



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

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

**Dydd Mercher, 2 Hydref 2013**  
**Wednesday, 2 October 2013**

### **Cynnwys** **Contents**

Cyflwyniad, Ymddiheuriadau a Dirprwyon  
Introductions, Apologies and Substitutions

Y Bil Addysg (Cymru): Cyfnod 1—Sesiswn Dystiolaeth—Cymdeithas Athrawon a Darlithwyr Cymru (ATL Cymru), Undeb Prifysgolion a Cholegau (UCU), y Gymdeithas ar gyfer Holl Arweinwyr Ysgol (NAHT Cymru), a'r Gymdeithas Arweinwyr Ysgolion a Cholegau (ASCL Cymru)

Education (Wales) Bill: Stage 1—Evidence Session—the Association of Teachers and Lecturers Cymru, the University and College Union, the Association for all School Leaders, and the Association of School and College Leaders

Y Bil Addysg (Cymru): Cyfnod 1—Sesiwn Dystiolaeth—Cyngor Addysgu Cyffredinol Cymru

Education (Wales) Bill: Stage 1—Evidence Session—the General Teaching Council for Wales

Y Bil Addysg (Cymru): Cyfnod 1: Sesiwn Dystiolaeth—Estyn

Education (Wales) Bill: Stage 1: Evidence Session—Estyn

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

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

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

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

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

**Eraill yn bresennol**  
**Others in attendance**

Gary Brace	Prif Weithredwr, Cyngor Addysgu Cyffredinol Cymru Chief Executive, General Teaching Council for Wales
Anna Brychan	Cyfarwyddwr, NAHT Cymru Director, NAHT Cymru
Dr Philip Dixon	Cyfarwyddwr, ATL Cymru Director, ATL Cymru
Lisa Edwards	Swyddog Cyswllt Gwleidyddol, UCU Political Liaison Officer, UCU
Robin Hughes	Ysgrifennydd, ASCL Cymru Secretary, ASCL Cymru
Angela Jardine	Cadeirydd, Cyngor Addysgu Cyffredinol Cymru Chair, General Teaching Council for Wales
Ann Keane	Prif Arolygydd, Estyn Chief Inspector, Estyn
Meilyr Rowlands	Cyfarwyddwr Strategol, Estyn Strategic Director, Estyn
Jassa Scott	Cyfarwyddwr Cynorthwyol, Estyn Assistant Director, Estyn

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

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

*Dechreuodd y cyfarfod am 09:30.  
The meeting began at 09:30.*

### **Cyflwyniad, Ymddiheuriadau a Dirprwyon Introductions, Apologies and Substitutions**

[1] **Ann Jones:** Good morning, everybody, and welcome to this meeting of the Children and Young People Committee. I will do the usual housekeeping rules. I remind Members around the table to please switch their mobile phones off, as they affect the translation and the broadcasting equipment. If you could remember to do that, that would be good. We are not expecting the fire alarm to operate, so, if it does, we will take our instructions from the ushers, or from our committee support—Annette, who is sitting over there—who will direct us to the place of safety. I think that the assembly point is by the Pierhead building, so we will make our way there. Do Members need to declare any interests that they have not already declared in the register of interests? I see that they do not. We have had apologies from David Rees this morning, and there is no substitute for David. I am sure that the other committee members will join us as the morning goes on.

09:31

### **Y Bil Addysg (Cymru): Cyfnod 1—Sesiswn Dystiolaeth—Cymdeithas Athrawon a Darlithwyr Cymru (ATL Cymru), Undeb Prifysgolion a Cholegau (UCU), y Gymdeithas ar gyfer Holl Arweinwyr Ysgol (NAHT Cymru), a'r Gymdeithas Arweinwyr Ysgolion a Cholegau (ASCL Cymru) Education (Wales) Bill: Stage 1—Evidence Session—the Association of Teachers and Lecturers Cymru, the University and College Union, the Association for all School Leaders, and the Association of School and College Leaders**

[2] **Ann Jones:** We will now continue to take evidence on the Education (Wales) Bill. We are at Stage 1, so we are gathering information and evidence from sets of witnesses. I am delighted to welcome our first set of witnesses today. As there are so many of you, and I will probably get you all mixed up, would you like to briefly introduce yourselves for the record. Then, if it is fine with you, we will go straight into questions.

[3] **Ms Edwards:** I am Lisa Edwards. I am the temporary political liaison officer for the University and College Union.

[4] **Dr Dixon:** I am Philip Dixon. I am the director of the Association of Teachers and Lecturers Cymru.

[5] **Ms Brychan:** Anna Brychan ydw i. **Ms Brychan:** I am Anna Brychan. I am the Fi yw cyfarwyddwr NAHT Cymru. director of NAHT Cymru.

[6] **Mr Hughes:** Robin Hughes ydw i. Fi yw ysgrifennydd ASCL Cymru. **Mr Hughes:** I am Robin Hughes. I am the secretary of ASCL Cymru.

[7] **Ann Jones:** Thank you. As I say, we have quite a few questions, and there is always a limited amount of time. Will you take the first set of questions, Rebecca?

[8] **Rebecca Evans:** Thank you, Chair. Good morning, all. I would like to ask you for your views on including other parts of the education workforce within the same registration body as teachers. Do you think that the Bill has included the right categories for that? I am seeking your views in particular on whether, going into the future, work-based learning and youth workers should also be included. So there are three questions in one there, but I know that we have a lot of ground to cover.

[9] **Dr Dixon:** We broadly welcome the incorporation of other parts of the workforce, especially with further education and support staff. I think that it is going to be very important how we define those categories. I think that, as you can see in some of the evidence that we have presented—and that others are presenting—that will be something in the margins that will have to be carefully worked out. So, I think that we need to see clear definitions of who is going to be registered there. I also think that there needs to be a proper process, and probably a staged process, as the registration is rolled out. I think that the safest thing would be to register FE staff first, then to move on to support staff, and then to learn from that about the other two categories that you asked about—work-based learning and youth workers. I think that there are some problems there in terms of the size of the workforce that would then be registered, but also in terms of the definitions of those, as well as—to raise it straight away—questions of what fees they would be expected to pay et cetera. So, I think that those two categories need to be parked at present, until we have the other ones sorted out.

[10] **Ms Brychan:** Byddwn yn ategu hynny. Y peth doethaf fyddai mynd at hyn gam wrth gam, a sicrhau bod y system yn gweithio ar gyfer athrawon, ac athrawon addysg bellach, yn gyntaf, cyn symud ymlaen at y categorïau eraill, oherwydd bod nifer mor wahanol o swyddi o safbwynt gweithwyr cynorthwyol yn ein hysgolion. Mae llawer o waith manwl i'w wneud ar hynny o ran eu cofrestru nhw, ac o ran edrych ar eu cymwysterau. Pan gychwynon ni'r ddadl hon, nid oeddem yn hollol argyhoeddedig y dylid ei ehangu i gynnwys pawb.

**Ms Brychan:** I would endorse that. The wisest way of doing this would be to approach it on a staged basis, and ensure that the system works for teachers, and further education teachers, first, before moving on to the other categories, because there are so many different posts in terms of support workers in our schools. There is a great deal of detailed work to be done there in terms of their registration, and in terms of looking at their qualifications. When we started this debate, we were not entirely convinced that it should be expanded to include everyone.

[11] Wedi dweud hynny, mae'r staff cynorthwyol yn staff proffesiynol yn ein hysgolion sy'n cyfrannu'n sylweddol at yr ymdrech o ddyysgu'r disgyblion. Felly, mae'n rhaid cydnabod hynny a'r sgiliau proffesiynol sydd ganddyn nhw, ond rwy'n credu mai cam wrth gam yw'r ffordd orau o symud ymlaen gyda hwn. O safbwynt gweithwyr ieuenctid a'r sectorau eraill y mae sôn am eu cynnwys, nid ydym eto yn argyhoeddedig bod hynny'n addas. Mae dadl bellach i'w chael ynghylch hynny o safbwynt y cymwysterau, beth maen nhw'n ei wneud ac yn ble a sut fyddai'r

Having said that, the support staff are professional staff in our schools that make a significant contribution to the learning of our pupils. So, we must recognise that and the professional skills that they have, but I think that a phased approach is the best way of progressing with this. From the point of view of youth workers and the other sectors that are proposed for inclusion, we are not yet convinced that that is appropriate. There is a further debate to be had about that in terms of qualifications, what they do and where, and how the registration process would work.

broses gofrestru yn gweithio.

[12] **Mr Hughes:** I am not going to repeat what my colleagues have said, only to say that we are fully supportive of that position. The key here is that this new body secures the confidence of those it is supposed to be representative of. That challenge is increased if you have the widest possible footprint at the outset. It can be a very clear intention, but we support moving with some caution and building on what has already been invested in. That investment and some of that experience is there quite clearly in the teaching profession, so it would be sensible, in our view, to have it as an intention, but to move forward with caution.

[13] **Ms Edwards:** I would agree with everything that has already been said. Particularly for lecturers in the further education sector, it is very important for them that they get professional recognition. This is something that has been lacking in recent years, so to be able to be part of a body that recognises them as professionals in education is a really good move forward. I would agree that it needs to be phased in quite carefully, because of the logistics of the process. With regard to youth workers, we do not really have a clear direction on that. However, in terms of FE, youth workers do play quite an important role in terms of providing alternative curricula for youngsters who perhaps do not fare very well in traditional educational settings. That is something that should be looked at in the future.

[14] **Rebecca Evans:** We have heard some suggestions that this Bill would provide an opportunity to introduce some standardisation of job profiles. Do you think that that would be practical or desirable?

[15] **Mr Hughes:** You have succinctly put one of the major challenges in extending the footprint. Clearly, we have a head start in certain parts of the sector that are in question, and that is a good thing. However, it has been hard won and quite painful at times to get to a certain area of consensus on these matters. That is why we come back to the point of caution. If you are going to have things like disciplinary matters, you need some consensus as to what would be a desirable code of practice and conduct for all the categories covered by this organisation, as well as some consensus as to what the definitions and job titling would be and what is expected within that role. There is a requirement of getting some consensus about that. This is going to be very difficult to achieve in certain parts of the sector that we are currently looking at within the terms of the Bill. There are many job titles out there when you look at learning support.

[16] **Simon Thomas:** I want to ask a supplementary question to Ms Edwards from the UCU. You said that youth work was a bigger feature of the FE sector. Yesterday, the Deputy Minister announced a training guarantee up to the age of 18. I would have thought that, at the very least, everyone who is involved in that guarantee should be registered by this body, because that is delivering training and skills, is it not? Is that an example of where we should look for practical examples of where this would work?

[17] **Ms Edwards:** That is an example of where we see this heading. In terms of ruling them in or out, at the moment, there is still a debate to be had about that. From a UCU Wales perspective, to rule them out completely at this stage would probably not be a particularly good idea, in the light of the work that will hopefully be done with NEETs. Youth workers play an important role in that, because these youngsters need different ways of learning and gaining skills. As I say, youth workers, I think, in the light of all sorts of issues that are going on at the moment, will be brought into this in the future in ways that they are perhaps not being utilised now. So, there is still a debate to be had there, yes.

[18] **Rebecca Evans:** The Bill omits to include staff in independent schools. Would you like to see that addressed?

[19] **Ms Edwards:** For us as a post-16 sector, we probably do not have a great deal to say on that. However, it would seem sensible that everybody delivering education to young people in Wales should be registered with the same body and have the same criteria applied to them, but we have not really given a great deal of thought to that one.

[20] **Dr Dixon:** We are the largest union in the independent sector for teachers. I just wanted to say that because we are often told that we are not the largest elsewhere. *[Laughter.]* One of the things that we have always tried to push with our members in independent schools is that they should register with the General Teaching Council for Wales; we think that that has advantages for them. However, we then come back to one of the key questions in all of this that they will ask, namely, ‘Well, what do we get out of it?’ I think that one of the questions that will be asked, fundamentally, as we roll out provision and registration et cetera, both in independent schools, the FE sector, and by support staff is, ‘What do I get out of it?’ I think that that is quite a legitimate question, especially if they are going to be paying fees for it.

[21] On the principle, yes, we would want to see those who are working in independent schools registered as well, so that someone who has perhaps been disciplined and dismissed and frankly struck off from the register and is no longer able to work in the maintained sector should not then be able to get a job in an independent school.

[22] **Ms Brychan:** Philip has rather pinched my point. The logic of the position is that it cannot make sense to not register the teachers in an independent sector as well for that very reason. It is not remotely sensible that you could find yourself in a position where the professional body sanctions a teacher in the maintained sector, who is then able to go on to teach elsewhere.

[23] **Mr Hughes:** ASCL Cymru has a number of independent headteachers, principals and senior leaders within our membership, and, certainly, I think there would be support broadly for the underpinning position that my colleagues have outlined, which is that they would be against compulsion, as you would expect. However, if we are talking about an organisation that has got its act together, has the core functions right, then I am sure that they would volunteer to participate.

[24] **Suzy Davies:** Robin, you made the point twice there about confidence and this body having the confidence of the workforce that signs up to it, whoever that workforce may actually end up being. All of you have expressed concerns about the arm’s-length nature of the existing council being preserved in the new model, and it is clear from the wording of the Bill that Welsh Ministers are likely to have more influence if the draft goes ahead as it is. Would you like to tell us a little bit more about your concerns?

[25] **Ms Edwards:** We see this as a really good opportunity to create something excellent and worth while. The concerns we have are based on our experience with UCU and the Institute for Learning in England. Members were compelled to join and pay a fee or they would not be licensed to practice, but they felt that the IFL did not represent them as professionals. In the light of the debate around that, it collapsed and people decided that they were not going to pay to join, and, therefore, that requirement has been withdrawn. We would not like to see a repeat of that here in Wales, but what we would like to see is a professional body set up for professionals by professionals to represent their professional interests and maintain the professionalism in education in Wales. We feel that it is crucially important to get lecturers and teachers on board with this idea, and we are concerned that without that we might see a repeat of what happened in England.

[26] **Suzy Davies:** Are you concerned that the apparently increased influence of Welsh Ministers might jeopardise that?

[27] **Ms Edwards:** Yes. We would like this to be a body for professionals, run by professionals in education.

09:45

[28] **Dr Dixon:** I endorse a lot of what has been said there. Certainly, I think that there is a chance to create something new. The GTCW is not perfect, but the Bill itself is shot through in certain parts with confusion about what the sort of body we are trying to set up is. So, if you like, there are two extremes. You could have something like the General Teaching Council for Scotland, which is fully independent—it is owned by the profession and paid for by the profession as well—or something more like the General Medical Council, which has no elections to it and is there to regulate doctors. The Bill seems to almost fall uneasily between those two poles.

[29] I am not quite clear why there are proposals in the Bill for the Minister to exercise greater control. My personal opinion is that we need more independent voices in Wales, rather than fewer. Also, as the Bill is constructed at the moment, it seems to be setting up a body that will do things to teachers rather than for teachers and by teachers. If we see all the members of the new council being appointed by the Minister, we will run the real risk of it being dismissed by the profession as a quango. We said in our evidence that one of our members has said that that would mean the formation of a ‘Yes Minister club’. We would not want to see that. You need that independence so that the body can speak on behalf of the professions on occasions and make their voice heard. I certainly think that you will probably need a mixture when it comes to how you make up the board. To have it all appointed will completely lose the confidence of the profession. Equally, to have it all elected would possibly lose the confidence of the public. We have to look at some sort of halfway house and get a much more workable and acceptable solution.

[30] **Ms Brychan:** I think that we have got to the part that we have the biggest beef with in the Bill now. What we are talking about creating is an independent professional body; that is what we hope to achieve. It will be a condition of employment for a teacher, an FE lecturer or a support staff worker to be registered with this professional body. In order to have the confidence of the profession, particularly considering some of the other responsibilities it will have potentially in terms of continuous professional development and basically giving the professionals’ view on aspects of education policy, it needs that professional buy-in. I think that our members’ response would be, ‘If it looks like a quango and smells like a quango, we don’t want to pay to join it’.

[31] **Ann Jones:** Robin, do you have anything you want to add?

[32] **Mr Hughes:** My colleagues have been perfectly eloquent on a very key point. The only thing I would add, because we are in complete agreement on this one, is that there is a plus with ministerial power and executive action: it gets you places very quickly. That is great if you agree with what the Minister is doing. However, it is not so great if you do not. I will just put that out there. In our submission we also pointed to a corollary of that, which is to whom and to what is this body going to be accountable. We made an observation that, irrespective of how it forms in the first instance, if we move to a more elected and more democratic state, that is where we would like to be. We have also made a point, drawing on the example of the auditor general service, on how the board appointments might be open to scrutiny and investigation by the Assembly and not the Minister. We have put that forward in our submission that there are alternatives out there, so we are not talking pure theory. This can be made to work.

[33] **Suzy Davies:** So, what you are saying is that having a ministerial appointment on the

board compromises its ability to be accountable to the Welsh Government. I am not talking about the Government versus the Assembly question for a second, but as a conduit—

[34] **Mr Hughes:** It certainly does not help with clarity, does it?

[35] **Ann Jones:** Angela has a supplementary question on this point, and Keith, and then I will come back to you, Suzy.

[36] **Suzy Davies:** Okay; I have one more question.

[37] **Angela Burns:** There is an argument that runs contrary to all of this, and you are the evidence of it, which is that the teaching profession has more than enough representation—we had a whole bundle of people in last week representing teachers' unions—and that in fact what this newly constituted body might be trying to do is actually represent the voice of Government, the political will, if you like, and parents in terms of trying to drive up the standards agenda. When you think that we have six local authorities in some kind of measures, and yet, very few teachers, or senior people involved in the teaching profession, have gone through a re-education, retraining and such. There is a real lack of transparency. Now, before you all leap down my throat, I am not saying that I necessarily hold with this view, but I have real sympathy for trying to grasp the nettle and saying, 'There is lots of representation, but who represents the pupil and the Government and the politicians in trying to drive those standards up?'

[38] **Ann Jones:** Before you answer, Keith has a similar point.

[39] **Keith Davies:** Y prynhawn yma, byddwn yn clywed neges David Cameron. Os clywoch chi fe dros y penwythnos, fe ddywedodd fwy neu lai'r hyn a ddywedodd Angela, sef ein bod ni yn y *Cardiff bubble* yn derbyn mwy o wybodaeth gan yr undebau ac yn gwrandio mwy arnynt nag y dylem ni. Dyna un ochr y ddadl, ac rydych chi'n dweud na ddylem fod yn gwrandio ar y Gweinidog, felly pwy ddylem ni fod yn gwrandio arnynt?

**Keith Davies:** This afternoon, we will hear David Cameron's message. If you heard him over the weekend, he said more or less what Angela said, which is that we in the Cardiff bubble receive more information from the unions and listen to them more than we should. That is one side of the argument, and you say that we should not be listening to the Minister, so who should we be listening to?

[40] **Ann Jones:** Okay. I imagine that all four of you have something to say, so we will start with Philip and then move around.

[41] **Dr Dixon:** Perhaps in the past you have listened to the wrong unions. [*Laughter.*] What I would say in answer to both questions is that—and I do not know about others—we would not see this body as having representatives from unions on there. So, you would not stand for election on an ATL ticket or an NAHT ticket and get elected. One of the good things about the present teaching council is that it was very keen to develop a corporate sense among its members that it was speaking on behalf of the profession as a whole. So, I would not want to see reserved seats or anything like that on there for the unions. However, what you do need to see on there is representation from teachers so that they can speak as it is in the classroom; from headteachers who can say as it is in running schools, and from college principals and FE lecturers et cetera. That is important.

[42] I think that it is very important that the other groups that you mentioned are represented there, obviously. It is very good that we now have pupil voice in our schools, that we have secured for FE colleges, and that there will be two learners on governing bodies, et cetera. You would want to see that on there and, obviously, to see people represented on parents groups as well. However, I would not want some sort of corporatist model on which

we all make our nominations and things like that. It has to be representative of teachers, of support staff and FE lecturers, et cetera.

[43] **Ann Jones:** Do unions not reflect the views of teachers?

[44] **Dr Dixon:** We do—

[45] **Ann Jones:** Or, are you now telling me that you do not and you are a separate body that goes one way and your membership goes the other? [*Laughter.*]

[46] **Dr Dixon:** No. I think that the body—the GTC plus, or whatever we are going to call it, because we are going to argue about the name—has to have a corporate identity of its own. Then, as with the GTCS, it is articulating the views of the profession in a less—dare I say it—partisan way than perhaps some of us would.

[47] **Ms Brychan:** Yes, there are a lot of us, but I do not think that any of us are proposing that our members would be the only members of a GTCW. It is intriguing. If you were to visit some of our committees where we have discussed the professional body in the past, you would see that those who are elected—and they are sectoral elections, so headteachers and teachers are represented, and not necessarily union people—have taken very seriously their responsibilities, those members who are on the current GTCW to act as the corporate voice for that body, so there are disagreements and debates between those people who are actually sitting on it now with the wider membership. So, I do not think that the present model necessarily means that the people who go there are mandated in everything they say and do. I do not know that that would be a necessarily helpful model either.

[48] The fundamental point for us here is that, yes, you need voices from the profession and you need other voices potentially, too. What we are uncertain about is whether that can be achieved by ministerial appointment without damaging the perception of the independence of that body among the profession, and potentially among parents and others as well, who may be sceptical, like David Cameron, about some unions. However, they are not overwhelmingly always pleased with politicians, either. [*Laughter.*]

[49] **Ms Edwards:** I was just going to say that, as I have said before, we see this as a professional body for educational professionals and I think that our members in particular might have some difficulty with signing up and paying for something that represents parents and Ministers. While all groups need to be represented, I think that there would be real difficulty in getting this body off the ground if it were perceived to be something that lecturers were compelled to pay for but did not represent them. I do not think that any of us are suggesting that this should be a body to represent the teaching unions; there are lots of different unions in teaching and not everybody in teaching belongs to a union. So, we see this as a voice for professionals from whichever union they choose to be with or whether they choose to not join a union. However, I think that there would be a fundamental issue in asking our members to pay for a service that did not represent their voice.

[50] **Angela Burns:** Sorry, may I clarify something that I think has been slightly misunderstood, Chair? My point was that if you are a teacher, you have the opportunity to have lots of different representation—you can join a union or you can perhaps go to this teaching body council when it is up and running, et cetera. Therefore, the voice of the teacher has the opportunity to be well heard, and maybe what the Government is saying by wanting to have a ministerial representative on the board is that the voice and the will of Government gets extremely diluted by the time it has drifted down through local authorities, regional consortia and everyone else and got out to teachers. That may be why it wishes to maintain that status quo.

[51] **Ann Jones:** Go on then, Anna, and then Robin, because he has not had a say on the whole issue.

[52] **Ms Brychan:** I was just about to say that I think that there are few teachers who think that the message of Government has been diluted to the extent of not being crystal clear at this point. *[Laughter.]*

[53] **Mr Hughes:** I just wanted to query Angela's point about the interpretation of the ministerial fingerprints on this as far as we see it. I go back to my earlier point, which is that there is sometimes some use in having executive power wielded, because this body needs to get up and running. Our submission has been based on the observation, picking up on what my colleagues have said, that once it is up and running and it has that focus on its core purposes, the reason why it must have that focus is that it needs to win hearts and minds, but, even more importantly, fees. With no fees, it does not go anywhere, and we will be back here in about six years' time with a dead body on our hands that we are looking to revive. So, it is all about that core focus. That is our interpretation, so that is what we have based this observation on.

[54] **Angela Burns:** I am with you on that.

[55] **Mr Hughes:** On a practical point, securing fair and wide representation of the sector and its footprint is one of the technical reasons why, in our submission, we suggested that the position of the chair may be considered slightly differently from other appointments. Clearly, when you look at the education sector, as you quite rightly said, Angela, you see that it has, traditionally, been highly populated by well-focused and well-organised stakeholders, key among them are us as the unions, representing various sectoral interests. If we are all there with representatives on the council and you elect a chair from that council, it is going to be rather possible, following traditional models, that there will be block voting. That is the value of looking at the appointment of the chair separately and not having him or her elected from within the council.

[56] **Ann Jones:** Okay, thanks. Suzy, you have one last question on this and then we must move on.

[57] **Suzy Davies:** Yes, and I think that I can take quite short answers on this, which is to do with the code of conduct. Thinking of my professional body, if it thought that the Government was designing its code of conduct, I think that it would go absolutely berserk. However, there is a practical point here, is there not? This new workforce does not exist yet, but the code of conduct has to be ready at the same time as the workforce comes into being. Whatever your concerns about the Government doing the first draft of that, what would be your alternative?

[58] **Ms Brychan:** I think that the GTCW has, in its submission, suggested a method of evolving a new code of conduct as we move from the way the body is currently constituted to the reconfigured body—I think that that is what it calls it, but I just call it new, because it is easier.

[59] **Ann Jones:** It is easier to say.

10:00

[60] **Ms Brychan:** However, it has described there a process by which it would engage with the people that it would now seek to represent in order to develop and consult on a code of conduct. I think that that is a more sensible way of going about it. I can see that, originally, the code of conduct would have evolved that way in the absence of a body, but given our

wider concerns about the professional buy-in, I think that the code of conduct needs to be owned by the people who will be held to its standard. There is a method laid out there in the GTCW submission that would allow that to happen before the new body is launched.

[61] **Suzy Davies:** Which you subscribe to.

[62] **Ms Brychan:** Yes, I think it is a good way forward.

[63] **Ann Jones:** Okay. Does anybody have anything they want to add? I see that no-one does. We will move on to the practical arrangements for the new registration body. There are three major questions here from Simon, Keith and Aled. Simon, do you want to start off and then we will see where we go?

[64] **Simon Thomas:** Diolch, Gadeirydd. Rwyf am ofyn yn gyntaf am y nodau sydd wedi eu gosod ar gyfer y corff newydd ar wyneb y Bil fel y mae. Rwy'n meddwl bod pob un ohonoch wedi cwestiynu yn eich tystiolaeth i'r pwyllgor y ffaith bod y nodau efallai yn ddiffygiol ac, yn arbennig, nad ydynt yn cymryd i ystyriaeth datblygiad proffesiynol parhaus. Felly, hoffwn ofyn ym mha ffordd rydych yn gweld bod modd gosod, os o gwbl, y nod hwnnw yn fwy clir ar wyneb y Bil.

**Simon Thomas:** Thank you, Chair. I will start with the aims set out for the new body on the face of the Bill as it currently stands. I think that each and every one of you have questioned in your evidence to the committee the fact the aims may be deficient in some way and, in particular, do not take account of continuing professional development. Therefore, I would like to ask how you believe, if at all, those aims could be more clearly set out on the face of the Bill.

[65] **Ann Jones:** Lisa, do you want to start?

[66] **Ms Edwards:** From our point of view in the FE sector, we feel that the CPD element should be included. We felt that there was rather a lot of emphasis on codes of conduct and disciplinary procedures to the detriment of CPD. I think that this is a particular issue for the FE sector. Probably, in light of the Hill review, the consortia will cover CPD issues for schools, but there is a gap in the FE sector. We would like to see more emphasis on this and we would like to see this into the future certainly. There are financial difficulties probably with going into this straight away, but we would certainly like to see this on the agenda for the future to be very seriously considered as a body that can provide guidance, can signpost CPD, and perhaps provide networks for professionals et cetera, so that there is this supportive body for lecturers and teaching staff in FE, and one that fills the gap that might be filled by the consortia in schools.

[67] Again, it is about selling this idea to our members as well. Although it may not be there initially because it is a huge issue and we realise that there are funding issues, it should be clearly stated at the beginning that this is a direction that this body would move in. This needs to be seen as something that is there not just to discipline, but to support.

[68] **Dr Dixon:** Again, I agree with a lot of what has been said there. I think that the Bill is very heavy on regulation and very light, apart from when it is there on the face, on fleshing out what CPD provision the new body would have. There are funding issues. I think the Hill report, the Minister's statement yesterday and the direction in which we are moving means that a lot of CPD on offer to teachers will rightly be school based and teacher to teacher; we know that that is the best sort of CPD. I still think there are probably some niches where you need something outside of that, and this new body could manage that. Also, I think that the CPD becomes a selling point because, going back to the question about independent schools, what I found when I had conversations with members was the point at which they really turned away and did not want to register with the current GTC was when they found they

could not access any of the bursary funds et cetera that were there in the past for CPD. I know that there were a variety of different opinions about how useful that all was, but it was a selling point. So, if we want to set up a professional body that is more than a regulatory body, there has to be some provision for some sort of access to CPD and some sort of funding, or at least that the body itself could be a signpost or a broker for the good-quality CPD out there.

[69] **Simon Thomas:** Just to add a rider to that, I think that we are getting a sense of what you are saying about this potential new body, but we have also had evidence that the present council was not particularly effective at doing this and that there was duplication and so forth. So, would it be better just to focus on the professional standards council anyway?

[70] **Mr Hughes:** Roeddwn yn mynd i ateb yn Gymraeg gan eich bod wedi gofyn yn Gymraeg. **Mr Hughes:** I was going to answer in Welsh since you asked the original question in Welsh.

[71] Just picking up on this point, Simon, I think that you have presented this opportunity well with your extra point. The reason why I looked over to Lisa is that we were having a conversation precisely about this over coffee as we were waiting to come in. As I was saying earlier, as far as our submission is concerned, we are looking for some focus, so that the organisation quickly achieves its credibility with those it is meant to represent. We think that focus will help. However, as my colleague has quite rightly pointed out, if it is all stick and no carrot, we come back to the essential problem that we were talking about before, which is that, yes, you might be able to win over some of those it represents by having focus and credibility and robustness, however, you are not winning any hearts, and that is where the CPD comes in. So, I think that the compromise that we were beginning to consider was that, if CPD is written in right at the beginning—and the first corporate plan of this new body quite clearly makes a commitment to CPD—and if it is measurable and can be held to account, then that will do—compromise.

[72] **Ms Brychan:** Rwy'n mynd i ateb yn Gymraeg. **Ms Brychan:** I am going to answer this question in Welsh.

[73] Mae'n wir dweud bod gwahaniaeth barn wedi bod yn y gorffennol ynglŷn ag effeithlonrwydd peth o'r hyfforddiant a oedd ar gael, ond rwy'n credu bod hynny yn rhannol oherwydd, am wahanol resymau, nad oedd y lefelau gwahanol o lywodraeth—llywodraeth leol, y GTCW, y Llywodraeth yng Nghaerdydd—yn hollol ymwybodol o'r ystod o hyfforddiant a oedd yn digwydd yn yr ysgolion na thrwy awdurdodau lleol a'r cyngor addysgu a'r modd yr oedd i gyd yn plethu ynghyd. Efallai fod tuedd yng Nghaerdydd i feddwl nad oedd yr arian bob amser yn cael ei wario yn y ffordd fwyaf effeithiol bosibl. Y gobaith yw, gyda'r consortia newydd, os ydynt yn gweithio yn effeithiol, y bydd dealltwriaeth lawer cadarnach gan bawb yn y system o'r hyn sydd ar gael, beth yw ei bwrpas a pha ganlyniadau y gallai rhywun eu disgwyl o ran cysondeb o'r buddsoddiad hwnnw. Mae rhan i'r cyngor addysgu yn hynny, ac yn y sgysiau rownd hynny, ac rwy'n gobeithio y

It is true to say that there has been a difference of opinion in the past on the efficacy of some of the training that was available, but I think that that was partly because, for various reasons, the different levels of government—local government, the GTCW, the Government in Cardiff—were not entirely aware of the range of training that actually happened in schools or through local authorities and the teaching council and how that all dovetailed. Perhaps there was a tendency in Cardiff to think that the money was not always being spent in the most effective way possible. The hope would be that, with the new consortia, if they do work effectively, everyone in the system will have a far more robust understanding of what is available, what its purpose is and what outcomes one could expect in terms of consistency from that investment. There is a role there for the teaching council, and in the conversation surrounding that, and I hope that the fact that we are not now doing

bydd y ffaith nad ydym yn awr yn gwneud pethau ar 22 lefel wahanol yn golygu bod peth o'r dryswch yn cael ei osgoi wrth inni symud ymlaen.

[74] **Keith Davies:** Nid wyf yn gwybod a oeddech yn gwrandao ar y Gweinidog brynhawn ddoe, ond rydym yn sôn am rannu'n rhanbarthau a chynghorau newydd, ac a ydych yn gwybod o ble mae'r cyllid yn dod? Mae'n dod o'r awdurdodau lleol. Byddant yn cael llai o gyllid, ac wedyn y rhanbarthau fydd â gofal dros yr arian. Rwy'n ffaelu gweld y bydd y corff newydd hwn yn gallu—beth, brwydro yn erbyn yr hyn sy'n mynd i ddiwydd?

[75] **Ms Brychan:** O, na. Nid oeddwn yn awgrymu ei fod yn brwydro yn erbyn, ond bod y rôl hyfforddi a hyrwyddo datblygiad proffesiynol y gall ei chyflawni yn un fyddai—na fyddai'n cyd-fynd, ond ni fyddai'n gwrthdaro nac ail-wneud y pethau y byddai'r consortia yn eu gwneud. Rwy'n amau dim y bydd trafodaethau pellach yn digwydd am y model ariannu dros yr wythnosau nesaf—ni fyddwn yn meddwl mai datganiad ddoe yw diwedd y stori o angenrheidrwydd.

[76] **Mr Hughes:** A gaf ychwanegu rhywbeth? Anna, rwy'n gobeithio nad wyf yn rhoi geiriau yn dy geg di. Mae cyfle i gael cysondeb, onid oes? Roeddwn yn siarad yn gynharach bod rhyw fath o gonsensws ynglŷn â pha beth ydyw bod yn gefnogwr addysg da yn y dosbarth. Mae'r corff newydd hwn yn creu'r cyfle, trwy gynrychiolaeth bendant a chywir, i greu fforwm lle mae'r trafodaethau hynny'n gallu cael eu cynnal. Os yw'r hyfforddiant wedyn yn cael ei gomisiynu neu ei ddarparu gan bedwar consortiwm, byddai rhywun yn gobeithio byddai'r corff newydd yn medru rhoi arweiniad a fforwm i'r consortia, fel eu bod yn gwybod eu bod yn targedu'r hyfforddiant yn gywir ac at bwrpas cyson ar draws y wlad, ac nid yn anghyson, fel ag y mae yn awr. Gwell gwerth i'r ychydig arian sydd.

[77] **Ann Jones:** Bethan, did you have a supplementary question on this?

[78] **Bethan Jenkins:** Yes, it is quite a brief question. Just to play devil's advocate, perhaps, I know that, with regard to CPD, some teaching assistants—to talk about the school

everything at 22 different levels would mean that some of that confusion could be avoided as we move to the future.

**Keith Davies:** I do not know whether you were listening to the Minister yesterday afternoon, but we are talking about splitting into regions and new councils, and do you know where the money is coming from? It is coming from the local authorities. They will have less funding, and the regions will look after that funding. I cannot see how this new body will be able to—what, battle against what will happen?

**Ms Brychan:** Oh, no. I was not suggesting that it should battle against anything, but that the role of training and promoting professional development it could achieve would be one that would—not correspond, but it certainly would not conflict with or duplicate what the consortia were doing. I would also certainly suggest that there are further negotiations to be had about the funding model over the coming weeks—I would not have thought that yesterday's statement was necessarily the end of the story.

**Mr Hughes:** Could I add something to that? I hope that I am not putting words in your mouth, Anna. There is an opportunity to have consistency, is there not? We were discussing earlier that there is some kind of consensus on what it actually means to be an effective supporter of education in the classroom. This new body provides an opportunity, through correct and adequate representation, to create a forum where those discussions can take place. If the training is then commissioned or provided by four consortia, one would hope that this body could provide guidance and a forum for the consortia, so that they know that they are targeting their training correctly and to a consistent purpose across the country, rather than it being inconsistent as it is at present. So, better value for the little funding that is available.

sector more than anything else—may be on the highest band in terms of capability, but may be on the lowest band within the school structure because of what the school can afford to pay them. What would be the incentive for those teaching assistants to register with these bodies when they know that they have perhaps reached the furthest point that they can get to within their specific remit, unless they go into the teaching profession itself? Were they to do that, then, obviously, they could receive CPD, but, if they are going to remain, and focus on being, a teaching assistant, what would be the incentive with regard to having the two elements to this body? I am not convinced at the moment that that is where the training should happen. Anna was talking earlier about the consortia, and I think that may be where the training element could lie, but I will take advice from you. That is the question that I had on that.

[79] **Ms Edwards:** Again, from an FE point of view, they are going to be missed out of that. It might be there in the consortia, but it will not be there for the FE sector. In thinking about support staff in lecturing, even if they have got to the top of where they are going and they do not wish to move any further, or for whatever reason, there is always the need for continuing professional development—practices change, resources change and ideas change, so there is still that need there. I do not know whether that answers your question. Again, there is also this idea that you are part of a professional body that is providing that support and guidance, too.

[80] **Ms Brychan:** The nature and the job descriptions of support staff in schools can vary hugely. We have the opposite problem as well. Given that job evaluation has meant a re-drawing of some jobs in schools, some of our members have been deeply frustrated that they have found themselves not able to pay some of their support staff workers more, as well as, presumably, less. I suppose that the advantage for them in a teaching council that would represent them too is that it would allow a way of recording the skills and qualifications of support staff workers across Wales, and we would have a far better picture than of their skills and their training, which, no doubt, would at some point lead to a conversation about pay scales too.

[81] **Ann Jones:** Aled has a small point on this before we go back to Simon's questions.

[82] **Aled Roberts:** Nid oes problem ymarferol yma ynglŷn â'r drafodaeth am ai'r consortia neu'r cyngor addysgu sydd yn gyfrifol am hyfforddi, achos, beth bynnag sydd yn digwydd, mae arian yn mynd i gael ei gymryd allan o'r gyfundrefn. Ar hyn o bryd, mae'r Llywodraeth wedi ymrwymo i gael 85% o'r arian yn mynd at yr ysgolion. Felly, o dan y model presennol, yr ysgolion fydd yn comisiynu hyfforddiant, nid y consortia neu unrhyw fath o gyngor addysgu newydd.

**Aled Roberts:** There is no practical problem here with regard to the discussion as to whether the consortia or the teaching council are responsible for training, because, whatever happens, funding will be taken out of the regime. At the moment, the Government has committed to have 85% of the funding going to schools. So, under the current model, schools will commission the training, not the consortia or any kind of teaching council.

[83] **Mr Hughes:** Byddaf yn ateb yn y Gymraeg. Os ydym yn mynd i ddyblygu pethau, gyda dau neu dri neu fwy o gyrff yn gweithio ar draws ei gilydd, byddai hynny'n hurt. Byddem yn gobeithio y byddai pedwar consortiwm wedi eu siapio'n well, gyda gwell syniad ynglŷn â'r hyn y maent yn ei gwneud â'r hyn maent yn ymwneud ag ef, ac ein bod ni'n gwybod bod penaethiaid a phenaethiaid adran a'r rhai yr ydwyf yn eu

**Mr Hughes:** I will answer in Welsh. If there is to be duplication, with two, three or more bodies all working across each other, then that would be absurd. What we would hope is that we would have the four consortia better structured, with a better idea of what they are doing and what they are about, and that headteachers, heads of department and those whom I represent can better understand what exactly they can expect from their consortia.

cynrychioli yn deall yn well beth yn union y gallant ddisgwyl gan eu consortia. Pan ddaw at gomisiynu'r hyfforddiant, hoffwn i weld y corff newydd hwn yn medru rhoi arweiniad—nid y comisiynu a'r gwneud—ar sut y gall mesur diben yr hyfforddiant sicrhau bod yr hyfforddiant at bwrpas ac yn creu'r *impact* hwnnw ar lawr y dosbarth lle byddai rhywun yn hoffi gweld effaith yr arian y mae rhywun yn ei wario. Ar y funud, mae pawb ar draws ei gilydd.

When it comes to the commissioning of training, I would like to see this new body able to provide guidance—not the commissioning or the actual organisation—on how measuring the objective of the training can ensure that the training is fit for purpose and has the desired impact in the classroom where one would expect to see the impact of the funds that one actually spends. At the moment, everyone is working at cross purposes.

10:15

[84] **Dr Dixon:** Our members who are support staff often tell the story that, in certain schools, they get excellent CPD, and in other schools they get virtually none. So, as has been said, I think that this new body could, in some way, act as an advocate that support staff need CPD, and that it would be able to monitor the quality of that and possibly provide some benchmarks and then some brokerage as well to say where that is available. I think that the vast majority of CPD for any staff in the education system will be delivered not by this body but it certainly could have some sort of quality control, I suppose, over what is on offer there and to flag up that there needs to be CPD for all education staff. I think that that would be a key and very welcome message.

[85] **Ann Jones:** We will now move back to Simon to finish his set of questions. We have four more areas to cover and around 14 minutes left. So, that challenges everyone.

[86] **Simon Thomas:** Mae hynny'n llai na munud yr un, rwy'n meddwl. I ddod i fwel ar hwn, mae'n ymddangos i mi bod cryn ddryswch yn bosibl yma, yn enwedig yn y ffordd y mae'r Bil wedi'i ysgrifennu ar hyn o bryd. O'r dystiolaeth yr ydych wedi'i rhoi ar bapur ac ar lafar yn awr, yr ydym yn symud yn nes at y syniad o'r corff hwn yn bod yn gorff safonau ar gyfer datblygu proffesiynol parhaus, disgyblu a chodau ymddygiad, ac yn llai o gorff darparu. Os felly—ac yr wyf yn gweld ambell un yn nodio—oni ddylid newid y geiriad ar wyneb y Bil i adlewyrchu'n well mai dyna rôl y corff hwn?

**Simon Thomas:** That is less than a minute each, I think. Just to conclude this particular section, it appears to me that there is some potential confusion in this area, particularly in the way that the Bill is currently drafted. From the written and oral evidence that you have provided it appears that we are moving towards the idea of this body being a standards body for continuing professional development, discipline and codes of conduct, and less of a provider body. If so—and I can see a few people nodding—should the wording on the face of the Bill not be changed to better reflect that that is the role of this body?

[87] **Mr Hughes:** Nid wyf yn gyfreithiwr, ond, os dyna beth sydd ei angen er mwyn sicrhau ffocws ar yr elfen safonau, 'ie' yw'r ateb.

**Mr Hughes:** I am no lawyer, but, if that is what is required in order to secure the focus on the standards element, then the answer is 'yes'.

[88] **Dr Dixon:** Yes, I agree. I think that it is clear there that this is about standards et cetera. I think that that would be better and we will all be quite clear about what this body is expected to deliver.

[89] **Ann Jones:** Okay. Thanks. Keith next.

[90] **Keith Davies:** Roeddwn ar fin **Keith Davies:** I was going to move on to ask

symud ymlaen i ofyn am y gweithdrefnau disgyblu yn gyffredinol, ond oherwydd yr hyn a godwyd gan Simon yn awr, credaf fy mod am newid y cwestiwn mewn un ffordd. Roeddwn am ofyn ichi pa mor ddigonol yw'r bwriad yn awr i ddisgyblu, fel y nodir ar y papur, a phwy ddylai fod yn beirniadu, ac, yn drydydd, a ydyw'r system apelio yn ddigon da. Fodd bynnag, teimlaf yn awr, os ydym yn sôn am weithdrefnau disgyblu, a ydym ni yn mynd i ddod i mewn, neu a ydych chi am ddod i mewn i'r system—yn dilyn yr hyn a ofynnodd Simon yn awr—i weld a ydynt yn athrawon da yn y dosbarth ac yn disgyblu ar sail safonau? Ai'r corff hwn fyddai â'r cyfrifoldeb dros ddweud, 'Wel, mae Joe Jones yn y dosbarth hwnnw yn athro anobeithiol'? Felly, ai nyni sydd â'r cyfrifoldeb bellach o sicrhau ei fod e'n gwella?

[91] **Ms Brychan:** Na.

[92] **Keith Davies:** Nid oeddwn innau'n meddwl hynny. [*Chwerthin.*]

[93] **Ms Brychan:** Mae systemau eisoes mewn ysgolion ar gyfer rheoli perfformiad athrawon. Nid chredaf fod angen rhoi jobyn ychwanegol iddynt.

[94] **Keith Davies:** Iawn, ond, i ddod yn ôl at y disgyblu sydd wedi'i nodi yn y papur, nad yw'n ymwneud â safonau ond â disgyblu athrawon sydd yn gwneud pethau o chwith, a ydyw'r system yn ddigonol? Beth hoffech chi ei weld—

[95] **Mr Hughes:** Mae'n rhaid imi ddweud ein bod ni yn reit hapus. Rydym wedi cael cyngor gan gyfreithwyr, eraill a chan ein haelodau. Roeddem yn reit hapus. Roeddem hefyd yn gweld bod yna ddatblygiad hynod o dderbyniol, sef ei bod yn bosibl i'r gwahanol elfennau ddod at ryw gyfaddawd cyn iddo fynd yn fater cyhoeddus. Credaf fod hynny'n hynod o beth positif. Nid yw'n golygu llai o ddisgyblaeth, ac nid yw'n golygu llai o blismona, fel petai, ond mae'n golygu llai o orfod mynd yn gyhoeddus a llai o'r camsyniad a'r dryswch sydd yn medru digwydd ymysg y cyhoedd pan maen nhw'n gweld bod unrhyw fater yn cael ei drafod heb iddynt wybod yn iawn beth yn union yw

about disciplinary procedures generally, but, because of what Simon has just raised, I think that I would like to change my question slightly. I was going to ask how sufficient the intention is to discipline, as it appears on paper, and who should be judging, and, thirdly, whether the appeals system is sufficient. However, I now feel that, if we are talking about disciplinary procedures, are we going to come in, or do you want to come into the system—following what Simon was just asking—to see whether they are good teachers in the classroom and discipline on the basis of standards? Will this body have the responsibility for saying, 'Well, Joe Jones in that class is a hopeless teacher'? So, will it be our responsibility now to ensure that he improves?

**Ms Brychan:** No.

**Keith Davies:** I did not think so. [*Laughter.*]

**Ms Brychan:** There are already systems in place in schools for the performance management of teachers. I do not think that we need to put any additional burdens on them.

**Keith Davies:** Fine, but, to come back to the discipline that is set out in the paper, which is not about standards but disciplining teachers who do things wrong, is the system adequate? What would you like to see—

**Mr Hughes:** We are relatively content. We have received advice from lawyers, others and from our members. We were relatively content. We also saw that there was a very welcome development, in that it is possible for the different groups to come to some compromise before it became a public issue. I think that that is a very positive thing. It does not mean reduced discipline, and it does not mean a reduced element of policing, as it were, but it does mean that we will not have to go public as often and that there will be less misunderstanding and confusion among the public, when it sees that any issue of discipline is being addressed without it knowing exactly what the detail of those

sylwedd y mater. Felly, rydym yn meddwl bod hynny'n beth hynod o dda.

matters are. Therefore, we think that this is a very positive development.

[96] **Aled Roberts:** Rydych wedi crybwyll cofrestru a ffioedd mewn rhai o'ch atebion. Mae'r Llywodraeth yn dweud ei bod yn mynd i ymgynghori'n bellach o ran trefniadau. A allwch roi syniad i ni o'ch safbwyntiau chi ynglŷn â gorfodaeth o ran cofrestru? Hefyd, a ydych yn credu ei fod yn rhan o amodau'r cytundeb gwaith i gofrestru efo'r corff newydd hwn?

**Aled Roberts:** You have mentioned registration and fees in some of your answers. The Government has said that it will consult further in terms of the arrangements. Can you give us an idea of your views in terms of enforcement with regard to registration? Also, do you believe that it is part of the conditions of the employment contract to register with the new body?

[97] **Ann Jones:** Who wants to start that one? As Robin has indicated, we will start with him and go from that side of the table.

[98] **Mr Hughes:** Yn ddelfrydol, byddai llai o orfodaeth a mwy o wneud allan o wirfodd. Ond, mae'n amlwg bod yn rhaid cael sicrwydd bod yr arian yn mynd i ddod i mewn er mwyn i'r corff fedru gwneud ei waith. Felly, mae rhywun yn disgyn yn ôl ar yr hyn yr oeddem yn ei drafod reit ar y cychwyn, sef: ydy'r hygredd yno? A yw'r corff wedi ennill cefnogaeth y pen a'r galon? Y fantais o fynd am rywbeth sy'n orfodol yw y bydd rhyw fath o sicrwydd bydd yr arian yn dod i mewn, ond, yn yr hirdymor, bydd yn anodd iawn i gorff lle mae'n orfodol arnoch i roi eich pres tuag ato. Bydd yn rhoi'r dasg i'r corff hwnnw o ennill ei blwyf ymysg y rheini y mae'r corff i fod yn eu cynrychioli a bydd hynny'n hynod anodd a byddai rhai yn amau ei fod yn amhosibl.

**Mr Hughes:** Ideally, there would be less enforcement and more would be done on a voluntary basis. However, it is clear that there needs to be an assurance that the body will be properly funded in order to carry out its work. Therefore, one returns to an issue that we discussed right at the very beginning, that is: does it have credibility? Has the new body garnered support in people's hearts and people's heads? The advantage of enforcement is that there is certainty in terms of funding coming in, but, in the long term, it will be very difficult for a body where members are required to make contributions. It will then force that body to gain its place in the hearts and minds of the people it represents and that will be very difficult, if not impossible.

[99] **Ms Brychan:** Nid wyf yn gwybod a fydd fy ateb yn gwbl foddhaol achos nid yw'n fater du a gwyn. Pan drafodon ni hwn gyda'n haelodau ni, roeddent yn hapus i dalu ffi i gofrestru gyda chorff proffesiynol cyhyd a'u bod yn argyhoeddedig o hygredd ac annibyniaeth y corff proffesiynol hwnnw. Felly, bydd ymgynghoriad pellach ynglŷn â'r ffioedd, ond mae parodrwydd o safbwynt ein haelodau ni i dalu yn gwbl ddibynnol ar natur y corff y byddant yn talu i berthyn iddo.

**Ms Brychan:** I do not know whether my answer will be entirely adequate because it is not a black and white issue. When we discussed this with our members, they were happy to pay a fee to register with a professional body as long as they were convinced of the credibility and independence of that professional body. So, there is a further consultation to be had on fees, but in terms of our members, the willingness to pay the registration fee is entirely dependent on the nature of the body of which they are paying to be a member.

[100] **Dr Dixon:** I was reading that the present situation would carry on, so that if you want to teach in a maintained school, you have to be registered with the General Teaching Council for Wales and that this would be doing the same sort of thing. That is what I thought was there in the Bill. I would just like to echo that, if that is going to be the case, then teachers, support staff, further education lecturers et cetera have to feel that they have some representation there. If you charge them for it, although we might put it flippantly, 'No

taxation without representation', that is how it will be felt, and there will be resentment from the very start with that body that they have no voice in it, yet they have to pay to be a part of it.

[101] **Ms Edwards:** I would echo what my colleagues have said. That is the way that our members feel, too. If they are going to be compelled to register with this body and will have to pay for the privilege, they want to make sure that there is something in it for them and that it represents their professional needs. So, once again, there would be some resistance to having to join a body that did not properly represent their needs.

[102] **Ann Jones:** Please be brief, Aled.

[103] **Aled Roberts:** Mae ystod eang o gyflogau, o bennaeth ysgol uwchradd i rywun sy'n cefnogi dosbarth meithrin yn rhan amser. A ddylai'r ffi fod yn gysylltiedig â lefelau cyflog neu swydd ddisgrifiadau?

**Aled Roberts:** There is a wide range of salaries, from the head of a secondary school to someone who supports a nursery class part-time. Should the fee be related to salary levels or job descriptions?

[104] **Dr Dixon:** We would say that, yes, there needs to be some tie-in with salaries, rather than just a flat rate, which would be unfair.

[105] **Ann Jones:** I see everybody nodding, so I take it that that is the consensus view.

[106] In the last set, there are two questions. Bethan, you are first and then Angela.

[107] **Bethan Jenkins:** Mae gennyf gwestiynau ar y thema o harmoneiddio tymhorau ysgolion. A ydych yn credu ei bod yn bwysig i ddeddfu yn y maes hwn? Rwy'n gwybod bod awdurdodau lleol wedi ceisio gwneud hyn heb ddeddfwriaeth yn y gorffennol, ond nid oedd yn bosibl gwneud hynny. Hoffwn glywed eich barn chi. Gwelaf yn barod fod gan bobl farn.

**Bethan Jenkins:** I have questions on the theme of harmonising school term dates. Do you think that it is important to legislate in this area? I know that local authorities have tried to do this without legislation in the past, but it has not been successful. I would like to hear your opinion. I see that people do have an opinion already.

[108] **Simon Thomas:** Duw, athrawon eisiau ateb y cwestiwn hwnnw—[*Chwerthin.*]

**Simon Thomas:** Gosh, teachers wanting to answer that question—[*Laughter.*]

[109] **Ann Jones:** Who wants to start? Go on, Philip.

[110] **Dr Dixon:** Yes, because we have waited for this. I have been in this job over eight years and we have discussed this all around the houses. For various reasons, local authorities, on their own, cannot deliver and it now needs legislation. It will be very welcome when it arrives.

[111] **Bethan Jenkins:** Beth am y pŵer ychwanegol i'r Gweinidog i ymyrryd pe bai digwyddiad mawr? Mae'r memorandwm yn sôn am gwpan Ryder, er enghraifft. Mae rhai pobl wedi dweud nad yw honno'n enghraifft dda iawn o le byddai'r Gweinidog yn ymyrryd yn y dyfodol. A fydddech yn gyfforddus gydag ymyrraeth yn hynny o beth?

**Bethan Jenkins:** What about the additional power for the Minister to intervene if there were a major event? The memorandum mentions the Ryder cup, for example. Some people have said that that is not a particularly good example of where the Minister may intervene in future. Would you be comfortable with such intervention?

[112] **Ms Brychan:** Parthed cwpan Ryder, gwnaethant ymyrryd y tro diwethaf heb fod unrhyw ddeddfwriaeth wedi ei basio. Felly, nid wyf yn gweld ei fod o angenrheidrwydd yn rhwystr. Mae'n drueni ein bod wedi cyrraedd y fan hon, ond rydym wedi bod i ormod o gyfarfodydd ynglŷn ag ef erbyn hyn i brotestio.

**Ms Brychan:** Regarding the Ryder cup, they intervened the last time without any legislation being passed. So, I do not see that that should necessarily be an obstacle. It is a pity that we have had to reach this point, but we have been to too many meetings about this to protest.

[113] **Ms Edwards:** I am not sure that intervention would have a great deal of effect on the FE sector, seeing as it is about to be deregulated. *[Laughter.]* However, the FE colleges have traditionally tried to follow the term dates set in their local areas. We would like to see FE colleges being encouraged to continue to align with schools, because staff in colleges have children too, so it affects them.

[114] **Bethan Jenkins:** Beth am y patrwm? Mae'r NASUWT wedi dweud yn blwmp ac yn blaen na fyddai eisiau cynnwys unrhyw fath o batrwm i newid y tymhorau ysgol yn gyfan gwbl yn y ddeddfwriaeth hon. A fyddech yn erbyn hynny, neu'n croesawu'r cyfle i edrych ar newid y system?

**Bethan Jenkins:** What about the school term pattern? The NASUWT has said clearly that it would not want to include any sort of pattern to completely change school terms within this legislation. Would you be against that, or would you welcome an opportunity to look at changing the system?

[115] **Mr Hughes:** Rwy'n meddwl y byddem yn croesawu'r cyfle i ni ystyried gwahaniaethu o ran tymhorau, ac edrych ar fodolau eraill i fynd o'i chwmpas. Mae cryn dipyn o dystiolaeth a dadansoddi bod y cyfnod hir hwn yn yr haf yn medru effeithio addysg, yn sicr addysg oedrannau ifanc. Byddai'n gyfle i ni wyntyllu a mynd i'r afael â'r math hwnnw o beth.

**Mr Hughes:** I think that we would welcome the opportunity to consider other models in terms of school dates and terms. There is a quite a bit of evidence and analysis that that long school holiday over the summer months can have an impact on education, certainly on younger pupils' education. It would be an opportunity to discuss and get to grips with those sorts of issues.

[116] **Bethan Jenkins:** Mae'ch aelodau—

**Bethan Jenkins:** Your members—

[117] **Mr Hughes:** Nid wyf yn dweud bod pawb yn unfryd, ond yn sicr mae cyfle i ni drafod. Byddai'n ei wneud e'n rhywbeth sy'n werth ei drafod oherwydd byddai'r potensial a'r cyfle i wneud rhywbeth amdano yn gwneud y sgwrs honno yn un mwy solet gyda mwy o ffocws iddi.

**Mr Hughes:** I am not saying that there is unanimity on this point, but certainly there is an opportunity for us to open that debate. Making it something worth discussing would be useful, because the potential and the opportunity to do something about it would make that conversation more robust and give it greater focus.

[118] **Dr Dixon:** I do not think that the spectre raised by the NASUWT is one that we need to take too seriously at this stage, because I think that the intention in the Bill is to get the agreement on the dates. As Robin says, there is a debate to be had about whether we need to look at the way in which we structure the term dates as well, but that has to be something that comes in the future and could not be decided on ministerial whim. That would be very unwise. However, if that power is used after that debate, fine.

[119] **Ms Brychan:** Roeddwn i'n meddwl mai prin iawn oedd ein ffrindiau ynglŷn â hyn, ond ymddengys fy mod wedi cael ffrindiau newydd. Rydym wastad wedi

**Ms Brychan:** I thought that we had few friends on this particular point, but it appears that I have some new friends now. We have always argued that there is an argument for

dadlau bod dadl dros edrych ar batrwm y tymhorau, nid i edrych ar gwtogi'r nifer o wyliau drwy'r flwyddyn, ond i edrych ar sut yr ydym yn didoli'r rheini trwy'r flwyddyn. Nid yw'n ddadl sy'n ymddangos yn aml ar unrhyw agenda—nid yw erioed wedi cyrraedd y top—ond ar ryw bwynt byddai'n werth ei drafod. Fodd bynnag, rwy'n cytuno â Philip mai nid dyna fwriad y ddeddfwriaeth hon. Rwy'n credu mai colli amynedd ddigwyddodd i gynnwys hynny yn y Bil. Gan ein bod i gyd wedi colli amynedd hefyd, nid yw hynny'n afresymol. Fodd bynnag, mae trafodaeth ehangach i'w chael ynglŷn â phatrwm ein tymhorau heb gwtogi ar y nifer o wyliau yn gyfan gwbl drwy'r flwyddyn.

looking at the pattern of school terms, not at reducing the amount of school holidays through the year, but to look at how those are distributed through the academic year. It is not a debate that reaches the agenda very often—it is never at the top of the agenda—but it is worth discussing at some point. However, I agree with Philip that that is not the intention of this legislation. I think that that was a matter of frustration and that is why it is included within the Bill. Given that we have all grown frustrated, that is not unreasonable. However, there is a wider debate to be had about the pattern of our school terms without reducing the number of holidays throughout the year.

[120] **Ann Jones:** Angela, move on to the last one.

[121] **Angela Burns:** I was just going to say in fact, Chair, that from reading all the evidence, no-one seems to have a problem with the decision making on the procedure for appointing Her Majesty's chief inspector becoming a First Minister responsibility. I am not sure that the NAHT expressed an opinion in its evidence, but I assume from your nod that—

[122] **Ms Brychan:** I was surprised to discover that it was not already, to be honest. *[Laughter.]*

[123] **Angela Burns:** So were we, to be truthful. I think that that is clear.

[124] **Ann Jones:** Well done, everyone—we have finished when we should have finished. Thank you all very much for coming to give us evidence today and for your written evidence as well, which we found very useful. Most of you have been here before, so you will know that you get a copy of the transcript to check for accuracy, and in case we have put anything there that you did not say. Thank you very much indeed for helping us to work through this piece of legislation.

10:30

**Y Bil Addysg (Cymru): Cyfnod 1—Sesiwn Dystiolaeth—Cyngor Addysgu  
Cyffredinol Cymru  
Education (Wales) Bill: Stage 1—Evidence Session—the General Teaching  
Council for Wales**

[125] **Ann Jones:** Let us move straight on. While we seem to be on time, let us see whether we can keep ourselves to time. Our next session this morning is to take evidence from the General Teaching Council for Wales. Our witnesses will have heard the last bit of our previous evidence session. Could I ask you both to introduce yourselves for the record? If it is okay, we will go straight into questions, because we have quite a lot of questions for you, as you can imagine, and a very limited amount of time.

[126] **Ms Jardine:** Good morning. I am Angela Jardine, the chair of the GTCW.

[127] **Mr Brace:** I am Gary Brace, the chief executive of the GTCW.

[128] **Ann Jones:** That is fine—thanks ever so much. Rebecca, do you want to start with the questions?

[129] **Rebecca Evans:** Thank you, Chair. I would like to ask you for your views on extending registration beyond teachers, and whether you think that the Bill has the right categories and sectors in it.

[130] **Ms Jardine:** I will start on this one, if that is okay. I just want to say upfront that we are going to try to be succinct in our answers. We have given a very full written response. However, if there is anything that we do not cover today, we are very willing to go back to the office and provide that in written form to you, to follow up.

[131] We would very much welcome the proposals in the Bill to extend registration to the wider workforce, to the FE sector, including teachers, lecturers, and support staff there, because we think that it is important that teaching in all its guises, and the standards there, are secured by professional registration. However, we are not convinced at the proposals to register youth workers, because we think that their main business does not necessarily involve supporting teaching and learning, and we think that, in terms of broadening registration requirements, that would be the galvanising force behind reasons for doing so. I think that, in the other consultations, there were mentions of other groups of people, such as play workers. While we would not think that they would not be registered appropriately with this body, they could register with other bodies, elsewhere.

[132] **Rebecca Evans:** Okay. We have had some suggestions that this Bill could provide an opportunity to introduce standardised job profiles. Were that to happen, do you think that that might allay some of your concerns about youth workers, and other groups?

[133] **Mr Brace:** I will lead on this. I think that it is fairly easy to define for teachers. I think that, in the FE sector, there will be some debate about who would be regulated and who would not. However, for support staff, it is possibly a little more difficult, but not impossible, to define. In our various responses to previous consultations, and I think that we have referred to them in our submission to this committee, we have said that we think that a broad definition—something along the lines of, ‘all those who are supporting teaching, and are in direct contact with learners as part of the learning process’—is a means of defining who should be regulated. Therefore, it would exclude those who provide indirect support, such as cooks, caretakers, and ancillary staff in schools, but those directly involved in supporting teaching would be included. On the idea of job profiles, I think that they could be useful, but I would not put that on the face of the Bill, and I do not think that that is a reason to delay the registration of the group—I do not think that that needs to happen first.

[134] **Rebecca Evans:** Would you be keen to see a phased approach to the registration of different parts of the education workforce?

[135] **Ms Jardine:** Yes, we think that that is most appropriate. Our concern, going forward, in a transition period, is that, from April 2015, when we think that it is likely that the new reconfigured council will come into being, the teachers who are currently registered with the GTCW will have to have a seamless transition, because they will be the people who will be registered with the new body first of all. Therefore, we are concerned to see that that is a seamless transition, and that the business of the council in supporting and upholding the standards for that group carries on without any damage or detriment.

[136] **Mr Brace:** We have no indication yet from Welsh Government as to what sequence would then be followed, whether it would be teaching assistants in schools first or further education teachers first. However, I think that it would need to be phased, in terms of registration, probably over a period of a year to 18 months, something like that. In addition,

there are the functions—which is perhaps the subject of a different discussion, later in the committee—for the council to take on, talking about registration first of all, and a phased approach to it.

[137] **Ms Jardine:** That also gives the new council time to build relationships with its new registrants and involve them in, for example, building the code of conduct and any disciplinary process that would be pertinent to that sector. If we go back to what happened with teachers, we registered everybody—it was qualified teacher status at the time—but we were not able to establish for a long period of time what the main code of conduct would look like. It was done in consultation with all those who would be affected by it, such as teacher unions and other stakeholders in education. Also, it allowed awareness of the role of the council and what the council was intending to do to develop some awareness in the psyche of the registrants. In establishing the new body, it is crucial that the registrants are involved at every level. We would see it as most appropriate and a real opportunity to be able to involve them in developing the work, structures and procedures of the new council.

[138] **Simon Thomas:** I want to take you back to an example of how much this whole field is changing very quickly and how the education workforce is going to be very different. There was a statement yesterday by the Deputy Minister on a youth guarantee, which is a guarantee of training or some kind of support until the age of 18, which is going to involve, as he has made very clear, youth workers. That seems to me to suggest that we should be more flexible right at the outset with the workforce that come under this council. You earlier expressed to Rebecca some reluctance to engage with that. I wondered how these new developments should fit in and how the Bill can be flexible enough to do that quickly enough.

[139] **Ms Jardine:** That is an important point, which we would support. We would very much welcome it if the face of the Bill was enabling, so that changes in the nature of the education workforce—for example, what has happened since 2000, when we were primarily involved with teachers in the classroom—are reflected. You will be aware that, for every two registered teachers now in a classroom in Wales, there is one support assistant. The regulations do not currently allow for that group to be included. We would hope that, in the future, rather than tying this down to specifics, the definition that we offered—involving teaching and supporting the act of learning and in direct contact with learners—would be a definition that was enabling enough to allow the council to not be fettered going forward in the groups that it can work with.

[140] **Mr Brace:** We have come at this very much as a teacher regulator, as we are now. As Angela said a little earlier, the thing that binds together the group of all those listed now in the Bill is the act of teaching. Teaching and learning is the thing. There could be a whole range of other education workforce professionals and practitioners who could be included, but I think that there needs to be coherence about the professional activity that is being carried out. If you were to compare it with another profession, you would see that, in the health sector, you have quite specific health regulators—the General Medical Council, the General Dental Council and the Nursing and Midwifery Council—and then you have a catch-all group called the Health and Care Professions Council, which captures 13 or 15 other health professions. In England, that also includes the social care sector. It seems to me that that is less coherent, in terms of what the body is about, than those that have a clear idea of the professions that they represent.

[141] **Rebecca Evans:** Another group that is not currently included is staff in independent schools. Should that be rectified in this Bill? Do you know why they are not currently included?

[142] **Ms Jardine:** It is just by the specification of the Bill that brought the GTCW into effect. I think that it is a serious loophole that this Bill has an opportunity to put right. We

think that it is quite right for practitioners to be regulated, regardless of the setting in which they work. For example, independent schools have to be inspected by Estyn, yet the staff do not need to be regulated by the professional body. We think that that is an inconsistent approach that needs to be ironed out, and it is an opportunity for this Bill to set right. There are parallels in other professions—for example, it would be highly irregular for somebody who was working in a private hospital setting to be found guilty of misconduct and then be allowed to practice in one of the national health hospitals. We see that as a direct parallel with what is able to happen at present in teaching.

[143] **Ann Jones:** Keith, do you want to take the next question—1(c)?

[144] **Keith Davies:** Gary, roeddech yn sôn **Keith Davies:** You mentioned this earlier, am hyn yn gynharach: beth ddylai'r enw Gary: what should the new name reflect? Do newydd ei adlewyrchu? A ydych yn credu you think that the name proposed is bod y cynnig sydd o'ch blaen yn awr yn sufficient, or would you prefer to see another ddigonol, ynteu a fyddai'n well gennyich name? weld rhywbeth arall?

[145] **Mr Brace:** It is interesting, because it is not just a semantic thing. I do not think that 'education workforce council' reflects the professionalism of teachers, nor do I think that it would raise the status of those who are going to come into professional regulation—teaching assistants, for example. As I said before in answer to the earlier question, teaching is the one thing that binds this expanded group of practitioners together, so I think that the word 'teaching' is an important one, and it would be very easy to replace the word 'workforce' with 'professions'. Think of 'education professions council' in the same way that you might think of 'health professions council'—it would be rather different to have 'health workforce council' as opposed to 'health professions council'. The word 'professions' and the word 'teaching' are important to include within the name of the body. A further factor is that teachers, who will still be the largest single registrant group in the new body—there will be 40,000, or potentially 70,000—understand the word 'teaching', as will FE teachers, and given the General Teaching Council for Wales, that word would provide an element of continuity. So I think that it is more than semantics; it sends some important messages.

[146] **Ms Jardine:** In our written response, we said that we would also quite like to see the word 'Wales', making it distinct. We would just ask you to be mindful that, with the name that you decide to put forward, the acronym is appropriate and that there are relevant web domains—I think that you googled 'EWC' and got some interesting—

[147] **Mr Brace:** Yes; environmental waste comes up.

[148] **Ms Jardine:** So, there are those attendant considerations as well.

[149] **Ann Jones:** Suzy, you have the next couple of questions.

[150] **Suzy Davies:** Thank you for your detailed evidence. I hear what you say about potential ministerial control or influence affecting perceptions of independence or, in fact, actual independence. You probably heard the evidence given by our previous witnesses, who were very much on the same page as you on this. How do you respond to one of the comments that was made, that having some sort of ministerial appointment on the board could be of benefit, giving more confidence to the public and reassuring the public that it is not just one great big teachers-fest?

[151] **Mr Brace:** Indeed, that is quite important. The membership of the council and the proposals in previous consultations that individual members are there for their experience and expertise, are quite important. That would not exclude somebody appointed by the Minister.

The key thing is that, when one looks at the council, one sees there the range of experience, skills and competencies that you need to be a board member, and that you understand what this wider professional group of practitioners, both in schools and further education and possibly beyond, is about. That was the point that I think we heard earlier, from the previous witnesses, about professional buy-in; there needs to be an understanding on the part of this widened group of practitioners that this group of members, however many there may be, sitting on the council, understand what their profession is about and are able to reflect that in their discussions and in the decisions that they make.

10:45

[152] **Suzy Davies:** Would you consider it a valid argument, then, that having a ministerial appointment that is not made from within the teaching profession itself would reassure you on this issue of public interest? I know that you have raised the point in your evidence that there is nothing in the wording of this Bill that suggests that, whatever this council will look like, it must protect the public interest. If you have somebody who is independent from the profession on the council, would that reassure you?

[153] **Mr Brace:** As I said, in terms of the membership of the council, it does not always mean that the, let us say for the sake of argument, 15 members of the council all come from the profession. At the moment, we have a balance on the GTCW board and probably just under 70% are either professionals or have previously had experience of teaching. The others will not be teachers; they will be lay members and will bring other expertise. It is that range of expertise on the board that makes the decisions important and meaningful. That is what I would like to see continue into the reconfigured council.

[154] **Suzy Davies:** I would like to push you on this public interest point, as you are the only witnesses who have raised it, and I know that it is inherent in the current system. I want to ask you about this in the context of the code of conduct, because you have given a very detailed explanation of how you think that could be developed rather than having a code of conduct produced by Ministers. If you are trying to avoid the idea that this council is somehow a closed shop that is protecting teachers from the wicked world outside, is there not an argument that having the code of conduct prepared by Ministers will reassure the public that it is not just teachers looking after themselves?

[155] **Mr Brace:** For the same reason—and I can refer back to what the GTCW did in creating a code, to which Angela referred earlier—this is not something that officers develop nor is it something that just the board develops. You pull together a task and finish group that will be widely representative of the groups of people—in this case, it would be a widened group of practitioners—to develop the code. We took some time over that. We were formed in September 2000; 15 months later, in January 2001, we launched our first code. Since then, it has gone through three iterations. So, the code that you may have seen is very much a development from what we started some 13 years ago. However, it has always been in consultation with the group of practitioners. Also, just like the council, the task and finish group would have to involve a wide range of stakeholders to bring in those wider perspectives.

[156] **Suzy Davies:** Are you not confident that the public interest is being protected, then? I am curious as to why you specifically want those words in the Bill.

[157] **Ms Jardine:** We believe that it is to do with protecting both the profession itself and the public. So, it is two-pronged: making it upfront on the face of the Bill that the new council will act in the interests of the public offers professional protection and it militates against those possible accusations that we are a closed shop and in it just to protect the interests of teachers and those involved in teaching. By having that signposted clearly on the face of the

Bill, those concerns can be laid to rest.

[158] **Suzy Davies:** So, the wide expertise that you have just been speaking about is not enough to reassure the public.

[159] **Mr Brace:** The existing council operates under the 1998 Act, which includes the words ‘in the interests of the public’. The two aims are virtually identical, in the 1998 Act and the proposed Bill, with the exception of ‘in the interests of the public’ being included at the end of it. So, the current council reflects that, both in its composition and in the way in which it must carry out its activity.

[160] **Ms Jardine:** That makes it clear for everybody. It reduces any possible allegations against the council that it is not acting in that way, and it reassures the public. Let us have it in the Bill, so that it does what it says on the tin, in the words of the Minister who is introducing it.

[161] **Suzy Davies:** So, you consider it to be more of an omission, rather than a green light, that standards could slip.

[162] **Ms Jardine:** Well, we believe that it is easily rectifiable. We also think, looking across the regulators of other professions, it is a common phrase in their regulations.

[163] **Ann Jones:** We will move on to discuss the practical arrangements for the new registration body. Simon will take the first set of questions.

[164] **Simon Thomas:** Gofynnaf fy nghwestiynau yn Gymraeg. Mae'n eithaf clir o'ch tystiolaeth drwyadl nad ydych yn hapus gyda'r cydbwysedd sydd yn y Bil o ran swyddogaethau'r cyngor newydd, yn enwedig o gwmpas cefnogi datblygiad proffesiynol parhaus. A ydych wedi cael unrhyw sylwadau neu adborth gan Lywodraeth Cymru ynglŷn â pham nad yw'r rôl hon mor glir ar wyneb y Bil hwn, gan ystyried fod hynny wedi bod yn rhan o'r ymgynghoriad?

**Simon Thomas:** I will ask my questions in Welsh. It is quite clear from your thorough evidence that you are not content with the balance struck in the Bill as it is currently drafted in terms of the functions of the new council, particularly in relation to supporting continuous professional development. Have you had any comments or feedback from the Welsh Government as to why this role is not more clearly set out on the face of this Bill, given that it was part of the consultation?

[165] **Ms Jardine:** That was what puzzled us, in effect. The intention was raised in both consultations for the body to have some remit in this area. The danger, from our perspective and from our experience of what has gone before, is that unless it is on the face of the Bill, these things might not happen and other things could take precedence over what we feel is a crucial role for the professional body to have. We are not saying that we want the reconfigured council to be preparing and delivering courses of CPD; that is highly inappropriate. There are moves—as you will be aware from the response to the Hill report yesterday—for consortia to have a role in school improvement, but we are aware also from talking with people who represent the potential new registrants to the body that there is a range of CPD on offer and it is variable in quality and availability. We see the role of the council as being able to provide quality assurance, to acknowledge courses that are professionally appropriate and rigorous, and to kitemark certain providers. We developed advice for a professional development framework for teachers in 2004, and a clear area of that work suggested that professional development needs to be enhanced by having national standards for accredited providers and that the council would be well placed to do that.

[166] **Mr Brace:** May I add to that? There were other things, which you hinted at in your

question, that were explicit in the consultation. We believe that professional standards and the ownership of those are things that naturally should fall to a professional body. If you think about the health sector, it would be unthinkable for Government to decide what the training standards would be for doctors. That is something that the medical profession decides. Similarly, with many other professions, such as engineering and accountancy, the standards are owned by the profession. We believe that that is something that was consulted upon, but we do not see it explicitly in the Bill. The starting point for training is initial training. We believe that, with regard to the accreditation of courses, a professional body saying, ‘This is professionally appropriate and starts you off on the career path well’ is something that the professional body should do. So, rather than leave it open, as the Bill does, that

[167] ‘Welsh Ministers may by order confer or impose on the Council such additional functions as they consider appropriate’

[168] which is far too vague, we think that it should be quite explicit that it involves continuous professional development and in those areas that we have outlined.

[169] **Ms Jardine:** It also then avoids any misunderstandings between any of the stakeholder groups that the council will not have any remit over these areas. It adds to the clarity.

[170] **Simon Thomas:** Holais y tystion blaenorol, a oedd yma ar ran undebau athrawon, ynglŷn â hwn, ac roeddent yn croesawu'r syniad y byddai'n gliriach ar wyneb y Bil petai'n amlwg mai corff datblygu safonau proffesiynol ydoedd—nid corff sy'n darparu, o reidrwydd, ond, fel yr ydych wedi'i awgrymu, corff sy'n meincodi er mwyn sicrhau'r safonau uchaf posibl. Rwy'n gwybod eich bod yn cytuno, ond a oes modd ysgrifennu hynny ar wyneb y Mesur yn eich barn chi? A oes enghreifftiau? Er enghraifft, rydych chi'n sôn yn eich tystiolaeth am y cynghorau addysgu cyffredinol eraill, ond a oes enghreifftiau eraill o sut mae hynny wedi cael ei gyflawni?

**Simon Thomas:** I asked the previous witnesses, who were here on behalf of the teaching unions, about this, and they welcomed the idea that it would be clearer on the face of the Bill if the new body was a body to develop professional standards—not a provider body, necessarily, but as you have suggested, a benchmarking body to ensure the highest standards possible. I know that you would agree with that, but how could that be placed on the face of the Bill in your opinion? Are there examples? For example, you mention in your evidence the general teaching councils elsewhere, but are there other examples of how that has been achieved?

[171] **Mr Brace:** Yes, there are, thank you. In response to your question, it is possible to put it on the face of the Bill. The current Act that governs the GTCW does, at the request of Ministers, enable the current council to undertake activities in the field of CPD. So, such a phrase—‘undertake activities’—could be used, and, perhaps, to go further—we would suggest going further—there could be a list of professional standards, accreditation of initial training and quality assurance of continuous professional development. So, that is a way to place it on the face of the Bill in the way that the Bill says that the council can promote careers. Similarly, the Bill could say that it has these standards functions in relation to CPD.

[172] In respect of the second question, yes, there are examples, which we have provided in our evidence in the annex. Both the General Teaching Council for Scotland and the Teaching Council in Ireland carry out these responsibilities. Scotland, for example, has a suite of professional standards, which it issues from initial training right the way up to headship. The annex is there. The Teaching Council in Ireland demonstrates how it goes about working with the sector to accredit, for example, initial courses of teacher training. So, there are systems out there on which it would be easy for us to piggyback.

[173] **Ms Jardine:** Could I also add that there may be a practical implication for not having that stated on the face of the Bill—the role for CPD? Currently, the General Teaching Council for Wales, as you know, has some responsibility for administering funding for induction and the Master’s in educational practice, and we also have an attendant responsibility that we took on in September to help match the newly qualified teachers to their mentors. If that was not apparent in the Bill moving forward, such work might not be possible to continue and might be open to challenge.

[174] **Simon Thomas:** May I ask, for clarity, around where different responsibilities might then fit? You talked, for example, about initial teacher training. Estyn also has a role in inspecting that—there was rather a bad inspection report yesterday, for example. So, how can we clearly define the roles? If you are setting the proposed standards but you have another role inspecting, how do we ensure that it is still clear, to go back to your earlier point in terms of public interest, about who does what and who is responsible for delivering what?

[175] **Ms Jardine:** We do not see it as duplication. I do not know whether Gary wants to add to that, but they are quite separate processes.

[176] **Mr Brace:** We made clear in our response to the second consultation that while Estyn accredits the institution as being an appropriate provider, nobody in Wales at the moment is saying, ‘This is an appropriate set of content for a course of teacher training’. It is rather that an accredited institution must deliver the qualified teacher status standards, but nobody is saying, as, for example, you would see in the Teaching Council in Ireland’s document, ‘We think a course should consist of the following things’. Professionally—

[177] **Simon Thomas:** May I just give an example, as it might help to illuminate us a bit more? Our committee did an inquiry on attendance and behaviour and was struck by how little training teachers were getting—as little as two hours in a whole year—on how to deal with attendance and behaviour issues. Is that an example of where you would have a standard? So, you would have training around attendance and behaviour in line with the professional standards. Is that what you are talking about? To that level of detail within teacher training?

[178] **Ms Jardine:** I think that it is probably about looking at what is professionally appropriate, rather than about defining specifics. Obviously, the specifics of what teachers are required to do against certain priorities of the time will vary. However, we think that the body would have a clear role in setting the overarching standards for what is required professionally to become a teacher, a learning support assistant, or whatever, over a period of time.

11:00

[179] **Mr Brace:** I refer you to annex E of our document, which is the Teaching Council in Ireland example—Scotland would also have something similar to that—so that you can see the breadth, as opposed to the minute level of detail, that it goes into.

[180] **Simon Thomas:** That would not have to be on the face of the Bill; some of that could be done in regulations or later down the line.

[181] **Mr Brace:** Absolutely, what we are saying is that the Bill should say that the council would have responsibility for accrediting initial teacher training, and then it is over to the council, using its professional knowledge and drawing upon its council experience and skills, to pull together a group that would draw up such a set of criteria and guidelines.

[182] **Bethan Jenkins:** Following on from that, I want to understand what you are doing

now, so that a change could happen. For example, with the Government putting forward the new numeracy and literacy plan, have you had any role in looking at standards in how that training is delivered on the ground? If not, would that be an example of what you could be doing in the future?

[183] **Mr Brace:** We do not have any role in that. Our only role has been in responding to consultations like other stakeholders. In the future, if a responsibility was given to the council to quality-assure CPD, there would be certain courses in relation to literacy and numeracy that would have the imprimatur; they would have the badge of being an appropriate course to deliver whatever it may be. There would be a list of providers and a set of standards that they would have been accredited against.

[184] **Ann Jones:** We need to make some progress. Keith, do you want to ask a question?

[185] **Keith Davies:** Byddaf yn gofyn fy nghwestiwn yn Gymraeg. Roeddech yn sôn yn gynharach am safonau proffesiynol, beth felly yw eich barn am y swyddogaethau disgyblu sydd gan y cyngor newydd?  
**Keith Davies:** I will ask my question in Welsh. You mentioned earlier the professional standards, what, therefore, is your view on the disciplinary functions of the new council?

[186] **Mr Brace:** They are very similar to the disciplinary functions that the council currently carries out in respect of teachers, in the sense that the separation of stages, from the investigation through to the hearing and the sanctions available to the reconfigured council, are similar but with some additional ones. We are disappointed that the holistic approach proposed in the consultation is not on the face of the Bill. Currently, we have to carry out our disciplinary functions, because of the Act, under three headings: professional misconduct; serious professional incompetence; and relevant criminal offence. The proposal in the consultation was that they would be wrapped up into one definition: 'fitness to practice'. That is something that we have advocated and supported. We have been led to understand from officials that this can be dealt with in regulations, even though the definitions in the proposed Bill use the same three separate definitions. We have taken legal advice on it ourselves and that advice suggests that it would be far more secure to use the phrase 'fitness to practice'. Again, going back to semantics, it is much more than that. The more holistic approach of 'fitness to practice' places a greater emphasis on the current fitness of the practitioner. This means that there is a greater reliance on references and current health, rather than on historic events of misconduct or criminal offence.

[187] It is generally a move made by the other teaching councils—the General Teaching Council for Scotland and the Teaching Council in Ireland. When they take on their disciplinary functions, they will use 'fitness to practice'. Most of the health regulators have moved in the direction of 'fitness to practice'. As it stands at the moment, we would carry on doing, with those three definitions, what the council currently does with teachers, but it could be better.

[188] **Keith Davies:** Ond, efallai y bydd llawer mwy o achosion mewn gwahanol feysydd. A fydd hynny'n faich ar y cyngor newydd?  
**Keith Davies:** But, perhaps there will be many more cases in various areas. Will that be a burden on the new council?

[189] **Mr Brace:** Undoubtedly. I think that we can expect the number of case referrals to go up. We have supplied a detailed annex for you, annex G of our evidence, with all of the casework that we have done since we took on that responsibility. I think, although one cannot be precise, because we have never done it for a wider group of practitioners, that you could expect the casework to increase proportionately, and yes, there are financial implications to that. It is expensive work.

[190] **Keith Davies:** Roedd yr undebau yn gynharach yn hoffi'r ffaith bod y system wedi ei newid fel bod athrawon yn gallu cael eu gweld heb ei fod yn mynd yn gyhoeddus—eich bod yn gallu ei gadw'n fewnol. A ydych yn gweld hynny'n digwydd i bob un yn y gweithlu?

**Keith Davies:** Unions earlier liked the fact that there had been a change in the system and that teachers could be seen without it going public—that it could be kept as an internal matter. Do you think that that will be the case for everyone in the workforce?

[191] **Mr Brace:** Yes, this is one of the changes: the idea of agreement by consent. We think that that is a positive move. It will not involve a lot of cases. It is going to involve only those cases that perhaps formerly or currently would go to a hearing, but where the person involved would put their hands up and say, 'Yes, I did do it. I don't ever intend to teach again. I accept the outcome.' This would, therefore, prevent the need for a hearing to take place. It is not going to be a large number, but it is a good move.

[192] **Keith Davies:** Y cwestiwn olaf sydd gennyf yw: beth yw'r system apelio sydd gennych yn awr ac a ydych yn credu y bydd hwnnw'n newid?

**Keith Davies:** My final question is regarding your appeals process: what is that system and will that change?

[193] **Mr Brace:** As far as the disciplinary work is concerned, that is the same. We are a quasi-judicial tribunal, so the next stage beyond the council is an appeal to the High Court. That is the current arrangement for GTCW and that is what is proposed in the Bill, so it is the same.

[194] **Ms Jardine:** We also currently have the remit to listen to appeals for those people who have failed their induction; they come to the council, and we listen to those.

[195] **Ann Jones:** We have got fewer than 10 minutes for three very important areas so, again, we are going to have to focus on those. Aled, do you want to take the next set?

[196] **Aled Roberts:** Fel y byddech yn disgwyl, rydym wedi cael tystiolaeth gan yr undebau ynghylch a ddylai fod gorfodaeth o ran cofrestru ac a ddylai athro neu athrawes gael eu cofrestru cyn iddynt gael eu cyflogi fel athrawon. O ran y ffi, a ydych yn credu y dylai fod yn seiliedig ar incwm gofynnol y cyngor? Hefyd, os ydym yn sôn am ehangu cyfrifoldebau'r cyngor i gynnwys safonau a phethau felly, a ydych wedi gwneud unrhyw waith ar beth fyddai effaith y cyfrifoldebau newydd hyn ar wariant y cyngor ac felly ar lefelau ffioedd i'r meysydd gwahanol hyn?

**Aled Roberts:** As you might expect, we have received evidence from the unions on whether registration should be mandatory and on whether teachers should be required to be registered before they could be employed. In terms of the registration fee, do you believe that it should be based on the income that would be required by the council? Also, if we are talking about expanding the responsibilities of the council to include standards, have you done any work on what the impact of those new responsibilities would be on the expenditure of the council and, therefore, on the fee levels for these different areas?

[197] **Mr Brace:** Could I set out some principles, first of all? The fee is fundamental to an independent, self-financing organisation. We are currently not free to run ourselves in that way, because of the ministerial approval of the fee. As with any body, the statutory responsibilities that we have lead to a set of costed activities, which are the means by which you create your budget, and then by dividing that expenditure by the fee income, which, of course, would probably be tiered in the new arrangement, you come up with what the fee should be. So, that is a very important principle that, at the moment, is putting us in a very

difficult position. The Minister has the veto over the fee and, inevitably, political decisions—with a small ‘p’—come in, and that impacts upon our ability to carry out our statutory role. If we are going to be effective in terms of our financial management and to be fully accountable, the new body needs to be empowered to take decisions with regard to fee setting. I think that that is a very important principle.

[198] To go on to the second part of it, there is no reason, we think, why you could not register people once the Bill is passed and the secondary legislation is through. If we take what happened with teachers, in September 2000, the body was formed and, in five months, the council had pulled together, by working with schools and local authorities, who the teachers were and was able to put them on the first register. There was a period of time when they did not have to pay a fee, because the Government funded the first set-up years of the council. However, incrementally, within three years, teachers were paying a full fee. So, we do not think that there is any reason why new groups of registrants could not be registered from the outset, once you have identified, by working with schools, local authorities and further education colleges, who they are and then, at some set point, the fee is charged.

[199] **Aled Roberts:** By way of comparison, you mentioned Ireland and Scotland having these greater responsibilities as far as their GTCs are concerned; what are their comparative fee regimes, and are they set up on the basis that, in effect, their councils determine the fees rather than it being a matter for ministerial approval?

[200] **Mr Brace:** Yes, that is correct. The General Teaching Council for Scotland determines its fee. It does not need ministerial approval for that. In terms of comparators, we and the Scottish council are currently exactly the same; the Northern Ireland council fee is £44, which is £1 less. However, I understand that there are discussions going on in Scotland to increase that fee. This is all about the general principle that I talked about earlier of sensible financial management, of budgeting properly and saying, ‘These are the activities and this is what it costs to carry out those statutory responsibilities’.

[201] **Bethan Jenkins:** A ddylai’r costau ar gyfer datblygiad proffesiynol a datblygiad gyrfaoel gael eu gwahanu o’r ffi gyffredinol? A yw hynny’n ddigon clir i chi? Mae sôn yn y memorandwm esboniadol am swm o £100,000; a ydych yn cytuno â hynny ynteu a oes angen mwy o eglurder yn hynny o beth?

**Bethan Jenkins:** Should the costs for professional development and career development be differentiated from the general fee? Is that adequately set out? The explanatory memorandum mentions a sum of £100,000; is that something that you agree with or is there a need for more clarity in that regard?

[202] **Mr Brace:** The reference in the explanatory memorandum is not to do with CPD but promoting careers in the profession. However, the principle is the same.

[203] **Bethan Jenkins:** I mentioned careers, but I do not know whether that came over.

[204] **Mr Brace:** Yes, it is to do with careers in the profession. That should not be paid for by teachers’ or other practitioners’ registration fees; it is a public responsibility. The Government currently gives something like £0.75 million—the last time it undertook this work, it did it via the training and development agency in England, which no longer exists, and that was £0.75 million. So, it is the public purse that pays for it. That is the first principle. The second issue that we made in our submission is that the suggestion that £100,000 would be enough to promote careers across a wider range of practitioners is wholly inadequate. If £1 million per year was given by the Welsh Government to the Training and Development Agency for Schools in the past just to promote careers in teaching, surely a tenth of that will not be enough to promote careers across a wider range of practitioners.

[205] **Bethan Jenkins:** Do you have an idea of the sum that you would need in terms of incorporating the development of careers in other areas? What would be the challenges if you had this particular sum of money at the end of the day? We would like to gain an understanding of the practicalities.

[206] **Mr Brace:** That sort of detailed discussion is really for, if you like, the reconfigured council to lead. However, if it was felt to be appropriate, we could do some work on that if we were asked to do so by officials. It is not within our current remit. So, we would have to be asked to do that and to provide information.

[207] **Bethan Jenkins:** It was only that, if we were going to be making a suggestion, it would help us, I suppose. However, you are saying that it is insufficient.

[208] **Mr Brace:** As a minimum, you can see what previously the Government has paid for the promotion of careers in teaching, and it is a tenth of that for a much wider group of practitioners, so it looks inadequate.

[209] **Angela Burns:** I have a couple of quick questions on funding. In your evidence, you very clearly say that the current financial position of the council is under great pressure and that the absence of a small annual fee increase has exacerbated this position. You talk about the fact that you have made the decision not to put up the fees for the last few years. You then go on to say that, going forward, the Wales Audit Office may take the view that you are not operating as a going concern. So, I have a couple of questions. Is that likely to be a view that it might take in the current situation? Going forward, has the Government offered any pump-priming to the new organisation so that you can set yourselves up in a more financially robust way? Finally, where do you think that flexibility on fees should sit?

11:15

[210] **Mr Brace:** In terms of the first couple of questions, I would hope that we would not get to a situation where the Wales Audit Office was qualifying our accounts. We are alerting you to the serious situation that is developing. Our fee has been set at the same level for six years. This is the sixth year. Think of the cuts that we have made latterly and exceptionally. We have delved into the general reserve, which is not the way to run an organisation to keep it afloat. We are currently in a situation where there is very little flesh left on the bone, and it is highly likely that we will be recommending a fee increase for 2014-15, which is the final year of GTCW before it is reconfigured. That leads to the second point about funding for start-up costs. We have not had any discussions with Government about that, but we are indicating very firmly that there will be set-up costs for the next two to three years, and they will start in 2014-15. Communication will be absolutely central. Just to use one example, new registrants need to know what this body is about and what it is intended to do. That will have to happen prior to the new body coming into existence, to avoid what happened in 2000 when GTCW was first formed. It was a real struggle.

[211] **Angela Burns:** Just to pick up on one point, you said that you had not had any discussions with the Government, but looking at the explanatory memorandum that accompanied this Bill, do you feel that the Government is looking at this issue at all in terms of requiring a pump-priming sum?

[212] **Mr Brace:** I do not get that indication from the explanatory memorandum. Clearly, work has been commissioned to look at subsidisation of the registration fee, which should not be confused—I emphasise this—with the actual fee that the council will wish to charge for the activities. That goes back to my point of principle right at the beginning. I know that Assembly Members will already be discussing the budget for 2014 to 2015, probably as we speak, and we hope that provision is made in the 2014-15 year, prior to GTCW

reconfiguration, for start-up costs. I turn to Angela in terms of the final question.

[213] **Ms Jardine:** It is also important, in terms of the perception of the teachers who currently register with GTCW, that if the business case shows that we need to recommend a fee increase, they do not feel that they are being made to pay for the establishment and the broadening of the remit of the reconfigured council. So, we think that it is absolutely essential, if there is going to be any pump-priming, that it is made public as soon as possible and is communicated with the teachers who currently register and those who will come online. We think that it is an important point to make.

[214] **Angela Burns:** I have one very quick final question. The pump-priming element aside, in the normal course of events—you talked about not having had any fee increases for six years—you must have done the actuarial workings out, so where do you believe that the fees should currently be sitting, if it is not £45?

[215] **Mr Brace:** Given the situation that we are currently in, we will be bringing this forward to the Minister for approval under the current arrangements; and because it has been static for six years, the cuts that have been made and the erosion of the general reserve suggest that it needs to be in the region of £6 to £8 more than it currently is. Had we been in a different situation, of being able to control this and budget, we would have made small incremental increases in line with inflation. At £45 six years ago, that was fine. If one had just moved slowly, incrementally, with inflation we would not be in a situation where we have huge leaps, which never goes down well.

[216] **Ann Jones:** Thank you. We are now out of time. I thank you for your evidence and for your written evidence, which was very helpful indeed. We will send you a copy of the transcript to check for accuracy.

[217] **Mr Brace:** If there is anything else that the committee would like us to provide, please ask.

[218] **Ann Jones:** That is very helpful. Thank you. Committee, I know that we are running late, but shall we break until 11:30? I see that you agree.

*Gohiriwyd y cyfarfod rhwng 11:19 a 11:29  
The meeting adjourned between 11:19 and 11:29*

**Y Bil Addysg (Cymru): Cyfnod 1: Sesiwn Dystiolaeth—Estyn  
Education (Wales) Bill: Stage 1: Evidence Session—Estyn**

[219] **Ann Jones:** We will reconvene and thanks very much to Estyn for waiting. We are sorry we are running late, but we will try to rectify that and move on. Our last evidence session is with Estyn. May I ask you to introduce yourselves and we will then go straight into questions? Ann, do you want to start?

[220] **Ms Keane:** Ann Keane, prif **Ms Keane:** Ann Keane, chief inspector arolygydd Estyn, sef arolygiaeth addysg ac Estyn, which is the education and training hyfforddiant Cymru. inspectorate for Wales.

[221] **Mr Rowlands:** I am Meilyr Rowlands, strategic director.

11:30

[222] **Ms Scott:** I am Jassa Scott, assistant director with responsibility for our special schools, pupil referral unit inspections and independent schools.

[223] **Ann Jones:** Thank you. If it is alright, we will go straight into questions. We have five themes to discuss, so I ask Members to keep an eye on the clock, because we have only a brief session and we need to make progress on each of the themes. Rebecca, do you want to start on the first theme?

[224] **Rebecca Evans:** My first question is: do you feel that this legislation is necessary to reflect the change in the workforce in education, and do you feel that the right categories of the workforce have been included in the Bill?

[225] **Ms Keane:** Yes, we welcome the Bill. We see the need for a council that reflects the fuller membership of the education workforce in Wales and we look forward to seeing that remit expand in terms of workers. Obviously, there are advantages if teachers who work with the 14 to 19 age range, for instance, are working to the same professional standards and to the same expectations. So, yes, we do see that advantage. Obviously, we have said in the paper where we see that there may be some issues with the categories, and, indeed, there may be some issues in relation to the speed at which some categories of people can be registered.

[226] I think that Schedule 2 is pretty broad and general in its categorisation. Obviously, there is a lot of work that needs to be done in order to specify the categories, the qualifications and the equivalent qualifications, and to consider the issue of part-time workers in the sector. In particular, those who concern us are the visiting tutors or the people whose main employment is elsewhere—the lawyers, architects and designers whose day job is different from teaching, but who give a very valuable input to vocational and occupational courses in FE colleges.

[227] **Rebecca Evans:** How do you think that we can get over that issue? Would it be to introduce a new category again that reflects people's day jobs, if you like?

[228] **Ms Keane:** I think that there are two issues. Obviously, there is the issue that registration itself could recognise the exceptional nature of their contributions to teaching. But, there is also the issue of qualifications and equivalent qualifications. Certainly, my feeling is that exceptions would need to be made in order for us not to lose the immensely valuable contribution that they make for learners in Wales.

[229] **Rebecca Evans:** We have heard some suggestions that this Bill might provide the opportunity to create some standardised job profiles. Do you think that that might be helpful and would that help to allay some of your concerns about the categories?

[230] **Ms Keane:** Certainly, a whole world opens up in terms of comparability and recognising the different roles that people play at different levels in education. So, I would hope that there would be further standardisation of expectations at different levels as a result of this kind of initiative.

[231] **Rebecca Evans:** Do you have particular concerns about the youth workers and the workforce—I cannot remember the exact term that we use—the people who provide teaching in a workplace environment? Do you have concerns about them being involved as well? We have heard some people say that youth workers do not really fulfil a teaching role, but others say that they do.

[232] **Ms Keane:** I think that youth workers fulfil a very important support role in education and training in its widest context and widest sense. I think that we made the point in the original consultation that youth workers should be considered for inclusion. As I see it, the Bill opens the door for further categories of people to be included later in the process.

[233] **Ann Jones:** Do you want to ask question B, as well?

[234] **Rebecca Evans:** Okay. What do you see as the main challenges for the Welsh Government and the new council implementing this greater scope of registration? For example, would you like to see some phased implementation to see if that could help to make it work?

[235] **Ms Keane:** Phased implementation would make a lot of sense. There are groups of workers and teachers in FE, for instance, that you could pretty well go ahead and register—they would have equivalent qualifications. However, one of the issues that would be raised would be that, unlike in schools where you have to have qualified teacher status before you start teaching, in FE, you can start teaching and then gain your professional qualifications in the course of that teaching. So, there would be some issues to overcome in respect of differing arrangements in relation to different groups of people.

[236] **Rebecca Evans:** So, registration should not be based on a blanket provision of qualifications that are currently held.

[237] **Ms Keane:** Someone would need to trawl the qualification profiles of people, and I think that it would be a fairly straightforward job to do in the main, with a lot of teachers and FE teachers who already have teaching qualifications, but it might be a little more complicated for part-timers and those whose qualifications are mainly in occupational areas, as that would make it difficult to work out equivalencies. I am sure that, at the margins, there would be some issues for whoever would be working out equivalencies and so on.

[238] **Ann Jones:** Thanks. We move now to theme 2. Simon, do you want to take the first set of questions? Aled can then ask the next set.

[239] **Simon Thomas:** Yn gyntaf oll, ym marn Estyn, a yw'r cydbwysedd yn iawn ar wyneb y Bil rhwng y ddau nod sydd i'r Bil, sef yr ochr cod ymddygiad a disgyblu ac yna'r ochr cefnogi datblygiad proffesiynol a safonau addysgu? Yr ydych yn glir iawn yn eich tystiolaeth ynglŷn ag un nod, sef yr ochr ymddygiad, ond nid ydych mor glir am yr ail nod. A ydych yn meddwl ei fod yn ddiffygiol?

**Simon Thomas:** First of all, in Estyn's opinion, is the balance right on the face of the Bill between the two aims of the Bill, namely the code of conduct and discipline side of things and the supporting of continuing professional development and educational standards? You are very clear in your evidence about the one aim, the one on conduct, but you do not have too much to say about the other. Do you think that it is deficient?

[240] **Ms Keane:** Mae'n codi cwestiwn. Mae'r nod cyntaf yn glir, ac rwy'n credu nad oes unrhyw bryder gennym amdano. Gyda'r ail nod, mae rhai cwestiynau yn codi. Nid oes gan y cyngor ar hyn o bryd rôl cryf i gynnal a chefnogi datblygiad proffesiynol ar gyfer athrawon. Ym marn Estyn, mi ddylai'r swyddogaeth honno o gefnogi datblygiad proffesiynol fod yn agos iawn at y ddarpariaeth, sef y pwynt lle mae'r ddarpariaeth addysg yn cael ei gwneud—hynny yw, yr ysgol neu'r gwasanaeth cefnogi ysgolion yn hytrach na—

**Ms Keane:** It does raise a question. The first objective is clearly set out, and I do not think that we have any particular concern about it. With the second, some questions do arise. The council at present does not have a strong role in maintaining and supporting CPD for teachers. In Estyn's view, that function of supporting continuing professional development should remain very close to the provision, that is, at the point where educational provision is made. That is, the school or the school support service rather than—

[241] **Simon Thomas:** Yn sgîl cyhoeddiad

**Simon Thomas:** Following the Minister's

y Gweinidog ddoe, rydych yn sôn am y consortia i bob pwrpas.

[242] **Ms Keane:** Ydw, y consortia. Ni ddylid creu cyllid ar wahân neu rôl ar wahân a fyddai'n creu cymhlethdod o ran pwy sy'n gosod y blaenoriaethau ar gyfer hyfforddiant yng Nghymru. Rwy'n credu bod angen polisiau cryf o'r Llywodraeth ganolog, ond mae hefyd angen i'r ysgolion chwarae eu rhan i glymu blaenoriaethau addysgiadol eu hysgolion neu eu clwstwr o ysgolion, neu yn y consortia, wrth ddatblygu proffesiynol yr athrawon. Yn ein barn ni, gyda'r ysgolion a'r consortia y dylai'r swyddogaeth honno fod, achos maen nhw'n nes at y pwynt lle mae'r plant yn derbyn yr addysg, yn hytrach nag ymhellach i ffwrdd.

[243] Mae'r ail agwedd ar hynny ynglŷn ag achredu'r safonau a chyrtsiau hyfforddi cychwynnol athrawon. Fel yr ydych yn gwybod, rydym ni ar hyn o bryd yn arolygu gwaith addysg uwch wrth gynnig cyrsiau hyfforddi, ac yna yr ydym yn adrodd i HEFCW, y cyngor cyllido, sy'n achredu ar ran Llywodraeth Cymru. Eto i gyd, i greu patrwm syml a chredadwy, gwelaf fod y system honno'n gweithio yn reit dda ar hyn o bryd. Rwy'n credu bod angen i'r Llywodraeth berchenogi ar y safonau, achos hi sy'n perchenogi'r polisiau sy'n seiliedig ar y safonau ac yn gysylltiedig â hwy. Felly, nid wyf yn teimlo'n gryf y dylid creu cymhlethdod pellach wrth greu swyddogaethau newydd i gorff ar wahân.

[244] **Simon Thomas:** Diolch am hynny; mae'n ddiddorol. Mae cysondeb barn yn y dystiolaeth yr ydym ni wedi ei derbyn fod anghydbwysedd rhwng y ddau nod hyn. Mae pawb yn cytuno ei bod yn amlwg bod y naill nod dipyn yn gryfach na'r llall. Mae'r rhan fwyaf o'r dystiolaeth yn sôn am 'biffio lan' y nod arall a'i dodi'n gliriach ar wyneb y Bil. Rydych chi'n awgrymu na ddylid. Nid wyf am roi geiriau yn eich ceg, ond yr ydych fwy neu lai yn awgrymu y dylid canolbwyntio ar yr un nod a gwneud yn siŵr am hwnnw, achos mae'r nod arall yn cael ei ddarparu mewn ffyrdd eraill a chan swyddogaethau eraill, ac ati.

[245] I fod yn glir felly, a fyddech am

statement yesterday, you are talking about the consortia to all intents and purposes.

**Ms Keane:** Yes, the consortia. An additional budget or an additional function that would complicate the issue of who sets the priorities for training in Wales does not need to be created. I think that we need robust policies from central Government, but schools also need to play their part in tying the educational priorities of their schools or their school cluster, or within the consortia, to the continuing professional development of their teachers. In our opinion, that function should sit with the schools and the consortia, because they are closer to the point at which the education is delivered to pupils, rather than farther away, as would be the case with the council.

The second aspect of that concerns the accreditation of standards and initial teacher training courses. As you know, we are currently inspecting the work of higher education in providing these training courses, and then we report to HEFCW, the funding council, which provides accreditation on behalf of the Welsh Government. However, to create a simple and credible pattern, I see that the system is working relatively well at present. I think that the Government needs to take ownership of the standards, because it has ownership of the policies that are interlinked with those standards. Therefore, I do not feel strongly that we should create further complexity in providing further functions to a separate body.

**Simon Thomas:** Thank you for that; it is interesting. There is unanimity in the evidence that we have received that there is an imbalance between these two aims. Everyone is agreed that one is clearly stronger than the other. Most of the evidence that we have received talks about beefing up the other aim and placing it more clearly on the face of the Bill. You are suggesting something else. I do not want to put words in your mouth, but you are more or less suggesting that they should concentrate on that one aim and make sure that that is right, because the other is provided by other means and by other functions and so on.

To be clear about this, therefore, would you

wella'r Bil er mwyn iddo fod yn fwy clir? Hynny yw, os oes nod wedi'i ysgrifennu ar wyneb y Bil ond nid yw'n cael ei ddarparu, beth yw pwynt ei roi ar wyneb y Bil? Yr opsiwn arall sydd wedi ei drafod gan dystion yw bod y corff newydd arfaethedig o leiaf yn gwneud rhywbeth o ran datblygiad proffesiynol a safonau hyfforddiant cychwynnol, ac ati, ond nad yw yn gorff sydd yn darparu ei hun. Rydych yn awgrymu un ffordd, ond rwyf am fod yn glir mai dyna yr ydych yn ei olygu.

[246] **Ms Keane:** Rwy'n credu y dylai'r corff newydd hwn gael llais cryf wrth ymgynghori a rhoi cyngor i'r Llywodraeth ar y safonau, oherwydd bydd y corff newydd hwn yn cynrychioli ei aelodau, sef yr athrawon sy'n gweithio yn yr ysgolion. Felly, y corff hwn sy'n cynrychioli llais yr athrawon yn y broses honno. Mae hynny'n rhywbeth ar wahân.

[247] **Simon Thomas:** Llais ymgynghorol yw hwnnw, nid swyddogaeth. Dyna lle'r ydych chi'n gwahaniaethu rhwng y ddau beth.

[248] **Ms Keane:** Dyna lle'r ydym yn gwahaniaethu rhyngddynt. Hefyd, o ran pa fath o dystiolaeth uniongyrchol a fyddai gan y corff newydd hwn am ansawdd y dysgu a'r addysgu, prin iawn fyddai hynny gan nad yw'r corff yn ddarparwr, nid oes ganddo swyddogaeth sicrhau ansawdd, nid yw'n cyflwyno hyfforddiant ac nid y corff hwn ar hyn o bryd sy'n achredu'r safonau yn y lle cyntaf. Fodd bynnag, mae lle i'r corff roi cyngor ar sail materion sy'n ymwneud â'r gweithlu, oherwydd bydd yn perchenogi data ar y gweithlu—hynny yw, pa fath o bobl sydd yn y gweithlu, y niferoedd ac a oes digon. Felly, efallai dylid adlewyrchu ar wyneb y Bil y rôl hwn o roi cyngor ar sail yr hyn y mae'n ei wneud, sef cynrychioli ei aelodau, a'r sail data y mae'n ei ddal. Efallai y dylai hynny fod yn fwy eglur. Ar hyn o bryd, mae'n aneglur iawn—mae'n gyffredinol iawn—ac nid ydym ni yn Estyn yn gweld o le y bydd yn cael y dystiolaeth uniongyrchol i roi barn a chyhoeddi adroddiadau, er enghraifft, ar ansawdd dysgu ac addysgu.

[249] **Simon Thomas:** Felly, er byddech

want to amend the Bill so that it is clearer? That is, if there is an objective on the face of the Bill and it is not provided, then what is the point of it being there in the first place? The other option which has been suggested by witnesses, namely that this proposed new body should at least be doing something in terms of CPD standards and initial teacher training standards, and so on, but that it should not be a body that provides training itself. You suggest one way, but I want to be clear that that is what you mean.

**Ms Keane:** I believe that this new body should have a strong voice in consulting and advising Government on the standards, because this new body will represent its membership, namely the teachers working in schools. So, this body represents the teacher voice in that process. That is something separate.

**Simon Thomas:** It is a consultative voice, not a function. That is a differential that you are drawing.

**Ms Keane:** Yes, indeed. Also, in terms of the direct evidence that this body would have of the quality of the teaching and learning, that would be very scarce because it is not a provider of education, it does not carry out the quality assurance function, it does not provide training and it does not accredit the standards in the first place. However, there is scope for the body to provide advice on issues related to the workforce, because it will have data on that workforce—the kind of people it represents, numbers and whether they are sufficient. So, perhaps the face of the Bill should reflect this role of advising on the basis of what it does, in terms of representing its membership, and the database that it holds. Perhaps that should be made clearer on the face of the Bill, because, at present, it is very unclear—it is very general and broad brush—and we in Estyn do not see where it will garner that direct evidence to give an opinion and to publish reports, for example, on the quality of teaching and learning.

**Simon Thomas:** So, although you support an

yn cefnogi gwella'r geiriad yn y Bil, yr hyn y byddech chi'n chwilio amdano yw ffocysu yn fwy cul ar y natur ymgynghorol hwn, yn hytrach na'r hyn y mae rhywfaint o dystiolaeth rydym wedi ei chael yn sôn amdano, sef bod yn fwy eang, a rhoi'r nodau arall hynny ar yr un lefel â'r nod cod ymddygiad, ac ati. Fodd bynnag, mae gennych chi ffocws ychydig yn wahanol.

[250] **Ms Keane:** Nid wyf yn gweld yr angen i ymestyn swyddogaethau arbennig, ond rwyf yn gweld yr angen i fod yn glir ynglŷn â gallu'r corff i roi cyngor ar y pethau sydd yn ymwneud â buddiannau ei aelodau a'r data y mae'n ei ddal.

[251] **Simon Thomas:** Yn olaf, a ydych yn gweld hynny fel hawl gan y corff i gynnig y cyngor hwnnw o'i wirfodd, yn hytrach na'r hyn sydd yn y Bil, sy'n tueddu i ddweud ar hyn o bryd fod y Gweinidog yn gofyn i'r corff am gyngor? A fydddech chi eisiau cryfhau'r Bil fel bod y corff yn gallu cynnig hynny?

[252] **Ms Keane:** Buaswn am gryfhau'r Bil fel bod y corff yn ddigon annibynnol i fedru rhoi'r cyngor hwnnw.

[253] **Simon Thomas:** Diolch yn fawr.

[254] **Mr Rowlands:** Yr unig beth y byddwn yn ei ychwanegu yw bod rhywfaint o dystiolaeth ynglŷn â rôl y cyngor o ran hyfforddiant mewn swydd. Roedd y cyngor yn ariannu hyfforddiant mewn swydd am gyfnod o amser, ac yn dosbarthu grantiau, ac yn y blaen. Bu Estyn yn ysgrifennu nifer o adroddiadau ynglŷn ag effeithiolrwydd hynny. Fodd bynnag, ar ôl cyfnod, penderfynodd y Llywodraeth ar y pryd ddiddymu'r broses honno.

[255] **Simon Thomas:** Rydych yn awgrymu nad oedd yr adroddiadau mor gefnogol â hynny.

[256] **Mr Rowlands:** Roedd gallu cyfyngedig gan y cyngor i wneud gwaith a oedd yn sicrhau ansawdd.

[257] **Ms Keane:** Os oes ffynhonnell ariannol ar gyfer hyfforddi athrawon ar gael, buaswn am weld bod angen i honno fynd i'r

amendment to the wording of the Bill, what you would seek is a narrower focus on this consultative function, rather than other evidence that has suggested that it should be broader and that you should put the other objectives at the same level as the code of conduct. However, your focus is a little different.

**Ms Keane:** I do not see the need to extend any particular functions, but I see the need for clarity on the ability of the body to advise on those issues that relate to the interests of its members and the data that it holds.

**Simon Thomas:** Finally, do you see that as a voluntary right to offer that advice, rather than what is placed in the Bill, which is that the Minister would seek that advice from it? Would you suggest that the Bill should be amended so that that could be provided?

**Ms Keane:** I would want to ensure that the Bill is strengthened so that the body is independent enough to provide that advice.

**Simon Thomas:** Thank you.

**Mr Rowlands:** The only thing I would add is that there is some evidence on the role of the council in providing in-service training. The council provided funding for INSET training for a period of time, and it distributed grants, and so on. Estyn wrote a number of reports on the efficiency and effectiveness of that. However, after a period, a decision was taken by the Government of the day to abolish that process.

**Simon Thomas:** You are suggesting that the reports were not that supportive.

**Mr Rowlands:** The council had a limited function in carrying out quality-assurance work.

**Ms Keane:** If there is a source of funding for the training of teachers, I would want that to go to the front line, as it were.

*front line*, fel petai.

11:45

[258] **Aled Roberts:** Rwy'n deall eich dadl ynglŷn ag ymarfer dysgu a gallu'r corff i roi unrhyw fath o farn am hynny, ac hefyd ar hyfforddiant mewn swydd. Rydym yn deall yn iawn yr hanes o ran y cyllido a'r ymarfer. Wrth sôn am ehangu eu cyfrifoldebau, roedd yn sôn am yr achredu o ran hyfforddiant cychwynnol ar gyfer athrawon, gan ddweud bod y sefyllfa yn yr Alban ac yn Iwerddon yn wahanol braidd. Roedd gan y cyngor addysgu, yn bendant yn Iwerddon, lawer iawn mwy o rôl. Hwyrach yr oedd ychydig yn feirniadol o ran ai dod o safbwynt y sefydliad oedd HEFCW yn hytrach na chynnwys y cyrsiau, a bod lle i wella o ran cynnwys y cyrsiau yn ei farn ef. A oes gennych chi unrhyw farn ar hynny?

[259] **Ms Keane:** Mae'r sefyllfa'n wahanol iawn yn Lloegr hefyd, wrth gwrs, i'r perwyl arall. Rydym yn credu ar hyn o bryd fod y ffordd y mae achredu safonau a'r system hon yn gweithio yn ddigonol. Bydd cwestiynau'n codi pe baech chi'n torri'r swyddogaeth i ffwrdd oddi wrth y Llywodraeth o ran ei bod hi'n gallu gwireddu polisïau sydd yn ymwneud â hyfforddiant athrawon. Rydym yn gweld yn naturiol, o edrych ar strwythur gweithredu polisïau'r Llywodraeth, fod mwy o fanteision a bod hon yn ffordd uniongyrchol o gael gafael ar y broses honno. Nid ydym yn dweud na ddylai'r cyngor newydd gael llais, o ran rhoi cyngor ar y broses. O safbwynt sut yr ydym yn safoni'n genedlaethol, rydw i'n gweld yr angen i'r polisïau ynglŷn â hyfforddi athrawon fod yn agos iawn at y polisïau eraill. Roeddech chi'n sôn yn gynharach am lythrennedd a rhifedd a lle maen nhw o safbwynt hynny. Mae hefyd ddadl dros ddweud ei bod hi'n haws cael arweiniad o un man, gyda phobl yn gweld yr un weledigaeth, nag ydyw i rannu swyddogaethau, yn enwedig mewn cyfnod pan mae Cymru yn wynebu sialensiau mawr yn y meysydd hynny.

[260] **Aled Roberts:** A gawn ni symud ymlaen at ei swyddogaeth o ran disgyblu a gofyn a oes gennych chi unrhyw sylwadau neu bryderon ynglŷn â'r ffordd y mae'r swyddogaeth honno yn cael ei disgrifio yn y

**Aled Roberts:** I understand your argument regarding initial teacher training and the ability to express an opinion on that and on INSET. We understand the history in terms of funding and training. When they talked of expanding those responsibilities, they mentioned the accreditation of initial teacher training and said that the situation in Scotland and Ireland is quite different. The teaching council, certainly in Ireland, had a much stronger role. Perhaps it was a little critical about whether HEFCW was coming from the point of view of the establishment, rather than the content of the courses, and that there was room to improve the course content in its opinion. Do you have any views on that?

**Ms Keane:** The situation is also, of course, very different in England, to the other extreme, in a way. We believe that the way the standards are accredited works adequately. Questions arise if you take that function away from Government in terms of them being able to actually implement policies relating to teacher training. In looking at the structure of how Government policies are implemented, we see that there are greater benefits and that this is a more direct way of getting a grip of that particular process. We are not saying that this new council should not have a voice in terms of giving advice on that process, but from the point of view of how we actually set standards on a national basis, I see a need for the policies on teacher training to be very closely related to other policies. You mentioned literacy and numeracy and where they are in terms of those priorities. This is also an argument for saying that it is easier to have leadership from one place, and a shared vision, than it is to share these functions, particularly at a time when Wales is facing major challenges in these areas.

**Aled Roberts:** We will move on to its function in terms of discipline and whether you have any comments or concerns about the way that function is described in the Bill.

Bil?

[261] **Ms Keane:** Nac oes.

**Ms Keane:** No, we do not.

[262] **Aled Roberts:** A ydych chi'n teimlo bod y cydbwysedd yn gywir rhwng sicrhau ansawdd a diogelu buddiannau dysgwyr, yn y Bil?

**Aled Roberts:** Do you feel that the right balance has been struck in the Bill between quality assurance and the interests of learners?

[263] **Ms Keane:** Ar y cyfan, nid oes gennym bryderon arbennig ynglŷn â hynny.

**Ms Keane:** On the whole, we have no particular concerns about that issue.

[264] **Ann Jones:** We will move on to the third thing, which is reform of the registration and approval of independent schools in respect of special educational needs.

[265] **Keith Davies:** Byddaf yn gofyn fy nghwestiynau yn y Gymraeg, wrth gwrs. Yn eich adroddiad i ni, rydych yn gwneud nifer o bwytiau am addysg arbennig. Y peth cyntaf, wrth gwrs, yw y bydd y Bil yn symud y cyfrifoldeb i'r awdurdodau lleol—nhw fydd yn gwneud y penderfyniad terfynol. Hefyd, mae cwestiwn—a dyna pam y cafwyd y sesiwn brynhawn ddoe mi gredaf—am gapasiti'r awdurdod lleol i sicrhau ei fod yn gallu gwneud hyn. Beth yw eich barn chi am hynny?

**Keith Davies:** I will ask my questions in Welsh, of course. In your paper to us, you make a number of points on special educational needs. The first, of course, is that the Bill will shift responsibility to local authorities—they will make the final decision. There is also a question—and this is why we had the session yesterday afternoon—about the capacity of local authorities to ensure that they are able to carry out that function. What is your view on that?

[266] **Ms Keane:** Mae nifer o newidiadau ar y gweill ar hyn o bryd gyda swyddogaeth anghenion arbennig o fewn yr awdurdodau lleol. Mae bwriad, mewn cynllun a gafodd ei gyhoeddi yn ddiweddar, i symud y swyddogaeth honno at y consortia. Felly, mae gennym bryderon ynglŷn â rhai o'r pethau sydd yn digwydd o ran cyfeiriad polisiâu Llywodraeth Cymru, nad yw efallai'n cael ei adlewyrchu'n llwyr yn y Bil.

**Ms Keane:** There are a number of changes in the pipeline at present in terms of the functions in relation to special educational needs within local authorities. There is an intention, in a recently published plan, to move that responsibility to the consortia. We do have concerns about some of the developments that are taking place in terms of the policy direction of the Welsh Government, which is not fully reflected in this Bill as it is currently drafted.

[267] **Keith Davies:** A allwch chi ddweud rhywbeth am ddatganiadau? Mae eich adroddiad yn sôn bod ambell awdurdod yn sicr bod hyn a hyn o blant â datganiad, tra bod nifer lle nad yw plant yn cael datganiadau.

**Keith Davies:** What about statementing? Your report says that some authorities are sure of the numbers of children with statements, while, in others, those statements are not provided.

[268] **Ms Keane:** Na. Mae hynny yn faen tramgwydd o safbwynt y plant a'u hawl i gael yr un driniaeth o'r naill awdurdod i'r llall—y ffaith bod canrannau datganiadau yn amrywio cymaint o awdurdod i awdurdod. Rydym yn poeni am hynny.

**Ms Keane:** That is a hindrance in terms of the children and their right to have exactly the same treatment whichever authority area they happen to live in. The fact that the percentage of statements varies so much from one authority to another gives us cause for concern.

[269] At ei gilydd, gyda llaw, mae angen dweud ein bod ni'n croesawu llawer o'r hyn sydd yn y Bil o safbwynt anghenion arbennig. Yn benodol, rydym yn croesawu'r ffaith y bydd asesiadau yn cael eu gwneud ar gyfer disgyblion sy'n symud o ysgolion i addysg bellach. Yn y gorffennol, nid oedd hynny'n wir. Mae hynny'n bendant yn gam ymlaen. Un o'r problemau yw'r ffaith nad ydym yn gwybod lle bydd swyddogaeth anghenion addysgol arbennig o fewn awdurdodau ymhen blwyddyn neu ddwy, ac a fydd yn symud i'r consortia ai peidio. Agwedd arall ar hynny yw bod bwriad i ddiwygio'r system anghenion addysgol arbennig. Mae polisi wedi'i gyhoeddi ynglŷn â hynny sy'n dileu datganiadau'n llwyr. Pan welais y Bil i ddechrau, roeddwn yn synnu nad oedd cyfeiriad at hynny a bod system newydd i'w sefydlu ar sail datganiadau, oherwydd roeddwn yn gwybod bod y datganiadau'n mynd i gael eu dileu'n llwyr. Felly, roedd hynny'n codi cwestiwn yn fy meddwl, ac mae hwnnw'n gwestiwn sydd ar wahân i'r ffaith ein bod ni, at ei gilydd, yn cefnogi tipyn o'r hyn sydd yn y Bil ar ochr anghenion addysgol arbennig.

[270] **Keith Davies:** Maen nhw hefyd yn sôn am gael gwared ar y rhwyd diogelwch. Beth fyddai'n digwydd pe bai hynny'n diflannu?

[271] **Ms Keane:** Mae'r system bresennol o roi caniatâd i awdurdodau sydd am osod plant mewn ysgolion arbennig yn cael ei redeg heibio i Estyn. Mae Estyn yn edrych ar y datganiad sydd gan y plentyn ac yn edrych ar le mae'r awdurdod am osod y plentyn hwnnw. Wedyn, rydym yn dweud, 'Wel, yn ôl yr anghenion sy'n cael eu hadnabod yn y datganiad hwn, nid dyma'r ysgol orau ar gyfer y plentyn hwn'. Beth maen nhw'n bwriadu ei wneud, yn ôl y Bil, yw newid y system honno fel nad yw'r system ganiatâd yn bodoli bellach. Wedyn, beth maen nhw am i Estyn ei wneud—ac nid wyf yn siŵr y byddwn yn gallu fforddio gwneud hyn, gyda llaw; mae'r ariannu yn y costio yn anghywir—yw ymweld yn flynyddol â'r holl ysgolion annibynnol sydd am gynnig lleoedd i blant ag anghenion arbennig. Mae hynny'n codi llawer iawn o gwestiynau.

[272] **Keith Davies:** Rydych yn sôn bod 34

Generally speaking, by the way, we do need to say that we welcome much of what is contained within the Bill in terms of special educational needs. Particularly, we welcome the fact that assessments will be carried out for pupils who move from school to further education. In the past, that was not the case. That is certainly a step forward. One of the problems is that we do not know where the function in terms of special educational needs will lie within authorities in a year or two, and whether it will move to the consortia or not. Another aspect of that is that there is an intention to reform the special educational needs system. A policy has been announced on that where statements are to be abolished altogether. When I saw this Bill initially, I was surprised to see no reference to that and that a new system was to be established on the basis of statements, as I knew that those statements were to be abolished. Therefore, that raised a question in my mind, which is separate from the fact that, generally speaking, we support much of what is contained within the Bill in terms of special educational needs.

**Keith Davies:** They are also talking of getting rid of the safety net. What will happen if that disappears?

**Ms Keane:** The current system of allowing authorities who wish to place children in special schools is run past Estyn. Estyn looks at the pupil statement and then looks at the placement proposed by the authority. We then say, 'Well, according to the needs identified in this statement, this would not be the best school for this child'. What they intend to do, according to the Bill, is to change that system so that that consent system no longer exists. Then, what they want Estyn to do—and I am not sure that we will be able to afford to do this by the way; the funding is not correctly set out in the costings—is to carry out annual inspections of all those independent schools that want to provide placements for pupils with special needs. That raises a huge amount of questions.

**Keith Davies:** You also mentioned that 34

ysgol arbennig—

special schools—

[273] **Ms Keane:** Ysgolion annibynnol, sydd heb fod yn ysgolion arbennig ar hyn o bryd.

**Ms Keane:** Independent schools, which are not special schools at the moment.

[274] **Keith Davies:** Mae'r rhain yn ysgolion i'w harolygu'n flynyddol, ac yn y blaen. Hefyd, yn eich papur, rydych yn sôn am golegau yn Lloegr sydd â mwy nag wyth o blant ag anghenion arbennig a lle'r ydych yn gweithio gydag Ofsted. Ond, mae plant ysgol hefyd yn cael eu hanfon i ysgolion yn Lloegr gan rai awdurdodau. A ydych chi'n monitro beth sy'n digwydd i'r plant sydd mewn ysgolion annibynnol neu arbennig yn Lloegr yn yr un modd ag y gwnewch i'r colegau?

**Keith Davies:** These are schools that you would inspect annually, and so on. In your paper, you also mention colleges in England that have more than eight children with special needs where you work with Ofsted. However, schoolchildren are also sent to schools in England by some authorities. Are you monitoring what happens to children in independent or special schools in England, as you do with the colleges?

[275] **Ms Keane:** Mae gennym drefniant gydag Ofsted bod ein hadroddiadau ni yn *proxies* i'w gwaith nhw yng Nghymru, achos mae nifer arwyddocaol o blant o Loegr mewn ysgolion yng Nghymru, ac mae Ofsted yn gwneud yr un peth gyda ni ar yr ochr arall. Felly, rydym yn cydweithio i sicrhau bod y safonau a'r disgwyliadau yr ydym yn eu gosod yn debyg i'w gilydd, rhwng Estyn ac Ofsted.

**Ms Keane:** We have an arrangement with Ofsted that our reports are proxies for their work in Wales, because there is a significant number of children from England attending schools in Wales, and then Ofsted does likewise from the other side of the border. So, we collaborate to ensure that the standards and expectations we set are similar, between Estyn and Ofsted.

[276] **Ms Scott:** That is only post-16 at the moment and with independent specialist colleges. There are no such arrangements, as you point out, Keith, from the point of view of pre-16 and statutory school age children. We do not visit any schools where children from Wales may be publicly funded and placed in England at the moment.

[277] **Ms Keane:** However, we do have a proxy arrangement, but they are Ofsted reports. Even though we do not visit personally—and we do visit some of the colleges personally—we have an agreement that the proxy reports on each side—

[278] —o Glawdd Offa, eu bod yn cynrychioli barn dderbyniol.

—of Offa's Dyke, represent a received opinion.

[279] **Ann Jones:** Aled, you have a very brief supplementary, have you not?

[280] **Aled Roberts:** Hint, hint.

[281] Rwy'n cofio pwysau am flynyddoedd i gael llai o ddatganiadau yn y cyngor yr oeddwn i'n ymwneud ag ef. Mae'n fy synnu, o ystyried hynny a'r ffaith eich bod wedi sôn y bydd datganiadau yn diflannu'n gyfan gwbl, fod y Llywodraeth yn mynd ati i wneud y ddarpariaeth hon ar wahân i'r newidiadau i'r holl faes o addysgu arbennig, neu a fydd yn ddoethach i aros a delio â

I remember for years a pressure to have fewer statements in the council I was involved with. It surprises me, given that point and the fact that you mentioned that statements will disappear completely, that the Government intends to go ahead with this provision separately to the changes to the whole area of special education, or would it be wiser to wait and deal with that as part of a special

hynny fel rhan o Fil ar addysg arbennig?

education Bill?

[282] **Ms Keane:** Dyna'r union gwestiwn a ddaeth i'm meddwl pan ddarllenais i'r Bil: sut yw hyn yn perthyn i'r weledigaeth fawr ynglŷn â diwygio'r ddarpariaeth ar gyfer anghenion arbennig, a pham yr ydym yn dibynnu ar system sy'n mynd i fod yn hanesyddol ymhen rhyw flwyddyn neu ddwy? Nid wyf yn siŵr.

**Ms Keane:** That is exactly the question that came to my mind when I read the Bill: how does this relate to the wider vision on the reform of provision for special educational needs, and why are we relying on a system that will be a matter of history in a year or two? I am not sure.

[283] **Aled Roberts:** Yn eich profiad chi, wrth feddwl bod *school action* a *school action plus* wedi cael eu cyflwyno, a fydd plentyn yn derbyn asesiad i'w galluogi i gael y ddarpariaeth hon, heblaw bod ganddynt ddatganiad?

**Aled Roberts:** In your experience, bearing in mind that school action and school action plus have been introduced, would a child have an assessment to enable them to have this provision if they did not have a statement?

[284] **Ms Keane:** Nid yn ôl y Bil. Dyna un o'r pethau sy'n fy mhoeni gyda golwg ar y canrannau gwahanol sydd mewn categorïau gwahanol. Gyda llaw, rydym ni'n ffeindio yn ein harolygiadau, er bod y canran o ddatganiadau mewn awdurdod yn isel, nad yw hynny'n golygu fod y ddarpariaeth yn isel. Mae gwrthio wedi bod i leihau datganiadau, ac felly mae'n dibynnu ar sut mae'r awdurdod yn mynd i'r afael â sut mae'n delio ag anghenion arbennig. Pan mae'n dod at y Bil ac mae'n cael ei wneud yn ddeddf bod yn rhaid cael datganiad i hawlio cael eich gosod mewn ysgol, mae hynny'n codi cwestiynau pellach.

**Ms Keane:** Not according to the Bill. That is one of the things that concern me with a view to the different percentages in different categories. By the way, we find in our inspections that, although the percentage of statements in an authority might be low, it does not mean that the provision is low. There has been an emphasis on reducing statements, and therefore it depends on how the authority gets to grips and deals with special educational needs. When it comes to the Bill and it being made law that you have to have a statement to be placed in a school, that raises further questions.

[285] **Ann Jones:** That was two supplementary questions, Mr Roberts. *[Laughter.]* Simon Thomas has an even briefer supplementary question on this point.

[286] **Simon Thomas:** Bydd yn arbennig o fyr. Nid wyf am golli gafael ar yr hyn a ddwedoch yn eich ateb i Keith ynglŷn â chost yr arolygu arfaethedig yn y Bil hwn. Fe wnaethoch chi awgrymu nad yw'r costau'n rhai dilys yn eich barn chi. Hoffwn i chi gadarnhau yr hyn a ddwedoch chi.

**Simon Thomas:** It will be particularly brief. I do not want to lose sight of what you said in response to Keith on the cost of the proposed inspection in this Bill. You suggested that the costs were not appropriate in your opinion. I would just like you to confirm those comments.

[287] **Ms Keane:** Do. Nid ydynt yn rhai dilys, ac nid oes unrhyw drafodaeth wedi bod gyda fi ynglŷn â hyn.

**Ms Keane:** Yes. They are not appropriate, and there has been no discussion with me on this point.

[288] **Simon Thomas:** Iawn. Diolch.

**Simon Thomas:** Okay. Thank you.

[289] **Ms Keane:** Rydym wedi edrych ar y costau, onid ydym, Jassa?

**Ms Keane:** We have looked at the costs, have we not, Jassa?

[290] **Ms Scott:** Yes, we have looked at the costs. In a realistic scenario, at the moment, I

think that there are about 15 independent mainstream schools where there are currently pupils who have been placed through the SEN consent system. Based on the current model that we have and the amount of time that we currently spend on annual monitoring for those, our calculations suggest that that would be approximately half of an inspector, which does not equate with the costs that are in here. In realistic terms and actual costs that is half of a specialist inspector—actually, it is not; it is two inspectors for each visit. There are other complications that make it not literally half of an inspector as far as time goes. That is based on the current system.

[291] On the proposed system, in a worst-case scenario, there are, I think, 36 independent mainstream schools at the moment and, potentially, they could all choose to register to receive some pupils with some kind of SEN. We do not know what will actually happen. So, depending on what kind of approach we took and what kind of approach the Welsh Government would like us to take as far as whether it was just based on the registration, or whether there were actually pupils funded in those schools, that might mean that the actual cost is more than the 50% that I talked about.

[292] **Ann Jones:** Suzy, did you want to ask the next set of questions?

[293] **Suzy Davies:** Yes. I would like to develop the theme about the relationship between local authorities and the placement of children in independent schools as well. I have heard what you said about concerns about expertise, or, at least, consistency of expertise, across the local authorities. So, I want to ask: would it not be better to leave the placement of individual children to Welsh Ministers, as is currently the position?

[294] **Ms Keane:** We had quite a few discussions about this with our specialists, and, on balance, we favour the consent system, because it targets individual children and allows us to give advice on how suitable a placement is for an individual. Even the annual monitoring visits will not guarantee that same safeguard, and, indeed, a child might be placed at a school and it might be 12 months before we make an annual monitoring visit. However, what the Bill does is to put the onus on the local authority to keep up to date with our reports on our website and it takes the responsibility to make sure that the placement is correct.

[295] **Suzy Davies:** Yes, I understand that, because your role is about checking whether the standards are good enough, rather than the appropriateness of a placement. However, at the moment, the appropriateness of a placement for an individual child is a matter for Government rather than local authorities.

12:00

[296] **Ms Keane:** But we advise on that, on the consensus that—

[297] **Mr Rowlands:** In practice.

[298] **Ms Keane:** Yes, in practice, we advise on that.

[299] **Mr Rowlands:** We give the Government our advice on these individual consents.

[300] **Suzy Davies:** But you will be losing that influence if this goes the other way.

[301] **Ms Keane:** Yes, that would stop.

[302] **Lynne Neagle:** So, you are saying that you would rather keep that.

[303] **Ms Keane:** We, on balance, favour that as a safeguard. It is a safeguard because it

means that each individual child's case is considered as to the suitability of the placement, whereas the annual monitoring system, or leaving it to local authorities to ensure the right placement, would not deal with the odd local authority that was just looking to find anywhere that would take a particular child, irrespective of whether it has the resources to deal with the particular additional needs that the child has.

[304] **Ms Scott:** I think that that is an important distinction to make. The reason why we see it as maybe not being appropriate from a safeguarding point of view is not that we are saying necessarily that a local authority is not best placed or not able to make a decision on appropriateness, but, with the measures that have been put in place, some of what the Bill talks about, and the memorandum of understanding, is about Estyn's role in providing a safeguard and, from our point of view, we think that the SEN consent system is a better way in which we can provide a safeguard than annual monitoring. So, it is not necessarily about us being best placed, or the Welsh Government being best placed, to make a decision on appropriateness. If we are honest, with regard to the vast majority of SEN consents at the moment, they are usually appropriate, and it is quite rarely that we will say that a placement is not appropriate. So, although there are some doubts about how local authorities then follow up and keep an eye on the quality of the provision, we are not saying necessarily that they are not able to make that decision; it is about the safeguards, and we think that the SEN consent system is a more effective way for us to provide a safeguard with regard to the individual appropriateness of a placement than the annual monitoring that is proposed.

[305] **Suzy Davies:** Thank you for that answer. I raise this partly because the evidence that we have had previously on different parts of this Bill has raised concerns about the level of Government influence on the body that will be looking after the workforce, and, of course, the standards to be reached by the people in that workforce will have an impact on how education is delivered in schools, will they not? That is where you then come in, so there is method in my madness in asking this. Do you have any views about the level of Government influence on the Bill as it stands at the moment?

[306] **Ms Keane:** The level of Government influence in relation to—

[307] **Suzy Davies:** Not particularly on this point, because, of course, this is an area where Government influence seems to be removed; I just wondered how that balance—. I just wondered whether you had any views on—what you have in your paper here—that

[308] 'advice can only be published with the consent of the Minister'.

[309] **Ms Keane:** Oh, you mean by the GTCW.

[310] **Suzy Davies:** Yes, but the work of the GTCW, or whatever the new body will be, will ultimately influence how education is delivered in all these settings, potentially including the independent settings, so you will be looking at how that influence manifests itself in standards at some point, will you not?

[311] **Ms Keane:** Not directly, in that we will not be monitoring the way that the GTCW influences standards in that sense. However, certainly, yes, we would be able to—and we do, as part of our routine work—give advice on standards at the point of delivery in all the education and training providers in Wales, including initial teacher training in higher education, but nothing else in higher education. Our role, presumably, would be to continue doing that and so that would, and does, feed directly into Government on issues such as consents and other issues such as school amalgamations, and so on—and, more generally, it feeds into policy.

[312] **Suzy Davies:** Yes, because you want some assurance that whatever continuing

professional development, for example, emerges as a result of this new body is meeting the standards that you think are suitable for delivery. Sorry, I know it is a convoluted question.

[313] **Ms Keane:** Meilyr indicated earlier that we had this role originally.

[314] **Suzy Davies:** The position on the face of the Bill, though, is that responsibility will now go to education authorities. Perhaps it is a bit too early to ask this question, but, bearing in mind that there is a lot of confusion at the moment about additional learning needs and special educational needs, which you raise in your evidence, is there an argument that this part of the Bill should be delayed until the next Bill, which will be dealing with those confusions, comes out?

[315] **Ms Keane:** One of the difficulties for me is that, knowing about additional learning needs reform, the vision for the future and, indeed, having discussed it in committees and meetings with the Welsh Government, I was surprised not to see—maybe in the memorandum—some indication of the larger context, the larger vision for the future and the fact that what was proposed for the future would mean that this legislation would need to be changed because statements would no longer exist.

[316] **Suzy Davies:** That is a very useful answer; it confirms that local authorities might find it quite confusing, as a result of the Bill as it stands at the moment, to be in a position to accurately place children in the independent sector. Among other things, they are not quite sure what their tools are at the moment, are they?

[317] **Ms Keane:** The point that Jassa made, though, is important here. Although we are pointing to the fact that the consent system is a safety net that will help individuals, nevertheless, broadly speaking, placements are working reasonably well. The fact that we are expected, although it would be a financial pressure on us, to publish on the website what a school does—you know, ‘this school deals with autistic spectrum disorder children and has these facilities’—would enable local authorities to make better judgments about placements, because they would know more about each different school.

[318] **Suzy Davies:** So, it is clear what is being provided, and you are doing the quality-assurance side of things, are you?

[319] **Ms Keane:** Yes.

[320] **Suzy Davies:** Great. Thank you.

[321] **Ann Jones:** We will move on to specialist post-16 provision for learners with learning difficulties and disorders. Lynne has the next questions.

[322] **Lynne Neagle:** I think that most of it has been covered, but I just wanted to ask: in terms of the concerns that you have raised about moving from a consent system, how confident are you, given the challenges already faced by some of our LEAs, that they would be able to undertake this role of checking the reports that you have provided with sufficient thoroughness to be able to make those decisions?

[323] **Ms Keane:** We are not making a criticism here of the statements that we come across in our daily inspections—the statements that are made for pupils with special needs. Personally, having been involved in inspecting further education colleges for many years, I know that further education colleges did not receive any statements from pupils with special needs, and they had to start their assessments from nothing, so I welcome the fact that the education and training needs assessment should be made on year-11 statemented pupils. My only regret, of course, is that this does not guarantee entitlement for all of the pupils who

might need that ETN assessment to proceed. I looked at the options, in terms of what the issues would be with those placements. I do not see a reason why local authorities would not be the right agency to undertake the ETN assessments, given their track record in statementing children.

[324] **Lynne Neagle:** Are there any additional safeguards that you would like the Government to build in as we go through this process with the Bill?

[325] **Ms Keane:** Yes. I think that we have listed a few bullet points about the safeguards in terms of the registration of schools. One potential concern is that mainstream independent schools might open their doors to children with special needs when they do not have the resources, facilities and staff to deal with them. That would be a concern for us. The process by which schools are registered to take on these placements needs to be very tight.

[326] The registration body for independent schools is the Welsh Government, and I think that the code of conduct needs to be very specific about how the schools would be expected to justify what they could offer these students and the different types of needs that they have. That would be a matter for the code of conduct. It is perfectly feasible for this system to work, but a lot of work needs to go in to the code of conduct to specify the requirement. The Welsh Government also needs to make it clear that it would suspend registration for particular aspects of the status of schools if we found that they were not able to provide a high-quality provision for those pupils.

[327] **Lynne Neagle:** I will ask one final question about resources, because that is something that has been picked up in the written evidence. You have suggested that there might be a danger that local authorities will make decisions based on how much money they have, and, obviously, we are going into a period where things are going to be even tougher for local authorities. How concerned are you about that aspect of this change?

[328] **Ms Keane:** Obviously, the temptation, if the local authorities do the education and training needs assessments, is that they could offload some placements onto further education institutions, as opposed to sending them to specialist colleges that they would have to pay for themselves. That is the obvious loophole here. We will need to be alert and vigilant in relation to that. As I say, we have no quarrel with the general intent of this legislation to offer assessments to this group of students who, in the past, have gone into post-16 education sometimes without any assessment, and we end up doing independent living skills or provide for students with learning difficulties and/or disabilities in further education colleges, and those staff have to start from scratch and sometimes there is not a fit there. So, we do see the local authority as the agency that could do this.

[329] **Angela Burns:** I just have one question, Ann. Do you think that it should be made a statutory obligation, rather than a discretionary obligation, that they should do these?

[330] **Ms Keane:** I was concerned about the duty to undertake them for year 11 pupils who are statemented, and the power to undertake them. There is an unhappy distinction between those two. Obviously, a duty will mean that they are always done, whereas a power means that parents might have to go to a tribunal to get what they want. Again, I would say that perhaps this is something that the reform on additional learning needs will need to look at as part of the wider picture.

[331] **Simon Thomas:** Particularly—[*Inaudible.*]—is it not?

[332] **Ms Keane:** Yes.

[333] **Angela Burns:** It is a shame because we need these independent learning plans to

come in and work because we will then pick up all of these children, including the ones with additional learning needs. We have had many debates about how many of them there are in Wales hidden beneath the covers. It would be really good if we looked at that whole area of making it a statutory obligation to look at the people who have been statemented.

[334] **Ms Keane:** I think that the issues lie in the area of definitions of need, and in the need for a national entitlement for all learners and a system that assures that that entitlement is the same, whatever local authority you happen to live in.

[335] **Angela Burns:** I will just end by saying that both this Minister and his predecessor were very clear that one of the objectives of this Bill was to stop the level of fighting between a parent trying to get the appropriate provision for their children and a local authority. I just have a concern that, unless it is statutory—and as Lynne pointed out, times will get tougher—we will still end up with this habit of saying, ‘Let’s just do this because it’s a lot cheaper’.

[336] **Ms Keane:** It is a complex area.

[337] **Ms Scott:** I think that the other complicating element to that, which is not really recognised in the Bill at all, is the kind of multifaceted needs of some of these young learners. The placements that are made, particularly the ones that are funded currently by the Welsh Government—as is explained somewhere in the memorandum—are not just education placements—they usually have a health element and a care element. I was quite surprised that the Bill did not recognise anywhere that need for it to actually—

[338] **Ms Keane:** The need for a multi-agency approach.

[339] **Ms Scott:** There is a need for it to be complemented by that health and care element.

[340] **Ms Keane:** This is something that is recognised in the ALN reform intentions, where multi-agency assessments would be the norm. However, that does not come over as clearly here.

[341] **Ann Jones:** Aled is going to have another attempt at one brief supplementary question. I will then move to Simon and Keith.

[342] **Aled Roberts:** Do we not appear to have three problems here? We have problems with definitions, which may change; we have problems with practice because practice varies from one authority to one another, so that may actually determine whether it is a power or a duty that is exercised; and the other difficulty that we have now is resourcing, because, following yesterday’s announcement, the financial model as far as the LEAs are concerned is going to change. So, we are talking about possibly putting statutory responsibility on someone whose moneys may be top-sliced to a greater extent than they had been previously against the backdrop of a commitment to maintain delegated funding at 85%.

12:15

[343] **Ms Scott:** I think that there are a lot of questions around funding that Ann has answered. The Bill does not address the funding side of this at all. I know that the memorandum does go through some different models. We have varying sizes of local authorities with varying needs and numbers as far as post-16 assessment and the resulting placements are concerned. That is a large area that is concerning. There will be different levels of need in different years, so quite how that funding delegation will be worked out is not for us to say. However, it does not recognise some of the wider reforms that have been proposed around local authorities and more collaborative working and there is an element of that from a funding point of view, and this has the potential to lead to more strategic commissioning of

those educational placements and educational provision. However, I do not think that it recognises necessarily some of the collaboration that might be needed to do that effectively from a funding point of view.

[344] **Ann Jones:** Simon, do you have a question?

[345] **Simon Thomas:** My question was on the funding arrangements.

[346] **Ann Jones:** Well done; you have the star for being the best committee member.

[347] **Keith Davies:** Mae gennyf **Keith Davies:** I have a question, and I will ask it in English.  
gwestiwn, ac fe'i gofynnaf yn Saesneg.

[348] With regard to the education and training needs assessments, you mentioned training providers. Children with SEN probably need to be looked after until the age of 25. Are you concerned that training providers are not involved in anything?

[349] **Ms Keane:** Yes, because certainly some learners with special needs do end up in work-based learning.

[350] **Ann Jones:** We are running out of time, and we were late starting. We have a theme that we wanted to take up, school term times, and then there will be one last question on appointments to Estyn.

[351] **Bethan Jenkins:** Nid wyf yn rhagweld y bydd y cwestiwn hwn yn cymryd yn hir oherwydd rydych wedi dweud yn eich tystiolaeth eich bod yn gweld buddiannau clir mewn harmonieiddio tymhorau ysgol. A allwch ehangu'n fras ar hynny a dweud a oes unrhyw fanteision addysgol dilys yn sgîl y newid hwnnw? Hefyd, a ydych yn credu y dylai'r Gweinidog gael yr hawl i ddiystyru'r hyn sy'n cael ei benderfynu yn lleol os oes digwyddiadau cenedlaethol mawr neu bethau eraill?  
**Bethan Jenkins:** I do not foresee this question taking long, because you said in your evidence that you see clear benefits to the harmonisation of school term dates. Could you expand on that and tell us whether there are any educational benefits that flow from that change? Also, could you tell us whether the Minister should be able to dismiss what is decided locally if there are large-scale national events or other things?

[352] **Ms Keane:** Rydym yn derbyn bod hyn yn syniad da, o safbwynt rhieni a threfnu gofal ac ati yn bennaf. Nid oes gennym dystiolaeth glir bod buddiannau arbennig i wneud hyn ac nid oes gennym dystiolaeth i ddangos nad oes buddiannau o beidio â gwneud hyn. Fodd bynnag, rydym yn gallu gweld y synnwyr. Os ydym am wneud hyn, dylem ei wneud yn llwyr fel mai dyna fydd y status quo yn dilyn deddfu.  
**Ms Keane:** We accept that this is a good idea, from the point of view of parents and the organisation of childcare and so on in the main. We do not have clear evidence that there are particular benefits to doing this, nor do we have particular evidence that there are disbenefits. However, we can see the rationale behind that. If it is to be done, we should do it completely so that that would be the status quo following the implementation of this legislation.

[353] **Ann Jones:** I have one final question. I note from your evidence that you agree with the technical adjustment in terms of the proposal to amend the procedure for appointing Her Majesty's chief inspector and inspectors. So, in fact, it becomes the First Minister rather than the Secretary of State. You see that as a technical adjustment.

[354] **Ms Keane:** Yes, but we welcome it.

[355] **Ann Jones:** That is fine. Thank you very much for coming in to give us evidence. I am sorry that we ran late, but it was very useful. You will get a copy of the transcript to check for accuracy so that we do not put any words into your mouths. I thank Members for their brief questions. Some still have to do some more homework on how brief their supplementary questions are, but there you go. Thank you very much.

12:18

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

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

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

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

*Derbyniwyd y cynnig.  
Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 12:18.  
The public part of the meeting ended at 12:18.*