



Cynulliad
Cenedlaethol
Cymru

National
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Wales

Cofnod y Trafodion

The Record of Proceedings

[Y Pwyllgor Plant, Pobl Ifanc ac Addysa](#)

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

12/01/2017

[Agenda'r Cyfarfod
Meeting Agenda](#)

[Trawsgrifiadau'r Pwyllgor
Committee Transcripts](#)

Cynnwys Contents

- 4 Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datgan Buddiannau
Introductions, Apologies, Substitutions and Declarations of Interest
- 5 Ymchwiliad i'r Grant Gwella Addysg: Plant Sipsiwn, Roma a Theithwyr,
a Phlant o Leiafrifoedd Ethnig—Sesiwn Dystiolaeth 6
Inquiry into Education Improvement Grant: Gypsy, Roma and Traveller,
and Minority Ethnic Children—Evidence Session 6
- 24 Gweithredu 'Dyfodol Llwyddiannus: Adolygiad Annibynnol o'r
Cwricwlwm a'r Trefniadau Asesu yng Nghymru'—Sesiwn Dystiolaeth 5
The Implementation of the Review 'Successful Futures: Independent
Review of Curriculum and Assessment Arrangements in Wales'—
Evidence Session 5
- 42 Y Bil Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru):
Sesiwn Dystiolaeth 1
Additional Learning Needs and Education Tribunal (Wales) Bill:
Evidence Session 1
- 67 Papurau i'w Nodi
Papers to Note
- 67 Cynnig o dan Reol Sefydlog 17.42 i Benderfynu Gwahardd y Cyhoedd o
Weddill y Cyfarfod
Motion under Standing Order 17.42 to Resolve to Exclude the Public
from the Remainder of the Meeting

Cofnodir y trafodion yn yr iaith y llefarwyd hwy ynndi yn y pwylgor. Yn ogystal, cynhwysir trawsgrifiad o'r cyfieithu ar y pryd. Lle y mae cyfranwyr wedi darparu cywiriadau i'w dystiolaeth, nodir y rheini yn y trawsgrifiad.

The proceedings are reported in the language in which they were spoken in the committee. In addition, a transcription of the simultaneous interpretation is included. Where contributors have supplied corrections to their evidence, these are noted in the transcript.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Mohammad Asghar Bywgraffiad Biography	Ceidwadwyr Cymreig Welsh Conservatives
Michelle Brown Bywgraffiad Biography	UKIP Cymru UKIP Wales
Hefin David Bywgraffiad Biography	Llafur Labour
John Griffiths Bywgraffiad Biography	Llafur Labour
Llyr Gruffydd Bywgraffiad Biography	Plaid Cymru The Party of Wales
Darren Millar Bywgraffiad Biography	Ceidwadwyr Cymreig Welsh Conservatives
Julie Morgan Bywgraffiad Biography	Llafur Labour
Lynne Neagle Bywgraffiad Biography	Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair)

Eraill yn bresennol
Others in attendance

Karen Cornish	Dirprwy Gyfarwyddwr, Diwygio'r Cwricwlwm, Llywodraeth Cymru Deputy Director, Curriculum Reform, Welsh Government
Alun Davies	Aelod Cynulliad, Llafur (Gweinidog y Gymraeg a Dysgu Gydol Oes) Assembly Member, Labour (the Minister for Lifelong Education and Welsh Language)
Steve Davies	Cyfarwyddwr, yr Adran Addysg, Llywodraeth Cymru Director, Education Directorate, Welsh Government
Stephen Gear	Pennaeth Cefnogi Cyflawniad a Diogeli, Llywodraeth Cymru Head of Supporting Achievement and Safeguarding, Welsh Government
Catherine Lloyd	Cyfreithiwr, Llywodraeth Cymru Lawyer, Welsh Government
Tania Nicholson	Pennaeth Rhaglen Ddeddfwriaethol Anghenion Dysgu Ychwanegol, Llywodraeth Cymru

	Head of Additional Learning Needs Legislative Programme, Welsh Government
Mair Roberts	Cyfreithiwr, Llywodraeth Cymru
	Lawyer, Welsh Government
Emma Williams	Dirprwy Gyfarwyddwr, Is-adran Cymorth i Ddysgwyr, Llywodraeth Cymru
	Deputy Director, Support for Learners, Welsh Government
Kirsty Williams	Aelod Cynulliad, Democratiaid Rhyddfrydol Cymru (Ysgrifennydd y Cabinet dros Addysg) Assembly Member, Welsh Liberal Democrats (the Cabinet Secretary for Education)

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

Jon Antoniazzi	Clerc Clerk
Sarah Bartlett	Dirprwy Glerc Deputy Clerk
Michael Dauncey	Y Gwasanaeth Ymchwil Research Service
Gareth Rogers	Ail Glerc Second Clerk
Lisa Salkeld	Cynghorydd Cyfreithiol Legal Adviser

Dechreuodd y cyfarfod am 09:30.

The meeting began at 09:30.

Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datgan Buddiannau
Introductions, Apologies, Substitutions and Declarations of Interest

[1] **Lynne Neagle:** Good morning, everyone. Can I welcome you all to this morning's meeting of the Children, Young People and Education Committee? We've had no apologies for absence. Can I ask whether there are any declarations of interest, please? No. Okay, thank you.

**Ymchwiliad i'r Grant Gwella Addysg: Plant Sipsiwn, Roma a Theithwyr,
a Phlant o Leiafrifoedd Ethnig—Sesiwn Dystiolaeth 6
Inquiry into Education Improvement Grant: Gypsy, Roma and Traveller,
and Minority Ethnic Children—Evidence Session 6**

[2] **Lynne Neagle:** Item 2 is our final evidence session on our inquiry into the education improvement grant. I'm very pleased to welcome the Cabinet Secretary, Kirsty Williams, to our meeting this morning. Thank you for providing a paper in advance, as well. Can I just ask you to introduce your officials for the Record, please?

[3] **The Cabinet Secretary for Education (Kirsty Williams):** Certainly. I'm joined this morning by the two Steves: Steve Davies, who is the director, and also Stephen, who specialises in this area of work.

[4] **Lynne Neagle:** Lovely. Thank you for coming. We've got a number of questions. If I can just start by asking you how you feel, generally, the amalgamation of the various grant streams into the EIG has improved outcomes for Gypsy, Roma and Traveller children and ethnic minority children in Wales.

[5] **Kirsty Williams:** Thank you, Chair. I think the first thing to say is that I very much welcome the committee's work in this particular area. Obviously, still being relatively new to the role and the huge agenda that we've got for our national mission of educational reform, it's been very useful for me to reflect on this particular student group in preparing for your review. I think what is fair to say, and certainly from the evidence I'm sure you've received, is that there is some excellent practice going on in Wales, delivering really good results, but there is more to do to improve the outcomes.

[6] I think it's also important to note that we can't group all these students into one homogenous group. What we do know is that, for Gypsy and Traveller children, their results at GCSE level are not where we would want them to be—far below national averages. But, for many other groups of children, we see Indian and Chinese-heritage children way outperforming white Welsh children, and those from a Pakistani heritage or Bangladeshi heritage catching up and, in some cases, surpassing us. We still have an issue with the attainment levels of black Caribbean children. Again, that's one particular group of children who're not doing as well as we would like. So, I think it's important to recognise that we can't group all children

together and that there are particular challenges for particular groups.

[7] The purpose of the education improvement grant is to raise attainment levels for all. Reflecting on the reasons why the decision was made to amalgamate the 11 separate grants that were available into a single grant, I think there is a reasonable rationale for doing that. Some of the pots of money were relatively small, and if you distribute that on a 22-local authority basis, we're then talking about very, very small pots of money. The previous administration listened to the representations from local government that felt that, in some ways, they were being over-monitored for relatively small pots of money, whereas the vast majority of their education spend was subject only to Estyn and the level 2 plus indicator. So, I can understand the reason for doing it. It's also there to increase flexibility so that individual regional consortia and individual local authorities can respond to the needs of their particular populations, which will differ hugely. So, for instance, the needs of Cardiff and the south-east are very different to, perhaps, the approaches and the needs in rural areas where, perhaps the community is not so diverse, but then it is, indeed, for instance, in my own constituency, with the Gurkha children in Brecon, in one particular school, not spread throughout the county. So, there's a rationale for it, but I think it is timely to review the monitoring arrangements about how we can assure ourselves that no particular group of children is being left behind.

[8] My vision for the Welsh education system is one of a truly inclusive system that meets the needs of every individual child, and if we can raise teaching standards and raise attainment for particular groups of children who are not doing as well as we would like them to do, I believe that that will raise the standards for all children in Wales. So, it's timely in my tenure in this office, and with the EIG being combined now for this second year—we're just going into the second year of it—to review whether the monitoring arrangements, and the use of that, are as we would want them to be.

[9] **Lynne Neagle:** Thank you. Oscar.

[10] **Mohammad Asghar:** Thank you very much, Chair. And thank you and good morning, Cabinet Secretary.

[11] **Kirsty Williams:** Good morning, Oscar. How are you?

[12] **Mohammad Asghar:** It was confirmed only last November that the Welsh Government does not track or monitor the amount of education

improvement grant that is spent supporting Gypsy/Roma/Traveller and ethnic minority children. If the Government is not collecting that information, how does it intend to support the monitoring of the outcome of the programme for these children, which you just mentioned?

[13] **Kirsty Williams:** As I said, Oscar, it is correct to say that we don't collect specific information on the expenditure under EIG, which supports minority ethnic and Gypsy/Traveller children, but consortia are accountable regionally, and locally for the local authorities that make up the consortia, for the governance arrangements as to how they spend their resources and the effectiveness of the spend of those resources. So, the individual local authorities who contract their services from the consortia should be asking the consortia these questions. Estyn looks at the effectiveness of the consortia's use of resources, and I certainly ask the consortia about the effective use of EIG. So, in the challenge and review meetings that I have held now with all of the consortia, we asked some very difficult questions about how the consortia have spent their EIG money, the programmes and the interventions they've spent it on, and what they regard as the return that they've had on that expenditure. Actually, the Welsh Government is being looked at in that process. So, for instance, in one of our consortia challenge and review meetings we had the auditors watching me to see whether I was making proper use of that forum to ensure that spend was appropriate. So, we are challenging consortia. I would expect challenge from the local authorities, and, indeed, the Welsh Government is being challenged by auditors to ensure that we are holding consortia to account.

[14] But, it's true to say that we don't have a specific line. I will look forward to receiving a report from the committee as to whether we can look at that again. You will be aware, I'm sure, Oscar, that, for 2016–17, each consortia was asked to provide an education performance framework, which looks at accountability issues of spend. It's new, and I'm happy to look, in light of the comments from the committee, to see whether that performance framework is as good as it could be, or whether we need to review that.

[15] **Lynne Neagle:** Okay. Thank you.

[16] **Mohammad Asghar:** Thank you very much, Chair. Well, thank you very much, Kirsty. And, Kirsty, you just mentioned earlier that Chinese and Indian children are ahead of others and other nationalities—

[17] **Kirsty Williams:** [*Inaudible.*]

[18] **Mohammad Asghar:** Yes, they're just catching up. You're trying to work out one thing—one size fits all. That sort of thing—do you think it will work for Gypsy/Travellers or ethnic minorities, which you just mentioned? They're not on the same track altogether, and you want to bring all in one pot, in this EIG. Does it make any reasonable sense for future development?

[19] **Kirsty Williams:** I think what I said, Oscar, was that I absolutely recognise that one size doesn't fit all. One of the reasons that the previous administration decided to amalgamate all the 11 grants into one grant was to allow for flexibility against the different scenarios that individual local authorities and consortia would have. I want an inclusive system where every child can reach their full potential regardless of what that potential is, and we challenge local authorities and consortia about how they are doing that. Now, whether we are doing that in a way that is most effective is a continual source of discussion. Previously, our focus had been on what I would regard as being, and others would call, high-stakes accountability—level 2 plus indicators. I absolutely understand why that was chosen as the way in which we would hold people to account for their performance, but if you ask human beings to perform to one particular target, then rightly they do that, and that has, sometimes, unintended consequences, where, there, a lot of time was taken on focusing on people who maybe would get a D but we could move to a C. That has unintended consequences for people who were going to get a B but could have got an A or an A*, and it does have unintended consequences for some children for whom success doesn't look like five good GCSEs; success is something different. We'll have this discussion in the later part of the committee about the curriculum.

[20] So, we're looking at different ways in which we can hold people accountable, and what the profession tells me, and what the experts tell me, is that we need to move to a system of monitoring individual progress within the education system, which will indeed focus down very carefully on the needs of individual children and how we monitor their progress across their education journey.

[21] **Lynne Neagle:** Okay, thank you. I've got a few Members who want to come in on this issue of monitoring now. I've got Julie first, then Llyr.

[22] **Julie Morgan:** Thank you, Chair. The evidence we received really showed little knowledge of how different groups were performing, and if you just look at the Gypsy/Traveller and Roma group, I certainly didn't have the

feeling that the witnesses who appeared knew what was happening to that group, that is apart from the specialists who are actually working in the field, who nearly all said that they felt this had been a detrimental step and that the group had lost out—Gypsy/Traveller and Roma in particular had lost out. And this was very disappointing really, the evidence that was given to us. So, I think that is another reason for you to look again at monitoring, because they didn't have the evidence to give us in terms of how the groups were performing. So, I wondered if you could make any comment about the lack of information that we had, really, from the consortium and the wider education local authority field about how different groups were performing.

[23] **Kirsty Williams:** Thank you, Julie. If I'm being blunt, and I hope I can be, it is disappointing to have read some of the evidence that you've received from consortia and from directors of education about their lack of knowledge and understanding. It's disappointing in two ways, because, first of all, we do know that there is some excellent practice going on out there. You think of Maindee Primary School, which is doing fantastic work, sector-leading work in their particular school; Stepaside school in Pembrokeshire; Monkton school in Pembrokeshire; and the Gwent Education Minority-ethnic Service project in Gwent is a very, very, very strong example, which predates the consortia, of a collective working together to deliver a service across that particular region. And we see some excellent work going on in Conwy, for instance, as well. It's relatively new, but there are some really good results there. And, you know, what we would want is that consortia should be working together across Wales to share that good practice, to ensure that what's going on in Maindee and going on in Pembrokeshire is made available—that practice and that evidence is made available to other areas. You know, as I said, we are trialling the performance agreement that was put in place to monitor EIG. It's new, but, clearly, from the evidence out of this review that is coming—and we'll wait for your final review—it's clear that we need to look again that we can align performance management for consortia and local authority spend against national priorities. But, Steve, perhaps you could give some details about how the performance agreement came about and what we can do next.

[24] **Mr Davies:** Yes, thank you. In the first year of transferring the 11 grants into EIG, we agreed with the consortia that we would put in place a performance mechanism that was part of the evaluation of impact. Rather than impose a national model from day one, we thought we would work with them to explore the ways in which that evidence and data can be collected over the first year. We've completed that for our first year, and, as the

Cabinet Secretary has said, we've visited now all regions to have that level of discussion as to what's working and what's not working. And you're right—there's a variability in the amount and the quality of data that's been gathered at regional level that would reflect their detailed knowledge as to what's happening at individual institution level. They accept that, they've committed to work with us on that to review how that specific data around these groups are actually gathered.

09:45

As important, or probably more importantly, is then how those regions are responding to those data, because, in some cases, there will be individual institutions or authorities or groups who are performing better than others. One of the commitments we've got from the regions for all of their work is that they not only share within their local authorities, but that they share more widely. I think they would accept—in fact, I know they would accept—the fact that they've not cracked it in the first year, and this transition, for some, from individual local authority services coming together and getting the best of those, has not worked perfectly in that first year. In some areas, as I say, like Gwent and the EAS region, it was already a regional service, so it wasn't so much of a transition. I think one of the important things for me in this is that, where those regional services already existed, or where—for example, in north Wales—where those services are coming together, we're starting to see the benefits that can be gained from the collaboration. For me, it's not taking that apart; it's looking at what's working, sharing what's working and, critically, as you point out, being clear that we have the evidence base that the investment into this resource is having an impact. What we need to be careful of is that we don't go back to a historical model where we spend a lot of time and money measuring things that are minute in detail and that distract from the actual improvement activity. But as I said, I'd share the Cabinet Secretary's view that we've by no means cracked it. There's work to be done, but there is a commitment from the regions to improve this.

[25] **Julie Morgan:** I mean, obviously, we don't want to go back to a historical model that may be detrimental, but we certainly don't want the service to deteriorate, which it appears to have done at the moment.

[26] **Kirsty Williams:** I think that the issue that we've had coming forward is that some people regard it as deteriorating. It's certainly not feedback that I have had in discussions with the Welsh Local Government Association. It's

not something that they have expressed concerns to me about. Believe me, they've got a lot of concerns that they bring to my table, as do Estyn, who have a lot of concerns that they bring to my table, but the amalgamation of the grant or a diminution of these services is not something that they have reported back to me. Having said that, Julie, to have evidence that says we simply passport it on is an abdication of responsibility, which I do not find acceptable. That means we need to go back and look again at the framework, because that's not good enough. There is significant resource going into EIG and people need to be held accountable for the proper use and expenditure and the results that we get from that money.

[27] **Julie Morgan:** Thank you. And in relation to the WLGA, I Don't think we had lot of information from them either in terms of knowledge of what was happening in this field.

[28] Can I just raise one more point? Obviously, there are examples of absolute excellence; you've referred to them and I know some of them. But they're all very fragile and I just wanted to draw to your attention, really, to the Monkton school, which has depended on a very close relationship between the Unity project and the education service working form that school. And the Unity project's funding is now ceasing on January 31 by the local authority. That is not funded by education, but the partnership is so important because of getting the trust of the Gypsy/Traveller community, and the great success there, which you highlight in your letter that you wrote to us. It's absolutely outstanding where you've got three former learners at the school from the Traveller community doing degrees and it's really fantastic. Yet, this is all really being threatened because of this loss of these three posts by the local authority. So it is very fragile and we can't afford not to be there fighting for every one of these children. And I know you will.

[29] **Kirsty Williams:** I think, Julie, that demonstrates the complexity of the picture here. If there are services that have been lost or are under threat, is that a result of the amalgamation of the EIG or, actually, is that result of decisions being driven by other factors within the local education authority and the local county council? It's quite difficult to unpick really. You're looking at the EIG. Is it a result of EIG amalgamation or is the threat to those posts actually coming from another set of forces and influences within the local authority? What is absolutely crucial though, and what is a common denominator through all the successful areas, is what you've absolutely identified, Julie, which is the close connection with the family and the building of trust with the family and the individual school and the local

authority. In anticipation of coming today, I had a conversation with the elder of the Traveller community that is based in Brecon to ask him about his experience, his family and the education system. He was very, very positive about the engagement that the family had had and how the children's education had been facilitated. He was blunt about some of the challenges faced by the children around bullying and stigma, but said that he felt, overall, very supported by the attempts of the school and the local education authority to build those relationships. I think what we can do to support that work with families, to get children into school—because that's the first thing: it's getting the children into school on a regular basis—that's key to the successful models that we've got.

[30] **Lynne Neagle:** Okay, thank you. Llyr.

[31] **Llyr Gruffydd:** I just want to ask you a bit about Estyn's role here, because clearly we had Estyn here, before the committee, and they have looked in depth in the past—

[32] **Kirsty Williams:** I think in 2011.

[33] **Llyr Gruffydd:** It was 2011, yes. So, it was five or six years ago now. They clearly told us that they don't have the data or the information that's needed, really, to come to conclusions. There's no baseline, as such, to measure any improvement or deterioration against. So, whilst they could probably tell us how the money is being spent, they probably couldn't tell us what impact it's having or not having. So, do you not think that it may be time for Estyn to be asked to look at this area again? Now, I know, in relation to the new grant scheme, you've suggested it might be a bit early to do that, but at what point, then, do you think that maybe this would be the right course of action?

[34] **Kirsty Williams:** You're right, Llyr; Estyn do have an important role to play in this agenda. It is a little while now since Estyn last looked specifically at this area. I do think it's too soon to do a full-scale evaluation about the impact of amalgamation of the grant, because we're still so young in that process. As we've admitted, we still think that there are issues that we need to sort out with the regional consortia regarding their performance agreement, but I would be very happy to hear from Estyn that they felt this was an area that they needed to go back to.

[35] **Llyr Gruffydd:** Well, they suggested that they would be open-minded

to a remit from the Secretary to look at this area.

[36] **Kirsty Williams:** Yes, and we will wait to see the formal recommendations of your report. But, as I said, I would be very happy to have Estyn go back and have a look at this particular area.

[37] **Lynne Neagle:** Okay, thank you. Hefin, then Darren.

[38] **Hefin David:** Can I just clarify my understanding of something that you said just a few moments ago? You're disappointed that directors of education in local authorities have a limited understanding of the work done to support these children.

[39] **Kirsty Williams:** Some.

[40] **Hefin David:** Some. But that was the gist of what you said, just so that I can clarify that. Okay. Just turning to the letter that you wrote to the Chair on 11 November regarding the consortia, you specifically mentioned the Gwent ethnic minority service, GEMS, and the work that it does. You said:

[41] ‘It has a shared platform with the consortium and in the transition to the EIG, decisions were taken jointly by the five Directors of Education and the consortium Managing Director to protect and maintain support for the Ethnic Minority Achievement and Traveller Education Services.’

[42] Those were the words that you used. You seem to have singled that out. Is that an example of best practice?

[43] **Kirsty Williams:** Yes. I believe that the GEMS service, which Steve alluded to, predates the consortia. It was an early understanding by the authorities involved there that, by working together, they could add value to the service. It was quite groundbreaking at the time. We do regard it as an area of best practice, and we would like to have other consortia look at how that works and whether that then is applicable—whether there are principles behind that project that could be applied in other areas. One of the things that we’re trying to get the consortia to do is to recognise good practice in each other and share that more widely. But, Stephen, you would have more direct experience with working with GEMS over a number of—

[44] **Mr Gear:** Yes, that’s right. I think, when Martin Dacey gave evidence to the committee, he talked about the GEMS service in quite some detail and

actually gave the historic context to how GEMS had developed. I think a similar question was put to Martin about whether this is the model that we ought to employ right across Wales. I think he was very careful in his response: that it shouldn't be seen as a panacea because different arrangements exist in different circumstances. And you'll have had a different sense from the evidence that came from Cardiff. As a general point of principle, though, from where we sit in the Welsh Government we would certainly want to see greater collaboration between local authorities and regional consortia, where it's of benefit to these learners. As the Cabinet Secretary alluded to, there is work going on in north Wales, for example, with all the authorities working together around capacity building for teachers. And so I think there needs to be a general push for greater levels of collaboration where there is a benefit, not necessarily for collaboration's sake, and not necessarily thinking that you can pick up that model that exists in GEMS and put it everywhere else. There may be problems that need to be looked at; there are issues that may need to be looked at in some detail before we say that, actually, that's the way to go. But historically in Newport, because of the circumstances that have existed there and because of the populations of ethnic minority children, particularly, congregating in Newport, and the expertise and experience that Newport is able to build up, and then to support the other authorities in the former Gwent area, it's worked. Whether you could necessarily replicate that everywhere else, I think, is something that would need to be looked at, but we would certainly push for a greater level of collaboration between local authorities and consortia.

[45] **Hefin David:** The Cabinet Secretary said, 'the general principles'.

[46] **Mr Gear:** Yes.

[47] **Kirsty Williams:** Yes.

[48] **Hefin David:** Would it be useful to develop that into a code or a guide of some kind—a code of practice? Or is that perhaps being too prescriptive?

[49] **Kirsty Williams:** As I said, what I am learning is just because the Welsh Government has produced a guide, or produced a strategy and then sent it out—whether it actually gets implemented on the ground. So, I'm less interested in producing loads and loads and loads of documents that never get read—

[50] **Hefin David:** How else, then, would you learn from what they're doing

and disseminate that?

[51] **Kirsty Williams:** Well, because that is the job of the consortia. And this is what we have impressed upon the regional consortia: that they have a role, yes, to their own particular region, and school improvement in their region, but we are trying to build a self-improving system across the whole of Wales.

[52] **Hefin David:** But the consortia are not learning from each other.

[53] **Lynne Neagle:** Hefin, don't interrupt, please.

[54] **Kirsty Williams:** The consortia recognise that they need to look at good practice from each other, and look to see how that can be best replicated in their own particular circumstances. So, the principles around that project, I think, are valuable; they have been successful. They are recognised as having made a real difference, and the principles behind that are ones that I would expect consortia to do. I think we are seeing signs of the consortia being less competitive against each other, but realising that they are part of a self-improving system and are willing to share best practice. So, for instance, ERW look to EAS for certain things that EAS have already done, and they're looking to impart that in their own system. But then ERW have specific expertise, for instance, looking at achievement levels in rural communities, which for a different set of reasons can be problematical. And so they're looking to share with other consortia—that perhaps have fewer geographical rural areas, but they do have pockets of children being educated in more rural communities—how best they can use those lessons. So there's evidence that that is beginning to change. It's certainly something that I have impressed upon them all when going to meet them all and to hold their challenge and review. They're at different levels, and I have to say, EAS is certainly one that is very keen to play that wider role, and ERW the same.

[55] **Hefin David:** Okay.

[56] **Mr Davies:** Briefly, Chair—

[57] **Lynne Neagle:** Briefly, please.

[58] **Mr Davies:** The regions took on core school improvement responsibilities. Estyn found that it took time—two or three years—to embed that practice. I think we have to recognise that this is one year in which we've moved from the resources being within local authorities into regions. The

Cabinet Secretary quite rightly said we're disappointed with the extent to which, in some areas, what has been said either at regional level or local authority level, with the level of confidence and knowledge that they have of what's working, and we want to work at that. I think one year is a short period of time. We're very grateful for the evidence that's been brought so far through this committee, and that will emerge to allow us to challenge what is working constructively, to say, 'how do we then share it?'. But we are still at a very important place, still at this very early stage.

[59] **Lynne Neagle:** Okay, thank you.

[60] **Hefin David:** Apologies for interrupting, Chair.

[61] **Lynne Neagle:** That's okay. We've got a lot to get through this morning, so can I appeal for brief questions and brief answers, please? I've got Darren next, then John.

10:00

[62] **Darren Millar:** I just want to ask, Cabinet Secretary, in terms of support that might be available—if you're willing to consider this—to the Gypsy/Traveller community, and particularly the black community, in order to raise attainment levels post 16. So, at the moment, the focus of the grants and support is obviously up to 16, but there's nothing thereafter for young people who perhaps want to go on to further education or higher education, in terms of accessing some support. I wonder whether your current consideration of student support for HE students might consider making some extra availability for this particular group of young people.

[63] **Kirsty Williams:** Darren, you'll be very familiar with the principles behind Diamond and our approach to Diamond, and that is based on a universal grant for all Welsh students, and then an element of means-tested grant. That is the basis on which we are moving forward in that particular area. We do operate via FE, and if Alun was here he would be able to give you greater details, but a programme of student support within the FE sector, so individual—. Within FE, there are support mechanisms to address barriers to participation at an FE level and, despite the difficult financial circumstances we find ourselves in, we have been able to maintain that—so, to maintain education maintenance allowance, for instance, for students wanting to carry on post-16 education. Also, there's an individual grant as well for FE colleges that look at addressing barriers to participation.

[64] There are some exciting developments going on, actually, with collaboration between FE and schools to address some of this agenda. So, for instance, Cardiff: the college in Cardiff here on Dumballs Road, for the first time this year, have worked collaboratively with Cardiff local authority. They have a number of 14-year-olds coming into the college to participate in a range of training opportunities. Many of the students that have taken up that opportunity are from Gypsy/Traveller backgrounds, so they are able to continue to do maths and English, but a range of very vocational skills and qualifications alongside that. So, should those children decide to enter into the world of work at 16, they have valuable skills—marketable skills—that they can take with them. It's new, it's to be welcomed, and I'll be looking to personally look at that very carefully as to whether that is a successful way of continuing to engage that particular group of children in education, but perhaps in a format and in a setting that is more conducive to the type of learning and skills and opportunities that those children and their families want.

[65] **Darren Millar:** I'm pleased to hear that you've got some examples of some of the good practice that's going on, but I am very concerned that there needs to be a greater focus particularly on the Gypsy/Traveller community, given the gap in attainment at 16. It seems to me that the evidence that we've received as a committee points to a lack of aspiration. There are very few role models for children and young people from a Gypsy/Traveller background—and, to a lesser extent, the black community background—to be able to point to. So, giving those young people the opportunity to have absolutely full packages of support, in the same way that the Welsh Government is intending to bring forward for looked-after children, may provide some sort of solution or lift some of those barriers away. So, can I just ask you again specifically: will you be able to consider that within your consideration of the Diamond package of support?

[66] **Kirsty Williams:** It's not something that was recommended in Diamond, but we do know—and this is not to make generalisations—that there is a direct link between low family income and aspiration levels and educational attainment. We're looking to address that from our very youngest children, with regard to the pupil deprivation grant, right throughout the school career. The consultation is open to responses to Diamond; it's open until halfway through February, and if I receive responses to that consultation that say this is an area to be looked at then, obviously, in consideration of how we go forward, I will look at it.

[67] I think you raise an interesting point about diversity in our education workforce. This is something that has struck me when I travel around Welsh schools, which I've had the opportunity to do relentlessly since taking up this post. The lack of diversity in our teaching population is very, very, very apparent, but also the difference it does make if you have teachers from a diverse—. So, Fitzalan, for instance, I recently visited, here in Cardiff, and they have physics being taught by a Spanish teacher. They said that having a teacher who has come from a different background, from a different country, whose first language isn't English, actually is a very positive role model for the diverse nature of the children in that particular school to see that teacher there. But that is a very rare example.

[68] **Lynne Neagle:** Okay, thank you. Very quickly now, Darren, please.

[69] **Darren Millar:** Just one final question: I noticed in the news yesterday that Conwy, as a local authority, has approached the UK Government to offer to become an asylum-seeker dispersal area. Obviously, that's going to have an impact on the number of people with an ethnic minority background coming into that locality. What action does the Welsh Government take to ensure that there's capacity within the local services in order to support local authorities coming forward, in order to do that good work and to provide homes and accommodation for people in need seeking refugee status?

[70] **Kirsty Williams:** Obviously, homes and accommodation and asylum-seeker policy is not under my remit, but my understanding is that the local authorities have looked very, very carefully to ensure that there is a successful integration of asylum-seeking families into their communities. What we do know is that children who come to Wales with little or no—usually no—English, once we have addressed their linguistic barriers, actually go on to outperform Welsh children. So, we do have an issue, then, about what we can do to support schools that have children who do not have English. This is one of the guiding principles around my policy on smaller class sizes as I move forward, because what we do know from the evidence of smaller class sizes is that they are particularly beneficial where you have a cohort of children for whom English is not their first language. And that will be one of our guiding principles as I take that policy forward, which would address some of the concerns that you're raising, Darren.

[71] **Lynne Neagle:** Okay, thank you. Can I just ask about the education performance framework that you've mentioned? Is that specific to the

education improvement grant, and is it intended to replace the outcomes framework that we've heard about in evidence? Because we were told that there was going to be an outcomes framework for this merging of the grants, but one hasn't really appeared. Is that a replacement for this?

[72] **Kirsty Williams:** It's one and the same, isn't it, Steve?

[73] **Lynne Neagle:** It's the same thing.

[74] **Mr Davies:** Yes, it's the same thing.

[75] **Kirsty Williams:** If you would like a specific note on that—

[76] **Lynne Neagle:** Please, that would be great, yes.

[77] **Kirsty Williams:** —we're happy to send it.

[78] **Lynne Neagle:** Thank you. John.

[79] **John Griffiths:** I was going to ask a bit more about levels of funding, Chair, because it seems there's a lack of information and monitoring at the moment. You've said, Cabinet Secretary, that it's early days for the change, but we've taken evidence that shows that, since the amalgamation of the grants, funding has reduced substantially, and, at the same time, over several years, there's been a substantial increase in the number of pupils in these categories. We've heard that per-pupil funding has dropped by almost a half over the last several years, so, given that situation, I would've thought that, as Cabinet Secretary, you would want urgent information on whether that reduction in funding is having an adverse impact on these learners, particularly given that they have one chance of education, just as all the other pupils in our schools.

[80] **Kirsty Williams:** Thank you, John. As you say, one particular contributor to the committee's work has laid that evidence before the committee. Other evidence suggests that that isn't necessarily the case. As I said to Julie, undoubtedly, where there have been changes in service—and there have been, like, for instance, Swansea has restructured its service—it's difficult to unpick whether that's a direct result of the amalgamation of the EIG, or whether that reflects other pressures within local authority budgets.

[81] One of the reasons for the amalgamation of the grant was to try and

mitigate against loss of resource, because we need to get the best value out of the money that we are putting into educational improvement in very, very difficult circumstances that previous Ministers have found themselves in. And it was felt that, actually, if you amalgamated the grant into one and spent less money on administration and monitoring, that would allow for more of the money to reach the front line. That was very much the rationale behind previous decisions. But I think it is the case to say that we need to make sure that what money then is being spent is being spent to best effect. We don't want to leave any group of students behind, because, if we're to improve overall educational performance in Wales, we need to bring everybody forward. So, if there's any group of students that is underperforming that then makes it more difficult to improve the overall outcomes for the Welsh education system. So, we will need to go back, as we've said, to make sure that our performance framework can give us as a Welsh Government, and me, as Cabinet Secretary, the reassurance that no group is being left behind.

[82] **John Griffiths:** And how quickly can that happen?

[83] **Kirsty Williams:** How quickly can that happen, Steve?

[84] **Mr Davies:** In terms of the performance framework, we've agreed that this is the right time to review it, and we are expecting a recommendation, albeit that we won't be waiting for that. We are engaging with the Welsh Local Government Association, the regions and their local authorities through the Association of Directors of Education in Wales to look at what we've learnt to date and to establish a revised framework that will have learnt from those that have been developed to date as we go into the next financial year.

[85] **Kirsty Williams:** There is this tension, isn't there, between an absolute desire, I'm sure, for all of us here in the front row for money to reach the front line, but then also how do we then ensure that we have some confidence around that. But if that requires, then, many, many hours of form filling and reporting back and us monitoring, that then takes us away from, and takes resources away from, the intention that the resources were there for in the first place, which is the children. So, it's that balance to be—

[86] **John Griffiths:** Could I just ask, very briefly—

[87] **Lynne Neagle:** Very briefly.

[88] **John Griffiths:** Roma children: Cabinet Secretary, I think there is a

concern that Roma children have particular difficulties because of historical and cultural factors and discrimination that they've faced on a massive scale for generations. To what extent do you accept that case and how does that affect funding support and the structures that are being put in place in Wales?

[89] **Kirsty Williams:** I don't for one minute try to diminish the challenges that this community has faced accessing education for their children, but I also—. As Julie alluded to, EIG is just one very small part of that. If families don't have somewhere permanent to stay it is very, very difficult for them to maintain consistent access to education. So, actually, this needs to be a whole-systems approach to how we actually provide services for this group of Welsh citizens. We can do our bit about making sure that there are education services, but if a child can't regularly go to school because they don't know where they're going to be, because there is no permanent site, then that is an issue. So, this has to be taken as a whole-systems approach for this particular group, as I said, of Welsh citizens. We can't do it on our own.

[90] **Lynne Neagle:** Thank you. Michelle.

[91] **Michelle Brown:** Thank you, Chair. Can I just ask you about the regional consortia? Who makes the decision regarding the allocation of funds to the regional consortia: is it the councils or the Government in Cardiff?

[92] **Kirsty Williams:** Well, EIG is centrally given. It's a centrally given grant to the consortia. So, we make an allocation to each consortium of EIG. It is then from the consortium's perspective how that EIG is spent. The consortia, of course, then are made up of individual local authorities. Each consortium has a slightly different relationship with its local authorities. So, north Wales is different to the consortium in south-east Wales, but the EIG is given as a single grant to each consortium, and they then decide on how they spend that money. Steve.

[93] **Mr Davies:** Very technically, it does actually go via the local authority to the consortia. And they in the consortia are made up of the consortia and—. The directors of education are actually part of the consortia—they are a part, they're a committee that holds the consortia to account.

[94] **Michelle Brown:** Okay. Are you concerned that there might be a bit of a conflict of interest there, because it seems to me that there's at least a very,

very close relationship between the consortia and the local authorities? The consortia are being asked to oversee the application of the EIG and other funds, so are you concerned that there could be a conflict of interest? How can they hold a local authority accountable for how it's being spent if—?

[95] **Kirsty Williams:** Well, the whole rationale behind the establishment of the national model for regional working was to have local authorities working more closely together. Where there may be a conflict is whether individual local authorities buy into that particular model. But it is a benefit, it is a benefit to be able bring school improvements—. What was found was that the ability for 22 individual local authorities to drive school improvement was, in some cases, limited. So, the rationale behind the consortia is to bring those local education authorities together, to task them with school improvement, and, collectively, the sum of the parts is greater than the individual. And, you know, it's taken some time. Different consortia are at different stages in their development, but it is not a disbenefit—it's intended to be a benefit.

10:15

[96] **Michelle Brown:** In terms of the impact of the EIG and how it's actually spent by the local authorities, if there's a poor performance or if there's a fail in some way, if the funds aren't being applied in the right way, if there isn't a great enough positive impact on the learners concerned, what happens then? How are the relevant bodies actually going to be held to account? What happens?

[97] **Kirsty Williams:** Well, there's a whole range of accountability measures. Everything from Estyn inspecting individual local authority education departments' performance, to Estyn inspecting consortia performance. We then also have challenge and review meetings with each of the 22 local authorities. Officials and I meet with the lead directors of education. We meet with the lead cabinet portfolio holders for education on a regular basis. If Estyn have concerns about the performance of an individual local authority, they can make recommendations or have special intervention measures.

[98] With regard to the consortia, we hold challenge and review meetings. We ask specifically for them to demonstrate their use of these grants that Welsh Government has made available for them, and if consortia are felt not to be doing a good job, then there are intervention issues that Welsh Government can apply. So, for instance, when there were concerns about

performance in years gone past about ERW, the Welsh Government conducted a review of ERW by an independent outside person to give advice on whether what was going on in that consortium was robust. A report was written and then they were held to account for the changes that they needed to make. So there's a whole variety of different levels. Of course, consortia performance also needs to be held to account by the constituent parts, by their local authorities.

[99] **Michelle Brown:** Okay, thank you.

[100] **Lynne Neagle:** Thank you. John, did you want to raise any brief points on broader policies?

[101] **John Griffiths:** Well, really, Cabinet Secretary, I think we've covered quite a lot of it. But, you know, I think a lot of it is about prioritisation, really, within your overall responsibilities. What priority does this set of learners have and how will that be reflected as you move forward? And particularly with some of the more relevant strategies that are set to be developed, that will try and tackle deprivation and disadvantage amongst particular groups of learners in Wales.

[102] **Kirsty Williams:** We are just about to publish—I guess at the moment it's called 'Qualified for Life 2', which builds upon our strategy for educational improvement. I hope that Members will see at the very heart of that, a commitment to the well-being and inclusivity of all children in our education system. You know, John, that I have a particular passion to ensure that all children are able to access high-quality education, because I see education as a ladder to the ability for an individual to equip themselves with the skills that they need to make their life a success. And that needs to be open and available to all children, regardless of their background.

[103] **Lynne Neagle:** Okay, thank you very much. I think that concludes our session on the EIG, then. If we could have a note on the performance framework as soon as possible, maybe with some detail about how that's been rolled out so far, because the WLGA and the consortia didn't mention it. So it would be useful to have that. And as you know, you'll get a transcript of the discussion that we've had this morning to check for accuracy, but thank you very much for your contribution on that.

10:19

Gweithredu ‘Dyfodol Llwyddiannus: Adolygiad Annibynnol o’r Cwricwlwm a’r Trefniadau Asesu yng Nghymru’—Sesiwn Dystiolaeth 5
The Implementation of the Review ‘Successful Futures: Independent Review of Curriculum and Assessment Arrangements in Wales’—Evidence Session 5

[104] **Lynne Neagle:** We'll move on now, then, to item 3, which is our session on our review of the implementation of ‘Successful Futures’. We'll just wait for the officials to change around. Okay? Right. Are you happy for us to go straight into questions, or did you want to say anything?

[105] **Kirsty Williams:** Yes. Well, just, we've swapped over officials, so Karen Cornish is deputy director, who leads on curriculum.

[106] **Lynne Neagle:** Okay. Lovely. Okay, well, if I can just start then with a general question about what you think the main challenges have been in turning what is quite a conceptual idea into proposals that are actually widely understood on the ground in Wales.

[107] **Kirsty Williams:** Thank you for that. You're right: redesigning a curriculum is a huge, huge task, but I think it's absolutely the thing that we need to do. Some of the challenges have been exactly as you've said: it's how you translate the principles contained in ‘Successful Futures’ into a work stream that is easily understood, and can communicate with the huge amount of stakeholders and the people who are interested in this particular piece of work, which goes beyond the education profession—way beyond the education profession, as I've discovered in recent months. Everybody wants to come in to talk to me about the curriculum—everybody does—especially to have their bit of the curriculum. So, it's a huge, huge, huge agenda.

[108] I think the easiest way to implement a new curriculum is that you could follow the advice of he who is now Lord Fforestfach, who was an advisor to Mrs Thatcher when the national curriculum was being developed in 1988. The papers have just become available in the new year—you know, the Cabinet papers. And his advice to Mrs Thatcher was, ‘You don't need to bother with the teaching profession, you don't need to bother with the Department for Education; all you need to do is get a couple of history professors together for the weekend, and let them write the curriculum, and then you just send it out.’ And, if you ask anybody, if you ask anybody, who was involved in the process of developing the 1988 national curriculum for

Wales—no, national curriculum—that’s how it was done. Steve was a professional at the time, working as a teacher. They were just told, ‘There you go, that is what you will do.’ Top down completely, no engagement with the profession.

[109] But what we do know, from highly performing education systems across the world, the way you develop a new curriculum is that you do it in partnership. So, if you look at international examples, like Finland—but, you know, we don’t want to talk about Finland all the time—but Finland, Ontario in Canada, Massachusetts in the United States, which has had one of the fastest improving education systems in the United States, the curriculum is very much a joint venture with the practitioners. So, the way we’re doing it adds to the complexity, adds to some of the uncertainties around it, but it is absolutely the right way to go about doing this piece of work.

[110] So, some of the challenges are establishing that pioneer network. What do we do about the schools that are not in the pioneer network? How do we involve them in this process? And how do we make sure that we avoid some of the pitfalls of people who have done something similar? Therefore, one of the crucial elements of that is the middle tier: what are the roles and how do we ensure that local authorities and consortia are a part of this? So, it’s about how you then communicate that to people in the wider world. It’s a very complex piece of work. How we’ve chosen to go about it in this collaborative way makes it more complex, and more challenging, but what we know is that that is the principle that lies behind good curriculum development in successful education systems.

[111] **Lynne Neagle:** Okay. Thank you very much. I’m going to bring Members in now, and I am going to appeal, please, for brief questions—

[112] **Kirsty Williams:** And I’ll be quick too.

[113] **Lynne Neagle:** —because we’ve got a lot to get through, and it’s a big topic. John.

[114] **John Griffiths:** I was just going to ask briefly—thank you, Chair—about Scotland. You mentioned lots of countries there, Cabinet Secretary, but, obviously, Scotland has been centre stage in many ways, in terms of their development of this new curriculum. There are some concerns amongst some people about educational performance in Scotland, I think, partly on the back of recent PISA results, and questions, you know, as to how slavishly

we may be following Scotland, and to what extent we're picking out the best parts that are most suitable for Wales.

[115] **Kirsty Williams:** Okay. I understand those concerns—it's something that has been raised, especially following the PISA results, by Darren in questions, and I understand that. But I think that it is important to recognise that there are some very specific differences in how we are approaching this. So, it is not a case of slavishly following the Scottish example. The Welsh plan is a holistic reform programme, and it focuses, yes, on the curriculum, but, at exactly the same time, we are also focusing on assessment and accountability arrangements. So, all three pillars are being worked on in conjunction, alongside, of course, our programme of initial teacher education reform, because we need to ensure that our teachers coming out into the system will be ready to teach this new curriculum, as well as continuing professional development and learning opportunities for the teachers already in the system.

[116] What happened in Scotland is that their approach was very linear. They did one thing, and then they did the assessment and accountability. They did it very much on a linear basis. We are not doing that; we are working in a holistic way. We have engaged with practitioners and the wider sector from the outset, which is not, again, what happened in Scotland. So, part of the complexity we're talking about is this desire to have the profession developing this alongside us, whereas in Scotland, it was more akin to the profession being told and being handed something. So the way in which we're developing it is very different.

[117] And then the other clear difference, as well—and something that Scotland has been picked up on, actually, by the Organisation for Economic Co-operation and Development—is their lack of middle tier. That lack of middle tier has been something that, again, is different for us here, because we do have our regional consortia and our local education authorities. But I'm very mindful of making sure that not only do we learn best practice from around the world, but where people have done this and they have found difficulties in doing it, that we avoid those problems. I believe that the way in which we're doing it is very different to how Scotland went about their reform process.

[118] **Lynne Neagle:** Okay, thank you. Llyr.

[119] **Llyr Gruffydd:** Yes, I've raised some concerns in the past about

timescales and reflecting some of the evidence we've had, in terms of maybe needing to take stock. That said, clearly strand 2 of the schedule is later starting than anticipated—is that a cause for concern in any way?

[120] **Kirsty Williams:** The timescales issue is again a complex one, because we have people saying we're going too fast, 'You need to slow it all down; this is all too fast', and we have other people saying, 'You need to go faster, you need to go faster; why haven't you kept to the exacting timetable that was set?' So, again, we're trying to steer the middle path. You're right. Again, I must be blunt, upfront and state that we had anticipated that some of the works in the area of experience and learning would have started earlier than this. They're starting now, but we are still confident that, at this time, we will be able to meet the targets that were previously set out. The strand 1 work took a bit more time than had been anticipated, but we are still confident that we will be able to meet the existing timescales. The advice from Professor Donaldson, of course, who chairs my external review group to give me some confidence about how the department is performing in this regard, believes the timescales can be met.

[121] **Llyr Gruffydd:** So, strand 2, in effect, will have a shorter timescale than originally planned?

[122] **Kirsty Williams:** Yes, but we believe that it is still doable.

[123] **Llyr Gruffydd:** Okay. Thank you. If you were marking the Government's performance so far on Donaldson, what grade would you give yourself?

[124] **Kirsty Williams:** My goodness me. Well, I suppose self-evaluation is an important part of the process, isn't it?

[125] **Llyr Gruffydd:** Absolutely.

[126] **Kirsty Williams:** Self-evaluation rather than just external accountability and external—. It's certainly high-stakes accountability; that's for certain. Very, very high-stakes accountability.

[127] I believe, coming into this process, that we are making progress. I meet regularly with Professor Donaldson, who I said is overseeing it from my perspective, and this forms a regular element of my advisory group and policy board. As you can imagine, this is on the agenda every time we have a policy board meeting, to check to see where we are. And the evidence so far,

for instance with the successful delivery of the DCF—sorry, ‘digital competence framework’—demonstrates to me that we are making progress. We are a little bit behind on the establishment of the area of learning and experience groups, but so far—touch wood, and as my late father used to tell me, ‘Self-praise is no recommendation, Kirsty’—I believe we’re on target to deliver what I believe is an exciting reform agenda. And more importantly than what I believe is an exciting reform agenda is what the profession believe that this offers them.

[128] Consistently since coming into the post, what I’ve heard from teachers is, ‘You’re not going to not do it, are you?’ Because they see real potential in this. The profession themselves see real potential in this new curriculum, and they were really worried that I might come in and say, ‘That’s it, that’s the old guy’s stuff, I’m not doing that; I’m going to do something completely different’, because they see this as a real opportunity for their students and for the profession, to have that ability to lead the curriculum in their schools in a way that they haven’t been able to do for many, many, many years.

10:30

[129] **Llyr Gruffydd:** So, was that a B or a C? [*Laughter.*]

[130] **Kirsty Williams:** Well, I would need an assessment framework—

[131] **Mr Davies:** With a review of performance.

[132] **Kirsty Williams:** Yes, with a review of performance measures. [*Laughter.*]

[133] **Llyr Gruffydd:** Okay. But you are publishing a refreshed vision and strategic plan for education in the spring. Are we expecting any—not a change in direction, clearly, and I’m not sure that anybody would wish that to happen, but in terms of this process, will you be looking at the process within that refreshed vision or is this a set course of action?

[134] **Kirsty Williams:** The principles contained in Successful Futures are the ones I want to deliver. We are constantly reviewing our ability to deliver that programme, but the principles, as set out—the purposes of what we want our curriculum to deliver, the areas of learning and experience and the three cross-cutting themes of digital competence, literacy and numeracy will be maintained.

[135] **Lynne Neagle:** Thank you. Darren on timescales.

[136] **Darren Millar:** I just wanted to ask about—you've added another 25, I think, pioneer schools to the list of pioneer schools this week. Obviously, the more people who can be involved in the development of the curriculum, the more satisfying it is for them when that curriculum has been shaped, and they're actually having to deliver it. To what extent do you think bringing new people in now is going to add value to the process that is already under way? I mean, we heard in evidence that some of the pioneer schools at the moment don't really feel as though they know what they're doing, that they don't always feel as though they're getting any, sort of, encouragement or direction that's necessary, either from the Welsh Government or from the local regional consortia, whilst others appear to be absolutely satisfied that they know what they're after. It seems to me that, certainly with the professional development side, there's a clear process and place that people are aiming for, but with the subject curriculum areas, it's a bit more woolly. Can you tell us how you think these new schools coming in at such a late stage will be able to help, and what direction you're giving to those pioneer schools to make sure that they know what it's all about?

[137] **Kirsty Williams:** You're right, I announced earlier this week additional schools to the process. That comes as a result of learning from the work that we've done so far with strand 1, and an enthusiasm for schools to be a part of the process, and also to be able to ensure that nobody is overburdened, that we're not asking too much of a small group of people, but actually we can be more expansive in the way in which we are doing it. So, that's 25 additional schools that are part of the process. As I said, the pioneer school model is a very different way of working and we need to be flexible and adapt as we develop the purposes—the purpose-led curriculum. So, you know, we're always reflecting on that.

[138] You're right, you know, it is the job of the consortia, partly, as well as other processors to make sure that people are aware and they're getting the leadership that they need. But I think part of the problem is convincing people that we are serious about this joint way of working. I still think there are some people out there who still think, at some stage, we're simply going to say to them, 'There you go, that's what you're going to do', and trying to convince them that that is not how it is going to work is still taking some time to get through to people. It was the same when we did the digital competence framework. For the first couple of meetings, people still sat

there waiting for Welsh Government to whip out from under the table ‘one we had prepared earlier’. So, it does take some time to build that confidence in the way in which we are doing it.

[139] But, you’re right, we need to make sure that everybody is engaged in this process, if they’re in a pioneer school—‘What does that mean for me, and does everybody in the staff know?’ And I tested somebody: I went to a school recently and I said to the headteacher, ‘You’re a pioneer—if I stopped anybody in this school, would they know that they were working in a pioneer school, and would they know what that meant?’ And he said, ‘Yes’, and I said, ‘Right fine’, and some poor, unsuspecting member of staff walked by and I said, ‘Excuse me, is this a pioneer school?’, and the member of staff said, ‘Yes’, and I said, ‘What does that mean?’, and they were able to give a very clear view of what that work was that was going on in their school. That wasn’t set up at all, it was completely random, but we need to assure ourselves. Steve.

[140] **Mr Davies:** Very briefly, the additional schools—we’re drawing up the areas of learning and experience, the detailed work. So, we reflected, took expert advice from our expert panel and they said, ‘You need to expand so that you have a sufficient number of schools.’ We’ve selected those schools carefully. They’re not going to be up to speed as much as the others, but they are in a position where (1) they can catch up quickly and (2) they have the curriculum specialism areas of focus that allow us to cover all of those areas in a way that would be better than without getting those additional 25. So, those additional 25 are going to add value to the development of the content.

[141] **Kirsty Williams:** So, as you can imagine, now we’re working on the different areas of learning and experience, we need a variety of schools to test that content. So, we need Welsh-medium schools, we need smaller schools, we need church schools—we need a whole variety of schools involved in that process. There are some schools that have self-identified themselves as being particularly good and strong in those areas. There are schools that haven’t identified themselves, but we know are particularly good and strong and so we want to encourage them to come into the process. So, we need a wide range of schools, otherwise those particular areas will maybe have too narrow a focus. So, we need a broad range—church schools, non-church schools, Welsh medium, non-Welsh medium, rural, urban, small, large. We need a curriculum that reflects the needs of the whole education system.

[142] **Darren Millar:** Just a very brief question on the digital competency framework: that's obviously been made available, but not all schools can take advantage of it because they don't all have access to sufficient broadband capability, do they?

[143] **Kirsty Williams:** I saw your press release, Darren.

[144] **Darren Millar:** Yes, well, we've got at least a couple of dozen schools—over a couple of dozen schools—that don't yet have access to that. What's going to be done and what timescale are you working to to make sure that they've got access to these resources in the future, because they can't access the Hwb resources or the digital competency framework at the moment?

[145] **Kirsty Williams:** There were 26 schools that were not able to be part of the first roll-out of the previous Government's project. Those schools were identified as having cost solutions that were way, way beyond practical expenditure levels. All of those schools will be up to the necessary speeds by the end of March of this year. Thirteen of them have already been ordered and all of those schools will be adapted. I've also announced—so, you need to read my press releases as carefully as I read yours—

[146] **Darren Millar:** I read it before—

[147] **Kirsty Williams:** Well, if you read it before, you would know that we have also identified £5 million-worth of expenditure to increase speeds for a whole host of other schools. So, we're not just resting on our laurels, we recognise the demands of the curriculum and the demands of schools are changing and therefore we are upping the basic speed limits that we would expect to be in a school, and we are putting resources to that.

[148] **Lynne Neagle:** Okay, thanks. John, then Oscar.

[149] **John Griffiths:** In terms of the new activity in the new pioneer schools, I'm particularly interested in one area of curriculum development, which is physical literacy, following Tanni Grey-Thompson's report and the vital importance of instilling good, healthy and active life habits into our population as early as possible. Could you say a little bit about that area of work in terms of what's happened up to now and what will happen with this new phase?

[150] **Kirsty Williams:** If we start from basic principles, John—if we start from the basic high-level principles, and that is the purpose—one of the purposes of the new curriculum is to ensure that our children are healthy, ethical, confident and informed. This very much, then, ties into our work in our health and well-being AoL. So, we take the high-level purpose principle and then we bring that down to one of the areas of learning and experience, which is health and well-being. We have a specific set of schools that will be working on that. We also engage closely with the strategic stakeholders group, of which Sport Wales is a participant. So, we are taking advice from Sport Wales in that stakeholder group to be able to assist us in the development of that particular area of learning and experience. I have met with Sport Wales and I have encouraged them to continue to provide advice and expertise. My expectation is that they will be meeting with that particular group of schools, the area of learning and experience group of schools, to be able to have input into that process. That will be a process that will be taken across all the areas of learning and experience. So, the schools will be working on that themselves in their groups but also looking to have external advice from people to be able to inform the kind of things that they will need to have in their particular spec of the curriculum.

[151] **Mr Davies:** One thing to add, very briefly, Chair, is that the last point you made was how we build on things that have gone before. The Government has invested a large amount of money previously in physical literacy—that will be part of the curriculum. The idea that it's all new—. We have invested significantly in global learning and modern foreign languages—all of that learning will be part of the new curriculum. So, it is looking at using what has been created previously and what worked particularly recently to build into the new curriculum.

[152] **Lynne Neagle:** Many of the committee stakeholders are very keen on the issue of healthy relationships being key to—

[153] **Kirsty Williams:** They aren't the only ones.

[154] **Lynne Neagle:** Yes, I know.

[155] **Kirsty Williams:** They aren't the only ones. I have been inundated. I have had lots of meetings about healthy relationships and religion. That's what people are very concerned about.

[156] **Lynne Neagle:** Is it on track?

[157] **Kirsty Williams:** Yes, it is. Obviously, healthy relationships and sex education forms a very important part of the current curriculum. I don't think that we can meet our purpose of healthy, ethical, confident and informed citizens unless we address that in our new curriculum. Again, it will form part of the health and well-being area of learning and experience group, and, again, we will be taking external advice.

[158] Since taking up this post, I have set up a new external expert group to help ensure that we have the resources for this, because we do know that this is one area of education that teachers often feel a bit jumpy about. They don't know whether they've got the right expertise. They don't know whether they're using the right language. There is still, unfortunately, some hangover from previous legislation a long time ago that prevented people even talking about some issues. And there are some people who are still in the profession who don't know whether they are allowed to talk about gay relationships and whether they will get into trouble if they talk about gay relationships in school. So, we are moving things on, and we have an external group that I have set up to ensure that we get this part of the curriculum right.

[159] **Lynne Neagle:** Is it on this, Julie?

[160] **Julie Morgan:** Yes. A lot of people say to me: will sex and relationships be statutory, and will every child be required to have that input? Now, I know that isn't the concept of Donaldson, so how do you answer those people? Also, bear in mind that, when we did pass the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 here, there was a bit in that about sex and relationships education that wasn't done at the time because it was waiting for this review. But the Bill was passed on the understanding that this would be at the forefront of any new curriculum. So, how do you answer those people? They want me to say, 'Oh, yes, it will definitely be there and it will be statutory.' But, obviously, we have a different concept. How do you deal with that?

[161] **Kirsty Williams:** Well, you are absolutely right when you tell them, Julie, that it will definitely be there. It will be there, and I want it to be as good as it can be. That's why we are leaning heavily on outside organisations, and issues around domestic violence are part of that. So, it will definitely be there, but you are quite right—with the exception of Welsh language and religion—those will be the only things in legislation that will be written down. What we know from our previous experience is that if you keep adding

statutory elements to the curriculum, you end up with what you've got now, which is this unwieldy thing that teachers are grappling with and have no time to explore and be expansive in what they teach children. But it will be there. Karen, can you explain what we will then do to ensure that?

[162] **Ms Cornish:** Yes, certainly. I think it's really important to understand that, actually, healthy relationships within the context of a new area of learning and experience around health and well-being actually means that health and well-being could end up having a higher status across the curriculum than having something that, at the moment, in certain cases, as we know, feels more like a bolt-on, or is not delivered maybe as well as some of our young people would expect or need. So, I think that actually having a health and well-being area of learning and experience gives us a great opportunity to ensure that the critical elements around healthy relationships, around mental health, around physical health, around how children and young people look after themselves, are going to be much more at the forefront. So, I think it gives us a great opportunity, and we need to use that opportunity well.

[163] **Lynne Neagle:** Thank you. Oscar.

[164] **Mohammad Asghar:** Thank you, Chair, and thank you, Kirsty, for mentioning Margaret Thatcher earlier.

[165] **Kirsty Williams:** Not in a good way, Oscar. [*Laughter.*]

[166] **Mohammad Asghar:** No, I know. I will just tell you that, for the record and for your information, she had a very good friend, Ronald Reagan. Ronald Reagan was the only President in the history of America who won his presidential election through high-tech industry. He used computers for the first time ever, and he won the election. That had such a good impact on the great lady, she wanted to put things—. Twenty-first century, high-tech knowledge, learning from the past—. The best innovations in the world are British, including Welsh. So, basically, she was one of the visionaries—we should give her hats-off praise rather than saying anything else. And the question to you is: throughout the community we have heard contradictory evidence on the relationship between the design of the curriculum and the setting of the assessment framework with the teachers and headteachers largely in agreement that the assessment framework needs to be set first. Where does the Welsh Government sit with this issue, please?

10:45

[167] **Kirsty Williams:** Okay. I'm tempted, but I won't go into a history lesson about the legacy of Mrs Thatcher in the education system. But, Oscar, you raise a very important point, and that work around assessment falls to the curriculum and assessment group. And we need to develop both the content of the curriculum and the assessment at the same time, which was one of the pitfalls that we spoke about earlier that Scotland fell into. So, that group is there to help steer and inform the design of the new curriculum and the assessment arrangements around it. The members of that group have national and international expertise in assessment, and they support the pioneer schools through their understanding of current evidence and best practice. It's not a chicken and an egg, I'm afraid—it is chicken and egg at the same time because we have to develop both elements. We have to understand how assessment will look at the end of this process, and we can't just bolt it on at the end, having thought about it; it has to be an integral part of the work of the content of the curriculum itself. So, it's going on at the same time.

[168] **Lynne Neagle:** Michelle, on this?

[169] **Michelle Brown:** Thank you, Chair. There's been some evidence before the committee that suggests that schools are primarily focused on the current assessment versus the accountability thing. What's your view on that?

[170] **Kirsty Williams:** Well, I can understand why they do it—because they want to deal in the here and now. And, in a sense, that's a function of how existing accountability measures can drive behaviours, and we talked about that in the previous session—you set up an accountability regime, and, naturally, people adapt behaviour or change their behaviour to meet that system. So, pioneer schools have been grappling with the issue, and the development of the new curriculum is actually an opportunity to change how we do accountability within our system. Hopefully, it's smarter and a better way of doing it. So, that work is ongoing at the moment. We are also looking currently—we're not waiting for the end of the curriculum to have this new regime. We're currently working at the moment to see how we can change accountability measures that drive to minimise unintended consequences and that drive the right kind of behaviour. That work is ongoing now. So, we're not just waiting till the end of the process; we're currently looking to see what we can do within the current accountability measures that work towards where we're going to be. We don't want to change accountability

measures now that are not going to fit with the end goal of where we want to be in 2021. That means I've made some different decisions from my predecessor, because it didn't sit with where we wanted to go. We didn't want to drive schools down this way when we know, in 2021, that we're going to want them to do something completely different. So, we're trying to work in conjunction with what we've got now also, but Steve could give a better explanation than I can.

[171] **Mr Davies:** I'm sure not so, but I can add briefly. The issue is that we have these areas for learning and experience, and we have to look at assessment at the same time as the curriculum because teachers, in the interests of our children progressing, need to believe in and contribute to, and then accept, a model that will be able to measure the progress, because measuring the progress in itself is not as important as planning from that information as to what the children do next. So, quite rightly, the profession is focused on that. What we need to do, through the transition, is to say, 'What things are we going to remove from the current accountability structure as we move into the new curriculum?' So, we are looking at teacher assessment, where teachers in many cases use it for, as before I described, planning, progress. There are some unintended outcomes when it's used for national comparisons, and you can have distortions, particularly around teacher assessment, in what's in the interests of the school's performance and what's in the interests of children's progress. We are determined to get that right for the new curriculum, and we are looking at what steps we need to take in transition to remove some of the structures we already have in place, potentially, around publication of results for teacher assessment, for example.

[172] **Lynne Neagle:** Okay, thank you. Hefin.

[173] **Hefin David:** Professor John Furlong said, nearly two years ago, that initial teacher education falls well short of what will be required if the recommendations of the Donaldson review are accepted. Do they still fall short?

[174] **Kirsty Williams:** Okay. So, as you will be aware, we are in the process of reforming initial teacher education. The expressions of interest for our new programmes are in at the moment. I think I'm allowed to say that we've had 10 expressions of interest. We will be reviewing those in the way we look to go forward. But, again, we can't sit back and just do nothing at the moment until these new programmes come on board. So, we are currently

going around all the current providers to visit them, have in-depth discussions about what they can do now. So, for instance, the digital competence framework is already available. So, what are teacher training courses doing at the moment with the students they've already got to incorporate the digital competence framework in the provision now? So, again, there's a twin-track process, where, as these new resources and the new approaches become available, we will be expecting the current providers to have them on board, incorporate them into their programmes of work, and use them with their students, because those students will be using them when they go out into their schools, but, at the same time, ensuring that the new programmes that we will be sanctioning or allocating are fit for purpose.

[175] **Hefin David:** That doesn't sound like the fundamental reconceptualisation that Furlong called for, though.

[176] **Kirsty Williams:** Well, actually, the new programmes, which people have expressed an interest in developing, we will be testing them to be exactly that. One of the ways in which we will designate a course as being an appropriate course is whether they are, indeed, demonstrating that their new programme is transformational. What I'm trying to say is that we can't sit back and wait for those new programmes of study to be verified by the relevant bodies and then accepted and delivered by those institutions. We have to work with the institutions that have got trainees in them now to be able to get them up to speed for what we anticipate the new curriculum will be like. I won't sanction a programme unless it is transformational. If it's more of the same, then that provider will not be providing initial teacher education.

[177] **Hefin David:** But the approach to the design of that sounded more pragmatic and incremental than transformational to me. The way you've described it: chicken and egg.

[178] **Kirsty Williams:** Sorry, I'm obviously not describing it very well. So, as you know, we have asked providers, or potential new providers who want to be in the business of training teachers for tomorrow, to give us expressions of interest. We will then be looking at what the nature of that programme is. If that programme is not transformational in the way that Furlong wants it to be, and will not be up to the task of training teachers to do that new curriculum and to be able to be a successful teacher in this new era, then that programme will not be successful in gaining accreditation and funding from us. But, at the same time—

[179] **Hefin David:** But what—

[180] **Lynne Neagle:** Hefin.

[181] **Kirsty Williams:** But at the same time, we have got trainee teachers in our institutions now. We can't just say to them—and ignore their needs—. We have to be working with the universities now to ensure that what they're doing now is fit for purpose and up to speed. So, there is a twin-track approach, but the new programmes will be the type of programme that John Furlong envisaged.

[182] **Hefin David:** Okay, and from the point of view—

[183] **Kirsty Williams:**—because he'll be the person that is evaluating them.

[184] **Hefin David:** This will be the subject of a wider inquiry anyway, but you mentioned teachers who are already teaching. Professional development: one of the things that Donaldson said was that, with professional development, there is a lot of work to be done. We took evidence. I think it was Qualifications Wales that mentioned the professional development passport.

[185] **Kirsty Williams:** Yes.

[186] **Hefin David:** I've had a look at it. It doesn't seem to cut the ice, really, when it comes to preparing for Donaldson.

[187] **Kirsty Williams:** Okay. You're right. So, one of the challenges of a successful new curriculum will be the ability of teachers who are currently in the system to be able to deliver that. So, there is a group of schools—pioneer schools—that are specifically doing this piece of work to see what we need to do and what we need to provide for existing teachers to get them ready to do that. So, that stream of work is already ongoing, with the focus on professional learning. Alongside that, we are about to go out to consultation shortly, before the summer, on the new professional teaching standards that the Welsh Government is developing. So, there is a whole host of work again going alongside the curriculum work—again, one of the reasons why, in Scotland, it didn't work out so well for them is because they ignored this part of it—and within the pioneer schools that are specifically looking at that. We've got professional teaching standards that are being worked on and in

conjunction with the profession. So, this all builds part of the jigsaw.

[188] **Mr Davies:** With specific reference to the professional learning passport, we've looked at that and that does have the capacity to capture—

[189] **Hefin David:** It's not mandatory though.

[190] **Lynne Neagle:** Hefin, stop interrupting, please.

[191] **Mr Davies:** It's not mandatory, but it has the capacity. In terms of securing good practice and committing to professional development, we would expect—and Estyn will be inspecting against the quality of how this work is captured—and I believe, sensible, well-placed, well-judged schools will be using it as part of this process.

[192] **Lynne Neagle:** Okay, thank you. Llyr.

[193] **Llyr Gruffydd:** Yes. I was just wondering how the Government's target of 1 million Welsh speakers is reflected in deliberations around the curriculum.

[194] **Kirsty Williams:** Just one point: the expectation of our new professional teaching standards is a commitment to lifelong learning for the professional. The biggest learner in that classroom should be the teacher at the front of that classroom, and you will not be able to meet your professional teaching standards unless you can demonstrate that you are constantly learning yourself. So, it'll be a professional expectation for the profession as a whole.

[195] Sorry, 1 million Welsh speakers: one of the challenges, and one of the things that keeps me awake at night—and there are many things that keep me awake at night—and why I do welcome the committee's look at the profession, and whether we've got the workforce to do this, is to ensure that we have teachers with the right skills to be able to offer good-quality Welsh opportunities in all of our schools. It cannot just be the preserve of Welsh-medium schools, but we need to make sure that children who are accessing English-medium schools have access to really, really good-quality Welsh education. So, that's why, as you know, somewhat controversially, we're changing our GCSEs and the robustness of those GCSEs, but we will continue to support and fund teachers' professional learning and development opportunities to be able to upskill their Welsh. We know that there are many

people who are in our schools who probably speak Welsh at home or speak Welsh in their community, but, for whatever reasons, don't feel confident enough to do that in the classroom. So, we need to be able to give professional learning opportunities to those people to up their skills, and give them the confidence to be able to do some of that. So, there's a big workforce issue around the ability to ensure that there is good-quality Welsh provision, especially outside the Welsh-medium sector. Because there's a danger of thinking it's just the job of the Welsh-medium schools, and we won't meet the target if we're going to do that.

[196] **Llyr Gruffydd:** And beyond Welsh as a subject as well, of course.

[197] **Kirsty Williams:** Yes. It's every day. So, when you go into primary schools, it is part of the everyday life of the school. The morning exchange of 'Bore da'. It is an integral part of the ethos of the school.

[198] **Llyr Gruffydd:** Can I ask as well—clearly, we're developing a bespoke curriculum for Wales, and there has been lobbying around the need for history, for example, to reflect Welsh history et cetera—at what point do you think people who are concerned about these issues will actually see some tangible evidence that that is actually happening?

[199] **Kirsty Williams:** The sooner the better, from my perspective, because they will then not be on my Twitter feed all the time asking those questions. Obviously, the humanities area of learning and experience is being set up at the moment, which history will form a part of, and we need to let that group do its work. So, again, the whole principle around Donaldson is to give that freedom. It's to not say, 'You will just do this, this and this', but actually to be expansive so that people can spend their time talking about their local history and the history of Wales. So, this is by no means exclusive.

[200] **Mr Davies:** Just very briefly, we've announced that June is the time that we wish to get some way down the line in terms of areas of learning and experience. The Minister's quite right—what we don't want is something that's a mile wide and an inch thin by prescribing. Some of these groups will have the opportunities, when the AoLEs are finalised, for materials to be provided and developed, and to win the hearts and minds of teachers who want to engage and use these materials. But it will be that AoLE framework. It will not be a very detailed prescription of all that would need to be taught.

[201] **Kirsty Williams:** Some of the issues, as well, on this agenda, Llyr, are about what actually is examined. There's nothing in the current curriculum that stops children learning about Welsh history—nothing at all. But, I think maybe what people are conflating is what can be done in the curriculum and what is examined at a GCSE history level. Of course, the content of GCSEs is not a matter—. Those qualifications are developed independently of me and I think that maybe where there is some—. There is no reason at all why schools cannot, at this present time, be teaching children about Welsh history, about local history.

[202] **Mr Davies:** I can reassure you that Qualifications Wales is totally integrated and working with us on the curriculum.

[203] **Lynne Neagle:** Just one final question, then: there's a lot of change going on, how are we ensuring that young people who are currently in secondary school are not adversely affected by the transition to the new curriculum?

[204] **Kirsty Williams:** This is a source of great concern to parents, especially with new GCSEs coming on board. And, I declare an interest: like you, Lynne, our eldest children are some of the first people to go through these new GCSEs. Qualifications Wales and the WJEC are working very hard to make sure that, in terms of examinations at the end, no child will be adversely affected by being in the first cohorts. So, independent of me, because that's an independent process, I know that they are working very hard to do that.

[205] The whole process is that we're making resources available now for people, so that schools can pick those up and integrate them into their learning, now, so that it's a developmental process. What we're aiming for is a soft landing for the curriculum, rather than simply flicking a switch today and saying, 'That's it, you've swapped from that to that, now', actually, this is an incremental process. So, this material will be available for 2018 for teaching, but obviously we don't expect anybody to be examined for external examination purposes until 2023. So, there is an incremental soft-landing approach that is being taken that allows schools to build up their approach. In terms of the examinations—which I know is a cause of concern for parents, because it's been expressed to me—I know that the bodies responsible for that are working very hard to make sure that nobody is disadvantaged.

[206] **Lynne Neagle:** Okay, thank you very much. Can I, on behalf of the committee, thank you for coming this morning and giving evidence in the two sessions? I also thank your officials for their contributions as well. You will receive a transcript to check for accuracy in due course, but thank you very much for your time.

[207] **Kirsty Williams:** Thank you.

[208] **Lynne Neagle:** The committee will now break until 11.15 a.m., if that's okay.

*Gohiriwyd y cyfarfod rhwng 11:02 ac 11:16.
The meeting adjourned between 11:02 and 11:16.*

**Y Bil Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru):
Sesiwn Dystiolaeth 1
Additional Learning Needs and Education Tribunal (Wales) Bill:
Evidence Session 1**

[209] **Lynne Neagle:** Can I welcome everyone back after the break? Item 4 is our first evidence session on the Additional Learning Needs and Education Tribunal (Wales) Bill. I'm delighted to welcome Alun Davies AM, Minister for education and lifelong learning. Can I just ask you to introduce your officials for the record, please?

[210] **The Minister for Lifelong Learning and Welsh Language (Alun Davies):** If you don't mind, Chair, I'll ask my officials to introduce themselves so they get their job titles right. I always get these things wrong.

[211] **Ms Williams:** Emma Williams, head of support for learners division and senior responsible officer for this Bill.

[212] **Ms Lloyd:** Catherine Lloyd, from legal services.

[213] **Ms Nicholson:** Tania Nicholson, head of the Bill team.

[214] **Ms Roberts:** Mair Roberts, legal services.

[215] **Lynne Neagle:** Thank you very much, and thank you all for coming. If you're happy, we'll go straight into questions then, if I can just start by

asking you what the main changes are that you've made to the draft Bill, which, obviously, our previous committee had the opportunity to scrutinise.

[216] **Alun Davies:** Thank you very much, and I'm grateful to the committee for the invitation this morning and also for the approach that committee is taking to the Stage 1 scrutiny of this legislation. I know there's been great interest in the work that the committee is proposing to undertake over the next few months. I would say to the committee that, in introducing the Bill before Christmas, I want to reinforce the points I made in Plenary before Christmas: the Government is very anxious to listen to the debate that's taking place; we'll be following your Stage 1 scrutiny very closely; we'll be listening to what people say to you; we'll be listening to the views of the committee; and I hope that, when we do have a Stage 1 report in due course, we'll be able to look then, collectively, to how we take the Bill forward.

[217] The vision that we have for the reforms is to ensure that all people, all learners in Wales, have an equal opportunity to achieve their potential and to secure successful futures for themselves. We want everybody to be able to access education that meets their needs and enables them to participate in, benefit from, and enjoy the learning experience.

[218] In terms of your direct question, Chair—you asked what changes we've made—we've looked at a number of particular areas. There's been, as you indicated, a wide debate on this legislation over a number of years, and we've seen the legislation evolve and develop as a consequence of that debate. Perhaps some of the main changes we've seen in terms of the Bill that was published before Christmas are in terms of the relationship between agencies, between, possibly, the education system and health—section 18, for example, in the legislation. We've also addressed issues around the language and we've tried to ensure that specific issues, such as the cases of looked-after children, are addressed in a more profound way. So, I hope that we have participated in a process of scrutiny and responded to the issues that have been raised. That process of scrutiny, of course, continues, and we will continue to listen and we will continue to respond in a way that I hope will deliver a piece of legislation that will achieve all of our ambitions.

[219] **Lynne Neagle:** Thank you very much. Julie Morgan.

[220] **Julie Morgan:** Yes, thank you very much, Chair. You referred in your response to the importance of the agencies working together, and you specifically mentioned education and health. Do you think the proposals in

the Bill in section 18 will ensure that health plays a full, open role in the process?

[221] **Alun Davies:** I hope we have got a strong enough—. It falls open at the page here because we have all been looking at section 18, on a number of occasions—perhaps more often than other elements. If you read through what we say in there, we are going much, much further than perhaps some people had anticipated, and the language we're using here is language that I, as a committee member, have asked Ministers to use in the past. We're using the word 'must', for example, not 'may'; not 'could', but 'must respond'. We are putting in place not just the duty that is clear there, but also a structure that will enforce and deliver on that duty. The role of the designated education clinical lead officers, or DELCOs, for example, is something that came out of the more recent consultation in the predecessor committee, so that each health board will have a structure within which they can operate to deliver on the duty to deliver the sort of treatment and support that a young person may require according to the clinical judgment of the specialist dealing with that individual.

[222] So, I hope that section 18(4) for example:

[223] 'the NHS body must consider whether there is a relevant treatment or service that is likely to be of benefit...

[224] '(5) If the NHS body identifies such a treatment or service, it must—

[225] '(a) secure the treatment.'

[226] So, I hope by using that language we have done two things: first of all, we've delivered on the duty that was required, but secondly we have also created the confidence, if you like, within the system, within the community, that that will be delivered upon as well.

[227] **Julie Morgan:** There's always been an issue about confidentiality, particularly with the health service. I wondered how you'd address that issue.

[228] **Alun Davies:** My anticipation is that the professionals dealing with people will always work according to those professional standards that we would expect, at all times, and issues of confidentiality will be a key part of that. I wouldn't anticipate there being significant issues there. If we're wrong and if we need to strengthen what our assumptions are, then I'm very

prepared to look at that again. But I would expect and anticipate the professionals dealing with these matters to respect issues of confidentiality as they would all other matters relating to the care and treatment of any individual within our health service or within our education service.

[229] **Julie Morgan:** Do the health bodies—? Are they fully in support of these proposals?

[230] **Alun Davies:** I certainly hope so. Let me say this: there's sometimes a debate and discussion that takes place that pitches education and health almost in different places. That has never been true. What we haven't had before is a piece of legislation that unites the two, if you like. I hope that what we're doing now is ensuring that we do meet those objectives and deliver the confidence in the delivery of services. We have an official from the health department as part of our Bill team. I've met Vaughan on a number of occasions to discuss these issues. There has never been an opportunity—I have never found any disagreement either amongst officials or amongst clinical leadership on any of these matters. It's a matter of creating the words, if you like, that reflect our shared ambition. So, I hope we have got the words, on this occasion. We've never been short of the ambition or the vision, but sometimes we haven't been able to explain that sufficiently well. I accept that. I hope now that we have.

[231] Also, I do keep coming back to the role of the DELCO, if you like, within health boards. We're not simply imposing a duty here. We're not simply seeking to legislate to say, 'This shall happen.' But what we're also doing is creating a structure and a programme within that, to ensure that it happens on a day-to-day basis, so that the law is delivered in a way that is seamless and which delivers on the ambitions of all of us represented here.

[232] **Julie Morgan:** Would you agree that one of the main keys to the success of this legislation, as well as having the family and the child at the heart of all the decisions, is this effective multi-agency working?

[233] **Alun Davies:** Yes, I do. And do you know, we can pass—and I think sometimes legislators believe that we can change the world simply through passing a Bill or putting a piece of legislation on the statute book. What I would like to do, more than anything else, is to create a culture change within the way we work, because, at the end of the day, the success or not of this legislation will depend upon individuals working well together within the system that's created. Now, I hope that we'll create the legislative framework

here that will enable that to happen, because we know sometimes we create a framework that creates impediments, that creates difficulties, but I hope here we're creating a framework that will bring people together in a coherent way, and, by doing that, we will do something more profound, that we will create a culture change where, working together—and we had this debate, some of us, in terms of the Bill on future generations in the last Assembly—we create a change not simply in the structures of the way we work, but change in the culture of the way we work. If we can achieve that, then I think we'll achieve something very, very special, and will go a long way to answering some of the concerns that you're raising.

[234] **Lynne Neagle:** Okay, thank you. Darren, is this on the issue of collaboration?

[235] **Darren Millar:** It is, and it's also a bit wider than that, if that's okay, Chair. I appreciate section 18 and the aspirations that that is aiming for, but my broader concern, really, is that it doesn't give parents the opportunity to access NHS professionals directly. It has to be a referral that is being made by a local authority or by someone else who maintains the IDP, the individual development plan, for those young people. Why isn't it the case that a parent can refer directly and ask directly for the NHS to consider whether there is any treatment that the child or young person can have that will help them maintain a place in their school?

[236] **Alun Davies:** Well, people have always got the right to access the national health service. You can always access the national health service; there's no restriction in this Bill on that.

[237] **Darren Millar:** But in this context I'm talking about.

[238] **Alun Davies:** Well, in any context you can access the national health service, Darren. But let me say this: section 18 isn't about aspiration alone, it's about making things happen, it's about making things work. You and I have sat on committees before and have talked about different amendments, and certainly, when I was looking at this, some of our experiences on committees were in my mind. We use the word 'must'. Now, all of us who have legislated have talked to Ministers about that sort of terminology: 'could', 'may', 'wish to', whatever. We've all seen it in legislation, and I spent five years on the Constitutional and Legislative Affairs Committee. Putting the word 'must' in changes the tone. It changes completely the duty that is there. They must do this. And that's a very, very clear strengthening, and a

profound strengthening of this legislation, and it's about, then, ensuring that we create the structures where we can work together. But do you know, Darren, the whole purpose of this legislation is about putting the person, the people, at the centre of it, and parents are a key part of that? This is about supporting people and their families, it's about enabling people to have an environment where we can nurture people, where we can deliver for sometimes extraordinarily vulnerable people. And I trust the professionalism of the workforce involved; I trust that people will want to do that, and I hope that, by creating this framework, we will both enable that to happen but also ensure that people remain at the centre of what we're seeking to do. So, I hope, and anticipate, that that is—

[239] **Darren Millar:** We're both batting on the same side here.

[240] **Alun Davies:** Yes, I know we are.

[241] **Darren Millar:** I don't doubt your commitment to want to deliver a real change for the children and young people that we're talking about, but obviously it makes the point on the face of the Bill that the referrals must be from those bodies, and it doesn't make any point about referrals can be made at all by parents. It brings me on to my wider concern, really, and that is that, very often, there will be individuals who have medical needs that may need and require some support while they are in a learning environment, and this Bill is all about learning needs and disabilities, and learning needs and disabilities alone. And that concerns me. I know we've discussed this across the Chamber and privately, and you seem to be open to looking at whether the scope of the Bill, the application of the Bill, can include those with specific medical needs that it may be necessary to meet during the course of the school or college day. Can you tell us specifically how you hope to be able to address those? I know that you're in the process of developing or reissuing guidance—refreshing the guidance—on this, but obviously we haven't seen that yet. So, how can we ensure that those children and young people aren't missing out?

11:30

[242] **Alun Davies:** Can I just say that, if I don't reassure today, let's return to this tomorrow and continue the conversation about the referrals? If you're in the process here and that remains an issue, then we can review it again. You're right in your approach and your description of my view on the health issues. Guidance will be issued. My advice is that it'll be issued shortly, and I

can write to committee if committee wishes to know a more realistic timetable for that. I'm quite happy to write to committee on that. The guidance will cover those health issues that we've discussed and that you've raised on the floor of the Chamber. Let's have that debate; let's allow the debate to play out over the process of Stage 1. And if, having seen the guidance, people believe that there is still a requirement to strengthen the Bill, if people believe that this is the right vehicle to do that, and if people believe that we have a way in which we can do that, then let's have that conversation as we go through Stage 1. You're absolutely right; I'm not approaching this in any dogmatic way at all. I'm very, very happy to work with you to seek amendments on that.

[243] **Lynne Neagle:** Thank you. Llyr.

[244] **Llyr Gruffydd:** Thank you. Clearly, the detail in relation to health has been strengthened, and that has been widely welcomed, I know. But whilst there's a duty on a health board to provide what's in the IDP, my understanding is that the health board also needs to consent to what's in the IDP. So, is there not a risk there that health boards, given, maybe, financial climates, would maybe resist in some way or other the inclusion of certain services that they would then subsequently be expected to provide within that process?

[245] **Alun Davies:** I hope not. I hope not. Let's look at the process here. The relevant health professional will assess a child—a five-year-old for argument's sake; well, let's say a five-year-old—and say, 'This child has particular needs and would benefit from a particular course of treatment'. The health board would then be mandated to provide that. Now, if for some reason a doctor or whatever specialist would say, 'This child has particular needs, but, actually, we don't want to meet those needs', I think that would be a significant issue, not just for this Bill, actually, but in general. So, that's not an issue that troubles me greatly. One of the founding principles of the national health service is that we deal with people's needs according to the clinical judgment at the time. If you look at 18(5):

[246] 'If the NHS body identifies such a treatment or service, it must'—

[247] must—

[248] 'secure the treatment or service for the child or young person.'

[249] And it goes on then to describe delivery in the Welsh language. That, I think, is quite a profound duty. Now, if there is a belief that the NHS will in some way try to remove itself from delivering that duty, I think that's about trust rather than reality, and I think there is in the wider community a sense of lack of trust sometimes. And I think that lack of trust is reflected then in those sorts of questions. I think it's incumbent upon this Government and this Minister to win that trust, and to demonstrate that what we're seeking to do is to put legislation on the statute book that will deliver for some of our most vulnerable people in society, and we have an absolute duty to do that. I hope—I expect—that the whole of public services will work together to do that.

[250] **Llyr Gruffydd:** Well, I hope and expect so as well, and clearly this is a risk and not something that any of us would wish to see happening. But we have seen, of course, the number of statements in England reduce over the years, and one reason for that maybe is because of the financial belt-tightening that's happening. Clearly, there will be a resistance where possible from certain organisations or individuals to be liable for paying for that. So, how are we guarding against those kinds of pressures and making sure that the people who need the services that they need get them?

[251] **Alun Davies:** What we're relying upon is a clinical judgment, and if the clinical judgment is such that a treatment or service is to be delivered for that child, or that child would benefit from that treatment or service, then there is duty in this legislation that that must be delivered. Let me say this: I thought Mark Isherwood actually made some very good points in the legislative statement that we had before Christmas. He was talking there about statements in his own personal experience. And I know that, when he was speaking, he was speaking for an awful lot of people. He was articulating the concerns of many people. And, on that, what I hope we will be able to do, again, through the process—and the stage 1 process, I think, it is absolutely essential, critical, to this—is, by speaking with people, we will be able to demonstrate that the process of having an IDP is moving forward. Because there's always this fear that people fought—and hard, sometimes—for statements, and they've spent years trying to secure the services for their child, and getting the statement has been enormously difficult for the family, and they've been through a terrible, terrible, traumatic experience. We understand that that happens. And then, all of a sudden, the process and the system change, and there's that terrible fear, then, isn't there, that we're going to lose what we've fought so hard for. And I think we need to demonstrate that what we're seeking to do with this legislation is to deliver

services for a broader, greater range of people, and not simply to take services away from those who are sometimes in greatest need. I think the fears that Mark articulated in the Chamber are real fears, and I think those are fears that we need to meet. And, you know, the experience in England reinforces some of that, I think.

[252] **Lynne Neagle:** Thank you. Michelle.

[253] **Michelle Brown:** Thank you, Chair. I'd like to stay on section 18, if we can. My concern here is that if you look at subsection (4), it actually says that the NHS 'must', as you said,

[254] 'consider whether there is a relevant treatment or service that is likely to be of benefit'.

[255] Once the NHS body has considered whether that is the case, it's only if there's a positive outcome to that—the NHS body says, 'Yes, we have a service or a treatment that's likely to be of benefit'—that the actual obligation in subsection (5) actually kicks in. My concern here is that, because of the way subsection (4) is worded, that an NHS body must only 'consider' whether a treatment is available, that weakens the duty. What does the parent or the person with additional learning needs do if the NHS body considers whether a treatment is available, but says, 'No, I'm sorry, there isn't'?

[256] **Alun Davies:** That's not what it says, with due respect. What subsection (4) says is that

[257] 'the NHS body must consider whether there is a relevant treatment or service that is likely to be of benefit in addressing the child's or young person's additional needs.'

[258] It doesn't say 'if it's available'; it says 'if it's likely to be of benefit'. I think we need to be aware of and cognisant of the requirement of the national health service to use its clinical judgment in terms of that. The alternative, for example, would be to insist that an NHS body delivers a treatment or service, whether it's of benefit or not. And I don't think I'd feel comfortable with that. I feel comfortable with creating a statute whereby that consideration must be given, and that consideration isn't by a Minister or a politician or a manager, it's by a clinical specialist, by a doctor, by somebody who's medically qualified, to look at that child's overall condition and then to

consider the treatments or services that are likely to be of benefit. And ‘likely to be of benefit’ is a very widely drawn definition. ‘Is likely to be of benefit’—that doesn’t set the test very high. It means that if it is possible that a service will be of benefit—and it doesn’t define ‘benefit’ in any way at all, doesn’t qualify it; that it’s likely to be of benefit—then it must be delivered, and that is quite a profound change. And, of course, you do always have—and this refers back partly to Llyr and Darren’s earlier question—all the means and mechanisms of a complaints process within the national health service if we think that the national health service has failed. But I think this is quite a powerful statement.

[259] **Michelle Brown:** Right. With respect, I think you’re fogging the issue. The words that I’m concerned about are that the health body ‘must consider’. ‘Consider’ means ‘think about’. If the NHS body then turns around to the learner and says, ‘I’m sorry, no, we don’t have anything available’, what can that learner do, and what can the parents and carers of that learner do, to actually appeal against that?

[260] **Alun Davies:** Well, there’s a whole—

[261] **Michelle Brown:** What recourse do they have?

[262] **Alun Davies:** There’s a whole system of recourse in the national health service, which is well known. But, in terms of your fundamental point—‘must consider’—you know, I do not want to be in a situation whereby politicians are overriding the clinical judgment of clinicians within the national health service, and I don’t think anybody wants that. I think, at the end of the day, we have a national health service that is there to deliver according to clinical need, and clinicians have an absolute duty to deal with the individual presenting themselves, on the basis of the needs of that individual. If you have amendments you wish to make to this piece of legislation, then I would very much welcome considering them. But I have to say to you, Michelle, I think you’re going on very, very thin ice if you seek to impose duties on the national health services that override the clinical judgment of clinicians.

[263] **Michelle Brown:** I am not expecting politicians to be able to override the clinical judgment of clinicians. What I would like to see is more security for learners and parents and carers that the NHS body doesn’t just have to ‘consider’. It’s quite an easy thing to check off. And I’m not saying they’re going to do that, but they have the scope to do that. There’s a loophole in that subsection that I really do think you need to address. Because, you

know, the committee was concerned in the past that it didn't sufficiently bind the health sector. In my opinion, it still doesn't sufficiently bind the health sector.

[264] **Alun Davies:** My purpose isn't to bind the health sector—it's to work with the national health service to deliver on the clinical judgment of clinicians, and to provide the service that individuals need. I don't take your view of the national health service, I'm afraid, and I don't take your view of public services in total. I believe that we have some fantastic, committed clinicians working within the health service, and I trust their judgment—you clearly don't.

[265] But, let me say this: we do have a whole range of public law responsibilities and complaints procedures within the national health service for when things do go wrong. But my purpose here—and it refers back to the answer I gave to Julie, actually, in an earlier question, which is about changing the culture of the way we work together. And that means trusting people, trusting people's judgment, trusting people's professionalism, and then creating a structure within which we can deliver for individuals. And I think, if we approach this on the basis of trying to bind somebody because you don't trust somebody, I don't think you'd get very far at all. You certainly don't achieve the culture change—

[266] **Lynne Neagle:** Michelle, this is the first evidence session, and we're going to have plenty of opportunity to explore this, and we have got a lot of other areas to cover. You had some questions on the individual development plans as well.

[267] **Michelle Brown:** I did, yes. Again, it's really a dispute resolution question.

[268] **Lynne Neagle:** Can we deal with the—?

[269] **Michelle Brown:** I'll keep it short.

[270] **Lynne Neagle:** But we were coming on to dispute resolution a bit later on, if that's okay. Oscar, you had a question on the IDPs.

[271] **Mohammad Asghar:** Thank you very much, Chair, and thank you, Minister. You agree with the clinicians, so that's great to know. In this committee, we have heard—sorry, I beg your pardon. The ALN Bill proposes a

single system for all people in education from the age of 0 to 25, and there appears to be a gap for those in work-based learning programmes, with the Bill's focus confined to further education. What steps will the Welsh Government be taking to ensure that the Bill legislates for all students, including those pursuing more vocational education programmes with additional learning needs?

[272] **Alun Davies:** Yes, I think you're right to identify that. I think there are two gaps, in fact. I think the gap is work-based learning and the university sector as well. And I think we need to look at that. The reason that it's not included at the moment is because that would significantly increase the scope of the legislation into placing duties upon private business, and that's not been the purpose of this legislation. The purpose of the legislation has been to change the formal system, if you like, about maintained settings and about how we deal with additional needs in those settings. It hasn't been about the extension of that into private business. And that, I accept, is something that has been questioned, and it has been a significant part of the conversation. I would like to see us being able to move on a non-statutory basis into those sectors. I'd like us to have a relationship that will be based more on trust and looking towards how we develop our different, for example, apprenticeship models to enable those people with additional learning needs to have their needs met whilst working in a private business. I'd be very happy to explore how we do that. The IDP, of course, will provide support for them, and a transition into the world of work and the IDP can be shared with those employers and people if that is what is required to ensure that that sort of support is available on a non-statutory basis. And in terms of higher education, which I'll accept you didn't ask about, but I think it is there as an issue, there is a practical issue about cross-border flows. But again, it is an issue that I'm very happy to look at and to consider.

11:45

[273] **Lynne Neagle:** Thank you. Hefin on this issue of 0-25 and then we'll go back to the IDPs then.

[274] **Hefin David:** Okay. I asked you a question on 6 July in the Chamber—

[275] **Alun Davies:** You did, I remember.

[276] **Hefin David:** The gist of the question was, 'Can you let me know how the Welsh Government will use this Bill to provide the resources and services

for pupils with complex additional learning needs from the age of 19 to 25?', particularly with the concerns about the drop-off after 19. Your answer was:

[277] 'We will ensure that the transition from education into adulthood is better planned and supported, and I would be more than happy to continue to have that conversation'

[278] and basically saying that it's subject to the drafting of the legislation. So, can we continue with that conversation?

[279] **Alun Davies:** We certainly can. The IDP is very clear: it goes up to age 25, and it looks at the sort of support that a young person will need as they move from childhood into adulthood, if you like—as they move from being in education into the world of work and, sometimes, supported employment. Certainly, the IDP will identify the sort of support that that young person will need as they embark upon the next stage of their life. Now, I think it's an interesting matter of debate—and this is something that I hope the code will cover when we publish the implementation code on this legislation—as to how detailed that IDP is, whether it is a mandated IDP template, or whether it's a mandated skeleton that is then filled in by professionals, and to what extent, then, does that actually mandate support for that young person moving, for argument's sake, from a further education college to a work-based apprenticeship, for argument's sake. How is that support delivered? How is that support provided? Who's responsible for doing that? What is the nature of that transition and the support through that transition? I think it's absolutely critical that we get that right. At the moment, I think that is one of the real pinch points in the whole system.

[280] **Hefin David:** So, at the moment you're working that through, then—that is the answer.

[281] **Alun Davies:** The sort of support delivered will depend on the individual. This comes back to the person and individual-centred development plan, which will be different for each individual. Now, what we need to do is to ensure that we have an IDP that is sufficiently—I'm trying to avoid using the word 'detailed'—but sufficiently robust to ensure that that individual has access to the support needed and required to enable that transition to take place successfully. It will vary from person to person, it will vary according to individuals' needs. But what must not vary, and what must be consistent, is the level of support delivered. And I recognise that that support may be delivered and will be delivered by different sources or

different agencies, and the role of a local authority here is absolutely critical in ensuring that it's able to co-ordinate the delivery of that support. So, I would look towards local authorities being able to take a lead in looking across the different services being delivered to enable a tailored support package to be put in place for that individual.

[282] **Hefin David:** And finally, then, would that then require additional funding, 19–25, in order to do that effectively?

[283] **Alun Davies:** I believe that it probably will involve additional funding, yes.

[284] **Hefin David:** Okay.

[285] **Lynne Neagle:** Okay, thank you. The Bill proposes moving from a system that we've got currently where there is a three-tier approach to one where all learners would have an IDP. Can you just tell us how you are planning to see that working, particularly to ensure that that is responsive enough to the needs of all learners and that learners with the most severe needs don't lose out by the loss of the graduated system?

[286] **Alun Davies:** The IDP, I hope, will be sufficiently flexible to ensure that the level of detail does match individuals' level of need. Let me say this, as I tried to say this in answer to an earlier question: the purpose of this legislation is to introduce a more robust and comprehensive system of support. I think it's something like—and officials will correct me if I get this wrong—88 per cent of learners with additional learning needs that do not have a statement. So, the purpose is not to take away from the 12 per cent in order to give to the 88 per cent, but in order to provide the 100 per cent with the support that they require.

[287] So, this isn't a matter of reducing and diminishing support to those who have the most profound needs. It's a matter of how we seek to ensure that an individual who needs support has that support identified and the treatments or support that they require—the conversations that we've just had—and that is then delivered within the educational setting. The purpose of the IDP is to identify that. Clearly, some IDPs will be very short and others will be very long, depending on their needs. The IDP is, at the moment, being tested with an expert group and a strategic implementation group and all the rest of it. It's being tested with practitioners on the ground. I'd be very happy to share our knowledge on that with the committee if that would be useful

for the committee. We are always prepared to deliver the amendments required.

[288] Let me say this about the IDPs: I gave a commitment to the committee and to the National Assembly that we will publish the code to aid the scrutiny of the Bill. We will do that in the next month. The drawing, if you like—how individual development plans will be drawn up—will largely be defined by the code, and the code itself, of course, is being published in order to aid scrutiny of the Bill, not to be scrutinised itself. There will be an opportunity for the committee and for the Assembly to scrutinise the code itself as it goes through its own parliamentary process, consequent to this Bill becoming law. We will have an opportunity then to look at what these IDPs look like and how they're going to be drawn up. We will then have a greater wealth of knowledge, I hope, from practitioners on the ground. I'd be more than happy, perhaps at that point, to have a wider, more detailed conversation about what these IDPs will look like and how we define them in different ways.

[289] **Lynne Neagle:** Okay, thank you. I hear what you're saying on that, but there's also the issue that some of the IDPs will be the responsibility of local authorities and some will be the responsibility of schools and colleges. Can you just give us some initial views for the committee about how you see that operating and what kind of IDPs you would see as being the responsibility of local authorities?

[290] **Alun Davies:** Sometimes, there will be provision required that will be beyond the capacity or capability of a school or college to determine when—. The most clear examples of that are when needs are particularly severe or are of a very low incidence, when the expertise may not be available. At the same time, of course, there are some requirements that will be beyond the capacity of a school or college to reasonably secure, and the code does contain examples of these different elements. The requirement then will be for the local authority to take decisions, and then to deliver on that.

[291] We're trying to be flexible in terms of enabling these decisions to be taken. Under the current system, of course, governing bodies of maintained schools already have duties for making special educational provision and already do have some duties with that. What I hope we're doing now is introducing flexibility into the system and ensuring that, where local authorities do have these duties for looked-after children—and dual registration cases is another example where a local authority will have

responsibilities—it will have the capacity to deliver on those responsibilities. What I hope we're doing is enabling governing bodies to do what most governing bodies are doing very well at the moment, which is to deliver the needs of the children or students or pupils within their school, within their setting, and then, at the same time, widening the system, if you like, to enable local authorities to deliver where it is determined that they would be best placed to do so.

[292] **Lynne Neagle:** On this, Llyr?

[293] **Llyr Gruffydd:** Yes, on this. Clearly, the understanding is that the high-instance low-complexity needs would be dealt with in the school by the governing body, but then the lower instance higher complexity areas or needs will be delivered through local authorities. But there is a risk of ambiguity around what complexity is and where the threshold lies. Do you intend to define that in some way, or do you intend to articulate where you think that sort of dividing line is?

[294] **Alun Davies:** Articulate rather than define I think is probably the best way of doing it. We have put examples in the code. Again, it comes back to the points I made in relation to some of Michelle's questions. We do rely on the professionalism and the trust of individuals taking these decisions. I hope that we will articulate that these are the sorts of places where we expect decisions to be taken—these are the edges, if you like—and I would expect and anticipate that local authorities or schools would then go through an iterative process of determining what their decisions would be for that individual. Of course, you then have the right of appeal if you believe that your individual development plan doesn't deliver on the needs. But I really hope that the appeal and tribunal system is very much a backstop. What I want to be able to do is lead a process of transformation—and it's a wider process of transformation in terms of training and in terms of providing the funding to enable change to take place—and then the change of culture that we spoke about earlier, which will deliver on these needs. But, you know, there will always be those difficult areas at the edges where a finely balanced decision might be required.

[295] **Llyr Gruffydd:** But ultimately, if there is a stand-off, let's say, between a governing body and the local authority, the local authority trumps the governing body.

[296] **Alun Davies:** I would anticipate that to be the case, but I would also be

disappointed—

[297] **Llyr Gruffydd:** If it came to that, yes.

[298] **Alun Davies:** —were that stand-off to happen.

[299] **Lynne Neagle:** Thank you. Darren on this.

[300] **Darren Millar:** I just want to ask about the capacity of the governing bodies to take on these additional new duties, as it were, if that is okay. Obviously, at the moment, governing bodies have special needs co-ordinators, or SENCOs, but the Bill envisions an additional learning needs co-ordinator post being something that each governing body has to have, and that additional learning needs co-ordinator then holding the hand of the governing body in making sure that it's meeting the requirements of this Bill and making sure that the governing body is meeting its duties. Clearly, because of this shift to governing bodies taking on responsibilities for meeting the additional learning needs, some governing bodies may feel ill-equipped to be able to determine what those needs might be and what support they might be able to put in place—particularly, for example, in small schools that may have very low incidence of additional needs, full stop, whether complex or not very complex. Can you tell us how you envisage those being met in a practical way?

[301] **Alun Davies:** There are already duties on governing bodies under the current system, of course, to provide for the special educational needs of pupils. That goes beyond the requirement to deliver for pupils with particular statements. So, that statutory duty already exists. But, you know, you are absolutely right: we are extending that to a much broader group of pupils, and some of those pupils are already in school, of course. They are already there in the system. So, I would hope and anticipate that governing bodies, particularly in smaller schools, of course—. One of the advantages, potentially, of a smaller school, of course, is that you know the individuals and that you are able to identify and work more closely with those individuals. But we also know, with smaller schools, that they do have a relationship with the local authority in general that would be perhaps closer in terms of support and providing support for the teaching and governing bodies that would be required.

[302] Again, this comes back to—and the tone of your question is absolutely right—that level of collaboration and the change of culture. I recognise that

there may be, or there will be—and I think Hefin's question indicated this earlier—a need to deliver additional support and training. We are already doing that, of course. We've already made announcements on some of these areas, where we've already spoken about the need for a transformational programme and to fund that transformational programme. You're aware of the work that Kirsty's been doing in terms of changing the way we structure schools to enable schools to work together and to facilitate, not just the co-ordination of work but schools themselves working together to deliver on certain issues. So, I hope that we'll see that way of working, a collaborative approach, which will deliver for the people we are discussing.

12:00

[303] **Darren Millar:** And in terms of the capacity within that ALNCO team, Wales-wide, making sure that it's sufficiently specialised to be able to offer advice to the governing body, I assume that you foresee schools collaborating to perhaps have one ALNCO between a number of schools.

[304] **Alun Davies:** Schools already collaborate on all sorts of different issues, of course. Clusters of schools will already work together on a number of different issues and I would expect, anticipate, that to continue. But let me say this: I think the wider point that you're touching upon is important. We need to be proactive in ensuring that schools have the support they require, and that's the responsibility of ourselves in Government. We have to deliver on that. We have to ensure that the capacity exists and we know that the capacity doesn't exist in some cases at the moment. We know that the capacity doesn't exist in the Welsh language in some cases and we need to be able to look at how we deliver on that, and we know that we need to ensure that we have more specialist support where that's required. I accept that—I accept that completely. The question is creating the legislative framework and then how we move forward, using the legislative framework, to create that transformational programme of culture change that we actually want to create.

[305] **Darren Millar:** Just one final question on this and it's around consistency of decisions: obviously, different educational settings and different learner environments will require different types of support potentially. But what action is the Welsh Government expected to take through the Bill, or what monitoring arrangements are going to be in place, to make sure there's consistency in decision making around those individuals who can access support and the sort of support that they can

access?

[306] **Alun Davies:** I think I said this in answer to a question yesterday in the Chamber. I always expect consistency but not uniformity. I think the great thing we've got to do is provide the platform for people to use their expertise, to use their knowledge, to use their skills and to use their experience to best deliver for the pupils, in their case. What I would hope that we can do is—. The code will include the technical aspects of what you're describing, and it may be useful—. Perhaps the best way for me to answer this question would be to say, 'Take a look at that, see what it says about monitoring and implementation, and if, at the end of that examination, you believe we need to do more, then that will be a process that we could include in the parliamentary process on the code, subsequent to the passing of this legislation.' But I'm more than happy to continue a conversation about that. I think the monitoring issue is hugely important.

[307] **Lynne Neagle:** Thank you. John.

[308] **John Griffiths:** In terms of avoiding disputes and resolving them when they do occur and the local authorities making arrangements for the provision of information and advice, will that always be from an independent person?

[309] **Alun Davies:** Will it always be from an independent person?

[310] **Ms Williams:** No. Information and advice can be provided. As long as it is consistent and balanced advice, then that could be provided by the local authority; it doesn't have to be an independent. When we get into a dispute situation, then there are aspects of the Bill that allow for independent advice or advocacy and so forth, depending on the escalation. But at the information point, it's not necessarily independent.

[311] **John Griffiths:** I see. Okay. And you're satisfied with that aspect of the Bill?

[312] **Alun Davies:** Yes.

[313] **John Griffiths:** Okay. In terms of the education tribunal for Wales title—it's wider than the tribunal that it's replacing. I know that it's been said that in addition to dealing with additional learning needs issues, it might also deal with allegations of disability discrimination against schools, for

example. Is it any wider than additional learning needs and those disability cases, or is that it?

[314] **Alun Davies:** The tribunal is primarily concerned with ALN cases and the example you give is the only other function. Do you know, it's one of those things? I don't know how to put this. I'm not wedded to a name on it. We scratched our heads thinking about what to call this body, and if the committee has any suggestions to make, then you have no idea how grateful I would be to receive them. [*Laughter.*]

[315] **John Griffiths:** Okay. One further question, if I may, Chair, and, really, it's getting back to some of the health issues that were discussed earlier. It's why the tribunal will not have any power of direction over health bodies, because, as I'm sure you're aware, there have been concerns that that doesn't give parity of esteem, really, between the decisions of health bodies compared to those of the local authorities.

[316] **Alun Davies:** They already do have existing arrangements for dealing with dissatisfaction or complaints with the decisions of the health service; the 'Putting Things Right' process exists. What we're trying to do is to add to developing the system, not duplicate it, and I think there's a very real issue if we extended the role of the educational tribunal to the national health service. Then you would have almost two systems of making complaints within the health service. I don't really wish to do that, and I haven't heard any arguments for doing that.

[317] We have processes for complaint, for redress within the national health service. The first piece of legislation I dealt with as a new Member—back in, I think, 2007—was dealing with that system, and it's there. What we're putting in place here is a system to deal with the educational needs of people, and the additional learning needs in terms of the IDP and the definition of delivery of those needs and of that support. So, I don't wish to extend that into the health service because there's no requirement to do so. But, clearly, you know, there is a relationship and that relationship will always be there.

[318] The key thing is to have the structures that are in the health service working with the structures in the education service in order to deliver for the individual. And where there is an appeal—there will be a role for a DELCO, of course, in these matters—but where there is a need for appeal to a tribunal, that would be on the basis of the delivery of the additional learning

needs support, rather than an issue within the national health service, which will be dealt with by the existing processes within the national health service.

[319] **Lynne Neagle:** Okay, thank you. Michelle, you wanted to come in on dispute resolution.

[320] **Michelle Brown:** Yes. The Minister has actually answered one of my questions, but what I would like to ask is—you know, I appreciate there's an appeal process and you're setting up an appeal tribunal—how do learners and parents and carers actually access that tribunal? Because, as soon as you start talking about a formal tribunal system, you're talking about processes that can be out of reach of some people. How are you going to inform people and give them support so that they can properly access the tribunal appeal system?

[321] **Alun Davies:** I hope it won't be out of reach. Certainly, you know, to exercise the power you need to know that it exists. There will be duties on local authorities to provide information on these matters, and I would expect and anticipate schools and local authorities to ensure that people do know that they have the right to appeal and the right to go to a tribunal. Now, part of being person-centred is that conversation with the individual, with the family, with being able to support that individual to ensure that they have the support that they need, and part of that is ensuring that they know what their rights are. A local authority will have an absolute duty to ensure that people understand their rights under this legislation.

[322] **Lynne Neagle:** Thank you. Llyr.

[323] **Llyr Gruffydd:** Should not the role of the tribunal extend to cover health in this respect because I know it doesn't at the moment—or the health boards?

[324] **Alun Davies:** But why should it? Because we already have those processes in the national health service, and, as a Member, you're aware of that—I'm sure, in your casework, you deal with that, as I do. So, why would you introduce a duplicate system?

[325] **Llyr Gruffydd:** But, surely, you could see it from the other side, where you'd see it more coherent to consider those issues together in one tribunal.

[326] **Alun Davies:** You say 'those issues'. What are those issues?

[327] **Llyr Gruffydd:** If there was an issue around the role of the health board in this context.

[328] **Alun Davies:** I accept where you're coming from. If there's an issue, for example, in terms of delivery of a treatment within the national health service, or a diagnosis process within the national health service, for example—I'll just use those two examples—then that is a matter for the national health service. Both of those would be discrete services provided by the national health service, and we have the redress mechanisms within the national health service to deal with that. What this tribunal deals with is the delivery of educational learning support within whichever setting that happens to be. So, that's not the national health service. So, I hope that they should dovetail rather than clash. My fear is that if you say, 'And this educational tribunal then has the right to go into the national health service and do all these different things', then what you're doing is creating a confusion and not creating coherence. I hope that what we're doing is trying to simplify the system and create a system that dovetails and doesn't jar against each other. That is where I'm coming from at the moment.

[329] **Lynne Neagle:** Thank you. Llyr, on the financial implications.

[330] **Llyr Gruffydd:** Yes, we're moving now from a system that gives 13,000 learners statutory plans to a system where 108,000 learners will have, essentially, statutory plans. Your regulatory impact analysis tells us that there'll be an annual saving of around £3.5 million. Are you confident that the estimates are correct? Given that sort of level of scaling up of provision, potentially, it just seems a bit ambitious.

[331] **Alun Davies:** Nothing wrong with ambition, Llyr.

[332] **Llyr Gruffydd:** Well, reasonable ambition.

[333] **Alun Davies:** Let me say this: as I said in an earlier response to a question from Darren, those learners are already in the system. Those people already exist, and those needs are already there. What we're seeking to do is to create a system that simplifies how we deliver for those needs and how we deliver for those people with those needs. So, if somebody has additional learning needs—. For example, assuming this becomes law in the next year or so, and this will be implemented then towards the end of this decade, then many of the people in the system are already in the system. They're

already there, and their needs are already either being met or not being met. So, what we're seeking to do is to ensure that we provide for that much broader range.

[334] You're absolutely right with the numbers; absolutely right. The purpose—what is driving me—isn't a cost-saving exercise. The purpose of this legislation is not to reduce bills, is not to reduce budgets, but to deliver a more robust system of support for people who need it. We are funding the transition, if you like. We are funding the transformational programme at the moment—additional funds for that. A conversation we were having earlier this morning was about the capacity to provide additional support for people in specialist colleges, for example, and what our budgets are like for that. We've increased the budget for that in the last year, as you are aware. So, this system could well deliver—. We're looking at delivering those savings, certainly, but what I don't want to do is to come to this committee and say, 'That is the reason why we're doing it; that is the purpose; that is the objective', because the objective is a better system, not a cheaper system.

[335] **Llyr Gruffydd:** I couldn't agree more. The code, when it emerges, is clearly going to be a substantial, hefty document because I think every answer we've had has referred to the code, which is understandable. Let's hope it's user-friendly. Will you need to maybe revisit some of the costings in light of the code when it's in a position to be costed correctly? Because clearly there's a lot emerging from the code, isn't there?

[336] **Alun Davies:** We haven't published the code, but we know what's in it.

[337] **Llyr Gruffydd:** Oh, right.

[338] **Alun Davies:** You haven't seen it; I have. I don't want to be too blunt about that. The code reflects the Bill, and so we're not going to revisit the impact assessment on the basis of publication of the code. But let me say this: we have a transformational programme in place. You're right to say that too many of my answers refer to the code, and it is important to publish that to enable people to have that much richer scrutiny of the legislation. We'll do that as quickly as we can. I've got no issue with that at all. But can I say this? The code is about delivering the legislation, and the legislation itself seeks to improve the system. It is not, and should never be anticipated that this is about delivering a cheaper system—delivering cost savings. It's about maximising our ability to deliver for some of the most vulnerable people in our society.

12:15

[339] That is the purpose; that is the objective of the Bill and of the transformational programme of which the Bill is a part. The estimates that we've made, I believe, are robust in what they are, but what I do not want any Member to do this morning is to leave this committee believing that we are doing this in order to extract these savings from the system. That's not what we're about.

[340] **Llyr Gruffydd:** That's fair enough, and I'd agree with you in that respect, as I said earlier. The transitional period is going to be four years, at least financially. Are you confident that the transition will happen within that window, and that the transitional costs will be expended within that window as well, and thereafter, the savings—although you wouldn't describe them as savings—or the different financial outcome is going to be there as articulated in the RIA?

[341] **Alun Davies:** We published an RIA for the period of this Assembly until 2021. We're seeking to do two things, aren't we? To create different structures and different processes, and to do that with the legislative changes that we're debating and discussing this morning. We're doing it through a transformation programme, which is about the culture change we spoke about earlier—it's about the training, it's about enabling people and creating capacity within the system—and then we're seeking to deliver that consistently across the face of the country, and to do that bilingually. Now, will we achieve all of that within four years? I think that's pretty unlikely, frankly. I think we will continue to need to pursue that transformational programme beyond the life of this National Assembly, and I think we will need to pursue cultural change for a longer period of time. But I hope that this will be embraced by practitioners, and the responses we've had indicate that most practitioners do support that. I think people within the wider community will support what we're seeking to do as well, and I see great goodwill. So I hope that we will achieve the changes that we're outlining more quickly than a longer term process. But, will there be a sharp cut-off in 2021? No, I don't think there will be.

[342] **Lynne Neagle:** Thank you. Final brief question from Darren.

[343] **Darren Millar:** Very brief question. At the moment, one of the biggest complaints about the current system is the timescale by which decisions are

made. Very often it can take a whole academic year before someone's needs are assessed and support is put in place. There's nothing on the face of the Bill that prescribes timetables around the duties to assess someone's need, or to get a package of support in place. Are you going to deal with that in the code?

[344] **Alun Davies:** I hesitate to say right now, following the previous question. [*Laughter.*]

[345] **Darren Millar:** There's no reference to prescribe—

[346] **Alun Davies:** There isn't, and I don't think you'd put that on the face of primary legislation either, quite honestly. But, the purpose is, and the purpose of bringing the health service together—. You're absolutely right: I've dealt with—in my own casework in my constituency—areas where people have had to fight, campaign and work hard for far too long, first of all, to get a diagnosis of something, to get the treatment they need, and then to get the learning support they need. The purpose of this legislation is to bring those processes together, certainly to reduce the time—absolutely to reduce the time—but also to reduce the trauma, the distress, the upset that too many families feel, and to ensure that the individuals concerned have the support in place when they need it, and not when it's convenient to Government to deliver it.

[347] **Darren Millar:** So, are there timetables in the code?

[348] **Alun Davies:** I hesitate to say that, but yes.

[349] **Darren Millar:** There are. Okay.

[350] **Alun Davies:** But clearly that is something that we can refer to because it's something that is absolutely critical to the success that I've described.

[351] **Darren Millar:** Because you do prescribe the need to review plans within a 12-month period, so I wondered why you couldn't put things on the face of the Bill if you prescribed other things on the face of the Bill.

[352] **Alun Davies:** We can have that conversation.

[353] **Darren Millar:** Okay.

[354] **Lynne Neagle:** Okay. We've come to the end of our time. Can I thank the Minister and his officials for attending this morning? We will be inviting you in later on in the process as we go through the Stage 1 process, and we will be writing to you regularly with any queries that emerge from our scrutiny of the Bill. But, thank you very much for coming. You will be sent a transcript for checking for accuracy in due course. Thank you very much.

[355] **Alun Davies:** Thank you.

12:19

Papurau i'w Nodi
Papers to Note

[356] **Lynne Neagle:** Okay. Item 5, then, is papers to note. Paper to note 3 is a letter from Carol Shillabeer responding to our queries on the CAMHS service. Paper to note 4 is a letter from Jonathan Brentnall with additional information on our EIG inquiry. Paper to note 5, additional information from Trudy Aspinwall, also on the EIG inquiry. Paper to note 6, letter from ProMo Cymru with some clarification on our advocacy inquiry, and paper to note 7 is the letter from the Minister for Lifelong Learning and Welsh Language on CWVYS—a response to our letter. We'll have an opportunity to discuss that shortly. Are Members happy to note those papers? Thank you.

12:20

**Cynnig o dan Reol Sefydlog 17.42 i Benderfynu Gwahardd y Cyhoedd o
Weddill y Cyfarfod**

**Motion under Standing Order 17.42 to Resolve to Exclude the Public
from the Remainder of the Meeting**

Cynnig:

Motion:

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

Cynigiwyd y cynnig.

Motion moved.

[357] **Lynne Neagle:** Okay. Item 6, then, is the motion under Standing Order 17.42 to resolve to exclude the public for the remainder of the meeting. Are Members content? Thank you.

Derbyniwyd y cynnig.

Motion agreed.

Daeth rhan gyhoeddus y cyfarfod i ben am 12:20.

The public part of the meeting ended at 12:20.