go beyond those provided for the general cohort of pupils. Our approach to meeting individual pupil's needs is set in the context of a whole-school approach to school improvement and to ensuring that policies and practices are fully inclusive in meeting the needs of all our learners. We are committed to ensuring that the individual learning needs of pupils are considered at every stage and that appropriate support is available to meet a diverse range of needs. That means that where pupils are more able and talented, their needs should be recognised as early as possible, appropriate provision should be made available to ensure that their skills are nurtured and that they are suitably challenged along with their peers in their local schools to ensure they reach their full potential.

In 2003, I first established a Task and Finish Group with a specific remit of producing guidance for LEAs on how best to address the needs of pupils who are more able and talented. The Group consisted of representatives from the Welsh Assembly Government, Estyn, LEAs and the voluntary sector. Members of the group worked closely with the then Curriculum Authority in Wales (ACCAC) who were also commissioned to produce specific curriculum guidance for schools, entitled 'A Curriculum of Opportunity'. The latter was well received by schools in Wales, with a number of specific projects being established to ensure pupils who are more able and talented are identified as early as possible to receive appropriate support. The guidance also provides advice to schools on learning styles and effective strategies to ensuring the needs of more able and talented pupils are met. This has been seen as positive approach to meeting needs within the context of inclusion.

The task group worked with us to produce guidance for consultation in 2003 entitled 'Educating Pupils who are More Able and Talented: Guidance for Local Education Authorities.' Although the feedback received was generally positive, it was recognised that further work was required. As a result, we have worked with NACE Cymru, the National Association for Able Children in Education to develop quality standards in education for Local Education Authorities and schools. The revised guidance contains a self evaluation tool for use by schools and LEAs in monitoring progress against the standards to ensure pupils' needs are appropriately met and to aid school improvement.

The quality standards have been devised to support schools by providing a clear framework for whole school quality provision for more able and talented pupils. The Standards will help schools to develop an action plan for their provision, and will ensure that their approach is inclusive. The Standards will cover all aspects and will support a whole school approach to raising standards. Inspection has shown that schools that provide well for able pupils generally provide well for all pupils because individual needs are focussed upon across the curriculum. The standards will provide a consistent approach to meeting the needs of More Able and Talented pupils across Wales.

In order to ensure that schools in Wales have full access to the necessary evaluation materials available on the NACE website, the Assembly has agreed a package of further funding to the organisation totalling £47,500 over the next three years. As well as supporting the training of specifically Welsh (and Welsh speaking) NACE assessors, the funding will fund 50% of the cost of 10 schools (each year for the next three years) wishing to participate in the NACE Quality Award Scheme.

The consultation exercise concludes on 19<sup>th</sup> January 2007.

## **14-19 Learning Pathways Action Plan 2006-10**

Following the launch of the 14-19 Learning Pathways Guidance II and the accompanying DVD in May this year work has now begun to implement the recommendations for taking forward this exciting agenda through the 4-19 Learning Pathways Action Plan.

Putting the Action Plan into practice will involve building on the different circumstances in each area and creating an entitlement framework for all 14 -19 year olds. It will recognise and support the importance of partnership activities between: schools and schools; schools and colleges and, indeed, all partners in the education and training arena.

The Ministerial Advisory Group (MAG) 14-19 Panel is presently being set up. It will be made up of representatives of providers, Learner Support organisations, Employers and work based learning and Curriculum/Qualifications interests. The role of the panel will be to provide policy advice to the Minister and Deputy Minister through the MAG. This panel will be chaired by Huw Evans, Principal of Llandrillo College, who was appointed through public appointment mechanisms.

The National 14-19 Project Steering Group, chaired by the Deputy Minister has had its inaugural meeting and the supporting 5 sub groups have been established and each group has now met. The remit specifically is to oversee and ensure implementation of the actions and to report progress to the

14-19 Project Steering Group. In total there are over 100 Action Points within the Action Plan which covers the period 2006 to 2010. At this early stage progress is good with around 20 Action Points already completed.

All 22 14-19 Networks are responsible for securing a range of programmes and the necessary support to ensure learners have access to all elements of Learning Pathways 14-19. Each Network is delivering on a comprehensive Annual Network Development Plan for 2006/7 which will take forward all six elements of Learning Pathways 14-19 - individually tailored Learning Pathways, wider choice and flexibility, a learning core, entitlement to learning coach support, personal support and careers advice and guidance. Networks are supporting a range of activities in collaboration with schools and colleges aimed at widening the choice and flexibility of young people.

Chairs of the Sub Groups will be submitting a progress report to the Project Steering Group on 12 October and I will be able to update members verbally on 18 October.

### **Ministerial Advisory Group for Education, Lifelong Learning and Skills (MAG): Meeting and Publication of Information from the MAG and Specialist Panel Meetings**

The Ministerial Advisory Group met for the second time on 5 September. The items discussed included an update on the recruitment of members to cover the areas of Early Years Education and Care, and Additional Learning Needs. These positions have been advertised, the applications sifted and individuals are now being interviewed. Subject to identifying suitable individuals, appointments should be made during December 2006.

The MAG also discussed how to make information from the MAG and its specialist panels available; finalised the terms of reference and membership of the current specialist panels with verbal updates from each of the panel chairs; members updated on The Learning Country 2, Welsh Baccalaureate and economic research data.

The MAG will meet on a termly basis. MAG members agreed that, following each meeting, a report would be produced which would incorporate a summary of the discussions from the MAG and all of the specialist panel meetings that had taken place during that period. It is anticipated that the first such report will be published in January 2007, by which time all the specialist panels should have met. The report will also be used as the basis for my report to this Committee, prior to being published to the Assembly's website.

I have written to individuals who have been through the public appointments process as MAG applicants, as well as to organisations to seek nominations to ensure that there is suitable knowledge and expertise across the membership of each panel.

I will report further to Committee once the appointment procedure has been completed.

### **Wales Institute for Mathematical and Computational Science**

I have approved the release of funding of £5.021 million from the Reaching Higher fund to support

the creation of a Wales Institute for Mathematical and Computational Science. The Institute is being created by drawing together and building on existing excellence at University of Wales, Aberystwyth, University of Wales, Bangor, Cardiff University and University of Wales Swansea.

The proposal has been assessed against four primary tests and has demonstrated that it is:

- significant;
- sustainable once the pump priming resources from the Reaching Higher Fund have ceased;
- managed under a unified management structure; and
- have the capacity to deliver greater benefit than institutions acting alone.

The aim of the Institute is to enhance the standing of mathematics and computation in Wales, to foster links with industry, commerce and business, to generate substantial research funding and to provide a forum for education and public awareness of the mathematical sciences.

The Institute will reconfigure existing research activities through the development of five research clusters in key areas:

- Analysis;
- Stochastic Processes and Stochastic Analysis;
- Mathematical Physics;
- Computational Modelling; and
- Statistics and Operational Research.

The funding is being provided over a five year period starting from 2006-07.

## **Primary School Healthy Breakfast Week 16 – 20 October 2006**

The healthy breakfast week is part of the Welsh Assembly Government's whole school approach to improving food and nutrition and will help reinforce messages about healthy eating particularly the importance of having a good start to the day by eating a healthy breakfast.

All primary schools have been invited to become involved in the promotion of Healthy Breakfast week which starts on Monday 16<sup>th</sup> October 2006.

Healthy eating is covered in a range of curriculum subjects. However, I strongly believe that children in Early Years, Key Stage 1 and Key Stage 2 will benefit from a week long focus on the importance of eating a healthy breakfast

To help promote this week all primary schools have been issued with a pack which includes a number of resources such as stickers, food diaries and worksheets. A website has also been established which can be accessed via [www.healthybreakfastweek.co.uk](http://www.healthybreakfastweek.co.uk)

There are currently over 300 schools across Wales participating in the free breakfast initiative with at

least a further 300 signed up to start over the next year; this number continues to increase as more and more schools hear of the benefits of being involved not just for their pupils but for the school as whole. A number of case studies are currently being compiled and will shortly appear on the website.

I have visited a number of breakfast clubs and have received positive comments from those involved. Here are some comments from participating schools:

Wrexham Leader – September 2006

Roz Harrison, Headteacher, Rhosymedre Community Junior School:

- ‘More than half the school attend. It is very popular. It is an opportunity for them to socialise before school. It helps behaviour because they come in and get to talk to their friends, rather than doing it at the start of their first class.’

Dominic Cooper, Headteacher, Gwenfro Junior School:

- ‘The numbers range from 12 to 40 children. It has had a positive effect on those who partake. It gives them a good start in the morning.’

Swansea Leader – May 2006

Peter Osbourne, Headteacher, Cwm Glas Primary:

- ‘Before it used to look a little like Holby City outside my office mid morning with children complaining they weren’t feeling well and quite a lot of the time when we asked it was because they hadn’t had breakfast. Now that sort of thing is virtually unheard of.’

South Wales Argus – February 2006

David Lewis, Headteacher, Trinant Primary School:

- At the moment we have 80 to 90 pupils every morning out of our intake of 144. We have noticed that they are full of energy and ready to start learning.’

Western Mail – April 2005

Sarah Coombes, Acting Headteacher, Herbert Thompson Primary:

- ‘It’s also stopped them from grabbing a bag of crisps or sweets on the way to school if they are in a rush.’ ‘.....by lunchtime instead of them being low on blood sugar, they are well-motivated and it’s increased their concentration.’

## **Delegation of 16-19 Provision Organisation Proposals to Local Authorities Consultation 2006**

### **Background**



I announced in Plenary on 22<sup>nd</sup> November last year my intention to bring forward a draft consultation document on delegating to local authorities responsibility for developing proposals, in partnership with all interested parties, for the future organisation of 16-19 provision in maintained schools, including voluntary and foundation schools, and further education. This was in response to Assembly Members' concerns regarding the transfer of ELWa's powers to propose sixth-form reorganisations to the National Assembly for Wales.

The draft consultation paper was endorsed by the ELL Committee on 11<sup>th</sup> January 2006. The consultation commenced on 27<sup>th</sup> March and ended on 31<sup>st</sup> July following an extension to permit all relevant stakeholders, in particular Foundation and Voluntary schools, the opportunity to respond.

The consultation explored the possibility of making arrangements whereby local authorities might exercise delegated powers of proposal on behalf of the Assembly Government in a manner which preserves and, where appropriate, enhances the role of LEAs in the strategic planning of post-16 education both in and between their respective areas.

## **Consultation Feedback**

69 consultation responses were received from a wide range of organisations including schools, local authorities, Diocesan bodies, FE colleges, professional associations, voluntary sector organisations, Sector Skills Councils, CCETs and 14-19 Networks. A consultation response report will be published in due course. A summary of the consultation responses relating to the proposed delegations may be found at annex \*\* to my report.

The consultation sought stakeholders' views on whether the powers formerly held by ELWa in relation to the organisation of 16-19 provision should be delegated to local authorities, who would be tasked with building consensus around a strategy for such provision. To this end two key questions were posed:

Consultation question 1: Should the role of preparing sixth form reorganisation proposals, under the powers provided in the Learning and Skills Act 2000 in collaboration with local stakeholders, be delegated to local authorities?

Consultation question 2: Should local authorities be able to put forward proposals which also involve the creation of Further Education institutions or should this role remain with the Assembly Government?

The first question dealt with the powers formerly vested in ELWa in relation to consulting on and publishing proposals for the reorganisation of school sixth forms under the provisions of the Learning and Skills Act 2000 (LSA). Local authorities already possess significant powers in relation to school sixth form reorganisation under the School Standards and Framework Act 1998 (SSFA). The proposed delegation would extend their existing powers to include voluntary controlled, voluntary aided and foundation school sixth forms and give them the choice of using either SSFA powers or Learning and Skills Act powers for community schools. Under the LSA all proposals come to the Assembly for determination, whether or not there are objections.

The second question dealt with the powers formerly vested in ELWa in relation to bringing forward proposals for the establishment of Further Education Corporations.

Feedback from the consultation on these two issues indicated the following:

Consultation question 1: There were mixed reactions to this question but overall there was more support than opposition, with approximately 57% of respondents to this question indicating their support for the proposed delegation of functions. Representative bodies such as WLGA, ADEW and NHAFT Cymru were supportive of the proposed delegation. Those opposing the delegation represent approximately 30% of the total number of respondents to this question and include those schools most directly affected by the proposed delegation, voluntary aided and foundation school governing bodies as well as Diocesan Bodies, FE colleges and fforwm.

Consultation question 2: Again consultation responses were mixed although the overall response was less positive than that received for the first question with approximately 39% of respondents indicating that they favoured the proposed delegation. Those opposed to this delegation included voluntary and foundation school governing bodies as well as Diocesan Bodies, the FE colleges and fforwm. These respondents represent approximately 41% of the total number of responses to this question. Respondents from the FE sector raised concerns about the perceived lack of independence of local authorities, the potential for increased competition with existing FE colleges and the capacities of local authorities to deal with the full range of post-16 provision.

Considering questions 1 and 2 together, the overall response indicates that there is considerable disagreement amongst stakeholders about the most appropriate arrangements for the responsibility for planning the organisation of 16-19 learning provision.

## **Legislative position**

The proposed delegation of 16-19 provision organisation powers to local authorities via a section 41 arrangement under the provisions of the Government of Wales Act (GoWA) 1998 would give rise to a number of legal difficulties. These may be summarised as three main points.

The first point is that, with the merger of ELWa with the Welsh Assembly Government, the Assembly has now taken on the statutory duty set out in Section 31 of the Learning and Skills Act 2000 to secure proper facilities for education and training for persons aged 16 to 18. LEAs have no equivalent duty to make proper post-16 provision, whether in school sixth forms or elsewhere. Care, therefore needs to be taken to ensure that the Assembly can be properly regarded as discharging its general statutory duties in respect of post-16 education and training if delegation arrangements are set in place. The sole purpose of the Assembly functions in respect of bringing forward sixth-form re-organisation proposals and the establishment and dissolution of FE corporations is to provide it with powers, subject to procedural safeguards, which allow it to discharge its duty to secure proper facilities for post-16 education and training. In other words, the powers to make re-organisation proposals are the tools by which the Assembly can perform its new duty of securing suitable post-16 provision (a duty which previously rested with ELWa).

This section 31 duty cannot be delegated, and indeed it was not specified in the consultation that it would be delegated, although some respondents may have interpreted it this way, since the functions of bringing forward proposals and the duty to secure effective provision are so obviously connected. The Assembly will also remain responsible for funding the provision. Therefore, whatever arrangements are now adopted, they must retain a degree of Welsh Assembly Government involvement with the organisation of 16-19 provision that demonstrates effective discharge of its section 31 duty. Furthermore, LEAs cannot sensibly propose a re-organisation unless it is sure that the Welsh Assembly Government is broadly content with the consequences for funding at the proposal stage.

The second point is that with regard to the policy objectives on sixth-form re-organisation, a section 41 delegation arrangement is only really necessary in the case of proposals to re-organise sixth forms at foundation and voluntary schools. LEAs already have sufficient powers to propose re-organisation of sixth forms in community schools.

The third point is that a section 41 arrangement would not be appropriate in the case of Assembly functions in respect of the establishment of further education corporations. The former National Council functions of making proposals were repealed by the order made by the Assembly under section 28 of the Government of Wales Act 1998 which abolished the National Council (ELWa) and transferred its functions to the Assembly. The Assembly functions of establishing and dissolving FE corporations remain, but these are legislative functions that cannot be delegated. The Assembly can of course consult on proposals, but, since this would not be based on a free standing legislative function it is not appropriate for this to be delegated as a function to another public body.

## **Next Steps**

Having considered the consultation responses, I propose the following:

Where future reviews of post-16 provision (undertaken jointly by Welsh Assembly Government officials, LEAs and other stakeholders) identify the need for a re-organisation of sixth-forms, the LEAs concerned take forward the proposals using their own powers under the School Standards and Framework Act 1998 and, if necessary, using Assembly powers under a delegation arrangement under section 41 of the Government of Wales Act 1998 (i.e. only where there is a need to re-organise a sixth-form at a foundation or voluntary school). The Ministerial decision making process for disputed proposals would remain as now, with advice coming from Schools Management Division officials who have not been involved in the initial reviews or development of proposals. The decision to make a section 41 delegation arrangement would also need to be made independently of any Ministerial consideration of the merits of the sixth form proposal in question.

Where the review identifies a need for the establishment or dissolution of a further education corporation the Department for Education Lifelong Learning and Skills would take forward the proposals, seeking the consent of the Minister for Education and Lifelong Learning to consult on the draft orders required. Following all necessary consultation, it is proposed that the First Minister would decide whether or not to proceed with an order under section 16 or section 27 of the Further and Higher Education Act 1992. Such orders are local statutory instruments that are subject to

Assembly Standing Order 28 which means that the Assembly Minister proposing to make such legislation must give Members 10 days notice of his or her intention to do so. If 10 Members table a motion within 5 days of notice being given the Assembly may resolve to subject the order to the full procedure in Standing Order 24, requiring Assembly approval to the draft. A similar system would apply to the making of the instrument under the Government of Wales Act 2006 arrangements in place from May 2007, known as the negative resolution procedure.

There would be no further legislative requirements to implement the proposals.