



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

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

Dydd Mercher, 14 Ionawr 2015
Wednesday, 14 January 2015

Cynnwys **Contents**

Cyflwyniadau, Ymddiheuriadau a Dirprwyon
Introductions, Apologies and Substitutions

Bil Cymwysterau Cymru—Sesiwn Dystiolaeth 2
The Qualifications Wales Bill—Evidence Session 2

Bil Cymwysterau Cymru—Sesiwn Dystiolaeth 3
The Qualifications Wales Bill—Evidence Session 3

Papurau i'w Nodi
Papers to Note

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 hyn yn yr iaith y llefarwyd hwy ynndi yn y pwyllgor. Yn ogystal,
cynhwysir trawsgrifiad o'r cyfieithu ar y pryd.

These 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
Keith Davies	Llafur Labour
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

Dr Chris Howard	Cyfarwyddwr Dros Dro, Cymdeithas Genedlaethol y Prifathrawon yng Nghymru Acting Director, National Association of Head Teachers in Wales
Robin Hughes	Ysgrifennydd, Cymdeithas Arweinwyr Colegau ac Ysgolion Cymru Secretary, Association of School and College Lecturers Cymru
Gareth Pierce	Prif Weithredwr, CBAC Chief Executive, WJEC

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

Sarah Bartlett	Dirprwy Glerc Deputy Clerk
Michael Dauncey	Gwasanaeth Ymchwil Research Service
Stephen Davies	Cynghorydd Cyfreithiol Legal Adviser
Gareth Rogers	Clerc Clerk

Dechreuodd y cyfarfod am 09:31.
The meeting began at 09:31.

Cyflwyniadau, Ymddiheuriadau a Dirprwyon
Introductions, Apologies and Substitutions

[1] **Ann Jones:** Okay. Well, good morning, everybody. Happy new year to you all, for the first meeting of the new year of the Children, Young People and Education Committee.

We've got no apologies; we have a full committee. I'm delighted to see Keith back with us—it's nice to have you back with us, Keith. Do Members need to declare any interests that we haven't already declared on the register of interests regarding the items that we're looking at? No? That's great. Thank you very much.

09:32

Bil Cymwysterau Cymru—Sesiwn Dystiolaeth 2 **The Qualifications Wales Bill—Evidence Session 2**

[2] **Ann Jones:** We'll move on, then, to our main items, which are to take our evidence on the Qualifications Wales Bill, and our first session this morning is with the WJEC. We are delighted to have Gareth Pierce with us. Gareth, because it's legislation, I wonder whether I could ask you just to introduce yourself for the record, and then—we've had a paper from you, thank you very much—we'll go straight into some questions, if that's okay.

[3] **Mr Pierce:** Ie. Gareth Pierce, prif weithredwr CBAC. **Mr Pierce:** Yes. Gareth Pierce, chief executive of the WJEC.

[4] Chief executive, WJEC.

[5] **Ann Jones:** Thank you very much for that. As I say, we've got a set of questions around limitations of the current system and Qualification Wales's principal aims, the independence of the new body and the relationship with awarding bodies, prioritising and restricting qualifications, a more strategic qualification system, and financial and commercial issues, and then perhaps any other comments if we haven't run out of time by then and we get that far. Those are the broad themes that we're going to be discussing. So, Bethan, do you want to start with the first set of questions?

[6] **Bethan Jenkins:** Mae'r cwestiwn cyntaf ynglŷn â'r cyfyngiadau hynny, ac felly, rwyf jyst eisiau deall a ydych yn cytuno â'r cyfyngiadau sydd wedi cael eu nodi gan Lywodraeth Cymru, ac a fydddech chi'n cael unrhyw fath o ychwanegiadau. Er enghraifft, yn y sesiwn diwethaf, gwnes i ofyn ynglŷn â—. Wel, y ffaith yw mai, yn y diwedd, dim ond CBAC a fyddai'n gallu rhoi rhyw fath o waith at ei gilydd er mwyn rhoi hynny i'r myfyrwyr. A ydych yn credu bod yna gyfyngiadau eraill, neu a ydych yn hapus â'r diffiniadau gan y Llywodraeth? **Bethan Jenkins:** My first question is on those main limitations. I just wanted to understand whether you concur with the limitations that have been remarked upon by the Welsh Government, and whether you would have any additions to those. For example, in the previous session, I asked a question on the fact that, ultimately, only the WJEC would be able to actually provide that for students. So, I was wondering whether you think there are other limitations, or are you happy with the definitions provided by Government?

[7] **Mr Pierce:** Mae CBAC yn cydnabod y pedwar cyfyngiad sydd ym mharagraff 49 o'r memorandwm. Maen nhw'n rhai sydd, i raddau, wedi ymddangos yn ddiweddar, a hefyd, i raddau, mae Llywodraeth Cymru wedi ffeindio ffordd rownd rhai ohonyn nhw. Er enghraifft, mae yna flaenoriaethu yn digwydd, i raddau, gyda rhai cymwysterau. Mae yna, i raddau, broses o ganfod un darparwr—CBAC yw'r unig ddarparwr i rai pethau, fel ych chi'n gwybod. Cyfyngiad **Mr Pierce:** The WJEC acknowledges the four limitations that are found in paragraph 49 of the memorandum. They have, to some degree, been ones that have appeared recently. Also, to some extent, the Welsh Government has found ways around some of them. For example, prioritisation does take place, to some extent, with some qualifications and, to some extent, there is a process of finding one provider. The WJEC is the sole provider for some things, as you

arall, wrth gwrs, yw annibyniaeth, ac efallai y byddwn yn trafod hynny yn nes ymlaen. O ran cael un darparwr, mae hynny'n tueddu i ddigwydd oherwydd proses—naill ai proses gan Lywodraeth Cymru neu, yn nes ymlaen, gan Gymwysterau Cymru. Hynny yw, maen nhw'n fwriadus eisiau cael un darparwr, a, chyn belled ag y bo'r broses yn deg ac yn dryloyw, rŷm ni'n credu bod hynny'n iawn. Y ffordd arall y mae un darparwr yn digwydd yw pan na fydd y farchnad yn darparu mwy nag un—hynny yw, nid oes yna fwy nag un corff dyfarnu sydd â diddordeb, neu sy'n gweld y ddarpariaeth yn hyfyw. Rwy'n meddwl bod yn rhaid derbyn hynny hefyd. Felly, mae yna ddau lwybr, mewn ffordd, lle gall un darparwr ymddangos, ac rwy'n credu bod modd i'r ddau yna fod yn ddigon dilys.

[8] **Bethan Jenkins:** Ond, roeddech chi'n dweud jest nawr, 'I raddau, mae'r Llywodraeth yn gwneud hwn', 'I raddau, mae'r Llywodraeth yn gallu'.

[9] **Mr Pierce:** Ie.

[10] **Bethan Jenkins:** A oes angen, felly, ddeddfwriaeth i ymdrin â hyn, neu a yw'r systemau sydd yn eu lle er mwyn blaenoriaethu, er mwyn—? Fel yr ydych chi wedi'i ddweud, dim ond un, weithiau, sydd â diddordeb. A ydy hynny'n ddigonol er mwyn i ni fynd trwy'r broses yma o greu corff newydd?

[11] **Mr Pierce:** Rwy'n credu bod eisiau tacluso'r modd y mae hyn yn gallu digwydd. Yn ôl yr hyn rwy'n ei ddeall, mae Llywodraeth Cymru, i raddau, yn gallu—yn gorfod—ffeindio ffordd rownd pethau er mwyn gallu dewis darparwr. Nid yw'r broses yn un gysurus a thryloyw, ac felly rwy'n credu bod yr hyn sydd yn y Bil yn bwysig ar gyfer hynny.

[12] Wrth gwrs, pe bai yna siom nad oedd yna ond un darparwr, mae modd arall ar gael yn y Bil, sef comisiynu. Felly, mae'n bosib comisiynu mwy nag un, pe bai wir angen gwneud hynny. Felly, mae'n siŵr bod posib defnyddio comisiynu i ddod dros y broblem o gael dim ond un darparwr, os ydy hynny'n rhywbeth pwysig i'w wneud.

know. Another restriction, as you know, is independence, and we may discuss that later. In terms of having one provider, that tends to happen because of a process—either a process involving the Welsh Government or, later on, Qualifications Wales. Intentionally, they want to have a single provider, and, as long as that process is fair and transparent, we believe that that is right. The other way in which a single provider emerges is when the market does not provide more than one—when there are not several awarding bodies that have an interest or see that the situation is viable. I think that that must also be accepted. So, there are two routes, in a way, through which only a single provider appears, and I think that both of those can be appropriate.

Bethan Jenkins: But, you have said that the Government does this to some extent now and that it can be done.

Mr Pierce: Yes.

Bethan Jenkins: Do we need legislation to achieve this, or are the systems already in place to prioritise and—? As you've said, there is sometimes only a single provider that has an interest. Is that sufficient or adequate for us to go through this process of creating a new body?

Mr Pierce: I think that there is a need to tidy up the way by which this can take place. According to how I understand things, the Welsh Government has, to some extent, to find a way around things in order to select a provider. It is not a process that is comfortable or transparent, and I think that what is found in the Bill is important in that regard.

Of course, if there was disappointment that there was only a single provider, there is another method in the Bill, which is to commission. So, it's possible to commission more than one, if there was truly a need for that. So, it is possible to use commissioning to overcome the problem of there being only a single provider, if that is something important to be doing.

[13] **Bethan Jenkins:** Ar gyfer y record, a ydych chi'n credu bod y ddau brif nod yn adran 3(1) o'r Bil sy'n cael eu cynnig yn briodol i fynd i'r afael â'r pedair elfen hynny?

Bethan Jenkins: For the record, do you think that the two main aims stipulated in section 3(1) of the Bill are appropriate in tackling those four limitations?

[14] **Mr Pierce:** Ydym. Rwy'n credu, fel amcanion ar y lefel uchaf, fod bodloni gofynion dysgwyr a hybu hyder cyhoeddus—. Rwy'n credu bod y ddau yna, fel dau brif nod, yn briodol.

Mr Pierce: Yes, we do, and I think that, in terms of the aims at a high level, meeting the requirements of learners and promoting public confidence are, as two principal aims, appropriate.

[15] **Bethan Jenkins:** Ocê. Y cwestiwn olaf gen i: o ran eich barn chi ar yr wyth mater yn adran 3(2) o'r Bil, rydych chi'n awgrymu mater ychwanegol sy'n ymwneud ag anghenion dysgwyr. A allwch chi ehangu ar pam rydych chi'n credu bod hynny'n bwysig, ac a oes unrhyw beth arall wedi dod i'ch meddwl chi ers i chi roi'r dystiolaeth hynny gerbron?

Bethan Jenkins: Okay. And the final question from me: in terms of your opinion on the eight matters stipulated in section 3(2) of the Bill, you suggest an additional matter related to the needs of learners. Can you actually expand upon why you think that's important, and whether anything else has actually come to your attention since you provided your evidence?

[16] **Mr Pierce:** Rwy'n cydnabod, wrth gwrs, fod bodloni gofynion dysgwyr yn 3(1) ar lefel uchel. Efallai'r cwestiwn yw a ddylai agweddau ar hynny hefyd ymddangos ar lefel fwy manwl yn 3(2). Efallai'r ddwy agwedd sy'n dod i'r meddwl yw, yn gyntaf, darparu amrediad digon eang o gymwysterau cyffredinol a galwedigaethol ar gyfer dysgwyr—rwy'n meddwl bod hynny'n ddatblygiad mwy manwl, efallai, o rywbeth cyffredinol ynglŷn ag anghenion dysgwyr. A'r pwynt arall, efallai, yw a ddylai fod rhywbeth penodol yno er mwyn hyrwyddo dilyniant—sef *progression*—ar gyfer dysgwyr. Tybed a oes yna le—. Yn hytrach na chael wyth o bethau sydd, er yn anuniongyrchol, yn cysylltu yn ôl i'r dysgwr, a ddylai fod yna ddau beth, efallai, sy'n benodol ynglŷn â dysgwyr, fel bod y rhain yn cael digon o sylw, sef ehangder y ddarpariaeth a hefyd fod y ddarpariaeth yn darparu dilyniant.

Mr Pierce: I acknowledge, of course, that meeting the needs of learners is in section 3(1) at a high level. The question, perhaps, is whether some aspects of that should appear in greater detail in section 3(2). Two things that perhaps come to mind are, first, providing a wide enough range of general and vocational qualifications for learners—I think that that is a more detailed development, perhaps, of something general about the needs of learners. The other point, perhaps, is whether there should be something specific there in order to promote progression for learners. I wonder whether it is possible—. Rather than having eight matters, which may indirectly link back to the learners, perhaps there should be two matters that are specifically to do with the learner so that they get enough attention, namely the breadth of the provision and also that the provision provides progression.

[17] **Bethan Jenkins:** Jest i orffen, felly, ar ôl rhoi cyfraith gerbron fy hun, mae'n bwysig cael y manylion. Felly, os nad ydych chi'n cael yr elfen alwedigaethol—y *progression*, fel yr ydych chi'n ei ddweud—ar gyfer myfyrwyr, a ydy hynny'n meddwl, yn eich barn chi, na fyddai hynny, oherwydd na fyddai ar wyneb y Bil, yn cael yr un fath o flaenoriaeth? A oes angen sicrhau bod hynny mewn cyfraith yn glir fel bod y Llywodraeth

Bethan Jenkins: Well, having brought legislation forward myself, it's important, I know, to get the details right. So, if you don't have the vocational element and the progression element for students, does that mean, to your mind, that, because that wouldn't be on the face of the Bill, it wouldn't be given the same kind of priority? Do we need to ensure that that is clearly set out in legislation so that the Government will

yn mynd i wneud hynny'n brif elfen o'r hyn y maen nhw'n ei wneud? Dyna'r hyn a fyddai o ddiddordeb i fi ei glywed.

actually make that a chief element of their activities? That's what I'd be interested to hear.

[18] **Mr Pierce:** Ie, ac rwy'n credu mai ein barn ni yn CBAC fyddai bod y ddau beth yna yn haeddu bod ochr yn ochr â'r wyth arall. Rwy'n gwybod mai mater dadleuol yw beth sydd eisiau bod yn y Bil, efallai, ond rwy'n meddwl y bydd hynny'n cadarnhau pwysigrwydd yr agweddau hynny ac yn rhoi'r dysgwyr, yn dryloyw, yn 3(2) hefyd.

Mr Pierce: Yes, and I think that our opinion in the WJEC would be that those two things deserve to be alongside those eight matters. I know that the issue of what needs to be in the Bill is contentious, but I think that that would be something that would strengthen matters by putting the learner, transparently, in 3(2) as well.

[19] **Bethan Jenkins:** Ocê, diolch.

Bethan Jenkins: Okay, thank you.

[20] **Ann Jones:** On this, before you move on to yours? Okay.

[21] **Keith Davies:** Yes.

[22] **Ann Jones:** Okay.

[23] **Keith Davies:** A allaf i ddilyn lan ar beth roeddech chi'n ei ddweud am yr un darparwr? Fe ddywedoch chi yn yr ateb i Bethan, wrth gwrs, y gallwch chi gomisiynu. Mae yna ddau beth yn bwysig fanna. Os taw dim ond nifer bach o blant sydd eisiau dilyn rhyw gwrs—a gwelon ni yn yr Alban, gyda'r corff yn yr Alban, eu bod nhw yn comisiynu. Ond, yr ail beth, wrth gwrs—ac nid wy'n gwybod beth yw'r sefyllfa bresennol nawr—yw: dywedwch taw darparwr o'r tu allan i Gymru sy'n cynnig rhywbeth a bod yr ysgolion Cymraeg yng Nghymru eisiau ei ddilyn e. A oes modd y byddan nhw'n gallu ei ddarparu trwy gyfrwng y Gymraeg? Sut byddai hynny'n digwydd? Sut mae'n digwydd nawr, a sut ydych chi'n ei weld e'n mynd i ddigwydd, efallai?

Keith Davies: If I could return to your point on the single provider, you said in response to Bethan that you can commission. There are two important issues there. If there is a very small number of pupils who actually want to study a particular course—and we saw in Scotland, with the body there, that they do actually commission. But, the second issue—and I'm not sure what the situation is at present in Wales—is: let's say that you had a provider from outwith Wales making provision and that Welsh-medium schools in Wales wanted to study that particular course. Is there any way in which they would be able to make that provision available in Welsh? How would that actually work? How does it work now, and how do you see it working in future?

[24] **Mr Pierce:** Mae modd iddo fe ddigwydd. Pan fydd e'n digwydd, mae'n dibynnu ar gefnogaeth ariannol, rwy'n credu. Lle mae eisiau darpariaeth ddwyieithog, egwyddor y Llywodraeth ar hyn o bryd yw cydnabod costau ychwanegol o ddarparu'n ddwyieithog, ac mae'r gefnogaeth yna ar gael ar hyn o bryd, ond nid wy'n credu bod y Mesur yn rhoi'r gallu i orfodi trwy gomisiynu. Mae'n bosibl comisiynu, ond mae'n rhaid bod yna rywun yn fodlon cael ei gomisiynu, hefyd. Felly, rwy'n meddwl bod yna wastad yn mynd i fod cwestiwn ynglŷn â sut mae bodloni galw bychan, boed hynny'n alw bychan trwy gyfrwng y Gymraeg neu'r

Mr Pierce: It is possible for that to happen, and when it does happen, it depends on financial support, I think. Where bilingual support is needed, the Welsh Government's principle currently is to acknowledge the additional cost involved in bilingual provision, and that support is available at present, but I don't think that the Bill enables enforcement through commissioning. It's possible to commission, but people have to be willing to be commissioned, too. So, I think that there's always going to be a question about how to satisfy the demands of a small number, whether that be demand for Welsh or English-medium provision. There

Saesneg. Nid oes yna bwerau gorfodi. Nid yw comisiynu'n golygu'r gallu i orfodi, nid wy'n credu, nac ydy? Mae'n rhoi'r gwahoddiad i bobl ddod ymlaen i gynnig darpariaeth, ac mae'n rhoi cyfle i'r gwahoddiad gynnwys telerau eithaf ffafriol, efallai, i'r darparwr. Felly, abwyd yw comisiynu, mewn ffordd, rwy'n credu, onid yw e, nid gorfodaeth?

are no enforcement powers. Commissioning doesn't mean that you have the ability to enforce, I don't think, does it? It invites people to come forward and offer provision, and it provides an opportunity for that invitation to offer quite favourable terms, perhaps, for the provider. So, commissioning is bait, in a way, I think, isn't it, not enforcement?

[25] **Ann Jones:** Do you want to move on, then, to independence, and then I'll bring Angela in?

[26] **Keith Davies:** A ydy'r trefniadau yn y Bil nawr yn mynd i sicrhau bod y corff newydd yn mynd i fod yn annibynnol ar y Llywodraeth? Beth yw'ch barn chi am hynny, ar y ffordd y maen nhw'n mynd i benodi'r bobl, a phwy fydd yn cael ei benodi?

Keith Davies: Do the arrangements set out in the Bill as it stands actually ensure that the new body will be independent of Government? What is your view on that, on the way in which they're going to appoint people, and who will be appointed?

[27] **Mr Pierce:** Mae yna wahanol ffurfiau ar annibyniaeth, wrth gwrs—efallai rhai yn bosibl yn y sefyllfa yma, ac efallai rhai nad ydynt yn bosibl. Rwy'n credu yn y pen draw, beth bynnag yw'r ffurf ar annibyniaeth sy'n bodoli, y peth pwysig iawn yw ei bod hi'n cael ei pharchu gan Lywodraeth Cymru. Rwy'n credu ei bod hi'n bwysig iawn bod Cymwysterau Cymru yn mynd i adrodd i'r Senedd, a bydd hynny wedyn yn rhoi cyfle i'r Senedd yn ei dro i archwilio i ba raddau y mae'r annibyniaeth yna'n cael ei pharchu.

Mr Pierce: There are different forms of independence, of course—perhaps some will be possible in this situation while others may not. I think that, at the end of the day, whatever form of independence there is, the vital thing is that it is respected by the Welsh Government. I believe that it's very important that Qualifications Wales reports to the Senedd, and that, in turn, will provide the Senedd with the ability to examine to what extent that independence is being respected.

[28] Rwy'n meddwl mai un perygl, efallai, yn y pethau fel y maen nhw yw i ba raddau y mae'r annibyniaeth yna yn cael ei chyfaddawdu os yw Cymwysterau Cymru yn gorfod gweithredu i ryw raddau fel adran polisi. Nid wy'n hollol glir bod yna ddiffiniad eglur hyd yma o ba waith polisi sy'n aros yn Llywodraeth Cymru, gyda'r capasiti i weithredu hynny—ac rwy'n sôn fanna am bethau lefel uchel, polisi lefel uchel ynglŷn â chymwysterau, a chysylltiad cymwysterau â'r cwricwlwm, efallai, yn rhan o hynny. Mae hynny'n agwedd ar annibyniaeth, rwy'n credu, sydd eisiau ei ddiogelu. Os yw Cymwysterau Cymru fel corff yn cael ei drin, at rai pwrpasau, fel tîm polisi, yna mae yna berygl i annibyniaeth.

I think that one possible risk in the situation as it stands is the extent to which that independence is compromised if Qualifications Wales has to operate as some kind of policy division. I'm not entirely clear that there's a clear definition yet as to which policy work will remain with the Welsh Government, which has the capacity to implement it—and I'm talking there about high-level matters, so high-level policy to do with qualifications, and the link between qualifications and the curriculum, perhaps, as part of that. That's an aspect of independence that needs to be safeguarded, I think. If Qualifications Wales as an organisation is to be treated, to all intents, as a policy team, then there's a risk to independence.

[29] O ran penodiadau, yn naturiol, mae dechrau gyda'r penodiad cyntaf wedi gorfod

In terms of appointments, naturally, starting with the first appointment has had to take

digwydd trwy drefn benodol, ond rwy'n ymwybodol iawn—er enghraifft, o sylwadau cymharol ddiweddar Keith Towler, fel y comisiynydd plant—fod yna fodd i bethau fel hynny fod yn fwy annibynnol hefyd, wrth symud ymlaen.

place following a set procedure, but I'm very aware—from the fairly recent comments of Keith Towler, the children's commissioner—that there's a way for those matters to be more independent as well, we move forward.

[30] **Ann Jones:** We'll go to Angela first, and then I'll come back to you, Keith.

[31] **Angela Burns:** I'd just like to drill down on this a bit, if I may, Gareth, because all the witnesses who've come before us today raised this as a key issue, and I'd just like to understand really well what element of that independence—or compromising of the independence—you are concerned about. We accept, surely, that it is the right of the Government to decide their priority areas, decide the direction of travel for examinations, and set a new exam system, and of course we've got a lot of bodies, such as Estyn, that operate with remit letters that have that element of independence away from the Government. All the witnesses today raised this as a spectre, and I think that there's still a real lack of clarity about what particular element of the Bill engenders that feeling.

[32] **Mr Pierce:** I think perhaps I'm one of your witnesses who's not making this such a major issue, possibly.

[33] **Angela Burns:** But, historically, the WJEC have raised this as an issue.

[34] **Mr Pierce:** Absolutely, and I think the reassuring thing in the Bill is that it's moving us certainly a long way forward from where we are now. As you are aware, as a committee, there have been quite a few important situations in the last few years where the lack of independence has introduced complexities for Government and for Ministers and for the regulatory staff. You know, I think this is a big step forward from that, and I think it just needs care in the use of the independence, particularly its connection back to policy. So, you know, I think it can work, provided it's respected by Welsh Government, and provided the policy work is clearly differentiated, and that some of that is clearly retained in the Government itself. Otherwise, the regulator will have to develop and drive the policy as well as regulating the surround to the policy, and that is where there will be a conflict—in the lack of independence.

09:45

[35] **Keith Davies:** A ydych chi'n gweld y berthynas yn newid—y berthynas sydd gyda chi nawr, rhyngoch chi â'r Llywodraeth—gyda'r corff newydd hyn yn dod i mewn?

Keith Davies: Do you see that relationship changing—the relationship that you currently have with Government—with the establishment of this new body?

[36] **Mr Pierce:** Bydd, rwy'n credu y bydd. Rwy'n credu y bydd yna fwy o ehangder a mwy o ddyfnder i'r berthynas. Rwy'n credu, ar rai materion polisi, fe fydd yna sgwrs tair ffordd—hynny yw, y Llywodraeth, y rheoleiddiwr, a'r corff dyfarnu neu'r cyrff dyfarnu—ar rai materion polisi. Rwy'n credu, yn gysylltiedig â hwnnw, fod yna un pryder. Mae'n digwydd yn adran 29(3): y syniad yma o fersiwn Cymreig o gymhwyster. Wrth gwrs, nid yw

Mr Pierce: Yes, I do believe that it will. I think that there will be more breadth and there will be more depth to the relationship. I think that, on some policy matters, there will be a three-way discussion—that is, the Government, the regulator, and the awarding body or bodies—on some policy matters. Linked to that, I think, there is one concern. It occurs in section 29(3) of the Bill: this idea of a Welsh version of a qualification. Of course, that doesn't exist at present as a

hwnnw'n bodoli ar hyn o bryd fel gofyniad; mae'n bosibl i rai cymwysterau fodoli yng Nghymru fel cymhwyster tair gwlad—neu gymhwyster pedair gwlad, mewn rhai achosion. Rwy'n credu bod yna risg bod ein perthynas ni â Chymwysterau Cymru yn newid mewn ffordd ddiangen os ydy fersiwn Cymreig yn golygu bod rhaid i bopeth gael fersiwn Cymreig. Nid wy'n rhagweld y bydd hynny'n angenrheidiol nac yn effeithlon. Felly, mae yna agwedd ar y berthynas, rwy'n credu, ddylai dal fod yn cynnwys dimensiwn ehangach tair gwlad, neu bedair gwlad. Felly, mae'n rhaid i'r rheoleiddiwr—. Rydym ni, fel cyrff dyfarnu, yn gweithio mewn cymuned o gyrff dyfarnu sydd yn dair a phedair gwlad, ac rwy'n credu bod yn rhaid i'n perthynas ni gyda Chymwysterau Cymru gynnwys y persbectif hwnnw hefyd.

[37] **Keith Davies:** Yn eich papur, rydych chi'n sôn am y berthynas rhwng y corff newydd a'r cyrff dyfarnu, a gallai fod y berthynas yn wahanol rhyngddydd nhw a'r gwahanol gyrff, ac efallai yn annheg rydych yn ei ddweud.

[38] **Mr Pierce:** Ie. Mae ambell i beth lle mae yna bosibiliadau o annhegwch. Mae'n dibynnu sut y mae'r pwerau yma yn cael eu defnyddio, wrth gwrs. Y pryder oedd gennym ni, ynglŷn â hynny'n arbennig, oedd os oes yna wahaniaethu yn y ffordd y mae Cymwysterau Cymru yn trin gwahanol gyrff dyfarnu, ein barn ni yw y dylai hynny fod yn bennaf, neu yn unig, ar y sail bod y cymwysterau rydym yn eu darparu yn wahanol. Reit? Os yw'r cymwysterau rydym yn eu darparu yn wahanol, mae yna resymau gweithredol digonol dros inni gael ein trin yn wahanol, oherwydd bod y cymwysterau'n wahanol, ond unwaith y mae rhesymau eraill yn cael eu defnyddio, yna gall fod yna annhegwch.

[39] Un o'r rhesymau y mae hyn yn bwysig yw am fod bodloni gofynion rheoleiddiwr yn cymryd lot o'n hadnoddau ni fel cyrff dyfarnu. Felly, os oes—

[40] **Keith Davies:** Ie, ond nid yw'n wahanol i'r hyn oedd yn digwydd rhwng ACCAC, Awdurdod Cwricwlwm ac Asesu Cymru, a chi flynyddoedd yn ôl.

requirement; it's possible for some qualifications to exist in Wales as a three-country qualification—or, in some cases, a four-country qualification. I think that there is a risk that our relationship with Qualifications Wales could change unnecessarily if a Welsh version meant that everything had to have a Welsh version. I don't foresee that that will be necessary, or efficient. So, there is an aspect of the relationship that I think should still contain a wider, three-country or four-country dimension. So, the regulator has to—. We, as awarding bodies, work within a community of awarding bodies that are involved in the three countries or the four countries, and I think that our relationship with Qualifications Wales would have to contain that perspective as well.

Keith Davies: In your paper, you also mention the relationship between the new body and the awarding bodies, and you mentioned that the relationship could be different between them and the various bodies, and possibly unfair, you say.

Mr Pierce: Yes. There are some places where there is a possibility of unfairness. It depends on how these powers are used, of course. Our concern about that specifically was that, if there is differentiation in how Qualifications Wales treats different awarding bodies, our opinion is that that should be done primarily, or only, on the grounds that the qualifications that we provide are different. Right? If the qualifications that we provide are different, then there are sufficient operational reasons for us to be treated differently, because the qualifications are different, but once other reasons start being used, then there could be unfairness.

One of the reasons why this is important is that satisfying the requirements of a regulator takes a lot of our resources, as awarding bodies. Therefore, if there is—

Keith Davies: Yes, but it's no different to what happened between you and ACCAC, the Curriculum and Assessment Authority for Wales, some years ago.

[41] **Mr Pierce:** Na, na, ond os yw'r rheoleiddiwr, felly, yn dweud, 'I'r corff arholi hwn, mae bodloni rhai o'r pethau'n ocê, ond i'r corff arholi arall yma, mae bodloni popeth yn angenrheidiol', mae hynny'n dod ag annhegwch, ac mae'n gweithio yn ôl mewn ffordd bwysig iawn i faint o adnoddau rydym yn gorfod eu defnyddio er mwyn bodloni'r rheoleiddiwr. Felly, rwy'n credu bod cadw'r wedd gyfartal i bethau fel hynny yn bwysig iawn, iawn, a dweud y gwir.

[42] **Keith Davies:** A oes gwahaniaeth yn mynd i fod rhyngom ni a Lloegr, mewn ffordd—hynny yw, rhwng Eduqas ac Ofqual yn Lloegr a'r cyrff yng Nghymru a'r corff newydd?

[43] **Mr Pierce:** Rwy'n credu, wrth sefydlu Cymwysterau Cymru, bydd ein perthynas ni â'r rheoleiddiwr yng Nghymru yn dod yn fwy tebyg i'n perthynas ni â'r rheoleiddiwr yn Lloegr, achos bydd yr annibyniaeth yn fwy tebyg—er, mae Ofqual, wrth gwrs, yn fwy annibynnol ar Lywodraeth na fydd Cymwysterau Cymru. Bydd fwy o debygrwydd, rwy'n credu, yn y berthynas. Bydd mwy o gapasiti a mwy o arbenigedd yng Nghymwysterau Cymru i gynnal perthynas debyg. Felly, mae yna lot o ffactorau, rwy'n credu, a fydd yn gwneud pethau'n fwy tebyg i fodel rheoleiddiol Lloegr, mewn ffyrdd boddhaol, gobeithio, ac nid mewn ffyrdd anfodddhaol.

[44] **Keith Davies:** Rydym yn gwella'r sefyllfa; dyna rydych yn ei ddweud.

[45] **Mr Pierce:** Ie.

[46] **Ann Jones:** Okay? Angela, are you—? No. Aled.

[47] **Aled Roberts:** Roeddech yn sôn ei fod yn bwysig i chi bod rhai agweddau ar y berthynas tair gwlad yn cael eu diogelu. Pa agweddau y buasech chi'n rhagweld y bydd hi'n bosibl i barhau â nhw—os ydy hynny'n dderbyniol, wrth gwrs, i'r rheoleiddiwr annibynnol newydd?

[48] **Mr Pierce:** Un ohonyn nhw, sy'n rhywbeth sy'n cael ei gyfeirio ato yn y Bil, yw safonau a chymharu safonau. Mae yna sôn, onid oes, am gymharu safonau â phethau

Mr Pierce: No, no, but if the regulator says, 'For this examining body, meeting some of these requirements is okay, but to another examining body, meeting all of them is essential', that introduces unfairness, and it trickles back in an important way to how many resources we have to deploy to satisfy the regulator. So, I think that keeping things on an equal footing in these matters is vitally important, to tell the truth.

Keith Davies: Will there be a difference between us and England, in a way—that is, between Eduqas and Ofqual in England and the awarding bodies in Wales and the new body?

Mr Pierce: I think that, in establishing Qualifications Wales, our relationship with the regulator in Wales will become more similar to our relationship with the regulator in England, because the independence will be more similar—although Ofqual is, of course, more independent of Government than Qualifications Wales will be. There'll be more similarity in the relationship, I think. There'll be greater capacity and greater expertise in Qualifications Wales to sustain such a relationship. So, I think there are a lot of factors that will make matters more similar to the regulatory model in England, and in satisfactory ways, I hope, and not in unsatisfactory ways.

Keith Davies: We will be improving the situation; that is what you are saying.

Mr Pierce: Yes.

Aled Roberts: You talked about how it is important to you that some aspects of the three countries' relationship should be safeguarded. Which elements do you foresee it being possible to continue with—if that is acceptable, of course, to the new independent regulator?

Mr Pierce: One of them is something that is referred to in the Bill, namely standards and the comparison of standards. There has been talk, hasn't there, of comparing standards

eraill, gan gynnwys pethau y tu allan i Gymru? Mae hynny'n un dimensiwn pwysig iawn, rwy'n credu, lle bydd cydweithredu rhwng rheoleiddwyr a rhwng cyrff dyfarnu yn bwysig. Er mwyn gwneud y math hynny o waith, mae'n rhaid bod yna ewyllys i'w wneud e. Mae'n rhaid bod y rheoleiddwyr yn fodlon rhoi adnoddau i wneud gwaith o'r fath, ac mae'n rhaid bod cyrff arholi yn fodlon rhannu gwybodaeth a thystiolaeth er mwyn gwneud gwaith o'r fath. Mae hwnnw'n un maes.

[49] Y maes arall, rwy'n credu, yw'r hyn yr wyf wedi cyfeirio ato fe fel rhywbeth braidd yn negyddol: y syniad yma bod angen fersiwn Cymreig o bopeth. Rwy'n credu y dylid mynd nôl i edrych ar oblygiadau hynny, oherwydd fe all fod yn creu lot o waith ychwanegol i Gymwysterau Cymru ac i gyrff arholi, a gall hefyd olygu ein bod ni'n colli cyfleoedd i ddefnyddio pethau sy'n ddigon priodol i fodoli ar un ffurf ar draws tair neu bedair gwlad. Mae yna bryder os nad yw hynny'n bosibl—os yw'r Bil yn rhwystro hynny rhag digwydd—galleu ni weld sefyllfa aneffeithlon iawn o ran lot o bethau. Hynny yw, mae'n bwysig peidio cau'r drws ar yr hyn mae darpariaeth tair neu bedair gwlad yn gallu ei gynnig i Gymru, yn enwedig gan fynd yn ôl efallai i rai meysydd lle mae'r galw yn gymharol fach yng Nghymru, ond pan adiwch chi alw Cymru 'plus' Lloegr 'plus' Gogledd Iwerddon at ei gilydd, yna mae yna rywbeth hyfyw yn bodoli. Allaf i ddim gweld bod eisiau gorfodi fersiwn Gymreig ar bopeth o'r math yna, ac felly dylai'r Bil ganiatáu Cymwysterau Cymru i weithredu mewn modd mwy cyffredinol, rwy'n credu-hynny yw, ei bod yn bosib cymeradwyo—*approve*—pethau sydd eisoes yn bodoli heb fod angen i gorfod dyfarnu fynd drwy'r broses lafurus o greu fersiwn Gymreig.

[50] **Aled Roberts:** A ydych chi'n pryderu felly fod yna rannau o'r Bil sydd yn gorfodi y corff newydd yma i greu fersiwn Gymreig yn unig, ac sy'n rhwystro y berthynas ehangach yma?

[51] **Mr Pierce:** Rwy'n credu bod hwnnw'n bosibilrwydd, os ydw i a rhai eraill efallai yn darllen yr adran yna yn gywir, sef adran 29(3). Rwyf wedi dweud yn fy

with other issues, including issues outside Wales? That is one very important dimension, I think, where there will be co-operation between regulators and awarding bodies. In order to do that sort of work, there has to be the will there to do it. The regulators have to be willing to provide resources to do that kind of work, and the examining bodies must be willing to share information and evidence in order to do that kind of work. That is one area.

The other area, I think, is something that I have already referred to as something which is quite negative: this idea that we need a Welsh version of everything. I do think that we should go back to look at the implications of that, because it could create a great deal of additional work for Qualifications Wales and for examining bodies, and it could also mean that we miss opportunities to use things that could appropriately be used on a three or four-nation model. There is a concern that if that is not possible—if the Bill precludes that from happening—we could see great inefficiencies in a number of areas. So, it's important that we don't close the door on what three or four-nation provision could offer us in Wales, particularly returning to certain areas perhaps where demand is relatively low in Wales, but when you add up the demand in Wales plus England plus Northern Ireland and put it all together, then you do have a viable option. I can't see that we need to require a Welsh version of all of those kinds of things, and therefore the Bill should allow Qualifications Wales to work more generally, I think—that is, that things can be approved which already exist without the awarding body going through the laborious process of creating a Welsh version.

Aled Roberts: Are you concerned therefore that there are some parts of the Bill that will force this new body to create a Welsh-only version, which will create a barrier to this wider relationship?

Mr Pierce: I think that's a possibility, if I, and perhaps others, are reading that section correctly, namely section 29(3). I have stated in my written evidence that that appears to be

nhystiolaeth ysgrifenedig bod hwnnw'n ymddangos fel rhywbeth sydd ddim o gymorth. Gall fod yn ddiangen a gall greu lot o waith.

something that is not of assistance. It could be unnecessary and could generate a great deal of work.

[52] **Ann Jones:** Right. I've got various people now, so I don't know—. You seem to have opened up Pandora's box. I've got Bethan, Keith and Suzy, I take it on these points.

[53] **Bethan Jenkins:** Dim ond yn fras ynglŷn â'r elfen Cymreigio—hynny yw, jest i ehangu ar beth yn gymwys yr oeddech chi'n ei ddweud. Yn fy marn i, y rhesymeg dros hyn yw i ddweud bod gan Gymru gymhwyster newydd sydd ar yr un lefel â gwledydd eraill. Er mwyn hynny, os unrhyw beth—egwyddor y peth. Felly, rydych chi'n dweud mai manylion yr elfennau Cymreigio neu jest cael yr elfen hynny yw'r broblem yn hynny o beth, sut i—beth yw'r gair?—'transport-o' fe drosodd, ai e?

Bethan Jenkins: Just briefly on that Welshifying element—that is, just to expand on exactly what you were referring to. In my view, the rationale behind this is to make it clear that Wales has a qualification that is new and that has parity with qualifications in other nations. For the sake of that, if anything—it's the principle of the thing. So, you're saying that it's the detail of those Welsh elements, or is it just having that element that is the problem, and how to transport it across, or make it portable, is it?

[54] **Mr Pierce:** Ie. Rwy'n meddwl bod hynny'n cysylltu â'r pwynt arall. Er fy mod i wedi dweud rhywbeth sydd ag agwedd negyddol, wrth gwrs, yr hyn sydd ag agwedd gadarnhaol iawn yw'r modd yma o flaenoriaethu'r cymwysterau, onid e? Mae yna adrannau sylweddol yn y Bil sy'n sôn am flaenoriaethu cymwysterau, ac un o'r rhesymau dros flaenoriaethu rhai fydd pwysigrwydd y dimensiwn Cymreig a'r persbectif Cymreig a bodloni anghenion Cymru. Felly, mae honno, wrth gwrs, yn wedd wahanol o'r Bil ac mae gwneud y gorau o'r cyfle hwnnw yr un mor bwysig â chadw'n agored y posibilrwydd o ddefnyddio pethau sydd yn bodloni Cymru heb orfod cael eu newid.

Mr Pierce: Yes. I think that that links to the other point. Although I did raise something with a negative aspect, of course, one very positive aspect of this is this means of prioritising qualifications, isn't it? There are substantial parts of the Bill that talk about prioritising qualifications, and one of the reasons for prioritising some will be the importance of the Welsh dimension and the Welsh perspective, and meeting the needs of Wales. So, that is, of course, a different aspect of the Bill and making the most of that opportunity is just as important as keeping open the possibility of using things that meet Welsh needs without having to change those requirements.

[55] **Ann Jones:** Okay. Keith.

[56] **Keith Davies:** Y peth oedd yn mynd drwy fy meddwl i yn fanna, wrth gwrs, rhwng y tair gwlad, oedd lefel A. Mae'r system yn mynd i fod yn wahanol achos mae Gove, neu ta' pwy sydd yna nawr, wedi penderfynu taw ar ddiwedd yr ail flwyddyn y byddan nhw'n eistedd lefel A. A ydy hynny'n mynd i wneud gwahaniaeth i ni yng Nghymru, achos beth sy'n fy mecso i wedyn yw'r ffordd y mae UCAS a'r prifysgolion yn mynd i edrych ar hyn?

Keith Davies: What was going through my mind there, of course, in terms of the three-country approach, was A-level. The system will be different because Gove, or whoever is in post now, has decided that it's at the end of the second year that they'll sit those A-level examinations. Is that going to make any difference to us in Wales, because what concerns me then is the way that UCAS and the universities are going to view this?

[57] **Mr Pierce:** Mae honno'n enghraifft rwy'n credu lle mae Llywodraeth Cymru

Mr Pierce: That's an example I think of where the Welsh Government has already

eisoes wedi gorfod gweithio yn y ffordd sy'n cael ei gadarnhau yn y Bil, sef blaenoriaethu cymwysterau ar gyfer Cymru, model ar gyfer Cymru, cynlluniad ar gyfer Cymru, AS ac A2, felly rwy'n credu bod y Bil, mewn ffordd, yn cadarnhau y bydd dal angen hynny. Mae dal posibilrwydd y bydd angen i Gymru ddyfeisio ei chymwysterau ei hunan, oherwydd bod unrhyw beth sy'n bodoli mewn gwledydd eraill ddim yn ffitio blaenoriaethau Cymru. Felly, rydym ni'n mynd i weld hynny'n digwydd o fewn blwyddyn, fwy neu lai, onid ydym ni? Ym mis Medi eleni, bydd Cymru yn dechrau addysgu cymwysterau AS ac A2 sy'n wahanol i rai Lloegr. Rwy'n credu bod hwnnw'n ddatblygiad naturiol, pwysig. Mae'n cyfateb i bolisi Cymru.

[58] **Keith Davies:** A ydych chi'n gweld cyrff yn Lloegr yn cynnig AS?

[59] **Mr Pierce:** Beth? Yn Lloegr?

[60] **Keith Davies:** Yn Lloegr ac yng Nghymru, efallai.

[61] **Mr Pierce:** Wel, wrth gwrs, maen nhw wedi cael y gwahoddiad i gynnig yng Nghymru ac mae hwn yn enghraifft lle mae'n amlwg eu bod nhw wedi penderfynu nad yw maint y farchnad yng Nghymru yn ddigon mawr iddyn nhw fod eisiau cynnig. Yn Lloegr, y cwestiwn nad ydym yn gwybod yr ateb iddo yw faint o bobl ifanc Lloegr a fydd yn cynnig am y cymhwyster AS pan nad yw'n cyfrif at y lefel A.

[62] **Keith Davies:** Ie, ond mae'r prifysgolion wedi dweud eu bod nhw yn cefnogi beth mae Llywodraeth Cymru yn ei wneud.

[63] **Mr Pierce:** Ydyn. Cytuno.

[64] **Ann Jones:** Okay. Suzy.

[65] **Suzy Davies:** I just want to try to pin you down on your view on this, taking into account your response to both Bethan and Aled. Are you saying that the focus on the words 'meeting the reasonable needs of learners in Wales' and the prioritisation element in there is going to act as a deterrent to people other than yourself from putting their names forward to be considered as awarding bodies for certain qualifications?

[66] **Mr Pierce:** I guess, in a sense, we're already seeing that, aren't we? With the incidents that Keith referred to, there was an opportunity for the awarding bodies to bring

had to work in a way that is ratified in the Bill, namely to prioritise qualifications for Wales, a model for Wales, a design for Wales, for AS and A2 levels, and so I think that the Bill in a way confirms that that will still be needed. There is still a possibility that Wales will need to devise its own qualifications, because whatever exists in other countries may not fit with Wales's priorities. So, we are going to see that take place within a year, more or less, aren't we? In September of this year, Wales will start to teach AS and A2 qualifications that are different to those in England. I think that's a natural and important development. It matches the policy in Wales.

Keith Davies: Do you think that bodies in England will provide AS?

Mr Pierce: What? In England?

Keith Davies: Well, in England and in Wales.

Mr Pierce: Well, of course, they've had the invitation to make a proposal in Wales and this is an example where it is obvious that they have decided that the size of the market in Wales is not big enough for them to want to make a proposal. In England, the question that we do not know the answer to is how many of England's young people will try for the AS qualification when it does not count towards the A-level.

Keith Davies: Yes, but the universities have said that they support the Welsh Government's approach.

Mr Pierce: Yes, I would agree with that.

forward their own A-levels for Wales with AS contributing to the A-level—

[67] **Suzy Davies:** That's obviously that one example.

[68] **Mr Pierce:** And they decided not to. So, even ahead of this Bill coming into effect, we have that market situation appearing.

[69] **Suzy Davies:** And you think they're likely to be less interested in being part of that market. I appreciate it's only a personal view.

[70] **Mr Pierce:** Well, I suppose going on the evidence of what's happening now, what's happening now is that they have decided not to show an interest in the A-levels in Wales. So—

[71] **Suzy Davies:** Do you think that could be a precursor to a trend? That's what I'm asking.

[72] **Mr Pierce:** My assumption would be that the same market view is likely to continue in the era of this Bill.

[73] **Suzy Davies:** Okay. Thank you; that's fine.

[74] **Ann Jones:** Go on, Aled.

[75] **Aled Roberts:** Y prif bwynt rydych yn ei wneud yw nid y ffordd mae'r farchnad yn ymateb, ond y ffaith eich bod chi'n pryderu. Rydych yn gweld ei bod yn hollol gywir bod Llywodraeth Cymru yn creu deddfwriaeth, lle os yw'r rheoleiddiwr yn meddwl bod llwybr penodol o fudd i fuddion pobl Cymru, digon teg, ond nid ydych eisiau gorfodi sefyllfa lle mae'n rhaid iddyn nhw ganlyn llwybr ar wahân, os ydyn nhw'n meddwl bod y llwybr efo'r ddwy wlad arall dal o fudd i bobl Cymru.

Aled Roberts: The main point that you are making is not the way that the market responds, but the fact that you are concerned. You see that it's completely right that the Welsh Government should create legislation where, if the regulator thinks that a specific route is to the benefit of the people of Wales, fair enough, but you don't want to force a situation where they have to follow a separate path, if they think that the path that the other two countries are taking is still of benefit to the people of Wales.

[76] **Mr Pierce:** Ie, cytuno. A dyna pam rwy'n credu bod eisiau edrych yn ofalus ar oblygiadau 29(3). Mae'n rhaid edrych ar hwnnw yn ofalus iawn achos gall fod yna oblygiadau eithaf difrifol yn dilyn o hynny, o ran faint o waith bydd Cymwysterau Cymru yn gorfod ei wneud a faint o waith bydd pob corff dyfarnu yn gorfod ei wneud.

Mr Pierce: Yes, I'd agree. And I think that's why we need to look carefully at the implications of 29(3). We need to look at that very carefully indeed because there could be some serious implications as a result of that, in terms of how much work Qualifications Wales will have to do to and how much work each awarding body will have to do.

[77] **Ann Jones:** Can I just ask you to expand on your concerns on the notion of the importance of public confidence used as one of the factors to determine which qualifications should be prioritised? You've been quite clear that you don't think that's the way to go.

[78] **Mr Pierce:** Yeah, I think I do have some concerns here, and I was reminded of it when I used the cash machine on the way in this morning, where the machine said, 'You can use this cashpoint with confidence', and I thought, 'Well, yes, I'd expect that from every cash machine'. I'm a bit concerned that we introduce a new concept, which I don't think exists at the moment, that qualifications can be ranked in terms of the degree of confidence that the

public can place in them. Confidence in a qualification, I think, links to the validity of it, the reliability of it, and a whole range of issues of that kind. Surely, the public has a right to expect to be able to place the same confidence in all qualifications, whether it's a GCSE in mathematics or a competence qualification in electrical installation. I would hope that we're placing the same level of confidence. So, that's my concern, that this concept of confidence seems to drive the whole process of prioritising and, therefore, will create a rank order of confidence, which I think is not the right thing. If, at the WJEC, we've got even any one qualification where somebody comes along and says, 'We can't place confidence in this' surely that raises questions about the whole system.

[79] I think my preference would be to look more clearly at what's actually happening in that section, which I think is section 14. It's actually driving towards legitimising a situation where there's a process for avoiding inconsistency and restricting the number of different forms of something that's offered. So, I think, therefore, a better prioritisation basis would be to refer to the need for consistency in design and award of certain qualifications. And I think that can be done without raising the spectre of, 'This, therefore, means different confidence'. I think if prioritisation was more clearly linked to what actually you do then find in section 14—that's what it's all about.

10:00

[80] It's all about a certain number of qualifications needing to be very consistent in design and in the awarding, and hence the standards of awarding. If it's all to do with that, why not use that as the definition and the locus for prioritising, not introduce this wider idea of rank order in confidence, which I think could undermine confidence, actually?

[81] **Ann Jones:** David.

[82] **David Rees:** Thank you, Chair. Just on that particular point, I think that is one possible interpretation of 13(2)—possible. But my interpretation actually was more towards the last point, where it says the important area is,

[83] 'the significance of the qualification having regard to the needs of learners and employers in Wales',

[84] and basically the Welsh economy. That's the priority. The confidence is that they are taking those things into consideration. So, I think that would be expected of all awards and all qualifications. Are we therefore perhaps looking at an element of the Bill that has a possible interpretation, but the reality is that what is important—I think you're right—is consistency, design and specification and that it meets the needs of the learners? Does the Bill actually say that? That, to me, is the most crucial element.

[85] **Mr Pierce:** Right, okay. Yes, I think you're right: those two aspects are intertwined here in a way, aren't they? And, of course, it's not in Wales only that this is an issue. For example, in England, they've decided—as has Wales—to make the content of GCSE mathematics 100% specified. So, this is clearly seen as a need in more than one jurisdiction at the moment, to have a process where you can legitimately standardise a qualification to a very considerable degree. So, I think, maybe it is a question of interpretation. I may be reading too much into it.

[86] **Ann Jones:** Welsh Government have indicated a move from a supply-led to a demand-led qualification system. So, do you think the provisions for prioritising and restricting qualifications will achieve that aim?

[87] **Mr Pierce:** I do not think that necessarily. I think this Bill is to do with the supply

side. It's to do with regulating the supply side and being able to do certain things to ensure that particular provision emerges from the supply side. My view of the demand side is that it's a completely different situation altogether. I think that the demand side is influenced more by the buoyancy of learning and training provision in Wales, the buoyancy of learners themselves and the appetite for learning. Those, in turn, are influenced by the economy, opportunities available within the economy, the resourcing of learning and training provision, and professional development for teachers and lecturers, hence the appetite for innovative learning programmes, leading to new and innovative qualifications. That's what I understand as the demand side. For example, I might be very interested in seeing much greater demand in Wales for a really good qualification in statistics that would include practical experience of working with large data sets and onscreen assessment and so forth. There are all kinds of things WJEC can do on the supply side to deliver that. In fact, we've got something that matches that description to some extent already.

[88] The demand side though, that's all to do with, you know: where are learning providers and learners in Wales? Are we resourcing that kind of move towards the demand side delivering that aspiration in that subject area? I think they're totally different things. So, I was a bit surprised to see that connected in here. I think this Bill is almost entirely the supply side. I think the demand side is much more to do with education policy in the round: what's driving innovation, and what's driving our capacity and our aspiration in learning in Wales. That's the demand side to me.

[89] **Ann Jones:** Okay. I've got Suzy, then David.

[90] **Suzy Davies:** Yes, I just wanted to test what you said a little bit there, because, if this is correct and it is a demand-led Bill, wouldn't you expect to see more providers being interested in entering the Welsh market rather than actually stepping back from it, which was your reply in your previous answer to me?

[91] **Mr Pierce:** Yes. Are we talking there of awarding bodies?

[92] **Suzy Davies:** Yes.

[93] **Mr Pierce:** Yes, but I'd regard awarding bodies as the supply side. We supply—

[94] **Suzy Davies:** Yes, but I'm saying: is my question actually proving our point that it isn't a demand-led Bill actually?

[95] **Mr Pierce:** No, I don't think it is demand—. Yes, I agree. The supply-side issue is what this Bill addresses, and part of the supply-side issue is what we did discuss earlier, which you mentioned there.

[96] **Suzy Davies:** Yes, it's becoming a less attractive market rather than a more attractive market to new providers—

[97] **Mr Pierce:** For?

[98] **Suzy Davies:** New awarders, sorry.

[99] **Mr Pierce:** Yes, possibly. But also, of course, the point is being made that it already has become that to an extent, hasn't it? Once England and Wales have gone down different routes, we're already seeing that happening. So—

[100] **Suzy Davies:** Okay. I've got another question for you when it's my turn on that, so I won't develop it any further.

[101] **Ann Jones:** David.

[102] **David Rees:** Just a quick one. The demand side really focuses upon the needs of the learners and the needs of the economy, effectively. Do you think that the Bill sets up a body that actually is able to respond quickly enough to some of those demands? Because, I've known cases where we are talking about two years to actually set up a qualification. By the time it's happened, it's too late.

[103] **Mr Pierce:** Yes, I think that the Bill does lead to a more efficient and effective way of responding with high quality in a good timeline. I'd have thought that it's possible. Always, the issue is preparation time for a learning provider to get ready to deliver. We tend to work on the assumption that a full year should be permitted. I think that's where the two years tends to come from. You have a one-year development period. Everything is then finished, with a full year available then for the learning provider to get everything in place to then deliver. In some ways, it's difficult to reduce that time, but of course if you're dealing with a very specific niche requirement or a very urgent requirement where the learning providers are already very much up to speed then that time can be reduced. Also, working very closely with the regulator, the development time can be reduced as well.

[104] **Ann Jones:** We had the Minister in at the start of this process, and he talked about the fact that there are dangers in the overreliance on a default single general qualifications provider, namely WJEC. What's your reaction to his comments?

[105] **Mr Pierce:** I don't think there is really a default single provider. As perhaps I mentioned earlier, the Bill provides for a situation where only one provider is appointed, and that would be through a transparent commissioning process—a competitive process. And then, sometimes, the market leads to only one provider, so I don't think it's a default situation. On the dangers though, I think the dangers are greatest if a single provider is operating in a very isolated environment that does not expose it to wider influences. Now, I think awarding bodies in general, and WJEC in particular, do not operate in an isolated environment. Most of the things we do we do them in more than one country, and we hope to continue to do that. And therefore, the fact that we are exposed to wider influences makes us innovative; it brings us into a very active community of professional discussion. So, I think that's one of the mitigating factors to bear in mind. One of the dangers of the single provider is that it becomes very insular, not exposed sufficiently to challenge. But I think both the regulator can bring challenge and an awarding body's wider working environment brings plenty of challenge as well.

[106] **Ann Jones:** So, the Bill will move away from that possibility of having a single default position then.

[107] **Mr Pierce:** Yes, it certainly negates any situation that there is only one. You might have different single providers for different things. The Bill certainly provides that. I think that's important. So, there's no way that this binds Wales to only have one provider and that is awarding body X. Even if some things would only have a single provider, they could actually be different providers, couldn't they? Because different providers could be successful in a commissioning opportunity.

[108] **Ann Jones:** Okay. So, you're quite confident then that there will be quite an open market under the new Bill.

[109] **Mr Pierce:** I'm confident that it will provide transparent opportunities for the market to respond. It's a different matter though, as we mentioned earlier, whether the market will respond, but it provides the opportunity. I think that's what's important in the Bill: it provides

the opportunity for a wide range of providers to come forward, if they want to, and to have a transparent, fair process for competing.

[110] **Ann Jones:** Okay. I think I'm straying into the more strategic qualifications system, so, Suzy, you take over.

[111] **Suzy Davies:** I'll pick up with that question, because it's one thing for a Bill, on the face of it, to apparently offer a lot more opportunity, but if the reality on the ground is that nobody is going to want to bid for these new qualifications, then the market is actually narrowing. I'm wondering, because, obviously, this Bill is attempting to deal with vocational qualifications as well, and we know that there is probably an oversupply of awarding bodies there, whether the Bill hasn't been drafted around a perhaps unspoken mechanism to try to reduce the interest in awarding bodies putting their names forward for vocational qualifications, and then there's been an unintended consequence that perhaps the more traditional, but very '*Cymreig*-ified' qualifications, will lose out on market interest.

[112] **Mr Pierce:** Right. I think a lot of what is in the Bill is highly relevant for the vocational quals needs of Wales. I think that there as well the concept of a priority qualification can be highly relevant, especially, for example, if Wales wants to rationalise what it's providing in the 14 to 19 age group, bearing in mind the IVET policy or principle—the initial vocational education and training principle that's in the Huw Evans review. I think that's a very important recommendation that we've not yet actively got to working on. So, some of those IVETs might need to be treated as priority qualifications, because you don't want too many forms of them, you want them to be consistent and you want a certain approach to awarding. So, priority qualifications are relevant. I think the commissioning situation could be relevant as well, because there may be some vocational requirements in Wales that are not unique but have a particular emphasis or slant in the Wales market, and therefore commissioning is relevant. But also relevant, I think, is still leaving open the possibility that three-country or four-country vocational qualifications can be admitted into Wales without the need for undue administrative work.

[113] **Suzy Davies:** Well, that's sort of my point really, because that's why I referred to, and David has done it as well, the specific needs of learners in Wales—whether that sort of terminology is restrictive, and whether, actually, it might go too far on the vocational side and actually, instead of having hundreds and hundreds of people interested, suddenly we're down to the same position as we are with the more traditional-style qualifications. I think it sounds too narrow an opportunity for an awarding body.

[114] **Mr Pierce:** Yes. I think that, in the vocational area, it's probably at least as important there as anywhere else to have the right balance between bespoke Wales priority qualifications and keeping open the wider provision and that wider provision being approvable by Qualifications Wales, but not through an unduly bureaucratic process.

[115] **Suzy Davies:** Yes, not too constrained. Well, if we accept that perhaps the interest from the world at large in offering awards in Wales might be a bit restricted, whether deliberately or otherwise, what's your view on the sort of duplication of quality assurance, if you like? I mean, I'm sure that, as a representative of WJEC, you'd say that your own internal quality assurance is second to none. If you're going to end up in a situation where perhaps WJEC might be doing most of the work, is there a justification for Qualifications Wales also having a quality assurance role?

[116] **Mr Pierce:** I think there is a quality assurance role for the new regulator, but I think the way to avoid duplication is that we can be very transparent, from WJEC's perspective, in explaining very clearly to the regulator exactly what quality assurance work we do, and we can share with them details of process to do with quality assurance. We can also share with

them outcomes of quality assurance. In fact, some of those are already manifest in performance indicators to do with the quality of what we deliver, and those indicators are in the public domain. So, I think that as long as we're transparent with all the quality assurance types of activity we do, the regulator could then make its decision: what does it need to do to complement that?

[117] **Suzy Davies:** I mean, none of us would want to see a reinvention of the wheel, so it's almost like an oversight of the quality of your quality assurance, rather than having a separate quality assurance system of its own that it then applies independently.

[118] **Mr Pierce:** Yes. There are some things, of course, that it, from its independent perspective, would be better placed to express a view on than us as the deliverer. But I think it's all to do with really joining up well an understanding of what we do and, hence, what the regulator could be doing without duplication, because awarding bodies do share a lot of information with regulators already, and I think that, based on continuing to do that, we can remove any risk that they duplicate what we do. They can do something that complements what we do and bring an independent view to it.

[119] **Suzy Davies:** Because obviously there is a cost implication to all quality assurance. Do you think it is also necessary, looking to awarding bodies other than yourself who might come in particularly on the vocational side, that you'd still need more than just a quality assurance of the quality assurance process that I talked about? You do need something additional, I'm guessing, to make sure that the people who aren't the WJEC, which they know and love, are thoroughly tested on their primarily vocational—

[120] **Mr Pierce:** I agree with you. I think there definitely is a role for the regulator to be reviewing aspects of quality and I think that's why the powers—the powers, I think, are in section 41, aren't they, 'review and research'—are fundamental, which gives the regulator the opportunity to come in and review, either through documentary evidence or being present physically at certain events like awarding meetings and, again, they do that now, when they want to.

10:15

[121] **Suzy Davies:** But you wouldn't expect that to be a highly bureaucratic process.

[122] **Mr Pierce:** No, no. I think, again, it's a matter of making the right judgment in terms of when that is needed.

[123] **Suzy Davies:** Okay, that's useful information for us for when we look at the secondary legislation that will underpin this. Thank you.

[124] **Ann Jones:** Okay, shall we move on to financial and commercial issues, Aled?

[125] **Aled Roberts:** Mae'r Bil yn galluogi Cymwysterau Cymru i ddarparu gwasanaethau ar sail fasnachol. A ydych chi'n gweld unrhyw wrthdaro o ran rheoleiddiwr yn perfformio yn y fath fodd?

Aled Roberts: The Bill enables Qualifications Wales to provide services on a commercial basis. Do you see any conflict arising in terms of a regulator performing in such a way?

[126] **Mr Pierce:** Ydw. Rwy'n meddwl bod yna wirioneddol botensial ar gyfer gwrthdaro fan hyn. Dywedwch chi, er enghraifft, bod gan y gwasanaethau masnachol yna unrhyw ryngwyneb gydag

Mr Pierce: Yes. I think there is very real potential for a conflict of interest here. Say, for example, that those commercial services have any sort of interface with a school, or a college, or a training provider or an awarding

ysgol, neu goleg, neu ddarparwr hyfforddiant neu gorff dyfarnu, ac mae Cymwysterau Cymru yn darparu gwasanaethau i un o'r rheini, wedyn yn nes ymlaen, mae yna gwestiwn rheoleiddiol yn codi o ran cymhwyster mae'r ysgol, neu'r coleg, neu'r darparwr yna neu'r corff dyfarnu yn ei ddarparu—wel, mae'r gwrthdaro'n amlwg wedyn, onid yw e? Bydd Cymwysterau Cymru yn gorfod dod mewn i edrych ar y mater rheoleiddiol, ac felly bydd un gangen o Cymwysterau Cymru yn gorfod dod i mewn i wneud hynny, tra bydd yna gangen arall yn rhannol gyfrifol, efallai, am y dull mae'r ysgol, neu goleg neu gorff dyfarnu wedi'i gymryd, oherwydd eu bod nhw wedi rhoi'r gwasanaethau masnachol yma. Felly, rwy'n meddwl bod hwn yn wirioneddol yn broblem. Nid wy'n deall o lle mae hyn wedi dod, ond rwy'n meddwl bod y risg yn sylweddol iawn, iawn. Y broblem yw, wrth gwrs, nad ydych chi'n gwybod pryd mae'r gwrthdaro yn mynd i ddod nes bod yna broblem ymhellach lawr y lein. Nid wyf i'n deall ym mha fath o faes y mae Cymwysterau Cymru yn meddwl y gallan nhw ddarparu gwasanaethau—

[127] **Aled Roberts:** Dyna beth roeddwn i'n mynd i ofyn ichi. A ydych chi'n rhagweld ym mha—. Nid ydych yn rhagweld o gwbl ym mha faes y buasen nhw'n gwneud.

[128] **Mr Pierce:** Wel, os ydyn nhw mewn unrhyw faes sy'n agos i gymhwyster neu ddarpariaeth dysgu sy'n arwain at gymhwyster, mae yna risg. Felly, oni bai fod ganddyn nhw mewn golwg ryw fath o wasanaeth sydd ddigon pell o'r maes cymwysterau a'r maes dysgu ar gyfer cymwysterau—. Ond, os felly, pam ei fod e oddi mewn i'w briff nhw beth bynnag? Felly, rwy'n credu y dylai hwn gael ei ddileu. Mae'r potensial o wrthdaro ymhellach lawr y lein yn rhy sylweddol.

[129] **Aled Roberts:** Jest er mwyn inni ddeall yn union, hwyrach, neu bydd yn rhaid inni gael derbyn tystiolaeth, mae'n debyg, oddi wrth y Llywodraeth ynglŷn â beth yw eu bwriadau nhw yn y maes yma, roeddech chi'n sôn wrth Keith bod y berthynas rhwng Ofqual, ac Educas yn mynd i fod yn—wel, bod y berthynas rhyngoch chi â Cymwysterau Cymru yn mynd i fod yn ddigon tebyg o ran y ffordd—. A oes gan Ofqual bwerau ym

body, and Qualifications Wales provides services to one of those, then, at a later date, a regulatory question arises in terms of a qualification that that school, college, provider or awarding body actually provides—well, the conflict is clear there, isn't it? Qualifications Wales will have to come in to look at the regulatory issue, so one branch of Qualifications Wales will have to undertake that activity whilst another will be partially responsible, perhaps, for the method adopted by the college, awarding body or provider, because they have provided these commercial services. I think this is a very real problem. I can't understand where it's come from, but I think the risk is very significant indeed. The problem is, of course, you don't know when that conflict is going to arise until there is a problem further on down the line, and I don't understand in what kind of areas Qualifications Wales believes that they could make that provision—

Aled Roberts: That's what I was going to ask you. Can you foresee in which—. You don't foresee in which area this might happen.

Mr Pierce: Well, if they are in any area that relates to qualifications or provision that leads to qualification, there is a risk. So, unless they have in mind some sort of service that is far enough removed from qualifications and the teaching of qualifications—. But, if so, why is it in its brief in the first place? So, I think this should be deleted from the Bill. The potential for conflict further down the line is far too significant.

Aled Roberts: Just so that we can understand completely, perhaps, or we may need to take evidence from the Government about what its intentions are in this area, but you mentioned to Keith that the relationship between Ofqual and Educas—well, that the relationship between you and Qualifications Wales will be similar enough to their relationship in that area—. Does Ofqual have powers in that area?

maes masnach?

[130] **Mr Pierce:** Na. Rwy'n deall bod ganddyn nhw ddim pwerau i ddarparu gwasanaethau ymgynghorol ar sail fasnachol. Rwy'n meddwl ei fod e'n eithaf pwysig—os yw hynny'n wir—nodi hynny o fewn yr ystyriaeth yma sy'n digwydd yng nghydestun y Bil.

[131] **Aled Roberts:** Ocê. Un pryder arall rydych chi wedi ei godi yn eich tystiolaeth ydy'r goblygiadau posib ar gyrff dyfarnu ynglŷn â'r grym fydd gan Cymwysterau Cymru i godi ffioedd. Mae Llywodraeth Cymru, yn eu memorandwm esboniadol, yn dweud bod ganddyn nhw'r grym i wneud hynny eisoes, er nad ydyn nhw erioed wedi arfer y grym hynny. Felly, pam fod gennych chi gymaint o bryderon os oes gan Lywodraeth Cymru, ar hyn o bryd, y grym i godi ffioedd?

[132] **Mr Pierce:** Ie. Mae fy mhryder i, mewn ffordd, yn bryder rwy'n ei fynegi ar ran y sector addysg yng Nghymru. Dywedwch, er enghraifft, fod Cymwysterau Cymru yn pasio gwerth £1 filiwn o gostau ymlaen i gyrff arholi am bethau y mae'n rhaid inni eu gwneud gyda Cymwysterau Cymru beth bynnag—er enghraifft, y broses o gael ein cydnabod fel corff arholi neu gael ein hailgydnabod, y broses o gael cymwysterau wedi'u cymeradwyo—. Mae'r rheini'n bethau y bydd yn rhaid inni eu gwneud, ac fel rydych chi'n ei ddweud, mae gan Lywodraeth Cymru, a bydd gan Cymwysterau Cymru hefyd, y pwerau i roi anfoneb inni am hynny. Dywedwch fod yr anfoneb yna am £1 filiwn: mae yna tua 200 o brif ddarparwyr addysg yng Nghymru, ysgolion a cholegau; os rhannwch chi'r £1 filiwn yna gyda 200, bydd yna £5,000, mewn ffordd, o gostau yn cael eu trosglwyddo i bob un o'r ysgolion neu golegau yng Nghymru.

[133] Mae yna risg, rwy'n credu, yn y fan hon, y gall Cymwysterau Cymru ffeindio'u hunain yn cael eu rhoi mewn sefyllfa lle mae'n rhaid iddyn nhw godi ffioedd arnom ni. Sut y byddai hynny'n digwydd? Wel, trwy fod Llywodraeth Cymru, yn fwriadol neu'n anfwriadol, yn rhoi dim digon o arian i Gymwysterau Cymru. Dyna un gwahaniaeth pwysig. Ocê, mae gan Lywodraeth Cymru'r

Mr Pierce: No. I understand that they have no powers to provide consultative services on a commercial basis. I think that it is quite important—if that is the case—that that should be noted within this consideration in the context of the Bill.

Aled Roberts: Okay. One other concern that you have raised in your evidence is the possible implications for awarding bodies regarding the power that Qualifications Wales will have to raise fees. The Welsh Government, in their explanatory memorandum, state that they have the power to do that already although they have never used that power. So, why do you have so many concerns if the Welsh Government currently have the power to raise fees?

Mr Pierce: Yes. My concern, in a way, is concern expressed on behalf of the education sector in Wales. Let's say, for example, that Qualifications Wales passes £1 million-worth of costs to awarding bodies for things that we are required to do with Qualifications Wales anyway—for example, the process of being recognised as an awarding body, the process of seeing qualifications approved—. Those are things that we will have to do, and as you say, the Welsh Government has, and Qualifications Wales will have, the powers to actually invoice us for that. Let's say that that invoice is for £1 million: there are some 200 main education provider schools and colleges in Wales; if you share that £1 million between the 200, there will be £5,000 of costs transferred to all schools and colleges in Wales.

I think there is a risk here that Qualifications Wales could find themselves in a situation where they will have to charge us fees. How would that happen? Well, through the Welsh Government, intentionally or unintentionally, not providing sufficient funding to Qualifications Wales. That is one significant difference. The Welsh Government has the right to charge fees, and they have never had

hawl, ac nid ydyn nhw erioed wedi gorfod ei ddefnyddio fe, ond mae Cymwysterau Cymru yn mynd i ddibynnu ar Lywodraeth Cymru am eu harian craidd, onid ydyn nhw? Os yw'r arian craidd yna ddim yn ddigon, beth mae bwrdd Cymwysterau Cymru'n mynd i wneud? A ydyn nhw'n mynd i ystyried defnyddio'r pwerau yma a dweud, 'Ocê, mae yna £1 filiwn o gostau fan hyn; gallwn ni gael y cyrff arholi i dalu hynny, achos rydym ni wedi gweithio gyda nhw ar y pethau yma'? Ond y pwynt pwysig rwyf i eisiau ei wneud yw: os ydy hynny'n digwydd, y bobl fydd yn talu yn y diwedd yw'r ysgolion a'r colegau. Felly, mae yna risg, rwy'n credu, yn y fan hon. Risg gudd, falle, yw ar hyn o bryd, ond mae yna berygl bod ni'n sefydlu system fydd yn y pen draw yn cael ei thalu amdani gan gyllidebau ysgolion a cholegau.

[134] **Aled Roberts:** Jest er mwyn inni ddeall—. Wel, hwyrach ar y pwynt roedd Suzy'n ei wneud ynglŷn ag os bydd Cymru'n ddeniadol i gyrff dyfarnu, os ydy'r sefyllfa'n codi lle mae Cymwysterau Cymru'n codi ffi ar y corff dyfarnu ac eto nad yw'r farchnad yng Nghymru yn derbyn bod y ffioedd hynny yn cael eu cario ymlaen i'r ysgol neu'r coleg, felly, ar y corff dyfarnu byddai'n rhaid i'r gost sefyll. Beth ydy'r sefyllfa yn Lloegr a'r Alban ar hyn o bryd? A ydy Ofqual, er enghraifft, yn codi ffi cydnabod ar y cyrff dyfarnu yn Lloegr?

[135] **Mr Pierce:** Na. Ni allaf siarad o brofiad am y sefyllfa yn yr Alban, ond na, nid ydy Ofqual yn gwneud. Wrth gwrs, mae yna bwerau eraill ar hyn o bryd: er enghraifft, maen nhw'n gallu rhoi cosb ariannol arnom ni os ydym ni wedi gwneud pethau'n gwbl anghywir ac maen nhw'n gallu codi ffi arnom ni am waith ymchwilio maen nhw'n gorfod ei wneud. Os ydym ni wedi creu problem a'u bod nhw'n gorfod gwneud lot o waith ymchwilio, gallen nhw ddanfôn bil inni am hynny. Mae'r rheini'n ddigon teg. Os ydym ni'n creu problem, yna mae'n iawn ein bod ni'n gorfod talu, wrth gwrs, neu os ydym ni'n haeddu cosb ariannol, mae'n iawn ein bod ni'n talu. Ond y pryder sydd gen i yw y gall hon fod yn system o godi taliadau *routine* ar gyrff dyfarnu. Yr unig bwynt rwy'n ei wneud mewn gwirionedd yw: yn y pen draw, bydd hynny'n trosglwyddo'r gost i'r ysgolion a'r colegau.

to use it, but Qualifications Wales will be reliant on the Welsh Government for their core funding. If that core funding is not sufficient, what is the board of Qualifications Wales to do? Are they going to consider using these powers, saying, 'Okay, we have costs of £1 million here; we can get the awarding bodies to pay those, because we have worked with them on these issues'? But the important point that I want to make is this: if that is the case, the people who will pay, ultimately, are the schools and colleges. So, I think there is a risk here. It's a hidden risk at present, perhaps, but there is a risk that we are establishing a system that will be paid for from school and college budgets.

Aled Roberts: Just so that we understand—. Well, perhaps on the point that Suzy made as regards whether Wales will be attractive to awarding bodies, if the situation should arise where Qualifications Wales levy a fee on the awarding body and yet the market in Wales does not accept that those fees are to be borne by the school or college, so it would be the awarding body that would have to pay the cost. What is the situation in England and Scotland? Does Ofqual, for example, charge a recognition fee on awarding bodies in England?

Mr Pierce: No. I can't speak from experience about the situation in Scotland, but Ofqual doesn't. There are, of course, other powers at present: for example, they can penalise us financially if we have transgressed and they can actually charge us for investigative work that they have had to carry out. If we have created a problem and they have to do a lot of investigative work, then they can bill us for that. That is only fair. If we create a problem, it's quite right that we should have to pay, or if we deserve to be penalised financially, it's quite right that we should pay. But, my concern is that this could be a system whereby awarding bodies are routinely charged. In reality, the only point that I'm making is that that, ultimately, will transfer the cost to the schools and colleges.

[136] **Aled Roberts:** Ond mae yna beryg byddai'r gost yn cael ei throsglwyddo, neu, os nad ydy'r farchnad yn gallu sefyll, bod y gost yn cael ei throsglwyddo a bod Cymru'n llai deniadol eto i gyrff dyfarnu o'r tu allan.

Aled Roberts: But there is a danger that the cost would be transferred, or, if the market could not stand, that the cost was transferred and that Wales was less attractive, once again, to awarding bodies from outside.

[137] **Mr Pierce:** Gall fod.

Mr Pierce: Yes, that could be.

[138] **Aled Roberts:** A gaf i jest ofyn un pwynt olaf, felly? Mae'ch tystiolaeth chi hefyd yn sôn am—wel, roeddech chi'n cyfeirio at hyn hefyd yn gynharach—y gefnogaeth ariannol yma sy'n cael ei rhoi ar ffurf grant os oes yna ofynion lle nad yw'r farchnad yn ymateb i'r gofynion hynny. Ac rydych chi'n dweud yn eich tystiolaeth bod Llywodraeth Cymru yn talu grantiau ar hyn o bryd i sicrhau bod hynny'n digwydd. Rydych chi o'r farn y dylid cynnwys y pŵer yna ar wyneb y Bil. A oes rhaid gwneud hynny?

Aled Roberts: May I just ask about one final point, therefore? Your evidence also talks about—well, you referred to this as well earlier—this financial support that is given in grant form if there are requirements where the market does not respond to those requirements. And you say in your evidence that the Welsh Government distributes grant funding at present to ensure that that happens. Your opinion is that that power should be included on the face of the Bill. Is that necessary?

[139] **Mr Pierce:** Nid wyf yn siŵr bod rhaid gwneud. Efallai mai'r rheswm rwy'n codi'r pwynt yw bod gen i bryder y gall hwn ddiffannu. Mae'n grant pwysig. Mae'n grant sy'n cydnabod y costau ychwanegol ar gyrff arholi yn y sefyllfa ddwyieithog. Roedd y grant yn dod oddi wrth ACCAC yn wreiddiol—yn fy nghyfnod i yn y swydd, beth bynnag. Ers hynny, mae wedi dod oddi wrth Lywodraeth Cymru. Nid yw'n grant 100%, sy'n cyfro'r holl gostau, ond mae'n gyfraniad pwysig iawn tuag at y costau yna. Felly, ar hyn o bryd, nid wyf i'n hollol siŵr pwy fyddai'n darparu hwnnw yn y dyfodol. Ai aros gyda Llywodraeth Cymru fyddai'r math yna o grant, ynteu a yw'n naturiol yn trosglwyddo fel un o'r grantiau posibl i Cymwysterau Cymru eu dyfarnu? Eto, mater o farn, efallai, yw a oes angen ei roi e yn y Bil. Mae'n debyg, pe bai e yn y Bil, y gallai ddim ond bod yno fel y math o ymadrodd 'gan gynnwys grantiau ar gyfer—'. Mae'n debyg nad yw gorfodaeth yn rhywbeth a allai fod yn y Bil, efallai, ond dylai fod yn cael ei gydnabod fel agwedd digon pwysig ar grant y dylai o leiaf gael ei grybwyll fel 'gan gynnwys darpariaeth—'.

Mr Pierce: I am not sure if it is necessary. The reason I'm raising the point, perhaps, is that I do have a concern that this could disappear. It is an important grant. It is a grant that recognises the additional costs faced by awarding bodies in a bilingual setting. That grant was originally provided by ACCAC—in my time in the job, at least. Since then, it has come from Welsh Government. It isn't a grant that covers 100% of the cost, but it's an important contribution towards those costs. So, at present, I'm not totally sure who'd provide that in the future. Would it remain with the Welsh Government or would it naturally transfer as one of the possible grants for Qualifications Wales to award? Again, it is a matter of opinion as to whether it needs to be included in the Bill. I suppose that, if it were to be included in the Bill, it could only be there with wording such as 'including grants for—'. I don't think that enforcement could be included within the Bill, perhaps, but it should be recognised as an important enough aspect of a grant that it should be at least mentioned as 'including the provision of—'.

[140] **Aled Roberts:** Felly, a ydy'r grant yn cael ei dalu fel canran o'r costau? Sut mae o'n cael ei—

Aled Roberts: So, is the grant paid as a percentage of the costs? How is it—

[141] **Mr Pierce:** Ie, nid wyf i'n siŵr iawn

Mr Pierce: I'm not exactly sure of the

o'r ateb i hynny. Mae'n cael ei dalu ar sail tystiolaeth o faint rydym ni wedi'i wario yn benodol ar yr agweddau dwyieithog. Felly, rydym ni'n darparu tystiolaeth; mae'n dystiolaeth fanwl iawn—tystiolaeth y mae'r *auditors* yn gallu'i chadarnhau—ac wedyn, ar sail hynny, mae Llywodraeth Cymru yn rhoi taliad grant.

answer to that. It is paid on the basis of the evidence of how much we have spent specifically on bilingual aspects. So, we provide the evidence; it's very detailed evidence—evidence that can be confirmed by auditors—and then, on that basis, the Welsh Government actually makes a grant payment.

[142] **Aled Roberts:** Ac mae hwnnw'n cael ei dalu ar hyn o bryd i unrhyw gorff dyfarnu sy'n darparu yn ddwyieithog.

Aled Roberts: And that is presently paid to any awarding body that provides bilingually.

[143] **Mr Pierce:** Ydy, ydy.

Mr Pierce: That's right. Yes.

[144] **Ann Jones:** Okay. Anybody else? No? Okay. Can I thank you very much for your evidence today? That's helped us a lot. We'll send you a copy of the transcript to check for accuracy, as well you know, and thank you very much. If that's okay, committee will break until 10.35 a.m. Okay. Thank you.

*Gohiriwyd y cyfarfod rhwng 10:25 a 10:39.
The meeting adjourned between 10:25 and 10:39.*

Bil Cymwysterau Cymru—Sesiwn Dystiolaeth 3 The Qualifications Wales Bill—Evidence Session 3

[145] **Ann Jones:** Okay, we'll reconvene. If you've switched your phones on, can you just make sure you've got them off so that it doesn't disturb the session? We move on to our next session, which is to take evidence on the Qualifications (Wales) Bill. We've got with us now another set of witnesses. Could I ask you both to introduce yourselves for the record? Then we'll go into some questions, if that's okay.

[146] **Mr Hughes:** Robin Hughes, ysgrifennydd ASCL Cymru.

Mr Hughes: Robin Hughes, secretary ASCL Cymru.

[147] **Dr Howard:** Chris Howard, acting director of NAHT in Wales.

[148] **Ann Jones:** Okay, thanks very much. We've got a set of questions broadly around some of the limitations of the current system and the Qualifications Wales principal aims, the independence of the new body and relationships with schools and colleges, prioritising and restricting qualifications, a more strategic qualifications system, and then implications for the schools and the colleges and then, perhaps if we've got some time, anything else that may crop up. So, those are the broad areas that we're going to be concentrating on this morning. Bethan, do you want to take the first one on the limitations of the current system?

[149] **Bethan Jenkins:** Yes. Cool.

[150] Fy nghwestiwn cyntaf yw ynglŷn â'r rhestr o gyfyngiadau mae'r Llywodraeth wedi eu hamlinellu. A ydych chi'n cytuno mai nhw yw'r cyfyngiadau, neu a oes gyda chi ychwanegiadau arwyddocaol? Er enghraifft, pan wnaethon ni siarad gyda CBAC yn flaenorol, gwnaethon nhw ddweud

My first question is on the list of limitations that the Government has outlined. Do you agree that they are the relevant limitations or do you have any significant additions? For example, when we spoke to WJEC earlier, they stated that independence should be included therein as a limitation, so is this

bod angen rhoi'r annibyniaeth yna fel un o'r cyfyngiadau, felly a yw hynny'n rhywbeth sydd yn—. Beth yw'ch barn chi ar hynny?

[151] **Mr Hughes:** Wel, os caf gychwyn—ac, achos rwyf wedi derbyn y cwestiwn yn Gymraeg, mi wnaif i ateb yn Gymraeg, Gadeirydd—yn edrych ar y pedwar cyfyngiad mae Llywodraeth Cymru wedi eu rhoi, mi fuaswn i'n cytuno gyda'r ddau gyntaf, bod yna angen i un sefydliad amlwg fod yn arwain ar reoli cymwysterau neu system gymwysterau. Rwy'n sicr yn cytuno â hynny, a rhyw hanner cytuno, buaswn i'n dweud, â'r ffaith nad oes yna ddim cyfle i flaenoriaethu lle mae pwysau'r rheolaeth ar cymwysterau yn bresennol. Rhyw hanner derbyn hynny buaswn i, oherwydd, fel y buasech chi'n disgwyl, y gwirionedd am y fframwaith rheolaeth ar y funud ydy, yn union fel y buasech chi'n disgwyl, mae yna andros o lot o bwyslais ar gymwysterau academiaidd, fel TGAU a lefel A, ac mae yna system dra gwahanol ar gyfer cymwysterau galwedigaethol. Mae yna un mwy sydd yn cynnwys pwyslais ar lle mae'r galw mwyaf o ran cymwysterau galwedigaethol. Mae'n rhywbeth sy'n debycach i ddefnyddio technegau samplau fel petai, felly rhyw ledgytuno â'r ail un. Mae yna anghydwel, buaswn i'n dweud, ar y fantais o gael dim ond un cymhwyster ar gael mewn gwahanol feysydd, ac rwy'n siŵr y gwnawn ni drafod hynny yn nes ymlaen. Mae yna anghydwel gyda'r manteision gan fod yna anfanteision i hynny.

[152] O ran diffyg hygredded o fewn y system i ddatblygu cymwysterau strategol, wel, efallai bod hynny'n wir—mae Cymru'n fychan fel rŷm ni'n gwybod—ac mae hynny weithiau yn rhoi rhyw gyfyngiadau arnom, gyda chyfundrefn sydd yn cael ei arwain gan y farchnad. Nid oes digon o fusnes gennym ni i gynnal yr agwedd fwy cyfalafol, fel petai, ond nid yw hynny yn golygu bod y peth sydd wedi cael ei gyflwyno yn y Bil yma o reidrwydd yn mynd i newid y drefn yna. Un o'r pethau mawr sydd yn bosib nawr ac sydd yn cael ei ragweld yn y Bil ydy'r cyfle i weithio gyda rhan-ddeiliaid ac eraill. Mae'r cyfle yna nawr. Nid oes angen y Bil i greu'r cyfle, mae'r cyfle yna nawr. Felly, nid ydym yn derbyn pob dim cyn belled ag y mae'r cyfyngiadau yn y cwestiwn.

something that—. What's your view on that?

Mr Hughes: Well, if I may begin—and, of course, having heard the question in Welsh, I will answer in Welsh, Chair—when looking at the four limitations that the Welsh Government has given, I would agree with the first two, that there is a need for one evident institution to be the leader on managing qualifications or the qualifications system. I would certainly agree with that, and half agree, I would say, with the fact that there is no opportunity to prioritise where the pressure of the management on qualifications is present. I would sort of half accept that, because, as you would expect, the truth about the regulatory framework at present, exactly as you would expect, is that there is a great deal of emphasis on academic qualifications, such as GCSE and A-levels, and there is quite a different system for vocational qualifications. There is another one that includes an emphasis on where the demand is greatest in terms of vocational qualifications. It is something that is more like sampling techniques, as it were, so I would sort of agree with the second one. There is disagreement, I would say, about the advantage of having just one qualification available in various areas, and I'm sure that we will discuss that later. There is disagreement about the advantages because there are disadvantages to that.

In terms of the lack of credibility within the system in developing strategic qualifications, well, that may be true—Wales is small, as we know—and that sometimes leads to restrictions, with a system that is led by the market. We don't have enough business to maintain the more capitalistic aspect, as it were, but that does not mean that what has been introduced in this Bill is not of necessity going to change that system. One of the big things that's currently possible and that's foreseen in the Bill is that there will be this opportunity to work with stakeholders and others. Now that opportunity already exists. There is no need for the Bill to create that opportunity, because it's already there. So, we don't accept everything in terms of the limitations.

[153] **Ann Jones:** Anything to add, Dr Howard?

[154] **Dr Howard:** Yes, the question focused on independence, or the independence of the regulator—

[155] **Bethan Jenkins:** Well, that was just a—. No, that was an addition from WJEC as to the limitations. It wasn't about independence—

[156] **Dr Howard:** Oh, right, yes, but you inserted it into the debate—

[157] **Bethan Jenkins:** I did insert it, yes.

[158] **Dr Howard:** —as opposed to the four that were there at the start of the session. Yes. Thanks. Can I start with that, because our evidence in the preliminary consultation 12 months ago asked very strongly for there to be an independent regulator? We think it is a prime weakness in the system as it exists at the moment, and therefore the fact that the Bill is attempting to meet what we and others had identified as a cardinal weakness in the Welsh system as it was progressing towards a distinctive and independent system has been addressed within this Bill, and we have welcomed the fact that it has been addressed. We would like to discuss with you further during this session about whether there's enough in the Bill to ensure the level of independence and scrutiny that we believe is necessary, but, in terms of the independent regulatory function, the Bill has addressed what NAHT Cymru and NAHT's national conference in the UK had set out as a first or a sine qua non if you want, for an independently and distinctive system in Wales, given all implications we know about—the cross-border implications and our place in the wider world. And while we're on that, will you return at another point to the aims, Chair, the two given aims, because we do have something to say about that?

10:45

[159] **Ann Jones:** Yes.

[160] **Bethan Jenkins:** You can pre-empt all my questions. It's fine. *[Laughter.]*

[161] **Dr Howard:** All right. No, I did that last time. I was keen not to. *[Laughter.]* That's why I wanted to get the terms of the debate out front.

[162] On the limitations, some of them we recognise. There are too many awards. It would be helpful to bring some greater coherence to that. Some work has gone on in some regions and some authorities to bring greater coherence to the local offer, but it is still the case that students are often bewildered. So, on the demand side, there probably is too much offered at the moment within Wales. So, that general area of exploration within this Bill is useful; however, we've got something to say about that later as well.

[163] What I don't recognise is that there's an absolute necessity for powers to select a single provider of a given qualification so that everybody across Wales can take the same award, because that does lead you down a route, especially in the way that this Bill is framed, towards the qualifications authority with the Minister prescribing a curriculum content in a particular area. It must be the intention of the Bill that that would occur in some circumstances, but in the Bill, those circumstances are not clearly defined. They may be later, but they're not clearly defined in the Bill. So, as I read this Bill—and you'll be aware that you're not making legislation for the current consensus around this table; you're making legislation that is proof for 20, 30 years' time—I would just ask you, within this Bill, to examine what would happen if there were a different political context brought to the

ministerial position, and that a wilful Minister were able to take decisions about prescribing the exams that we're taking without due checking by the Assembly and the elected representatives of Wales. These are high-stakes matters, and it's absolutely correct, I think, that you should be taking a keen interest in this. Whenever there's something in legislation that points towards a single provision or something being done through ministerial executive power, simply as a natural democrat, I get worried. I think that that case has not been made, that there's a need to have a single provider—or if it has been made, it needs to be more specific in the Bill about where those areas are. That needs to be in primary legislation, we feel, not in the secondary.

[164] **Bethan Jenkins:** Ocê, diolch. Mae hynny'n ddefnyddiol iawn. Y cwestiwn yr oeddwn i'n mynd i ddod ymlaen ato oedd, wedyn, am y ddau brif nod yn adran 3(1), sydd yn amlinellu egwyddor y Bil yn hynny o beth. A ydych chi'n cytuno â hynny? A ydy hynny'n cyd-fynd â'r diffygion? A ydyn nhw'n priodi yn effeithiol?

Bethan Jenkins: Okay, thanks. That's most helpful. The question I was going to come on to, then, was on the two principal aims in section 3(1), which outline the principle of the Bill in some regards. Do you agree with that? Does that actually match the limitations? Is there an effective marriage there in those terms?

[165] **Dr Howard:** In (b), the promoting of public confidence, again, we've said that's absolutely essential within the movement towards an independently governed system in Wales. If we haven't got that public confidence, either internally or externally, we fail, and we fail our youngsters. We cannot afford to do this, for the country and for the young people. It's a reckless experiment unless we are promoting strongly our distinctive qualifications beyond Wales and securing amongst our own parent body—because they are the main customers, along with learners in this—and industry that we're doing the right thing. So, the promotional aspect, again, our association has stressed from the start, and it's right and proper that it's in there.

[166] On the first aim, we are content generally with that as a global description of what the Bill is about, but, in order to confirm and enhance the secondary aim of promotion, we think that first aim also should have reference not only to the needs of learners in Wales, but to the needs of learners in Wales as citizens or workers in Wales, the UK, Europe and the global economy. That first aim needs to be set in some way in a global context, because, at the moment, it's just specific to Wales and we'd rather it be set looking outwards rather than simply looking inwards.

[167] **Mr Hughes:** Buaswn i'n sicr yn ategu lot fawr o'r hyn mae Chris newydd ei ddweud. Pan fyddwch yn edrych ar bwynt 1 o dan *section 3*, mae'r ddau yn ddigon agored, onid ydynt? Mae'n bosib i ni eu hystyried nhw'n bositif neu'n rhy gul. Mae'r ffaith bod hyder y cyhoedd yn ein cymwysterau a'n system yno yn rhywbeth i'w groesawu'n fawr. Y peth y buaswn i'n ei ategu—neu i ymhelaethu ar yr hyn y mae Chris newydd ei ddweud, y peth y mae hynny'n ei olygu—ydy, yn ein tyb ni, wrth i ni groesawu hynny, fod angen i'r rheoleiddiwr felly ystyried sut mae ein cymwysterau arbennig ni yma yng Nghymru yn cymharu ag eraill sydd yn cael eu defnyddio, yn sicr ym Mhrydain, ond hefyd yn bellach i ffwrdd. Y peth yr ydym ni'n

Mr Hughes: I would certainly echo a great deal of what Chris has just said. When you look at section 3(1), they are both open enough, aren't they? It's quite possible for us to see them either in a positive light or to consider them to be too narrow. The fact that there is public confidence in our qualifications and our system is something to be greatly welcomed. What I would echo—or to expand on what Chris has just said, what that means—in our opinion, as we welcome that, is that there is a need for the regulator, therefore, to consider how our particular qualifications here in Wales compare with those that are used, certainly within Britain, but also further afield. What we would like to see coming out of this change, of course, are qualifications that promote and demand the

dymuno ei weld allan o'r newid hwn, wrth gwrs, ydy cymwysterau sydd yn magu ac yn hawlio hyder y cyhoedd, ac maen nhw'n eu hawlio ar sail eu hygredd. Buaswn i'n dymuno gweld bod eu hygredd a'u gwerth yn cyfateb i'r gorau sydd ar gael.

[168] **Bethan Jenkins:** Mae'r cwestiwn arall sydd gen i am yr wyth mater sydd yn adran 3(2). Dywedodd CBAC eto y bydden nhw'n leico ychwanegu'r elfen alwedigaethol yn yr wyth pwynt hynny a hefyd ddilyniant, rwy'n credu, sef *progression*, ar gyfer myfyrwyr. A oes yna unrhyw ychwanegiadau y byddech chi'n eu rhoi i'r wyth elfen hynny, neu a ydych chi'n hapus gyda'r hyn sydd yno'n barod?

[169] **Mr Hughes:** Buaswn i'n dweud ein bod ni'n reit hapus efo'r hyn sydd yno'n barod. Yn dilyn beth yr oedd Chris yn ei ddweud yn gynharach, un o'r problemau sydd gan rywun bob tro, wrth gwrs, ydy wrth fynd i ormod o fanylder efallai fod rhywun yn adlewyrchu ein dealltwriaeth bresennol heddiw o'n hanghenion, ond, eto—ac rwy'n siŵr bod Gareth wedi sôn o safbwynt yr amser y mae'n ei gymryd i ddatblygu cymhwyster o'i gychwyn at ei ddiwedd; rwy'n siŵr y buasai Gareth a chithau wedi trafod hynny—y peryg efo gormod o fanylder ydy ein bod ni'n sodro ein hunain yn y presennol. Ond, wrth gwrs, bydd ein plant yn gwneud y cymwysterau yma am y tro cyntaf, mae'n siŵr, ymhen dwy flynedd ac efallai'n dilyn cwrs sydd yn ddwy flynedd o addysg. Felly, ymhen pedair blynedd y byddan nhw'n gwneud yr asesiad. Felly, mae gormod o fanylder a gormod o bwyslais ar y peth rydym ni'n tybio ydy'r anghenion manwl heddiw. Mae angen inni gymryd un cam yn ôl—mae'n dod yn ôl at y pwynt yr oeddwn i'n ei ddweud. Y peth y buasem ni'n leicio gweld gyda datblygiad y rheoleidiwr annibynnol ydy bod yr annibyniaeth yna yn eu caniatáu nhw i gymryd cam yn ôl o'r hyn sy'n tueddu i fod yn flaenoriaeth i wleidydd, os caf i ddweud, ac yn sicr i Weinidog: y presennol efallai sydd ar eu meddyliau nhw yn bennaf—eu cyfnod yn y sedd fawr.

[170] **Bethan Jenkins:** Efallai.

[171] **Mr Hughes:** Efallai. Ond, i sicrhau hygredd efo'r cyhoedd, mae angen i ni

confidence of the public, and that they demand that on the basis of their credibility. I would wish to see their credibility and their value consistent with the best available.

Bethan Jenkins: The other question I have is on the eight matters stipulated in section 3(2). The WJEC once again told us that they would like to include the vocational element within those eight matters and also, I think, progression for students. Are there any additions that you would want to make to those eight matters, or are you content with what is already outlined?

Mr Hughes: I would say that we are quite happy with what's already there. Following on from what Chris was saying earlier, one of the problems that one has every time is, of course, when you get into too much detail, perhaps one reflects our current understanding of our needs today, but, yet again—and I'm sure that Gareth mentioned this, in terms of how long it takes to develop a qualification from start to finish; I'm sure that Gareth and you would have discussed that—the danger with too much detail is that we root ourselves too deeply in the present. But, of course, our children will be doing these qualifications for the first time in two years' time, probably, and perhaps they will be following a course that is two years' teaching. Therefore, it will be in four years' time that they are assessed. So, there is too much detail and too much emphasis on what we think are the detailed needs of today. We need to take a step back—I return to the point I mentioned. What we would like to see with the development of the independent regulator is that that independence enables them to take a step back from what tends to be the politician's priority, if I may say so, and certainly a Minister's: the present is what is on their minds, chiefly—their time in the hot seat.

Bethan Jenkins: Perhaps.

Mr Hughes: Perhaps. But to ensure credibility with the public, we have to ensure

sicrhau ei bod yn amlwg bod yna bellter rhwng y rheini yr ydym yn gobeithio a fydd â'r arbenigedd yn y maes a'r rheini sy'n wleidyddion yn y maes.

that it is obvious that there is a distance between those whom we hope will have the expertise in the area and those who are politicians working in the area.

[172] **Bethan Jenkins:** Chris?

[173] **Dr Howard:** Well, it's a non-exhaustive list, isn't it? I was interested when I saw that; I thought that the eight might become 11 before it got to the statue book and that, by the time the schools saw it, it might be even bigger again. Look, I heard Gareth, and I think he's absolutely right to stress the importance of the vocational offer. If there's one thing that we've not got right as we've expanded the school-age population, it's that we haven't tailored the vocational offer appropriately enough and in time to meet needs—and the rapidly changing needs—of young people in our communities. So, I think that needs to be in there. If the systems take shape in the way that this Bill sets out, then the qualifications authority will be the prime responder to demand, because it will be setting an agenda with Ministers about what the strategic priorities are. So, I think it needs to be in there to get the vocational offer right.

[174] You see, certainly through my time in senior leadership in schools, we've dealt with disaffection—pupils walking away either mentally or physically from the offer that was put in front of them—by looking at various times and in various different ways to improve and better tailor the offer that we put in front of young people to engage them. Now, at the moment, schools have a very large marketplace to choose from, and schools that are very successful often make innovative choices from within that large marketplace, and steal a march, in terms of engagement, as a result of doing that. Now, this Bill posits a world in which there is more restricted choice in that sense, and the authority would be the prime mover in facilitating demand against supply. I think Gareth's testimony in that regard was rather germane. So, the qualifications authority must have that as one of its cardinal aims, I feel.

[175] **Ann Jones:** Okay. Finished? Aled, you had a supplementary on this one.

[176] **Aled Roberts:** Jyst ar y mater yma o hyder y cyhoedd, rydych chi wedi dweud eich bod chi wedi clywed tystiolaeth Gareth Pierce y bore yma ac rydych chi wedi darllen, mae'n debyg, y dystiolaeth ysgrifenedig. Mae CBAC, wrth gwrs, yn dweud ei fod o'n destun pryder iddyn nhw fod y blaenoriaethu yma yn cynnwys sefyllfa lle mae hyder y cyhoedd yn rhywbeth i'w ystyried. Roedd Gareth y bore yma yn dweud y dylai fod y cyhoedd yn ei chymryd yn ganiataol bod pob cymhwyster yn denu hyder. Roedd o hefyd yn cwestiynu pam y mae hi'n iawn mai ond y cymwysterau yma o ran blaenoriaethu sy'n cynnwys ystyriaeth o hyder y cyhoedd, ac nid eraill. Beth ydy'ch barn chi ar y dystiolaeth yna gan CBAC?

Aled Roberts: Just on this issue of public confidence, you've said that you heard Gareth Pierce's evidence this morning, and it is likely that you've read the written evidence. The WJEC, of course, says that it is a matter of concern for them that this prioritisation includes a situation in which public confidence is a matter for consideration. Gareth this morning said that the public should take it for granted that every qualification attracts confidence. He also questioned why it's right that only these qualifications in terms of the ones that are prioritised include a consideration of public confidence and not any others. What is your view on that evidence from the WJEC?

[177] **Mr Hughes:** Buaswn i'n cytuno â Gareth o ran y dystiolaeth y maen nhw wedi ei rhoi gerbron. Y prif reswm yr ydym ni mor awyddus a chefnogol i weld y syniad yma o

Mr Hughes: I would agree with Gareth in terms of the evidence that they have provided to you. The main reason why we are so supportive of this idea of seeing an

reoleiddiwr annibynnol ydy ein bod ni'n gweld yr annibyniaeth—os ydy o wedi cael ei fframio yn gywir—fel un ffordd o sicrhau cefnogaeth y cyhoedd i'n cymwysterau ac i'n cyfundrefn. Felly, y peth rydym ni'n ei weld ydy'r cysylltiad rhwng popeth mae'r rheoleiddiwr yn mynd i'w wneud, ac yn y ffordd mae'r rheoleiddiwr yn mynd i weithredu ac—a dyma ydy'r peth pwysig, rhywbeth rwy'n gobeithio y byddwn ni'n ei drafod nes ymlaen—atebolrwydd y rheoleiddiwr i chi. Mae hynny'n bwysig. Felly, beth ydy eu hamcanion nhw, fel ein bod ni'n medru gweld eu bod nhw'n gweithredu yn unol â'r amcanion, a'u bod yn atebol, nid i'r Gweinidog, ond i'r Senedd? Os ydy hynny yn mynd i gael ei sicrhau a'i fod o'n amlwg, felly mi gawn ni beth mae Gareth a CBAC wedi sôn amdano fo, sef mwy o hyder bod y gyfundrefn yn gweithio, a bydd yr hyder felly yn trosglwyddo i bob un cymhwyster.

[178] **Aled Roberts:** Ond o ran y Ddeddf ei hun, maen nhw'n awgrymu y dylid gwneud yr amcan cyntaf o'r ddau yma yn sail ar gyfer pennu cymwysterau blaenoriaethol, yn hytrach na'r prawf yma o hyder y cyhoedd. Felly, ble ydych chi'n sefyll ar hynny?

[179] **Mr Hughes:** Wel, os oes yna beryg yn eich barn chi ac eraill, mae angen gwneud rhywbeth amdano.

11:00

[180] **Dr Howard:** Very quickly, I think that Gareth's right in that the public ought to expect that if a qualification is in the list, then people should be confident that it does everything that it says on the tin. But, you will all know that, annually, across the UK, over the last 20 or 30 years, there have been concerns about this qualification or that qualification, because we live in a highly consumerised environment, and the public won't take it for granted that 'if Government does this, it must be right' any longer. They want to see that, they want their children to be able to tell them that, and if they're employers, when young people walk through the door at 18, 21, or whatever it is, they want to see the skills that the system has produced that they think are the right skills. So, there will continually be a debate about whether qualifications are fit for purpose.

[181] **Ann Jones:** Okay. We'll move on to the independence of the new body and its relationship with schools and colleges. Keith first, then Angela.

[182] **Keith Davies:** Rwy'n credu bod pawb yn cytuno bod eisiau newid. Fe gawson ni wared ar yr Awdurdod Cymwysterau, Cwricwlwm ac Asesu Cymru am ryw

independent regulator is that we see the independence—if it is properly framed—as one way of ensuring public support for our qualifications and for our system. So, what we see is that link between everything the regulator will do, and in the way in which the regulator will operate and—and this is the important point, which I hope is something we'll return to later—the issue of the regulator's accountability to you. That is very important. So, what are their objectives, so that we can see that they're working in accordance with those objectives and that they are accountable, not to the Minister, but to the Senedd? If that can be secured and if that is clear, then we will achieve what Gareth from the WJEC was talking about, namely more confidence that the whole regime is working, and that confidence will them permeate through all qualifications.

Aled Roberts: But in terms of the legislation itself, they suggest that the first of these two aims should be made the basis for setting priority qualifications, rather than this test of public confidence. So, where do you stand on that?

Mr Hughes: Well, if there is a risk in your view and others' views, then that needs to be addressed.

Keith Davies: I think everyone agrees that change is needed. We abolished the Qualifications, Curriculum and Assessment Authority for Wales for some reason—I'm

reswm—nid wyf yn gwybod pam. A ydych chi'n credu bod y trefniadau ymarferol yn y Bil yn ddigon i wneud y corff newydd yn annibynnol, neu beidio, ar y Gweinidog?

[183] **Mr Hughes:** Af i gyntaf. Mae e wedi croesi'n meddyliau ei fod o wedi cael cyfle reit ar y cychwyn i sôn am yr agwedd bwysig iawn yma. Dyma ydy'r agwedd bwysicaf oll. Mae'r gweithdrefnau—. Rwy'n siŵr eich bod wedi pigo i fyny o'r dystiolaeth ysgrifenedig gan ASCL fod trafodaethau wedi digwydd yn barod ar sut, efallai, fydd Cymwysterau Cymru yn mynd i fynd ati yn weithredol, ac maen nhw'n galonogol. Felly, y cwestiwn mawr ydy'r cwestiwn strategol yma ar atebolrwydd. Beth yn union fydd y cyfle i'r Gweinidog i ddylanwadu ar beth mae Cymwysterau Cymru yn mynd i'w gydnabod fel cymhwyster sy'n cael ei flaenoriaethu? Pa mor fanwl ydy'r arweiniad gan y Gweinidog? Mae yna gwestiwn yn fanna. Pa mor annibynnol fydd yr unigolion sydd yn ddylanwadol ar wahanol fyrddau a phwyllgorau Cymwysterau Cymru? Pwy ydyn nhw? Pwy sy'n eu hapwyntio nhw?

[184] I mi, efallai, y peth nad wyf yn gallu ei weld yn glir yn y Bil ydy beth yn union ydy sylwedd yr atebolrwydd yma. Fel rwy'n ei ddeall, ac rwy'n fwy na pharod i gael fy nghywiro, adroddiad blynyddol yn cael ei roi yn y llyfrgell ydy o. A oes mwy iddo? A oes yna sicrwydd fod yna gyfle i'r pwyllgor yma, ac efallai ymhellach na hynny—. Faint o gyfle fydd yna i edrych mewn i fol y corff newydd yma? A beth sy'n mynd i ddiwydd os oes rhywbeth yn mynd o'i le? Pa mor sydyn fydd y rhanddeiliaid yn medru ymateb i greisis, er enghraifft—creisis tebyg i'r hyn a gawsom ni efo TGAU Saesneg y llynedd? Beth fuasai rhywun yn gobeithio ydy na fydd angen creisis fel yna inni grafu pen a dehongli beth sydd ei angen yn y ffasiwn sefyllfa. Rhagweld beth fydd yn digwydd, a rhoi rhywbeth yn ei le er mwyn atal hynny, y byddwn i eisiau ei weld. Felly, mae'r atebolrwydd yn rhywbeth pwysig, ac nid yw'n amlwg yn y Bil, na chwaith yn yr hyn sy'n ymhelaethu ar y Bil, o'n safbwynt ni.

[185] **Keith Davies:** Ond, yn wir—

not quite sure why. Do you believe that the practical arrangements set out in the Bill are sufficient to make the new body independent of the Minister or not?

Mr Hughes: I'll go first. It has crossed our minds that there was an opportunity right at the beginning to talk about this very important aspect. This is the most important aspect. The procedures—. I'm sure that you've picked up from the written evidence from ASCL that there have been discussions already about how, perhaps, Qualifications Wales will set about things, operationally speaking, and those are heartening. So, the big question is this strategic question of accountability. What exactly will be the opportunity for the Minister to bring influence to bear on what Qualifications Wales is going to recognise as a prioritised qualification? How detailed is the lead going to be from the Minister? There is a question there. How independent will the individuals who have an influence on the various boards and committees of Qualifications Wales be? Who will they be? Who will appoint them?

For me, perhaps, the thing that I can't quite see clearly in the Bill is what exactly the substance of this accountability is. As I understand it, and I'm more than ready to be corrected, it is an annual report that will be placed in the library. Is there more to it? Is there an assurance that there's an opportunity for this committee, and perhaps further than that—. Will there be an opportunity to look into the depths of this new body? And what is going to happen if something goes wrong? How quickly will stakeholders be able to respond to a crisis, for example—a crisis similar to the one we had with the English GCSEs last year? What one would hope is that it wouldn't be necessary for a crisis such as that to arise for us to scratch our heads and to decide what is needed in such a situation. To foresee what will happen, and to put something in place in order to stop that from happening, is what I would like to see. So, accountability is an important issue, and it's not evident in the Bill, or in the associated papers either, from our perspective.

Keith Davies: But, really—

[186] **Ann Jones:** Hang on a minute, because I'm sure Dr Chris Howard has got a point on

this.

[187] **Keith Davies:** Sorry, Chris.

[188] **Ann Jones:** I'm sure he has, because he's been smiling all the way through.

[189] **Dr Howard:** Yeah. Thank you, Chair. Robin has articulated a number of our concerns. You're more expert than we are on the way the legislative process works, but what we see at the moment is a proposition that is not, from our wider experience, uncommon within the UK, in that the regulator will be appointed by the Minister; the regulator will work closely with civil servants; and the regulator will, in this instance, have their performance management and other objectives discussed on a regular basis with civil servants or the Executive.

[190] The Minister will be able to intervene at a fairly detailed level of policy with the regulator, at various times during the year, and an annual report is then put in front of the Senedd. That is not uncommon in the other education administrations in the UK, but then two at least of the other education administrations in the UK have, as I understand it, stronger scrutiny systems in place than the Senedd currently has. There are bigger powers of recall and bigger powers of call in, to question the Minister and civil servants in front of standing committees such as this one. You'll know better what your powers are than I do, but if this were a Westminster context, for example, I would be less disturbed by what I see in the Bill because of the level of scrutiny that Parliamentary scrutiny committees can exercise over Ministers, and the amount of wider public comment that can be engendered through the work of those committees. This body may not be in that place at the moment, and you may not be in that place for several years, if at all.

[191] So, within the context of this body at the moment, and what you can achieve at the moment, I think you need more opportunities to bring the Minister and his or her officials to account than annually. Examinations are currently a twice-yearly process, and will continue in some regards to be so, in whatever way the system evolves. Robin's exactly right: if mistakes are made, then what power do you have to rectify and intervene in that process, in the way that a public debate was provoked in the spring, for example, and the Minister was brought to the full Assembly because of the public controversy? That should not have to happen, should it? That should be able to be done through scrutiny inside the building.

[192] It would, I think, be a more secure Bill if there were more opportunity for you to hear the head of the qualifications body two or three times during the year, just for progress reports. There will be times—there ought to be times, shouldn't there—when the qualifications authority is not absolutely on the same page as the Minister. If it's going to be independent, it can't be. That must be the case. Otherwise, it's not independent. So, when the independent authority is not on the same page as the Minister, what recourse does the independent authority then have? What recourse within this building, and within this body, does the qualifications authority have, and what recourse within the legislation do you have to force them to come to give evidence, to come to account, and all the rest of it?

[193] I think during the business in the spring, which was unfortunate, but which was probably inevitable in the circumstances, it might be argued that that arose because the right questions weren't asked of the right people at the right time. That might be a matter of capacity amongst civil servants. It might be a matter—. I am sure that some of you would make political points as well around it, but there may be all sorts of reasons why that happened. But we had to have that debate in the public press, and our members, who are very reluctant to get involved in that kind of activity normally, because their business lies elsewhere, were forced into a position where they had to, in all conscience, take part in a more public debate. Well, I think that's your job, not headteachers'. Within this Bill, there

need to be the vehicles that allow that to happen.

[194] **Angela Burns:** Can I just confirm, though, that you would accept the principle that the rights of the learner are not more paramount than the rights of the country, in that a Minister does have the right to say that, for our economic welfare, for our cultural welfare, the direction of travel in our learning at present needs to be these kinds of science and technology, or that we're going to very arts based? When you look at the strong economies that have built up around the world, there has usually been a degree of prediction going forward, when the Government has said, 'In five years' time, we want to be in the space business', or, 'We want to be in the energy business', and so they then backfill, through their colleges and further education systems, a requirement on the awarding bodies or a requirement on the qualifications authorities to ensure that there are—. And, they don't necessarily—. I accept that they shouldn't dictate how that is achieved, but they have the right to set that strategic objective, if they believe that that will benefit the country, or not, or do you think it is the way that learning should go?

[195] **Dr Howard:** No, no, I take the argument very strongly and it is one that's been articulated for a number of years. And I think there is something in the Bill that is good about the ability to set a strategic objective like that. I think that in Singapore they said, 'Look, we have to get literacy and numeracy right' and we spent 20 years doing that and that's all we did. Then, once we'd got that right, we moved into other areas. They were absolutely draconian about that and they'll say that that's been the genius of their system, that they haven't been deflected from that. But it takes a heck of a lot of political will. Singapore is a different political environment. It takes a heck of a lot of political will to sustain that kind of objective over time.

[196] My other problem with central direction in that sense is that if you get it wrong, you get it big-time wrong. So, if the global strategies are big enough, it will work, but at the level—. I mean I remember working in Caerphilly and the Newport area in 1997, when we were told that we had to gear our systems to fill the employment needs of the LG plant, coming to Newport. And what happened? Similar things have been done with the aircraft industry in St Athan. So, if you get it wrong, and you've moved too far down a particular road, then what you've done is deflect people into areas where there isn't the market for their labour and their talent that you thought there would be. If you're doing that, then you just make the case for a more general and broadly based education system all the way through to certainly 16, and maybe 18, because no-one can predict at that level what is right.

[197] But I think, in terms of where this Bill is, you're absolutely right then to get into curriculum areas, because this Bill effectively forms the curriculum for older learners in Wales, because you're giving the power to the Minister and the qualifications authority to set the curriculum. There's a lot of this at the moment. A lot of people are waiting for what Professor Donaldson's going to say, but there must be some interlink between what Professor Donaldson is going to recommend, what you think then, as a Senedd, is acceptable, following that, and what is contained within this Bill.

[198] **Ann Jones:** Robin, and then I'll come back.

[199] **Mr Hughes:** Yes, just to pick up on that point, Chris is absolutely right. You could look at it as an opportunity if you're absolutely certain in your own mind what it is that you would like to have taught to children in schools in Wales. If you're absolutely certain in your own mind, there is clearly an opportunity, as a Minister and as a Government, to use the powers within this Bill to drive through a limited number of highly prioritised things, backed by the funding labour, so that the only thing that happens at certain key points in a young person's life and education in schools in Wales is what you have identified that you want to prioritise. If you're absolutely certain that you've got it right, this Bill will make it possible

for you to do that. But, as we were saying earlier, you're in danger of having the god complex, aren't you, if you think you're that right? You're also in danger, if you go down too specific a route, of placing a millstone—the millstone of today—upon what is being taught.

[200] It also goes to one of the issues that has arisen at this current moment in time, when we're waiting on Donaldson. We're promised something quite loose, flexible and forward thinking, setting a tone and a framework that will see us right for five to 10 years. That five to 10 years connects with the introduction of the new curriculum in Scotland; it connects with the examples of Singapore and other high-performing PISA countries. We have high expectations of what Donaldson's going to give, based on that, and also based on the fact that he has led a very extensive and engaging process of consultation. This was not a single individual behind a very big desk, somewhere in Cathays park, dreaming up what, in their minds, should be delivered in the curriculum.

11:15

[201] It also identifies a certain weakness to the discussion we have at the moment. There is a difference, or there should be a difference, between the curriculum that we want to see taught and qualifications, which are assessment. The assessment should be in a mechanism for identifying how well the teaching of what it is we identified in the curriculum that we want to see taught is being taught; we look to the assessment, and a record—a credible record—for that young person that they've engaged successfully with that learning. Let's get the curriculum and the assessment in the right context, one with the other. The danger, as Chris quite rightly says, is that the assessment is a tail that's wagging the dog.

[202] **Angela Burns:** Thank you very much for making that point. I think that's a point that needs to be very clearly made, because I do agree with you on that issue very, very strongly.

[203] **Ann Jones:** Suzy wanted to make a point, and I know Keith wants to come back, but we are going to have to make some progress, because we're only on the second section of five, and time's marching on.

[204] **Suzy Davies:** Okay. Well mine's quite a short question—

[205] **Ann Jones:** No, no, I'm not saying, just—

[206] **Suzy Davies:** You both represent school leaders. Chris earlier identified that there is a concern about this definition of the needs of learners in Wales. Are you worried that your members wouldn't be duly consulted or that their views wouldn't be given enough weight when it comes to identifying or defining what might be the need of the learner?

[207] **Dr Howard:** Our members will interface—

[208] **Suzy Davies:** They will have to deliver all of this, after all.

[209] **Dr Howard:** Yes, they are going to have to deliver on it. Our members' prime interface will be with the provider—the awarding bodies or body.

[210] **Suzy Davies:** So, it's not through the curriculum review, because there's an opportunity to do it that way, isn't there?

[211] **Dr Howard:** They've contributed very, very strongly into the curriculum review. Our members' concern at the moment is, I think, as simple as this: they're going to be preparing young people for exams that are made in Wales and they want to be able to send them to higher-education gatekeepers and employers beyond Wales in the safe and secure knowledge

that their qualifications will be regarded in the same light and at the same level as, or even better than, the qualifications that are taken elsewhere. That is the single greatest priority facing us as we move through this period of transition. They are worried, I think, that either we won't get everything right first time—and it would be blooming brilliant if we did, wouldn't it—and that, secondly, they will not have enough purchase on correcting insufficient time for learners. I think Robin made that point earlier.

[212] **Suzy Davies:** That's lovely. Thank you.

[213] **Ann Jones:** Okay. Keith, and then we must make some progress.

[214] **Keith Davies:** Dewch inni gael mynd yn ôl at pam ein bod ni yma. Y Bil ar gymwysterau yw hwn—Cymwysterau Cymru—ac nid ar y cwricwlwm. Fel rydych yn dweud, mae Donaldson yn dod. Gallaf ddweud wrthyh chi bod y CBI, Cydffederasiwn Diwydiant Prydain, wedi rhoi adroddiad mas yn y mis diwethaf yn dweud eu bod yn moyn i TGAU gwyddoniaeth dros y tri phwnc gael ei chynnig ond nad yw rhai ysgolion yng Nghymru yn ei chynnig. Rwy'n credu na ddylem fod yn trafod y cwricwlwm nes ein bod yn cael Donaldson, ac wedyn cawn ni weld. Ond, ar gymwysterau, yr hyn rydych chi'n dweud wrthym yw nad oes digon o bŵer craffu gennym ni. A yw hynny'n wir? A ydych chi'n credu nad yw'r pŵer hwn yn ddigonol a pham nad yw'n ddigonol?

Keith Davies: Let us take a step back and look at why we are here. This is a Bill on qualifications—Qualifications Wales—and not on the curriculum. As you say, Donaldson is coming. I can tell you that the CBI, the Confederation of British Industry, put out a report in the last month saying that they want a GCSE covering the three science subjects to be taught, but that some schools in Wales don't offer that. I don't think we should be discussing the curriculum until we get Donaldson, and then we can see. But, on qualifications, what you're telling us is that we don't have enough scrutiny powers. Is that true? Do you think that the power is insufficient, and why is it so?

[215] **Mr Hughes:** I ddod yn ôl at yr agwedd yma ar graffu, yn union fel y dywedodd Chris, chi sy'n byw a bod yn y gyfundrefn yma. Rydyn ni'n methu â gweld, rydw i'n methu â gweld, mae'r bobl rwy'n trafod â nhw cyn imi ddod i roi tystiolaeth yn methu â gweld yn glir lle mae'r pwysau yn mynd i ddod i roi'r gefnogaeth i Cymwysterau Cymru lle mae yna densiwn rhwng beth y maen nhw'n ei weld sydd angen ei wneud a beth mae'r Gweinidog neu'r Llywodraeth yn gofyn iddyn nhw ei wneud. Pan mae yna densiwn, er enghraifft, sut yn union mae hynny'n mynd i weithio ei ffordd drwodd?

Mr Hughes: To return to this issue of scrutiny, exactly as Chris said, it is you who work on a day-to-day basis within this system. We can't see, I can't see, the people I talk to before coming to give evidence can't see clearly where the weight is going to come from to support Qualifications Wales when tensions arise between what they see as being necessary and what the Minister or Government requires them to do. When tension does arise, for example, how exactly is that going to be worked out?

[216] Yn ail, lle mae'r agosatrywydd yna, efallai, yn rhy glos ac yn rhy gudd, rydyn ni'n edrych arnoch chi, drwy'ch proses graffu, i daflu goleuni. Nid yw hwnnw'n amlwg iawn yn ei gryfder ac yn y ffordd y mae'n mynd i weithredu, yn yr hyn sydd o'n blaenau. Mi fuaswn i'n licio gwybod mwy.

Secondly, where that relationship is too close and where it happens behind closed doors, perhaps, we look to you, through your scrutiny processes, to shed light on that. That isn't clearly set out in the Bill in terms of how it's going to operate. I would like to know more.

[217] **Keith Davies:** Wel, y ffordd rwyf i'n ei ddarllen, safon y cymhwyster—dyna beth mae'r corff newydd yn mynd i edrych arno. Wedyn, mae'r Gweinidog yn mynd i benderfynu bod eisiau cymwysterau ychwanegol. Mae'r ddau beth yna'n hollol wahanol.

Keith Davies: Well, the way I read it is that it is the standard of the qualification—that is what the new body is going to look at. Then the Minister is going to decide on the extra qualifications that are needed. The two things are completely different.

[218] **Mr Hughes:** Wel, yn fy marn i, efo bob parch—rwy'n ymwybodol iawn o'ch cefndir, Keith—mae'r ddau'n mynd efo'i gilydd, onid ydynt? [*Torri ar draws.*] Wel, i ddechrau o'r cychwyn, os oes gennych gymhwyster sy'n cael ei gynnig gan un corff ac nid oes dewis—hwnnw ydy'r unig gymhwyster sydd ar gael—mae angen inni wybod pam. Ac, os yw'r cymhwyster yna'n troi allan i fod yn un gwan, efo cyfundrefnau gwan yn ei gefnogi, rydym ni mewn trwbl, onid ydym? Ond, nid ydym eisiau disgwyl tan fod y trwbl yn codi cyn inni sylweddoli beth ydym yn mynd i'w wneud amdano.

Mr Hughes: Well, with all due respect—I am very aware of your background, Keith—the two issues go hand in hand, don't they? [*Interruption.*] Well, first of all, if you have a qualification provided by a single provider and there is no choice available—that's the only qualification available—we need to know why. And if that qualification turns out to be weak, with weak procedures underpinning it, then we're in trouble, aren't we? However, we don't want to wait for that trouble to arise before we actually decide how we're going to address it.

[219] **Keith Davies:** Yn flynyddol, dywedoch chi, y Cynulliad, yn y pen draw, a fydd yn craffu ar y cymhwyster yma, yn yr adroddiad blynyddol.

Keith Davies: Annually, you said, it'll be the Assembly, ultimately, that will scrutinise that qualification, in the annual report.

[220] **Anne Jones:** I think we're moving away from what the Bill is meant to be looking at. It is very interesting, but I think that we'll just park that and move on to prioritising and restricting qualifications. Sorry, I've got a sweet in my mouth.

[221] **Aled Roberts:** A gaf i ofyn cwestiwn? Roedd Chris yn dweud ei fod yn sôn am ddwy wlad lle mae'r system graffu yn gryfach. A fyddai'n bosibl ichi roi tystiolaeth, achos rwy'n meddwl bod yna wendid yn y Bil yma? Y cwbl sydd angen i'r Llywodraeth ei wneud ydy rhoi'r adroddiad blynyddol o dan y Bil yn y Llyfrgell; nid oes manylder ar ôl hynny. Felly, rwy'n meddwl bod angen inni fynd ar ôl hynny, ond byddai gen i ddiddordeb mewn gweld beth yn union ydy'r systemau, os oes gennych chi'r dystiolaeth, Chris, o ran y ddwy wlad arall—

Aled Roberts: May I ask a question? Chris mentioned that he was talking about two countries where the scrutiny system is stronger. Could you provide evidence on that, because I do think that there is a weakness in this Bill? All the Government needs to do is place the annual report in the Library; there is no further detail. So, I think that we need to pursue that, but I would be interested to see what exactly the systems and procedures are elsewhere, if you have evidence on those two other countries, Chris—

[222] **Dr Howard:** No, I'd turn that around, to be honest. You're the expert legislators—it's your business, not mine, at the moment. There was a time when I understood what went on.

[223] **Aled Roberts:** A ydych chi'n sôn am Loegr a'r Alban?

Aled Roberts: Are you talking about Scotland and England here?

[224] **Dr Howard:** Yes, England and Scotland have more advanced parliamentary systems. That is the wrong word: their parliamentary systems have been longer established than ours

and are further down the path. [*Laughter.*]

[225] **Ann Jones:** I may help you out. We have a power—[*Inaudible.*—not this committee, but other committees, to subpoena. An Assembly committee has the right to subpoena anybody to come before them and give evidence. So, if we felt that, under the new qualifications body, there was—I think that this committee would—a reason to do it, and they resisted, because they only have to put their annual report in the Library, I'm sure that Members around this table would use the powers. And that becomes the bigger story, unfortunately. Nevertheless, there are—. So, we do have powers, which we try not to use. In a way, we try to work in partnership, because that's always the best way. At the end of the day, you have to sit around the table and find that common path in the best interests of the people. So it is an issue. We do have the powers—we've, perhaps, not used them as forcefully—

[226] **Bethan Jenkins:** That's extreme though, isn't it?

[227] **Ann Jones:** Well, it is.

[228] **Bethan Jenkins:** I understand what you're saying, because, actually, we wouldn't want to resort to that. Is putting it in the Library enough of a scrutiny mechanism? I think that's where we need to discuss further.

[229] **Ann Jones:** Yes, and those are things that we need to look at within the Bill, but, I think that, in terms of that, there are those powers that we can use. So, I mean, you know—. Not that I'm suggesting that I subpoena either of you, but there we go. [*Laughter.*]

[230] **Bethan Jenkins:** You could be the first.

[231] **Dr Howard:** No, but it is a reserved power, in that sense. What I was talking about was more of a standing arrangement, where you brought one or two cardinal players to account more frequently during the year and work in partnership with them.

[232] **Ann Jones:** Yeah, that's right. Sorry, Mr Hughes, you were—

[233] **Mr Hughes:** It's just to say that Aled invited some supplementary evidence. I am very happy to take him up on the offer and provide some observations, as you've just done, Chair.

[234] **Ann Jones:** That would be good, as well, because it would then enable us to take a more in-depth look before we actually write the final report, and, if we feel it's necessary, we'd make those recommendations.

[235] **Aled Roberts:** O ran blaenoriaethu cymwysterau, beth ydy'ch barn chi am y darpariaethau o fewn y Bil sy'n creu sefyllfa lle mae Cymwysterau Cymru a'r Gweinidog yn mynd ati ar y cyd i flaenoriaethu cymwysterau, ac, ar ôl hynny, beth yw'ch barn chi ynglŷn â goblygiadau'r gyfundrefn honno ar eich ysgolion a'ch colegau chi?

Aled Roberts: In terms of prioritising qualifications, what is your opinion on the provisions within the Bill that create a situation where Qualifications Wales and the Minister jointly go about setting priorities, and, following that, what is your opinion about the implications of that system on your schools and colleges?

[236] **Mr Hughes:** Os caf i fynd gyntaf, Chris, mae'n amlwg bod hynny'n un o'r pwerau mawr, mawr sydd yn cael eu rhoi i'r Gweinidog, o ran y ffordd y mae'n medru—o beth rydym ni'n medru ei ddehongli—

Mr Hughes: If I may go first, Chris, it is clear that that is one of the major powers that are being given to the Minister, in terms of the way that he—from what we can interpret—can greatly influence the activity

dylanwadu'n fawr iawn ar weithgaredd a blaenoriaethau Cymwysterau Cymru. Mae yna beryg amlwg. Y peryg amlwg yw ein bod ni'n rhoi ein hwyau mewn un fasedg a bod y fasedg yn anghywir, neu bod y fasedg yn wan, a bod y wyau yn disgyn ac yn chwalu. Dyna yw un peryg. Y peryg arall, wrth gwrs, yw, unwaith mae'r penderfyniad wedi cael ei wneud i roi'r un cymhwyster yna i un darparwr, nid oes rhaid i chi gytuno na choelio yn y syniad mai dim ond y farchnad sy'n mynd i sicrhau atebolrwydd ac ymateb chwimwth i ofalu am fuddiannau'r cwsmer a buddsoddiad yn natblygiad y cynnyrch. Nid oes rhaid i chi goelio ynddo fo, ond dyna beth mae pobl yn ei honni mae'r farchnad yn ei roi i chi. Felly, os nad ydych chi'n coelio ynddo fo, a'ch bod chi'n mynnu sodro'r gyfundrefn fonopolistaidd yma ar y farchnad, fel petai, beth sydd gennych chi i sicrhau'r buddion yna? Beth ydych chi'n ei honni yn eich cyfundrefn fonopolistaidd chi?

[237] Beth sy'n mynd i sicrhau hyder y cyhoedd, yr athrawon, y prifathrawon, ond yn bennaf oll, ein dysgwyr, y bydd yna ymateb chwimwth i'w hanghenion, bod gofalaeth bod y gwasanaeth yn mynd i fod o'r radd uchaf bosib, a bod atebolrwydd o fewn y darparwr i'r galwadau sydd yn codi o'n hysgolion, gan ein dysgwyr, gan ein cyflogwyr, a chan ein prifysgolion? Rydym yn poeni bod y pŵer yn cael ei roi, ond nid yw'n amlwg iawn beth yn union fydd yn cloriannu'r pŵer yna i sicrhau ansawdd y gwasanaeth a'r cynnyrch.

and priorities of Qualifications Wales. There is an obvious risk. That obvious risk is that we place all our eggs in one basket and that it is the wrong basket, or that the basket is not sufficiently robust, and the eggs all fall out and break. That is one risk. The other risk, of course, is that once a decision has been made to give that single qualification to a single provider, you do not have to agree or believe in the idea that it is only the market that will ensure accountability and a swift response to look after customer interests, and investment in the development of the product. You don't have to believe in it, but that's what people claim the market gives you. So, if you don't believe in that principle, and if you insist on forcing this monopolistic system on the market, as it were, then what do you have to secure those benefits? What are you claiming for your own monopolistic system?

What will secure the confidence of the public, the teachers, the headteachers, but mainly, our learners, that there will be a swift response to their needs, that care is taken that the service will be of the highest possible quality, and that there is accountability within the provider in terms of the demands emanating from our schools, from our learners, from our employers and from our universities? We are concerned that the power is provided, but that it is not very clear how that power will be counterbalanced to secure the quality of the service and of the product.

[238] **Dr Howard:** I think this is a very interesting part of the Bill because there's one part of me that says—and I'm sure that headteachers would agree—that it is right to bring in a greater system than we have at the moment, and it is right to get a greater degree of coherence. Nearly all the people that I've worked with in all my time had the learner at the centre of their thinking and they also interpreted the world around them in particular cases and then they took choices about what the curriculum was in their particular institutions with regard to what was right for their institutions and their learners. There's no headteacher in Wales, no senior management in a school in Wales, that wouldn't be doing that. It's at the heart of everything they do. So, would it be right that the authority, with the Minister, has the right to say that there will be priority development of the sciences, to pick up on something that the CBI might have been arguing, in the next three to four years? Well, that would seem sensible. Should the Minister, and the qualifications authority, but hopefully, in consultation with yourselves, then set a path in which they commission some research to see why science was not as popular amongst young people as it may be? Most headteachers will tell you that compelling young people to do, say, 20% science, is one of the prime features of disengagement amongst 14 to 16 year-olds. Whether you agree with that or not, it's true—

[239] **Ann Jones:** I'll testify to that.

[240] **Bethan Jenkins:** Ditto.

[241] **Dr Howard:** So, at the point at which you're compelling, it becomes difficult just at that level, but would you be able, or would the Minister and the qualifications authority be able to say, 'Well, look there is a bit of a crisis actually with the teaching and take-up—not the teaching but the take-up—of modern foreign languages in Wales compared to take-up in England, Scotland, and certainly, with countries beyond the UK'. Could we do with some research into finding out why that's happening and how we might do something about it, proactively, and gear the system up to do something that would get more people in without forcing everybody? That's the kind of questioning and development that I think this Bill will positively open up, so long as it's done in partnership and there is due scrutiny because the reverse side of that is that a wilful Minister, for whatever reasons, can decide that a particular subject area, or, even worse, a single qualification in a particular subject area, is flavour of the political month or political term and that is what will happen. We've seen adverse results of that in neighbouring administrations and I think that you can all imagine what that might get to, if it got into what most of us would regard as an absurd context.

11:30

[242] **Mr Hughes:** Just briefly, Chair, to identify two specific cases, we've mentioned the GCSE English made in Wales, awarded for the first time earlier this year, and it was a fiasco. We're looking forward now to a new arrangement with Qualifications Wales, but possibly with the same individuals transferring from the Welsh Government into Qualifications Wales. There's a capacity issue; there's significant questions over whether this new body will have the new systems and the new faces—not the old faces doing the same old things, which has been a debacle on a number of occasions, but new faces doing new things in new ways. That is the first thing.

[243] That made-in-Wales English GCSE is a monopoly arrangement. That's what made it so serious. It wasn't just the number of learners who had been completely shocked by the award that they'd been given earlier this year; it was the fact that there was no recourse—there was no other option. This had to be resolved. School leaders, with the interests of those learners at heart had no option to say, 'Thank you very much; that has been a debacle, we're going to take our business elsewhere.' They had no option, so we're looking at that system.

[244] The other thing I'd say is on GCSE short course Welsh second language: several years and maybe four reports have reported on the failure of that qualification and we are still with it—saddled with it. It is the only option, but where has been the driver through four reports, a countless number of consultations, and real consensus—a majority consensus—that something needs to be done? Where was the driver there to change that monopoly arrangement and do something better that matched the needs of the learners and those receiving them at the end of their period of education?

[245] **Ann Jones:** Okay. That's a very valid point. We're going to move on—. Sorry, had you finished?

[246] **Aled Roberts:** Yes, I think we've covered the—.

[247] **Ann Jones:** Yes, I think so. Strategic qualifications system: have you got anything?

[248] **Suzy Davies:** Actually, that follows, because I want to ask you, if you've got concerns that the new body will basically be an iteration of the civil servants from Welsh Government, why does it concern you so much that Qualifications Wales won't be in place

when the new GCSEs, and the new A-level and the new Welsh baccalaureate are coming in? Why? It won't make a difference will it, if the same people are involved?

[249] **Mr Hughes:** Well, no, Suzy. I was referring earlier to valuable, constructive and productive conversations that have already taken place. The appointment of Philip Blaker, who I'm sure you will be meeting, if you haven't met him already, is a positive appointment. Early conversations have taken place; we have a confidence not only in some of the arrangements that are described in the Bill, which are identifying ways in which Qualifications Wales will operate, but we're confident that we can engage with this new regulator. Going back to something that I was saying earlier and that Chris mentioned, let's look at the big picture: the big picture is that we have been asking for an independent qualifications regulator for a long, long time. We're going to get one; we're grateful. We just want it to be the right one, doing the right things in the right way.

[250] **Suzy Davies:** That's fine. I am more than happy with that answer, thank you. A slightly flippant question—

[251] **Ann Jones:** I do not know whether—. Have you anything to add to that, Chris?

[252] **Dr Howard:** Well, in terms of where we are at the moment, I think Robin made the right point really. We could have done with this being in place 12 months ago, because you're coming to a critical period. I'm sure if you asked the Minister and his officials next week whether everything was going along swimmingly for delivery to time and with success, you'd get a positive answer; you could get no different, could you, in a highly politicised context? But in a working-together context, and in a quieter and lower level area, you might get a different view and you might be able to ask the question about whether the timetable—as many of our members are—is too ambitious. You know, these are very challenging targets imposing high workload on teachers in Wales; they want to do the best and where—. Well, those are questions that should be being asked now. But if you ask them in a political context, you'll get one answer: ask them in a different context, and you might get one that will get you nearer to an ideal situation.

[253] **Suzy Davies:** Thank you for that. You mentioned earlier on about vocational qualifications and that this Bill can probably do a lot to improve the situation with that. Are there any particular provisions in the Bill that you think are particularly helpful with vocational qualifications? But, specifically, do you see a role for some sort of international benchmarking through this Bill, not just for vocational qualifications, but the qualifications we're more familiar with?

[254] **Dr Howard:** No, no. Yes, I think that was one of the strongest areas of the qualifications review, that we would internationally benchmark and we'd move towards the IVET and CVET nomenclature and standards, because people aren't overcommitting themselves in a vocational area within that context, and you also have a—. You have a chance, I think, to work with young people to make, not a binding, but a more—how shall we say it—informed choice of route at 14, and, as long as that route can be delivered by both colleges and schools, then you've got the ability to create better engagement for youngsters across the piece, without involving them in a huge amount of travelling, particularly in rural areas, which has been one of the problems, yes?

[255] **Suzy Davies:** Yes. I can tell you from first-hand experience.

[256] **Dr Howard:** So, I think, within the review, and then within the strategic objectives of this Bill, there is potential to configure a vocational system around the needs of Wales, rather than the huge marketplace that is out there.

[257] There is also a need, although I think it's a subsidiary need, maybe to get a handle on costs in this, because, during my term in post as a headteacher, the part of my budget, or our budget, that expanded exponentially was examination fees. In a marketplace where the supplier is supplying something that schools desperately want, they can charge more for it. So, I think that supply-demand argument and the way that that moves in a strategic sense around the vocational qualifications is an interesting one, but there is room for us in Wales to do something different, more controlled and maybe to lower costs. But I think the lowering of costs is—. You know, despite the huge challenges that we're going to face in the next 10 years, the lowering of costs should be the subordinate of those two/three aims.

[258] **Suzy Davies:** Before I ask Robin, can I just push you on that second part of the question? Obviously if you've got an international benchmark, that makes the qualification more portable, which was one of your original concerns. Would you like to see that in the more academic stream qualifications as well? An international benchmark, if there is such a thing.

[259] **Dr Howard:** Well, the proposed qualification system—and my anticipation is Professor Donaldson will endorse it, at least in the round—is through the bac and if the bac is not internationally recognised and portable, then we've got a real problem and we'll need to think again.

[260] **Suzy Davies:** It's not just Britain, but international.

[261] **Dr Howard:** Oh, yes. Yes, yes. Yes. I think the bac, actually, has more chance of being recognised internationally than it would be immediately in the rest of the UK. *[Interruption.]*

[262] **Suzy Davies:** Oh no, the bac isn't statutory, no. Yes, sorry.

[263] **Ann Jones:** Robin.

[264] **Mr Hughes:** Yes. Just to pick up on that, clearly going back to that essential aim of securing the credibility amongst the public, the public in its wider stance—we're talking stakeholders, HE, employers, not just the parents and the young people themselves—it is clearly of value if, as part of its day-to-day activity, Qualifications Wales is tasked with keeping an eye on the qualifications that are made in Wales for Wales and keeping an eye on their comparability and, therefore, their validity in relation to a basket of internationally recognised beyond doubt qualifications. It isn't easy. It was tried fairly recently by Ofsted—not Ofsted, Ofqual. It's quite a technical piece of work. I'm not saying because it isn't easy, it shouldn't be tried, but it's not as easy as one would have expected, but that goes back to the capacity issue. It's a good thing to see Qualifications Wales within this Bill being challenged to—that the comparability of our qualifications is going to be part of its area of responsibility. That's good. The fact that we're going to open it up to research, working with other stakeholders, reaching out beyond the borders of Wales, that's good.

[265] And, if I may, Chair, just a very brief point: right at the beginning I said we weren't absolutely sure that the capacity here in Wales was so limited that it needed a Bill to address it. It is within the wit, surely, of people like WJEC and other awarding bodies to come together and build relationships: relationships with a view to improving the provision that's offered in our schools and to our teachers. This Bill actually encourages Qualifications Wales to facilitate some of that. That's good.

[266] **Suzy Davies:** Thank you.

[267] **Ann Jones:** Aled, you've got a very brief point.

[268] **Aled Roberts:** Roeddech chi'n sôn am—

Aled Roberts: You talked about—

[269] **Ann Jones:** No, it is—.

[270] **Aled Roberts:** Roeddech chi'n sôn am ymestyn tu hwnt i ffiniau Cymru. A ydych yn rhannu rhai o bryderon Gareth Pierce? Roedd o'n sôn, o dan adran 29(3), fod yna orfodaeth i gael model Cymreig, a bod hynny'n mynd i greu sefyllfa lle yr oedd o'n dweud, 'Digon teg os ydy'r model Cymreig yr un cywir, ond ddylai fod dim gorfodaeth sy'n tynnu ni allan o'r gyfundrefn rhwng y tair gwlad ar hyn o bryd os yw safon A yn gallu mynd ymlaen rhwng y tair gwlad'.

Aled Roberts: You talked about extending beyond the boundaries of Wales. Do you share some of the concerns of Gareth Pierce? He talked about how, under section 29(3), there was a compulsion to have a Welsh model, and that that would create situation where he said, 'Fair enough if the Welsh model is the right one, but there should be no compulsion that would pull us about of the three country system that exists as present if A-levels can go forward on the three-country basis'.

[271] **Mr Hughes:** Os caf fynd yn gyntaf, digwydd bod, mae gennyf gefndir, wrth gwrs, o dros 10 mlynedd mewn un o'r byrddau arholi—OCR, fel mae'n digwydd bod—felly mae gennyf ryw syniad o'r gweithdrefnau sy'n eistedd tu cefn i'r peth mae'r rheoleiddiwr yn ceisio ei wneud.

Mr Hughes: If I could answer this first, as it happens, I do have a background of over 10 years in one of the examining bodies—OCR, as it happens—so I do have some idea of the procedures that actually underpin what the regulators try and do.

[272] Mae o'n beth da nad yw'r rheoleiddiwr newydd yma, Cymwysterau Cymru—ac mae o yn y Bil—. Mae'n beth da bod y berthynas rhyngddo fo ac Ofqual yn rhan o'r Bil. Rŷm eisiau perthynas sy'n gadarn ond nad yw'n cyfyngu ar y peth mae'r rheoleiddiwr yma yng Nghymru yn mynd i ddatgan a phenderfynu. Cyn belled â bod y rheoleiddiwr yn datblygu'r hygredded a'r arbenigedd, mi ddylem ni fod yn medru rhoi yr hyder ynddyn nhw.

It's a positive thing that this new regulator, Qualifications Wales—and this is set out in the Bill—. It is a positive thing that the relationship between the new body and Ofqual is included within the Bill. We need a robust relationship, but a relationship that doesn't restrict what the regulator here in Wales is going to decide. As long as the regulator does develop that credibility and expertise, then we should be able to place our confidence in them.

[273] Nid yw'r peth wedi cychwyn eto. Mae angen rhoi cyfle iddo fo i ennill ei blwyf, fel petai. Mae angen rhoi'r cyfle yna iddo. Wrth inni edrych ar y Bil, mae'r fframweithiau yn dechrau siapio yn galonogol. Rŷm ni'n gwybod ein bod yn mynd i roi'r her iddyn nhw i fod yn llais cryf, llais sydd weithiau'n mynd i 'push-io' yn ôl yn erbyn gofynion gwleidyddol pleidiol. Rŷm ni eisiau gweld eu bod yn gwneud hynny. Rŷm ni eisiau gweld eu bod yn rhannu eu bwriadau ac yn creu cyfle i ni, fel rhanddeiliaid sydd efo rhywbeth i'w gynnig, i fedru lleisio ein barn ac i siarad efo nhw, ond hefyd eu bod nhw'n cyflwyno i chi, fel y broses o graffu ac atebolrwydd yr oeddem

This hasn't actually commenced yet. We need to give it an opportunity to earn its stripes, as it were. We need to give it that opportunity. As we look at the Bill, the frameworks are taking shape, which is encouraging. We know that we're going to challenge them to be a strong voice, a voice that will occasionally actually conflict with party political demands. We want to ensure that they can do that and that they actually disseminate their objectives and give us, as stakeholders who have something to offer, the opportunity to voice our opinions and to communicate effectively with them, but also that they present to you, as part of the scrutiny and accountability process we

ni'n sôn amdani, eu bod yn amlwg iawn ac yn datgan yn agored y peth maen nhw'n ei wneud i sicrhau'r ansawdd yma rydym ni'n sôn amdano.

mentioned, that they are very clear and state openly what they are doing to secure this quality that we are seeking.

[274] Un o'r pethau y buaswn i'n licio gweld yw eu bod yn sicrhau eu bod yn cadw llygad ar y costau, fel yr oedd Chris yn dweud yn gynt. Rwy'n meddwl bod Gareth wedi dweud yn y sesiwn o'n blaenau ni, un o'r pethau, wrth gwrs, efo cyfundrefn reoleiddio ydy, os ydy o'n or-fiwrocraidd, ei fod o'n rhoi cost i mewn i'r system. Mi fuasai o'n beth gwael iawn os byddwn yn landio yn y pen draw efo system nad yw'n ddigon hyblyg i ymateb i ofynion fel y buasem yn dymuno gwneud, ei bod yn ychwanegu costau, ei bod yn cyfyngu ar ddewis a'i bod yn gwneud o'n fwy drud yn y pen draw i'r ysgolion: llai o ddewis, mwy drud ac nid ydym yn siŵr a ydym ni'n mynd i gael gwerth ein pres. Mae angen osgoi hynny.

One of the things that I would like to see is that we ensure that they keep a close eye on costs, as Chris said earlier. I think Gareth mentioned in the previous session that one of the things with a regulatory system is that, if it is overly bureaucratic, it actually incurs costs. It would be a shame if we were to find ourselves ultimately with a system that wasn't sufficiently flexible to respond to demands as we would like to see happening, that it actually adds to costs and restricts choice and also, ultimately, makes it more expensive for schools: less choice, more expensive and we're not sure if we're going to have value for money. We need to avoid that.

[275] **Dr Howard:** Can I have the question again, please? Sorry. [*Laughter.*]

[276] **Aled Roberts:** I was asking about whether—. Robin talked about the need to actually reach out beyond Wales's borders. One of the issues that Gareth Pierce raised was section 29(3)—

[277] **Dr Howard:** Oh, the compulsion, yes.

[278] **Aled Roberts:** —and that there was a danger that it limited; it said that you have to have a Wales model for everything.

11:45

[279] **Dr Howard:** Yes, I was reflecting on that, Chair. Thanks for reminding me what the specific point was, though. I would be hesitant about including that clause in the Bill, because we're not at that place at this time. I think, at this time, Welsh Ministers are probably better protected by working in a three-country context, because if things do go awry, at least we've got the fact that we're working in a three-country context to fall back on, and we've still got some comparability across borders. That's a worst-case scenario. As we work forward, we may get to a place where we've developed a system in which we're highly confident, which is widely recognised, and, at that point in time, we can say, 'Well, we can go separately and differently from those other administrations', or just have a shallower relationship with them, but we're not at that point at this point in time, so I don't see why it should be included in the Bill at this time.

[280] **Ann Jones:** Okay, I think that's a good point to end on. We have run out of time, and I've checked and I think that John feels that we've covered most of his—

[281] **John Griffiths:** I think those concerns have been—

[282] **Ann Jones:** Adequately covered. Yes, okay. Can I thank you both for your evidence

today? That's been very helpful. I think you're going to provide us with a few, sort of, ideas about how you think—

[283] **Dr Howard:** On the scrutiny.

[284] **Ann Jones:** On the scrutiny and how it can be strengthened. We'll send you a copy of the transcript—I can hear myself talking; it's awful—to check for accuracy, but just to say thank you very much, and I found it very useful.

11:46

**Papurau i'w Nodi
Papers to Note**

[285] **Ann Jones:** Members, we've just got a few papers to note. If we can note those papers—.

**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**

[286] **Ann Jones:** Then we'll just go into private session under 17.42, just for a few minutes.

Cynnig:

Motion:

y pwyllgor yn penderfynu gwahardd y cyhoedd o weddill y cyfarfod yn unol â Rheol Sefydlog 17.42(vi).

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

*Cynigiwyd y cynnig.
Motion moved.*

[287] **Ann Jones:** Okay, thank you.

*Derbyniwyd y cynnig.
Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 11:46.
The public part of the meeting ended at 11:46.*