



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

Y Pwyllgor Plant a Phobl Ifanc **The Children and Young People Committee**

Dydd Iau, 10 Hydref 2013
Thursday, 10 October 2013

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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

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

Eraill yn bresennol
Others in attendance

Denise Inger	Prif Weithredwr a Chyfarwyddwr, SNAP Cymru Chief Executive Director, SNAP Cymru
Kate Shoemith	Pennaeth Polisi a Materion Cyhoeddus, Cydffederasiwn Recrwtio a Chyflogaeth Head of Policy and Public Affairs, Recruitment and Employment Confederation
Debbie Thomas	Cynghrair Anghenion Ychwanegol y Trydydd Sector Third Sector Additional Needs Alliance
Gary Williams	Cyfarwyddwr, New Directions Education Director, New Directions Education

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

Sarah Bartlett	Dirprwy Glerc Deputy Clerk
Michael Dauncey	Y Gwasanaeth Ymchwil Research Service
Steve Davies	Cynghorydd Cyfreithiol Legal Adviser
Marc Wyn Jones	Clerc Clerk

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

Cyflwyniad, Ymddiheuriadau a Dirprwyon Introduction, Apologies and Substitutions

[1] **Ann Jones:** Good morning, everybody, and welcome to the Children and Young People Committee. I will do the usual housekeeping rules. I remind Members to switch off their mobile phones, as they affect the translation and broadcasting equipment. We are not expecting a fire drill, so should we hear the alarm, we will take our instructions from the ushers, who will lead us to a safe place. So that you know, the assembly point is by the Pierhead building. We have had apologies from Angela Burns for this morning, and there is no substitute. I ask this every time, but I just do it is a matter of course: do Members need to declare anything that they have not already declared in the register of Members' interests for this inquiry? There is not.

09:32

Bil Addysg (Cymru): Cyfnod 1—Sesiwn Dystiolaeth—SNAP Cymru a Chynghrair Anghenion Ychwanegol y Trydydd Sector Education (Wales) Bill: Stage 1—Evidence Session—SNAP Cymru and Third Sector Additional Needs Alliance

[2] **Ann Jones:** We are delighted to have with us for this session Denise Inger, chief executive and director of SNAP Cymru. You are very welcome. We also have Debbie Thomas, chair of the third sector additional needs alliance. Thank you very much for coming in. You have previously submitted written evidence. It was on short notice that you have come in, but we know that, as individual organisations, you have submitted written evidence. So, Members will base their questions around that. We have some time, so we will see how we go with this one. We will start off with Keith, who has the first question this morning.

[3] **Keith Davies:** Gofynnaf fy **Keith Davies:** I will ask my question in
nghwestiwn yn Gymraeg. Os yw ysgolion Welsh. If independent schools want to accept
annibynnol eisiau derbyn plant ag anghenion children with special educational needs, there
addysgol arbennig, mae dwy ran i'r are two strands to the legislation. In the Bill,
ddeddfwriaeth. Yn y Bil, rydym yn sôn am we are talking about removing one of those.
symud i un rhan. Beth yw eich barn am What is your opinion of that?
hynny?

[4] **Ms Inger:** If we can reduce the time taken and have all the safeguards in place, that is what is most important. It is about whether or not we can manage to do that by reducing those two strands. At the moment, I do not think that some of the questions that we ask are as relevant as they could be with regard to that. It is about whether or not the school will admit children with very specific needs, or whether it will admit all children with special educational needs. So, we need a little more clarity about whether it specialises in a particular disability, or whether it is an independent school that has some specialism within it. Those points need to be clarified.

[5] **Ms Thomas:** I would like to start by saying that I am, obviously, here as chair of the third sector additional needs alliance. Unfortunately, given the relatively short notice, I asked the other members of the group to give me their comments, but I did not hear back from all of them. So, I can only speak to the comments that I have received back.

[6] In respect of this aspect of the Bill, I did not hear back from any of the other organisations, so I can only comment on the submission that I made in conjunction with the Royal National Institute of Blind People Cymru and Sense Cymru. It is a difficult one for me to comment on because, at the moment, there are only three deaf pupils in Wales in

independent schools, so it is not a big issue for us as the NDCS. Having said that, it is an area that is of interest to us. Like Denise, I can understand the reasoning behind wanting to change it to make it less bureaucratic and I completely understand that we want to reduce the amount of time that it takes to place pupils; that is absolutely viable. My reservation and difficulty with it is that we do not want to see less detail and less rigour in terms of making sure that those schools are appropriate for pupils with SEN.

[7] At the moment, under section 347 of the Education Act 1996, schools have to comply with the Education (Special Educational Needs) (Approval of Independent Schools) Regulations 1994, which specifically ask about the qualifications of teachers to support pupils with sensory impairments. So, we are quite nervous about losing that. In terms of moving to a singular system, we would want the Welsh Government to look at how it could beef up section 160, essentially, to make sure that there is more information and clarity around what type of support and what level of support will be available to those SEN pupils.

[8] The other thing that makes me slightly nervous in reading through Estyn's response is that it has quite a lot of reservations about how well-equipped local authorities are at present in terms of monitoring independent schools and how well they are delivering for those SEN pupils. So, another aspect that we would like to look at is whether guidance could be made available to local authorities, so that they know what types of things they should be looking for, and whether we could make sure that the Estyn annual inspections would specifically look at SEN and how well they are delivering for those pupils.

[9] **Keith Davies:** Os gallaf ddod yn ôl at un o'r pwyntiau hynny, mae'r pwyntiau rydych newydd eu gwneud yn eich papur. Mae pobl eraill wedi rhoi papurau i mewn ac, er enghraifft, mae papur wedi dod i mewn o Gyngor Sir Gâr ac, ynddo, mae'n dweud y dylai seicolegwyr fod yn rhan o'r broses. Nid wyf yn gwybod a ydych yn gwybod, ond mae'r Gweinidog Addysg a Sgiliau wedi penderfynu ein bod yn mynd i gael consortia rhanbarthol. Nid wyf yn credu bod strwythur y consortia wedi cael ei benderfynu eto, ond, wrth ystyried papur sir Gâr a meddwl am yr hyn y gall consortia rhanbarthol ei wneud, efallai y gallem gael gwared ar wendidau'r awdurdodau lleol, gan y bydd timau y tu fewn i'r consortia rhanbarthol. Efallai bydd hynny'n ateb eich gofynion.

Keith Davies: If I could come back to one of your points, the points that you have just made appear in your paper. Other people have submitted papers, for example, a paper has come in from Carmarthenshire County Council and, in it, it says that psychologists should be part of the process. I am not sure whether you are aware of this, but the Minister for Education and Skills has decided that we are going to have regional consortia. I do not think that the structure of the consortia has been decided yet, but if we look at Carmarthenshire's paper and think about what regional consortia could do, perhaps the weaknesses within the local authorities could be eradicated because there would be teams within the regional consortia. That might respond to your requirements.

[10] **Ms Thomas:** Yes, quite possibly. As you say, it is a difficult one, because we do not know what those structures are going to look like at the moment. In terms of NDCS's point of view, it is something that we wanted to flag up to you, because it is something that we would like the Welsh Government to consider in more detail—whether it is local authorities and their responsibility to look at how well they are meeting the needs of SEN pupils, or whether it will fall to the regional consortia. Either way, we would like to see guidance in place and have assurances that section 160 is going to be adequate, because, at the moment, it is quite light touch.

[11] **Ms Inger:** Perhaps I could add to that. We are talking of very complex needs sometimes, with children, which also brings in health. For instance, if someone is tube-fed and there are nursing requirements on therapies, so we need to have a very robust system. Not wishing to dwell on the funding, but these placements are often funded from the three areas of

health, education and social care, so, there is joint funding. There are also joint responsibilities. If children are in residential care, within a residential school, I would say that there is looked-after guidance. So, there may be a role for social care or Care and Social Services Inspectorate Wales. I do not think that it is all down to one body.

[12] With regional consortia, I think that we may well have a team, if you like, on which we can draw for each specific circumstance, because there are different expertise as well as the general monitoring of progress. I understand that Estyn is also worried about its capacity—not capacity in numbers, but capacity across a very wide range of needs. It is very specific expertise that is required to monitor the quality and progress of children within these settings. It might be slightly different to hearing impairment and vision impairment in that sense, because we have more specialists, but within other settings, I think, again, we need to have something that is very robust. We might have a lead responsibility, but we will have to have real collaboration here of those who have the expertise to be able to monitor.

[13] **Keith Davies:** You are making a very important point. I think that the business of statements and additional learning needs still needs to be sorted out by the Welsh Government. What you are talking about is a further step, it seems to me, which is what would be termed, perhaps, as a multidisciplinary assessment for some youngsters.

[14] **Ms Inger:** Yes, we have a multidisciplinary assessment, but again, I think that it is about having to consider who will be responsible for measuring the progress, or not, and the quality. Educational psychologists do have a broader overview than a specialist in any one particular area. However, where there are health needs I also think that the issue on the quality of the health provision needs to be considered by health.

[15] **Ann Jones:** Simon has a supplementary question.

[16] **Simon Thomas:** I just want to bring you back to an earlier point around the new provisions in this Bill of the registration of schools. You mentioned—and it is contained in the Bill, under section 43—that the school has to say what sort of special educational needs that it provides for. Is it your concern that it is almost the school self-defining that, unless you have other things in place that explain how the school is actually going to meet those needs? You mentioned in particular the training of the teachers. Is that the sort of thing that you are looking for within that context? How is it done now? What is the status now, and how has it been lost, perhaps, within the Bill?

[17] **Ms Thomas:** In terms of hearing impairment, vision impairment and multisensory impairment, which is obviously my background, at present they have to show under section 347 that they have to comply with the 1994 regulations, which specifically asks them to talk about the qualifications of the staff who are teachers of the deaf, or are teachers of the visually impaired. So, it specifically asks them to go into whether or not they have the mandatory qualification. In terms of what is in the Bill at the moment, as you have identified, it is very much down to the school to say what it thinks and how it thinks that it is going to meet the needs. I just think that you are losing that bit of specificity, which is a shame because it is very important to make sure that we do have appropriately qualified staff. If it is left without guidance, I feel that you might lose some of that.

09:45

[18] **Simon Thomas:** Perhaps I could just follow that up specifically, because we are told that the reason for this is that the Bill will make it easier for local authorities to identify the schools. The school will say, 'We can do this', and it is then easier for local authorities, so it cuts down on the time that you both mentioned. It is easier for a local authority to look and say, 'Right, that is who does that'. But if, in doing that, there is an obligation—surely, at least

morally—on the local authority to check out everything else, you are not actually going to save much time at all, are you? It may be that there will be a bit of passing from pillar to post, if the description of the school is not robust enough for people like you to completely 100% trust it.

[19] **Ms Thomas:** Exactly. That is why that I think you need standards, so that it is clear then to schools and local authorities what needs to be looked for.

[20] **Ann Jones:** Rebecca, you are happy that your question has been covered.

[21] **Rebecca Evans:** For now, yes.

[22] **David Rees:** Are you asking, therefore—this is in English—that independent schools abide by the same regulatory process in regard to the teaching qualifications aspect as is currently operated by local authority schools in these cases? That, I think, following on from what Simon Thomas was saying, is the crucial element. If that is in place, then there should not be a need to have to check every time you want to put a placement in, because that regulation would already be controlling that.

[23] **Ms Inger:** Yes, I think that it is absolutely vital that they abide by the same regulations, and we would expect the same continuous professional development and continuous improvement in workforce development. So, when we are looking at whether or not a school can provide for this child's needs at this particular time, we also need to be looking at whether or not that school has plans, and the vision in place, to be able to meet this child's needs over time, as they may change and progress. So, I think that we do really need to look at that from what we would expect, and what we are trying to do within the school improvement programme across Wales.

[24] **David Rees:** I am going to take you on to an area you did not answer on. One area of the Bill is actually the registration of staff with the new education workforce, with independent school teachers to be involved in that. Therefore, I think that this becomes a critical element, to get them registered as well.

[25] **Ms Inger:** Yes, it is critical.

[26] **Ms Thomas:** I also think that it is important to maintain the Estyn annual inspection. I mean, Estyn itself has said that it is quite light touch in terms of SEN, so I would like to see whether we could look at that and see whether Estyn inspections could be more driven towards looking at how they are supplying support for SEN as an extra safeguard.

[27] **David Rees:** Just one other question: you mentioned earlier the situation of local authorities having the capacity to do the work that the Welsh Government is currently doing in a single-stream approach. It is the same question, in a sense, whether it would be regional consortia. Is there therefore concern that there may be variation between the local authorities or consortia because it is no longer done from central control? What other safeguards are you looking at putting into place to ensure that there is no variation across consortia, let us say, at this point in time, in making decisions as to the placement of children?

[28] **Ms Thomas:** There is a hell of a lot of variation at present across local authorities and the decisions that they make. It comes back to the additional learning needs reforms generally, to me, and one of the things that TSANA is calling for within the additional learning needs reforms is provision pathways that outline disability-specific needs, so that it is nationally clear what is expected. I do not know if that answers your question.

[29] **David Rees:** But, if you say that there is variation now, do you see this Bill actually

stopping that variation?

[30] **Ms Thomas:** I do not see how the proposals in this particular aspect of the Bill are going to either make that worse or improve that variation, if I am honest.

[31] **Simon Thomas:** We have covered a lot of my questions, but I have a specific question around Estyn's annual monitoring visits, which you mentioned. You said that you felt that they were safeguarded, but you also said that you would like to see Estyn do more. So, I would like to ask you what more you would like to see there. Is putting just an annual visit on the Bill a sufficient safeguard in that regard?

[32] **Ms Thomas:** We cannot completely disregard the local authority's responsibilities—or the up-and-coming, in the future, regional consortia's responsibilities—because, at the end of the day, it is their resident and their responsibility to monitor the progress of that child and to ensure that safeguards are in place. However, I do think that Estyn has an important role. The thing that made me nervous, and the reason I brought that up, is that I actually read Estyn's response, in which it says that it does not cover SEN in very much detail. So, that is just something that I wanted to flag up, really.

[33] **Simon Thomas:** Earlier on, you said that one of the things that you would like to see kept within the new process is information about the skills of teachers. Is there anything else to do with independent schools in particular that you would like to see on the face of the Bill to reflect not just the fact that they say that they deal with particular needs, but that they have x and y facilities as well? Are there other things that should be there? Teachers, yes, but what else?

[34] **Ms Thomas:** Again, I would just like to say that it is a difficult aspect of the Bill for me to comment on, because I have not received any comments from the other members of the group.

[35] **Simon Thomas:** Is that due to the low number of individuals who might be affected?

[36] **Ms Thomas:** It could be a mixture. Basically, we were given quite short notice, so I think that that might be a large part of it.

[37] **Simon Thomas:** I am sure, Chair, that we can receive information later, if necessary.

[38] **Ann Jones:** Yes, we can receive information.

[39] **Simon Thomas:** If you do get any further information—

[40] **Ms Thomas:** I will feed it back, and I am still grateful to be here.

[41] I think that it comes back to the suggestion of standards, which I again picked up through Estyn's response. I know that Estyn is calling for that as well, and I think that it could be quite useful. If that is something that the Welsh Government is to pursue, I am sure that it is something that NDCS Cymru and other members of TSANA would welcome consultation on and involvement in.

[42] **Simon Thomas:** So, if we were to have a system, not necessarily on the face of the Bill—if the Minister, for example, in responding to the inquiry into the Bill, were to say, 'I do intend to have these standards; they will be published, there will be access to them and Estyn will be part of policing them'—that would perhaps alleviate some of your concerns as regards this aspect, would it not?

[43] **Ms Thomas:** I think that it would. Like I say, I am quite nervous, coming from a deaf background, of losing the specificity that we have at the moment. I think that standards would help to get around the issue.

[44] **Ann Jones:** Denise, do you want to add anything?

[45] **Ms Inger:** Just to say that it appears at present that we do not really collect information on the levels of staff, the ratios of facilities and the training. It is about the whole, rather than an independent school saying, 'This is what we can provide'. We want to see that it is robust, really, and that we actually have that information. There will always be situations in which we might need to vary that for a particular child, but there should be an expectation that, at any time, the independent school would be able to say what it is that it actually has and that the workforce development continues to improve rather than change, because we know that you can have an 'expert' today who can be gone tomorrow. So, you know, it is about being clear that we have a whole-school approach to meeting this particular need when the local authority places a child.

[46] **Simon Thomas:** Estyn's annual visit needs to do more about checking that those standards have been met, and less about what Estyn told us that it is not really expert in, which is measuring the actual provision itself.

[47] **Ms Inger:** The measuring of provision is extremely important, because the placement of children is very expensive, and we need to be very clear about why we are placing children, sometimes a long way from home, what it is that we feel an establishment can give to the young person or child that cannot be given locally, and what progress is going to be made, along with whether that progress is being made. That is, are we seeing the progress that we are expecting? I think that we really need to be considering what it is that we cannot provide for here, locally—and I would say within Wales—because we also need to be considering why we cannot provide that in Wales and what we are going to do about it. So, it is about being really clear about what it is that the child or young person is going to achieve while in a particular specialist provision.

[48] **Ms Thomas:** I agree. It is a mixture of both; I think that you need to still look at provision as well as monitoring against standards. I do not think that you can let that side of things go completely.

[49] **Ann Jones:** David, you have a short supplementary question.

[50] **David Rees:** Yes, on this point. You have mentioned the strongly held view that we need to ensure that the child achieves what we set out for the child to achieve. Is that being done now?

[51] **Ms Inger:** Yes, I believe that it is, to a certain point. However, some of the expertise is lost, particularly on communication—and I do not particularly mean people with HI, but communication in its broadest sense. The residential provision is excellent in most places, but what I am saying is that we do not gain anything back home because we are not learning anything. When that young person comes back into the community, what have we put in place for that transition to happen? What are we learning? What expertise are we gaining in Wales if it all happens elsewhere? You cannot bring it back if you have not been working and developing it over the last three to five years with this young person. They come back into a community setting, sometimes, with very few people who can manage their communication system. So, they have had a wonderful, stimulating experience within a residential setting that cannot be transposed into the community setting where they are going to spend the rest of their adult life. So, that worries me. How will we develop further? We need to build in much more working together with independent schools, if that is the way forward, as they have the

expertise. However, we need to be doing more with that, rather than just placing a child or young person out of county, or sometimes out of country.

[52] **David Rees:** I accept that. Therefore, will this Bill, which now seems to be moving the capacity from the Welsh Government to local authorities or consortia, build some of that expertise and capacity within consortia, which might mean that you will have more people at a local level who can help, rather than a single body in the form of the Welsh Government?

[53] **Ms Inger:** Consortia will help to look at the wider picture, and will perhaps be better able to at least begin to think regionally. However, we have a Wales education system, in that sense, so having the specialisms that we need within Wales would be a beginning.

[54] **Ms Thomas:** There will always be some children, particularly those with low-incidence needs like deafness, who will not be able to access the support that they require and they will need to go to a different region or even across the border into England. I do not think that we can get away from that. I just wanted to clarify that point. I am sure that you would agree with that, Denise; I just wanted that to be clarified.

[55] **Ms Inger:** Yes, absolutely. It is a different situation for the visually impaired and the hearing impaired. Indeed, we are making great strides within Wales, and within our colleges, to improve the services that we have.

[56] **Ann Jones:** Lynne, do you want to take the next section before we move on?

[57] **Lynne Neagle:** Yes, thanks, Chair. What are your views on the fact that the Welsh Government is bringing forward these particular SEN reforms as part of this Bill, rather than doing it with the wider reforms to the issuing of statements and SEN reforms that the Government is planning?

[58] **Ms Thomas:** We have mixed views about some of the proposals in this Bill. The big thing that I would like to say is that we very much welcome the extension of the right of appeal to post-16 students. I am aware that the additional learning needs reforms are potentially quite a long way off, so ensuring that we have the right of appeal for post-16 pupils, and bringing that forward, is quite a positive thing. However, having said that, obviously, the implications of bringing forward this Bill now and continuing with the additional learning needs reforms will mean that a great deal of what has been put forward in this Bill will have to be reviewed when the ALN reforms come into place.

10:00

[59] **Ms Inger:** I do not see that there is anything that would be detrimental about going forward as set out here, because I see it as a whole continuum as the reform moves through. I think that what we are able to do is highlight some of the issues for post-16—

[60] **Ann Jones:** We will come to the post-16 issue in a minute, so we will cover that in some more detail then.

[61] **Ms Inger:** So, I think that bringing it all together here will improve the whole transitional process that will be included in the ALN reforms anyway; I do not see that it is different.

[62] **Rebecca Evans:** I would like to know to what extent you think that the confusion over terminology regarding SEN and ALN might lead to inconsistencies in the placements of children. When we are talking about additional learning needs, some people would include children who have been bereaved in that definition, and children with English or Welsh as

second languages and so on. Do you think that this could make the water a bit murky in terms of placing children?

[63] **Ms Inger:** I do not think so. I know that there is a great debate about the term ‘additional learning needs’, but if you are going to use a term and then use it—you cannot say that there is more significant need on issues for Gypsy/Travellers or ethnic minorities; do you know what I mean?

[64] **Rebecca Evans:** Yes.

[65] **Ms Inger:** An additional learning need is a generalisation; it is what comes underneath that that is important, and the categories within it.

[66] **Rebecca Evans:** Do you think that more clarity in terms of what the Government means by ‘ALN’ would be helpful?

[67] **Ms Inger:** Yes. If we change anything, it takes a while for there to be interpretations, but, clearly, if it is written out, we can check against that. However, we had the same debate on special educational needs—I have been around a long time, I apologise. [*Laughter.*] There was also the issue about disability, which is now, for many, as has been said to me, that under additional learning needs, disability becomes a category that we can separate from special educational needs; do you know what I mean? For as many people who will be negative towards it, there will be others who will not.

[68] There are children who require significant support in the learning environment for a period of time, such as those who are bereaved or have moved into the country. They do not have special educational needs, but they do, really, have additional learning needs for that amount of time. Other children, through accident or illness, will have an additional learning need. We are talking about education here in that sense, so it is anything that hinders a child’s learning. It can be about where your starting point is—like being new in the country—it can be because of illness or an accident, or it can be through a long-term disability or special educational need. For me, it works, but there is a great debate.

[69] **Ms Thomas:** I have some concerns about confusion over terminology, and it links back to Lynne Neagle’s point. At the moment, we are seeing that the pilots of ALN reforms have just come to an end, but local authorities on the ground are still starting to utilise the terms ‘ALN’ and ‘IDP’; in some cases, they are starting to encourage people to go down the individual development plan route as opposed to a statement. Obviously, this Bill is working with the current legislation, so it is referring to SEN and statements. I am concerned about the confusion out there on the ground, in terms of pupils who have SEN, but are accessing an IDP, and whether or not that is going to end up being a loophole because of the confusion over terminology in this transitional period. I would not want to see pupils who are eligible for a statement, but are currently accessing an IDP because of this transitional stage, finding it difficult to access a post-16 support plan because of the terminology and because they are accessing an IDP as opposed to a statement of educational need. I hope that that answered your question. However, in terms of the confusion over terminology, I think that it is an issue in terms of making sure that this Bill is properly accessible in the way that you want it to be.

[70] **Ann Jones:** Aled, I think that you have a short supplementary question, and we will then move straight on to specialist post-16 provision, and you can take the first question on that.

[71] **Aled Roberts:** Okay. This is the issue that I was going to raise. For a number of years, individual authorities have been under pressure to reduce the number of statements that are issued. More children are on school action plus et cetera, even before individual

development plans. Will the move to more localised decision making make that issue more acute? Obviously, they will be responsible for the placement and the funding. Do you have any concerns about that? Is there evidence that, in some areas, unless you are on a statement you would not get the placement anyway?

[72] **Ms Thomas:** I have a lot of concerns about that. It is a big concern that we raise in our response. My biggest concern is that local authorities are not the sole funder. So, they will have funding rights for special placements, but further education institutions will have the funding responsibilities for supporting a mainstream placement. That gives local authorities a massive incentive to push towards the mainstream, which really worries us in relation to this Bill. If this Bill is to go ahead, we really need to look at that in more detail and make sure that there is appropriate monitoring of that situation.

[73] In addition, my concern about the funding, which is an issue that other TSANA members have raised as well, is that it is going into general revenue support grants, so it could technically be spent in any place. Some TSANA members have said that it needs to be ring-fenced to prevent that from happening, and other TSANA members have said that, if it is not going to be ring-fenced, there is a need to make sure that there is robust monitoring in place to prevent that from happening. That is particularly relevant now, given the announcement this week about local authority budgets being reduced. We really do not want to see local authorities pushing people into the mainstream when they should be accessing specialist support, because they will save themselves a few pennies. That is a big concern.

[74] **Ann Jones:** I see that Simon Thomas wants to come in. Is it on this point?

[75] **Simon Thomas.** Yes, it is on this point. This has been raised by me in my own region, specifically in respect of the relationship between two colleges—one is an FE college and the other is a post-16 independent institution. One of the ways that they have tried to overcome this is by working together to identify issues and to follow them through. To go back to your specific concerns, does this go back to the question of whether there will be a kind of mandatory assessment or whether the young person will have a statement? What is the route that is potentially closed off by this?

[76] **Ms Thomas:** There are two areas to consider, as far as I am concerned. The first is making sure that local authorities and further education institutions are held to account. One aspect of that is the right of appeal. However, that is not quite enough because you will have quite a few people who will be unwilling to go down that route. It is quite an intimidating route, so we need to make sure that local authorities are held to account in other areas, through Estyn inspections that look specifically at their responsibility in this way. This would be done through the collation of data, to make sure that they are meeting their duties in this way. It is about looking at further education institutions as well, because if these support plans are going to make demands of them, and they are holding the purse strings, then we need to hold them to account. This is something that the NDCS raised in terms of the Further and Higher Education (Wales) Bill, because that is obviously giving FEIs more autonomy. We said in that regard that, if you are going to make them more autonomous, we have this issue with them being given funding, and we need to hold them accountable for it. That completely fits in with this.

[77] I was very pleased to see that you highlighted that issue in your Stage 1 committee report on that Bill. It all connects with this. We need to look at how we are going to hold FEIs to account as well. So, that is one part of it: holding local authorities and further education institutions to account on their funding. The other part of it is the right of appeal and access to statements. As I said in response to Aled's question, a number of TSANA members have raised this concern about access, in terms of the way in which the Bill is worded—that is, how easy is it going to be for people to access those assessments, given that it is very tied up in

whether you have a statement. At the moment, a lot of local authorities are in favour of removing statements—rightly or wrongly, it is happening. Also, there are quite a few people who might come out of education, therefore their statement will be ceased and then it is only a discretionary duty for them to be able to be given an assessment.

[78] What we at NDCS Cymru were wondering is whether the Bill could widen out slightly, so that it is not just those who are currently on a statutory statement who are able to access an assessment, but also those who would be eligible for a statement or those who feel that their needs are likely to increase when they go to post-16 education. You will have quite a few deaf children who, at the school level, might be quite happy on school action or school action plus, but when they move on to further education, their support needs might increase. For example, if you have a child who lip-reads, the nature of FE provision is very much in the lecturing style; therefore, given that context, that person is far more likely to need the support of a note-taker. I wonder whether we could look at expanding the access criteria to include those who are eligible for a statement, as opposed to only those who have a statement, and to include those who feel that their needs are going to increase.

[79] **Ann Jones:** We need to make some progress. I know that Keith wants to come in and then Aled, but Denise can go first.

[80] **Ms Inger:** I do not think that it is about whether they have a statement or not. Quite frankly, there is too much variation in statements across Wales in both their content and their quality and whether they statement or not. That is not the marker of whether a child's needs are being met. A child's needs are met if they are assessed correctly. It is not about whether you have a document in the drawer, which is out of date on the date that it is written. It is about ongoing assessment and collaborative working between those who are working around the child. The actual statements themselves are null and void, I would think, because they are not consistent across Wales and never have been; they are not of any use either in ensuring that funding is spent on children.

[81] It is about leadership within schools and continuous performance in education and progress for all children. It is about that. I do not think that we should be hung up on whether we should statement or not. When a child leaves school now, the statement ceases to be maintained and there is very little information on times past for FE, so all that work has gone out of the window anyway. What the Bill can do is ensure that that does not happen anymore. It does not matter whether a child has a statement or not: it is about assessment. When Careers Wales makes the section 140 assessments, it will be really important for those young people who will require additional support to make a successful transition to adulthood to have that assessment. It is not about whether they have a statement. That is no marker at all. I do not want to dwell on that but I am happy to say that I will do another paper.

[82] **Ann Jones:** We have various points on this, but we have not really touched on post-16 provision—well, we have, but we have some specific questions on that. We have about 15 minutes left, so Keith is next, then Lynne and then Aled.

[83] **Keith Davies:** Debbie, in your paper, I was astonished to read that if somebody returns to education, they do not have an assessment.

[84] **Ms Thomas:** That is absolutely right. It is something that unfortunately has not been addressed. We would have liked to see this Bill putting that right because, obviously, those children might be even more in need of support if they have been out of education and are coming back into it. Unfortunately, at the moment, Careers Wales only has responsibility for taking on board assessments if the young person has a statement. If they have left education, that statement has ceased.

10:15

[85] Within the Bill, it is still a discretionary duty on local authorities as to whether or not they want to assess someone who has gone out of education and come back in. That is a real shame, because I do not see how they are ever going to be held to account if they have a discretionary duty. It is really important for that person to still have an assessment. Just because they might be 17 and had decided to try working and then go back into FE, why should they be any less able to access support? So, thank you for picking up on that.

[86] **Lynne Neagle:** Denise has been very clear about what the weaknesses of statements and the system are. However, the Bill as drafted at the moment places all the rights on having a statement. Is that something that you would like to see changed?

[87] **Ms Inger:** It should be based on assessed need, because whatever happens in statutory form, it will come together.

[88] **Lynne Neagle:** So, you think that that needs to be changed then?

[89] **Ms Thomas:** I think so. As I said earlier, we should make it so that people can request an assessment, because there will also be people who have not been on a statement whose needs might well increase when they get to FE level.

[90] **Ms Inger:** Yes, because there will be emerging needs through illness or accident, and emerging needs in emotional health in particular.

[91] **Ann Jones:** Aled, can we try to make some progress, please?

[92] **Aled Roberts:** I would like to move to post-16 and challenge you on assertions that ring-fencing alone will deal with some of the issues that we have with post-16. I am sure that all of us have had cases in terms of the current funding. I have a case at the moment where a youngster has been in a class of four in a special school for eight years, but a joint commissioning panel has decided that he should go to an FE college with 4,000 students in it.

[93] **Ms Inger:** He has changed overnight, has he?

[94] **Aled Roberts:** Can you outline the current problems that are being faced, and whether you feel that the Bill is addressing those problems?

[95] **Ms Thomas:** From NDCS's point of view, I do not think that ring-fencing alone is the answer. Ring-fencing is one option. Robust monitoring of duties is the way forward.

[96] **Ms Inger:** There is some very good practice on transitional arrangements from 14 plus in some schools in some authorities. There is still variation, but there is improvement. The good practice is that FE is working very closely with the school, not just at the 16 plus moving-over point, but from that 14 plus review point. I would like to think that that will continue in future. It is about having the needs assessed and having basic assessment tools within FE institutions as well. Some FE institutions have assessment tools for dyslexia, for example, and others do not. We ought to have standards in FE as well for those young people who have been missed, when the information has not been passed on in terms of the statutory school provision.

[97] **Ms Thomas:** TSANA representatives have come back to me on giving the responsibility to local authorities to do this assessment, asking who within the local authority is going to do that assessment and stating the importance of making sure that the person who has been given the responsibility for doing these assessments has been adequately trained.

Under the current system, that is something that we struggle with and something that we would really like to see being addressed.

[98] **Ms Inger:** Careers Wales has, in my experience, always assessed children without statements as well at the request of the school. That has been done, although it might not have been in its remit. Careers Wales in the past has probably done more assessments on children without statements than it has on children with statements. It is about trying to think about what is the best practice that we can use, but we have had it before.

[99] **Ms Thomas:** We do not want to just rely on goodwill; we have to make sure that it is clear.

[100] **Ann Jones:** Keith, do you think that your points around the merging of the assessor and funder role have been covered, or did you want to ask another question?

[101] **Keith Davies:** I have a quick question on that. The local authority at post-16 will now be assessor and funder. What do you think of that?

[102] **Ms Thomas:** I highlighted earlier that I am very concerned. I think that they have a massive incentive to push children into mainstream settings, which will be appropriate for many children, but not for all of them. As I said, I think we need to look more at the role of further education institutions in terms of this legislation, because, if they are going to be the purse-string holders for whatever the local authority outlines for mainstream support, how are they going to be held to account? We really need to look at that more closely.

[103] **Ms Inger:** Local authorities are already funders and providers—

[104] **Keith Davies:** With a statement.

[105] **Ms Inger:** With a statement. Yes, there are problems, and I do not know what the answer is in that sense, but I do not think it is to have an arbitrator in between in all circumstances. What we need to do is to continue to build partnerships with all of the sectors, including the specialists within the third sector, and, indeed, the independent providers, but, more importantly, build partnerships with young people and their families, so that they have trust and confidence and engage with the community, so that all establishments can meet the needs of children and young people in their communities.

[106] **Ms Thomas:** I think it is slightly different from the current situation, because, when you are looking at schools, yes, local authorities are the assessors and the funders, but they are the funders of all support, whereas, under this legislation, they will be the assessors of all support and the funders of only part of the support, which leads then to the big incentive.

[107] As I said earlier, the right of appeal is one way of safeguarding against that, but it is only one way and it is important that we have more ways of safeguarding against that in place. Something that Barnardo's raised was the importance of advocacy for young people. The Bill talks about independent advocacy for young people who wish to make an appeal, but perhaps it is quite important to have advocacy for young people who are just going through the assessment process, as well.

[108] **Ann Jones:** Bethan, do you want to take the bit—. We have mentioned Careers Wales, but—

[109] **Bethan Jenkins:** I think that you have mentioned the local authority needing more training and Careers Wales. However, I wanted to ask more about FE, as you have been touching on it. I know that, already in my area, some councils have taken away funding for

provision for looked-after children delivered through FE, because of the cuts that they are facing. How practicable do you think it is that FE can be involved in being held to account for the funding considering that, as you know, the other Bill that we have just been discussing would allow FEIs to have more autonomy? If we start to prescribe more detail, that could jeopardise that classification again. I agree with you about needing to hold them to account, but how could you help us to suggest strengthening that, because it is a huge concern and it should be a concern for us all?

[110] **Ms Thomas:** It is a concern and it is a really difficult one. It is one that I have been trying to speak to civil servants about for some time and the suggestion that has come back to me from civil servants is that perhaps we could look at the funding contract that goes down from the Welsh Government to FEIs, as one way of holding them to account. Whether or not that will be sufficient, I remain to be convinced, to be honest, but I have not yet been able to have that meeting with civil servants. So, I am unable to give you more.

[111] **Bethan Jenkins:** Was that something that they were thinking of putting into this Bill, or was it something that they would say would be separate to our discussion on this legislation?

[112] **Ms Thomas:** It is something that I believe they were thinking about in terms of the review of funding going down to FEIs, because there is a review of the national planning and funding system funding at the moment, but I do not think that we can afford to continue to look at these things separately. We really need to start questioning it within the Bill. Unfortunately, I do not have all of the answers, but it is something that we have to look at. We cannot just let it go.

[113] **Ms Inger:** I think that it will be important that FE provision—all provision—links back to age 14 plus transition within schools, so that there is workforce development and planning to meet the needs of children and young people who are coming forward, as well. I think that, in itself, will improve the provision. I understand that it is a different question to how will we monitor and ring fence, but I think that there is a great willingness within the further education providers. I will also just make the point that not all young people want to move on into further education colleges. There are other packages of support out there, which very much includes health and social care. We also need to consider that.

[114] **Ms Thomas:** I would like to add that, in the past, when I have asked the question about FEIs being held to account, people have come back and referred to the Equality Act 2010 and have said that people can hold them to account via disability discrimination legislation. That really is not the best way of holding people to account, because, generally, young people and families will be very intimidated by that. It is not an easy process to go through, and it is a very intimidating one, and one that many families would be unwilling to take on.

[115] **Ann Jones:** I think that we have exhausted all of those questions, so, thank you very much. I thank you both for coming in and for sharing your thoughts with us this morning. We will send you a copy of the transcript to check for accuracy, and we will take on board what you have said. Thank you, once again, and I wish Debbie well.

[116] **Ms Thomas:** Thank you.

[117] **Ann Jones:** We will no doubt see you after the event.

[118] **Ms Thomas:** I am sure that you will. Thank you.

[119] **Ann Jones:** We will move straight to our next session, so, we will ask our witnesses

to join us. We will give them a couple of minutes to sit down and sort themselves out.

10:27

**Y Bil Addysg (Cymru): Cyfnod 1—Sesiwn Dystiolaeth—Cydffederasiwn
Recriwtio a Chyflogaeth a New Directions Education
Education (Wales) Bill: Stage 1—Evidence Session—Recruitment and
Employment Confederation (REC) and New Directions Education**

[120] **Ann Jones:** We will now take evidence from Kate Shoesmith, who is the head of policy and public affairs for the Recruitment and Employment Confederation, and from Gary Williams, who is the director of New Directions Education. Thank you very much to you both for coming, and for your papers. If it is okay with you, we will go straight into some questions, because we always run close to the wire. So, we will just go straight into the questions. If there is something at the end that you think that we should have asked and we have not, and we have some time, we will expand on it then. Bethan, do you want to start the questioning?

[121] **Bethan Jenkins:** I was keen to have you in to give evidence, because I have seen lately the rise in the number of agency teachers within Wales. Obviously, there are many issues surrounding that. I just wanted to ask you about your broad feelings about this Bill and how the agency teachers can be supported or enhanced by this Bill.

[122] **Ms Shoesmith:** The Recruitment and Employment Confederation represents 3,500 corporate members—so, recruitment agencies—and we supply them with a code of professional practice. We supply them with a compliance test that new members have to take and that existing members have to pass. That goes over and above understanding the employment and the legislation requirements. So, I give that just as a bit of context because, for us, the standards provided by the agencies that we work with are really important. We have seen the reports that have been discussing supply teachers and we think that, actually, much of it chimes with what we think are some of the issues around this. We think that there has to be an emphasis on quality and on standards, and what we really want to see is supply teachers understanding what their contribution is to a school, or any education environment, because there will always be a need for supply teachers. You cannot legislate for people being ill or needing to go on training courses, so, we will need to have them. So, how do you ensure that you get the best possible quality of supply? We think that you need to have agencies that work with good-quality teachers, agencies that know how to supply the proper checks, and then there are such things as our products around the code of professional practice and around our audited education scheme, which actually replaced the quality mark because the funding for that was withdrawn. Those are the things that need to be put in place, and then we need to have schools and headteachers understanding that that is how you get good-quality supply.

[123] **Bethan Jenkins:** Would you monitor that? I think that, quite often, there are very different practices across Wales, for example, secondary school teachers will be sent to primary schools, not having the correct skills or perhaps not having the right attitude in a given location. Is that monitored by you, or would that be monitored by a different body?

10:30

[124] **Mr Williams:** As the leading teaching agency in Wales, we have been awarded a preferred supplier agreement through the Welsh purchasing consortium, so we deal with all authorities—that agreement is in 18 of the 22 authorities, but we deal with all 22. We follow the Recruitment and Employment Confederation guidelines, and I think that one of the main points here is to make sure that all agencies follow the REC guidelines. The practices that you

are talking about do exist, but not in companies that work within the REC guidelines and still follow the old quality-mark procedure set down by what was then the Welsh Assembly Government—way back then—and which was, unfortunately, removed as a regulation that all agencies had to follow. Unfortunately now, due to the recession, there are lots of agencies that are non-education-specific working in the education sector because they see it as ring-fenced funding, so they can promote their companies within it, but they are not following the same guidelines as set out in both the REC quality mark and the Welsh quality mark of a few years ago.

[125] **Bethan Jenkins:** How are you encouraging those particular agencies, or the schools, potentially, not to use them or to be made more aware of the ones that you were talking about that do come under that mark?

[126] **Mr Williams:** As an individual company, we work closely with the ASCL and NAHT Cymru and promote through the mediums of their conferences, training sessions, et cetera. However, not all other agencies, or not all schools, take those guidelines. It is quite easy for a sales person to say, ‘Yes, we tick these boxes’, but they may not actually do that. Taking away the quality mark stopped the monitoring and evaluation of individual agencies as to whether they follow the procedures set out by the Welsh Government and the REC.

[127] **Ms Shoesmith:** Another issue is that the strong relationship we have with the GTCW is very important to us, and that has to be one of the mechanisms that works with the teachers and with the headteachers. Any replacement council or anything else that comes in should have a similar relationship with those headteachers so that they understand the checks that are required.

[128] **Bethan Jenkins:** I suppose that is what I was going to ask, really—would there be something that you would suggest for this Bill so that there would be an extension of the relationship that you have with some organisations with regard to education and awareness that they would not have to use agencies that do not adhere to best practice?

[129] **Ms Shoesmith:** If there is any suggestion of a code, which is one of the things that was being consulted on, we would like to be engaged in that. We would like all partners to be able to participate in that, because there are existing products and there are compliance tests out there, but what we do need to do is build up that awareness, because what we need are schools that are asking for that and that understand that. So, asking about Disclosure and Barring Service checks, for example—that has to be something that is brought in and applied by the department, as much as anything, so that there is a higher level of understanding, and they actually are seeking to inform what teachers are asking for. Some of these vacancies for supply are going to be very short notice, so having a very prescribed standard will help them get the best quality of supply at that short notice.

[130] **Bethan Jenkins:** My last question was with regard to the widening of the categories. Could you tell us whether you have other people on your books, so to speak—teaching assistants, and so forth—who you think would need to be included, and seek support in terms of—

[131] **Mr Williams:** We believe as a company that teachers and all classroom-based people definitely should be under the guidance of the general teaching council. If you want to take it further, because we supply ancillary staff to schools—caretakers, secretaries, et cetera—at the end of the day they all do have dealings with the children, but they are not in that front-line teaching post. So, I think it should be kept to the front-line teaching and support posts.

[132] **Rebecca Evans:** On that point, there is provision in the Bill to include youth workers in due course. Do you think that they would come under that category of education front-line

workers?

[133] **Mr Williams:** I have to be honest and say that we have not got much experience of working with youth workers. At the end of the day, as I previously mentioned, I believe that, if they are a front-line teacher, they should come under the education workforce council's guidance.

[134] **Rebecca Evans:** You mentioned your strong relationship with the GTCW. Could you tell us what sort of formal and informal mechanisms are in place for you to engage and work with the council at the moment?

[135] **Mr Shoesmith:** We have regular meetings with the council. When we were looking at what would replace the quality mark, in particular in Wales, and developing our education audited product, we spent a lot of time talking to them. We have set up an external panel that looks after our audited product, because what we think is important is that the education sector is equally involved in developing that; we have been consulting with the sector. What we would like to see, as part of that panel, is that, as the new councils develop, they become members of that panel because that gives it that level of external verification, if you like, that I think is so important.

[136] **Rebecca Evans:** Do you think that the Bill would need to be amended to reflect that, or could that be dealt with later on in regulations and so on?

[137] **Ms Shoesmith:** I think that it can be dealt with in the regulations; I am not sure that it is a necessity in the Bill. However, I think that the understanding that there is a partnership arrangement, and working with different stakeholders, is important.

[138] **Ann Jones:** We are just having a bit of a swap around with questions. Suzy, I see that you had a supplementary question on this.

[139] **Suzy Davies:** Just briefly, do you offer cover to independent schools as well as state schools?

[140] **Mr Williams:** Yes, we do. We cover all schools within the principality.

[141] **Suzy Davies:** So, every member of teaching staff who comes through you is governed by your standards and quality assurance already, even though they may not be signed up elsewhere. Would you like to see all teachers used in independent schools signing up to this?

[142] **Mr Williams:** We take the staff whom we place in schools across Wales under the old Welsh Government quality mark, the REC guidelines, to make sure that they are General Teaching Council for Wales registered, regardless of whether they are going to work in an independent school.

[143] **Ms Shoesmith:** So, they should be covered.

[144] **Ann Jones:** Are you happy, Rebecca? I see that you are.

[145] **David Rees:** Section 37 covers the requirement to inform the council if any member of staff has been disciplined in one sense. Do you welcome this arrangement, and is it in line with current arrangements with regard to GTCW?

[146] **Mr Williams:** We have always had this relationship with the General Teaching Council for Wales; we welcome it, as long as there is consistency, because, as an independent

body, we share this information, but we sometimes find that some of the local education authorities do not share the information with private sector companies. So, if there were consistency in the sharing of information, it would definitely work for the benefit of education.

[147] **David Rees:** What current arrangements are in place—I know that you are staying out of this, in REC, because this is more for the individual agency—for disciplinary procedures for individual members of staff in relation to issues like this?

[148] **Mr Williams:** For our own company, we have our own safeguarding officers. At New Directions Education, we recruit ex-educationalists to run this for us. They liaise on all the aspects of the disciplinary process with the General Teaching Council for Wales. When it becomes time for it to be informed, we do that as well. The General Teaching Council for Wales, if there are any issues, is kept abreast of the disciplinary process that we follow.

[149] **David Rees:** Is that common across all agencies?

[150] **Mr Williams:** Unfortunately, it is not.

[151] **David Rees:** What actions do you take to ensure that, if a school is wrong, you support the individual going to that school?

[152] **Mr Williams:** Whatever comes out of the process, if the school is wrong, because the local education authority is usually involved in strategy meetings and so on, I think that it takes that to the next level; we just look after our employee.

[153] **Ann Jones:** Bethan, do you have a point on this?

[154] **Bethan Jenkins:** I just wanted to clarify what you said about passing the information on. You would pass the information on to other companies, but would other private companies not necessarily listen to what you have advised?

[155] **Mr Williams:** No, we pass the information on to the General Teaching Council for Wales. Effectively, if we remove somebody, on a disciplinary basis, from our database, we pass that information on to the General Teaching Council for Wales.

[156] **Bethan Jenkins:** I understand that.

[157] **Mr Williams:** We know that teachers in certain authorities in Wales also get removed from their pools et cetera. The authorities pass that information to the General Teaching Council for Wales. We, as an independent body, do not necessarily get that information from the local education authorities.

[158] **Bethan Jenkins:** So, those teachers, who are from the local authority system, would then, potentially, try to access work that way.

[159] **Mr Williams:** The usual case is that they would come to register with an agency. We check their General Teaching Council for Wales status; we then find out from the General Teaching Council for Wales that they should not be working. Not all agencies follow suit. That is the old quality-mark principle; we work within those guidelines. The newer agencies do not, so they could register somebody about whom the education authority in Caerphilly, for example, has said, 'This person is off the database or out of our pool'. The agencies could register somebody and quite easily place them in Rhondda Cynon Taf—the checks are done, they can go into schools, they do not use the General Teaching Council for Wales as a referral and they can practically end up back in schools again. However, with any body that follows

the quality-mark processes, that does not happen.

[160] **Bethan Jenkins:** You talked earlier about having standards, and I am not sure whether I have an understanding of how the standards would help in that situation, because it seems quite convoluted in a way, does it not?

[161] **Ms Shoesmith:** My perspective, which is that of a membership body and a professional body, is that we want to see the schools understanding what that professional body membership and adhering to things like the quality mark mean. That is the way that you are going to drive up standards and get rid of what you may consider to be some rogue traders out there. What we really have to do is to get an understanding of what the different quality marks and auditing products are giving people, and the code of practice, for example, rather than having them thinking that it is a decision that is driven by cost or other factors.

[162] **Ann Jones:** A number of Members want to pursue this. I call on David first, then Aled and Simon. We will then move on.

[163] **David Rees:** On that particular point, I was going to ask whether there should be regulation of agencies, because you highlighted that some rogue agencies are possibly operating out there. Should there be regulation within this Bill of agencies? Secondly, is the desire, therefore, to put all teachers under this education workforce council the point that might force schools to say, ‘We have got to use proper agencies’?

[164] **Mr Williams:** Yes.

[165] **Ms Shoesmith:** I believe that the desired outcome would be to make sure that you are using a properly compliant agency.

[166] **David Rees:** How do you define that?

[167] **Ms Shoesmith:** I would define it by our codes of practice and what was indicated in the original quality mark, because there was a lot of good work in that, somewhere along the line, has been lost, probably through a lack of Government funding.

[168] **Mr Williams:** With the quality mark, to make this happen, it would have to be mandatory.

[169] **David Rees:** Out of curiosity, should this include the regulation of agencies, in that case, or not?

[170] **Mr Williams:** I believe so. If we can regulate all agencies and, as Kate has said, if schools are aware that this regulation is in place for agencies as well, it will help schools to make the necessary choice regarding which agency they use.

[171] **Ms Shoesmith:** What I would like to see is that it works with existing regulations. Agencies that are part of the REC—and equally if they are not part of the REC—are governed by the conduct regulations, which go across, currently, England, Wales and Northern Ireland, although Northern Ireland is consulting on those separately. What we would like to see is that any regulation that impacts on the education providers complies with and works with those existing regulations for employment services.

[172] **Aled Roberts:** I just want to understand this in my own mind. With regard to the example that you used with Caerphilly and RCT, for a local authority to take a teacher off its database, presumably it has to follow a formal disciplinary procedure.

[173] **Mr Williams:** Yes, that is right.

[174] **Aled Roberts:** It then notifies the GTCW and takes the teacher off the database. In that situation, would RCT not have to check with the GTCW?

[175] **Mr Williams:** I mentioned that the teacher was placed through an agency. If someone comes off a council database, the information is shared with all authorities, but not the schools. It is shared with the human resources department of RCT, for instance. The teacher will come along and register with an agency. Any agency that follows the quality-mark guidelines will also check with the GTCW that that person should be working. The rogue traders do not; they would just place someone in RCT. What tends to happen is that the rogue traders undercut the price. They will undercut our matrices and contracts with the county authorities, for instance. So, the schools think that they are saving a bit of money and take on a teacher, but they have not necessarily been checked and the full compliance procedure has not been followed.

[176] **Aled Roberts:** However, there are also instances where schools use supply teachers and do not even go through an agency. They ring up unofficially and make a direct approach.

[177] **Mr Williams:** Yes, that is right.

[178] **Aled Roberts:** In that situation, there is no county requirement on those schools to carry out any checks.

[179] **Mr Williams:** Yes, there is. If I could use an example, if Cardiff High School found its own supply teacher and wanted to place somebody, until it had gone through the necessary checks with the local authority, it could not use them.

[180] **Ann Jones:** Simon, is your question on this point?

[181] **Simon Thomas:** Yes, it is on this point. To be clear, we are not talking about teachers who have been banned from the classroom, but teachers who have been found, in some way, to be underperforming and not of sufficient quality to be in front of a class.

10:45

[182] You have described one route through which those teachers, by means of other agencies, can appear in front of our classrooms, which is shocking, to be honest, but the other route that I have concerns about within this Bill is the independent sector. As the independent sector is outside this Bill, there likewise seems to be a loophole there for people to go around. Has that also been your experience?

[183] **Mr Williams:** I could not comment personally on the independent sector and its compliance procedures. We supply to the independent sector, so as far as we are concerned, we follow the compliance procedures for it as well.

[184] **Simon Thomas:** Yes, but are you aware of other agencies supplying the independent sector, for example?

[185] **Mr Williams:** All agencies will supply to anybody who, basically, wants a teacher, and as I say, unfortunately, the rogue agencies do it as a bit of a bargain because they cut the corners. It costs money to put people through compliance procedures, and as a company—as do all other reputable companies that follow these procedures—we cost it into the price as it were. The rogue traders tend to be the cheaper agency about which schools think, ‘Well, let’s save a bit of money here,’ and then they will just take that person on and they have not

necessarily been checked. If it was mandatory, if schools could use only agencies that have the quality mark, then they could rest assured they were getting the right person.

[186] **Simon Thomas:** As a quick supplementary question, does this quality mark that you are talking about apply to newly qualified teachers? Do you have ways of ensuring that they come up to standard as well?

[187] **Mr Williams:** It does as well. We go through the normal compliance process and the data-borrowing and servicing checks. We get their references from their final teaching practice and the university that they qualified from. So, the checks are followed in the same way.

[188] **Ann Jones:** Suzy, you have one question to finish this theme off, and then we will move on.

[189] **Suzy Davies:** Thank you, Chair. It is pretty much the same subject, really. You mentioned that it is your view that schools should only use agencies for teachers that have reached the quality mark. Are there any other ways that this Bill can perhaps help to deal with this issue that has come out of the Wales Audit Office report and the Estyn report that there is this perception that children taught by an excessive number of supply teachers are not getting a good deal? How can this Bill help to improve the status of supply teachers?

[190] **Mr Williams:** In Wales, I believe there should be a place where we can help to train the candidates. We do it on a basic level. We do child safeguarding training and what is highly thought of at the moment, things like Team-Teach Ltd and Read Write Inc, we provide that to our candidates. If you had to take an interest in the continuous professional development of your staff, and that was made part of the quality mark and of this Bill, for instance, then it would work really well. Obviously, it comes down to funding. There are certain companies that can afford to do this and there are others that cannot. I remember many years ago that the General Teaching Council for Wales had a bursary for teachers, and supply teachers were able to access that. So, we were able to put training courses on, supply teachers could gain their funding through the bursary and they were useful courses for them.

[191] It all comes down to funding at the end of the day, and the main problem that supply teachers have is that they are not paid to go on training courses like normal classroom teachers. We used to put the courses on during the holiday periods so they would not lose any earnings, but we could not actually pay them. We would arrange, through Government bodies such as the Education and Schools Improvement Service in the past, to put training courses on; we would buy in their trainers. The simple fact is that it all comes down to funding; the more funding available, the better the training could be and we could follow the standards laid out for schools, for instance. I am sure that agencies could follow those if there was funding available.

[192] **Suzy Davies:** So, in terms of any regulation coming in underneath this Bill, or even in terms of what the new workforce council might be expected to do, this is the kind of area that you would like them to concentrate on as well?

[193] **Mr Williams:** We would love to work with the workforce council on enhancing our own candidates.

[194] **Ann Jones:** Briefly, David, because we want to move on.

[195] **David Rees:** You mentioned CPD, and I was going to raise it as an issue. What percentage of your staff undertook any CPD in the last 12 months?

[196] **Mr Williams:** I would say that around 60% to 70% have taken what we call the basics. Everybody has done child protection training; that is a must before they go out to school. I would say that around 60% to 70% have been on courses such as Read Write Inc and Team-Teach. Team-Teach is a conflict management training course. We put people on those courses. We put our teaching assistants, who are also affected by this Bill, on manual handling training et cetera, so it is a good proportion. We do have what we call career supply teachers, who are not interested in finding a long-term position; they are quite happy to go in at 9.00 a.m. and finish at 3.30 p.m. with no extra-curricular activities. Sometimes, they are the ones who are reluctant to go on training, because they feel that they just want to be the supply teacher on odd days here and there. We have those difficulties, but it is a good high percentage. However, if it was brought into the Bill, and other agencies were meant to follow suit, with the supply workforce, which is an integral part of the education system in Wales, the CPD that we could bring in would enhance that.

[197] **David Rees:** The quality element of CPD is critical. Is your experience, therefore, common across the other agencies, or are other agencies less likely to do that?

[198] **Mr Williams:** We won the Welsh purchasing contract because of the CPD that we do. I could not comment on other agencies. We know of other agencies doing limited amounts of CPD and other agencies doing nothing. Once again, it usually comes down to cost.

[199] **David Rees:** A lot of these supply teachers, as you say, do it out of school time.

[200] **Mr Williams:** That is right; yes.

[201] **David Rees:** Many of them have to find second jobs, sometimes, as well.

[202] **Mr Williams:** That is right, but the majority of people on our books are people looking for jobs and looking to improve. Sometimes, you can be in the right place at the right time; it is down to their subject specialism et cetera. If we could help these people to improve professionally, it might help them to get jobs as well.

[203] **Ann Jones:** We will move to some practical arrangements for the new registration body. Simon, do you want to take the first set of questions?

[204] **Simon Thomas:** This builds on some of the questions that we have just heard, looking at what the new body may be doing in this field. There are about 5,000 supply teachers in Wales; I do not know what proportion you have of those.

[205] **Mr Williams:** We have about 60%.

[206] **Simon Thomas:** That is a significant proportion. Nevertheless, a lot of them do not have any CPD at the moment, to all intents and purposes. We have had evidence from the current teaching council, which suggested that the bursaries and the money for that kind of thing have gone. We have a financial impact assessment for this legislation that does not suggest any significant money for new things, either. I think that the budget, a couple of days ago, put in £0.6 million for the establishment of the body but not for the ongoing costs. I am struggling to understand where this new body will be able to do this CPD with supply teachers. You have mentioned money; is it just a question of money, or does the Bill itself have to put some kind of obligation in here as well?

[207] **Mr Williams:** Specifically in Wales, it would be good to see the Bill putting something in there. It would also come down to the individual agency. If a quality mark was brought in again, it could be put back on the agency. As a private company, we are going to make money out of Welsh education, so there should be a commitment on both parties—the

independent agency and the Welsh Government.

[208] **Simon Thomas:** Who checks that your training—you described some of the training that you do—is of a good standard?

[209] **Mr Williams:** Nobody, really; it is what we provide. As I have mentioned, we recruit ex-educationalists. This is what we provide. We look at what is currently out there—I mentioned things like Team-Teach Ltd and Read Write Inc for numeracy and literacy. I suppose that we just copy what is happening in schools at the moment, along with the up-to-date methods. Most of the time, we will buy in the same trainers that local authorities and clusters of schools use; they are recommended to us.

[210] **Simon Thomas:** I do not wish to impugn your training at all, but I have been told that other agencies put on what they call training but which is not necessarily up to standard. Is there a role for this new council to try to have standards there? That is what I am trying to get at.

[211] **Mr Williams:** I think so. Many years ago, when the bursary was in place, part of the bursary application was that teachers had to give details of the course that they were on and why it was relevant to their continuing professional development. If the general teaching council—sorry for calling it that still—did that again, it would monitor the quality of the course that our candidates are attending.

[212] **Ms Shoemith:** One of the things that we are specifically doing, as the professional body, is making sure that the recruitment agencies working with us, and their members of staff, go through sufficient training so that they are absolutely aware of the legislative and regulatory requirements, but also of their sector. We are ensuring that that happens—things like having an apprenticeship to enter our industry. However, it is also about understanding the day-to-day running of the business. That is a really important point—just to ensure that our members, and their individual members of staff, are properly qualified themselves, so that they can impart some of this knowledge.

[213] **Simon Thomas:** I am aware that, in the old Swansea Metropolitan University-University of Wales Trinity Saint David link-up, for example, there is teacher training for supply teachers—I think that Ken Jones is the specific lead there—but that is certainly not available throughout Wales.

[214] **Mr Williams:** We worked with Swansea Metropolitan University on that. A chap called Peter Thomas did most of the training for us.

[215] **Simon Thomas:** So, that was about delivering something within that context. How do we get to ensuring that this is available throughout Wales? There are standards. There is good-quality stuff available, but most supply teachers are not accessing that, even the ones with good agencies like you. Is that not correct?

[216] **Mr Williams:** Yes. This all goes back to the quality mark again. If there was a quality mark in place, or the general teaching council worked closely with the REC and the agencies, which we have done in the past, to bring this quality-mark process back in, that would push us forward. Another area that we could look at covering is Welsh-medium provision. We have Welsh-medium consultants on our database to help the schools. That should be part of the Welsh quality mark, as such. So, Welsh-medium provision is also very important. That is an area in our capacity where there is a shortage—namely, of good Welsh-medium teachers. If that was brought in to enhance it, it would definitely benefit standards in Wales.

[217] **Simon Thomas:** How should this be paid for? If it is built into a quality mark, in effect, the school is paying a premium for a quality-mark teacher and paying a little bit to get the right training. Or, should this be done as a completely separate thing within the new council, with a training programme?

[218] **Mr Williams:** I think that it is a bit of both. There was a bursary in place before, and something like that would again be excellent, because it would look after the CPD. Then, there could be a push back on to the agencies through the quality mark and this Bill to get them to do what we call standard training—things such as child protection, and maybe numeracy and literacy et cetera. Agencies that are making money out of the schools, at the end of the day, should be more than happy to do that as part of the quality-mark process.

[219] **Simon Thomas:** As a minimum standard.

[220] **Mr Williams:** Yes. There should be a minimum standard before someone goes into school. Some people join us with this training already. However, the people who do not have it go through that training process. So, the basic standards are there. Regarding the CPD part of it, if we could work with the general teaching council—funding would be required—that could be made available to the supply teachers as well.

[221] **Simon Thomas:** I have one final question to ask, if I may. We have been looking at some detail here, but I just wish to step back from it. Regarding the new education workforce council, as it looks in the Bill, do you think that the balance is right between the disciplinary and training functions—the professional development functions?

[222] **Ms Shoesmith:** There was a good balance there. What we would like to see is specific mention of supply teachers. That was the most important and critical point that we made in our consultation response. Unless we deal with some of these issues at the Bill level and in the foundation stage of the council, we might find that some of these continue to linger. So, we need to make sure that it is embedded into that work.

[223] **Simon Thomas:** We are getting the code of conduct and so on in advance of the establishment of the council, but we are not getting anything worked up on the other side. It strikes me that that is the imbalance there.

[224] **Ms Shoesmith:** Yes.

[225] **Aled Roberts:** Estyn's report last week said that 10% of hours are currently provided by supply teachers in Wales. Regarding your comments regarding the career supply teacher, who may not do any CPD, there is no current requirement, as there is in other professions, that they have to undertake x number of hours of CPD in order to maintain their registration.

[226] **Mr Williams:** Currently, no, not for supply teachers, but that is something that—I seem to be harping on about the quality mark again—that could be brought in. It would definitely help the industry.

[227] **Aled Roberts:** There is mention of 5,000 supply teachers in Wales. What percentage of those are retired teachers who are returning to school, and what reassurance do we have that they keep up to date with developments, both in teaching styles and in their subject areas?

[228] **Mr Williams:** With regard to our database, it is about 4%. Most of those—even the retired teachers who have recently left—will have had training in schools, probably up until not long before they retired. We find that most of our retired teachers have what we call our most basic standard—things like Team-Teach Ltd, Read Write Inc and child-protection training. So, those are there. Regarding standards to push them further, I would say that no,

they are not there. There would be a case for companies such as ours to offer that training. They are probably the ones who are in that career supply-teacher mode at this moment in time. We cannot force people to attend our training courses but we would look to encourage people to attend. Retired teachers are a very low percentage of the supply workforce.

11:00

[229] **Aled Roberts:** There are other professions where, in effect, you are forced to attend CPD because, if you do not, your registration is not maintained.

[230] **Mr Williams:** That is right, yes.

[231] **Aled Roberts:** There appear to be large holes here as far as the CPD is concerned. In a lot of the discussions—which is the point that Simon made—it seems that the CPD detail in the Bill is less than you would have imagined in the initial consultation.

[232] **Mr Williams:** I am assuming that it is the old local government and Welsh Government issue of who is going to pay for it. There is a supply-teacher workforce out there, and Welsh education could not survive without it, because we want to take our own classroom teachers through CPD and need sickness cover et cetera. That needs to be covered. You are correct that CPD needs to be improved across the supply-teacher workforce and that can only be done by all parties working together to ensure that it happens.

[233] **Aled Roberts:** To play devil's advocate: supply teachers receive significantly more remuneration than salaried teachers if they regularly undertake supply work. Is there scope for placing that responsibility on the individual?

[234] **Mr Williams:** That does not happen in the education sector.

[235] **Keith Davies:** Following on from what Aled was saying about CPD, what about children who are taught at home because they are ill and so on? Do you supply teachers for them?

[236] **Mr Williams:** We work very closely with a lot of the pupils who are educated other than at school across all the authorities through our contracted arrangements, so we supply people for home learning—home tutors, basically.

[237] **David Rees:** You keep mentioning the quality mark and I appreciate that, which refers mainly to the agency rather than to the individual. As Aled Roberts said, should we be looking at some form of criteria—maybe in the code of conduct—that requires that CPD is undertaken on an annual basis?

[238] **Mr Williams:** Yes, I believe so.

[239] **Ms Shoesmith:** I think that that is exactly where it belongs: in the code.

[240] **Keith Davies:** Gofynnaf fy **Keith Davies:** I will ask my question in
nghwestiwn yn Gymraeg. Bydd y Bil yn Welsh. The Bill will change disciplinary
newid trefniadau disgyblu. A yw hynny'n procedures. Will that make any difference to
mynd i wneud unrhyw wahaniaeth i chi a'ch you and your procedures in relation to
trefniadau disgyblu chi? discipline?

[241] **Mr Williams:** From a company viewpoint, no. Whatever the disciplinary procedures are, we will follow them to the letter.

[242] **Ms Shoesmith:** Similarly, agencies that we work with already have disciplinary processes in place and what the Bill is suggesting does not look to be any more rigorous than what we already have.

[243] **Suzy Davies:** I am sorry to take you back to CPD again but it is in connection with the registration fee. You have explained to us that any supply teachers who come through agencies that you represent have access to as much CPD as they like and of the best quality; therefore, what would be the point of them joining this workforce? What would be their incentive to join and to pay money to do so?

[244] **Mr Williams:** The reason why they have to join it is because they cannot get work without education workforce, or GTCW, registration. Schools will only accept people who have GTCW registration.

[245] **Suzy Davies:** As it is compulsory for them to join the workforce, effectively, what are your views about the registration fee? Who should pay it, how much should they pay and when?

[246] **Mr Williams:** The teachers should pay. I would not like to put a figure on it but I believe that, with the difference between a teacher and classroom assistant, who are on different pay scales, provision has to be made for that.

[247] **Ms Shoesmith:** I agree. I think that if it is a requirement to work in the industry, you need to understand how that can be made at a rate that is at the level of your pay so that that is not going to penalise you and make you not want to enter.

[248] **Suzy Davies:** Therefore, you would advocate a variable rate depending on income rather than the level of qualification or service.

[249] **Mr Williams:** Yes, I would base it on income.

[250] **Suzy Davies:** Who do you think should pay? Should it be the employer, the employee or the Government?

[251] **Mr Williams:** As we have 3,000 candidates working for us, you would think that it would be the employer. As we are the employer of 3,000 candidates, it needs to be the employee. [*Laughter.*]

[252] **Suzy Davies:** A little honesty goes a long way.

[253] **Mr Williams:** Yes. This is a bit of a difficult question for me to answer, but it is something that, at the end of the day, definitely needs to be looked at.

[254] **Simon Thomas:** May I just—?

[255] **Ann Jones:** There is one last question from Rebecca first.

[256] **Rebecca Evans:** How would a system based on income work for supply teachers? I can understand how it would be fairly straightforward for full-time teachers, given banding and so on, but supply teachers may not know from one month to the next what their income is.

[257] **Mr Williams:** I think that provision should be made for supply teachers as well, because you are right; there are people who just want to do a couple of days a week and that sort of thing, and there others who want to work more and are looking to go on to a career. I

think all teachers, because it is their registration—. To explain, if somebody registers with us and we were to pay their fee, they could also register with another agency and have their fee paid. That is why agencies would probably be reluctant to pay the fee themselves, unless the teachers work for us exclusively. Supply teachers should be afforded a discount, and maybe it could be calculated based on their previous year's income. So, if they earned 60% of what a full-time teacher earned, they could perhaps pay 60% of the fee.

[258] **Ann Jones:** We have harmony on this committee, because that was the very question that Simon wanted to ask. There we are. Suzy, do you want to carry on?

[259] **Suzy Davies:** Yes. Taking you back to an earlier answer, you said that, actually, this workforce council should be aimed only at front-line teaching staff. May I just confirm that you would not have an opinion to offer on registration fees for other support staff and who should be paying that?

[260] **Ms Shoesmith:** Some agencies will be representing support staff as well, and the principles will be exactly the same. People like Gary will be sitting there saying, 'We may be representing hundreds of thousands of different candidates'—

[261] **Suzy Davies:** Non-teaching staff.

[262] **Ms Shoesmith:** Yes, and they would have the same principle.

[263] **Suzy Davies:** Right, okay. Thank you.

[264] **Ann Jones:** Has everybody finished?

[265] **David Rees:** Sorry, but—

[266] **Ann Jones:** I am not going to look at that side of the table any more. [*Laughter.*] Go on.

[267] **David Rees:** On this point of who should pay, should it therefore be every teacher who is registered, whether they are a full-time employee of a local authority or a member of the supply staff employed by an agency? Should they be treated equally?

[268] **Ms Shoesmith:** I cannot see why they would not be treated equally. Actually, the majority are supplied via the local education authority, rather than via an agency right now. So, we would need to look and make sure that there is consistency in the standards being applied across the board; otherwise, you are not going to change this issue.

[269] **David Rees:** Obviously, the local authorities are subsidised to an extent.

[270] **Simon Thomas:** By Welsh Government.

[271] **David Rees:** Yes. That is why I asked.

[272] **Ann Jones:** Okay. I think that we have exhausted all the questions. I am just looking around me—it is always dangerous to look around the table. I thank you both very much for coming in and for giving such detailed answers to the questions that Members have posed. We will send you a copy of the transcript of this session to check for accuracy and that we have not put words into your mouths. Thank you; I think that Members found that very interesting.

11:08

**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**

[273] **Ann Jones:** Can a Member move a motion to go into private session under Standing Order 17.42?

[274] **David Rees:** I move that

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

[275] **Ann Jones:** Thank you very much. I see that the committee is in agreement.

Daeth rhan gyhoeddus y cyfarfod i ben am 11:08.
The public part of the meeting ended at 11:08.