



Cynulliad Cenedlaethol Cymru **The National Assembly for Wales**

Y Pwyllgor Plant, Pobl Ifanc ac Addysg **The Children, Young People and Education** **Committee**

Dydd Iau, 11 Rhagfyr 2014
Thursday, 11 December 2014

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Cynnig o dan Reol Sefydlog 17.42 i Benderfynu Gwahardd y Cyhoedd o'r Cyfarfod
Motion under Standing Order 17.42 to Resolve to Exclude the Public from the Meeting

Cofnodir y trafodion yn yr iaith y llefarwyd hwy ynndi yn y pwyllgor. Yn ogystal, cynhwysir
trawsgriafiad o'r cyfieithu ar y pryd.

The proceedings are reported in the language in which they were spoken in the committee. In
addition, a transcription of the simultaneous interpretation is included.

Aelodau'r pwyllgor yn bresennol **Committee members in attendance**

Angela Burns

Ceidwadwyr Cymreig
Welsh Conservatives

Suzy Davies	Ceidwadwyr Cymreig Welsh Conservatives
John Griffiths	Llafur Labour
Bethan Jenkins	Plaid Cymru The Party of Wales
Ann Jones	Llafur (Cadeirydd y Pwyllgor) Labour (Chair of the Committee)
Lynne Neagle	Llafur Labour
David Rees	Llafur Labour
Aled Roberts	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats

**Eraill yn bresennol
Others in attendance**

Siwan Daniel	Cyfreithiwr, Tim Addysg (Ysgolion) a'r Gymraeg Lawyer, Education (Schools) and Welsh Language Team
Huw Lewis	Aelod Cynulliad, Llafur (y Gweinidog Addysg a Sgiliau) Assembly Member, Labour (the Minister for Education and Skills)
Catherine Lloyd	Cyfreithiwr, Tim Addysg (Ysgolion) a'r Gymraeg Lawyer, Education (Schools) and Welsh Language Team
Alison Standfast	Dirprwy Gyfarwyddwr, Sefydlu Cymwysterau Cymru Deputy Director, Qualifications Wales Transition
Cassy Taylor	Pennaeth Cangen Sefydlu Cymwysterau Cymru Head of Qualifications Wales, Transition Branch

**Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol
National Assembly for Wales officials in attendance**

Michael Dauncey	Y Gwasanaeth Ymchwil Research Service
Steve Davies	Cynghorydd Cyfreithiol Legal Adviser
Annette Millett	Dirprwy Glerc Deputy Clerk
Gareth Rogers	Clerc Clerk

*Dechreuodd y cyfarfod am 09:00.
The meeting began at 09:00.*

**Cyflwyniadau, Ymddiheuriadau a Dirprwyon
Introductions, Apologies and Substitutions**

[1] **Ann Jones:** Good morning, everybody, and welcome to the Children, Young People and Education Committee. I will just do the usual housekeeping. If you are using your iPad and your technology, can you just make sure that the 'ping' is off, please? It does not do my sanity any good. That is about the only thing with that one. Will you just check that your mobile phones are off as well so that we are not disturbed? We are not expecting the fire alarm to operate. Should it operate, we will take instructions from the ushers who will lead us to the assembly point which, because we are at this end of the building, will be the Pierhead

building, if we can get out through those doors.

[2] We have long-standing apologies from Keith Davies for this morning, and there is no substitution. I believe that other Members will join us soon; they are on their way, I think. That is the official term we use.

Bil Cymwysterau Cymru—Sesiwn Dystiolaeth 1 **The Qualifications Wales Bill—Evidence Session 1**

[3] **Ann Jones:** So, we are going to start our scrutiny of the Qualifications Wales Bill. This is our first evidence session. We will have to really concentrate because we will probably need to return to it when we come back. Our first evidence session is with the Minister on the Qualifications Wales Bill. The Bill was laid a week last Monday, I believe, which was 1 December, and this is our first session. So, we are delighted to have you here again, Minister. I think that that is three weeks in a run. It is nice to have you. Will you introduce your team? I believe that you have officials who will be swapping over, so can you introduce all of them and then, as they swap for the different parts of the Bill, we will have to stop.

[4] **The Minister for Education and Skills (Huw Lewis):** Sure. At the moment, we have Alison Standfast, deputy director, and Siwan Daniel, who is part of our legal team. Also with me are Cassy Taylor and Catherine Lloyd.

[5] **Ann Jones:** Thank you very much. You know that we have a set of questions, but you also know that we did some pre-legislative scrutiny of the proposed Qualifications Wales Bill earlier this year. So, we are going to try to drill down into those question areas that we have still got some issues on. So, we will move straight to questions, if we may. The first set of questions is on the general overarching principles of the Bill, from John.

[6] **John Griffiths:** Thanks, Chair. Huw, as the Chair has said, in terms of the pre-legislative scrutiny that this committee undertook, we would be interested to know what the main differences are between the vision that was set out by the Government for Qualifications Wales following on from Huw Evans's review and what is now set out in the Bill.

[7] **Huw Lewis:** Sure. A simplistic view would have ended up with the result that we would have just picked up the powers and responsibilities of the regulator at present, which is me, and dropped them into the legislation that formed the new body. However, the review of qualifications asked for more. Huw Evans was very clear in speaking on behalf of the team that undertook the review that an enhanced set of powers and responsibilities was necessary. My contention is that the Bill provides that. It does of course set up a single body, an independent body, which was a key part of what was recommended. It will be responsible for the regulation and quality assurance of all non-degree level qualifications across Wales. So, that responsibility for regulation and quality assurance is absolutely central. However, there is also a responsibility for developing most qualifications for learners at 14 to 16.

[8] It is worth just reiterating that it is my long-term ambition that Qualifications Wales should answer the call for Wales to have a national awarding body. However, at this stage, the legislation takes what I think is a logical first step, which is us walking before we can run, if you like. What we have here is essentially a regulator. The Bill, as I say, in that regard, gives a responsibility to Qualifications Wales to keep under review the respective roles played by it and awarding bodies in respect of the system as a whole and to provide me with advice on next steps and how they may, in time, become an awarding body. However, as I say, this is not necessarily a matter for this Bill.

[9] **John Griffiths:** Building on that, Huw, what is the case for the Bill, in essence? Why is it that the Welsh Government has this view that the qualifications system needs to be improved, and how will this Bill achieve that?

[10] **Huw Lewis:** The system at present does not answer learners' needs and, to my mind, does not answer the needs of the Welsh public realm. It is overly complex and there is no recognition that the education system in Wales, not least through the new curriculum that is coming our way, is becoming increasingly distinctive. The old three-nation system between Wales, England and Northern Ireland, which really was driven by developments in England at every stage as the largest part of that partnership, has already begun to change. The future, I think, will mean that it changes even more. It is worth reminding ourselves, I think—and I have a quotation here from the review of qualifications, which I think is relevant—that Huw Evans said that what we needed to do was

[11] 'shape the national qualifications system for Wales and to rationalise and strengthen the processes for regulation and continuous improvement'.

[12] I think that those three words are very important—to 'shape' and 'rationalise' the system, because it is overly complex at the moment, and 'strengthen' the process. There are all sorts of reasons why 'strengthen' implies, to my mind, an expert, independent body with a broad range of powers.

[13] I have just one final point, Chair, because I think that this is really worth making. The current system—apart from all that other stuff about Wales needing to stand on its own two feet and be competent in this area in and of itself—is essentially supplier-led. What that means is that any awarding body can put up anything for consideration, and this leads to all sorts of capacity issues in terms of the regulator's ability to cope. It also ends up with a proliferation of qualifications, and we all know that the number of potential qualifications out there is mind-boggling. What the set-up of Qualifications Wales and all the concomitant powers and responsibilities that will go with it will do is shift things to a demand-led system. In other words, Qualifications Wales, as an expert independent regulator, will be deliberating on what is in the interests of the learner, in terms of the qualifications landscape, and then making sure that it is delivered and that it is at a level of quality and comparability that makes sense. So, we are answering that quotation from Huw Evans in terms of prioritisation and simplifying and restricting providers too.

[14] **John Griffiths:** I just have some process-type questions, Chair. First of all, Huw, how did the Welsh Government identify the four main limitations that are currently in the qualifications system and which this Bill is going to address?

[15] **Huw Lewis:** I think I have touched upon the essence of that. However, of course, it comes from the review of qualifications; that is how we get to that point. So, first, there is that very clear call for a single independent body, then there is the need to prioritise our way through this very complicated landscape, then there is the need to combat proliferation—of course, we still need that healthy competition between awarding bodies, but it is quite clear that, at the moment, there is no quality control of the process on behalf of the learner—and that fourth weakness in the current system is the simple strategic capacity in order to cope with the system. There is a need for greater resources, greater expertise and, in essence, the intention is that Qualifications Wales will become a world-class centre of excellence, working on our behalf and on the behalf of the learner.

[16] **John Griffiths:** Similar to that question, Huw, and, to some extent, we might be going over the same sort of territory, but we are interested in how the Welsh Government decided on the two principal aims for Qualifications Wales and matters for which it must have regard, particularly as to why they are stipulated on the face of the Bill rather than being dealt

with through subordinate legislation or guidance.

[17] **Huw Lewis:** Again, it all springs from the review. I think the two aims are very clear and they send a very powerful signal that, first of all, this is about putting the learner at the centre of everything. This is not a provider-driven piece of machinery; this is about the consumer, if you like—the young people and the learner. It is also about public confidence to make sure that what we transmit to the Welsh public and to interested stakeholders beyond Wales has absolute copper-bottomed confidence in terms of what qualifications in Wales deliver, what they look like and how they equip the learner for their future.

[18] In terms of the eight matters, let me just highlight two of them. It would be hard to envisage a situation where we would not want Qualifications Wales to bear in mind economic impact of what it was doing, and the connection out there to the jobs market, and so on. The Welsh language is another overarching consideration that I think everybody would agree needs to be listed in there.

[19] The other key reason for listing the eight matters is to ensure a degree of balance in terms of the way Qualifications Wales conducts its business, so that, in other words, it does not get subsumed into emphasising one issue over and above the other seven matters. It is always perhaps a matter for debate as to what the central issues ought to be, but I think that that list of eight matters transmits a sensible balance in terms of the way we want it to conduct its affairs.

[20] **John Griffiths:** On the issue about having them on the face of the Bill rather than—

[21] **Huw Lewis:** Oh, yes. I suppose that, apart from anything else, it is a signal of intent. It is very clear that, again, it is part of that commitment to transmit the intention to do things in a very rigorous fashion and for no-one to be left in any doubt about what the central purpose of the organisation is.

[22] **John Griffiths:** I have a final question, if I may, Chair. This relates, Huw, to the territorial extent of the Bill and issues with UK Government in terms of that. We would be interested to know what exactly these cross-border issues are that have been identified by at least some, and whether they have been discussed.

[23] **Huw Lewis:** There are discussions and there has been an exchange of correspondence between us and Ofqual. I have asked my officials to work closely with their UK Government counterparts. There are things that need to be resolved here, not least the need to amend the current legislation that covers England and Wales in the Learning and Skills Act 2000 . There are things that need to be amended there and tidied up if we are to make sure that there is clarity about the territorial integrity of Qualifications Wales.

[24] There is also a need for colleagues across the border to fully get to grips with what devolution actually implies, but I am sure that those issues can be resolved through discussion.

[25] **Ann Jones:** Okay. David is next, on this point.

[26] **David Rees:** I have just a couple of quick questions on this so that I am clear as to the purpose that we are talking about. Can you clarify what is my interpretation perhaps as to what this body will be doing? Will it be responsible for setting the specifications for the qualifications, with awarding bodies having to meet those specifications? You have talked about sub-degree work, but what do you mean by sub-degree work, because HNDs and foundation degrees are technically sub-degree work, so what do you mean by sub-degree? What levels are we talking about?

09:15

[27] Following the Donaldson review, what responsibility will Qualifications Wales have for the curriculum? We are talking about specifications, but where is the input into curriculum aspects?

[28] **Huw Lewis:** Sure. The curriculum and the content of the curriculum is a matter for the Welsh Government, so Qualifications Wales is not about setting the content of the curriculum within schools. As you mentioned, Graham Donaldson is out there now consulting on perhaps what might be the biggest shift in terms of curriculum design that Wales has really seen since 1988. The body will be responsible for setting criteria for awarding bodies and for qualifications. So, the job of Qualifications Wales is, essentially, my regulatory role with additional powers attached in order to rationalise the offer for the learner. So, it has got a role in terms of quality control, in terms of keeping an eye on proliferation, and in terms of its relevance to Welsh educational policy and so on. Then, the interface between me and the new body and, indeed, between the Assembly and the new body will be through a remit letter from me and, of course, the scrutiny of an annual report on the part of the Assembly as a whole.

[29] In terms of which qualifications, well, we are talking about all qualifications, essentially. All vocational qualifications are part of this deal and that huge proliferation around vocational qualifications is something that the body will start to get to grips with. So, everything is included, although I think I am right in saying that foundation degrees are not included as part of the deal, but everything else is.

[30] **David Rees:** So, higher nationals are.

[31] **Huw Lewis:** I believe so, yes.

[32] **David Rees:** Just for clarification, going back to this issue of the curriculum, to me, it is important to understand who is responsible for setting the specification, because if you are having a Welsh curriculum, which is what Donaldson is meant to be doing, I would have expected Qualification Wales, to ensure that any qualifications matched that curriculum. So, I just want to know who is going to be responsible for setting the programme specifications for each qualification at that level. Is it going to be Qualifications Wales, or is it simply going to ensure that a qualification that it is assessing meets the curriculum that has been approved by the Welsh Government?

[33] **Huw Lewis:** It has to make sure of that, obviously, and obviously there will be very close working between the Welsh Government and a small unit within the Welsh Government, which we have entitled—

[34] **Ms Daniel:** The sponsor unit.

[35] **Huw Lewis:** The sponsor unit. That is it. That will be permanently in place in order to make sure that that liaison works. However, curriculum content is not a matter for a regulator, but for public representatives. It is a matter for the Government.

[36] **Ann Jones:** Angela, you have got some questions.

[37] **Angela Burns:** I wanted to ask a few questions a little bit later on about finance and staffing, but given the comprehensive answer that you gave David about the role of Qualifications Wales, I felt that this was probably the best time to ask you whether or not you believe, in your financial modelling, that you are going to have enough staff to undertake this. It seems to me that you are talking about some 73 people, going from zero to implementing all of this and to doing the monitoring and the regulating, and I find that a challenge to think

that you will be able to do that with that level of staffing. I wonder whether you might expand on that just a little bit.

[38] **Huw Lewis:** You are right that about 70-odd people will eventually be working under the auspices of Qualifications Wales. They are on a pretty tight timetable, and we will always have to keep an eye on the capacity issue, but it is worth remembering that the capacity that Qualifications Wales represents is way over and above the capacity that we have at present in order to deal with that qualifications landscape. We have also started work already, so there is a great deal riding on the goodwill of colleagues in the Assembly, actually. We have an interim chief executive, who is working away, and he is confident, at this point, that the timetable is deliverable. There will be a stage of evolution as the new regulating body finds its feet and moves towards issues like prioritisation and restriction, for instance. I am sure that there will be some early candidates through the door in terms of what needs to be considered. There are new GCSEs proposed, for instance, and there is a great deal of concern, I know, among many people about the situation regarding initial vocational education and training—IVETs. So, there are some obvious early candidate areas for work, but it will take time to build the capacity of expertise in order for Qualifications Wales to be firing on all cylinders. However, I am reassured by all the advice that I am receiving in terms of the number of people and the quantum of resource that has been set aside. This is a more expensive system than the one we have at present, but I am reassured by officials and by the interim chief executive, Philip Blaker, that this is the right sort of quantum of spend and numbers of people.

[39] **Ann Jones:** Okay. Shall we move on to setting up the new body and practical arrangements, Aled?

[40] **Aled Roberts:** Weinidog, rydych wedi cyfaddef bod yr amserlen yn dynn, ac wrth gofio eich bod chi ar hyn o bryd yn cynllunio ar gyfer Cymwysterau Cymru'n cychwyn ar ei swyddogaethau ym mis Medi 2015, os nad yw'r siwrnai mor esmwyth ag yr ydych chi'n ei obeithio, pa drefniadau wrth gefn sydd wedi cael eu gwneud ar hyn o bryd?

Aled Roberts: Minister, you have admitted that the timescale is tight and, given that you are at the moment planning for Qualifications Wales to commence its functions in September 2015, if the journey does not go as smoothly as you had hoped, what contingencies are being put in place at the moment?

[41] **Huw Lewis:** As I say, in order to make sure that this timetable is realistic, the interim chief executive, currently working as a civil servant, Philip Blaker, has been appointed and has been working hard. Work is also in hand to plan for and schedule the necessary transitional arrangements and the transfer scheme. I have taken a look at those plans, and I think that they are achievable. The ability to commence the Bill by commencement Order provides the flexibility that we need as well to enable my regulatory functions to remain in place, if that is necessary, until such time as the relevant sections of the Bill come into force. So, I suppose that, in direct answer to your question, Aled, the safety net that is there is that I can carry on if I need to, although that is not what I want. I want us to stick to the timetable and deliver as has been described.

[42] **Aled Roberts:** A gaf i jest ofyn hefyd a ydych chi'n barod i roi rhagor o fanylion ynglŷn â threfniadau atebolrwydd, achos dyma un o'r pwyntiau mwyaf pwysig y gwnaethom eu trafod pan oeddem ni'n ymweld â'r Alban? Rwy'n cyfaddef bod y trefniadau dipyn bach yn wahanol rŵan, ac rydym ni jest yn sôn am y rheoleidiwr ac roeddem ni'n sôn am faterion eraill pan

Aled Roberts: Could I just ask as well whether you are willing to give more details regarding the accountability arrangements, because this is one of the most important points that we discussed when we visited Scotland? I admit that the arrangements are perhaps a little different now, and we are just talking about the regulator but we were discussing other issues when we were in

oeddem ni yn yr Alban, ond y bore yma rydych chi wedi sôn am yr uned noddi hon. Beth yn union fydd pwrpas yr uned noddi a sut fydd y berthynas rhwng yr uned noddi a Cymwysterau Cymru yn gweithio? Hefyd, a ydych chi'n fodlon bod y ddogfen fframwaith yn ddigon cryf?

Scotland, but this morning you have mentioned this sponsor unit. What exactly will be the purpose of this unit, and how will the relationship between the sponsor unit and Qualifications Wales work? Also, are you content that the framework document is robust enough?

[43] **Huw Lewis:** The sponsor unit, essentially, is a point of contact between my department and the new body, so that is where those issues around curriculum development and so on that David mentioned earlier interface, in terms of forward planning, in particular, and what Government policy needs to be stressed. We do have the remit letter, of course, in order to keep an eye on the priorities that Qualifications Wales is choosing for itself, and that conversation, which needs to happen all the time, will be happening through that.

[44] In terms of the framework document, Qualifications Wales will be a publicly funded body, and so there is a financial relationship and responsibilities that need to be taken into account, and that is where the framework document comes in. Also, as part of the framework document, we have to be clear in terms of the relative roles—and this is what you are querying—of the sponsor unit, the board, the accounting officer, and in terms of the custodianship of public funds. So, that framework document will set out the financial relationship of various appointees and officials in terms of how they relate to each other.

[45] **Aled Roberts:** O fewn y corff ei hun, sut ydych chi wedi bodloni'ch hun bod y swyddogaethau rhwng comisiynu a chymeradwyo yn ddigon clir? Pan oeddem yn yr Alban, cawsom dystiolaeth gan y corff yn yr Alban ei fod yn gryf iawn o'r farn y dylid cael y gwahanu yna ar wyneb y Bil, ac eto, nid yw hynny'n ymddangos felly o ran Cymwysterau Cymru.

Aled Roberts: Within the body itself, how have you assured yourself that the functions between commissioning and approving are clear enough? When we were in Scotland, we had evidence from the body in Scotland that it was very strongly of the view that there should be that separation on the face of the Bill, and yet that does not appear in relation to Qualifications Wales.

[46] **Huw Lewis:** Well, there are subtle differences, I think, between what we are setting up here and what is happening in Scotland. Like you, I have made the trip to Scotland, and I was very impressed, really, by the way the Scottish Qualifications Authority conducts its business. I think that there are end points in our journey here, beyond this legislation, that would lead us to the necessity of considering an SQA-type solution for Wales, if for no reason other than that we have to make sure that we have a national system that is robust enough to shift for itself in any circumstance. It does seem to be clear that the different emphases now between Northern Ireland, Wales and, well, it is England, really, that is setting out on an exceptionalist course, it seems, at the moment, means that we have to be ready for all kinds of eventualities. I think that the SQA-type model is where we will need to end up. However, at this point, there is a difference, and the great concern that the SQA has is that the awarding and regulation functions of that body should be kept in separate compartments, so that any kind of conflict of interest there is guarded against.

[47] The division within Qualifications Wales is not between awarding and regulating, but between commissioning and appraising, which is, to my mind, not quite such a fundamental divide. Qualifications Wales will need to set up its own committee system in order to ensure that these things do not trip over each other. There will need to be clarity within the organisation. However, that I would regard as a matter for Qualifications Wales, as an independent body, to sort out, subject to the public scrutiny that it will be covered by.

[48] **Aled Roberts:** Dyma fy nghwestiwn **Aled Roberts:** This is my final question. I

olaf. Rwy'n derbyn mai ond y prif weithredwr cyntaf y byddwch chi fel Gweinidog yn ei benodi neu ei phenodi. A wnaethoch chi ystyried o gwbl i benodiadau y prif weithredwr, y cadeirydd ac aelodau'r bwrdd gael eu gwneud gan y Cynulliad Cenedlaethol yn hytrach na chi fel Gweinidog?

accept that it is only the first chief executive that you as Minister will be appointing. Did you consider at all having the appointments process for the chief executive, the chair and the board members conducted by the National Assembly rather than by you as Minister?

[49] **Huw Lewis:** No, not really. To do that, really, would be running counter to the normal way of working, if you like. The chief executive would be following on from this interim appointment and the initial appointment, which is there for reasons of expediency, really. The appointment of a chief executive would be a matter for the board.

09:30

[50] It will be an independent body, and that is the way things would normally work. Following on from the way in which we have done business for some time now, in terms of the chair and the public appointment, well, they are public appointments, so they would follow the public appointments process that we all know and love. Therefore, there was never any real serious consideration in my mind that we should have Assembly appointees, aside from making sure that, in order to hit the ground running, we have this interim chief executive and that the initial appointment is undertaken by the Welsh Government. After that, the stabilisers come off the bike and Qualifications Wales is sent down the road. I think that that metaphor is probably—. [*Laughter.*] I do not know whether you want to minute that, really; I am not proud of it.

[51] **Ann Jones:** No, okay. [*Laughter.*]

[52] **Aled Roberts:** I could say that some love the current system more than others, but I will not.

[53] **Ann Jones:** No, okay. Are you happy?

[54] **Huw Lewis:** It is not the purpose of the legislation to reform the public appointments system.

[55] **Ann Jones:** Okay, thanks. May I just ask you, Minister, on prioritising qualifications, whether you have a view at this stage—I do not know whether it is perhaps a bit early—on the types of qualifications that will be prioritised? For example, are they likely to be more general academic rather than vocational qualifications or will you do a mix?

[56] **Huw Lewis:** I do not see any reason to distinguish between the general academic and the vocational. Each field carries its own challenges and I think that everyone around the table would have their own ideas and priorities around that. Qualifications Wales will not be directed by me or asked to prioritise the academic over the vocational. I think that there are some obvious candidate areas for early working: I have mentioned that IVETs is one and the new style GCSEs that will be coming through would be another.

[57] **Ann Jones:** Okay, thanks. David, did you have a point on this?

[58] **David Rees:** On prioritisation, I just wondered, is not the power—I understand it currently exists—and I just wondered why you have introduced it now.

[59] **Huw Lewis:** I am sorry; I do not quite follow, David.

[60] **David Rees:** Well, I understand that prioritisation, actually, is an additional power now being given to Qualifications Wales.

[61] **Huw Lewis:** Yes.

[62] **David Rees:** I just wondered what your thinking was for it.

[63] **Huw Lewis:** It is critical, really, in terms of that shift, as I say, from a supplier-led landscape, which is what we have at the moment, to essentially putting Wales in charge of the system and having a demand-led system. In other words, there will be a public body, scrutinised by elected public representatives, deciding essentially what the Welsh qualifications landscape needs to look like in the future, instead of relying on suppliers proposing a proliferation of qualifications, which we are then obliged to accredit or not. In other words, it would be possible for the Welsh Government and the Assembly, working in a sort of tripartite arrangement with Qualifications Wales, to steer the qualifications landscape in a particular direction to prioritise certain areas for development and to simplify the landscape as well.

[64] You will know that under the current regime, as I say, if you are a recognised awarding body, you can just hurl qualifications at the Welsh Government and we are expected to just handle what comes our way. So, there is no strategy, for instance, to devote concentrated resources to reviewing and evaluating fewer, more relevant qualifications, which would of course enable us to increase capacity in terms of the expertise surrounding comparability and rigour and those questions. It gives us the opportunity that I do not have, as a regulator. There are aspects of my job as regulator at the moment that consist of being an interested spectator who intervenes when something crops up. We are moving here to a system where the actual landscape of qualifications on offer to the learner in Wales can be moulded to their benefit, which is not possible just now.

[65] **David Rees:** From that answer, I assume that the consideration of the demand, particularly by the employer sector, will obviously come from the Welsh Government's consultation with that sector to ensure that it gets it right. Is that the way you see it working?

[66] **Huw Lewis:** Of course, yes. Employers and higher education institutions are all critical, ongoing partners in the ongoing conversations that will be part of the daily business of Qualifications Wales to be getting on with. That will be part of its remit and its day-to-day operation, and it will have a capacity way over and above the current set-up to be able to conduct that business. So, first of all, there will be a clear point of contact for employers, universities and other stakeholders. They will know where to go—'There's one place to go; it's Qualifications Wales'. Qualifications Wales will have a much greater capacity than the subsection of my department that currently regulates the situation.

[67] Qualifications Wales will have a much more expansive conversation with employers. It would be possible to have developmental conversations over time about the kind of qualifications that might be necessary in some years in the future. You know, there is no reason why Qualifications Wales should not be overseeing a landscape of development that goes 20 years into the future. That is extraordinarily difficult at the moment for a temporary politician, like me, to have oversight of a narrower degree of functions, really.

[68] **David Rees:** Following all those discussions and debates you have talked about, will Qualifications Wales have the final say on prioritisation? Who will have the final say?

[69] **Huw Lewis:** The final say on prioritisation, of course, will be a matter for that conversation between the Welsh Government and Qualifications Wales. The intention is that

this stuff is worked out jointly. Qualifications Wales will have to have a mind to Government policy and it will have its remit letter to work to. It will have to justify itself through its annual report to the Assembly as a whole. So, I suppose in any democratic oversight set-up, you have that necessary creative tension between the public representative side, the Government side and the actual independent body. It is independent, but it does not exist in a vacuum.

[70] **Ann Jones:** Okay; thanks. Suzy, you have got a point on this before we come to Bethan.

[71] **Suzy Davies:** Yes. I am just bringing my question in early, if that is okay, because it is on this point. I am just trying to satisfy myself what this particular prioritisation element of the Bill is a response to. I completely understand your desire for a more strategic direction for what young people learn, the quality of that and also its value to the Welsh economy, if you like. However, is your desire for prioritisation due to a concern that what young people are being offered at the moment is not of a high enough quality, because there is this plethora of opportunity out there, which would concern me, because, of course, the Welsh taxpayer is still paying for people to follow those qualifications, or is it a case that schools and colleges are choosing to offer subjects that are really not much use to the Welsh economy?

[72] **Huw Lewis:** In part, yes. I mean that is, you know—

[73] **Suzy Davies:** Sorry, rather than it being the supplier—your AQAs and your WJECs—it is the colleges and schools that are taking, shall we say, the easy options.

[74] **Huw Lewis:** Well, we have all heard that debate and the review of qualifications touched upon it. It is vital, I think, that a sensible conversation is had between Government, the Assembly and the new body about just what the key priorities are, going forward for the next few years, as they relate to things like the life chances of young people and to the economy—the two things being very closely linked. We do not really have a forum for discussing that level of prioritisation at the moment. I could make a speech that called upon awarding bodies to raise their game in a particular area—digital literacy or whatever—and that is fine, but if we are going to have a qualifications landscape that inspires much greater confidence, particularly in terms of what employers are seeking, then we need a more structured conversation that goes on every day in terms of that development. I would not like to say at present what a successor of mine would regard as a priority in 2025, or what the Assembly might regard as a priority in 2025, but what we will set up here is the framework for that conversation to be had in a structured way and the capacity to be able to deliver on the joint decisions that are made.

[75] **Suzy Davies:** Okay; thank you.

[76] **Ann Jones:** Bethan, shall we come to your questions on restricting qualifications?

[77] **Bethan Jenkins:** Rwyf jest eisiau gofyn cwestiwn ynglŷn â pham yr ydych am ddod â'r farchnad sydd â mwy nag un darparwr i ben i rai cymwysterau ond nid i eraill, a sut fydd hyn yn effeithio ar gymwysterau cyffredinol academiaidd a chymwysterau galwedigaethol. Mae'r memorandwm yn awgrymu ei fod yn fwy tebygol y byddech chi eisiau cyfyngu ar yr elfen academiaidd yn hytrach na'r elfen alwedigaethol. Ydy hynny'n gywir neu a yw

Bethan Jenkins: I just wanted to ask a question about why you want to bring the multiprovider market to an end for some qualifications but not for others, and how this will affect general academic and vocational qualifications. From the memorandum there is a suggestion that it more likely that you would wish to restrict the academic element rather than the vocational element. Is that correct or not?

hynny'n anghywir?

[78] **Huw Lewis:** No, not really; I do not think it is. There is no confining here of this element of activity to either general qualifications or vocational qualifications. In fact, I think I have mentioned a couple of times already, an early candidate for restriction would be the IVET landscape, for those younger vocational learners in Wales. So, that kind of distinction, I do not think that it is fair to describe it in that way. What matters here, of course, is what is of benefit to the learner at the end of the day, rather than us making artificial distinctions between the academic and the vocational.

[79] **Bethan Jenkins:** Diolch. Un diffyg y mae'r Bil yn ceisio'i oresgyn yw nad oes pŵer i ddewis un darparwr yn unig yng nghyswllt cymhwyster penodol. Os yw hynny'n wir, sut oedd hi'n bosibl i chi ddewis CBAC fel unig ddarparwr y TGAU a'r Safon Uwch newydd sy'n cael eu diwygio o fis Medi 2015?

Bethan Jenkins: Thank you. One of the limitations that the Bill seeks to overcome is that there are no powers to select a single provider of a given qualification. If that is correct, how was it possible for you to choose WJEC as the sole provider of the new and revised GCSE and A-levels that are amended from September 2015 onwards?

[80] **Huw Lewis:** This again is about empowering the consumer, really, as opposed to the supplier. Under the present set-up and the existing legislation there is no mechanism for a single provider to be called upon. If multiple providers came forward, in order to move forward they would have to collaborate to get the end result. What we have seen, for instance, in terms of the move towards the single specification for GCSEs and A-levels, is that a lot of providers or awarding bodies have stepped back because the demand was there for them to collaborate in order to make that stuff happen. Now, that is not very attractive for some awarding bodies, particularly those that are England based. There is a very large market in England and a very small market in Wales. Essentially, what you would be asking them to do is to collaborate with WJEC and/or others for a small proportion of a small proportion of their business. Their response to that was, 'Sorry, but that's not worth our while'. So, you are left effectively with a default position of WJEC being the only player in town.

09:45

[81] What the new system will allow is a more attractive proposition for all awarding bodies because they can all step up and compete equally for the business. So, essentially, although 'collaboration' is a word that I normally use in a very positive sense, in this landscape, demand for collaboration can lead to a restriction of possibilities when it comes to the awarding bodies that might be successful. Of course, usual rules would apply about ensuring fairness and consistency in terms of the choices that will be made.

[82] **Bethan Jenkins:** Sori, jest i gadarnhau, felly, nid yw oherwydd bod CBAC wedi cael ei ddewis ar gyfer y TGAU newydd, mae oherwydd mai CBAC yw'r unig un sy'n ffitio'r criteria ar hyn o bryd, ac mae'r cyrff eraill wedi gweithio gyda CBAC neu wedi dewis peidio â dod gerbron i gynnig unrhyw fath o wasanaethau. Rwyf jest am gadarnhau hynny.

Bethan Jenkins: Sorry, just to confirm, therefore, it is not because WJEC has been chosen for the new GCSE, it is because WJEC is the only one that fits the criteria at present, and the other bodies have worked with it or have chosen not to come forward to offer any services. I just want to confirm that.

[83] **Huw Lewis:** Yes, they have stepped away. It is a matter of public record, actually. This is not an anti-collaboration Bill in any way, it does not restrict collaboration in any way, but, when faced with the necessity to collaborate on this particular portion of the market, those mainly English-based awarding bodies chose not to, because they saw that, even if they

were successful, they were going to get only a diminished proportion of a small proportion of the UK market. So, in my view, the new system will give us clarity and will actually open up the system to a greater degree than it is at the moment.

[84] **Bethan Jenkins:** Felly, pan ydych chi'n siarad am gydweithredu, rydych chi'n siarad am gydweithredu cyn bod y broses yn dod gerbron, oherwydd, yn y memorandwm esboniadol, rydych chi'n dweud bod angen rhyw fath o broses gystadleuol hefyd o fewn y system. Rwy'n trio deall sut mae'n gallu bod yn gystadleuol, ym mharagraff 38, a hefyd yn gydweithredol. A ydy'r ddau beth hynny yn gallu mynd gyda'i gilydd?

Bethan Jenkins: So, when you talk about collaboration, you are talking about collaboration before the process occurs, because, in the explanatory memorandum, you say that there needs to be some sort of competitive process as well within the system. I am just trying to understand how it can be competitive, in paragraph 38, and also collaborative. Can those two things co-exist?

[85] **Huw Lewis:** Yes, they can. There are instances in which a very simple competitive tender is the sensible thing to do, but I can envisage that there would be other situations where a collaborative approach would work very well, in the case, for instance, of essential skills qualifications, where awarding bodies collaborate in terms of the moderation of assessment. So, there is nothing in the legislation that restricts or debars collaboration in any way, but this is what the awarding body landscape looks like at the moment, and I would say that there are dangers to the Welsh system, to the Welsh public good, of any kind of set-up that, by default, favours a single provider always being the winner, because you have to ask yourself, 'What happens if you wake up one Monday morning and that provider has collapsed or something untoward has happened?' We have to have a system that allows us the flexibility to pick and choose on behalf of the learner.

[86] **Bethan Jenkins:** Diolch. A allwch chi jest ddweud wrthym ni pa drafodaethau yr ydych wedi eu cael gyda chyrrff dyfarnu ynglŷn â'r model er mwyn dewis un darparwr yn unig i roi cymwysterau, ac a ydyn nhw wedi datgan unrhyw bryderon? Mae'n dweud yn y memorandwm ei fod yn annhebygol y bydd cystadleuaeth o fewn y farchnad cymwysterau yn dioddef, ond sut ydych chi wedi dod i'r casgliad hwnnw fel Llywodraeth?

Bethan Jenkins: Thank you. Could you just tell us what discussions you have had with awarding bodies in relation to the model for selecting a single provider to award qualifications, and whether they have registered any concerns? It states in the memorandum that it is unlikely that there will be a detrimental effect on competition within the qualifications market, but how have you come to that conclusion as a Government?

[87] **Huw Lewis:** I may turn to my colleague in a second, if you want more details of the conversations that have been had, but conversations have been held—all the major awarding bodies and my officials have been in conversation—and the feedback that I have received is that what is being described here in terms of the Bill they find much more attractive option for them, in terms of doing business. Did you want to add to that?

[88] **Ms Taylor:** I need to confirm that, when we met with senior officials in the main awarding bodies, they explained why they had withdrawn from the collaborative option, which was because it would not have been favourable to their business to have to share intellectual property rights and so on with a provider on a single specification. If they had the opportunity, they told us, to compete for a whole qualification or a specific suite of qualifications, then they would have been very interested in doing so and they were very welcoming of, and receptive to, the idea and the proposals that we were developing.

[89] **Bethan Jenkins:** Jest un cwestiwn olaf, felly: pa sicrwydd gallwch chi roi i ni,

Bethan Jenkins: Just a final question, then: what assurances can you offer us, should a

os bod un corff yn anhapus â phenderfyniad, o ran sut yr ydych chi'n mynd ati i drafod hynny ag ef? Yn amlwg, mae'n gallu cael adolygiad barnwrol, ond a oes proses cyn hynny er mwyn peidio â gorfod cyrraedd y pwynt hwnnw, fel y bydd y broses yn un agored a thryloyw? Er enghraifft, rydych chi wedi cael trafodaethau nawr eu bod nhw wedi tynnu yn ôl, ond a yw'n mynd i fod mor hawdd â hynny yn y dyfodol pan fydd y broses yn newid?

single body be dissatisfied with the decision, with regard to how you will go about discussing that with it? Obviously, it can have a judicial review, but is there a process before that so that you do not have to reach that point, so that the process is open and transparent? For example, you have had discussions now that they have withdrawn, but is it going to be that easy in future if the process changes, if they are not content with a conclusion?

[90] **Huw Lewis:** Okay, right. I understand. You mean in terms of dispute/complaint disagreement.

[91] **Bethan Jenkins:** Yes.

[92] **Huw Lewis:** Well, it would not be dissimilar to the way that other independent public bodies would be expected to operate. There would have to be schemes published by Qualifications Wales that it would have to follow. So, the way in which Qualifications Wales does its business would be publicly known and it could be held to account in terms of that. It would have a complaints procedure, which will be published in advance and which it would have to follow. My understanding is also that there would be, within that complaints procedure, the ability to refer to an independent arbitrator. Then, of course—

[93] **Bethan Jenkins:** [*Inaudible.*]—detail, not from what I see—[*Inaudible.*]

[94] **Huw Lewis:** Right. This would be part of the complaints procedure that Qualifications Wales would have to publish. You know, that would be something that it would have to do—and, of course, we would have oversight of that. Then, of course, if that did not work, there is the public services ombudsman and, as you say, if all else fails, judicial review. So, it is no different, really, in terms of public service delivery, from other independent publicly sponsored organisations.

[95] **Ann Jones:** Aled, you had a point that you wanted to raise.

[96] **Aled Roberts:** Jest i fod yn glir am y sefyllfa, mae grymoedd ychwanegol yr ydych yn eu cyflwyno yn y Bil hwn. Rwy'n derbyn yr hyn yr ydych yn ei ddweud ynglŷn â TGAU, sef y ffaith bod y darparwyr eu hunain wedi penderfynu nad ydynt am gydweithio o achos y rhesymau y mae eich swyddogion chi wedi eu hawgrymu, ond, ynglŷn â'r fagloriaeth, nid oedd penderfyniad gan y Llywodraeth ar y pryd mai CBAC yn unig a fyddai'n darparu'r fagloriaeth. Felly, pam y mae'n rhaid inni gael grymoedd ychwanegol yn y Bil hwn os ydych wedi ei wneud o'r blaen? Ynteu a ydw i'n anghywir am yr hyn a ddigwyddodd ynglŷn â'r fagloriaeth?

Aled Roberts: Just to clarify the situation, there are additional powers that you present in this Bill. I accept what you have said in terms of GCSE, namely that the providers themselves have decided that they do not want to collaborate, because of the reasons that your officials have suggested, but, in terms of the baccalaureate, was there not a decision by the Government at the time that WJEC would be the only one providing this? So, why do we have to have additional powers in this Bill if you have done it before? Or am I incorrect about what happened in terms of the baccalaureate?

[97] **Huw Lewis:** I did not do it. So, if we are going back a bit, I will ask Cassy Taylor to respond.

[98] **Ms Taylor:** Yes, it is going back a bit, and I understand—I was not around at the time of the original Welsh bacca-laureate’s being developed—that there was an offer of competition to bodies to provide that, and there was the selection of WJEC at that process, but that was in a different way of developing the work, and more of it was done by the Welsh Government than would be done under the current arrangements.

[99] **Aled Roberts:** So, there was a competitive process, then. It was not the case that one provider was identified and given, basically, the job. That is what we are told here; that we need legislative powers to do that.

[100] **Ann Jones:** Shall we have a note?

[101] **Ms Taylor:** Yes. I think that we will—

[102] **Ann Jones:** Can you provide us with a note, rather than trying to search back in your mind and to bring it to the fore? If we have a note on that, it will perhaps help us with further scrutiny of other people as well. Is that all right?

[103] **Huw Lewis:** Of course, Chair.

[104] **Ann Jones:** Angela, you have questions on financial and human resource implications.

[105] **Angela Burns:** Yes. Well, in fact, I have just two quick questions, Chair, because I found the answer to quite a few of my financial questions in the cost analysis, which is actually relatively detailed for a Welsh Government Bill—well done, Minister. *[Laughter.]*

[106] **Huw Lewis:** We aim to please.

[107] **Angela Burns:** I will say that the person who put under the funding assumptions:

[108] ‘There will be no large-scale crises.’

[109] was being very cheery, given the GCSE English regrading scandal of only a couple of years ago. One of the questions that I am sure you will answer immediately is: if you did not do this, there would be another £15 million to £16 million in the education budget, so are you satisfied that this is a policy priority that dwarfs other policy priorities that I know you have, given the tighter financial times?

[110] **Huw Lewis:** Yes, well, I would not be here had I not made that judgment. It is quite a commitment, I think, in times like these to come to you here and say, ‘Well, look, what we need is a more expensive system’—and it is more expensive. It is more expensive in terms of the people that are required, the size of the organisation, and so on. However, if we are to grapple with a qualifications landscape out there that, essentially, is not able to be shaped in any systematic sense by any person or body with the interests of the Welsh learner at the centre of their concerns, which is what we have at present—. I have the Welsh learner at the centre of my concerns, but my ability to mould the qualifications landscape, develop it for the future, prioritise within it according to what our economy needs, and so on, to have the debate with the public and with providers about what we should be doing over the next five to 10 years, that ability on my part is extremely limited, because we are always dependent on what awarding bodies will throw up for suggestion in terms of qualifications. What we have, as a result of all of that, is a hugely complicated landscape, with 11,000 plus qualifications on offer, which is, essentially, the wood that we cannot see for the trees. What Qualifications Wales does give us the opportunity for within Wales, uniquely for us, actually—well,

Scotland has its own way, but I believe that it would certainly give us the edge over the situation in England, because it gives us an ability to mould and steer the ship. Sorry, you do not mould a ship, but you know what I mean. [*Laughter.*] You steer the ship.

[111] **Angela Burns:** Turning to my final question, then, you have talked a couple of times today about the fact that, eventually, you would like to see Qualifications Wales take on the awarding role. What impact assessment have you and your colleagues done on both current awarding bodies that may not get the opportunity to award—your colleague spoke earlier about some stepping back through choice, but there will be others who will want to come forward and will not be able to be taken on. In the three to four-year scenario you are talking about, what impact would that have on WJEC, as it is one of the primary awarders?

[112] **Huw Lewis:** It is an interesting question, Chair. That step is not part of this legislation. I am happy to let you know my mind, but this legislation does not take us into that stage of development. My own view, and it is a political viewpoint, is that I cannot see, given the way in which devolution is unfolding, that there would be anything but further distinctiveness added to the Welsh way of doing things and, once we have our curriculum, particularly the school curriculum, that will set us on a course that would be much more similar, for instance, to the way in which Scotland has done business in education for the last 150 years. Wales will begin along a similar course of distinctiveness, I think. That will demand that we are self-sufficient in all things, in terms of the curriculum, but also in terms of qualification design, qualification quality control and the responsibility to make sure that qualifications are comparable and passportable anywhere in the world. If you are going to have that, you need to have a system that is bulletproof.

10:00

[113] My worry about the current system, projected 10 years into the future, is that the Welsh Government could conceivably find itself in a place where overdependence on a single awarding body could lead to instability. The awarding body could trip or fall over. All sorts of things within organisations can go wrong. Unless we have an SQA-type set-up in Wales, we could be in a situation where things become unstable. We are not there yet. In fact, this legislation will enable a broader landscape of awarding bodies to compete for business in Wales at a much more level playing field than we have at the moment. Conceivably, I could be proved wrong. One of the reasons that I have asked for Qualifications Wales to advise me, as we move along, about whether we should shift in this direction, how soon we should consider it and so on is that I think that it is very important that, as that organisation builds expertise, it has input into that debate. The Scots are not daft. They set up an SQA because it suited their system. They have their own curriculum and their own qualifications. They have to shift for themselves. Relying on any awarding body, wherever it is based, as an indispensable part of your system is potentially a risk.

[114] **Ann Jones:** I call Aled very briefly.

[115] **Aled Roberts:** I ategu hynny, soniodd Angela Burns bod costau ychwanegol o rhyw £15 miliwn. Cadarnhawyd gennych yn ystod y ddadl yn y Senedd bod y Cabinet wedi cytuno ar y costau ychwanegol hynny. A yw hwn yn arian ychwanegol a fydd yn dod i gyllideb yr adran addysg, ynteu a fydd yn rhaid ichi nodi pa gyllidebau o fewn eich cyllideb bresennol sydd yn cael eu trosglwyddo er mwyn ariannu'r corff hwn? A ydych wedi gwneud y

Aled Roberts: To endorse that, Angela Burns mentioned that there were additional costs of around £15 million. You confirmed during the debate in the Senedd that the Cabinet had agreed on those additional costs. Is this additional funding that will come into the education department's budget, or will you have to note which budgets within your current budget are being transferred to fund this body? Have you made those allocations already if that is the case?

nodi hwnnw yn barod, os dyna'r achos?

[116] **Huw Lewis:** Yes, allocations are made. This is part of the two-year budget deal going forward—negotiated, Aled, with your kind selves in the Welsh Liberal Democrats. That money is already set aside and will be made available. I am in no doubt that we could have endless arguments about where that money comes from. It is part of a very complicated budgetary negotiation that has been ongoing for some months. If you wanted more detail in terms of—

[117] **Aled Roberts:** So, is it additional money to the education budget, or is it money that will have to be found from within the agreed education budget?

[118] **Huw Lewis:** Within the agreed education budget. I do not have access to an additional resource.

[119] **Ann Jones:** That is one that we will probably hold and ask people about. Does anyone else have a question? No. Minister, I thank you very much for setting the scene for that.

[120] **Huw Lewis:** You are welcome.

[121] **Ann Jones:** As you know, we will carry on with our scrutiny of the legislation after the Christmas recess. We will send you a copy of the transcript to check for accuracy before we publish it. So, perhaps you could just have a look at that at some point and let us know. We also have a note to come from you.

[122] **Huw Lewis:** Yes.

[123] **Ann Jones:** Perhaps you can let us have that note. I suppose that that just leaves it for me to say: have a happy Christmas.

[124] **Huw Lewis:** Thank you, Chair. I appreciate it very much.

[125] **Ann Jones:** I hope that everyone can rest over the Christmas period so that we can return to this.

[126] **Huw Lewis:** Is this chocolate intended for me? I do not know whether you are having another guest here this morning.

[127] **Ann Jones:** No, it is yours.

[128] **Huw Lewis:** I can take it. Right.

[129] **Ann Jones:** Yes. It is your Christmas present from the committee.

[130] **Huw Lewis:** It is not a single transferable Santa.

[131] **Ann Jones:** As you are almost part of the committee, and you have been here so many times, we have included you in the little Christmas—

[132] **Huw Lewis:** [*Inaudible.*]

[133] **Ann Jones:** Okay. That was the only public item on the agenda.

10:04

**Cynnig o dan Reol Sefydlog 17.42 i Benderfynu Gwahardd y Cyhoedd o'r
Cyfarfod**
**Motion under Standing Order 17.42 to Resolve to Exclude the Public from the
Meeting**

[134] **Ann Jones:** I move that

the committee resolves to exclude the public from the remainder of the meeting in accordance with Standing Order 17.42(vi).

[135] I see that the committee is in agreement.

*Derbyniwyd y cynnig.
Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 10:04.
The public part of the meeting ended at 10:04.*