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[The Children, Young People and Education
Committee](#)

26/11/2015

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December

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

The proceedings are recorded 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 Cymru Welsh Conservatives
Keith Davies	Llafur Labour
Janet Finch–Saunders	Ceidwadwyr Cymru (yn dirprwyo ar ran Suzy Davies) Welsh Conservatives (substitute for Suzy Davies)
Sandy Mewies	Llafur Labour
Lynne Neagle	Llafur Labour
David Rees	Llafur (yn dirprwyo ar ran Ann Jones) Labour (substitute for Ann Jones)
Aled Roberts	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Simon Thomas	Plaid Cymru The Party of Wales

Eraill yn bresennol
Others in attendance

Sophie Brighthouse	Cyfreithiwr, Llywodraeth Cymru Lawyer, Welsh Government
Huw Lewis	Aelod Cynulliad, Llafur (Y Gweinidog Addysg a Sgiliau) Assembly Member, Labour (The Minister for Education and Skills)
Mair Roberts	Cyfreithwraig, Llywodraeth Cymru Lawyer, Welsh Government
Emma Williams	Dirprwy Gyfarwyddwr, yr Is–adran Cymorth i Ddysgwyr Deputy Director, Support for Learners Division

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

Sarah Bartlett	Dirprwy Glerc Deputy Clerk
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Michael Dauncey	Y Gwasanaeth Ymchwil Research Service
Stephen Davies	Uwch-gynghorydd Cyfreithiol Senior Legal Adviser
Gareth Rogers	Clerc Clerk

Dechreuodd y cyfarfod am 09:30.

The meeting began at 09:30.

Cyflwyniadau, Ymddiheuriadau a Dirprwyon Introductions, Apologies and Substitutions

[1] **David Rees:** Good morning. Can I welcome Members and the public to this morning's session of the Children, Young People and Education Committee? A bit of housekeeping before we start: could I remind Members that the meeting is bilingual? If you require translation from Welsh to English, the headphones are available and translation is available on channel 1. If you require amplification, that's available using the headphones, but on channel 2. Could I remind Members and witnesses that, if you have phones, please either turn them off or put them on silent, as well as any other electronic equipment that may cause noise or interfere with the broadcasting equipment? We are not scheduled for any fire alarms this morning, so if there is an alarm, please follow the directions of the ushers to take us to the meeting point safely.

[2] We have received apologies from Ann Jones, John Griffiths, Suzy Davies and Rhodri Glyn Thomas, who is now a member of this committee in place of Bethan Jenkins. We have had a substitution for Suzy Davies. Can I welcome Janet Finch-Saunders on that part? We have had a substitution for Ann Jones, and I welcome Sandy Mewies. Can I also, on behalf of the Chair, express our thanks to Bethan Jenkins for her work during her time on the committee?

09:35

Bil Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru)
Drafft—Sesiwn Dystiolaeth 3
Draft Additional Learning Needs and Education Tribunal (Wales) Bill—
Evidence Session 3

[3] **David Rees:** We're moving on now to the next item of business, which is the evidence session with the Minister for Education and Skills in relation to the draft Additional Learning Needs and Education Tribunal (Wales) Bill. I welcome the Minister, Huw Lewis. Minister, would you like to introduce the officials who have accompanied you here today?

[4] **The Minister for Education and Skills (Huw Lewis):** Okay. I'm joined by my deputy director and senior responsible officer for the Bill, Emma Williams; and from our legal team, Mair Roberts on my right and Sophie Brighthouse on my left.

[5] **David Rees:** Thank you for that, Minister. Clearly, we have had some sessions with other witnesses and with stakeholders, and as a consequence we have some questions we wish to raise with you. We will go straight into those questions, and I'll open up with Simon Thomas.

[6] **Simon Thomas:** Diolch, **Simon Thomas:** Thank you, Chair. Gadeirydd. Bore da, Weinidog. Wrth Good morning, Minister. In looking at edrych ar y Bil drafft a'r dystiolaeth the draft Bill and the public evidence gyhoeddus yr ydym wedi'i derbyn that we've so far received, are you hyd yma, a ydych chi'n dal o'r farn still of the opinion that this is the mai'r ffordd fwyaf doeth o gyflwyno'r best way of doing this, by ddeddfwriaeth yma oedd drwy dull introducing this legislation through drafft yn y Cynulliad hwn, ac felly heb the draft system in this Assembly and orffen y broses ddeddfu yn y therefore without finishing the Cynulliad hwn? legislative process in this Assembly?

[7] **Huw Lewis:** In this Assembly term? Yes, I am. There are a couple of compelling reasons, I think, Chair, why this is the case. One is the need to make sure that the reforms that we are undertaking in this very important area have a best fit with the wider platform of reform around, for instance, the new curriculum, but also, perhaps even more critically, reform around the new deal and the reforms around initial teacher education and training. The new deal and the Furlong review both imply, to my mind, that our teaching professionals are operating at a new and higher level in terms of their skill

set, in terms of the support that's extended to them and the demands that we make of them. I think that matters very much in terms of how these issues play out in schools in particular.

[8] The second compelling reason, I think, is the pressures that we will see as we move towards the end of an Assembly term, with electioneering setting in and so on. Of course, that's a very necessary part of the democratic process, but at the same time, to my mind, it wouldn't necessarily give us the best atmosphere in which to contemplate very important issues like this one, which should be concentrated wholly and entirely upon the young people and the children involved, rather than on anything else that might tempt any one of us.

[9] I would say that we've made good use of this time, in terms of the delay that I called for. A great deal of stakeholder engagement has been undertaken as a result of that, which wouldn't necessarily have been possible otherwise.

[10] **Simon Thomas:** Fel rydych yn dweud, Weinidog, ac mae pawb yn ymwybodol yn y pwyllgor hwn hefyd, mae'r Bil yma wedi bod yn hir iawn yn y ffwrn, fel petai. Ac, yn y cyfnod yna, mae nifer o bethau newydd wedi codi yn eich rhaglen waith, yn eich adran, sy'n effeithio ar y Bil. Mewn ffordd, mae hynny wastad yn mynd i fod yn wir. Felly, mae'n rhaid penderfynu ar adeg pan fydd y Bil go iawn yn cael ei gyflwyno. Rydych chi wedi penderfynu mai yn y Cynulliad nesaf fydd hynny. Ond, yn y cyfamser, pa waith sy'n digwydd nawr ar draws y Llywodraeth ar y Bil hwn? A ydych chi o'r farn bod y Bil yn addas i'w bwrpas fel y mae, neu a oes gwaith, yn enwedig gyda'r adran iechyd a gwasanaethau cymdeithasol, i ddal i fireinio'r Bil a gwneud yn siŵr bod y Bil, pan fydd yn cael ei gyflwyno, yn rhagori ar y Bil

Simon Thomas: As you say, Minister, and as everyone is aware in this committee, this Bill has been a long time in the oven, as it were. And, during that time, a number of new things have arisen in your work programme, in your department, which affect this Bill. In a way, that is always going to be true. So, we must decide on a time when the real Bill will be presented. You've decided that will be in the next Assembly. But, in the meantime, what work is happening now across Government on this Bill? Are you of the opinion that this Bill is suitable, or is there work, especially with the health and social services department, to fine tune this Bill and make sure that this Bill, when it is presented, goes beyond the previous Bill?

presennol?

[11] **Huw Lewis:** As I mentioned, we've been holding stakeholder events up and down the country. There was a north Wales event earlier this week and a south Wales event is coming up on Monday. That one is oversubscribed in terms of the number of people who want to get along to it. In total, over 20 separate events will be held across Wales with different groups of learners and different settings and so on. I can obviously supply details to the committee if they require.

[12] The other important aspect of this is the setting up of the code content development group, which is working away with us in terms of the development of the code. Today's committee deliberations will also be very important in terms of input for that aspect of work as well.

[13] **Simon Thomas:** Ond, beth am **Simon Thomas:** But, what about tu fewn i'r Llywodraeth? within Government?

[14] **Huw Lewis:** Right—I've been passed a note, which I cannot read, I'll hand over to Emma at this point.

[15] **Ms Williams:** There's a considerable amount of work ongoing, particularly dialogue with health colleagues and with colleagues working on the social services and wellbeing Bill, to make sure that our legislation eventually will dovetail closely with both aspects of policies there. We also have work ongoing to develop workforce and practitioner skills; so, through the Minister's new deal programme, looking at how pioneer schools can actually start to develop the skills that the workforce have told us they would like to feel more confident in, in order to be able to better support learners in the classroom. So, a huge amount of activity already ongoing. The Minister has also put some money to local authorities to help them develop person-centred practice within the classroom. So, a lot of foundations on which the legislative reforms will be built are already starting to be put in place. But, most importantly, the ongoing dialogue to make sure that everything we do legislatively dovetails with other aspects.

[16] **Simon Thomas:** Yn y gwaith **Simon Thomas:** In that work, then, yna, felly, a hefyd yn y gwaith rydych and also in the work you have seen wedi gweld y pwyllgor yma yn ei this committee doing, do you still wneud, a ydych chi'n dal i feddwl bod think that the way this Bill has been pensaerniaeth y Bil yma—mae gyda put together—you have three

chi dri amcan a 10 nod craidd—y ffordd y mae'r Bil wedi'i strwythuro, a ydy hynny'n rhywbeth sydd, yn eich barn chi, yn mynd i aros drwy'r broses yma, neu a ydy hynny'n agored i gael ei newid? Hynny yw, rwy'n trio canfod pa mor gadarn ydych chi ar hyn o bryd ynghylch y Bil drafft, neu a oes unrhyw ailfeddwl sylfaenol yn digwydd yn rhinwedd yr holl ddatblygiadau eraill rydych wedi sôn amdanynt?

[17] **Huw Lewis:** No fundamental rethinking has been promoted in my mind thus far. Of course, we are here to discuss the code today. There are some issues surrounding the code where the door remains open. For instance, the issue around whether the code should contain some kind of template, which I'm beginning to think might be a useful thing, if we can go along that way. But, I think the fundamental principles were drawn up, in response to the 10 core aims and so on, in response to the commonsense approach, as I saw it, of your predecessor committee and those issues of inefficiency, bureaucracy, adversarial time-consuming processes and the sheer user-unfriendliness of the current system, and answers to those issues as being the underpinning of what we need to do through the Bill and through the code.

[18] **David Rees:** We move on now to Sandy.

[19] **Sandy Mewies:** Thank you, Chair. Morning, Minister.

[20] **Huw Lewis:** Morning.

[21] **Sandy Mewies:** Looking at the evidence that's been given that came forward after the consultation, replacing graduated support with individual development plans for all learners with learning needs has caused some concern. One of the things is that, at the moment, as you know, people can have three tiers of intervention and it will be moving to a system where everyone will have an individual development plan. That will also increase the numbers quite considerably, I think. You've just answered, or at least you've suggested now, that templates will be available, and that was one of the concerns that's been raised. You've confirmed that you are thinking that that may be a way forward. The tiered system now comes in where a child goes in

at one level and they move up if it's necessary. How will the new system deal with that tiered support? Do you think that there is a danger that, to some people, there will be over intervention in what happens to them or, indeed, that, because there are so many on these plans, in the tiering system, the evaluation and the monitoring will not be as good as it is now with three separate layers?

[22] **Huw Lewis:** First of all, there's been so much feedback about the difficulty surrounding the current three tiers as being really feeding into that adversarial system that I mentioned earlier that I think, clearly, what we have at the moment is inflexible to the extent that the needs of many young people simply can't be addressed—or the quite urgent and pressing needs that young people have. After all, the young person's time in school, for instance, is relatively short, and to-ing and fro-ing between professionals about exactly which level and the disputes that arise out of that, of course, really only harm the young person concerned. What we're talking about here is—the clue is in the name—an individual development plan: a personally tailored bespoke plan that fits that young person's needs, describes the expectations that would fall upon the professionals and the institutions around them, and it would be unique, in essence, to that young person. That involves a cultural shift, really, in terms of the way that professionals relate to each other and relate to the parents and the young person. What it demands, really, is much better and much more open levels of communication and a co-working ethos rather than what we too often see at the moment, which is an assumption almost from the off that these sorts of plans and provisions around young people have to be struggled for and fought for. What we're trying to instil here, although there is a limited extent to which legislation can change professional culture, but we're clearly signalling through the Bill and the code, I hope, that we expect professionals to work as a team around the young person to see commonsense solutions, rather than them getting locked in to a system that too often shifts into adversarial mode almost as soon as it has begun.

[23] **Sandy Mewies:** There's a term that is used. Normally the school itself would be responsible for looking at these plans, but the term that's used is 'It's beyond capability' and that it's not reasonable to expect the governing body to do that. The responsibility, I understand, will shift to the local education authority, or at least I think that's the case.

09:45

[24] In what circumstances do you envisage the local authority having that responsibility rather than the school? How frequently is it going to happen? Do you think that, because it's split into two again—? I mean you talked about it being adversarial. Do you think there will be consensus? Will there be a consensus agreed—does there have to be—by the school? And, on what the local education authorities think—what their assessment is—will there be some way of seeking consensus? The plan may be produced, but the school will have to carry it out.

[25] **Huw Lewis:** Well, of course, much of what you've described pertains at present. There isn't too much that is different in terms of—

[26] **Sandy Mewies:** It doesn't always work at present.

[27] **Huw Lewis:** Well, no, it doesn't always work at present, but what we're talking about here is much clearer, I hope, lines of dialogue and responsibility. Obviously, for instance, we can help in terms of illustrative examples and guidance that would come through, for instance, most importantly, in the code, but it remains the case under the new regime that we're describing here that either parents or schools could ask a local authority to take a look at the provision that might be necessary, particularly if they felt that the school couldn't be reasonably expected to provide that kind of provision.

[28] An illustrative example might be that, if, in terms of sensory impairment, for instance, a young person required a higher level of intervention, such as training around the use of Braille, that would clearly, in my view, be something that the local authority would need to take a look at. That would be something they'd need to take on board, whereas lower levels of sensory need, for instance, which might just involve different arrangements in a classroom, would be about using common sense, perhaps—something that is much better dealt with by the school themselves.

[29] As I say, the avenue is there within the new set-up for either the school or the parents to refer to the local authority to have that dialogue and, indeed, for the local authority to refer it back if they think that is necessary. So, what we are aiming for here is that education providers, local authorities and other agencies should work together to commonsensically hammer out the best possible fit for that individual child rather than having a system that automatically triggers the next level of adversarial loggerheads—if there is such a thing as adversarial loggerheads. [*Laughter.*]

[30] **Simon Thomas:** Loggerheads are adversarial.

[31] **Huw Lewis:** I suppose they are.

[32] **Sandy Mewies:** On the example you use their about sensory impairment, if it seems that the LEA need to look at what is required for a higher level of sensory impairment to teach the sensory curriculum and they decided that that was part of a child's individual development plan, would the LEA then be responsible for providing the sometimes very specialised equipment that the school would have to have to teach that curriculum?

[33] **Huw Lewis:** Again, you're describing a situation that pertains at present and, again, there wouldn't be too much change in terms of how those things needed to be figured out. One of the key differences, of course, is that we would have a different level of expectation around the strategic planning of such things embodied by the ALNCO within the schools system and, of course, if we're talking about cross-over now with health, we'd have the designated person, the chief medical officer or designated medical officer within the health board. Again, the expectation would be that there would be sensible dialogue between those professionals to meet the needs of the young person. I don't know if you want to add to that, Emma.

[34] **Ms Williams:** No, I think you've covered it very well there. I think one of the important aspects of the proposals is that the escalation routes go two ways. It is an iterative process. At the moment, we have a system that escalates only in one direction. Once something is escalated to a local authority or into a statementing situation, it very rarely de-escalates. The Minister's proposals allow for de-escalation and for better iterative processes between local authorities, so they may be able to step in for a short period of time and provide the support and guidance and then step out and the school be able to continue.

[35] **Sandy Mewies:** Do you want me to finish this section?

[36] **David Rees:** No. I've got Aled coming in now.

[37] **Aled Roberts:** Rwyf jest eisiau **Aled Roberts:** I just want to ask you—gofyn—rydych wedi esbonio paham you've explained why you're not rydych yn anfodlon efo'r gyfundrefn satisfied with the current system, and bresennol, ac rwy'n siŵr bod y rhan I'm sure that the majority of

fwyaf o randdeiliad yn rhannu hynny, ond, wrth gwrs, rydych yn mynd i symud, neu rydych yn awgrymu, o dan y Ddeddf, ein bod ni'n symud i gyfundrefn lle, yn hytrach na bod 2.7 y cant o blant efo anghenion dysgu ychwanegol o fewn datganiad, byddwn yn creu cyfundrefn lle bydd 22.5 y cant o'n plant ni yn gallu cael cynllun dysgu unigol. Wrth i chi ddweud eich bod chi'n poeni am orfiwrocratiaeth, a ydych yn teimlo bod ein cyfundrefn addysg ni'n gallu delio â pharatoi cynifer o gynlluniau, wrth i ni sôn am 105,000, rwy'n meddwl, o blant sydd arnynt angen cynllun unigol o'r fath?

stakeholders share that view, but of course, you're going to move, or you're suggesting, under the Act, that we move to a system where, rather than there being 2.7 per cent of children with additional learning needs within a statement, we will be creating a system where 22.5 per cent of our children can have an individual development plan. As you say that you're concerned about excessive bureaucracy, do you feel that our current educational system can deal with preparing as many plans, given that we're talking about, I think, 105,000 children who need an IDP of this kind?

[38] **Huw Lewis:** Yes, I do. First of all, I think it bears repetition that the current goal of getting the statement, if you like, has a very deleterious effect on the system as a whole—on the young person and the parents too in terms of the picture that we have at the moment, whereby you secure rights, if you like, through the obtaining of a statement. What this new system describes are rights that flow from, as Emma mentioned, iterative co-working between professionals around the young person. This would be much more individualised—I don't doubt, actually, although 22.5 per cent is a pretty precise figure, but I don't doubt that there might be more young people—

[39] **Aled Roberts:** It's not mine.

[40] **Huw Lewis:** Sorry?

[41] **Aled Roberts:** It's not mine.

[42] **Huw Lewis:** I don't know that we can put an exact figure on that. But the evidence is there within the best practice within the system at the moment, in my view. There are local authorities that pretty much do, in anticipation of this new legislation, run things in this way. They're doing that within the overall envelope of resource that's available to them. There hasn't been any particular strain on the system, as such, because of it.

[43] We also have to bear in mind, and I'll come back to this again, new types of expectation in terms of those two new types of professional—the additional learning needs co-ordinator and the designated medical officer from the health side, if that's required. One of the key things I want to ensure, as opposed to the current system of SENCOs, for instance, is that an ALNCO would be a professional operating at a much higher level. This would almost certainly involve higher levels of professional qualification and expectation around that person taking a strategic role in terms of planning and individualising plans and drawing in other agencies, as and when is necessary, and that within the school community, if you like, you have a higher level of capacity within the professionals, within the schools, as part and parcel of these reforms. So, it's not just about sheer numbers, but about individualisation and an enabling of the teaching profession to raise its game, frankly, around what grasp it can have of what young people need and their ability to individualise processes to meet those needs.

[44] **Aled Roberts:** Rydych yn sôn bod yna her, i ryw raddau, i'r proffesiwn. Roedd un o gynrychiolwyr yr undeb yn ystod y sesiwn a gawsom ar 12 Tachwedd yn edrych i Lloegr, lle, wrth gwrs, mae cynlluniau addysg iechyd a gofal newydd wedi cael eu cyflwyno. Roedden nhw'n dweud bod baich sylweddol o fewn ysgolion, er bod Lloegr, wrth gwrs, ond yn cyflwyno'r cynlluniau yna ar gyfer plant sydd yn barod o fewn eu system nhw o ddatganiad—nid ydyn nhw wedi ehangu'r cynlluniau—a bod yna broblem sylweddol yn Lloegr. Ydych chi wedi cael cyfle fel Llywodraeth i edrych ar rai o'r problemau sydd wedi bod yn digwydd eisoes yn Lloegr?

Aled Roberts: You mention that there is a challenge, to a certain extent, for the profession. One of the union representatives in the session that we had on 12 November was looking to England, where, of course, there are new health and education plans that have been introduced. They said that there was a considerable burden within schools, even though England, of course, only introduces those plans for children who are already within their statement system—they haven't broadened those plans—and that there is a significant problem in England. Have you had an opportunity as a Government to look at some of the problems that have already happened in England?

[45] **Huw Lewis:** I'll ask my officials to fill in the detail around looks that have been taken across the border in England, and how that's been structured. But, to my mind, you don't get to the nub of these issues, and solve the crux of the issue, without a move away from the current statementing process. So, I wouldn't be surprised, actually, if the situation in

England is throwing up all kinds of problems and issues.

[46] The fact is that a good school already plans provision in an individualised way around children that might have learning needs, or additional learning needs, which may be at a very low level. What we're expecting to happen here now is that professionals work together, and use resources that have not been available heretofore, such as, for instance, the code, which will be a key piece of work, in order to make sure that they really are doing everything that's necessary and possible for the young person.

[47] As I say, a good school will be doing much of this stuff anyway. So, I don't see, and don't anticipate, that there will be a hugely increased need for resources around these issues.

[48] **Aled Roberts:** Roeddech yn crybwyll yn gynharach eich bod chi'n barod i ystyried newidiadau i'r cod ymarfer. Un peth a gafodd ei grybwyll yr wythnos diwethaf gan y rhanddeiliaid oedd eu bod nhw'n gresynu eich bod chi wedi symud oddi ar argymhellion y grŵp gorchwyl o ran templed. Rydych chi wedi dweud hwyrach bod angen ailedrych ar hynny. A allwch chi esbonio pam wnaethoch chi symud oddi ar y syniad yna, wrth gofio, wrth gwrs, bod yna broblem? Rydych chi wedi dweud bod rhai awdurdodau lleol yn gweithredu'n dda, ond, wrth gwrs, mae yna rai eraill, hwyrach, sydd ddim mor dda, ac mi roedd sôn yr wythnos diwethaf, er enghraifft, bod rhai datganiadau yn cyrraedd 30 o dudalennau. Os ydym yn creu system lle mae yna rhai awdurdodau yn gofyn i gynlluniau fod yn 30 tudalen, nid wyf yn meddwl bod llawer o siawns i ni weld gwella yn y gyfundrefn. Felly, roeddech yn awgrymu eich bod yn barod i ystyried

Aled Roberts: You mentioned earlier that you're ready to consider changes to the code of practice. One of the things that was mentioned last week by stakeholders was that they regretted that you had moved away from the recommendations of the task and finish group in terms of a template. You have said that there is perhaps a need to look again at that. Could you explain why you moved away from that idea, bearing in mind, of course, that there is a problem? You have said that some local authorities are operating well, but, of course, there are others perhaps who aren't as good, and there was mention made last week, for example, that some statements reach 30 pages. If we create a system where some authorities are asking for plans to be 30 pages long, I don't think that there is going to be much of a chance for us to see improvement in the system. So, you suggested that you're ready to consider whether we should look

a oes rhaid edrych eto ar dempled o again at a template within the code
fewn y cod ymarfer. of practice.

[49] **Huw Lewis:** Well, I haven't moved away from a template. There is potentially a downside to templates, in that, if used poorly, they could land us in a situation of introducing an inflexibility into the system, because people might see them as prescriptive, and the temptation would be, within any bureaucracy, really, to move towards a one-size-fits-all situation, and that's precisely what we're trying to avoid. But I do accept, actually, that there are issues, particularly around issues like portability, that make the idea of a template really quite an attractive one, in terms of making sure that we don't have disconnects if children are moving around the system, as they do, of course.

[50] I've asked the code content development group to take a particular look at the idea of templates, and I think the professionals and stakeholders within that group would be best placed to advise on the idea of a template, and if so what a template should look like. So, I haven't closed the door; the door is still open there in terms of a template. I can see that there could be, if it's done properly, advantages to it.

[51] **Aled Roberts:** Un cwestiwn **Aled Roberts:** One last question—
olaf—

[52] **David Rees:** Can I just bring Angela in on this one, particularly on that point?

[53] **Aled Roberts:** Yes.

[54] **Angela Burns:** Just on this particular point, Minister, if you don't mind. Aled's raised the 30 pages and the need for a template.

10:00

[55] How will you be able to guard also against the tick-box exercise that sometimes comes to pass? Because people feel they have to consult with this, this, this, this and this professional or professional department, when, of course, what can often hold up diagnosis is the fact that they're being sent to be ticked by a particular professional who doesn't actually need to be involved—but of course there aren't those professionals. I think about paediatrics, for example—there aren't any paediatricians—and, again, that's an issue that can come up with templates and that whole tick-box mentality.

How will you cope with that?

[56] **Huw Lewis:** This is why I'm keeping an open mind on the whole template issue. There are potential downsides to the idea of a template, because, as you say, it can become some kind of recipe sheet that professionals tick off, as you quite rightly say. If we are to have a template, it's got to be something that is flexible and individualised and used in a commonsensical way also. So, again, if we were to have a template, what is said in the code in terms of guidance and in terms of examples of real-life situations or potential real-life situations is very important. I can see Emma wanted to comment on this.

[57] **Ms Williams:** I just wanted to add two aspects there. Firstly, you're absolutely right—the system would rely on professional judgment to indicate when a professional view was needed, rather than a bureaucratic 'You'll have reached this point in the process'. But, importantly, the underlying principle is that, actually, there should be no pause in providing what support can be provided, pending a formal assessment or a diagnosis. So, although a school or a local authority may be awaiting further professional advice, they will have a fairly clear idea of what might be supportive to a learner in the meantime, and the new system requires them to actually move and put that provision in place, pending any formal assessment. So, we'll have less of that delay while you wait.

[58] **David Rees:** Aled, did you have a question?

[59] **Aled Roberts:** I fod yn deg, **Aled Roberts:** To be fair, the roedd y cynrychiolwyr a oedd yn galw representatives that called for a am demplad wythnos diwethaf yn template last week did say that there dweud bod angen cael barn was a need to have a professional broffesiynol, ac nad mater o alw view, and that it wasn't just an issue pawb i mewn oedd. Rwy'n meddwl of calling everyone in. I think that we bod yna le i ni hwyrach weithio ar can work on that. There are some hynny. Mae yna rai cynlluniau lle plans that will be a responsibility for bydd y cyfrifoldeb ar y corff the governing body, and there are llywodraethol, ac mae yna rai eraill lle others that will be a responsibility for bydd y cyfrifoldeb ar y cyngor lleol. the local council. Sense Cymru and Roedd Sense Cymru a NDCS wythnos NDCS—who are responsible for diwethaf—sydd, wrth gwrs, yn children with sensory impairments— gyfrifol am blant sydd wedi colli eu said last week that, in their opinion, synhwyrau—yn dweud yn eu tyb nhw councils should be responsible for

mai cyngorau ddylai fod yn gyfrifol am ddarparu cynlluniau lle mae'r plentyn efo nam aml-synnwyr. A allwch chi esbonio sut y byddwch chi o fewn y cod yn penderfynu pryd bydd y cyfrifoldeb efo'r ysgol a phryd y bydd y cyfrifoldeb ar y cyngor? Neu a fydd hynny'n fater i'w drafod gan y bobl broffesiynol ar y pryd?

[60] **Huw Lewis:** The responsibility, and the best-placed judgment, is with the professionals. I don't think any Minister or politician could legislate for all conceivable circumstances around a child in terms of sensory impairment, or any other additional need. So, I think the best thing that we can do as a Government is make sure that the code is as robust as it possibly can be, and that it's supported with illustrative examples and guidance about how best to proceed. The difference in terms of the new system is that instead of, usually a parent, trying to scramble, if you like, for recognition of needs through the obtaining of a statement, the new regime will have professionals consulting around what was best and sensible to supply, if you like, in terms of support for additional needs around that child. In other words, a dialogue rather than a confrontation is what we're aiming for.

[61] To take the specific point you made, I think Sense Cymru is almost certainly right. If we're talking about multiple sensory impairment, I don't think anyone would suggest—that, almost certainly, would be an issue for the local authority, obviously.

[62] **David Rees:** Thank you. Simon, do you have any further questions on the IDPs?

[63] **Simon Thomas:** No, they've been covered.

[64] **David Rees:** We'll move on, then to the next topic, which is the multi-agency work and collaboration. Lynne.

[65] **Lynne Neagle:** Thanks, Chair. The vast majority of stakeholders we've spoken to have expressed concern that the draft Bill is too weak in terms of the duties it places for collaboration, particularly with the health service. They've highlighted the fact that there is a duty to make provision for the health service where this has previously been agreed—there's nothing to

actually enforce that. How do you respond to that criticism?

[66] **Huw Lewis:** Well, the duty to deliver on something that's previously been agreed would be enforceable; that's part of the Bill, and that's a new duty. So, that strengthens—in favour of the child—the position, compared to what we have at the moment. It's also critical to remember the key importance of the new designated officer role that each local health board would have to take on. That, again, would be a new duty on health boards, and what we're talking about there is a designated person who has to undertake that dialogue, for instance with local authorities, has to consider the needs around the IDP and has to engage in dialogue with parents and with local authorities and schools about what is best provided and what is necessary. So, there is, if you like, a strategic 'in' to the way that the NHS actually operates, and a point of purchase, if you like, for the parents, for the young persons and for the local authorities as well, which isn't currently the case.

[67] **Lynne Neagle:** Okay. I accept that there are some new things in the Bill, but if the health board doesn't agree that it is to provide a particular service, there is no mechanism, as far as I can see, to make them do that. The witnesses we've spoken to have called for the Welsh Government to place a statutory duty on the health service to work with local authorities and schools. How do you feel about that call?

[68] **Huw Lewis:** Well, health professionals are already under an obligation to give accurate evidence-based opinions, based on the needs of the learner. That's clear. They would be acting in an unprofessional way if they didn't work in that sense. Of course, there is also the current NHS complaints procedure, if people were to feel that that is what they had done—that they had acted in an unprofessional way or they hadn't focused on the needs of the learner and undertaken their duties correctly. So, there is, within this—you're quite right to point out—a reliance on the integrity, really, of health professionals to undertake their work without fear or favour, to take into account the needs of the young person and nothing else. But you do have to balance this, of course, against the self-evident truth, to my mind, that judgment of what clinical need is is best placed with medical professionals. A politician can't second-guess the judgment of what a clinical need involves; this has to lie with the medics.

[69] **Lynne Neagle:** Okay. Can I just ask, then, about discussions between your department and health on this Bill? Are discussions still ongoing about

how this could be strengthened? Is that something that you'd be willing to discuss with the health Minister, based on what the committee has said?

[70] **Huw Lewis:** Well, of course, there have been discussions with health. I could ask Emma, perhaps, to outline those in a little more detail, if that's helpful to the committee. I wouldn't exclude further conversations. Obviously, this is a draft code that we're talking about here, and as much as any other stakeholders, the input of the committee would be useful if there were pointers that you wanted to lay down. Emma, could you expand on that co-working?

[71] **Ms Williams:** Absolutely. I think there are a number of strands of ongoing dialogue with health colleagues. Some are around the code and how we develop that and flesh out what the new duties mean in practice. Other aspects of dialogue, and possibly more important, are actually around how we work more closely together as departments in terms of helping professionals to get the right working practices on the ground. So, for example, we have a piece of work as an offshoot of the code development group which is looking specifically at the issues of therapies and the tensions around where people feel that therapies may be the right route and where medical professionals feel that, perhaps, a different approach is going to have a greater impact on learners. So, there is one piece of work going on there. Another aspect that we're working on is how we work more closely with health colleagues to develop universal services that start to deal with, for example, things like language development, which we know is a huge issue. Because it's not necessarily been dealt with consistently and early enough on a universal basis, we've got additional pressure on speech and language therapies. So, by working together to look at what we can do across the system within the early years to develop better language development, we can take the pressure off. So, there is dialogue on three levels, really.

[72] **Lynne Neagle:** Thanks.

[73] **David Rees:** Thank you, Minister, for the answers. We've got some questions that are going to come from that, but can I just clarify one point? Obviously, you've just indicated in your answer relating to section 14 of the draft Bill—it says that the health board has to agree and doesn't have a duty to provide unless it does agree. I just wondered—you've reflected on the professionalism of the clinicians in that sense. Is it the way forward to have draft Bills that rely on professionalism rather than place duties on authorities to make sure there's proportionate representation, or rather that

proportionate provision is supplied by those bodies? Because at the moment, the health board or the health authorities do not have a duty to actually provide unless they agree that.

[74] **Huw Lewis:** My response would be: how better could we do this? If we are to rely on professional judgments around clinical issues or medical issues then who do we turn to, other than the professionals, to make sure that this is a genuine need that needs to be met and so on? It certainly would be difficult to envisage a piece of legislation that second-guesses a clinical judgment.

[75] **David Rees:** I've got some people coming in now before I go to Keith. Angela, one quick question, and Simon, one quick question.

[76] **Angela Burns:** Minister, the problem isn't the professionalism of the individuals involved; the problem is the timeliness, and that's where your statutory element could be brought to bear. Because there's no obligation on health boards to give a timely diagnosis or to give timely interventions, and that is what we see in our constituencies. It's young people waiting for years. There's no disputing that, when they get to the diagnosis, it's usually pretty good, but it's the time, and when you are that age, that time is utterly critical in your ability to continue to grow. So, that's where we need the statutory element. It's about forcing health boards to put a timeliness element to the preventative medicine or to the responses that they should be giving for these young people.

[77] **David Rees:** That was a comment, more than a question.

[78] **Angela Burns:** It was a comment. Well, I was giving him his solution, actually, about what he could do.

[79] **David Rees:** Do you wish to give a response?

[80] **Huw Lewis:** Well, I think it's a very powerful comment. I think it has great weight, and that is something that we should consider further, yes.

[81] **Angela Burns:** Thank you.

[82] **David Rees:** Simon.

[83] **Simon Thomas:** Just on this point, the Bill here—what we're discussing

here—looks unbalanced. It doesn't look like a Bill that marshals the whole resources of Government around the child and ensures, as Angela said, the timely but appropriate delivery of support for that child. Reading the Bill and listening to what the stakeholders say, it sounds like health is telling you, 'Keep your hands off our responsibilities, mate', rather than working with you in a way to produce coherent statutory duties on both sides.

[84] After all, we're supposed to be talking about public services that work in a unified way in the modern Wales. You set up public service boards to deliver on wellbeing; in this regard, surely there must be a way of having an equitable, sort of, set of duties and responsibilities both on local education authorities and the health boards to work together, not only when they agree that things should be done, but, actually, to put the child as central to their planning and to work as professionals. I totally agree that you don't describe, then, how the professionals have to work together—it's their professional judgment—but it looks unbalanced in the way you're doing it here.

10:15

[85] I can see great issues coming here and I can see parents, then, complaining. You just mentioned the NHS redress system, which is—. We won't go down that particular path. But parents are complaining through that system and through the tribunal system and challenging their local education authorities. It looks a mess.

[86] **Huw Lewis:** Well, I don't accept that there's any kind of mess here. I think we have a work in progress. That's what this code is all about, and very important points like this will need to be considered. I'm interested in a piece of legislation that does bring professionals around the needs of the child and puts that child at the centre of all the considerations. So, I'm happy to consider any way in which colleagues might feel that the Bill, or the code or the guidance around it could be strengthened.

[87] It's important, also, to say that this particular piece of legislation doesn't cover everything, and it can't. There are other issues outside of legislative change that need to be considered. Emma mentioned just a while ago the work around language development, which, I think, is critically important. This is as much about how early years settings for young children relate to the work of health visitors, for instance, which isn't necessarily within the scope of this Bill at all, but it's about sensible relationships in that regard. I think there's also a crying need, to my mind, taking things up the

age range a little, for speech and language therapy to be, to an extent, part of the menu of skills that more and more teachers are able to develop and that's something, particularly through the new deal and the developments around initial teacher education and training, I've asked officials to take a look at how we can upskill teachers, so that there is more awareness and more capacity within schools in order to be able to meet some of these needs. But—. Well, the committee will take this as the committee wants to take it.

[88] **David Rees:** Yes, we will. I've still got three sections to cover and we've only got 15 minutes left, so if I can ask Members and the Minister to keep their questions and answers reasonably brief. Keith.

[89] **Keith Davies:** Dau beth, yn gyntaf. Gyda'r gwasanaeth iechyd, fe allaf roi enghraifft ichi o amser pan oedd un o'm meibion i'n fach, fach, ac roedd y nyrs yn dod i'r tŷ i weld sut oedd e'n tyfu a phethau fel hynny. Nid oedd gair o Gymraeg gyda hi a dim gair o Saesneg gyda fy mab i. Os ydym yn edrych ar y gwasanaeth iechyd, mae'n rhaid sicrhau bod y bobl sy'n mynd i edrych ar ein plant ni'n gallu trafod gyda nhw yn yr iaith mae'r plant yn ei defnyddio.

Keith Davies: Two things, first. With the health service, I can give you an example of a time when one of my sons was very little, and the nurse came to the house to see how he was growing. She didn't speak Welsh at all and my son couldn't speak English at all. If we're looking at the health service, we must ensure that people who are coming to look at our children can discuss with them in the language that those children use.

[90] Mae'r cwestiwn arall yn dilyn lan, mewn ffordd, beth sydd gyda ni fan hyn, ynglŷn â chydweithio rhwng yr awdurdodau. Nos Fawrth, rwy'n credu, roedd maniffesto Rhieni dros Addysg Gymraeg yn cael ei gyhoeddi ac roedd Aled, Simon a fi yno, ac un o'r problemau mawr sydd gennym ni yng Nghymru cyn belled ag y mae anghenion arbennig yn y cwestiwn, yw: a ydym yn gallu cefnogi plant sy'n cael eu haddysg a'u bywyd trwy gyfrwng y Gymraeg? Pa ffordd rydym yn sicrhau ein bod ni'n cael y

The other question, following up on what we have here, is about collaboration between authorities. Tuesday night, I think, the Parents for Welsh Medium Education manifesto was launched and myself, Aled and Simon were there, and one of the big problems we have in Wales as far as special needs are concerned, is: can we support children who receive their education and live their life through the medium of Welsh? How do we ensure that we have that collaboration? Will there be

cydweithio yna? A oes rhywbeth yn something in this Bill about that?
mynd i fod yn y Bil am hyn?

[91] **Huw Lewis:** I don't know that this Bill is the place to best address issues like that one. I think, primarily, what Keith is describing—. There are Welsh language standards, obviously, that everybody has to bear in mind, but I think it's really a policy issue that you're describing there. It is one I'm concerned with. We have to make sure that, if we're building that capacity within the workforce, for instance, around issues in early years language acquisition, whether it's English or Welsh, we have to have a mind to the skill set within the workforce being available in both tongues, right from the off. So, there will be implications for me to take away, I think, in terms of initial teacher training and, indeed, how the new deal develops around professional development of the current workforce. I'm open to suggestions, but I don't know that there is anything within this legislation that could usefully be tweaked in order to meet that issue.

[92] **Keith Davies:** Diolch.

[93] **David Rees:** Janet, do you have any questions on this particular topic before we move on?

[94] **Janet Finch-Saunders:** I'm obviously new to this committee, but I'd just like to ask the Minister: what is your overall aim for this Bill? You seem to be quite uncertain yourself as to what your actual practical aims are. How is the education of our children going to be improved by this Bill, in three simple aspects? That would be useful for me to know because I'm new to this committee. I actually pick up a lot of doubt in your own mind about what you are going to achieve with this Bill. On two occasions you've said that you don't feel that this Bill is the right vehicle to bring, you know, sort of about the Welsh language. For me, why aren't you placing a statutory duty on the health side and local education to work together so that that child does become fully supported from all angles?

[95] **David Rees:** Minister, I appreciate that you've answered some of the points already.

[96] **Janet Finch-Saunders:** Well, I don't think the Minister has, with all due respect.

[97] **Huw Lewis:** Well, I'll answer the question myself, if you like. You can

answer your own question, if you'd rather. There are no doubts in my mind. What's happening here, very simply, is that there are aspects of this Bill—this is why there's a draft code—where I think the door is open to good suggestions, and the Government is quite clearly saying that we want input from stakeholders and others to make sure that we get this right. If members of the committee have an idea about precisely what duty we would be putting on local health boards in the instance of a child who's got a particular problem, then okay, make the suggestion. I think that that arena would be fraught with difficulty. It isn't enough to point at the Minister and say, 'Pronounce a duty'. You have to say exactly what we're trying to ask of the NHS in that regard. So, you know.

[98] **David Rees:** Okay. I've got to move on. Could I come back to you if we've got any time at the end? Okay? Angela to move on.

[99] **Angela Burns:** Yes. Thank you. Minister, I'd like to just discuss with you the role of the additional learning needs co-ordinator. I think my first question is: do you have a clear view of where they're going to—? Actually, no; sorry, can I just row back one more point? You say, in the code, that it will be mandatory for schools and colleges to appoint a member of staff to be the ALNCO. Now, will that individual be a person that they literally go, 'Right, here we've got 20 teachers. Do you fancy doing the job? You do it'. Will it be somebody who is specifically recruited by the school to be the ALNCO, because that's somebody with experience in this particular field? Do you want me to rattle off all the questions in one go, or one at a time? It's all around this subject.

[100] **Huw Lewis:** It's your question.

[101] **Angela Burns:** Okay. So—

[102] **David Rees:** One at a time, Minister, is fine. I'll give her time to come back to you.

[103] **Angela Burns:** Okay. So, there you are. That's the first bit.

[104] **Huw Lewis:** Okay. Well, we'll have regulations, obviously, that will set out the qualifications and experience that ALNCOs will need. I'm very interested in cranking up the level of expectation here around what kind of professional capacity there is. I think these people are obviously going to be central to the success of the new regime around additional learning needs. I

think we need to have very high expectations. There are special educational needs co-ordinators out there at the moment operating at a very high level—very, very professional people—automatically taking on that strategic leadership role that now needs, through this legislation, to become a part of every part of the system instead of the pockets of best practice that we’re currently seeing. Obviously, there will be regulations around that.

[105] **Angela Burns:** So, Minister, can I just pick up on that particular point? You talk about the ALNCOs taking a strategic leadership position, but who are they leading? Is it other teachers, and will these teachers also, through perhaps initial teacher training or the Master’s, be having further training on how to handle young people with needs and, probably more importantly, how to identify young people with needs, particularly those who don’t have the obvious needs? Or are you leaving it entirely to the ALNCO to go around the school that they are in and be the ones who spot where the needs are, or the ones who then take that forward, because—? So, yes; answer that question first, and then I’ll do the next one.

[106] **Huw Lewis:** There were two questions, and the answers are ‘yes’ and ‘yes’. Every teacher should be a teacher of ALN, should have some training, should be aware and should be able to add to that aspect of their professionalism as their career progresses—

[107] **Angela Burns:** So, will you be putting that into the initial teacher training? Sorry, I’m rushing you because I know time is short.

[108] **Huw Lewis:** Yes. It’s not a matter for this legislation, but yes. But, with the ALNCOs, we are talking about people who are taking a professional specialist career path there, and the career development around them needs to be in place.

[109] **Angela Burns:** Great, that’s excellent. So, therefore, what we’re saying is that schools will be mandated to go out and find a specialist, and we’ve got, you know, 1,200 primary schools and 250 secondary schools, so we need all those people. Do you have a feel for what the capacity is in the system for getting those people and those who are either already in post and good, like the current SENCOs—? We’re going to have a shortfall in some schools. Do you also see these as individuals who do not teach, but their entire role, particularly in the larger schools, like some of our secondary schools, is particularly just to do this, and they’re not then going to go off and teach English in the third period, because actually what they’re doing is

looking after the 90 kids in that particular year group who need help?

[110] **Huw Lewis:** The important thing, first of all, in response is to say that there are lots of very excellent SENCOs out there at the moment. So, in many aspects, the solution would present itself to, for instance, a headteacher or board of governors: 'Here we have a very high-functioning SENCO. We need to make sure that they're equipped to move on to the strategic role of being the ALNCO.' I don't want to—and I would be very hesitant about—laying down stipulations about whether ALNCOs are teaching or non-teaching in terms of their roles. My response to that would be that I think that's best placed with the lead professional headteacher within that setting. There are schools in all sorts of different situations—schools with 2,000 pupils and schools with 40 pupils—and to stipulate that an ALNCO must always be in a non-teaching capacity, I think would be—. That judgment's best placed with the professionals on the ground.

[111] **Angela Burns:** But there's the rub, isn't it? You're absolutely right, in my view, to identify the importance of an ALNCO. However, there are going to be instances where you leave it to schools, and you're making this mandatory that they have to appoint somebody. We talked earlier about tick-box exercises. It's incredibly easy for a school to say, 'Right, Burns, you're going to be our ALNCO. Tick. Right, we've done that one.' And then, actually, Burns is off doing all the teaching and does not have the chance to really get to grips with the issues. And I do take your point that, if you've got a small school of, you know, 70 pupils, yes, there may be an issue, but we also have schools with 1,400 pupils where it's a different ball game. So, I am concerned about that. I'm concerned about—. These aren't concerns as in negatively putting this Bill down; they are more concerns about, 'What do we do about sorting out our capacity and our budgeting?' because I worry that heads will say, 'Actually, I can't afford to lose an English teacher, so I am going to make my ALNCO work.' And we've been listening to the third sector, and the Welsh Local Government Association and people like that, who are very clear that they are worried about the ability of these individuals to do their role.

[112] I also have concerns about how we are going to uprate our capacity around this. If we forget the health people for a moment, there are lots of other areas like educational psychologists. We don't have a commitment at the moment to carry on, for example, a course in our own country on that beyond a certain point. Will you be looking at that? Will we be looking at how we can increase the people who are under your purview? Where are we going

to get them from? How are we going to train them and how fast do you think we're going to be able to put them in place? Because it would be terrible if this incredibly excellent concept of this ALN Bill actually crashed and burned simply because we do not have the capacity within the system to implement it.

[113] **Huw Lewis:** Well, I don't think we do have the capacity within the system to do this stuff as well as we could at the moment. That's why I'm overhauling initial teacher training and introducing a whole new regime around continuing professional development for our teachers. I think we do need every single teacher in Wales to be operating at a higher level of professional competence with higher expectations around them and higher levels of support in order to enable them to get to where they need to be. So, there are questions surrounding this that cannot be answered directly by the Bill here, that are about the capacity of the system to deliver, and Angela Burns is quite right to be concerned about them.

10:30

[114] But the answer to those questions is not necessarily set out in legislation. There will be regulations around the role of ALNCos, of course. I know that Emma is very keen to come in on this point.

[115] **Ms Williams:** I just wanted to add, on that very point, that there is a regulatory-making power in the draft Bill at the moment that would allow us to set out the experience and skills required. Obviously, the introduction of any higher requirements for training and development and skills would need to be phased in over a period of time, allowing the system to work with the current workforce and upskill them. As the Minister rightly says, lots of SENCos currently operating within the system are already delivering the kind of strategic, professional support role that we envisage. Others aren't there yet, and we need to support them to come through.

[116] I just wanted to also note, on the more professional workforce development, following publication of the review that the Minister undertook on specialist services within the system, we are starting a dialogue with Welsh Local Government Association and Association of Directors of Education in Wales colleagues about how we can take forward a more strategic workforce planning approach for specialist services across Wales, to make sure that we have the right flow of professionals coming through the system, and then, once they are developing their skills and getting the

professional qualifications, actually retaining them working within Wales, supporting our learners here. So, there is work to support those two strands ongoing.

[117] **Angela Burns:** I'm really pleased to hear that. I know the Chair would like me to shut up, so I—*[Laughter.]*

[118] **David Rees:** I am going to ask you to stop there.

[119] **Angela Burns:** I just want to say that I'm really pleased to hear that, but I am very concerned that there is a mismatch. The Bill will deliver here, and we are going to be well behind, and it's going to not meet the expectations that we are all hoping that this Bill will develop. You're right: yes, the legislation can't deal with capacity issues. But, as the Minister, you need to be surely thinking about filling in those capacity issues in order to be able to deliver the legislation that you want to put in place.

[120] **Huw Lewis:** Well, clearly I am, Chair. Colleagues will be aware that I have set a date of 2018 for the new-style teacher training, which will, of course, include those teachers who are signing on for a career in ALN. We are already beginning to reform, through the new deal, the continuing professional development offer that's out there. That's already starting to happen.

[121] **David Rees:** Thank you, Minister. I'm conscious that we've come to the end of our allocated time, and we still have two question areas that I would really want to move on to, if I get a chance. Have you got 10 minutes?

[122] **Huw Lewis:** I don't know if I do today, Chair.

[123] **David Rees:** Two minutes, then.

[124] **Huw Lewis:** All right.

[125] **David Rees:** I'll ask the question to make sure it's short, in that case. *[Laughter.]* We have had information from stakeholders that the Bill is very centred upon the three-to-16 age group, although it focuses on nought to 25. We've had concerns from stakeholders that there is insufficient emphasis on the nought-to-three and post-16 areas. Perhaps you'd like to give us an indication as to how you can strengthen the Bill on the nought-to-three period to ensure that the early years—an area that is critical to the child's

development—is going to be tackled, particularly outside the areas of Flying Start, for example, and also the post-16 section.

[126] **Huw Lewis:** It's a fair point. The draft Bill is very clear about the duties and responsibilities that are being set out, and they relate to all age groups. But, you are quite right—and I would acknowledge this, actually—that in terms of the early years and post-16, there is less development around the initial draft than there is for the school-age population. So, I have identified that as an area of work for the code content development group that I refer to later. You are absolutely right, Chair, to point out that that is less well developed than the school-age group.

[127] **David Rees:** Therefore, can I also highlight the point that, as you develop it, you look at the vocational career plans as well, post-16, particularly as this Bill covers an age range of up to 25, not just people who are finishing their compulsory school age, but who also go on to [*Inaudible.*] and maybe people who come back into the system at a later age as well?

[128] **Huw Lewis:** Yes, absolutely. I do anticipate that the IDPs will be a useful document for young people as they move on to work settings, taking up apprenticeships and so on. But it's important to understand that, post-16, the use of those IDPs would entail the permission of the young person themselves, in terms of how they were used.

[129] **David Rees:** Thank you, Minister, and thank you for giving us extra time. I appreciate you have a tight schedule and we therefore can't explore further avenues, but I'm sure we will write to you with some questions in that sense, particularly in relation to, perhaps, dispute resolution, which we haven't yet touched on. Thank you very much for your time.

[130] **Huw Lewis:** Thank you, Chair.

[131] **David Rees:** Thank you very much for your time. You will receive a copy of the transcript for any factual inaccuracies that you may spot. Please let us know as soon as possible if there are any. Once again, thank you very much.

10:35

Papurau i'w Nodi
Papers to Note

[132] **David Rees:** For Members, item 3 on the agenda is the paper to note. It's the letter to the Secretary of State for Wales in relation to the draft Wales Bill, which has been already sent. Happy to note that? Okay, thank you.

**Cynnig o dan Reol Sefydlog 17.42(ix) i Benderfynu Gwahardd y Cyhoedd o
Weddill y Cyfarfod ac o'r Cyfarfod ar 2 Rhagfyr**
**Motion under Standing Order 17.42(ix) to Resolve to Exclude the Public from
the Remainder of this Meeting and for the Meeting on 2 December**

Cynnig:

Motion:

*bod y pwyllgor yn penderfynu that the committee resolves to
gwahardd y cyhoedd o weddill y exclude the public from the
cyfarfod yn unol â Rheol Sefydlog remainder of the meeting in
17.42(ix)*

*accordance with Standing Order
17.42(ix)*

Cynigiwyd y cynnig.

Motion moved.

[133] **David Rees:** Therefore, item 4: I propose, in accordance with Standing Order 17.42(ix), that we resolve to meet in private for the remainder of this meeting and for the meeting on 2 December. Are Members content? Thank you. We move into private session.

Derbyniwyd y cynnig.

Motion agreed.

Daeth rhan gyhoeddus y cyfarfod i ben am 10:35.

The public part of the meeting ended at 10:35.