



Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales

Cofnod y Trafodion The Record of Proceedings

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

18/10/2017

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

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Michelle Brown	UKIP Cymru
Bywgraffiad Biography	UKIP Wales
Hefin David	Llafur
Bywgraffiad Biography	Labour
John Griffiths	Llafur
Bywgraffiad Biography	Labour
Llyr Gruffydd	Plaid Cymru
Bywgraffiad Biography	The Party of Wales
Darren Millar	Ceidwadwyr Cymreig
Bywgraffiad Biography	Welsh Conservatives
Lynne Neagle	Llafur (Cadeirydd y Pwyllgor)
Bywgraffiad Biography	Labour (Committee Chair)
Mark Reckless	Aelod Grŵp y Ceidwadwyr Cymreig
Bywgraffiad Biography	Member of Welsh Conservative Group

Eraill yn bresennol
Others in attendance

Andrew Clark	Dirprwy Gyfarwyddwr, yr Is-adran Addysg Bellach a Phrentisiaethau, Llywodraeth Cymru Deputy Director, Further Education and Apprenticeships Division, Welsh Government
Alun Davies	Aelod Cynulliad, Llafur (Gweinidog y Gymraeg a Dysgu Gydol Oes) Assembly Member, Labour (The Minister for Lifelong Learning and Welsh Language)
Yr Athro/Professor Sally Holland	Comisiynydd Plant Cymru Children's Commissioner for Wales
Sara Jermin	Pennaeth Cyfathrebu a Pherfformiad, Comisiynydd Plant Cymru Head of Communications and Performance, Children's Commissioner for Wales
Chris Jones	Pennaeth Rheoli Perfformiad a Chyllid Myfyrwyr, Llywodraeth Cymru Head of Performance Management and Student Finance, Welsh Government
Rachel Thomas	Pennaeth Rheoli Perfformiad a Chyllid Myfyrwyr, Comisiynydd Plant Cymru

Kirsty Williams
[Bywgraffiad](#) | [Biography](#)

Head of Policy and Public Affairs, Children's
Commissioner for Wales
Aelod Cynulliad, Democratiaid Rhyddfrydol Cymru
(Ysgrifennydd y Cabinet dros Addysg)
Assembly Member, Welsh Liberal Democrats (The
Cabinet Secretary for Education)

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

Sarah Bartlett	Dirprwy Glerc Deputy Clerk
Michael Dauncey	Y Gwasanaeth Ymchwil Research Service
Llinos Madeley	Clerc Clerk
Sian Thomas	Y Gwasanaeth Ymchwil Research Service

Dechreuodd y cyfarfod am 09:00.
The meeting began at 09:00.

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

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

09:01

Ysgrifennydd y Cabinet dros Addysg a Gweinidog y Gymraeg a Dysgu
Gydol Oes: Sesiwn Graffu
Cabinet Secretary for Education and Minister for Lifelong Learning and
Welsh Language: Scrutiny Session

[2] **Lynne Neagle:** Item 2 this morning is a scrutiny session with the Cabinet Secretary for Education and the Minister for Lifelong Learning and Welsh Language. I'm very pleased to welcome Kirsty Williams, the Cabinet

Secretary, this morning, and Alun Davies, the Minister. Could you introduce your officials for the record, please?

[3] **The Cabinet Secretary for Education (Kirsty Williams):** Thank you. Of course, Chair. Good morning to everybody. This morning, we are joined by Chris Jones, who is the head of performance management and student finance, and Andrew Clark, who is the deputy director of the further education and apprenticeship division.

[4] **Lynne Neagle:** Thank you. Thank you for your time this morning and also thank you for the paper that you provided in advance. Now, I understand that you'd like to make some opening remarks.

[5] **Kirsty Williams:** With your permission, Chair, I'd be very grateful to do that. As you will know across the table this morning, the Government in England announced last week various major changes to their higher education system, and this, of course, has repercussions for us here in Wales. So, it's important for me to be able to respond quickly to that announcement last week so that we can give certainty to students and to the sector and to be able to update you fully today ahead of this morning's scrutiny session. I would like to put on record my thanks to Chris and his team for going to extraordinary lengths to ensure that I can announce the changes that I have done via a written statement this morning.

[6] Firstly, I can confirm that I'm committed to securing a stable and sustainable higher education funding system that works for both our students and our universities, and our Diamond reforms enable us to do just that. In fact, a student support review in Scotland and a vice chancellor in England's review are looking very, very closely at the Diamond report and Welsh Government policy in this area. As I've stated previously, though, our sector does not operate in isolation, and we must provide the financial and regulatory framework to allow our institutions to compete both domestically and internationally.

[7] I have to say, Chair, that the many unscheduled changes recently announced in England are having an impact on their ability to follow a consistent approach to policy development and initiatives in higher education. One only has to look at the front page of *The Times* today to see the turmoil that there is across the border. Now, I will not allow such instability and incoherence to knock us off course here in Wales in delivering a stable and sustainable system.

[8] So, I want to confirm to members of the committee that our Diamond reforms are on track and that my statement sets out today that we will bring forward regulations to increase the repayment threshold for undergraduate loans from £21,000 to £25,000, subject to concluding discussions with Her Majesty's Treasury. We will maintain the maximum fee level at £9,000. We will allocate an additional £6 million to the Higher Education Funding Council for Wales in this financial year to deal with short-term implications affecting the sector, primarily demographic changes and threats from Brexit. We will provide an additional £10 million to deal with any immediate issues arising from the tuition fee changes and provide a further £5 million in both of the next two years to allow our institutions to provide bursaries and grants to postgraduate students. That is in line with my announcement in July and I believe it will help incentivise Welsh students to return to Wales to study at a postgraduate level in line with our Diamond response.

[9] I'd like to confirm that the announcement in the outline draft budget for 2018–19 is that capital funding will be made available to support institutions to rationalise their estate. I'm very grateful for the time you've allowed me this morning, Chair.

[10] **Lynne Neagle:** Thank you, and we appreciate having that opportunity to hear that announcement this morning as well. So, we'll go straight to questions on this point then, and I've got Llyr first.

[11] **Llyr Gruffydd:** Thank you, Chair. Morning, and can I thank you for your statement this morning, and welcome its contents as well? You made reference again there to the uncertain political climate in England and the fact that the Welsh higher education sector doesn't exist in isolation. So, what you're saying, in effect, is—and I don't think anyone is doubting—that we'll always be in the shadow of what happens in England and we'll always be at the whim of UK Ministers, potentially, when it comes to higher education in Wales.

[12] **Kirsty Williams:** I would take issue with the words that you've used: 'shadow' and 'whim'. As I've quite clearly stated, the reform agenda that we have here in Wales, around our Diamond package, is attracting a huge amount of interest from both Scotland and the Westminster Government. My understanding is that Justine Greening is particularly keen to follow our path with regard to maintenance loans, of course. Her Cabinet colleagues take a different view, perhaps, but who knows?

[13] What's important to me is that we do have to recognise, because of cross-border flows, that our institutions work in a very competitive UK and global market. My job is to secure a sustainable and stable approach to HE support here in Wales. And that's what I believe that we're doing today in my announcements, but also in the implementation of the Diamond reform. We cannot kid ourselves that what happens across the border in England doesn't have an impact on us. It's frustrating and does mean that we have to review what we're doing, but we've done that quickly to provide the certainty that the sector needs.

[14] **Llyr Gruffydd:** So, that makes it absolutely critical that you engage fully with the UK review that's going to happen, in terms of influencing that decision, clearly.

[15] **Kirsty Williams:** The issue with the review is, the vice-chancellors of England are doing their own review—the vice-chancellors are—and we are work ready. We have good relationships across the border with vice-chancellors in Wales, vice-chancellors in England. With regard to the other HE review, I have to say, Llyr, the Prime Minister announced that in her conference, but the Department for Education continues to deny that there is such a review. So, we don't know whether there is going to be that comprehensive review in England because the Prime Minister says it will happen, but the Department for Education continues to hold the line that there is no such review. There's certainly no chair, there's certainly no announcement on the terms of reference of a review, or who would sit on it. I'm quite happy to help with some recommendations, and I would point her in the direction of Professor Diamond, who did a fantastic job here for Wales. But at the moment, the Department for Education in England says there is no review.

[16] **Llyr Gruffydd:** You've announced funding for HEFCW in response to the fact that, for example, tuition fees won't now rise, as you announced they would, in July. Could you tell us a bit about where that money's coming from, and whether that decision is going to be held in terms of the level of tuition fee until there's greater clarity on a UK level?

[17] **Kirsty Williams:** The money has been found following discussions between myself and the finance Minister, so it is additional money that will be made available from the centre into the budget, because we want to, as I said, treat the sector fairly. The fee freeze that's been announced in England

comes with no extra money for English HE institutions. We had hoped to see whether there would be new money going into the sector in England, which meant there would be a consequential for us. There is no money, new money, going into the sector to compensate English universities for the difference in policy. We do not believe that was fair, and we have had successful negotiations with the finance Minister to secure additional money. And we will continue with our Diamond reforms as outlined, which, I believe, will put us on a sustainable and secure footing going forward, where we balance our ability to support both students and institutions.

[18] **Llyr Gruffydd:** But the fact that you found the money, to me suggests that the original decision was a political decision and not one that was borne out of financial necessity.

[19] **Kirsty Williams:** No, not at all. I made it very clear when I made this statement in July that we were not immune to changes that were happening across the border, and we have to make sure that our institutions remain competitive. You, yourself, Llyr, earlier on this year, questioned whether having differential fees between England and Wales would actually put the sector at a disadvantage, and I do believe you said that maybe it was inevitable that fees would have to rise here in Wales. I made that announcement on the basis of the situation we found ourselves in at the time. There has been a difference of approach. I will not put Welsh universities at a disadvantage, and I've acted accordingly to find, in conjunction with the Minister, additional resources.

[20] **Llyr Gruffydd:** I asked that very same question to Professor Diamond as well when he was giving us a briefing, and he made it perfectly clear that, no, it wasn't inevitable; it was a political decision. But that was his view and he's entitled to that.

[21] Could I, therefore, just confirm, because there's no particular reference to how long this £9,000 freeze, effectively, will be in place on tuition fees? Is that something that you intend, as I said earlier, to hold until this process is complete on a UK level, or are you just taking it year by year?

[22] **Kirsty Williams:** We will continue to work with the sector, taking all factors into consideration as we move forward with our Diamond reforms. The issue around the long-term funding of the HE sector has been quite clearly outlined with the projections that have been shared with the Higher Education Funding Council for Wales and institutions, around our ability to

resource both students and HE institutions as we go forward. But, we will have to continue, constantly, to review these situations in light of decisions that may be taken in other places.

[23] **Llyr Gruffydd:** So, you're not saying that tuition fees won't rise in future.

[24] **Kirsty Williams:** I have no plans at this stage to increase tuition fees during the term of this Parliament.

[25] **Lynne Neagle:** Thank you. Darren.

[26] **Darren Millar:** I'm very pleased to see this u-turn. I think it's very welcome indeed. It's something that, of course, I urged you to do in the immediate aftermath of the UK Government's announcement and I thought you should've done it earlier, frankly. Your decision to increase the fees caused a great deal of angst amongst student representative bodies in particular, and so I'm very pleased that you've followed the UK Government's lead on this. I know that you like to say that you're responding to the political uncertainty in England, but of course the reality is that students here, had you followed your path, would've had a rougher deal with higher tuition fees than in any other part of the UK, and certainly, by the end of this Assembly term, probably in excess of £10,000 a year while they were being frozen at £9,000 across the border. So, I'm very pleased to see this decision, although a little disappointed at the way that you have tried to present it.

[27] Can I just ask in terms of the finances? I note that you have made these additional resources available, and I think it's very welcome that you've given that extra cash to the university sector to allow them to adapt to the change that you have made. How much did the sector actually ask for when you—? I mean, how have you arrived at this £6 million figure? Is it a figure that was estimated by you, or did the sector come to you with a figure? How are you carving it up via individual university and higher education provider?

[28] **Kirsty Williams:** Thank you, Darren. Can I just make it absolutely clear for the record that when Mr Millar says that students in Wales will have a rougher deal than students in England, I think we literally need to be very clear to parents and to prospective students about what this Welsh Government provides in terms of student support and will provide? Students studying in FE from a disadvantaged background will continue to have access to the education maintenance allowance—resources that are not available to

students and young people in England. In England, there are no maintenance regimes. The entire cost of going to university, both loans for tuition fees and for maintenance costs are borne by the student. Here in Wales, we are transitioning away from a system where we have very generously supported tuition fee policies and moving to a situation, in recognition that it is upfront costs that put people off from going to university, to a system where our poorest students in Wales will have access to a non-repayable grant equivalent to the living wage. No such system exists in England and to suggest that, somehow, students in Wales have a rougher deal than students in England is almost Trump-esque in its furthest-ness from the reality of the situation.

09:15

[29] Mr Millar should be very careful, because there are some people out there who, perhaps, will be making decisions about whether they're going to go on to study at a HE level, and they need to do that with full understanding of the facts and of the support that will be made available to them. I would think that Mr Millar, who says that he wants Welsh children to aspire to HE, would want to reflect on how he portrays the support that is available for—

[30] **Darren Millar:** You didn't answer my question.

[31] **Lynne Neagle:** Darren.

[32] **Kirsty Williams:** —students. With regard to the resources, Darren talks about £6 million. He's mixing up some of the issues around funding for HE. Six million pounds is being made available this year, brought forward from next year to help institutions deal with, as I said, some threats from demographic changes and from Brexit. With regard to resources for fees, we're making available £10 million, which we have calculated would have been in the region that universities could have expected, and we don't fund individual universities, Darren; the funding goes to HEFCW.

[33] **Darren Millar:** Okay. I understand that. Can I just ask—? You've clearly done some calculations; I was asking you about your calculations and your estimates. Forgive me for referring to the £6 million rather than the £10 million. As you know, we've only just had sight of your statement, but I would be grateful if you could provide us with the calculations as to how you've arrived at the £10 million because, frankly, it looks a little bit like a finger in the air job.

[34] **Kirsty Williams:** Chris, would you like to explain?

[35] **Mr Jones:** Yes. It's not finger in the air. It isn't—

[36] **Darren Millar:** So, how have you arrived at it?

[37] **Lynne Neagle:** Darren, can you let people answer, please?

[38] **Mr Jones:** I mean, there are different figures coming from different sectors. We have had information from Universities Wales, which is their estimate of what the costs are over a long period of time—four or five financial years. We've looked at the nearest financial year, and our estimate has been calculated by discussing it with statisticians. So, they've looked at the student numbers and the possible average fee level that was in place last year and will be in place next year, and we've come up with what we consider to be a reasonable figure for one academic year, which is the next one.

[39] **Darren Millar:** So, would you be prepared to share your calculations with us?

[40] **Mr Jones:** Absolutely.

[41] **Kirsty Williams:** Yes, that's not a problem.

[42] **Darren Millar:** I assume that within those calculations you've had to estimate on a university basis.

[43] **Mr Jones:** Yes. It's not easy because each institution has a different average fee. They also have a different legal position as to what they could charge students next year. So, there are some institutions that wouldn't have been able to charge all cohorts of students in their university the full fee; there are others that would have been able to. So, we need to take all that into account. It's not an easy calculation to make in a short period of time.

[44] **Lynne Neagle:** But if the committee could have a note, that would be very welcome.

[45] **Kirsty Williams:** Yes, that's not a problem at all. Very happy—. As I said earlier, Chris and his team have had to compress into a very short period of time a piece of work that would usually take a long time. But I have absolute

confidence in the way in which the figures have been arrived at. I'm very happy to share them with the committee.

[46] **Lynne Neagle:** Thank you. Thank you very much. John.

[47] **John Griffiths:** Thanks, Chair. In terms of what you said about the transition, Cabinet Secretary, from subsidising tuition fee repayment towards meeting upfront maintenance costs, obviously in line with Diamond, to what extent does that suggest that the existing tuition fee grant hasn't offered best value for money or best use of Welsh Government funding, would you say?

[48] **Kirsty Williams:** John, the reason why the previous Minister commissioned the Diamond review was to look at a medium to longer term financial arrangement for the sector as a whole. Diamond doesn't just look at how we support students, but it is a complete package of how we fund higher education. It also took into consideration the real pressures that students face, and if you listen to NUS Cymru and, increasingly, voices from across the sector—vice-chancellors in England, for instance—it is the upfront costs of going to university that are the real barrier to many people going on to study. So, the fact that we're transitioning away from one regime to a new regime isn't to say that the last regime was a bad one or a poor one—it supported Welsh students very well—but we can't put policy in aspic, we have to move with the times and we have to acknowledge where the pressures are for students and for the sector, and come up with a fair deal for both. Moving away isn't a criticism of past policy; it's to say that we need to find better ways of supporting students that recognise the real pressures that they're facing.

[49] **John Griffiths:** Okay. If I could just go on, Chair, just in terms of the figure, the annual household income figure of £59,200 for means-tested maintenance grants, that being the ceiling beyond which they will not be available—could you say a little bit about how you arrived at that figure, because we know that there was a figure of £81,000, wasn't there, recommended by Diamond, and there's a figure of £50,020 in terms of Welsh Government learning grant? Why did you arrive at that particular figure of £59,200?

[50] **Kirsty Williams:** First of all, it's important to remember that all Welsh students, regardless of household income, will be entitled to a £1,000 non-repayable grant, regardless of their income. So, everybody gets that, and

then there is a sliding scale and the means testing. We have arrived at that figure around affordability issues, John, looking to the medium to longer term. We have to satisfy ourselves that what we're setting up is a system that is affordable, and that's why we have brought this threshold down to a level that we think we can sustain over the medium to longer term.

[51] To reassure people, on our calculations to date, an average student from an average Welsh household we anticipate will be entitled to approximately £6,000 in a non-repayable grant. So, this is about being able to target those who are most in need of our help whilst being able to be satisfied ourselves that we are introducing a system that is viable and sustainable in the medium to longer term.

[52] **John Griffiths:** Okay. And, if we could move on to part-time students, it will only be households with earnings of less than £25,000 there that will be eligible for maintenance grants. We have that £25,000 figure, compared to the £59,200 for full-time students. Again, could you set out the rationale for that particular figure?

[53] **Kirsty Williams:** That's not my understanding of how it will work. Moving to support for part-time students is important to me, as we transition away from only seeing higher education in terms of traditional 18 and 19-year-old school leavers. What's really important is we look at the needs across the entire economy, and one of the issues around productivity in our economy and the skills level in our economy is that we need to be able to allow people to enter into the education market at different points in their lives, and support for part-time is a crucial part of that. But, Chris, could you explain around part-time?

[54] **Mr Jones:** Yes, just to confirm, the thresholds for part-time postgraduate and undergraduate will be the same, or broadly the same. So, there won't be any major differences in the eligibility thresholds within the system.

[55] **John Griffiths:** Okay, so the £59,200 figure will apply to the part-time—

[56] **Mr Jones:** Broadly, yes. There might be small differences, because the thresholds are slightly different, but they are more or less the same.

[57] **John Griffiths:** Okay, thanks very much.

[58] **Lynne Neagle:** Okay. Llyr.

[59] **Llyr Gruffydd:** Yes, could I just ask—? We're discussing student funding, but of course also today we understand that there have been considerable hikes in pay for vice-chancellors in Wales. Now, you've previously suggested that you might have something to say about that at a certain point in the future. How do you respond to the inflation-busting increases that we're seeing some of the vice-chancellors in Wales receive?

[60] **Kirsty Williams:** Well, I think the first thing to note, Llyr, is that these are autonomous institutions, and we have no locus over what they decide to do in terms of pay. But this is of concern to me, and you'll be aware in my remit letter to the Higher Education Funding Council for Wales that I have urged full transparency and accountability around these issues. I have to say, my focus has been on the other end of the scale. Now, we can have a row and have a view on what vice-chancellors are paid, but, to be honest, that doesn't help the people I'm most concerned about, who are those people who are on very low wages in the sector. And what we've been able to achieve by discussing this with Universities Wales is a commitment across the sector for the sector to become a living-wage employer. So, I expect full transparency and accountability around high levels of vice-chancellors' pay. It's for them to justify that that decision is the right one for their institutions. We are working with Universities Wales to ensure that we have greater transparency going forward, talking to HEFCW about the ability—because last year they published their first report into high pay in the sector—about whether we can enhance that transparency around differentiation within the sector, whether we can look at gender within those pay analyses, so that we can get a fuller picture of what's going on in our institutions. But I think, for practical purposes, focusing on those people being paid the least in the sector, and being able to get an agreement to move the entire sector onto a living-wage basis, is a real coup for the sector, because we will be the first HE sector in the UK to be able to state that.

[61] **Llyr Gruffydd:** And nobody's doubting that, and that is welcome news, but you did say, in the Chamber, I believe, that you would have, hopefully, something to say about the top end of the spectrum, and now you're saying that you have no jurisdiction over it.

[62] **Kirsty Williams:** No. As I said, in our remit letter we have asked HEFCW to continue to discuss this with the institutions. We're working with HEFCW

over how we can improve transparency and accountability in the reports that they do into high pay.

[63] **Llyr Gruffydd:** So, you will be responding to that piece of work. Okay.

[64] **Kirsty Williams:** Yes, and that's what we've asked them to do in the remit letter.

[65] **Llyr Gruffydd:** Fine.

[66] **Lynne Neagle:** Darren on this, briefly.

[67] **Darren Millar:** The Public Accounts Committee has considered high pay across the public sector, including the university sector, in the past, and made recommendations that the Welsh Government should attach conditions to the finances that it makes available to the HE sector in order to require pay of no more than a certain level. So, why haven't you used that mechanism, given that you are a significant funder of HE, to influence the decisions of HE boards at universities in awarding significant pay increases to university vice-chancellors?

[68] **Kirsty Williams:** As I've just said in answer to Llyr, via my remit letter to HEFCW—because I don't fund individual universities; the funding goes through the higher education funding council—we have asked that funding council to do further work on accountability and transparency of high pay within the sector, and we continue to have discussions with them and the universities about what more we can do in this particular area. But, as I have said, my focus, Darren—. We can rant and rave here about whether vice-chancellors are paid too little or too much, but that doesn't help the person who is cleaning the lecture theatre and it doesn't help the person who is on the lowest wages in that institution, and my priority is getting an agreement from the sector that those people are paid a living wage.

[69] **Darren Millar:** I understand that, Cabinet Secretary, but why haven't you implemented the recommendation of the Public Accounts Committee, which was very clear and unambiguous, and that is that, through the funding that is provided to the HE sector, whether that's via HEFCW or not, you are able to attach conditions to that funding that can influence the pay regime for senior members of staff within the university sector? You haven't done it. Why haven't you done it?

[70] **Kirsty Williams:** Darren, I do not have any legal powers to intervene in autonomous bodies on what they pay their vice-chancellors. I have, in my remit letter of 2017 to HEFCW, said that these issues are important to me and we want greater transparency and accountability on the reporting of higher sector pay. I cannot tell universities what to pay their vice-chancellors.

[71] **Darren Millar:** You can attach conditions. It's very clear from the advice that was given to the Public Accounts Committee.

[72] **Kirsty Williams:** I do not have any legal powers—

[73] **Lynne Neagle:** The Cabinet Secretary has answered.

[74] **Kirsty Williams:** —to set the pay of vice-chancellors' wages in Wales.

[75] **Darren Millar:** But you do have the ability to set conditions—

[76] **Lynne Neagle:** Thank you, Darren. Hefin has got some questions on the general finances issue.

[77] **Hefin David:** The recurrent revenue allocation that was agreed with Plaid Cymru—the Welsh Government agreed with Plaid Cymru—was £20 million again next year, the 2017–18 financial year. Can we be clear that's a continuation of the £20 million that was awarded, it's not an extra £20 million?

[78] **Kirsty Williams:** No, it's recurrent. So, the budget agreement last year between the Welsh Government and Plaid Cymru was for an additional £20 million for FE and HE, and that has been made recurrent in the proposals for next year's budget.

[79] **Hefin David:** Okay. So, with the additional funding you've announced today, that's, effectively, additional ring-fenced funding for HE on top of that.

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

[81] **Hefin David:** And what is that? That's going to be, looking at it, £16 million next year, if you don't count the £6 million that is going to be given now. Is that right?

[82] **Kirsty Williams:** Yes. So, what we've agreed with the universities, to cope with initial pressures that they're facing, is to bring £6 million forward.

[83] **Hefin David:** For this year.

[84] **Kirsty Williams:** Yes. So, we're bringing this £6 million forward. The additional resources that we're making available: there's one to cover tuition fees, which will be the £10 million, and we're also announcing the financial package attached to postgraduate study. So, in July, I signalled my intention to move to this system. In July, I was not in a position to say how much that is. So, there'll be an announcement today around the £5 million in both years, for two years going forward, which will fund the postgraduate element of this, which we were not in a position to tell you in July.

09:30

[85] **Hefin David:** So, next year, it's not £20 million, it's £35 million, of which £15 million is ring-fenced for higher education.

[86] **Kirsty Williams:** Well, the £20 million is spread from HE and FE. So, there is a discussion to be had about how those resources will be—

[87] **Hefin David:** I'll come on to that. But you can conceptualise it as £35 million or £20 million—£35 million, given the announcement you've made today, of which £15 million is ring-fenced for HE. That's a way of conceptualising that.

[88] **Mr Jones:** The £10 million hasn't been allocated to a specific financial year yet. So, we'll have to have some further discussions around when that money is allocated to HEFCW.

[89] **Hefin David:** But it will be this year or next year.

[90] **Mr Jones:** It won't be this year.

[91] **Hefin David:** It won't be.

[92] **Mr Jones:** No, it won't be this year.

[93] **Kirsty Williams:** It won't be in there.

[94] **Hefin David:** Okay. Okay. So, it's going to be—.

[95] **Kirsty Williams:** The new financial year.

[96] **Hefin David:** Well, it, surely, would likely to be—

[97] **Lynne Neagle:** Can we let people answer, please, Hefin?

[98] **Kirsty Williams:** So, the money, the £10 million, has yet to be allocated to a particular year, but it won't be in this financial year. It will be in the new financial year. Same academic year, new financial year.

[99] **Hefin David:** Okay, got it. I think. And, if you are sitting in the FE sector, is it fair to say that you might have the perspective that HE are now getting an increased amount and FE is not, and, therefore, would you, in your remit letter to HEFCW, give a clear indication of how you expect the £20 million then to split, and will it be different to the £15 million/£5 million split that you had last year?

[100] **Kirsty Williams:** Well, we were clear in the remit letter last year of our expectations around cross-sector working, and we will consider, across Government, how best to allocate and to utilise this £20 million that is available. What's clear to me is that the traditional barriers between HE and FE are breaking down, and that's to be welcomed. And, therefore, we need to look at support for the sector as a whole, but, as for whether FE feel that they're not getting a fair deal, I guess, Alun, you would have a perspective on that.

[101] **The Minister for Lifelong Learning and Welsh Language (Alun Davies):** I do have a perspective on that. [*Laughter.*]

[102] **Hefin David:** And what is that perspective?

[103] **Alun Davies:** We're managing a financial situation that has been difficult for some years. And we understand that, and I don't think there's any need for us to rehearse that this morning. Within that, we've taken decisions over a period of time, both this Government and the previous Government, to seek to protect full-time, work-based apprenticeships and learning in the 16 to 18 age bracket, mainly delivered through further education colleges. The consequence of that has been significant reductions elsewhere, of course. Now, we're looking at how we take this strategy

forward. I would like to see us protecting, continuing to protect, the areas we are protecting, but also looking at how we can continue to support adult learning, for example. That's something that I hope we can do.

[104] We've worked with the sector to manage reductions over some years, so you haven't seen the chaotic situation you have in England. Darren Millar speaks about the Public Accounts Committee report. He will be aware of the review that they did of the Wales Audit Office report on further education colleges in Wales, which was, on the whole, a very positive report on both the financial strength of the sector, and the financial management, both of the sector and the relationship with Welsh Government. So, we have a robust situation, but it's a situation that hasn't arrived by accident, but as a consequence of management.

[105] **Hefin David:** You're talking about this borderless FE/HE, which the tertiary funding council will address as well. But would you appreciate that it may be a view in the further education sector that the higher education sector have had a big increase now, and that the introduction of the tertiary funding council will not be fast enough to keep up with a borderless system, and, therefore, you need to be very direct and clear about how the £20 million, separate from the extra money, will be allocated?

[106] **Kirsty Williams:** It will be allocated in the same way as it was last year.

[107] **Hefin David:** Fifteen million pounds to £5 million.

[108] **Alun Davies:** Fifteen million pounds/£5 million, yes.

[109] **Hefin David:** Right. Okay.

[110] **Alun Davies:** But can I say, in response—? Because I think, Chair, that it's important that we recognise the scale of the ambition here. The White Paper that the Cabinet Secretary published, and which we will complete a consultation on—I think it's next week—is a very, very ambitious document, with a vision for that seamless post-16 educational experience, and us bringing together sectors, colleges, institutions, and the rest, in order to deliver that in a way that enhances the citizen—if you like, the person's individual opportunities of education. And that is a fundamentally important way of structuring things. Now, I don't want to, and I won't—with respect, Hefin—get into a situation of these sectors competing with each other. We understand that all sectors are facing robust financial difficulty, shall we say,

and we recognise that, both as a Government, as HEFCW and as institutions, we have to manage that accordingly. To date, and certainly within the FE sector, we've seen some very effective management of the financial situation, and the WAO report I think recognised that. As we move forward, we will seek to do that in a wider sense, together with HE.

[111] **Lynne Neagle:** Okay. We need to make some progress. I've got two Members who want further questions on this: John, then Mark—very briefly, because we need to go on to post-compulsory education and training reforms.

[112] **John Griffiths:** Okay, Chair. You mentioned lifelong learning, Alun, and I think, over the last five years, we've seen a halving of learners in adult community learning, so there's been a dramatic decrease. So, I just wonder whether you could say a little bit about that, and how that fits in with Welsh Government's ambitions to take forward lifelong learning. And has any analysis been done on just who those learners are? Because we heard at one stage it could be middle-class people doing flower-arranging classes, which is great, but perhaps not as important as somebody who's doing adult community learning as a way back into employment, and a way back into perhaps further and higher education.

[113] **Alun Davies:** I thought the Estyn report, published last year, was a very good analysis of those areas, and the impact of reductions in that area. And in accepting that report, what we've also done is accept the need to look again at adult learning, adult education. Chair, I've got no issue with the analysis that John has outlined. I absolutely agree with the fundamental importance, that we have to provide that wider educational experience, and the funding reductions did have a disproportionate impact, of course, on adult learning—we're aware of that. The reason for that, of course, was to protect the full-time places available to young people between 16 and 18, and we did protect those. I think we actually saw a funding increase of about 3 per cent, in fact, over that period. So, we have protected those courses, and the consequence has been the reductions in the wider adult learning that you outlined.

[114] Now, I've spoken, and, I hope, reasonably clearly, over the last year or so that it's my ambition to be able to look again at adult education, and bring forward a new strategy for adult education that recognises its importance in the wider society, and which enables us to reach our ambitions for that. And I hope I'll be able to make a statement on that, Chair, certainly

within the next six months.

[115] **Lynne Neagle:** Thank you. Mark, briefly, please, because I want to move on to PCET reforms.

[116] **Mark Reckless:** Cabinet Secretary, thank you for publishing the student finance update, and sharing the statement in advance of the committee meeting. I wonder if you could just help me with a couple of paragraphs. You say:

[117] 'I am able to confirm that...the maximum tuition fee will remain at £9,000.'

[118] And I'm just trying to reconcile that with the next paragraph, where you say that

[119] 'financial plans will have included additional income from increased tuition fees'

[120] for universities. And you refer to managing financial issues for our institutions as a result of this change. Can you clarify that, actually, you haven't confirmed the tuition fee will remain at £9,000, but you have performed a u-turn on the previously announced policy of increasing fees?

[121] **Kirsty Williams:** I don't think you were here at the beginning of the committee for my statement, and my opening remarks, where I clearly said to the committee that £9,000 fees will remain. And that is a change of policy from July, and we will make additional resources available to the HE sector to help them accommodate that change.

[122] **Mark Reckless:** So, we're not confirming that fees are staying at £9,000, we're changing the previously announced policy, so there's not going to be an increase, and contrary to what was said before, you are—
[Inaudible.]—£9,000.

[123] **Kirsty Williams:** Fees are £9,000—

[124] **Lynne Neagle:** We have done this, Mark, before you came in.

[125] **Kirsty Williams:** Fees are £9,000. They will be staying at £9,000, and we will be making additional resources available to institutions.

[126] **Mark Reckless:** But a change rather than a confirmation.

[127] **Lynne Neagle:** Mark, if you'd been here at the beginning—we covered this. Okay. We're going to move on now to talk about the post-compulsory education and training reforms. The first questions on this are from Hefin.

[128] **Hefin David:** The White Paper on Hazelkorn identifies significant weaknesses in the post-compulsory education and training system, which don't seem to have been addressed by the Higher Education (Wales) Act 2015. So, what are those specific, significant weaknesses that you're trying to address?

[129] **Kirsty Williams:** I think, Hefin, reading Professor Hazelkorn's report, it identified a number of weaknesses, specifically concerns about duplication within the sector, but also gaps in provision within the sector. Traditional boundaries, as we've just been talking about are breaking down, and so, for some institutions, they may be subject to more than one set of regulatory requirements, which is confusing and costly and not productive. Funding and quality-assurance mechanisms vary widely across the sector, and there is this age-old problem of academic and educational routes through education having a very different status and not being regarded as being equally valuable. Evidence also suggests that sometimes young people and their parents aren't getting access to advice that allows them to make the appropriate decisions for them. So, there are a number of issues around the current sector that Professor Hazelkorn identified as being weaknesses and what we hope to achieve, by moving to the establishment of the commission, is a seamless arrangement for planning and regulating and quality-assuring and providing information and coverage for the sector.

[130] **Hefin David:** Some of these things are probably things that I recognise from my own previous career experience. I don't know whether you needed a report to say them. For example, the single funding body, the FEHE and the boundary-less FEHE, which is really good, but why not have that addressed in the previous Higher Education (Wales) Act 2015?

[131] **Kirsty Williams:** Hefin, you would have to ask the Minister responsible who took the higher education Act for 2015 through.

[132] **Hefin David:** You must have a view.

[133] **Kirsty Williams:** Well, yes, I have a view. I think, if I were to try and put myself in that person's shoes back at the time, I guess the Act was there to answer a different set of problems, really, and then, subsequently, the previous Government commissioned the Hazelkorn report to look at the entirety of the sector, and I am picking up that report. I agree with the analysis. I think there is an opportunity to do things better and we are taking that opportunity through the consultation that is about to come to an end, moving towards legislation in this Assembly term to create that overarching body that I believe will help us solve some of those problems that you're talking about. I think the Act of 2015 was designed to do a different set of things.

[134] **Hefin David:** Okay. And how will the changes enable Government-supported higher education and further education sectors to address the problem of employers' confidence that supplies of skilled labour are not of the standards they should be?

[135] **Kirsty Williams:** I think what we're trying to achieve is by bringing institutions together to focus very much on the needs of learners and indeed the needs of employers—the new commission will bring functions that are currently dispersed through different regulators and several funders to a whole-system approach. I would very much like to see employers have an active part and representation on the commission so that that voice of business and the voice of what we need for the economy is heard loud and clear, so that when that commission is looking to engage with the sector, to commission and plan the sector, we will have that coverage.

09:45

[136] I am aware that, for some employers, confidence is low in the traditional settings that are there, and we need to get better—both in the FE sector, and particularly in the HE sector—at working more closely with employers, which, again, takes us back to the 2017 remit letter, where we're urging HEFCW to prioritise and to work very hard with the sector on issues around research and links to business, and to be able to have those voices on HEFCW as we move forward in the interim period. Because we can't just sit back and wait for the new commission to be on board. There are things we need to do now to improve the situation. HEFCW are out to arrange a round of replacements. Some people have come to the end of their term on the HEFCW board, and they've been proactive, I believe, in going out to look for a more diverse set of people who can bring these experiences to the HEFCW

board now, rather than simply just waiting for the commission to take place.

[137] **Hefin David:** Okay. I'd like to explore the structure and nature of the new body. Are you ready to move on to that, Chair?

[138] **Lynne Neagle:** Yes, that's fine.

[139] **Hefin David:** Okay. So, the new tertiary education research commission for Wales, which sounds a bit like 'turkey'—[*Laughter.*] I'm wondering about the acronym, but there we go. The new body—how will it differ from the current structure of HEFCW? What is, in your view—? Can you explain to us the current structure of HEFCW and how TERCW will be different?

[140] **Kirsty Williams:** Okay. Hefin, if I can be flippant for a moment, if all I have to worry about in the next couple of years as we move towards the commission is the acronym, I'll take that, because this is a very comprehensive, complex piece of work. We believe that when the Bill comes forward, it will probably be the largest Bill that this Assembly has—

[141] **Hefin David:** I was also being flippant as well.

[142] **Kirsty Williams:** —ever had to deal with. So, if the acronym is all I've got to worry about—

[143] **Hefin David:** But the structure—

[144] **Kirsty Williams:** —then I'll be happy.

[145] **Hefin David:** But the structure is important. But the structure is important. How will—

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

[147] **Hefin David:** —the structure be different?

[148] **Kirsty Williams:** So, our aim in creating the new commission will be to keep what is good about the current system, but also to build anew where innovation is needed. So, while we'll—. You know, we're out to consultation at the moment on the broad principles around the commission. My intention is to have a technical consultation in the new year, which will be more detailed and will drill down into more detail, because at the moment the

consultation is quite high level, and more detail.

[149] In principle, it's difficult to imagine how the model that we've currently got for HEFCW, which is designed solely for the needs of the higher education sector, could in its entirety just be brought over and parked and be expected to cope with the diversity that the new commission will have to consider—so that's HE, FE, work-based learning—so it will have to be a much broader approach to that with the multiple voices. But, you know, it's a genuine consultation. We're looking for views from people about how best that will be set up and how it will function, and what the methods by which it will—the relationship that it will have with the providers, who will be covered and who won't be, because there's a discussion to be had about sixth forms—where do they lie? So, it's a genuine consultation. It's coming to an end. We will reflect closely on that before we go out to technical consultation in the new year on a more detailed proposal.

[150] **Hefin David:** What are the current numbers of staff at HEFCW at the moment?

[151] **Kirsty Williams:** Current numbers of staff? I will have to let you know. Off the top of my head—

[152] **Hefin David:** Is it about 40?

[153] **Mr Jones:** It's just over 40. It's about 44, or something like that.

[154] **Hefin David:** And what kind of structure does the organisation have? Is it a directorate structure, or is it an organic structure?

[155] **Kirsty Williams:** It's a chief with a board.

[156] **Mr Jones:** Yes, well, there's a board that overarches, and then the executive consists of a chief executive officer and a senior management team.

[157] **Hefin David:** So, would you expect to see an expansion of this organisation into something bigger, or—?

[158] **Kirsty Williams:** Can I make it absolutely clear: the new commission is not the son or daughter of HEFCW? This is a new approach and a new organisation, learning from what has worked well in HEFCW, but I don't want

to give any impression that we're just going to morph HEFCW into—

[159] **Hefin David:** But you will still have the same people, won't you? You're not going to have a whole new set of people running this. The people who are currently working for HEFCW are likely to be involved in the new body. Therefore, there's a cultural continuation.

[160] **Kirsty Williams:** It's too early to tell what decisions individuals will make. Obviously, we don't want to disadvantage anybody, and we're not in the business of making people lose their jobs, but I think we're too early in this process to know who is going to head-up this organisation.

[161] **Lynne Neagle:** Okay. Have you finished your questions?

[162] **Hefin David:** Yes, okay.

[163] **Lynne Neagle:** Thank you. Llyr, on this.

[164] **Llyr Gruffydd:** Just coming back to the sixth form question—now, you may say, 'Well, we'll have to wait and see what the consultation says', but I'm just wondering—

[165] **Kirsty Williams:** It's what I will say.

[166] **Llyr Gruffydd:** Yes, I was fearing as much. But, surely, if we're looking to introduce a system that brings more coherence, more co-working, more of a look at the whole post-compulsory education sector, then it would seem very strange if sixth forms sat somehow outside of that.

[167] **Kirsty Williams:** Well, of course, if you read Ellen's report, she does not come to a firm conclusion around the issue of sixth forms. There are advantages and disadvantages in moving the sixth forms—. Technically, they are indeed post-compulsory education, and we don't compel people to go to sixth form, but they are very clearly part of the school system. So, the report itself says that there are disadvantages and advantages to either putting them into the school system, where they are regulated by Estyn and they are part of that regime—or whether you actually take them out of the school system and put them into a different regulatory body and planning body. It's a genuine consultation. The Government has no fixed view on this at this moment. We're waiting to hear how people view this, because Ellen Hazelkorn herself did not come up with a firm recommendation about where

sixth forms should sit.

[168] **Llyr Gruffydd:** Fair enough.

[169] **Lynne Neagle:** Okay, thank you. We're going to move on to questions around access now—John.

[170] **John Griffiths:** Thank you, Chair. The White Paper suggested that post-compulsory systems were not, I think, fully optimised—or something similar was the charming phrase used—in terms of dealing with more diverse learners and anticipating future trends. So, I wonder if you could say a little bit about how the new post-compulsory system will meet the challenges of widening access. And what are your thoughts on whether the commission might be tasked with carrying out any particular work to ensure that we do widen access as we go forward?

[171] **Kirsty Williams:** John, can I reassure you that widening access is a priority for me and a priority across the Welsh Government? I can't comment on the future priorities of future Ministers when the commission is up and running, but I would expect the new commission to have wide-ranging powers that they could use to promote and support wider access. I think what's important as well is that, by taking this whole-systems approach within the commission, we will be more effective in breaking down some of the barriers and creating seamless pathways and transition arrangements for all learners to be able to move through different parts of the system, which I think sometimes learners can find very complex and very difficult and not flexible enough as it currently stands. So, the commission will be able to help, I believe, to open up learning opportunities for all. That vision of what's best for the learner will be at the core of what the commission's function will be.

[172] **John Griffiths:** If I could, just very briefly, Chair—do you believe that we're seeing any particularly interesting developments in Wales at the moment in terms of FE and HE understanding this agenda and working more closely together and perhaps having particular projects and proposals to give effect to it?

[173] **Kirsty Williams:** Yes, John, and I don't think we should just limit that to HE and FE, but also the school system. Last week, I was at Cardiff and Vale College where they, after a pilot last year, have got a very, very successful recruitment where selected students at 14 are coming in and studying at the

college, especially those students who can benefit from that slightly different type of approach, perhaps children who are in danger of disengaging from school and want a slightly different curriculum. So, we see FE colleges and schools working very closely together.

[174] In my own area, some students take a mixture of A-levels within the sixth form but also go to the local college to pursue qualifications in more vocational routes, because they want a mixture of both. They don't want to just do three A-levels, they want a bit of both systems. We're also seeing, via the work on higher-level apprenticeships and the development of our degree-level apprenticeships, which is ongoing at the moment, the breaking down of barriers that allow that flexibility and allow students to be able to pursue a route that is particularly helpful to them. So, I'm greatly encouraged by an understanding across the sector.

[175] Again, this is part of our civic mission. I've challenged our universities: they have a role to play beyond their institution, beyond just providing support for their students, beyond just simply training future generations of teachers. We've seen some very interesting projects, for instance our MFL mentoring scheme, with sparky, bright undergraduate modern foreign languages students going into schools and being mentors around modern foreign languages in schools. We've recently seen a report: those schools where the mentors have been placed have seen a significant increase in the number of students deciding to take MFL as a GCSE option. So, if we can do that with modern foreign languages, we need to do it with physics and chemistry, because those universities have this great resource.

[176] **Lynne Neagle:** Okay, thank you. We will move on now, then, to research and innovation—Mark.

[177] **Mark Reckless:** At a UK level, the Higher Education and Research Act 2017 changes the procedures for awarding grants largely through the research councils. I have read that the Welsh Government sees some risk in this to the research base of Welsh universities, and I just wonder if you could explain what those risks are for the committee.

[178] **Kirsty Williams:** The higher education and research Act—if Members are not aware, and I'm sure you are—created a UK Research and Innovation. That incorporates into one body the functions of UK-wide research and innovation funding activities with England-only funding activity—and that's Research England. Therein lies the potential threat, I believe, to Wales and

other devolved nations. It's not particularly picking on Wales. I don't want to suggest that. It's essential that Wales has a body of sufficient gravitas and identity that can work with UKRI on an equal basis when it comes to issues relating to research funding. It's very difficult for Jo Johnson, and sometimes Ministers in England, and sometimes this board: most of the time they are England only, then, occasionally, we expect them to be UK-wide in their outlook and approach to things. I think that's challenging—not because they want to be difficult about it. I'm not suggesting for one minute that there is malice in this. It's just the nature of that organisation, which I think intrinsically, potentially, could be difficult. We need something of equal status to be able to talk to that body.

[179] To be honest, what I'm also concerned about are issues around, for instance, Horizon 2020 funding, which has come from the European Union. If that is to be replaced by UK funding, how do we make sure that Wales gets its fair share of that? So, I'm just worried that UKRI will look at funding things that are specific to England rather than looking at funding research projects in Wales that might have specific interest to us. So, for instance, the Institute of Biological, Environmental and Rural Sciences in Aberystwyth and grassland—that's very specific. It's very relevant to the Welsh economy and very relevant to Wales, but it might not be seen as a priority for a body in England. There are issues around how we can make our steel industry more competitive—cutting-edge research around some of that. Again, that would potentially be a big priority for us. It's very important to our economy, but it might not be seen as something that is strategically important for a different body. So, it's about making sure that we can have those conversations and that there's fairness.

[180] **Mark Reckless:** So, as well as the commission looking to put those types of issues on the UKRI agenda and fighting to get Wales our fair share of moneys, would the commission also look to move away from non-hypothecated funding towards the model that the UK research councils have adopted of funding particular projects—for example, on grasslands or the steel industry—if the UKRI wasn't doing that sufficiently?

[181] **Kirsty Williams:** Well, as you'll be aware, Mark, the Government is currently awaiting the finalisation and receipt of the Reid review, which is looking at Welsh Government-funded research and innovation. I don't want to prejudice anything that the Reid review might say, but the Welsh Government expects to continue to make funding available to the funding council for the award of unhypothecated funding for quality-related

research, and the Welsh Government recognises that that's a very important part of the dual-funding mechanism for research and innovation activities in the HE sector. So, there's a dual-funding approach. But the Reid review is to conclude shortly, and I don't want to prejudge anything that might say. What we need to do is make sure that we get great value for that funding.

10:00

[182] **Mark Reckless:** Whether it's Professor Diamond or Hazelkorn or the Reid review, Welsh Government seems to have done well at getting in well-respected professionals to advise and do substantive reviews. I just wonder: is there a danger that Ministers end up stepping too far back from the process in terms of implementing the reports of others, rather than putting their own strategic stamp on what is happening, particularly—sorry, if I can just continue—in light of the commission? I understand why with higher education you need an arm's-length body to fund it, and you don't want Ministers saying, 'Well, this research or this project or this professor should get money, and not this', but when we look at FE, do the same sorts of issues apply, and don't we actually want to see Ministers getting quite into the nitty-gritty of how FE is working with schools and supporting business, for example, rather than leaving it all to an arm's length body and just trusting it does it well?

[183] **Alun Davies:** I hope I do get into the nitty-gritty, Mark; I'd be disappointed if you thought I didn't. In terms of looking at the—. I spoke to a number of college leaders—FE leaders—in Ebbw Vale in my constituency last week, and the point I was trying to make to them was that Government will lead and Government will design an agenda and many of the commissions, of course, that you've just listed were actually commissioned by Ministers to deliver an agenda for Ministers on behalf of the Government. But then, we also want to unleash the creativity of the sector as well. If you look at the 'creative futures' way of responding to some of the funding reductions you see, Government provide an element of support for that direction and guidance, and then what we do is enable managers and leaders to actually use their knowledge and use their creativity in order to deliver on some of those solutions. Kirsty has outlined a number of different examples of where that's working well. You can go to Bridgend and see it working well. We've got colleges working in schools delivering an educational experience that simply wouldn't have been possible if you'd had these sectors working in silos separately from each other. So, our priority is to deliver this strategic vision and this strategic direction, and then to work with and alongside

leaders and professionals in order to deliver that on the ground, in the middle of the nitty-gritty that you described.

[184] **Mark Reckless:** And finally from me, if I may, very quickly, Chair: Cabinet Secretary, can I just ask, do you see HEFCW as a broadly successful organisation that you want to carry over its culture into the new commission?

[185] **Kirsty Williams:** As I said, there are many very positive aspects of how the higher education funding council has worked. We want to take what's good from that, but I am very clear that I do not want people to have the impression that this is just going to be a souped-up HEFCW, or that the new commission will be the son or daughter of HEFCW. Because as I said in answer to questions earlier, given the diversity of the sector as a whole, it's hard to see how you could just simply transplant HEFCW and everything that HEFCW has done into a sector that will have to take care of so many more different types of organisations and ways of doing things. That's not a reflection of HEFCW; the PCET reforms are not me saying that HEFCW hasn't done a good job. It's about recognising the weaknesses in the system and being able to deliver it better. So, it's not a criticism of HEFCW, but we need to have that overarching view of post-compulsory education and training in Wales.

[186] **Alun Davies:** Can I come in on this, because I think it is important? What this reform represents isn't simply a technical reform to an organisation and making technical changes; this is a philosophical approach to how we see the development of post-compulsory education. It's working with people not in the competitive way that we see in England, or the destructive forces that that has unleashed, but this is about working in partnership with people where we are able to deliver a very, very ambitious vision for the opportunities that we want to provide for the learner and for the citizen. When I look at the future—you talk about HEFCW and whether this is going to be the son or daughter of HEFCW, and all the rest of it—for me, the test of this organisation will be how we're able to deliver on some of the higher apprenticeships that Kirsty described earlier, and how this contributes to the wider employability work that Julie James is leading in Government, and how we're able to deliver this sort of progression for people and institutions, working collaboratively together to deliver these sorts of educational opportunities for people from 16 through to whatever educational opportunities they wish to access. So, this is very much philosophically rooted in the values of this Government, but also rooted in a vision for a very different sort of education system. So, you know, I think if

you try to compare it with what we're doing today, I think we sometimes lose that idea.

[187] **Lynne Neagle:** Okay, thank you. We're going to move on now, then, to talk about the impact of Brexit. Llyr.

[188] **Llyr Gruffydd:** Thank you, Chair. We're all conscious that the Brexit clock is ticking, and I'm just wondering what kind of Brexit scenarios in terms of HE the Government is planning for and what some of those plans look like.

[189] **Kirsty Williams:** Okay, so, you'll be aware that the First Minister has his external Brexit group, on which there are HE representatives. I've also established a HE working group for the sector to get together to look at, with officials, some of the pressures, dangers, threats, opportunities—finding it quite hard to find some opportunities, maybe.

[190] **Llyr Gruffydd:** I'll ask you about that later.

[191] **Kirsty Williams:** Anyway, we're looking at a wide range of issues. So, there are a number of key areas that we're concerned about. So, the first is around EU staff. Seven per cent of the total staff and 11 per cent of the academic staff are from the EU, so it's about ensuring that there is clarity around their position, and also ensuring that we don't put people off from coming here, because there may be a misapprehension from people who are looking to apply to work in the sector here that somehow the country is unwelcoming of those individuals. So, it's about creating that culture that, you know, 'You're very welcome.' Then the other issue is—

[192] **Llyr Gruffydd:** Sorry—. I mustn't interrupt.

[193] **Kirsty Williams:** And then the other issue is around students. So, how can we protect students' interests? Structural funds: Welsh HEIs have received quite significant amounts of money around structural funds, so what will the replacement for structural funds look like and how will that impact upon HE? EU research frameworks: we've just talked about Horizon 2020. Wales has done well, so how do we continue to have access to resources of that kind? That's €55 million of 2020 funding that has come into Welsh HEIs since 2014, but it's also—. It's not just about the money; it's about those collaborations as well—those international collaborations that academics value. It's also, then, about Erasmus as well, so the opportunities for

students to travel. So, those are the issues that we are looking at that are of concern and we're trying to mitigate, lobby, discuss with the UK Government, to try and get some clarity around.

[194] **Llyr Gruffydd:** Yes. You've listed the issues that I'm sure we're all aware of and concerned about, but I'm not hearing what those plans are in terms of mitigation. Is it the case, therefore, that you really don't know until you know what the situation is going to be? Because if we leave it that late, then clearly there's a risk that it will be too late.

[195] **Kirsty Williams:** Well, some of this is out of our control, Llyr.

[196] **Llyr Gruffydd:** I appreciate that, yes.

[197] **Kirsty Williams:** We've had regular correspondence. I've met with Jo Johnson to talk about the issue of whether students should be included in the net migration figures, which we don't want to happen. You'll be aware of the Welsh Government's paper on fair movement of people, which talks about how we want the UK Government to understand the specific needs of the sector here. It's very difficult to deal with the Government. They themselves seem very uncertain around a number of issues. Some of this HE stuff, I worry about how high up the Westminster Government agenda it is, and there's a danger of some of these issues not getting the traction that perhaps they need. But we continue to work with the sector to identify what we can do within our remit to protect against some of these adverse situations we may find ourselves in.

[198] **Llyr Gruffydd:** I appreciate that it must be very frustrating because, clearly, you are doing this with your hands tied behind your back in a certain sense, although it does feel a bit like we're fumbling in the dark a little bit, because we don't really know what things are going to look like. But I'll leave it there for now, because clearly time is short.

[199] You touched on opportunities earlier, and I was going to say surely there must be some work happening to identify what those opportunities might be.

[200] **Alun Davies:** Can I say, over the last few weeks we've nearly seen a collapse of UK policy on Brexit, and I think the chaos within the United Kingdom Government, where you've got Ministers openly arguing in the pages of the Sunday papers about what the terms of departure should be, is

one of the most bizarre episodes in our recent political history? Now, within that context, of course, you've also got a United Kingdom Government that is anxiously trying to find a way of getting its withdrawal Bill onto the statute book. Now, until some of these matters are resolved, it's very difficult for us to have a coherent plan in place, because we don't know what the different variables will be. But I would take issue with the description that somehow we're in the dark or our hands are tied behind our back. We're active participants with the United Kingdom Government in seeking to find a UK structure that will function in 2019, and part of that is a review of what regional policy will be in 2019 and post 2019.

[201] Now, the United Kingdom Government has given some commitments in terms of funding issues, but, again, we don't know how that structure will work. Now, if you look at the issue of further education you'll see that something like £600 million has been accessed by further education colleges in the 10 years to date of European structural funds to deliver skills training and the rest of it. Now, somehow, we need to fill that gap, because we still need—and we've had this conversation before, about post-16 training—to deliver those sorts of training opportunities. Now, our ability to do that will be dependent both on a regional policy that is subsequent to 2019, and then a structure that enables that regional policy to be delivered in a way that we've been able to deliver on structural funds.

[202] Now, at the moment, given the chaos that you have at the other end of the M4, it's difficult for us to actually plan that sort of future scenario, but we are active participants in trying to bring some order to that chaos, and I think the statements that Mark Drakeford has made this week are actually quite important in that way, and that we're moving forward with a set of principles that we are working with the UK and Scottish Government on, on which we will base future policy directions and future policy structures.

[203] **Kirsty Williams:** We are very clear of our ask of the Westminster Government. We are absolutely clear in what we need the Westminster Government to do. So, if they support the Welsh Government's position about an adjustment to the block grant, to ensure that there is no reduction in the money that we would normally have expected to receive from structural funds, that's what they need to do, and that's what people who campaigned for a 'leave' vote promised would happen. We want them to negotiate continued participation in Horizon 2020 to secure those relationships for Welsh institutions. We want them to negotiate continued participation in Erasmus+ so that UK students have the cultural benefit of

being able to go and study somewhere else. We want them to adopt a pragmatic approach to migration policy with regards to numbers, and I know Jo Johnson feels the same way. Whether he can convince the Home Office, of course—

[204] **Alun Davies:** Or his brother.

[205] **Kirsty Williams:**—or his brother, is another matter. But I know how important he sees this to be. We've seen from the education committee in England that they've called on the Westminster Government to develop a cross-Government strategy for international research and higher education. They are calling on their Government to do that. There's an opportunity there, should that happen, for the devolved administrations to be actively involved in developing that and supporting that and bringing those benefits to Wales. But I have to say, sometimes they do not work in a particularly collegiate fashion. So, Jo Johnson has signed a deal, a UK-US agreement that they didn't tell us about, didn't tell the Scots about, and we're constantly battling against that intransigence.

[206] **Llyr Gruffydd:** You've listed a lot of questions that you're asking the UK Government, but the clock is ticking, so, on a scale of one to 10, how confident are you that you will get those answers in time to develop a meaningful plan to maximise opportunities and mitigate all the risks?

[207] **Kirsty Williams:** It's impossible for me to answer that because I don't even think the Prime Minister could answer that at the present moment.

[208] **Llyr Gruffydd:** That probably says a lot about the process, doesn't it?

[209] **Lynne Neagle:** Okay. I've got Mark then Michelle, briefly, please.

10:15

[210] **Mark Reckless:** Cabinet Secretary, would you meet with Professor Riordan, vice-chancellor at Cardiff University, and discuss some of his concerns about how Erasmus has been operating and the fact that he sees leaving Erasmus as an opportunity to develop better exchanges for students at Cardiff, where there is a huge number of people from European and other countries who would want to come to Cardiff University? Sometimes, our students don't necessarily have the same enthusiasm for doing the reciprocal side of those exchanges. Couldn't we actually use that opportunity to bring

the best quality of possible students to most enrich the body at Cardiff but also bring potentially extra income into Cardiff University, given the amount of demand for people to come in and do exchanges there?

[211] **Kirsty Williams:** I meet with Colin Riordan regularly.

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

[213] **Michelle Brown:** Thank you, Chair. You said earlier that you find it personally difficult to find any opportunities in Brexit. What work are you actually doing on the ground to see if some opportunities can be actually identified, because I personally think there are quite a few opportunities if you're actually open-minded about it?

[214] **Kirsty Williams:** Okay. Well, as I said, we have established an EU working group for the HE sector with my officials to look at both threats and opportunities. If you can name them, Michelle, I'd be very pleased to hear them, and I'll ensure that they form part of the agenda when the group next meets. But let's be absolutely clear: when the House of Commons Education Select Committee published its report very, very recently, there wasn't a huge amount of positive recommendations that they could find. There were some, and we actively look to work with them, but if you can name them here today, then we will discuss those in the working group.

[215] **Mark Reckless:** [*Inaudible.*]

[216] **Lynne Neagle:** Excuse me, Mark—

[217] **Mark Reckless:** [*Inaudible.*]

[218] **Lynne Neagle:** Mark. Mark, you come through the Chair, please.

[219] **Mark Reckless:** Apologies, Chair.

[220] **Michelle Brown:** Well, I mean, you've established a working group. So, you've established a talking shop that you're going to be—. You've asked them to identify the challenges and the opportunities. How much focus are they actually making on the opportunities?

[221] **Kirsty Williams:** It is not in the sector's interest not to look for those opportunities. It's not in their interest to do that, and it's not in our interest

to do that. What I'm saying is that we are dealing with a massive potential threat to the sector, and we are exploring actively with universities how we can mitigate those threats and what the opportunities are. Those opportunities, for instance, about trying to—. We have a fantastic product. The Welsh HE product is a really, really, really strong product. So, what can we do as a Welsh Government to support that product into other markets so that we can, potentially, make our product an attractive one and one where people want to come and study here, people want to work here, people want to have partnerships in their own countries with our HE institutions? How can we support that? And we're actively supporting that as a Government. But a lot of this then comes back to policies around immigration, migration status, the signals that the Westminster Government are putting out there about what kind of country we are, and Welsh education is bucking the trend. Our ability to recruit EU students this year has outstripped that in England, so that positive work that universities are doing, supported by us, to give positive messages that we're open for business, we're open for study, it's a great place to come and do your learning—you know, this year, we've bucked the trend. And we will continue to support the sector in any which way we can to do that. It's not in our interests or their interests to do anything else.

[222] **Lynne Neagle:** Thank you. We're going to move on now to the Welsh baccalaureate. Darren.

[223] **Darren Millar:** Can I just ask you, Cabinet Secretary, about the Welsh baccalaureate? Some schools are expressing concerns that they feel strong-armed, almost, into ensuring that the Welsh bac is something that has to be taken post 16. I know that the Welsh bac can be a very enriching experience for many pupils, but there are other pupils who may well benefit from doing four A-levels rather than three or a combination that does not include the Welsh bac post 16. Can you just respond to those concerns?

[224] **Kirsty Williams:** Okay. Well, like you, Darren, I think the Welsh bac provides an opportunity for students to be able to develop and to demonstrate a wide range of skills above and beyond simply academic study and pursuit. We are actively working with universities across the United Kingdom for recognition of the Welsh bac, and you'll be aware that the reformed Welsh bac, which now has a grading system similar to that of A-levels, attracts UCAS points, and I meet parents all the time whose children—and the students themselves who have been able to gain a place at university as a result of their participation in the Welsh baccalaureate.

[225] In line with the recommendations from the review of the qualification, we encourage universal adoption and delivery of Welsh bac. Although it's not statutory for all learners to undertake the Welsh bac, we would very much encourage students and schools to offer that opportunity and encourage as many of their students as possible to participate in that, because I believe that it brings real benefits.

[226] **Darren Millar:** I agree with you that there are benefits that can be derived. The problem is that the Welsh bac is not always recognised by universities, particularly those in the Russell Group; whilst they will say that they will accept them, they usually also require the traditional three A-levels, initially, as part of their entrance criteria.

[227] Can I just clarify, though, this situation in terms of the push for the Welsh bac? I know that the Welsh bac is something that is part of the performance measurement—access to the Welsh bac and the availability of the Welsh bac at post 16 is something that schools are measured against. But I am concerned that that strong-arming is forcing some schools into a situation where they feel obliged to ensure that all of their pupils—and these are decisions that are being made in Wales—in some schools have to participate in the Welsh bac post 16. I appreciate that you've said it's not compulsory; you want to encourage rather than hit people with a stick for not participating, but that is driving some pupils into, simply, stressing out, not feeling able to cope with the work in those schools, because they're being required to take the Welsh baccalaureate. What message do you think that that gives to those pupils who perhaps might be much more suited to the traditional three A-level approach, or even four A-level approach in order to get into the top universities? We know that not enough Welsh students are getting into those top universities around the UK.

[228] **Kirsty Williams:** Darren, we would encourage schools and colleges to ensure that young people follow three A-levels as well as the Welsh baccalaureate. It is recognised at the vast majority of universities, including Russell Group universities. Cardiff is a Russell Group university—

[229] **Darren Millar:** Yes, but not all Russell Group universities—that is the point.

[230] **Kirsty Williams:** Let me be absolutely clear: there are many, many universities that will use the UCAS point scores from a Welsh bac as part of the offer. For other universities, if they don't do that, they use the process of

a Welsh bac as a way of differentiating Welsh students from other students, because our students undertaking this course have got a personal statement and an interview perspective that I believe sets them apart, because they're able to demonstrate that, 'Yes, I can cope with an academic load', which is what our Russell Group universities are looking for—'I can cope with an academic load, but I'm not just about the academic; I've got a whole range and set of skills that I can bring to this university on top of those grades.' So, I think we need to look at it in the round, at what it offers students. I'm very happy to share with the committee the views that universities have on this.

[231] I am not in every sixth-form classroom or further education classroom. The decision to allow some students not to participate has to be a decision for the headteachers in those classrooms, but I am clear that there are very real benefits to Welsh students studying the Welsh baccalaureate. We encourage schools and colleges to be able to allow their students to do it, but for each individual student, that has to be a decision for the headteacher within that school; I can't micromanage that process. I'm sure that if a headteacher genuinely thought that somebody's chances of obtaining a place at Oxford or Cambridge or a Russell Group university were severely being disadvantaged because of participating in the Welsh bac, those professional people would make the right decisions. Because, once again, it's a badge of honour for a school to get pupils into Oxford and Cambridge or Russell Group universities; that's one of the ways in which they demonstrate their success as an institution. So, I think it would be massively inconceivable that a school would go out of its way to force a pupil to do a qualification if they genuinely believed that that was jeopardising their chances of that student going on to fulfil their potential. That would be a very strange situation indeed, Darren.

[232] **Darren Millar:** But if a school is performance measured as a result of offering the Welsh bac to all its pupils and ensuring their participation as much as possible, and if there were incentives in the inspection regime and other tools in terms of the tactics of the Government to encourage take-up of the Welsh bac, then don't you see that that may force schools to inappropriately push kids in the direction of the Welsh bac when it may not suit them because of their future ambitions?

[233] **Kirsty Williams:** But it's not part of the post 16 performance measures, Darren. It's part of the—

[234] **Darren Millar:** The inspection regime?

[235] **Kirsty Williams:** It's not part of the performance measures, Darren. So, it is part of the performance measures up to the age of 16, but post-16 advanced Welsh bac is not part of performance measures in our schools. Andrew, do you want to explain? It's not.

[236] **Mr Clark:** The current arrangement is as the Secretary has stated, in that we actively encourage the take-up of the Welsh bac post 16. The documentation is equally clear with the phraseology, 'where appropriate'. So, there isn't the expectation that every young person in full-time learning in Wales at post 16 will undertake the Welsh baccalaureate. It has many advantages as a qualification—some of them around the employability skills that were referred to earlier in committee—and it does produce, for those who take it, perhaps a more rounded individual than somebody just undertaking an academic period of study, but it is not compulsory and it is down to the institution and the learner to decide whether or not they were going to undertake that qualification.

[237] **Darren Millar:** But, please—

[238] **Lynne Neagle:** Darren, I want to move on. What I was going to ask was whether we could maybe have a note, because I think that we have had a bit more clarity around that this morning.

[239] **Darren Millar:** It's the post 16 that I was particularly interested in, and I'm grateful for what you said. I'm a supporter of the Welsh bac; it's not something I don't support. I want to encourage take-up. I'm just posing to you some of the problems that some of the schools have been raising with me, and no doubt with you as well, as Cabinet Secretary, when you visited them, about the ability to fit this into an already difficult offer, if you like, to our children and young people in our schools. The acceptability of it is still a big issue amongst some of those higher education institutions.

[240] **Lynne Neagle:** We need to move on now to the coleg cenedlaethol. Hefin.

[241] **Hefin David:** When will the Welsh Government provide a response to the recommendations of the task and finish group report on Coleg Cymraeg Cenedlaethol?

[242] **Kirsty Williams:** First of all, can I put on record that we're very grateful

to Delyth Evans for the work that has been done, and we hope to publish a formal Government response shortly?

[243] **Hefin David:** 'Shortly'. Any ballpark area? Any idea?

[244] **Kirsty Williams:** Having been stung on the education strategy for being too enthusiastic and then having to wait a bit longer for it—. We are actively engaged in meetings with the coleg and officials around the policy engagement, but we'll have it out shortly.

[245] **Hefin David:** Are you willing to give us any indication of what your response might be to the recommendations, particularly the extension of the remit post 16?

[246] **Kirsty Williams:** You'll be aware that I have personally said previously that I believe that there is a role to expand the remit. I think that the coleg has done a fantastic job in the HE sector. We've identified that there is a gap in provision in FE that we need to address and we will, as I said, be responding formally, shortly.

[247] **Alun Davies:** Can I say, from the perspective of our overall Welsh language policy, that the policy is to both increase the ability of people to learn the language and to speak the language, but also to use the language and to use the language in all aspects of their lives? We recognise that as we look—. And the conversation that we had at the committee last week about the workforce planning, I thought was very, very useful. The work we'll do prior to Stage 3 of the Additional Learning Needs and Education Tribunal (Wales) Bill is about ensuring that we have a workforce available to us that will be able to work bilingually and to deliver bilingual services. I'm therefore very anxious that we work with the FE sector to develop Welsh language services in as profound a way as possible. We believe that the coleg Cymraeg has a role to play in delivering that, and that is a conversation that we're having. And, can I say this: it's a positive conversation? It's a very positive conversation with further education. It's a positive conversation about this with the coleg Cymraeg. This isn't about knocking heads together; this is about maximising our potential and, at the moment, I'm very excited about the potential for a sea change in the availability of Welsh language education post 16.

[248] **Hefin David:** I think that's as far as we're going to get for now and patience is needed.

[249] **Alun Davies:** You got reasonably far there, Hefin.

[250] **Kirsty Williams:** We also have to take it into consideration in the overall PCET reforms as well and how that's going to be delivered.

[251] **Lynne Neagle:** Okay. We are now out of time, so can I thank the Cabinet Secretary and the Minister and your officials for attending and for answering all our questions this morning? We will send you a transcript to check for accuracy in due course, but thank you again for your attendance. Thank you.

[252] The committee will now break until 10:45, but can Members not rush off, please.

*Gohiriwyd y cyfarfod rhwng 10:30 a 10:45.
The meeting adjourned between 10:30 and 10:45.*

Adroddiad Blynyddol Comisiynydd Plant Cymru ar gyfer 2016–17 Children's Commissioner for Wales Annual Report 2016–17

[253] **Lynne Neagle:** Can I welcome everybody back? Item 3 this morning is a scrutiny session on the Children's Commissioner for Wales's annual report. I'm very pleased to welcome Dr Sally Holland, Children's Commissioner for Wales; Rachel Thomas, head of policy and public affairs; and Sara Jermin, head of communications and performance. We're very pleased that you could come this morning to discuss your report with us. I understand that you'd like to make some opening remarks.

[254] **Professor Holland:** Please, I will keep them brief. Thank you very much. My annual report for 2016–17 is entitled 'A Year of Change' and I think that really has been the case over the last year. This report represents the work of year one of my first three-year strategic plan. I will have two three-year strategic plans during my seven-year term.

[255] During this year, my team and I have undertaken participatory or engagement work with more than 10,000 children and young people across every local authority in Wales. We've also dealt with 528 cases, again, across every local authority in Wales. Alongside this, we've seen some real concrete changes through our policy work, particularly in relation to looked-after children and care leavers.

[256] Through my 'Hidden Ambitions' report we've worked collaboratively with the Welsh Government and with the Welsh Local Government Association and this has directly resulted in a £1 million bursary for care leavers across Wales, new funding for in-house training schemes and apprenticeships, and funding to extend provision of personal adviser support up to the age of 25—something that young people from right across Wales have told me is very important to them and their chances of achieving their ambitions.

[257] We've also seen the introductory work and clear commitment to establishing a youth parliament in Wales—something that I've been very involved in—and actually giant steps forward in achieving a consistent, active offer of advocacy—again, something this committee's been very engaged in—for all eligible children, something that I've taken up following the work of both of my predecessors, in fact, and I'm pleased to see that now becoming a reality.

[258] As noted in my report, there are some areas where progress has been made but remains uneven. So, curriculum reform, as you're well aware, is happening now, and I remain convinced of the need to underpin the whole curriculum with children's rights and the need for wholesale healthy relationships education. We've seen some progress in relation to waiting times for children and adolescent mental health services, but there does remain work to do to ensure better preventative services are universally available. I've heard from the Government their continued commitment to give children equal protection from physical punishment, but await concrete details about how this will be enacted.

[259] And, there remain areas where little or no progress has been made and that I remain concerned about. I'd like to highlight particularly the lack of progress on safeguarding and promoting the rights of electively home-educated children. I would have liked to have seen more strategic direction from Government to tackling child poverty and I'm disappointed that, at present, the planned large investment in children's early years through the childcare offer does not include plans to increase the offer of childcare provision to children from the poorest households, something that research shows is particularly effective in increasing the life chances of the poorest children.

[260] When I was appointed, I outlined how I intended to work on three

levels: firstly, working on policies and laws to ensure children's rights are at the centre of any changes; secondly, ensuring effective implementation of those policies and laws; and, thirdly, listening to children and young people's experiences and outcomes in order to inform my work. I would say that this annual report demonstrates how I've worked across all three of those areas in the last year.

[261] This report also demonstrates the strides we've taken as an organisation to strengthen our governance structure. It's based on industry good practice, and enables me to transparently report on all aspects of my organisation, including financial performance, our processes, my staff team, and how we deliver for children and young people. It also includes a report of how we've introduced advisory panels, including young people and adults, who provide strategic advice and support and ensure I deliver for children and young people in Wales.

[262] Fe wnaf i jest newid i Gymraeg I will just change to Welsh now, nawr, os gwelwch yn dda. Rydym ni please. We've also done a lot of work hefyd wedi gwneud llawer o waith this year for the Welsh language to eleni dros y Gymraeg i sicrhau ein ensure that we are implementing the bod ni'n gweithredu'r safonau, ond standards, but more importantly yn bwysicach fyth i sicrhau bod plant ensuring that children and young a phobl ifanc yn medru gweithio gyda people can work with us through the ni drwy'r Gymraeg, gan gynnwys medium of Welsh, including specific digwyddiadau penodol i ysgolion events for Welsh-medium schools. I Cymraeg. Rwyf wedi buddsoddi have invested a lot in the language llawer yn yr iaith yn bersonol, ond personally, but have also ensured hefyd wedi sicrhau bod pob aelod o that every member of staff who isn't staff sydd ddim yn rhugl yn medru fluent can take advantage of training cymryd mantais o hyfforddiant o'r of the highest quality. safon uchaf.

[263] I wish to continue to work in collaboration with others where possible, including Welsh and local government, other public services and the third sector to achieve concrete changes for children here in Wales in relation to universal services, but also services for children who can find it harder to access their rights. But it's my job and my duty, on behalf of children in Wales, to hold the Welsh Government to account to their commitments to children's rights and ensuring that accessing those rights becomes a reality.

[264] In my annual report, I've recognised where progress has been made in

relation to children's rights, but also mapped out key areas where progress is slow or gaps remain so I can continue to hold the Welsh Government to account as my role and statutory remit require me to do.

[265] **Lynne Neagle:** Thank you very much for those opening remarks. So, we'll move into questions now, and the first questions are from Llyr.

[266] **Llyr Gruffydd:** Thank you, Chair. You're half way through your seven-year term, now, as children's commissioner, or more or less.

[267] **Professor Holland:** A year off being half way through. Two and a half years in.

[268] **Llyr Gruffydd:** Two and a half years. Okay. Well, okay, two and a half years is a long time. If a week's a long time in politics, then I think two and a half years is ample time to be getting to grip with the issues that you've listed to us today, and much of that work, of course, is being done. But I'm just wondering what you would say is your—. What is the most significant change that you've achieved for children so far in your role, and what would you say now is your No. 1 priority for the next few years, moving forward?

[269] **Professor Holland:** Okay. I think probably the most concrete thing I can point to is the achievements we've had for young people living in care and leaving care, so the 'Hidden Ambitions' commitments from both national government and local government. I've already outlined those in my opening statement. That's a continuing process, so I've been working with—. Since the end of this financial year, I've met with every local authority in Wales to discuss their progress with support of the new commitments from Welsh Government. Local authorities have committed to reporting to the young people they serve by the end of October this year, so they'll be sharing that with me too and I'll be following up with them by the end of March to look at their progress. So, it's an ongoing process, but I think we've seen some real changes and, in fact, just yesterday we saw an announcement from Torfaen, for example, that they'll be exempting care leavers from council tax. That's something I talked about in my 'Hidden Ambitions' report, and I've made a call today, so I really hope we'll see other local authorities following that fantastic lead.

[270] I think, for my office as a whole, and this is obviously not just—. I sort of just finished this process off, but the advocacy offer is a really significant change. It's something that my office has been working on for over 10 years,

as you know, and it shows, really, how long it can take to achieve policy change. So, I hope that some of the things that I'm asking for now that we haven't achieved yet—you know, that we will see, over the years, a number of changes. You asked me my priorities for the remainder of my term. I think—. You said 'one'.

[271] **Llyr Gruffydd:** Yes. I know maybe it's a bit unfair, but which would be, if you had to prioritise—?

[272] **Professor Holland:** If I could just say something around systemic change and then something about a specific legislative change, on systemic change I would say I think that we have a once-in-a-generation opportunity at the moment to make a difference for children's rights in the curriculum, so having children's rights underpinning the curriculum, underpinning the whole education system—not just learning about children's rights, which is vital, but it underpinning how we approach our education in Wales will be absolutely vital. And that, therefore, would be sitting within a wider public service approach where everyone takes a children's rights approach, and I've published this year a real guide to help public services do that. So, that's systemic change I really wish to see. I'm starting to see change. I've seen a number of large public bodies committing to taking a children's rights approach this year on the back of my report.

[273] Specific legislative change: I would expect and hope to see equal protection for children from physical punishment and better protection for children who are electively home educated. Does that answer the question?

[274] **Llyr Gruffydd:** Yes. That's—. I agree with those answers; I think they are key priorities. Just looking at your annual report and the analysis that you offer of last year's recommendations, clearly it's disappointing in that only one—as far as the Welsh Government is concerned—of your recommendations has been fully implemented. Does that suggest that the Government isn't taking your role seriously, or is it a reflection on the poor performance of the Government?

[275] **Professor Holland:** This is the first time, I think—certainly the first time that I as commissioner have reported on progress on recommendations, and I will continue to do so through my term; I will report on these again next year. I think change takes time. So, some of these things I would expect to turn green over the next year or two. Some of them—this report covers up to March 2017, so advocacy, I would say, is probably much more securely green

now than it was at the end of March, because we've seen contracts awarded now right across Wales.

[276] But I think—and I wouldn't expect every recommendation I make to be simply accepted by Government; there has to be some healthy debate. But there are clearly areas that I'm disappointed on, that there hasn't been progress on, and I talk about these in my report. I have learnt that change takes time, and, as I said, I do have some optimism that some of these we will make progress on over the next year. But I will continue to follow up on them—both in terms of my annual report, but also the individual thematic reports that I give during the year. I'm trying to not just say, 'Here you are—here's my report', and move on to the next thing; I'm trying to make sure I follow things through.

[277] **Llyr Gruffydd:** But your intention is to ensure that previous recommendations remain in future annual reports until such time—

[278] **Professor Holland:** I'll be reporting on where I see progress, yes.

[279] **Llyr Gruffydd:** —as you're satisfied that there's been sufficient progress. Okay. Thank you for that. More generally, how do you measure how your work makes a tangible difference to the lives of young people? Because, sometimes, it isn't something that you can measure very easily.

[280] **Professor Holland:** It's a really difficult one. I remember my first meeting with this committee, when I was completely new in post—we had quite a discussion about it. I think what I do is I've started with a clear three-year strategy, so I know what I want to achieve. I've outlined what I think I would like to achieve, what I'd like other people to achieve, by 2019, and I've brought in a clear process of planning within my organisation, so that we're setting out which outcomes and outputs we're looking for at the end of each line of work, each project, that we're working on.

[281] So, underneath my three-year strategy, I've got annual work plans, and all my staff over the last year have received project management training. We've brought in a complete project management approach. The majority of my staff have had qualifications this year from the Association for Project Management. That all sounds quite dry, but it's actually very important. It's very important that I have a strategic approach right through everything we do—our core work and our project work—to make sure that we have clear, measurable outputs and outcomes right from the start, so we

know what we're trying to achieve and we have a way of measuring that. All of those are reviewed monthly by my management team, and by my independent advisory panels. And my independent advisory panels, including the children on those, help me set those goals, and they scrutinise how my team and I are achieving that. I will be publishing a report at the end of year 3—so not just at the end of my term—to say what impact I feel we've had so far on children's lives and outcomes, as well as outputs.

[282] **Llyr Gruffydd:** I was actually going to ask about that.

[283] **Professor Holland:** Because it's actually quite easy to have lots of outputs, isn't it?

[284] **Llyr Gruffydd:** Indeed.

[285] **Professor Holland:** Any of us can do that, as an organisation. I think what's important is: has it made any change? Sometimes, that can take a bit longer to establish. Because you can change a legislative requirement, you can put new funding into a new project, but actually for that to have a change on children's individual lives can take longer to find out. But we're putting in processes to look at how we measure that.

[286] **Llyr Gruffydd:** Okay.

[287] **Lynne Neagle:** Thank you, Llyr. John.

[288] **John Griffiths:** Thanks, Chair. I wonder how would you characterise, describe, the position of children in Wales today compared with countries that perhaps we could most usefully compare ourselves with—you know, how child-friendly is Wales, where do we sit in terms of how children are treated by various institutions, how vulnerable children are safeguarded, the way that children are treated in the family, society, in general. I know it's a pretty big question, but we've had the office of children's commissioner for some time now. Does the position of children in Wales sit better now in terms of international comparisons, do you think?

[289] **Professor Holland:** I suppose I could use two settings in which I could assess that. One is of course that, in the year in question here, we had the concluding observations of the United Nations Committee on the Rights of the Child, which I think outlined both where Wales and the UK had made progress, and they were able to point to areas where we had made progress,

actually over the lifespan, as it turns out, of the children's commissioner's office but also areas where we are still lacking.

11:00

[290] The second setting is that I'm an active member of the European network of ombudsmen and commissioners. I was at the annual conference in Helsinki three weeks ago, and we all presented where we thought things were at for children in our country, and I enabled young people from Wales, from Mountain Ash in fact, to take part in that process too. It was really interesting because they came away having met up with young people from right across Europe right to the far east of Europe as well—'Gosh, in some ways we saw how privileged we are. You know, we have running water in our schools, we have school nurses, we have all sorts of things that they don't have in other countries, but we also have a lot in common.' They were really struck that they were looking for similar rights. We were particularly looking at healthy relationships education there. There were similar challenges across Europe on getting that right for the young people of today.

[291] So, the international comparison I think would say that, in some ways, I think we're doing well in Wales. We've got the Rights of Children and Young Persons (Wales) Measure 2011, we've got some good solid legislative basis for children's rights in Wales, but clearly it's my role to point out as well where I think we're still lacking, and I think that's the point of my annual report. It does give me a chance to say: 'This is where I think we're at in the state of children's rights at the moment' and, as I say, it's a mixed picture. We've made progress just this year for children's rights in Wales. In other areas we've made some progress, not enough, and in some areas we haven't made progress. Does that answer your question?

[292] **John Griffiths:** Yes, that's fine, thanks.

[293] **Lynne Neagle:** Thank you. We'll move on now to talk a bit about casework. Michelle.

[294] **Michelle Brown:** Thank you, Chair. It's nice to see you again.

[295] **Professor Holland:** Thank you.

[296] **Michelle Brown:** I'd just like to cover the casework. You dealt with 528 individual cases last year. Can you give us a couple of examples of how that

casework actually led to policy development?

[297] **Professor Holland:** That's an interesting question. I think I would like to start by saying that my casework service in itself works hard to provide individual resolution for individual children of access to their rights. So, it's got intrinsic value in itself. Because it sits within my organisation, it means it also has the advantage of feeding into policy change, but I wouldn't want to emphasise the fact that that's obviously the only point of having it. I think it has really intrinsic value and we make changes—well, we've made changes for over 500 children this year.

[298] Casework feeds into our policy work in a range of different ways and at different points, I would say, in the cycle of policy change that we're trying to achieve. So, individual cases, especially when we have a number of cases in one area, will lead to us being aware that there could be an issue and will often lead to us planning a project where we'll explore in more detail whether these are one-off incidents where authorities aren't applying the rules they should be applying or where there are gaps in the rules or whether it's a more systemic issue. It also allows us to evaluate whether changes that have been put in place, some of the legislation we have in place, are being applied properly and what children's experiences are of those changes. So, the whole policy cycle, I would say, the casework feeds into.

[299] Just to give you perhaps one example of this—and, as I say, these things do take time—I think my office first started talking about advocacy because of individual casework. We then, as it now has become an active offer universally across Wales, will be analysing and assessing the effectiveness of that. For every child who would have a statutory right to advocacy who approaches our office—or if someone approaches it on their behalf—we would ask, 'Does the child have an advocate?', and we can assess whether that process is working correctly.

[300] To take more recent examples, because that process started some time ago on advocacy, casework has informed the calls I made on additional learning needs more recently and on the child and adolescent mental health system as well. It's one I've discussed several times with this committee. It's not always a numbers game. Sometimes one case can actually show a real crack in the system, but, in almost every occasion, we would look to see whether that's a systemic problem or just related to one issue.

[301] **Michelle Brown:** Okay. Thank you. How much feedback are you getting

from users of the service?

[302] **Professor Holland:** So, since I came into post, I've brought in a couple of systematic changes to our casework. So, we always put in writing now our advice to service users, even for one-off queries. And, as part of that written response—. So, this is advice we've given verbally on the phone, because we know that, sometimes, when you're distressed, you can't think. It's like going to the GP, and you can't think afterwards what the person said. So, we follow up with writing, as long as they give us permission to do so. And, as part of that, we would always actively invite feedback from each person who has contacted the office. We write and invite that proactively. The response rate is fairly low, I have to say, but very valuable to us. And we analyse those results on an ongoing basis.

[303] **Michelle Brown:** Thank you. Coming to the casework again, can you tell me where the casework actually comes from? At what stage—. There'll be a problem. At what stage of resolving that problem do cases actually reach you? Is it early on in the process, or is it when people have exhausted any other avenue of investigation?

[304] **Professor Holland:** Every stage, I would definitely say. So, quite a common one would be, very early on, a parent phoning us up to say, 'My child's being bullied. I don't know what to do next; I'm not happy with the school's initial response.' That would be obviously at a very early stage. Or, to think of one recent example, a young person ringing us up in tears from the school gate because they'd just been told they couldn't resit the school year and they felt that was going to hamper their progress on to higher education. So, they would be very early stage. We also would be contacted by people who have perhaps already taken a formal complaint against a service, are not happy with the response, and need advice on what to do next. Some of them are fairly universal experiences for children, sadly, like bullying, or transport is another one, of course, that comes to us very often. Others are very, very—children with very, very complex needs, needing very specialised help. Either very complex health needs, learning difficulties, mental health needs, in care, adopted, often all of those things together, and need help getting—. Often, individual services are all following their path of what needs to be done, but, actually, it needs the intervention of my office to make sure that they are all working together to make sure that it's a child-centred approach rather than an individual service approach.

[305] **Michelle Brown:** What sort of response are you getting from public

bodies and institutions when you intervene?

[306] **Professor Holland:** Our approach as a team is always to seek early resolution in the best interests of the child. So, we would try to get something resolved, sometimes the same day, but as early as we can. In most cases, we're able to do that on an informal level. We're able to—. Very often, it takes either contact from us, or us advising a parent or a child how to take it forward themselves, to get the issue resolved. But I would say that we have a positive working relationship with public services around Wales, and we are usually able to help that child access their rights through early resolution. And that would be the approach of our office.

[307] **Michelle Brown:** Thank you for that answer.

[308] **Lynne Neagle:** Briefly, Michelle, because we need to keep going on to other—

[309] **Michelle Brown:** Does somebody else want to come in on this subject area?

[310] **Lynne Neagle:** No, but if you can just quickly ask your question.

[311] **Michelle Brown:** Do you want me to crack on?

[312] **Lynne Neagle:** Yes, please.

[313] **Michelle Brown:** About the closure of the north Wales office, have you been monitoring its impact, and what sort of impact do you think it's had on the number of cases being referred to you?

[314] **Professor Holland:** Absolutely, we have been. We've had cases from every local authority in Wales over the last year, and we've engaged in participation work with children in every local authority in the same year. And those two services that we provide are actually often quite interlinked. So, the highest number of children, in fact, that we engaged with in the last year were from Conwy. That's partly because of the great success of the annual Conwy play day, which sounds like a very light event and we were on the beach this year having treasure hunts in the sand with children on the subject of rights. But, actually, during that day—the head of my casework service was with me, on the beach with me that day, and we addressed a number of casework issues and took on some cases during that day. So, the

two issues are interlinked, but we do monitor across, and I can confidently say that we haven't seen any dip in response from north Wales.

[315] I think it's important to understand that my casework officers who were based in north Wales were part of a national response team, so, when calls or e-mails came in, they were responded to by whoever was on duty, whether they were in south or north Wales; it wasn't impacted on where they were located. And we're happy to—. Sometimes, we do some of our—. Most of our work is done remotely by e-mail, telephone, letter, but, where necessary, we'd meet a child and/or their family, and we have done so, for example, in north Wales in this year, and it wouldn't make any difference whether they're on Ynys Môn or in the centre of Cardiff or the centre of Swansea where my office is; they would have exactly the same service.

[316] **Michelle Brown:** Okay.

[317] **Lynne Neagle:** Okay, thank you. Right, we'll move on now to talk about finance—Darren.

[318] **Darren Millar:** Thank you, Chair. I thought you were going to refer to the proactive local AMs in terms of encouraging people to get in touch with—

[319] **Professor Holland:** Actually, that is a real issue. Proactive Assembly Members, of which, of course, you're one of those, in terms of referring things to my office—. Assembly Members; it might be a local advocate in particular, or it might be that I've just gone and given a speech at a conference to a big load of practitioners and said, 'Remember we've got a casework service' and we might get a flurry from that, or a media appearance when I'm talking about—.

[320] **Darren Millar:** Can I put on record my thanks, Sally, to you and your team, for the support that you give with some of the complex casework that comes through my inbox and letterbox in the office? I do appreciate that.

[321] Just turning to the finance, having looked at your annual report, it's clear that your reserves have increased quite significantly this year. This is something that concerns have been expressed about in the past. I was just wondering how you can justify that increase in your reserves.

[322] **Professor Holland:** Well, obviously, I'm accounting officer for this organisation and it's really important that I can provide reassurance to this

committee and to the general public, including children, that I act effectively as accounting officer and I think it's important that I can account to you in three ways, really. I need to be able to account to you—and I'm going to go on to do this—for any underspend or overspend in one year, that I've got a financial plan for this year and the years going forward based on reasonable assumptions, and, thirdly, that I have established a robust system of financial management, forecasting, and governance. I won't go on about this at length, Chair, because I know we're pressed for time, but if I could just briefly touch on those three areas.

[323] **Darren Millar:** Yes, please do.

[324] **Professor Holland:** I think that's important to do. The underspend over the last year was the result of a number of different factors, actually. Much of this sum was the result of my prudent budgeting, I would say, following a 10 per cent cut, really quite a last-minute 10 per cent cut in funding, where I adjusted to that and cut back on every budget line in the organisation. And now, after a year of that, I've been able to adjust and see where we can spend and where we need to continue those cuts. There's also a very practical explanation for some of that in that I had a large number of members of staff taking periods of unpaid leave during this year. Three members of staff were on maternity and adoption leave, and, as a responsible accounting officer, I had to account for the fact that they may come back into work at the very end of their paid period of leave. In fact, all three decided to take up to six months of unpaid leave each, and that was about 14 per cent of my workforce that happened to be off at the same time and that actually accounts, on a budget the size of mine, for quite an underspend.

11:15

[325] I think it's important that you know what my plans are for that underspend and for my reserves and I take on board your concerns about reserves. In the past—. I have a reserves policy, which is monitored regularly, and I do need to keep a certain amount of reserves in place for provisions that, based on reasonable assumptions, I know are coming up. For example, during my term the lease on my accommodation will be coming up. I need to make—. This is an office that has been occupied since 2001 by my office. I need to make substantial provision for dilapidations for that office, whether I move or not at the end of the lease. I've also allowed for an anticipated forthcoming pay award under the civil service framework. I still haven't had

exact details on that, but I'll need to back pay that, because I work within the civil service framework. I also have a very stable workforce, which I'm very pleased about. It means that they will follow a normal salary progression through their grades, and I need to account for that, so I would expect, over the course of this three-year plan, my reserves to be back at the level in my policy, between 5 per cent and 10 per cent.

[326] I want to reassure you, really, I've got detailed, planned budgets for the next three years, with clear plans on what's going to be funded out of my annual grant from Government and what out of the general fund. I've also bolstered, I would say, the governance of my financial management over the last two years. I discuss—although it's not required of me, in a spirit of transparency I discuss on a quarterly basis my current financial system with Welsh Government officials, with the branch that manages my funding, including my reserves and my budget forecasting. I budget on a monthly basis with my management team, and we look at forecasts for the year ahead. I'm particularly blessed, actually, by the experience of my newly reformed audit and risk assurance committee, which contains members with a wide range of professional backgrounds, including finance, the senior civil service, medicine, law, higher education, and it's actually chaired by Jocelyn Davies, a previous Assembly Member—a retired Assembly Member—well known to many of you, who was on the Public Accounts Committee and is providing me with very good advice on that.

[327] I brought in this year training for all my staff in project management and introduced monthly reporting on any under or overspend on each project line, so adjustments can be made. My project lines are the areas that there's most flexibility in. Apart from the circumstances I've described, the staff lines are my most predictable costs, as is my accommodation. I also want, of course, to point out that, again, and this has always been the case for my office, we've had unqualified accounts from the audit office.

[328] **Darren Millar:** You have, but I just wonder whether it might be useful in future accounts if you could actually specify if you've got ring-fenced areas of your reserves for building dilapidations or other matters, because I think it would make them a little bit more transparent. I think many people will be surprised that the Assembly sees its commissioners on an annual basis saying they're struggling with budgets and finances, and yet you didn't spend not far off 10 per cent of your budget this year, and you're carrying a reserve of around 20 per cent of your annual income. So, to give confidence that people are getting value for money for the cash that's invested in your

service, the service that you and your staff provide to children and young people across Wales, I think it might be helpful if there was some additional transparency. Because you're always going to have things that you need to provide for, aren't you?

[329] **Professor Holland:** Absolutely. I completely agree with you, and, since the end of this financial year, I have discussed this very issue with my audit and risk assurance committee and they've provided me with that exact same advice, and you will see that in my accounts next year.

[330] **Darren Millar:** Yes, I think that would be helpful. Thank you, Chair.

[331] **Lynne Neagle:** Thank you. John, on independent review. But I want to deal with this section quite quickly, so that we get on to the policy areas.

[332] **John Griffiths:** Well, I just wondered, really, whether there have been any latest developments and progress with the independent review recommendation that it should be the Assembly that appoints, and indeed funds, the commissioner, rather than Welsh Government. Is there any update, any progress, on that front?

[333] **Professor Holland:** I'm not aware of any change in the Government's position on this. My position remains the same—that I would like to be accountable to the Welsh Assembly, in accord with the Paris principles. I've also been in discussions with those setting up the youth parliament about being accountable as well to the youth parliament once it's set up. I am aware that the Constitutional and Legislative Affairs Committee plan to draft a Bill for commissioners to be accountable to the Assembly, and that they have written to the First Minister and the Llywydd to inform them of this. Obviously, I'm following that with some interest.

[334] **John Griffiths:** Okay, that's fine. In terms of new legislation to consolidate your powers—again, going back to the independent review—are you disappointed that, to date, there are no plans for such legislation in this Assembly?

[335] **Professor Holland:** Again, my position remains the same in that I feel that the legislation surrounding my role is a bit outdated, it's complex and it's not very tidy at all, and this was all stated clearly in the independent review. I would like to see that change being placed for my powers, but I work with the ones I've got and try and make those the most effective.

[336] **John Griffiths:** Okay, Chair.

[337] **Lynne Neagle:** Thank you. Thank you for those brief questions and answers. We're going to move on now to talk about specific policy areas. The first one that we wanted to look at was the United Nations Convention on the Rights of the Child in Wales, and I've got Llyr first.

[338] **Llyr Gruffydd:** You've previously called for the Welsh Government to develop a clearly defined action plan for full implementation of the UNCRC in response to the UN report, of course, which made a range of recommendations in the middle of last year. Is that plan in place, and if it is, is it showing good progress?

[339] **Professor Holland:** It's not in place. I have repeatedly discussed this with the relevant Minister and his officials. I would still like to see a clear response that's an overarching response to those concluding observations. In fact, I would like that to be placed within or perhaps to form the framework for a clear plan from Welsh Government on how they plan to deliver for children over the rest of the term of Government. I asked for this as part of the discussions around the 'Prosperity for All' document, which we know was published recently by the Welsh Government. I would've liked to have seen either a section of that, or a parallel report that was accountable to the children of Wales, to say, 'This is what we plan to achieve for children.' I think that the anniversary of the concluding observations in June—although there was a brief statement from the Minister—would have been a good opportunity to say, 'This is where we're at in terms of responding to the UNCRC.'

[340] There actually are some positives the Government could be responding on—they have made progress on some of those areas—but also what their plan is on those areas they have not made progress on. We've seen other UK nations take an approach where they have brought all those policies together to report to children. Northern Ireland and Scotland have both done this. I do think it's an important part of a children's rights approach that we're accountable as public bodies—whether you're Welsh Government or whether you're a single school, that you're accountable to the children you serve. It's something that I've clearly asked for and it's become my responsibility to bring all that together and say, 'This is where I think we're at for children', but I've made it quite clear to Government I think it would be best practice for them to do so.

[341] **Llyr Gruffydd:** So, what does that tell us about how seriously the Welsh Government takes the UNCRC, then?

[342] **Professor Holland:** As I say, my call on any public body, including Welsh Government, is that they should be accountable to children, and for Welsh Government particularly, I think that they have had a really strong opportunity to respond to the concluding observations, and I've made that point clearly to Welsh Government.

[343] **Lynne Neagle:** Mark on this.

[344] **Mark Reckless:** Overall, do you think we're ahead of or behind the other UK nations on the children's rights agenda?

[345] **Professor Holland:** I meet on a quarterly basis with the other UK children's commissioners and liaise with them a lot in between, and the Irish ombudsman as well. And I think, a bit like the international context, there's a mixed picture there. I think, in some ways, Wales has been ahead on children's rights over the last two decades. The Rights of Children and Young Persons (Wales) Measure 2011 remains the strongest legislative basis for children's rights in the United Kingdom. I would like to see it, as you well know in this committee, extended into a due-regard duty that goes out wider than Welsh Ministers, but it remains the strongest we have at the moment. My understanding from announcements in Scotland is that they're hoping to incorporate the UNCRC more strongly into their legislation, so we may see Scotland edging ahead on that.

[346] **Mark Reckless:** You say you want a due-regard duty on the Convention on the Rights of the Child in the additional learning needs legislation. We discussed this with the Minister a week or two ago, and one thing that he said that I was struck by on the other side was that it would mean a teacher having a class of children, some of whom had additional learning needs and others who didn't, and he or she would need to have regard to the UN convention for some of the children in the class, but wouldn't have that requirement for the others. What do you say to that?

[347] **Professor Holland:** I would expect the whole education system to be paying due regard to the UNCRC. I would like to see the whole education system based on that. I can't imagine which aspects of the UNCRC a teacher would be inclined to break, or not to deliver. I can't imagine a scenario in

which they would be actively looking not to deliver children's rights to some children and not to others. So, I see that my call on due regard on the additional learning needs Bill as part of a wider agenda to ensure that a children's rights approach underpins the ethos and values of our education system.

[348] Now, where that duty is placed has clearly been subject to much debate in this committee and elsewhere. I think that if it was placed on bodies delivering education, then, inevitably, that would be carried out by individuals within those bodies and they would be required to do so. I do not see it as something—it's not a good phrase for me to use as children's commissioner, but a stick to beat individual professionals with. I see it as an enabling tool to remind and encourage our individual staff to put children's best interests at the heart of everything they do, whether they have additional learning needs or not.

[349] **Lynne Neagle:** Okay. Can I ask how closely your office scrutinises the Welsh Government's approach to children's rights impact assessments in Wales, and whether you could maybe tell us what you think the one tangible difference is, as an example, that the CRIA process has delivered in Wales?

[350] **Professor Holland:** Well, clearly, children's rights impact assessments has been an evolving process, if I can put it that way, by Welsh Government. I am in regular discussions with my link officials in Welsh Government about how we can make them more effective, less of a retrospective tick box and more of an active part of planning and analysing the potential impact on children's rights throughout the cycle of policy making—so when initial plans are being made, right through to the drafting and implementation of policies. For every policy response that we make—so every time we're responding formally to a consultation—you're aware we do that constantly in our office. We request the CRIA, and if there is one available—and I have to say, in the majority of times, there's not one available at that stage. Is that correct to say, Rachel? Yes. If it is available, we will analyse that as part of our response.

[351] I think it's fair to say, and I think the recent independent evaluation would back me up on this, that the quality has been variable. I think we've seen a gradual increase in quality, and the Welsh Government assure me that they are working hard to ensure that they are real, living processes rather than a tick-box exercise. Is there something you want to add? Rachel is the head of my policy and does this process every day. Is there anything you

want to add to that?

[352] **Ms Thomas:** So, there has been some recent reporting by UNICEF about the use of CRIA in the four UK nations, and I think they've quite clearly summed up what our experience has been, in that there are some good examples of how CRIsAs have been well thought out, and how the policies will impact. But very often, they're published very late in the process and it's more about communicating the decision that's been made rather than showing how that thought process has informed the decision making. And certainly, that's been our experience for things like the mytravelpass scheme, where when we requested the CRIA, it came out after the decision had been made, and it said, 'Well, this decision has already been made and we don't anticipate any negative impact on children as a result of the decision.'

11:30

[353] The recommendations from UNICEF in relation to Wales would be about publishing all CRIsAs, which we think would really help in seeing that transparency and accountability to children about how those issues have been taken into account. We also recommend ensuring that within the Welsh Government the resources are there to ensure the training and support is there so the processes can be approved across Government departments, and also the use of independent advice, for example the children's rights advisory group in Wales, which we're members of, and we'd be more than happy to contribute advice through that format.

[354] **Professor Holland:** I think, on CRIsAs, as in the issue of due regard on professionals, for me my impetus is not about creating layers of administration for anyone, but it's about having real processes that children can feel make a difference for them. That's how I would like to see CRIsAs developing in the same way as the due regard.

[355] **Lynne Neagle:** So, are there any examples of Welsh Government actually doing a CRIA at the start of a process to properly inform a policy.

[356] **Ms Thomas:** There are. Off the top of my head, I couldn't point to an exact example. I certainly noticed, in the correspondence between the committee and the Cabinet Secretary from the summer, he did refer to some CRIsAs, although the example that he gave, I think, was where we had critiqued the contents of it, but it had then led to improvements, because we'd contributed to that process.

[357] **Lynne Neagle:** Okay. And is there an example of a CRIA that has led to positive change that you can point to? I realise, obviously, it's not your process, but as observers—

[358] **Professor Holland:** It's not our process. I'm just struggling to think of one at the moment—I'm happy to follow that one up in writing.

[359] **Lynne Neagle:** Thank you. Okay, we're going to move on now to talk about advocacy. Darren.

[360] **Darren Millar:** Yes. We've been promised a national advocacy service. It was supposed to be implemented in June of this year. It's still not fully implemented across Wales, although there are some local authorities with some arrangements. That means that there's a lack of consistency. It's an issue that you have raised on a number of occasions, which many of your predecessors have raised and which this committee and its previous committees have flagged up as a matter of concern for well over a decade. What's your assessment of where things are at and how far we still need to go before that national advocacy service is established?

[361] **Professor Holland:** I've been keeping a close eye on this, as you can imagine, because it's been quite a painful process, really, from when we had the promise of it to reach the stage where we're at now. We keep in touch with the advocacy providers, as well as directly with looked-after children, to monitor this, and we'll continue to monitor this, I must assure you. My understanding—my knowledge, not my understanding, is that every area of Wales is now covered by a live contract. Is that correct, Rachel? Rachel's been sitting on the specific advisory groups for this.

[362] **Ms Thomas:** The latest ones would have been past June, but most recently all the contracts have now been awarded.

[363] **Professor Holland:** They didn't meet the deadline of June, but by September they were all awarded.

[364] **Darren Millar:** So, they're fully operational, yes?

[365] **Professor Holland:** They should be, yes.

[366] **Darren Millar:** And in terms of your—. The awful thing is we're having

to ask you. We haven't seen anything advertised. We've seen no statement from the Government saying 'This thing is now up and running' and 'This is the telephone number', and that young people can access this service now and into the future. I mean, what sort of level of activity are you engaged with now, in terms of helping to promote the advocacy scheme? Is that something you've discussed with the Government?

[367] **Professor Holland:** Well, you'll see in my report I asked Government to actively monitor the impact, and I will be doing so as well. I am confident that if any of the services hadn't been contracted to provide the active offer and weren't yet in operation—there are only two advocacy providers providing all these services throughout Wales—that they would have actively contacted my office, as they have done many times over the last two years. In our casework service, we ask on every case, 'Does the child have an advocate? They've got a right to an advocate; this could be a helpful thing, going forward.'

[368] I think you're quite right about—. The point of the active offer is to make sure it's available to children in a proactive way. So, I would expect, as part of those contracts, that active offer to be in place, which means that every eligible child is actively met and offered—explained what an advocate is, because how would any child know what an advocate is, or any adult who's not in that world? So, it has to be actively explained to them about the potential benefits. Obviously, not all will want to take it up and not all will need it, but it has to be actively available to them.

[369] **Darren Millar:** So, in terms of that promotional activity and the awareness that there's an advocacy service available, how is that being monitored by you? Because you won't know if something's not being offered, because the young person simply won't have a service—they won't have an advocate, will they?

[370] **Ms Thomas:** The contracts that are awarded under the new system require both local authorities and the providers to record all that information, so the reporting on that hasn't yet happened. But there will be quarterly reporting and we're part of the senior leadership group that is next meeting in November, which will report on that after the first quarter.

[371] **Professor Holland:** We'll be monitoring that first quarter at that point.

[372] **Ms Thomas:** And we continue to meet with the advocacy providers

regularly as well on that. But certainly, I think it's a case of getting those contracts in place first. I think that that stuff will then come afterwards.

[373] **Darren Millar:** But there is an active offer requirement within those contracts.

[374] **Ms Thomas:** Within all of them, yes.

[375] **Professor Holland:** That's been a really important part of this final stage.

[376] **Lynne Neagle:** Okay. We're going to go to Llyr now on home education.

[377] **Llyr Gruffydd:** I was just wondering how disappointed you were when the Government published its guidance earlier this year and the fact that that guidance wasn't statutory. Also, this is a subject that we broach every time we have you here in committee, and I'm just wondering what your future intentions are with regards to this issue.

[378] **Professor Holland:** Obviously, my call is a very clear one. I would say that progress has been frustratingly slow. I have learned to be quite patient in this role, but I also have been actively raising it throughout the year with relevant Ministers, including with the First Minister when we met yesterday. I was disappointed that, when the guidance was reissued, it was not statutory. I didn't feel that it took us very far forward, and I made that clear at the time. I was encouraged that the route that I was looking for on this policy had not been cut off by the Cabinet Secretary for Education, and that she's clearly considering her options. That's still her position as of our last meeting, which was last month.

[379] My understanding is that the process has been that there's been independent research commissioned, which has informed the national independent safeguarding board, which is reporting, almost at this minute, I think, to the Cabinet Secretary for Education and then a decision will be made. I've put it in again as one of my recommendations because that means that we will have to have a clear response to this from Welsh Government in the statutory framework that they need to respond to, and I'd expect to see, this time, a clear response either way. I think there's such a strong feeling about this from those implementing these policies on the ground. I met with the directors of education—the all-Wales ones—last week and they reiterated

their support for my position on this, as have the heads of children's services. I am a very optimistic person and I expect that to be a positive response from here and I would like to see us moving forwards on this issue.

[380] **Llyr Gruffydd:** So, how much time are you giving the Government on this?

[381] **Professor Holland:** I'm giving them until they respond formally to this recommendation.

[382] **Llyr Gruffydd:** I see, because previously in this committee, you suggested that you would be willing to consider exercising powers that you have—

[383] **Prfoessor Holland:** One of the powers that I have is to make a formal recommendation to Government and for them to respond formally to that. I think I'll wait and see what the response is before I make any other declarations. But, for me, the way forward is quite clear—that the need to protect children's rights is quite clear here and I would expect to see a positive response from Government to this.

[384] **Lynne Neagle:** Thank you, Llyr. We move on now to talk about the childcare offer. Hefin.

[385] **Hefin David:** I'm just trying to find the page in the commissioner's report.

[386] **Lynne Neagle:** Shall I take Mark—?

[387] **Hefin David:** I've got it here. On the request to extend childcare to non-working families, you recognised in the report that the majority of children living in poverty have working parents. So, effectively, what are you asking for in policy terms with regard to the childcare offer? Is it an extension of Flying Start universally? Is that effectively what you're calling for?

[388] **Professor Holland:** There are, of course, a number of ways in which children from non-working parents do receive interventions, but they're not a universal right for those children; they depend on local implementation of national schemes like Flying Start and like Families First. I think that my greatest beef with all of this is that we're looking at tens of millions of

pounds of investment into the early years on this specific offer, which is excluding our most vulnerable children. The evidence is quite clear on this: that's where the investment needs to go to improve the life chances of children. We're currently in a pilot phase for this. I think the programme could be flexed in some way, and could be adapted in some way, to make it a broader offer to more children, because, for me, it's about the impact on children, rather than it just being a service for parents.

[389] **Hefin David:** So, it's a different kind of offer for non-working parents you'd be looking for, rather than the current provision for working parents.

[390] **Professor Holland:** I think there are a number of ways forward that we could have in place, but what I was concerned about was this new gap that was emerging in terms of what we were offering the children of working parents and those who are not. There is a much bigger gap than we'd had previously—well, it's a new gap—and that would increase the school readiness gap the following year for children.

[391] **Hefin David:** With that in mind, will you be making a very specific policy request in order to address this, rather than—? You know, you've mentioned about flexing the programme. There are specifics here. If you made Flying Start universal, I don't know what that would cost, but that's the kind of policy request you might make. Can you be specific?

[392] **Professor Holland:** I would like to see parity in terms of quality of childcare. I don't think every child needs 48 weeks a year of 30 hours a week. I'm sure that not every parent would want to take that up. We need to see real investment in quality. We are in a pilot phase at the moment, and I would expect to see analysis, really strong analysis, of the impact on children in that pilot phase before I came out with any pronouncements on what the right way forward was. That's what I'd like to see.

[393] I'd like to see if this is the sort of way in which a children's rights impact assessment could be used really effectively—I haven't seen one for this policy—and not just when you're formulating the policy, but all the way through. What's the impact? What we know now about the impact now that we're piloting?

[394] **Hefin David:** Okay, so you might make an intervention after the pilot stage.

[395] **Professor Holland:** I'll be asking the Government about their analysis of the impact on children and asking what their plans are to alleviate any disadvantage to any children, particularly those who are most vulnerable in their early childhood.

[396] **Hefin David:** Okay. Thank you.

[397] **Lynne Neagle:** Thank you. Mark.

[398] **Mark Reckless:** So, to summarise, are you saying that the policy on childcare that Welsh Government is developing is too focused on supporting parents in working, rather than on child development?

[399] **Professor Holland:** Yes.

[400] **Mark Reckless:** And do you recognise any political challenge in explaining to people why Welsh Government should be taking taxpayers' money and spending that on childcare provision for parents who are at home and not working and able, at least potentially, to look after their children themselves?

[401] **Professor Holland:** Clearly, there are two political challenges here. One is for Welsh Government itself, which made a very clear manifesto commitment on this—that's been the response I've had from Ministers so far. The second political challenge, as you rightly suggest, is how the general public might perceive a call on this. I saw on social media, having made my call last Monday, how some people's initial reactions to this was, 'Why would we pay people to look after someone else's children when they're not working?' But that, for me, is completely looking at it from an adult point of view as being a service for parents. For me, the point is that we know quite clearly that good-quality early education and good childcare for children have long-lasting effects. We know that from decades of research. From the United States in particular, the HighScope study showed that investing in those early years for the poorest children has made—these were children in the 1960s—. Compared to those who didn't receive the care, it has made a difference to them right up into their 40s in terms of engagement in the criminal justice system and contribution to tax. This is a long-term invest-to-save. It is a complex one to get across to people, but, actually, I think that as soon as you start saying that this is about children, not about parents, people do get it. And, of course, it's my role as the children's commissioner to talk about the potential impact on children of any policy that Government

brings forward, and that's what I'm doing here.

[402] **Mark Reckless:** But why did you not speak out in that way before Monday?

11:45

[403] **Professor Holland:** I've followed my usual way of working on policy issues, which is to try to engage with and achieve change alongside, first of all, before I would necessarily put the balloons up and raise alarm bells, as I did last Monday. I've raised this with Ministers since the new Government has been formed, in formal meetings.

[404] For example, last autumn, almost exactly a year ago, along with the future generations commissioner, we met with a range of relevant Ministers—for education, for children, for lifelong learning, for education and skills. We met together and we discussed our analysis of the offer from our very different roles and remits. Of course, I raised the issue about the potential impact on children with the four Ministers at that meeting a year ago.

[405] I and members of my team have engaged with a Welsh Government stakeholder group on this over the last year. I've consistently raised this issue, through the right means, I think, through that stakeholder group, over the last year. So, it wasn't the first time I had raised it as an issue with Government, and I don't think it would have been a surprise to them that I made this call.

[406] **Mark Reckless:** Okay.

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

[408] **Hefin David:** Just to round off this area, I just feel there's a slight contradiction from the answers you've given today and what was said in the report. You say in the report:

[409] 'I welcome the planned expansion of free childcare for 30 hours a week to the majority of three and four year olds.'

[410] Whereas the answers you've given today suggest, actually, that you don't quite welcome it to the extent that it can be adjusted.

[411] **Professor Holland:** I welcome the recognition of how the cost of childcare can be a real struggle for parents, especially those on low incomes. I welcome that and I welcome, I suppose, investment for children by Government. But I think I say quite clearly in the report my concerns about it as well.

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

[413] **Lynne Neagle:** Thank you. Just to move on, then, to child poverty, we no longer have a target to eradicate child poverty by 2020 or any specific performance measure. If you were going to give the Welsh Government a report for their progress in tackling child poverty, how would you mark them at the moment?

[414] **Professor Holland:** I would say that, although there's a lot of activity—you know, every time I've raised it with the Cabinet Secretary, he's able to list for me a lot of activity around child poverty under his portfolio—it's very difficult for myself and, therefore, I presume, for everyone else in Wales to see an overarching strategy here. What I really would like to see is a number of things, really, from Welsh Government. I'd like to see a really strong use of the evidence base on child poverty, including, obviously, the aspects we've just discussed. A number of organisations have brought forward evidence on potential ways forward, like the Joseph Rowntree Foundation and the Bevan Foundation—on concrete measures that devolved Governments can take, as well as the UK Government.

[415] I would like to see a stronger response to what children and families say is most effective for them. I think, as I said in last year's annual report, a clear delivery plan that brought together all those strands that the Cabinet Secretary will tell me that he is working hard on would give a really coherent and transparent account of what's going on. It was a key concluding observation, of course, from the United Nations Committee on the Rights of the Child. So, for me, it would form an important plank of that overarching response that I've been looking for.

[416] There are some quite clear areas—. Whilst recognising some of the limitations for our devolved Government in this area, there are obviously some key levers that Welsh Government could use, which we've discussed in this committee before. The Government, for example, did provide some very welcome funding regarding holiday hunger over the summer. I visited a

number of food and fun clubs—they're called a number of things. I visited some in Rhyl and some in Newport and really saw the benefit and heard directly from children and staff supporting them of the benefit of that kind of intervention.

[417] There are a number of other areas where I'd like to see them moving forward. As I say, we do have an emerging strong evidence base from some organisations that have looked into this very deeply and over many years about the ways forward.

[418] **Lynne Neagle:** And one of the things you've called for is for the Welsh Government to use their tax-raising powers to alleviate child poverty. Can you just tell us specifically how you would like them to do that?

[419] **Professor Holland:** Clearly, the Welsh Government's tax-raising powers have started to become a real area of national debate at the moment. I don't think it's my role to tell them in which ways they should raise the taxes—I don't know if that was your question—but I certainly would like to see the Government using every lever, including tax-raising powers, to invest heavily in what I think has got to be the highest priority, which is reducing inequalities in outcomes and prospects for children and reducing child poverty. That's what I'd like to see the money used for.

[420] **Lynne Neagle:** Okay, thank you. Hefin on adverse childhood experiences.

[421] **Hefin David:** The Cabinet Secretary for Communities and Children has made much of the ACEs concept. What's your opinion of the concept, as it's at?

[422] **Professor Holland:** Well, the concept of adverse childhood experiences or ACEs is irrefutable, I think, and it's been good to see, in the last couple of years, some really specific Welsh evidence on this because, like so many areas of evidence, most of the evidence came previously from the United States. So, I really welcome that new evidence, which confirmed for me, as a former practitioner, and, I'm sure, for practitioners all around Wales, what they would already recognise in how the lifelong chances of people are affected by their early experiences, but I do—. There's a 'but' coming here, and the 'but' is that I certainly have concerns about any discourse that puts most of our response to child poverty—we've just been discussing child poverty—just in this context. So, I think it's a really important piece of

evidence on where we should target our services, but I don't think it's an overarching explainer of action that we should take. It explains the disadvantages that children face; it doesn't give us an action plan.

[423] A real concern I have, really, is that it is a deficit model. It just does talk about what children lack, so, for me, it's an important part of our understanding, but I would actually like to see our response to ACEs being framed in a much more constructive way under a children's rights approach, which is strength based and which says that children have a right to achieve their potential and we need to remove those barriers they're facing, including these many adverse experiences, to enable them to achieve their potential, which is their right to do so. So, it's not just a discourse of, 'These poor children who suffer these multiple ACEs'; it's, 'In Wales, we have a commitment to help every child reach their potential', and I do think that I've made this clear to Public Health Wales, who, obviously, have led on the evidence base—the strong evidence base—on this work, and I commend them for it, but I have made it clear to them that I think that the connection with poverty has probably not been drawn out strongly enough. I would see ACEs as being mostly a symptom of poverty. That doesn't mean that everyone who lives in poverty—that every child living in poverty—has these experiences, and we know how resilient many families are and provide the best possible childhood for their children despite living in poverty, but there's no dispute of the correlation between ACEs and poverty, and I feel that's been underplayed.

[424] **Hefin David:** Yes, you've anticipated a number of questions I was going to ask, actually, but just to round it off: ACEs as a diagnostic tool. So, you're saying, 'Well, there are three or more ACEs and then we have to intervene', and that's probably not helpful language, then, you wouldn't have thought.

[425] **Professor Holland:** I quite agree. I've heard some people express concern that we will start to categorise children as four ACEs, three ACEs, two ACEs, and of course, whilst, again, the evidence is clear that the more ACEs that you suffer, the more likely you are to have difficulties, for one child, one of those experiences, like a bereavement of a parent or an experience of abuse early on, could have an absolutely devastating effect and completely change their life experience. For others, for all sorts of reasons, perhaps the support of those around them, it will not make that difference. So, how we support children's resilience and remove some of those barriers is an important way forward, and I think we're in agreement here.

[426] **Ms Thomas:** With policy setting in mind, you certainly wouldn't want to have to have, 'Oh, this child doesn't have enough ACEs to access support. They need to have another one.'

[427] **Hefin David:** Yes, you don't want to be putting numbers against children's names.

[428] **Professor Holland:** Absolutely not. It helps our understanding, it's a very useful evidence base, but I don't think it's the only way we should be making policy in terms of what we do to counteract poverty.

[429] **Lynne Neagle:** Okay, thank you. We are moving on now to Michelle.

[430] **Michelle Brown:** Thank you, Chair. You said that the First Minister's given a commitment to deliver change following your recommendations about children's rights in residential care. How much progress has been made so far, and are you content with the pace of progress?

[431] **Professor Holland:** This is a real ongoing issue for me and my office, both in terms of casework coming in and my engagement with agencies, working with a very small group of children, but a particularly vulnerable group of children with very complex needs. I was very pleased to have full acceptance from the First Minister of all four recommendations in my report. I had a very positive and proactive response. I was also pleased that the Government immediately set up a task and finish group to work on those recommendations and, of course, my office is actively involved in that.

[432] Another positive around this has been the engagement above and beyond that task and finish group by a range of agencies in trying to work out some of the sticky, tricky issues associated with the needs of the children here. For example, a big issue for children in residential care is the frequency with which they go missing and the risks that they face when they are missing. There's been a very proactive response from the police throughout Wales and the Care and Social Services Inspectorate Wales to work together on this, to analyse patterns of children going missing and look at how that could be prevented. So they are all the real positives around that.

[433] Issues of difficulty in terms of implementing intentions around residential care come regularly into my office about how we actually keep children safe in residential care and provide the best quality provision for

them. In terms of the task and finish group, my assessment would be that it's been a bit under-resourced this year. In fact, I wrote to senior officials about two or three weeks ago after the last meeting of the task and finish group to express my concern about the resourcing of that group and progress on that. I'm waiting for a response to that letter.

[434] **Michelle Brown:** Thank you.

[435] **Lynne Neagle:** Okay. Darren.

[436] **Darren Millar:** I just wanted to ask about home-to-school transport. I know that this is something that you referred to in your opening remarks, and it's been a feature of your casework in recent years. The Learner Travel (Wales) Measure 2008, the legislation itself, has been at odds somewhat with the guidance that the Welsh Government issued, and that's caused some confusion in some parts of Wales. To what extent is your casework helping to inform the Welsh Government's current review of its guidance, so that it can get that right for the future to avoid the confusion for learners and their parents?

[437] **Professor Holland:** Well, clearly, it's an issue that my office has been regularly engaged with, as has this committee and as have individual Members around the table. I think one thing I need to put in context is that, although quite a large number of cases come into my office on transport and education, only a small number of those actually come under the learner travel Measure, which, of course, is quite specific. So, a lot of them involve things like the suitability of escorts, parental choice around faith schools, Welsh-medium schools and children with additional learning needs and whether they get the right support to get to school or not post 16—another issue that was discussed under the Additional Learning Needs and Education Tribunal (Wales) Bill.

[438] Through my casework, we actually don't have evidence of systematic all-Wales problems with the Measure. Clearly, we've been in correspondence about some specific issues around one or two local authorities. However, in terms of the effectiveness of the Measure, I've had sight of the correspondence between the Cabinet Secretary and this committee, and I have to say that the fact that cases are being settled on an individual basis as high up as his office feels to me like a really inefficient way for the Measure to be implemented. In every case that's come to my notice, the cases have been resolved on an individual basis or, in one case that you're aware of, on

a group basis. So, we haven't been able to take it forward for systematic change, in a way, because in each case the local authority has said, 'Okay, you're right' or 'We'll flex our offer in this way.'

12:00

[439] I feel it's an inefficient use of resources by the local authority who are making families go through a number of hoops to get the support they need to get to school, but also when it goes as far as Welsh Government, by Welsh Government, it doesn't feel to me like a good use of their time.

[440] **Darren Millar:** And, of course, it's potentially just scratching the surface; a lot of people will just accept the decision of the local authority.

[441] **Professor Holland:** I quite agree, and it might depend on an active Assembly Member or advocate to bring that to my office. I can't say that—. If things haven't come to my office, it doesn't mean that they don't exist elsewhere.

[442] **Darren Millar:** Do you think there should be a systematic review of that legislation, full stop? I mean, given what you've said about additional learning needs, people who want to choose a faith education, some of the other challenges that you presented as part of your case work.

[443] **Professor Holland:** A systematic review by—

[444] **Darren Millar:** Review of home-to-school transport.

[445] **Professor Holland:** —by Welsh Government.

[446] **Darren Millar:** Yes.

[447] **Professor Holland:** Okay.

[448] **Darren Millar:** And the Learner Travel (Wales) Measure 2008, you know, the post-16 side of things: do you think that legislation should be wholly reviewed?

[449] **Professor Holland:** Well, clearly, I wrote to the Cabinet Secretary to ask about his plans to review the learner travel Measure. Over the last year, I received a response that it had been reviewed and updated. I'm not clear in

what way that has been reviewed and updated, and I don't—. My answer is that I don't feel that we're in a settled basis with this Measure yet because cases are having to be dealt with at Government level on a case-by-case basis. So, for me, that would indicate a need for further review and further work on this area.

[450] **Darren Millar:** Thank you.

[451] **Lynne Neagle:** Thank you. In terms of CAMHS, your report welcomes the new ambitious waiting time targets, but says that progress has not been even across Wales and that children are therefore subjected to unequal access. Given that we're now past the two-year mark with Together for Children and Young People, what do you think that says about the effectiveness of the programme?

[452] **Professor Holland:** Well, yes, we're two and a half years into what was planned to be a three-year programme. I'm hopeful—and I call for it, obviously, in my report—it will be extended because I think it still needs that national push and that national leadership. It has taken quite a long time to make change. I think that was to be expected. The state that our clinical mental health services were in was like—. To create change there was like turning a big ship around. I think that this year I've started to see some real changes and difference, but it feels like it's just starting to happen and that if we don't consolidate, if we don't ensure that those are maintained, then it could very easily slip back, which is why I've written to the programme director and now put it in my report to seek reassurance that that national leadership will be maintained. I don't think it's ready for the national programme to end and for it to go back out to health boards. I think that progress could slip back very quickly.

[453] One of the reasons I think that is is because I think that while clinical services have really stepped up to improve the situation on waiting lists—and it has been uneven in progress, but I think we're almost there—both in terms of the targets, in terms of mainstream clinical CAMHS but also neurodevelopmental pathways starting to reach some of its targets, I would say that those are a couple of areas where we still need to work to avoid that slip back. One is to ensure that we now know that children are being seen in a more timely manner; we don't yet know what their experiences are of that or whether it's made them feel better; whether it's improved their mental health. So, I've asked the Together for Children and Young People and been reassured that there is clear work going on to make those measures next.

But also, of course, if we continue to have the rate of referrals to the specialist CAMHS, then, again, the progress will slip back. So, there's still a long way to go, I would say, on progress in terms of preventative work and early intervention.

[454] Obviously, I sent a fuller statement to the inquiry and I know I've got an opportunity to talk about that in more depth in a few weeks' time, but that would be my main concern, and I think I've been particularly frustrated over the last year at the fact that we've had two very, very well-intentioned programmes working in this area in parallel with each other in Welsh Government. So, the preventative stream of the Together for Children and Young People programme, the prevention and early intervention streams, have now been merged, and there's working on how we can have the best health and well-being provision for children in schools—both very similar aims, actually, in enhancing children's well-being and preventing mental ill-health or helping early when it does occur. I think they should be working on a joint programme together to do that.

[455] There was an encouraging announcement recently on direct access to mental health provision within schools—something that's been a clear need. Teachers and children have been crying out for that. That's one step, but that's still about responding to mental health problems, to mental illness, rather than the early prevention programmes. That's definitely got to—we've got to make traction on that, I feel, to have any sense of the progress being sustained.

[456] **Lynne Neagle:** Okay, thank you. Are there any other questions from Members? No. Okay. Well, we've come to the end of our session. Can I thank the commissioner and her team for attending and answering such a wide range of detailed questions? As usual, you will be sent a transcript to check for accuracy in due course, but thank you very much for your time this morning.

[457] **Professor Holland:** Thank you all for a set of very stimulating questions.

[458] **Lynne Neagle:** Thank you.

12:06

Papurau i'w Nodi
Papers to Note

[459] **Lynne Neagle:** Okay. We'll move on now, then, to item 4, which is papers to note. Just one paper today, which is a letter from the Chair of the Public Accounts Committee highlighting their work on the Welsh Government's oversight of FE colleges' finance and delivery. Are Members happy to note that? All that remains, then, is for me to remind Members that the next meeting is next Wednesday, when we'll be taking evidence into the outreach elements of Flying Start as part of our work on the first thousand days. We've got three panels, comprising representatives from Welsh health boards, Public Health Wales, the Royal College of Nursing, the All-Wales Heads of Health Visiting and Flying Start network co-ordinators. And it's Thursday—yes. Okay, so that's next week. Can I thank Members for their attendance? See you soon. Thank you.

Daeth y cyfarfod i ben am 12:07.
The meeting ended at 12:07.