



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

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

Dydd Iau, 31 Mai 2012
Thursday, 31 May 2012

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Standards and Organisation (Wales) Bill: Stage 1—Evidence Session 2

Yn y golofn chwith, cofnodwyd y trafodion yn yr iaith y llefarwyd hwy ynnddi. Yn y golofn
dde, cynhwysir trawsgrifiad o'r cyfieithu ar y pryd.

In the left-hand column, the proceedings are recorded in the language in which they were
spoken. The right-hand column contains a transcription of the simultaneous interpretation.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Angela Burns	Ceidwadwyr Cymreig Welsh Conservatives
Christine Chapman	Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair)
Keith Davies	Llafur Labour
Jocelyn Davies	Plaid Cymru The Party of Wales
Suzy Davies	Ceidwadwyr Cymreig Welsh Conservatives
Julie Morgan	Llafur Labour
Lynne Neagle	Llafur Labour
Jenny Rathbone	Llafur Labour
Aled Roberts	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Simon Thomas	Plaid Cymru The Party of Wales

Eraill yn bresennol
Others in attendance

Simon Brown	Cyfarwyddwr Strategol, Estyn Strategic Director, Estyn
Ian Budd	Cadeirydd, Cymdeithas Cyfarwyddwyr Addysg Cymru Chair, Association of Directors of Education in Wales
David Hopkins	Cymdeithas Llywodraeth Leol Cymru Welsh Local Government Association
Dr Chris Jones	Cyfarwyddwr Meddygol, GIG Cymru, Llywodraeth Cymru Medical Director, NHS Wales, Welsh Government
Ann Keane	Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru, Estyn Her Majesty's Chief Inspector for Education and Training in Wales, Estyn
Dr Chris Llewelyn	Dirprwy Brif Weithredwr a Chyfarwyddwr Dysgu Gydol Oes, Hamdden a Gwybodaeth, Cymdeithas Llywodraeth Leol Cymru Deputy Chief Executive and Director of Lifelong Learning, Leisure & Information, Welsh Local Government Association
Lesley Griffiths	Aelod Cynulliad, Llafur (Y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol) Assembly Member, Labour (The Minister for Health and Social Services)
Meilyr Rowlands	Cyfarwyddwr Strategol, Estyn Strategic Director, Estyn
Yr Athro/Professor Jean White	Prif Swyddog Nyrsio, Llywodraeth Cymru Chief Nursing Officer, Welsh Government

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

Stephen Davies	Cynghorydd Cyfreithiol Legal Adviser
Claire Griffiths	Dirprwy Glerc Deputy Clerk
Claire Morris	Clerc Clerk
Sarah Sargent	Dirprwy Glerc Deputy Clerk
Elizabeth Wilkinson	Clerc Clerk

*Dechreuodd y cyfarfod am 9.00 a.m.
The meeting began at 9.00 a.m.*

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

[1] **Christine Chapman:** Good morning, everyone, and welcome to the Assembly's Children and Young People Committee. I remind Members to switch mobile phones, BlackBerrys and pagers off, as they affect the broadcasting equipment. We have not received any apologies this morning.

**Ymchwiliad i Ofal Newyddenedigol
Inquiry into Neonatal Care**

[2] **Christine Chapman:** This morning, we will be taking evidence from the Minister for Health and Social Services. I welcome all of you here today. Could you introduce yourselves for the record, please?

[3] **The Minister for Health and Social Services (Lesley Griffiths):** I am Lesley Griffiths, Minister for Health and Social Services.

[4] **Professor White:** I am Jean White, chief nursing officer.

[5] **Dr Jones:** I am Chris Jones, medical director for NHS Wales.

[6] **Christine Chapman:** Welcome to you all. Thank you for submitting your paper in advance. Members will have read it and so, if you are happy, we will go straight to questions. The first question is to do with the evidence we have taken on shortfalls in staffing. Minister, how will the recently launched 'Working Differently—Working Together: A Workforce and Organisational Development Framework' for NHS Wales attract staff to the geographical areas that are hard to recruit to?

[7] **Lesley Griffiths:** Obviously, recruitment is a major issue for the neonatal network. You have read the evidence that you have received, and this is an issue that has come up from a variety of local health boards. We are making progress particularly with neonatologists in south Wales and nurses right across Wales. The framework you refer to requires that health boards put in place effective recruitment and retention strategies for all levels of staff, including the development of excellent employment practices. From a medical recruitment point of view, you will be aware that the First Minister and I recently launched a campaign. Within that, I have set up a champions network to put clinicians at the forefront of recruiting

staff. It is an issue we are having to address and that is being addressed.

[8] **Christine Chapman:** As you said, there is a recruitment campaign going on. Are there any other actions, bearing in mind the evidence we have received that quite urgent action is required?

[9] **Lesley Griffiths:** I think that the first thing I read was that there was a shortfall of 80 nurses in this field. I think that is down to 50 or 60 now. Jean might be able to tell us a bit more about that.

[10] **Professor White:** Yes, at least three of the health boards have actively recruited nurses. On average, they have recruited between seven and nine each. The other health boards have been reviewing their workforce requirements and are making decisions about how many of what type of practitioner they need. We are seeing some positive improvements, and our evidence from the neonatal network is that there is no problem with recruitment. Once the jobs are advertised, there are nurses willing to move into the sector, which is quite reassuring given the specialist nature of the unit.

[11] **Dr Jones:** If I may, I will add a comment or two about the impact of the reconfiguration of services in terms of the attractiveness of those services to doctors who may want to come to Wales to train. The purpose of the plans that are being drawn up by the health boards is to make our clinical services excellent, and that always attracts people who want to train, because they want to get the best clinical experience. All of the processes around reconfiguration are very closely tied in to the work of the postgraduate deanery in Wales, which is obviously responsible for the quality of the training experience in Wales. The postgraduate deanery has appointed a reconfiguration lead in paediatrics, Dr Helen Fardy, who is a paediatric intensive care specialist in Cardiff. She is very closely involved in these discussions, as is the deanery. They are present at all the planning meetings, certainly in south Wales. Reconfiguration of services to improve training, as well as the quality of the services, is on the agenda of the medical directors every time the postgraduate deans come to those meetings, and Dr Fardy has been there too. I think that the reconfiguration agenda will contribute to the attractiveness of Wales as a training environment.

[12] **Christine Chapman:** We want to talk about the deanery in more depth, but I will leave that issue for the moment and bring in Jenny Rathbone.

[13] **Jenny Rathbone:** I want to pick up on what Jean White said. If you have had such a positive response to the recent recruitment drive, why was this never done before? Why was this vacancy rate allowed to develop?

[14] **Professor White:** It is down to local health boards to determine what staff they need and what skill mix they need. The recent attention paid to this service has motivated the health boards to take another hard look at how they staff their units. We have recently seen much more activity in recruiting to these areas, given that the health boards have generally been trying to look at their overall workforce. This area is seeing growth, rather than a contraction of service, which is encouraging. Why have they not done it before? What can I say?

[15] **Jenny Rathbone:** The spotlight was not on it. Okay, thank you.

[16] **Lesley Griffiths:** To expand on that, the previous inquiry has shone a light on this aspect and on this specialty. So, in that way, it has been very helpful. The chief executives are very tuned into it now.

[17] **Dr Jones:** I would also like to draw attention to the work of the neonatal network in

identifying the actions that need to be taken across Wales. The network has been a helpful advisory and supportive body to assist the health boards. The capacity review, which I believe you have seen, clearly shows the state of play in Wales and where the gaps are. So, it is much clearer now than in the past what actions need to be taken.

[18] **Jocelyn Davies:** We have had access to the action plans and we can see clearly from those that there is a shortfall of nurses—there is an identified number—but, even though recruitment is fairly successful and that there is no shortfall of people taking an interest in those positions, they are still not advertising the number of posts that would meet the standards that you have set down. That is my impression, from looking at all of those action plans. What is your view on that?

[19] **Professor White:** I understand that, rather than trying to fill all the vacancies right now, they are taking a one to two-year approach to this. So, there should be a continuing development of staffing issues. So, I do not think that any of them are planning to correct it overnight. There is a plan to recruit over a period of time, which will contribute to this.

[20] **Jocelyn Davies:** Yes, but the shortfall did not happen overnight.

[21] **Professor White:** I agree; it did not.

[22] **Jocelyn Davies:** So, you have set the standard, but, in some areas, there is considerable difference between your standard and what is happening on the ground. However, we could see from the action plans that there was no attempt—not in one year, never mind overnight—to fill the posts that they need.

[23] **Lesley Griffiths:** That is a fair point. The action plans are not as robust as we would like them to be. We accept that this is an area that needed improvement. We are seeing improvement, so it is not all bad. We have seen some major improvement, but senior officials, both Dr Jones and Professor White, are monitoring the action plans.

[24] **Jocelyn Davies:** I have one other point. You mentioned neonatologists, and we know from this inquiry that not everywhere has neonatologists and that sometimes it is paediatricians who are in charge of this service. How do you feel about that?

[25] **Lesley Griffiths:** They have certainly addressed that issue in south Wales. There are now 28 neonatologists, are there not?

[26] **Dr Jones:** There are 26.

[27] **Jocelyn Davies:** The worst case, of course, is north Wales.

[28] **Lesley Griffiths:** Yes, but they are actively recruiting in north Wales now. I think that they now have one and a half, but that is certainly an issue. The advice was that we would need to recruit a lot more neonatologists. This is why we cannot look at this issue as completely separate from reconfiguration. The two go hand in hand; this is a fundamental part of reconfiguration. We accept that there are too many small units, but not the through—

[29] **Jocelyn Davies:** Yes, but, ideally, you would like to see neonatologists, rather than paediatricians, in charge of neonatal services.

[30] **Lesley Griffiths:** Yes.

[31] **Jocelyn Davies:** Thank you.

[32] **Aled Roberts:** Nid wyf eisiau bod yn blwyfol, ond credaf fod y tri ohonoch, ar wahanol adegau yn ystod eich ymatebion i'r cwestiwn cyntaf, wedi sôn bod y sefyllfa'n gwella yn ne Cymru, ac mae hynny'n awgrymu nad oes gwelliant o ran y gogledd. Ni chredaf mai mater o gael gwasanaeth ardderchog ydyw ar hyn o bryd, ond mater o gael gwasanaeth diogel. Nid wyf yn barod i dderbyn mai mater i'r bwrdd iechyd lleol yn unig yw hyn. Beth yw eich cyfrifoldebau chi fel swyddogion cenedlaethol os ydyw'n ymddangos nad yw'r sefyllfa'n ddiogel ac o ran y ffaith nad yw bwrdd iechyd y gogledd wedi cymryd unrhyw gamau er 2008 i recriwtio staff? Nid yw'n dderbyniol dweud mai adolygu'r sefyllfa y maent, gan fod materion yno. A oes gennych dystiolaeth i ymdrechion gael eu gwneud i recriwtio staff oddi ar 2008 yn y gogledd?

Aled Roberts: I do not want to be parochial, but I think that the three of you, at different stages during your responses to the first question, have said that the situation is improving in south Wales, which suggests that there is no improvement in north Wales. I do not think that it is a matter of having an excellent service at present, but having a safe service. I am not willing to accept that this is just a matter for the local health board. What are your responsibilities as national officials, if it appears that the situation is not safe and in relation to the fact that the north Wales health board has not taken any steps since 2008 to recruit staff? It is not acceptable to say that they are reviewing the situation, as there were issues there. Do you have any evidence that efforts have been made to recruit staff since 2008 in north Wales?

[33] **Lesley Griffiths:** I did mention the fact that they have recruited one and a half neonatologists—they are recruiting. I will hand over to Jean in relation to the nurses. However, as I have said, it is a huge part of the reconfiguration, and I will not support unsafe services. I know that the service is stretched in north Wales, but a great deal of work is going on there. They are looking for partnerships across the board. You will be aware that they work very closely with Arrows Park Hospital. Fortunately, I think that only two babies had to be transferred to Arrows Park Hospital in the last quarter.

[34] **Professor White:** We recruited eight nurses recently and we are looking across the patch to see what is needed. However, as the Minister said, it is partly about the reconfiguration debate, because you need to make sure that you have the right skill mix for the degree of acuity of those cots. You therefore need the right mix of staff with the right skill sets for intensive cots, high-dependency cots or special care cots. That is part of their work: to ensure that they have the right number. However, they have already increased the physical number of staff.

[35] **Aled Roberts:** Pryd y dechreuodd yr adolygiad?

Aled Roberts: When did the review start?

[36] **Professor White:** Of what?

[37] **Aled Roberts:** Pryd y dechreuodd yr adolygiad o wasanaethau newyddenedigol yn y gogledd? Mae'r lefelau staffio wedi bod yn annerbyniol er 2006.

Aled Roberts: When did the review of neonatal services in the north of Wales start? Staffing levels have been unacceptable since 2006.

[38] **Professor White:** I think that they have been looking at it for the last year as part of the reconfiguration, but I am not sure exactly what the start date would be. Dr Jones, do you know exactly when it started?

[39] **Aled Roberts:** Pa gamau a gymerwyd gennych chi fel swyddogion cenedlaethol i herio'r bwrdd iechyd hwnnw am y ffaith nad oedd ei wasanaethau'n

Aled Roberts: What action did you take as national officers to challenge that health board on the fact that its services were not acceptable?

dderbyniol?

[40] **Dr Jones:** I cannot easily comment on actions in 2006 and 2008, or around that time, because I was not in this post then. That is not to abdicate responsibility, however. We have been concerned about the situation in north Wales for some considerable time. Last year, I wrote to the chief executive of the Betsi Cadwaladr University Local Health Board to ask her what she was doing to address the situation. Admittedly, that was in 2011. My guess is that the appropriate answer to the question you have posed is that the standards that we now work to were published in 2008. They set staffing standards, and I think that from that time it would have been clear where the shortfall was.

[41] The situation generally is as the Minister describes it, in that we would never, ever support any unsafe services, and we frankly do not have any evidence that the services in north Wales are unsafe. The paediatricians who cover the neonatal cots do that job very well, but we recognise that that is not the standard of care that we aspire to for the future. We are therefore working as closely as we can with the health board to help it to resolve this issue. However, it will not be easy to resolve it overnight—we are on a journey, and it is going to take a little longer.

[42] **Christine Chapman:** Aled is next, and then Jocelyn. I want to move on then.

[43] **Aled Roberts:** A gaf i ofyn i chi roi tystiolaeth i'r pwyllgor ynglŷn â recriwtio? Yn y dystiolaeth gawsom gan fwrdd iechyd Betsi Cadwaladr, dywedodd nad oedd wedi recriwtio un a hanner o ymgynghorwyr ond bod gan y bwrdd un a hanner ohonynt ar hyn o bryd ac nad oedd ymgynghorwyr newyddenedigol wedi cael eu recriwtio er 2008. Mae'r sefyllfa wedi newid. Yn 2008, o'r hyn yr wyf i'n ei gofio, roedd un ymgynghorydd llawn amser ac un locwm llawn amser, ac, erbyn hyn, mae un arbenigwr llawn amser ac un rhan amser yn cael eu cyflogi'n barhaol gan y bwrdd iechyd.

Aled Roberts: May I ask that you provide the committee with evidence with regard to recruitment? In its evidence to us, Betsi Cadwaladr health board said that it had not recruited one and a half consultants, but that it currently has one and a half consultants and that it had not recruited neonatal consultants since 2008. The situation has changed. In 2008, from what I recall, there was one full-time consultant and one full-time locum, whereas now, there is one full-time specialist and one part-time specialist who are on permanent contracts with the health board.

[44] Rwyf am symud ymlaen achos rwy'n meddwl ei bod yn bwysicach o ran y gogledd ein bod yn edrych ar sut y mae'r sefyllfa i wella i'r dyfodol. Sut yn union y byddwch chi'n sicrhau bod y broses casglu data am y gweithlu yn ddigonol, a hefyd fod y systemau hynny'n cael eu hintegreiddio â'r cynlluniau gweithlu a'r cynlluniau ariannol? Yn ei gyfarfod bwrdd ar 13 Mawrth, dywedodd bwrdd iechyd y gogledd nad oedd recriwtio wedi digwydd heb fod y swydd yn cael ei phasio gerbron y cyfarwyddwr cyllid.

I will move on because I think it is more important with regard to the north that we look at how the situation will improve in the future. How exactly will you ensure that the process of workforce data collection is adequate, and that those systems are integrated with the workforce plans and the financial plans? At its board meeting on 13 March, the north Wales health board said that no recruitment had taken place without the post being run past the finance director.

9.15 a.m.

[45] **Lesley Griffiths:** Data are provided by the electronic staff record, which covers all staff, and the National Leadership and Innovation Agency for Healthcare co-ordinates that. That is used by the local health boards to produce their workforce plans alongside service and financial plans. It is also used to roll out electronic staff records to increase the portability of

skills and training competencies. With regard to the issue you raise about the board on 13 March, I can only assume that the local health board is looking at reconfiguration now; if it is looking to appoint or recruit, that would have to fit within what it is proposing as we go through the year.

[46] **Aled Roberts:** Nid oes sôn yn y cofnodion ynglŷn ag aildrefnu gwasanaethau. Mae'r cofnodion yn sôn bod yn rhaid cael y gyllideb mewn balans erbyn diwedd y flwyddyn. Felly, beth yw'r sefyllfa os yw'r cyfarwyddwr ariannol yn dweud nad oes recriwtio i fod a bod eich systemau monitro chi yn dweud bod angen hyn a hyn o nyrsys, neu hyn a hyn o arbenigwyr er mwyn cynnal gwasanaeth cynaliadwy? Sut byddech yn ymyrryd i ddweud nad yw'r bwrdd iechyd yn gwneud y penderfyniadau cywir?

Aled Roberts: There is no reference in the minutes to the reconfiguration of services. The minutes refer to the need to balance the budget by the end of the year. Therefore, what is the position if the finance director says that no recruitment is to take place while your monitoring system says that so many nurses and specialists are needed to maintain a sustainable service? How would you intervene to say that the health board is not taking the correct decisions?

[47] **Lesley Griffiths:** It was an issue for the local health board, which needed to balance its books by 31 March, which it did. Presumably, when we are monitoring, if there are recruitment issues and services are unsafe, we would step in, but we were not in that position.

[48] **Professor White:** Just to correct an error, it recruited nine nurses, not eight; I beg your pardon, I was looking at the wrong piece of paper. The board looks at peaks and troughs, because neonatal demand is not a consistent demand. It uses the cot locator very well and works in collaboration with other services to make sure that babies are placed appropriately. So, it is in dialogue not only with Arrowe Park, but with Alder Hey and Liverpool hospitals. So, we are reassured that it has robust systems to ensure that there are no babies that are not safely transferred to where care should be. There is a requirement upon the board to ensure that it has facilities in place, whether it is local or to transport babies safely to make sure that they are looked after, and that is what we have been making sure through our monitoring.

[49] **Lesley Griffiths:** The other point to make is that the neonatal network is a single system in Wales and it is working very well around the country. It is not a case of north Wales in isolation; it is a single system for the whole of Wales.

[50] **Aled Roberts:** Roedd y rhwydwaith yn feirniadol o gynlluniau byrddau iechyd Betsi Cadwaladr a Hywel Dda.

Aled Roberts: The network was critical of the plans put forward by the Besti Cadwaladr and Hywel Dda health boards.

[51] **Jocelyn Davies:** I do not think anyone was suggesting that services there are unsafe. You are satisfied that services are not unsafe, but you accept that there is a gap between unsafe and good enough. I would like your view on this: we have heard evidence that there has been a number of reviews into neonatal services since devolution, but the progress has been disappointing following those reviews. This is another review into neonatal services, and I hope that we can get your commitment that there will be good progress following this review rather than raising the expectation that significant progress will be made but which then does not happen, as has been the case with previous reviews.

[52] **Lesley Griffiths:** You are right, Jocelyn. I said at the outset that progress has been slow, which is disappointing, but there has been progress. We were starting from a base that was in need of improvement. I do not want another review. You can see the recommendations from the previous report and I presume that, after this committee has finished its inquiry, I will get another report, and it will be good to have a look at them and compare. I think we will be pleasantly surprised, but I am the first to say that progress has been slow.

[53] **Jocelyn Davies:** However, at the moment, there is no need to intervene and services are not unsafe.

[54] **Julie Morgan:** Before we leave the workforce issue, we were told that there has been a 20% rise in birth rates in the Cardiff area, and that that is continuous and ongoing. How have you built that into your calculations on the number of staff needed?

[55] **Lesley Griffiths:** The local health board has done that through its workforce plan, and Jean monitors the nursing requirements.

[56] **Julie Morgan:** Do you feel satisfied that that is built into the system in south Wales?

[57] **Lesley Griffiths:** Yes.

[58] **Professor White:** Absolutely. Demographic change is one of the key indicators taken into account when health boards do their workforce plans. So, yes, that is there.

[59] **Christine Chapman:** I remind Members and witnesses that we are a bit short of time, so we need to move on. If there are areas that we need to come back to, we will do so if we have time. Would you like to add something quickly, Dr Jones?

[60] **Dr Jones:** Yes, I would like to offer a brief comment in relation to the previous question about the north Wales situation. What is going on in north Wales is important; it is an area of particular concern. There is an element of 'moment in time' here. It is slightly unreasonable to expect the health board to embark on a recruitment campaign for neonatologists before strategic decisions have been made about neonatal services. It needs to be able to explain to potential applicants for such posts exactly what is going to happen in north Wales, and where the beds and cots are going to be. That will come through the service planning process that is going on at the moment. A number of service reviews have been undertaken by the Betsi Cadwaladr University Local Health Board; I understand that there is now a process of engagement, and that those plans are being integrated into something that makes sense as a whole system. We expect BCU to be going to a public consultation after appropriate engagement on these plans, around the end of July. At that time, following public consultation, it should be clear what the strategic future is. Then, we will know exactly what these recruitment requirements are.

[61] **Lesley Griffiths:** It is important to note that, if we do not reconfigure, we will have more difficulties. That is a very important point.

[62] **Jocelyn Davies:** My question is also on the workforce. You probably know that we have heard that the health boards are relying on the goodwill of existing staff and bank staff to cover absenteeism and so on. Is that approach sustainable and adequate?

[63] **Lesley Griffiths:** No, I do not think that it is. There has to be a certain amount of flexibility, but relying only on the goodwill of staff is not the way to have sustainable services. Again, I go back to the issue of reconfiguration. It is really important. This is a once-in-a-lifetime opportunity—certainly in my lifetime—to get this right. Clearly, we do not want to rely on bank staff—that approach does not build sustainable services—and we certainly cannot rely on the goodwill of staff.

[64] **Professor White:** I would like to add a comment. I absolutely agree with what the Minister is saying, but there will always be a little bit of flexibility because of the peaks and troughs of activity. On occasion, there will be a need to increase staffing levels, so you will never completely eradicate bank staff from the equation. However, there should be a

reduction in the need to rely on bank staff for core services.

[65] **Lynne Neagle:** My first question is on the deanery, to which you referred earlier. Could you say a little more about how the changes that are afoot there are going to improve things? I will ask two other questions later.

[66] **Lesley Griffiths:** I will start on this one. The deanery is very engaged on the issue of the neonatal network. Dr Jones mentioned before that it has a reconfiguration lead, who is an intensive care paediatrician. It is very involved in these discussions. A representative from the deanery attends the medical directors' meetings, and I will pass that issue over to Dr Jones. During my regular meetings with the deanery, I have mentioned that reconfiguration will result in better training, and the deanery needs to take advantage of that.

[67] **Dr Jones:** I do not have a great deal to add to that. It is absolutely essential to the concept of sustainability that we can attract people who are required to deliver services to these environments. We will only do that if we offer attractive career opportunities for individuals. We must have an environment of high-quality services and high-quality training as a result of reconfiguration. The deanery is very highly regarded in the UK. We are very fortunate with the quality of our all-Wales postgraduate deanery, which is very engaged in this.

[68] **Lynne Neagle:** In relation to training, we took evidence from the Royal College of Nursing, which told us—very worryingly—that it was concerned that there was a very significant problem with nurses not being allowed time off to undertake training. We questioned the health boards on that issue, and some of them said that that was not a problem. So, we have had contradictory evidence in relation to that. What is your understanding of the situation? Is there a problem with staff not being allowed to take time off because of financial pressures and so on?

[69] **Professor White:** It would be fair to say that the health boards believe that this is mandatory training and that, where mandatory training should take place, staff ought to be released. When there is high demand going through—if we are in a peak period—it is often difficult to release staff. On the ground, some staff may have difficulty in being released at particular times. However, the health boards accept that the training needed for neonatal nurses when they go to work in these specialist areas is a requirement of their job, and is therefore of a more mandatory nature. It is not a luxury; it is something that they really need. Their stance is that they should be released. I think that the reality is a little more mixed, because of the peaks and flows within units; it is very hard to release people if the unit is full of babies at a particular time.

[70] **Lynne Neagle:** I have just one other question on the issue of monitoring. I am still slightly confused about how this situation is monitored in Wales. We have had your paper, in which you say that the neonatal network is advisory, but there seems to be some variation among health boards—for example, Aneurin Bevan Local Health Board very encouragingly told us that it was now taking a quarterly report at board level on this matter, but the other health boards were not all doing that. Can you say a little more about how this is monitored at a Government level, and whether you think that there are any changes, such as requiring all health boards to report on this quarterly at board level, which would ensure that we get the impetus behind this issue that we clearly all want to see?

[71] **Christine Chapman:** Before you answer, Minister, Simon Thomas wants to come in on this point.

[72] **Simon Thomas:** It is specifically on this point, on the back of what Lynne has just said. Hywel Dda Local Health Board, for example, told us in evidence that it had never seen,

even for a specialist-designed clinic, that it had to follow the reporting requirements in the all-Wales neonatal standards, which rather surprised me, to say the least. Perhaps you could also answer that point when you address Lynne's general point.

[73] **Lesley Griffiths:** At a Government level, senior officials monitor it very closely. I agree; I thought that the Aneurin Bevan health board evidence was very good. As Minister, I wrote to all LHB chairs, and David Sissling, the NHS chief executive, wrote to all chief executives. The example that Aneurin Bevan has set is very good, and I think that local health boards should be monitoring much more carefully and closely, which is what they have been told to do. The monitoring of compliance with the neonatal care standards is a matter for the health boards but, obviously, senior officials monitor it very closely on my behalf and report back to me.

[74] **Dr Jones:** The network also has an important role in monitoring progress, which is a real advantage. The network board includes Welsh Government representation—I am represented on that board. Dr Heather Payne, our senior medical officer for maternity, paediatric and neonatal services, attends those board meetings regularly. We also have regular accountability meetings with the Welsh health specialised services committee and with all of the chief executives collectively. So, I think that there is quite high visibility on progress here.

[75] **Simon Thomas:** Thank you for that reply, but you say that it is a matter for the health boards. If the health boards say that they do not recognise themselves as having to report, what do you do? Is this acceptable?

[76] **Lesley Griffiths:** No. I have written to the chairs, and the NHS chief executive has written to the chief executives, because it is not acceptable.

[77] **Simon Thomas:** It suggested to us that it would only start to do this if it ever got its own high-dependency cot unit. Surely, that is not high dependency; it needs to be reported now.

[78] **Lesley Griffiths:** Yes; it needs to be reported.

[79] **Dr Jones:** One element of progress is that, increasingly, our health boards see themselves as working as part of a whole system for Wales, as the Minister indicated earlier. I do not think that that was the case in the past; they have been independent providers. However, there is now a genuine feeling of a single system, which has been helped by having tools like the cot locators, so that people can see where there are vacancies and what opportunities there are for transfers elsewhere. So, I think that there is a more collective approach to this now.

[80] **Christine Chapman:** I have a quick question on the timescale for this. I appreciate that there may be a slightly different culture at work, and that things are changing, but I think that it is a matter of urgency. Do you have an assessment of how long it will take the boards to realise that they need to react?

[81] **Lesley Griffiths:** When I wrote to the chairs and David Sissling wrote to the chief executives, we made it very clear that we expected to see progress quickly—probably this year. Progress up until now has been slow. We started in 2010, but I think that we have seen much more progress over the past year since I have been Minister—that sounds awful, but you know what I am saying. Given the political interest in the issue, and because the light has been shone, they have realised that they have to up their game. The good points are the cot locator, the fact that there is a single system, and that transport is much better, particularly in south Wales where we have an ambulance just for neonates, which I launched and is a fantastic piece of equipment. If you look at those, you will see why there has been much

faster improvement over the last year.

9.30 a.m.

[82] **Christine Chapman:** I want to come back to discuss that later, so we will leave that for the moment. Dr Jones, did you want to say something?

[83] **Dr Jones:** Briefly, I think that the minds of the chief executives are focused more than they have ever been before. Being held to account by you has focused minds. Also, in David Sissling's recent letter to the chief executives, he indicated that Professor Jean White and I will go to see the health boards over the next few weeks. That shows our commitment and our interest in this matter. There is a high level of interest and commitment.

[84] **Lesley Griffiths:** The other thing is the national clinical forum, which also has a specific interest in neonatology. Again, that is another light being shone on the service.

[85] **Julie Morgan:** I have another question on training. We were told that advanced neonatal nurse practitioners have to go out of Wales to get a year's training. Are there any plans to try to do that within Wales?

[86] **Lesley Griffiths:** The difficulty with providing training for advanced practitioners is that it would just be for maybe a couple of people—it is very difficult and perhaps not viable to set up a course. I am a huge fan of advanced practitioners. I have met several over the past year and I have never before met such enthusiastic people. We could look at providing the training, but it is to do with the numbers. At the moment, I think that they go to Southampton—I will ask Jean to come in on this—and that could pose problems. People do not want to be away from their families to go to Southampton to train. Equally, if you are in Bangor and you want to become an advanced practitioner and the training is in Cardiff, it is still far. It is something that we can look at but, at the moment, they go to Southampton.

[87] **Professor White:** I have had a conversation with the neonatal network, which has a sub-group that specifically looks at the nurse and therapy workforce. I have requested that it looks at the viability of having an advanced practice programme in Wales and what it would take to achieve that. As the Minister rightly said, historically, when we have approached the universities, they have said that there are not enough people to make a programme viable and that real expertise is needed for theoretical preparation. So, they get their theoretical preparation in Southampton and then come back for supervised practice in the units in Wales. That is a good model. Work has been requested to see whether, as we reconfigure the service, there might be more roles for advanced practitioners. Should the demand go up, there might be an opportunity to say that we have enough people to make it viable in Wales.

[88] **Julie Morgan:** If we had more people in those roles, it would improve the whole service, would it not?

[89] **Professor White:** Indeed. We have very few people ready for that at this point. We are almost at a step change, to be able to say that services are ready for a different configuration. There are difficulties with medical recruitment in a number of specialties—it is a common thread. It has been seen in accident and emergency: emergency advanced practitioners, who are either paramedics or nurses, are now taking on roles. This type of model is cropping up in a number of specialties. It is a timing thing.

[90] **Julie Morgan:** So, the reconfiguration will make this clearer.

[91] **Lesley Griffiths:** I think so. It is something that I would be very keen to encourage.

[92] **Simon Thomas:** Fel y gwyddoch, rydym wedi edrych ar yr adolygiad o gapasiti newyddenedigol, sydd wedi nodi diffyg cenedlaethol, ond efallai fod yr anghydbwysedd yn y defnydd o gotiau priodol yn achosi mwy o bryder ar hyn o bryd. Mae'n amrywio o *occupancy* 5% yn Ysbyty Gwynedd i tua 40% yn Hwlfordd a Glangwili, yn fy ardal i. Pa gamau penodol ydych yn eu cymryd i wella'r sefyllfa? Rydych wedi sôn ei fod yn rhwydwaith cenedlaethol, felly mae angen cymryd camau cenedlaethol.

Simon Thomas: As you know, we have looked at the neonatal capacity review, which has highlighted a national failing, but perhaps more concerning at the moment is the imbalance in the use of appropriate cots. It varies from 5% occupancy at Ysbyty Gwynedd to around 40% in Haverfordwest and Glangwili, in my area. What specific steps are you taking to improve the situation? You mentioned that it is a national network, so steps need to be taken at a national level.

[93] **Lesley Griffiths:** Yes, you are right. The neonatal network plays an important role. The capacity review highlighted the areas for improvement and they are discussed regularly with the local health boards. The word here is 'collaboration'. Local health boards need to work much more collaboratively. We are seeing that. The paper mentioned the connection between Cardiff and Cwm Taf. They seem to be working closely together, and that is really important. Officials work closely with local health boards to ensure that the local action plans address the issues to which you referred. The local plans should also use the information on cot usage, as you said, and the cot locator certainly comes to the fore, the occupancy, transfers out and the validity to explain more efficient use and the configuration of the costs. Lynne mentioned Aneurin Bevan and, again, I think that it does this well.

[94] **Simon Thomas:** Roeddech yn sôn yn gynharach am y cerbyd yn ne Cymru sy'n caniatáu trosglwyddo diogel ac o'r radd flaenaf rhwng y gwahanol gotiau. Nid oes cerbydau tebyg yn y gorllewin a'r gogledd. Rydym yn dibynnu mwy ar y gwasanaeth ambiwlans. Pa drafodaethau rydych yn eu cael felly gyda'r gwasanaeth ambiwlans i sicrhau bod yr offer a'r staff priodol ar gael er mwyn goresgyn y broblem hon o beidio â defnyddio cotiau yn y ffordd fwyaf effeithiol?

Simon Thomas: You mentioned earlier the vehicle in south Wales that allows safe transfer of the highest quality between different cots. There are no similar vehicles in west and north Wales. We are more dependent on the ambulance service. What discussions are you therefore having with the ambulance service to ensure that appropriate equipment and staff are available in order to overcome this problem of not using cots in the most effective way?

[95] **Lesley Griffiths:** There are ongoing discussions. At the moment, the south Wales ambulance is used for 12 hours a day, as you know, and I think that there is capacity to use that a bit more, so perhaps we could look at increasing the hours. Again, I would like one in north Wales; however, I am told that the numbers are not high enough to support a north Wales one and that they would rather use ambulances from the north-west of England. Equally, the conversations are ongoing with the Welsh Ambulance Services NHS Trust to ensure that we have the most appropriate ambulances at the time.

[96] **Christine Chapman:** I know that Suzy has a question on the ambulance service. Do you want to ask it now?

[97] **Suzy Davies:** Is it okay if I ask that, because I have two questions that I want to ask?

[98] **Christine Chapman:** Ask that one particularly, and then we can bring the Minister and Dr Jones in.

[99] **Suzy Davies:** These questions lend themselves to quite short answers. On this

particular point—I am not talking about the dedicated ambulances—are you confident that the ambulances that the rest of Wales relies on are adequately equipped for unplanned transfers? We have taken evidence that, in Powys, on-call midwives have to use simple puffer bags to provide oxygen to children while they are waiting for ambulances to arrive and continue to use them while they are in the ambulances. Do you think that that level of equipment is sufficient? Would you be concerned to hear that the senior LHB officials that we have had here, who are responsible for more than neonatal services, do not seem to have any idea of how long it takes an ambulance to arrive at their local district general hospitals from the centres of population that they routinely serve?

[100] **Lesley Griffiths:** That does surprise me, yes. I would think that they would be aware of how long ambulances take.

[101] **Simon Thomas:** South Powys had shrunk considerably.

[102] **Suzy Davies:** Yes, it had; obviously, everyone was travelling by TARDIS, not ambulance, in south Wales.

[103] **Lesley Griffiths:** That does concern me.

[104] **Christine Chapman:** Perhaps we could tell you about the evidence and you could comment on it when you have read it again.

[105] **Suzy Davies:** I am happy to deal with it in that way. May I ask my final question? Bearing in mind the geography of Wales and the crucial role played by ambulances, we have heard evidence that once a consultant has taken a decision that a baby needs to transfer, the ambulance service might decide not to dispatch the ambulance immediately. What is your view on that?

[106] **Lesley Griffiths:** The ambulance service makes every effort to dispatch an ambulance immediately when it receives a call.

[107] **Suzy Davies:** That is not the evidence that we received.

[108] **Jocelyn Davies:** In north Wales.

[109] **Suzy Davies:** Oh yes, in north Wales specifically.

[110] **Lesley Griffiths:** That is something that I will take up with the ambulance service, because, as I said, I would assume and expect the ambulance to respond immediately.

[111] **Dr Jones:** I am quite close to the ambulance service through its medical director and I am advised that, where a transfer is deemed to be an emergency need by the clinician, it generally provides an emergency response. There will always be the challenge of competing priorities, because if the closest ambulance is also responding to a 999 call in the community, that might affect the response time, but where it is deemed to be an emergency by the clinician, the ambulance service provides an emergency response. Sometimes, the need for a transfer is urgent rather than an emergency, but that should be recognised by the requesting clinician.

[112] **Christine Chapman:** We need to clarify this, because there was a lot of disquiet. Perhaps you could look into it and respond to us appropriately.

[113] **Dr Jones:** I would like to make another comment about the utilisation of cots, because I think that it is another really important issue in this. It reflects the fact that it is a

single system that encompasses all the different levels of acuity. If you have special care babies in high-dependency cots, that clearly is a potential problem because that means that there is a problem with the high-dependency babies: do they end up in the intensive care cots, and can you get the babies from the intensive care units back into the high-dependency units when they need that? You often cannot do so. We know that there is variation locally in the rate at which special care baby units are used; so, that is an area where we need to look at change and improvement to reduce variation. To some extent, it is about the size of the units and the nursing levels, and to some extent it is about clinical behaviour, which I recognise is often medical. I am speaking with my medical director colleagues to make sure that they are having conversations with their local paediatricians and neonatologists to make sure that utilisation, where possible, is optimised.

[114] **Christine Chapman:** We need to press you on timescales with this. Is there any assessment of timescales in the discussions that you are having?

[115] **Dr Jones:** It is always very difficult to impose a timescale on clinical practice and behaviour because you—

[116] **Simon Thomas:** Chair, may I ask a question on the timescales?

[117] **Christine Chapman:** Okay.

[118] **Simon Thomas:** Does it reflect the earlier discussion that we had around paediatricians, as opposed to specialists?

[119] **Dr Jones:** Yes. I think that it also reflects the fact that we are now looking at a whole system, whereas units have previously been rather independent. Units have been utilised in a way that has been judged locally as appropriate, without necessarily any recognition of the knock-on effects of that activity for the whole system. Again, this cultural change that we are seeing, where people recognise that this is a bigger system now, is fundamental to this. We want clinical practice to change as rapidly as possible, but it is very difficult to impose a timescale on that sort of thing.

[120] **Jocelyn Davies:** Are you aware of the evidence that we took, that some very sick babies are on paediatric wards?

[121] **Lesley Griffiths:** That is not what we want to see. We want to see babies treated in the most appropriate place. The babies that we are talking about are very sick babies and it is very specialised care that they need. I want them to have the best opportunity to go on and live very fulfilling, happy lives; so, it is very important that we use the beds to the maximum and, as Dr Jones was just saying, that even within neonatal units they are in the most appropriate cot for that baby. That is obviously very concerning.

[122] **Jocelyn Davies:** Perhaps I would encourage the Minister to look back at the evidence that we had, where some of them are not in cots, but are actually on general paediatric wards.

[123] **Dr Jones:** I talked about the knock-on consequences of inappropriate utilisation, upwards in a sense, but there are knock-on consequences to those babies on paediatric wards who need to come into a special care or high-dependency environment. If there are other babies with lesser needs in those cots, they will be blocked.

[124] **Jenny Rathbone:** As the neonatal review makes clear, it is really important that, if we are not to have cotblocking or babies being cared for inappropriately when they need a higher level of care, we need to have these agreed and documented clinical pathways and protocols, so that everyone in the clinical profession understands clearly what they are

supposed to be doing and when, and that it is not a postcode lottery in terms of care. Do you think that the all-Wales approach that has been developed through the neonatal review and other initiatives that you have been doing is sufficiently robust to ensure that the turf wars that are bound to break out when reconfiguration proposals are published will not knock them off course?

[125] **Dr Jones:** I have a lot of confidence in the neonatal network. I think that it is a national approach. I do not know that we could think of a different national approach that would be stronger. As I say, I think that the individuals working in the neonatal network are high-quality individuals, and I think that they have established positive engagement and relationships with all of the health boards. I do not see why this arrangement should not work in the way that you describe. I think that it is really important.

[126] **Jenny Rathbone:** In terms of getting the clinical pathways right, I think that it was notable from the evidence that we had from the health boards that Powys has not had an emergency transfer since 2007, which means that the local health board must have its protocols right. It is not just due to luck; it understands how to assess risk. Is that level of sharing of good practice done across our boards? If it is not, how will you ensure that that happens?

9.45 a.m.

[127] **Dr Jones:** I find that quite a difficult question to answer, because I am not sure that I really understand whether the experience that you have described in Powys is actually a manifestation of excellent practice or whether it is just that there are very low numbers of women having babies in Powys.

[128] **Jenny Rathbone:** Obviously, that might be the case.

[129] **Dr Jones:** When women have babies in midwifery-led units, they are low-risk mothers and, hopefully, transfers would not be required.

[130] **Jenny Rathbone:** Indeed.

[131] **Christine Chapman:** I want to move on to Suzy's questions.

[132] **Suzy Davies:** I would like to take you back to a point made by Aled Roberts. You referred to the letters written by you and David Sissling to all the local health boards saying that, because progress has been slow, you are now expecting urgent action, and I think that we would certainly agree with you on that. What course of action will you follow if the health boards fail to deliver, bearing in mind their previous record?

[133] **Lesley Griffiths:** I presume that you are asking whether I will bring in sanctions.

[134] **Suzy Davies:** I am just curious to know.

[135] **Lesley Griffiths:** Every service is constantly monitored by the relevant senior officials. You have to give it time. As I think Dr Jones said, it is very difficult to put a time limit on when you want these changes to be seen. As long as the services are safe, sustainable, high-quality and effective, I do not see the need to intervene. Several services, especially specialised services, are becoming stretched, and this is a classic example. The fact that we have had this review has shown us the issues and the areas that need to be addressed. That is being constantly monitored. I meet the chairs monthly and I meet my senior officials every month or six weeks in the ministerial advisory group and any risks would be highlighted to me in those meetings. If any risk was highlighted to me at that time, that is when we would

intervene.

[136] **Suzy Davies:** Do you think that you are currently at the stage where you are considering an intervention?

[137] **Lesley Griffiths:** In neonatology?

[138] **Suzy Davies:** Yes.

[139] **Lesley Griffiths:** I would not say so at the moment.

[140] **Aled Roberts:** A ydych yn derbyn nad yw'n ddigon da ichi ddweud eich bod yn monitro'r sefyllfa? Mae tystiolaeth gan Bliss yn arbennig sy'n dweud nad yw'r gwasanaethau yn anniogel, ond nid ydynt yn dderbyniol nac yn foddhaol, a bod y sefyllfa hon wedi bodoli ers blynyddoedd. Mae'n ddigon hawdd i ddweud eich bod yn monitro'r gwasanaeth, ond ni allwch fonitro a derbyn tystiolaeth yn unig heb wneud dim lle nad oes gweithredu gan y byrddau iechyd.

Aled Roberts: Do you accept that it is not good enough for you to say that you are monitoring the situation? There is evidence from Bliss in particular that states that although the services are not unsafe, they are not acceptable or satisfactory and that this situation has existed for years. It is easy to say that you are monitoring the service, but you cannot only monitor and receive evidence and do nothing when the health boards fail to act.

[141] **Lesley Griffiths:** I do not think that it is correct to say that they are not acceptable and I do not accept that we are not doing anything. I have given several examples in the past 50 minutes of where we have made improvements. If I was not constantly monitoring services, I could be criticised, but senior officials are constantly monitoring this. Both Professor White and Dr Jones have explained how they monitor at the medical director level and the nursing level. So, I do not accept that.

[142] **Jocelyn Davies:** When did this intensive monitoring start? Did it start when you became the Minister?

[143] **Lesley Griffiths:** I would not have thought so; I would have thought that intensive monitoring has been undertaken since the Assembly was set up in 1999.

[144] **Jocelyn Davies:** Therefore, the monitoring has been supervising a declining service. As we can see, monitoring in itself does not give any improvement.

[145] **Lesley Griffiths:** We have seen a great deal of improvement since 2010, since the neonatal network was set up. We can identify several areas of improvement, and I would hope that, if I am here in a year's time, there would be continuing improvement.

[146] **Christine Chapman:** Keith Davies, do you have any follow-up questions?

[147] **Keith Davies:** Na, rwy'n cytuno â'r hyn y mae Jocelyn wedi ei ddweud. Rydym wedi cael tystiolaeth gan bobl sy'n awgrymu bod angen gwneud rhywbeth. Y cwestiwn yw: beth sydd wedi digwydd?

Keith Davies: No, I agree with what has been said by Jocelyn. We have received evidence from people that suggests that something needs to be done. The question is: what has happened?

[148] **Lesley Griffiths:** I have given several examples of what has happened. I have read through the health board's evidence and it completely supports why we need to reconfigure services. The setting up of the neonatal network, having the single system for Wales, and having the cot locator means that we will be fully compliant with the standards. I think that I

have given several examples of what we have been doing.

[149] **Suzy Davies:** Before we leave this point of intervention, as a committee, we are starting to look at the new School Standards and Organisation (Wales) Bill in which the Minister for Education and Skills makes plain when he will be entitled to intervene vis-à-vis local education authorities. Are you planning to introduce any similar legislation to make it equally clear to local health boards at which point you would intervene?

[150] **Lesley Griffiths:** I am discussing that with officials. Several areas within the health service could benefit from having that sort of—not necessarily legislation, but certainly that approach of looking at them much more closely. ‘Together for Health’ sets the policy direction, and within that there are a couple of areas that I am discussing with officials.

[151] **Dr Jones:** Generally speaking, it is difficult to want more than continuous improvement. This is an area where the rate of improvement has been remarkably high and rapid, actually. I recognise entirely that we are not at the end—we will never be at the end—but we aspire to an excellent standard of service. We are not quite there yet, but there has been an awful lot of improvement over a relatively short period of time, so this is an area where there is a strong, positive story, but it has further to go.

[152] **Lesley Griffiths:** I agree. The last thing I want to do is demoralise staff, because I think that there has been a huge improvement in the neonatal network, I really do.

[153] **Christine Chapman:** Could you say something about the changing standards and criteria? The bar is higher than it was, say, 15 years ago. Would you like to say something about that, and about how that could affect future plans?

[154] **Dr Jones:** Healthcare is continually developing, is it not? Our understanding of what is required to provide excellent outcomes and an excellent patient experience is continually developing. In all areas of healthcare, we are raising the bar. New standards are always coming out in all different service areas, and this is one where the publication of the standards in 2008 has really kick-started a set of processes that are resulting in improvement.

[155] **Professor White:** Some of the babies we are able to save now would never have got to maturity a couple of years back, and would not be alive and well in our society. We have made huge leaps forward in the medical and nursing services that support them, and certainly medical technology has enabled people to survive when they never would have before. We have to keep revising the standards as that technological advance goes forward. It is not like we can fix this once and say, ‘Job done’, because things are continually moving forward. For example, the development of advanced nurse practitioners would not have been talked about 15 years ago. We did not have a graduate-level entry for nurse training 15 years ago. We have increased the quality of our nursing workforce in 15 years, and we will see a step change again in the next 15 years. So, this is part of a journey of improvement, and we should be really pleased about that, because we have people alive now who would not have been.

[156] **Christine Chapman:** Do any other Members want to ask anything before we finish the session?

[157] **Aled Roberts:** Mae llawer o ad-drefnu, ac rydym yn derbyn bod rhaid ad-drefnu—wel, rwy'n derbyn hynny yn bersonol, beth bynnag. Fodd bynnag, cawsom dystiolaeth bythefnos yn ôl nad yw'r rhwydwaith wedi cael unrhyw wybodaeth gan Fwrdd Iechyd Lleol Hywel Dda am ei
Aled Roberts: There is a great deal of reorganisation, and we accept the need for it—well, I personally accept that, anyway. However, we had evidence a fortnight ago that the network had not received any information from Hywel Dda Local Health Board about its plans. You have said that the

gynlluniau. Rydych wedi dweud y bydd health board in north Wales will be bwrdd iechyd y gogledd yn cyhoeddi ei publishing its proposals at the end of July. Will that allow the network sufficient digon o gyfle i'r rhwydwaith ddweud ei farn opportunity to give its opinion on what is am beth sy'n cael ei awgrymu yn y gogledd? being proposed in north Wales?

[158] **Lesley Griffiths:** Yes, absolutely. Betsi Cadwaladr University Local Health Board and Hywel Dda Local Health Board will be the first to publish their plans, probably at the end of July or the beginning of August. The south Wales group of LHBs will probably be a month or so later. Certainly there will be plenty of time. I mentioned the national clinical forum before. It has been instructed to look very carefully at the neonatology aspects and the network as well. So, the answer to your question is 'yes'.

[159] **Keith Davies:** Cawsom dystiolaeth gan arbenigwr rai wythnosau yn ôl fod Bwrdd Iechyd Lleol Hywel Dda yn gweld afon Llŵchwr fel rhwystr. Roeddwn yn meddwl, 'Beth mae hynny'n ei feddwl?' Os ydych yn edrych ar y cynlluniau newydd sydd ar ddod, rydych newydd ddweud eich bod yn edrych ar gynlluniau byrddau iechyd Betsi Cadwaladr, Hywel Dda ac wedyn de Cymru. Roeddwn yn pryderu pan ddywedodd yr arbenigwr—ac nid arbenigwr o Hywel Dda ydoedd, ond o rywle arall yn y de—fod Bwrdd Iechyd Lleol Hywel Dda yn gweld afon Llŵchwr fel rhwystr.

Keith Davies: We had evidence from a specialist some weeks ago that Hywel Dda Local Health Board considers the river Loughor to be a barrier. I thought, 'What does that mean?' If you look at the new schemes that are on their way, you have just said that you will be looking at the schemes of Betsi Cadwaladr and Hywel Dda health boards, then south Wales. I am concerned about what that specialist said—and he was not a specialist from Hywel Dda, but from elsewhere in the south—that Hywel Dda Local Health Board considered the river Loughor to be a barrier.

[160] **Lesley Griffiths:** No, it certainly is not a barrier, and the neonatal network is a single system for Wales, so I would not want anyone to see any part of Wales as a barrier.

[161] **Dr Jones:** I am somewhat concerned to hear the suggestion that the health boards, in developing their plans, are not engaging as actively as they might with the network, because the network is a key stakeholder partner in this. So, I will have a word to make sure that those conversations happen, because they need the advice of the network. I am sure that they are receiving that advice, but I will check.

[162] **Christine Chapman:** On that point, we will leave it for this morning. Thank you for attending today, Minister, Professor White and Dr Jones. As you can see, we are hearing different evidence and that is very serious evidence. We know that there are sometimes different views on this, but we are grateful that you are here this morning so that we can shine a spotlight on this, as you have said, and we do need to look at improvements as well. Thank you for attending this morning. We will send you a transcript of the meeting for you to check for factual accuracy.

[163] **Lesley Griffiths:** Thank you, Chair, and I will also look further into the point that Suzy Davies raised about transport, if you wish.

[164] **Christine Chapman:** That would be good, thank you.

9.57 a.m.

Cynnig o dan Reol Sefydlog Rhif 17.42 i Benderfynu Gwahardd y Cyhoedd ar gyfer Eitem 4
Motion under Standing Order No. 17.42 to Resolve to Exclude the Public for Item 4

[165] **Christine Chapman:** I move that

the committee resolves to exclude the public from the remainder of the meeting in accordance with Standing Order No. 17.42(ix).

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

*Derbyniwyd y cynnig.
Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 9.57 a.m.
The public part of the meeting ended at 9.57 a.m.*

*Ailymgynullodd y pwyllgor yn gyhoeddus am 10.33 a.m.
The committee reconvened in public at 10.33 a.m.*

Bil Safonau a Threfniadaeth Ysgolion (Cymru): Cyfnod 1—Sesiwn Dystiolaeth 2
School Standards and Organisation (Wales) Bill: Stage 1—Evidence Session 2

[167] **Christine Chapman:** I welcome representatives from Estyn here this morning. Please could you introduce yourselves for the record?

[168] **Ms Keane:** I am Ann Keane, chief inspector.

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

[170] **Mr Brown:** I am Simon Brown, strategic director.

[171] **Christine Chapman:** I welcome you all. Thank you for your papers. Members will have read them so, if you are happy, we will go straight to questions. The first part of the Bill is about intervention in the conduct of maintained schools. Through your dealings with local authorities as part of your school inspection work, could you give an indication of the reasons why authorities are allowing some schools to underperform over a long period of time without using their powers of intervention?

[172] **Ms Keane:** The full response to that question will be found in our reports on the local authorities that we have inspected since September 2010. Of the 11 authorities for which reports have been published, six received a judgment of ‘good’ for their school improvement services. In those authorities, there are officers who know their schools well and have strategies to challenge schools, and there is appropriate support. We also get full and accurate pre-inspection reports from them and they intervene effectively.

[173] In the other five authorities, the judgment would have been ‘adequate’ or ‘unsatisfactory’ and the opposite would apply. It may be that officers are reluctant to intervene except in extreme circumstances. They may wait for inspections of schools to come along before taking action on low performance. With some officers, there may be issues of capacity or capability. Some officers may not know their schools well enough. The grounds for intervention in this Bill will give local authorities more to bite on in terms of school performance and the detail on school performance, particularly under ground 1 as a reason for

intervention. The current code deriving from the grounds in the School Standards and Framework Act 1998 is a little more vague. Some authorities would say that the lack of intervention is to do with the fact that the guidance is not clear and that they are therefore not confident that they have the powers to intervene until schools become schools that are causing concern.

[174] **Lynne Neagle:** To follow on from that, other than the instance you just referred to, are there any factors other than the complexity of existing legislation that may deter local authorities from intervening?

[175] **Ms Keane:** I think that other factors include their own systems for categorising schools and deciding how to deploy support to schools and their own mechanisms for challenging schools, not just because of very poor performance, but where schools are just coasting and where there may be issues of leadership and management not delivering as well as they should, although that has not yet led to a breakdown in the management of the school. It may not just be a function of the complexity of legislation and regulation but a function of a failure of capacity and capability.

[176] **Christine Chapman:** I will bring Jocelyn in here, because she has a question on this, and then I will come back to Lynne.

[177] **Jocelyn Davies:** This does not just come down to officers in the local authority. There are cabinet members now with responsibility for education. Have you seen any difference or improvements since we have had that concept of an elected member being responsible for a particular portfolio?

[178] **Ms Keane:** Scrutiny is certainly a very powerful weapon in some local authorities. I think immediately of Denbighshire as an exemplar with regard to the strength and effectiveness of scrutiny. However, I would say that, if you read our reports on individual local authorities, you will see that, in some, the scrutiny function is strong, they are well informed about performance, they get detailed data that are not anonymised but are specific to schools, they recognise that some schools pose risks and they ask the right questions. In other authorities, they may not get the right information, and, indeed, they may be less confident and take the word of the officers about the state of play.

[179] **Christine Chapman:** We will take a very quick question from Jenny on this and then go back to Lynne.

[180] **Jenny Rathbone:** Scrutiny is one thing, but has it made a difference having a named individual who is the executive member for education?

[181] **Ms Keane:** I think it has made a difference in some authorities. Do you want to say any more about that, Simon?

[182] **Mr Brown:** Yes. What we see in our inspections is that some of the cabinet executives are very helpful, because they focus clearly on education and training issues. That is the case in most successful authorities, with Denbighshire being a case in point. There, the cabinet executive is fully apprised of the issues in the authority and works very closely with the officers, the senior officer, the director of education or even the chief executive. The other advantage of having a cabinet executive is that it puts the work of education into the council context so that, when the council is prioritising resources, the cabinet executive for education is sitting there with other cabinet leads for social services, housing and the other council functions. That means that they can balance the prioritisation of the council's work. That is an advantage of that system.

[183] **Ms Keane:** So, increasing specialisation can be an advantage in itself.

[184] **Lynne Neagle:** I think that you have mostly answered this point now, but I was going to ask about the extent to which local authorities monitor and challenge schools under the current framework. However, from what you have said, I am guessing that the answer to that is that it is variable.

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

[186] **Christine Chapman:** I think that you have a question on the next section, Lynne.

[187] **Lynne Neagle:** I wanted to ask about the grounds for intervention set out in section 2 and whether you think that they are sufficiently clear to enable local authorities to identify, at a sufficiently early stage, schools that are causing concern.

[188] **Ms Keane:** The specificity in the first ground is very good; it is much more helpful than the previous version. The specificity about performance and the benchmarking and guidance sets it out much more clearly. Grounds 2 to 6 represent extreme cases. There are cases where leadership or governance may not have broken down in a school, but where, nevertheless, the leadership and management are not as strong as they should be. It is still a matter for local authorities to act on that front. However, the first ground would give them much more evidence to go on and we are happy with that.

[189] **Keith Davies:** Yn fy mhrofiad i fel cynghorydd mewn cyngor sir, nid oedd eich adroddiadau yn mynd i'r bwrdd gweithredol. Felly, a yw hynny'n digwydd dros Gymru gyfan neu ai eithriad oedd sir Gaerfyrddin? Rydych yn ysgrifennu'r adroddiadau hyn os yw'r ysgolion yn achosi problemau, ond os nad yw'r byrddau gweithredol yn derbyn copïau o'ch adroddiadau, sut maent yn gwybod beth sy'n digwydd?

Keith Davies: In my experience as a councillor in a county council, your reports did not go to the executive board. Therefore, does that happen across Wales or was Carmarthenshire an exception? You write these reports if the schools are causing problems, but if executive boards are not receiving copies of your reports, how do they know what is going on?

[190] **Ms Keane:** Dylent wybod o'r adroddiadau a gânt gan eu swyddogion eu hunain ar yr ysgolion, ond mae rhai pethau rydym wedi eu gwneud yn y cylch cyfredol o arolygu a fydd, yr wyf yn gobeithio, yn gwella'r sefyllfa honno yn yr ystyr ein bod yn gofyn yn gyntaf am adroddiadau gan yr awdurdod ar yr ysgolion hynny. Felly mae'n rhaid iddynt baratoi eu hadroddiadau eu hunain. Byddai hwnnw'n waith mewnol gan yr awdurdod i'w gwblhau a byddem yn disgwyl i hynny gael ei rannu. Rydym hefyd yn tynnu'r swyddogion i mewn i'n harolygiadau dilynol fel eu bod yn cydweithio â ni i weld pethau mewn ffordd fwy miniog. Byddai'n hynod o siomedig i mi feddwl, erbyn hyn, nad yw byrddau gweithredol yn derbyn adroddiad Estyn neu o leiaf grynodedb o'r casgliadau.

Ms Keane: They should know from the reports that they receive from their own officers on the schools, but there are certain things that we have done in the current round of inspection that will, I hope, improve that situation in the sense that we first ask for reports from the authority on those schools. So they have to produce their own reports. That would be internal work for the authority to complete and I would expect that to be shared. We also bring the officers into our own follow-up inspections so that they collaborate with us to see things in a more focused way. It would be hugely disappointing for me to think that, by this stage, executive boards are not receiving Estyn's report or at least a summary of the conclusions.

[191] **Keith Davies:** Byddwn yn awr, **Keith Davies:** We will now, hopefully, get

gobeithio, yn cael cynlluniau statudol ar gyfer addysg cyfrwng Cymraeg. Roeddwn yn edrych ar un o'ch adroddiadau yn ddiweddar am y diffyg lle mewn ysgolion. Rydych wedi newid eich adroddiadau, oherwydd, ar un adeg, soniasoch am yr adnoddau a oedd ar gael, gan gynnwys adeiladau, ond nid ydych yn eu cynnwys bellach.

[192] **Ms Keane:** Rydych yn meddwl nad ydym yn sôn yn ein hadroddiadau—

[193] **Keith Davies:** Rwyf yn siarad am brinder lle mewn ysgolion ar gyfer dysgu plant.

[194] **Ms Keane:** Yn ein hadroddiadau ar ysgolion unigol, rydym yn sôn am adeiladau. Y llynedd, fe wnaethom adrodd ar ysgolion uwchradd ac roedd 40% o ysgolion uwchradd lle nad oedd yr adeiladau yn ddigonol naill ai o ran lle neu o ran cyflwr yr adeiladau.

[195] **Keith Davies:** Roeddwn yn sôn am ysgolion cynradd yn benodol.

[196] **Ms Keane:** Rydym yn parhau i adrodd ar adeiladau os oes beirniadaeth neu glod arbennig am yr adeiladau hynny, ond mae ein hadroddiadau yn awr yn fwy byr, felly oni bai bod mater arbennig, nid ydym ond yn derbyn bod yr adeiladau yn dderbyniol.

[197] **Christine Chapman:** We are running short of time, so we will now move on to Suzy.

[198] **Suzy Davies:** Before we move away from discussing intervention, I want to get something clear in my mind. Ann, you mentioned that you were pleased with ground 1 because it gives local authorities something to bite on—I think that those were the words that you used—and it is much clearer than it used to be. However, you still have concerns about the capability of individual officers in individual local authorities. So, when we are talking about the type of performance data that are now included as grounds for intervention, how does that improve the capacity and capability issue? If you do not have the right calibre of officer or elected member, it will not matter what the performance data are, because they will not understand them.

10.45 a.m.

[199] **Ms Keane:** A few years ago, we did not have the all-Wales core data sets. The people who are engaged in education need to understand the significance of the all-Wales core data sets and they need to have interpretation of them. For instance, school governors need to have interpretation of those core data sets. However, that is a great advantage: across Wales, we now have the same data about school performance. That should help enormously. No matter what the capacity and capability issues are, that gives you a consistent, basic platform on which to analyse the data and identify issues to do with underperformance either at different

statutory plans for Welsh-medium education. I was looking at one of your reports recently about the lack of space in schools. You have changed your reports, because, at one time, you talked about the resources that were available, including buildings, but you no longer include them.

Ms Keane: You think that we do not refer in our reports—

Keith Davies: I am talking about a lack of space in school to teach children.

Ms Keane: In our reports on individual schools, we mention buildings. Last year, we reported on secondary schools and there were 40% of secondary schools where the buildings were not adequate either in terms of space or of the condition of the buildings.

Keith Davies: I was talking about primary schools in particular.

Ms Keane: We continue to report on buildings if there is any particular criticism or praise for those buildings, but our reports are now shorter, so unless there is a particular issue, then we just accept that the buildings are acceptable.

key stages or of specific groups. The core data sets will give you that information. That is a great step forward in Wales.

[200] **Suzy Davies:** On the grounds for intervention and the powers for intervention, the last time that you were here, you spoke a lot about the importance of leadership within schools and that that is where you saw the drive for improvement coming from. Do you think that these powers of intervention will help to tackle poor school leadership?

[201] **Ms Keane:** Ground 1, in particular, gives the basis for powers of intervention to be used to local authorities, which will also give every leader in Wales pause for thought. It has clarified the ground rules for possible intervention, but, in doing that, it has also set a challenge for those leaders. So, in one sense, we are talking about a different landscape, and that will be a bit of a wake-up call for leaders in schools across Wales.

[202] Secondly, the powers related to school improvement guidance also have the potential to offer more challenge and more support for leaders in schools in Wales. So, there are many aspects of this Bill that would lead us to think that this could, through support and challenge mechanisms, help to improve leadership. There is still the issue, as I said, of the grounds for intervention not quite covering a situation in which leadership, management and governance in a school have not broken down but the school may be coasting, so, in terms of performance, it looks reasonable but there is a track record of relative mediocrity.

[203] **Suzy Davies:** Finally, are you concerned at all that, if you have a coasting school and a mediocre local authority, this is a shortcut for the Minister to come in more quickly than would have been the case before?

[204] **Ms Keane:** I believe that that is the case. The potential is there for that to happen.

[205] **Christine Chapman:** Simon, do you want to come in?

[206] **Mr Brown:** Yes, I was just going to add, linking to your earlier questions about intervention, that one of the things that we have found with local authorities is that local authority officers are increasingly using the data sets that Ann referred to, but the one thing that they are not yet sufficiently robust at across the piece is objectively evaluating the quality of leadership management in the schools. That is an area that is coming along, but quite slowly. I think that the authorities have been waiting for the setting up of the regional consortia in order to tackle that particular issue.

[207] **Simon Thomas:** Rwyf eisiau gofyn cwestiwn ynglŷn â'r data sy'n cael eu defnyddio i arwain at ymyrraeth. Rydych wedi sôn am ddata craidd Cymru gyfan ac mae'r nodyn esboniadol i'r Bil yn sôn am y data hwnnw a hefyd y bandio. Yn ôl yr hyn rwy'n ei ddeall mae'r bandio gan y Llywodraeth yn ddadansoddiad sy'n dibynnu yn helaeth ar y data craidd beth bynnag. Ble fydddech yn gweld y pwyslais yn cael ei roi ar gyfer ymyrraeth? Ai dehongli data y dylem ganolbwyntio arno ai defnyddio'r bandio, sef dadansoddiad y Llywodraeth o'r data? Pa ddadansoddiad sydd bwysicaf?

Simon Thomas: I want to ask a question about the data used in the lead-up to intervention. You have mentioned the all-Wales core data, and the explanatory memorandum to the Bill mentions those data as well as banding. As I understand it, Government banding is an analysis that draws heavily upon the core data in any case. Where would you see the emphasis being placed for intervention? Should we concentrate upon analysing the data or should we use the banding, which is the Government's analysis of the data? Which analysis is most important?

[208] **Ms Keane:** Rwy'n gweld y wybodaeth fardio fel rhyw fath o law fer. **Ms Keane:** I see the banding information as some kind of shorthand. We in Estyn do not

Nid ydym ni yn Estyn yn dibynnu ar fandio yn unig. Er bod y bandio yn dod â gwahanol ffynonellau data at ei gilydd, byddem, serch hynny, angen gweld set ehangach o ddata ac rydym yn gwneud hynny wrth arolygu. Mae angen i unrhyw un sy'n mynd i'r afael â pherfformiad ysgol edrych ar y darlun cyflawn. Byddai hynny'n cynnwys edrych ar fwy o ddata na data bandio yn unig.

[209] **Simon Thomas:** Felly, a fydddech yn disgwyl i ymyrraeth ddigwydd nid yn unig ar sail data bandio, ond hefyd ar sail data helaethach?

[210] **Ms Keane:** Byddai ystod ehangach o ddata na hynny yn cael ei ddefnyddio, er enghraifft, data ar dueddiadau dros gyfnod. Yn achos bandio, pan mae ysgolion yn cyrraedd yn uchel, mae'n anodd iddynt wella ar y lefel honno. Efallai fyddai hynny'n cael ei adlewyrchu yn y bandio fel gwendid, ond, mewn gwirionedd, mae'r ysgol honno yn dal at safon uchel. Felly, er mwyn deall hynny, mae'n rhaid ichi edrych ar gyd-destun data yn llawn.

[211] **Aled Roberts:** Roedd Mr Brown yn sôn am y ffaith y bydd y consortia yn dechrau ym mis Medi. A oes gennych unrhyw bryderon ynglŷn â'r trefniadau a roddwyd ar waith, o ystyried bod gwahanol fodelau rheolaeth wedi cael eu dewis gan y gwahanol ranbarthau? A oes gennych unrhyw bryderon hefyd fod ansawdd y timau gwella ysgolion yn y cynghorau eu hunain yn wahanol o sir i sir? A oes gennych unrhyw bryderon nad yw niferoedd y swyddogion da mewn rhai rhanbarthau yn ddigonol i'w cynnal?

[212] **Ms Keane:** Mae'n anodd rhagweld yn gywir beth fydd patrwm a chryfderau neu wendidau y consortia. Rydym ni yn Estyn yn mynd i edrych y flwyddyn nesaf ar y datblygiad hwn a chyhoeddi adroddiad ar waith y rhanbarthau. Rydych yn codi rhai pryderon yn hynny o beth, a buaswn yn gobeithio y gallwn fynd i'r afael gyda'r rheini ac ateb rhai o'r cwestiynau ar sail tystiolaeth y flwyddyn nesaf.

[213] Rydym yn sylweddoli bod y dyletswyddau sydd ynghlwm â gwella ysgolion, er enghraifft, yn dal i fod yn eiddo i'r awdurdodau lleol, er bod y gwasanaeth

just depend on banding. Although the banding brings together different data sources, we would, however, need to see a wider data set and we do that while inspecting. Anyone tackling school performance needs to look at the full picture. That would include looking at data beyond the data on banding.

Simon Thomas: Would you therefore expect intervention to take place not only on the basis of banding data, but also on wider data?

Ms Keane: A wider data set than that is used, such as data on trends over time. In the case of banding, when schools are high achievers it is difficult for them to improve on that level. That could well be reflected in the banding as a weakness, but the reality is that that school maintains a high standard. So, to understand that, you must look at the data context in full.

Aled Roberts: Mr Brown mentioned the fact that the consortia will begin in September. Do you have any concerns about the arrangements that have been put in place, bearing in mind that different management models have been chosen by the different regions? Do you also have any concerns that the quality of the school improvement teams within the councils themselves varies between counties? Do you have any concerns that the number of good officers in some regions is not sufficient to support them?

Ms Keane: It is difficult to correctly predict what the consortia's pattern and strengths and weaknesses will be. We in Estyn will look next year at this development and publish a report on the regions' work. You raise some concerns in that respect, and I would hope to tackle some of those and answer some of the questions on an evidential basis next year.

We realise that the data associated with school improvement, for example, remains with the local authorities, despite that service moving over to the regional consortia. In

hwnnw yn symud i'r consortia rhanbarthol. Wrth wireddu'r hyn sydd yn y ddeddfwriaeth hon, rydym yn rhagweld y bydd angen sicrhau bod y ffordd y mae'r ymyrraeth yn digwydd, er enghraifft, yn ystyried y ffaith y bydd y rhanbarthau bellach yn cario ymlaen gyda'r gwasanaeth gwella ysgolion, er bod y pwerau ymyrraeth yn dal gyda'r awdurdodau lleol. Felly, bydd angen tipyn o aeddfedrwydd yn y berthynas rhwng y rhanbarthau a'r awdurdodau i sicrhau bod hynny'n gweithio'n effeithiol.

[214] **Aled Roberts:** Felly, os yw swyddogion yn y cynghorau yn amharod i ymyrryd lle mae'r gwasanaeth rhanbarthol yn awgrymu nad yw safonau'n ddigonol mewn ysgol, beth fydd yn digwydd yn y sefyllfa honno?

[215] **Ms Keane:** Rydym yn gobeithio y bydd cryfderau rhai o'r awdurdodau yn y rhanbarthau hyn yn gwthio'r cryfder hwnnw at y gwasanaeth gwella ysgolion ar draws y rhanbarth. Rydych yn iawn—mae amrywiaeth mawr yng ngallu swyddogion mewn awdurdodau penodol, a rhai yn fwy na'i gilydd. Gyda llaw, rydym yn trafod gyda'r Adran Addysg a Sgiliau ar hyn o bryd sut y gallwn gyfrannu at hyfforddi arweinwyr system, er enghraifft, a fydd yn rhan allweddol o waith rhanbarthol y consortia. Bydd y rheini yn gweithio ar draws Cymru, felly rydym yn ceisio helpu a chyfrannu at y gwaith o sicrhau cysondeb safon ar draws Cymru o ran gwaith yr arweinwyr systemau hynny, oherwydd rydym yn ymwybodol y gallwn wneud cyfraniad yn y maes hwn, a bod angen inni wneud cyfraniad. Er bydd gennym bedwar consortiwm, mae cwestiynau'n codi ynglŷn ag effeithiolrwydd y drefniadaeth wahanol yn y consortia i yrru'r gwaith ymlaen.

[216] **Christine Chapman:** I want to move on to the section on school improvement guidance. Angela has the next questions.

[217] **Angela Burns:** Good morning. I have a lot of questions on this issue, Ann, so I thought that it might be easier if I was to tell you my concerns about this section of the Bill and then you could set my heart at rest, hopefully.

[218] You are basically saying that you think that the best guidance would be statutory rather than non-statutory to try to spread best practice. I do not dispute that. I think that we have seen it in other areas, such as sustainability and the technical advice notes. They are all implemented and interpreted by different councils in different ways. I accept that. Other

implementing this legislation, we anticipate that the way in which intervention takes place, for example, will take into account the fact that the regions will be responsible for the school improvement service, although the intervention powers will remain with the local authorities. So, there will have to be a degree of maturity in the relationship between the regions and authorities to ensure that this works effectively.

Aled Roberts: So, if council officers are reluctant to intervene when a regional service suggests that standards are inadequate within a school, what will happen in that scenario?

Ms Keane: We hope that the strengths within some authorities in these regions will drive that expertise towards the school improvement service across the region. You are right—there is divergence in the ability of officers in authorities, and in some more than others. By the way, we are currently discussing with the Department for Education and Skills how we can contribute to the training of system leaders, for example, which will be a key part of the consortia's regional work. These will be working across Wales, so we are trying to help and contribute towards ensuring consistency of standard across Wales in the work of those system leaders, because we are aware that we can contribute to this area, and that we need to contribute to it. Although we will have four consortia, questions remain as to the effectiveness of the different governance arrangements within the consortia to drive the work forward.

people have given us evidence that learning needs to be fluid, that we need to be able to pick up best practice as it emerges, and that we need to be quite reactive. However, you also put into that mix the fact that you might have completely different teaching practices between a hill school in Carmarthenshire and an inner-city school in Newport, and the twain will never meet because they are completely different children. You then have good schools and bad schools. My concern is how all that will be boiled down into guidance that is issued, statutory or non-statutory.

[219] Of real concern is the fact that there is a sense that the Welsh Ministers do not currently have the power to direct specific practice or techniques. I guess that, ultimately, I am concerned that the Government is sometimes very slow to respond, and that we might develop a situation where we have a civil servant, or a bunch of civil servants who perhaps are not front-line teachers or academics putting together best practice that then has to be implemented by the profession. I do not see any mention of academic thought and practices coming in from other countries. My concern is that we might end up solidifying something for the very good reason that best practice, as you and all your reports on schools have stated, does not spread very quickly. We must increase the pace on this, but how can you balance those two areas?

[220] **Ms Keane:** First, let me say that I am concerned. I would like Estyn to be listed as one of the bodies that are consulted in relation to the design of statutory guidance. I would also say that our recent inspection of the use of the skills framework has proved to us that non-statutory guidance is not very effective. Therefore, in principle, we are very much in favour of having guidance that is statutory. However, I do take your point that, whatever system is created, it needs to allow for flexibility. The sort of guidance that the school that is in each category needs tends to be very prescriptive and directive, with quite a lot of external intervention. The sort of guidance that a school that is performing very well needs is basically distributed leadership, ownership by teachers of new professional methods, action research in professional learning communities, which is not necessarily very prescriptive instructional guidance. Those two are the two extremes, if you like, of the schools that we have in Wales. We have some excellent schools in Wales, and we have some that are in categories causing concern. They need a very different kind of approach, because even the best schools can always improve. The environment is changing and the needs of society are changing. However, I do take your point. While we accept the principles, and whatever emerges from this, we would hope to be involved in supporting, with our evidence, the sort of guidance that is produced and the notion that there is a need to be flexible and responsive.

[221] **Angela Burns:** Do you think that, as a backstop, it might be worth trying to look at putting down something that states that school improvement guidance should be reviewed on an annual basis or however often? You might have some brilliant academic somewhere who has just come up with some amazing teaching methodology that we ought to be looking at. This would at least keep us on our toes. I am ever so worried that it will just become set in stone and that, five years down the road, we will be teaching stuff that has lost its edge.

[222] **Ms Keane:** Yes. I think that there is a case to be made for a review of statutory guidance and of other aspects of what we do in schools in terms of curriculum delivery, assessment and so forth. When the Department for Education and Skills brings out new guidance, there will be a need to look at how that affects previous guidance that has been issued.

11.00 a.m.

[223] **Keith Davies:** Rydych wedi fy synnu yn eich ateb i Angela Burns, sef eich bod yn gobeithio y bydd gennych ran yn y gwaith o **Keith Davies:** I was surprised to hear your answer to Angela Burns, saying that you hoped that you would have a part to play in

ffurfio'r canllawiau hyn. Rwy'n synnu at hynny oherwydd, brynhawn ddoe, yn y sesiwn gawsom ar addysg, soniais am Ysgol Gyfun Treorci a pha mor dda oedd eich adroddiad am yr hyn yr oeddech wedi ei weld yno. Sôn am rannu ymarfer da ydym ni. Onid ydych yn credu y cewch eich cysylltu â'r canllawiau gwella ysgolion hynny?

[224] **Ms Keane:** Ydw; rwy'n credu y bydd cysylltu â ni. Rydym yn un o'r cyrff rwyf yn siŵr y bydd Llywodraeth Cymru yn cysylltu â hwy.

[225] Y cwestiwn oedd a hoffem weld Estyn yn cael ei enwi fel corff yn y ddeddfwriaeth. Dyna'r hyn oedd gennyf. Roeddwn yn cymryd yn ganiataol y byddai ymgynghori â ni, ond roeddwn am wneud yn siŵr y byddai enw Estyn yn ymddangos ar wyneb y Ddeddf.

[226] **Keith Davies:** Rwy'n derbyn hynny. A ydych yn credu bod digon o ymgynghori yn mynd i ddiwydd?

[227] **Ms Keane:** Mae'n anodd dweud beth fydd yn digwydd yn y dyfodol, ond rwy'n credu mai hon yw'r ffordd ymlaen, bod angen pwerau cryfach a bod angen mwy o ymyrraeth lle mae ysgolion yn tanberfformio, ac rwy'n gobeithio y bydd Estyn yn cael cyfrannu at y gwaith o siapio'r hyn y bwir ymlaen ag ef.

[228] **Aled Roberts:** Gan symud at y ffordd y mae'r ysgolion yn cael eu trefnu, beth ydych yn credu yw'r rhwystr presennol i ymarfer effeithlon o ran trefniadaeth ysgolion?

[229] **Ms Keane:** Ym mha ystyr?

[230] **Aled Roberts:** Yn Rhan 3 o'r Bil.

[231] **Ms Keane:** Iawn. Ar hyn o bryd, mae angen cryfhau'r ffordd y mae lleoedd gwag yn cael eu hadnabod, ac rydym wedi dweud hynny mewn adroddiad yn ddiweddar. Mae angen edrych ar beth sy'n dal rhai awdurdodau yn ôl wrth ad-drefnu ysgolion. Mae rhai o'r pethau hynny'n faterion gwleidyddol, ac mae eraill yn ymwneud â'r cyllid y mae ei angen i greu patrwm gwahanol o godi ysgolion newydd ac yn y

forming the guidance. I am surprised at that because, yesterday afternoon, in our session on education, I mentioned Treorchy Comprehensive School and your excellent report from the school's inspection. We are discussing the sharing of good practice. Do you not think that you will be involved in that school improvement guidance?

Ms Keane: Yes; I think that we will be involved. We are among the organisations I am sure the Welsh Government will involve.

The question was whether we would like to see Estyn named as an organisation in the legislation. That is what I meant. I had assumed that we would be consulted, but I want to make sure that Estyn is named on the face of the Act.

Keith Davies: I accept that. Do you believe that adequate consultation will take place?

Ms Keane: It is difficult to say what will happen in the future, but I believe that this is the way forward, that stronger powers are needed and that greater intervention is needed where schools are underperforming, and I hope that Estyn can contribute to the work of shaping what is taken forward.

Aled Roberts: Moving on to the organisation of schools, what do you believe is currently hindering efficiency with regard to school organisation?

Ms Keane: In what sense?

Aled Roberts: In Part 3 of the Bill.

Ms Keane: Right. Currently, the way in which empty places are identified needs to be strengthened, and we have said as much in a recent report. We need to look at what is holding certain authorities back with regard to the reorganisation of schools. Some of the things are political matters, and others concern the finance necessary to create a different pattern of building new schools and so on. Some are to do with authorities' failure

blaen. Mae rhai o'r pethau hynny'n ymwneud â diffyg cynllunio trwyadl mewn awdurdod, ac mae rhai yn ymwneud â diffygion yn y broses. Credwn y bydd y broses newydd sy'n cael ei chynnig yn y ddeddfwriaeth yn fodd o hyrwyddo proses fwy llyfn a fydd yn gweithio'n well i adnabod ac ateb anghenion lleol.

[232] **Aled Roberts:** A oes rhwystrau rydych yn credu nad yw'r Bil yn mynd i'r afael â hwy?

[233] **Ms Keane:** Credwn fod y darn hwn o'r Bil yn gryf iawn. Os gwireddir y pethau yn y darn hwn, bydd llawer o'r rhwystrau hynny'n mynd yn llai neu'n diflannu. Ond, mae rhai rhwystrau sy'n ymwneud â gwleidyddiaeth a'r ewyllys i symud ymlaen, ac maent yn ymwneud â gallu awdurdodau i gynllunio at y dyfodol, sy'n dibynnu ar ansawdd y bobl sy'n gyrru'r pethau hynny yn eu blaen.

[234] **Mr Brown:** I would add that, as Ann said, the reluctance is linked to challenging community and political pressures, which authorities have to work through. Another issue is local authorities' capacity to look at the school capacity plans, to verify them and to take out that work. There is also the accuracy of information about surplus places in authorities. The other one is the resources that authorities have, which vary. So, there is a need to undertake research and to look at developing projects to identify how to organise schools in a better way. So, there are some capacity issues in the system as well.

[235] **Aled Roberts:** A oes problemau yn y Llywodraeth? Cawsom un achos yn Wrecsam lle nad oedd Llywodraeth Cymru yn barod i dderbyn tystiolaeth ynglŷn â'r cynnydd yn y galw am addysg cyfrwng Cymraeg mewn ardal arbennig. Roedd yn mynnu bod yn rhaid iddi gael tystiolaeth hanesyddol ynglŷn â darpariaeth.

[236] **Ms Keane:** Credaf fod darn yn y Bil sy'n sôn am y cynlluniau strategol Cymraeg mewn addysg. Rydym yn mawr obeithio y byddant yn arwain at gynlluniau sy'n fwy rhesymol ac sy'n ystyried yr hyn mae rhieni ei angen, ac y bydd yr uned o fewn yr adran addysg, sydd wedi cael ei chryfhau yn dilyn y ffaith bod Bwrdd yr Iaith Gymraeg wedi mynd, yn fodd i gryfhau'r swyddogaeth honno o fewn Llywodraeth Cymru.

[237] **Jenny Rathbone:** You state in your evidence that the essential element of this transformation of school organisation will be the impact of local determination panels. How will they be equipped to test the rigour of the proposals of local authorities? Part of the

to plan rigorously, and others are to do with failings in the process. We believe that the new process being proposed in the legislation would be a means of promoting a more streamlined process that will be better at identifying and meeting local needs.

Aled Roberts: Are there any obstacles that you think the Bill does not address?

Ms Keane: We think that this part of the Bill is very strong. If what is set out in this section is achieved, many of those obstacles will be minimised or removed. However, some of the obstacles are to do with politics and the will to go forward, and they are concerned with the authorities' ability to plan for the future, which depends on the quality of those driving these things forward.

Aled Roberts: Are there problems within the Government? We had one case in Wrexham where the Welsh Government was not prepared to accept evidence about the increase in demand for Welsh-medium education in a particular area. It insisted that it must have historical evidence regarding provision.

Ms Keane: I think that there is a section in the Bill that talks about the Welsh in education strategic plans. We sincerely hope that they will lead to more reasonable plans that consider what parents need, and that the unit within the education department, which has been strengthened following the demise of the Welsh Language Board, will be a way of strengthening that function within the Welsh Government.

problem in the past was that the local authorities' proposals were not sufficiently honed.

[238] **Ms Keane:** A lot will depend on the membership of those panels and the basis on which they are appointed to the panels, their objectivity, the consistency of the type of membership, and the quality of the work that is done in relation to that. Certainly, the Bill sets out what we regard to be mechanisms that should streamline this whole process. I have read Schedule 3, which tells you about the system, but it cannot guarantee the quality of what will happen in reality.

[239] **Jenny Rathbone:** It is quite difficult to overturn a local authority proposal once it is made. The genie is out of the bottle and all sorts of things happen as a result of that. So, they will have to be well equipped to provide really coherent reasons for getting a local authority to go back and think again.

[240] **Ms Keane:** Yes, but it depends on the quality of the people on that board, their objectivity, and their willingness to deal with those issues.

[241] **Simon Thomas:** Hoffwn drafod y Gymraeg mewn addysg a chynlluniau statudol. Yn eich tystiolaeth, rydych yn hyderus y bydd rhoi'r cynlluniau hyn ar wyneb y Bil yn gwella safonau a dysgu yn y sector. A allwch ddweud ychydig wrthym am yr anawsterau o ran y gyfundrefn bresennol sy'n peri ichi deimlo y bydd rhoi'r cynlluniau hyn ar lefel statudol yn gwella'r sector yn gyffredinol?

Simon Thomas: I would like to discuss Welsh in education and statutory plans. In your evidence, you are confident that placing these plans on the face of the Bill will improve standards and learning in the sector. Can you tell us a little about the difficulties with the present system that make you feel that placing these plans on a statutory level will improve the sector as a whole?

[242] **Ms Keane:** Yn fy mhrofiad i o edrych ar y cynlluniau sydd wedi dod allan ar ôl i fwrdd yr iaith ofyn amdanynt, mae'r ffaith nad oeddent yn statudol yn golygu bod amrywiaeth fawr yn yr ansawdd ac o ran y ffordd y maent yn gallu ymateb yn gyflym i'r angen neu i ddymuniad rhieni. Mae hynny wedi arwain at achosion anffodus yn yr ymateb cyhoeddus i gynlluniau awdurdodau sydd heb ymgynghori yn ddigonol na meddwl yn ddigonol. Rwy'n mawr hyderu y bydd cryfhau'r uned Gymraeg yn yr adran a rhoi'r cynlluniau ar lefel statudol yn golygu y bydd mwy o gysondeb, y bydd y cynlluniau yn fwy trwyadl, ac y bydd yn rhaid ymateb i'r angen sy'n cael ei fynegi gan rieni.

Ms Keane: In my experience of looking at plans that have come out at the request of the language board, the fact that they were non-statutory meant that there was considerable variation in the quality and in the ability to respond quickly to the needs or desires of parents. That has led to unfortunate incidents in the public response to the plans of authorities that have not undertaken adequate consultation or thought about this sufficiently. I am confident that strengthening the Welsh unit within the department and putting the plans on a statutory basis will lead to greater consistency, that the plans will be more thorough and that it will be necessary to respond to the need expressed by parents.

[243] **Simon Thomas:** Yn y gwaith rydych yn ei wneud ar hyn o bryd o ran arolygu awdurdodau lleol, a ydych yn edrych ar sut maent yn gwneud hyn? Pe baent yn cael eu rhoi ar lefel statudol, sut y gallech edrych arnynt mewn ffordd gryfach, mwy pwerus neu fwy integredig yn y dyfodol?

Simon Thomas: In the work that you do at present with regard to the inspection of local authorities, do you look at how they do this? If they were to be made statutory, how could you look at them in a stronger, more powerful or integrated way in the future?

[244] **Ms Keane:** Mae unrhyw beth sy'n statudol yn mynd i fod yn gryfach, ac mae

Ms Keane: Anything that is statutory is going to be more robust, and greater

mwy o adnoddau a meddwl yn cael eu rhoi iddo. Byddwn yn dal i adrodd ar y cynlluniau yn ein hadroddiadau ar awdurdodau yn y dyfodol.

[245] **Simon Thomas:** Mae gennyf gwestiwn penodol ynglŷn â'r dulliau sy'n cael eu defnyddio yn yr arolygon mesur galw hyn. Rwyf wedi derbyn tystiolaeth bod dulliau gwahanol yn cael eu defnyddio ar draws Cymru. Mewn un awdurdod, er enghraifft, mesurwyd y galw ymysg grŵp o rieni, ac yn hytrach na mesur y ddarpariaeth ar sail canran y bobl a fynegodd ddiddordeb mewn addysg Gymraeg, defnyddiwyd nifer y bobl a oedd yn y grŵp hwnnw, gan baratoi ar gyfer y nifer honno. Byddech yn meddwl bod hynny'n ffordd anwyddonol iawn o gynnal arolwg. Pan fydd y rhain yn statudol, a fyddech yn disgwyl gweld canllawiau y bydd rhaid i awdurdodau drwy Gymru eu dilyn o ran sut i fesur galw ac ymateb i'r galw hwnnw? Arfer da, efallai.

[246] **Ms Keane:** Byddwn yn disgwyl cyfarwyddiadau manylach oddi wrth yr uned ynglŷn â beth sy'n ddisgwyliedig o fewn y cynlluniau newydd, ac y byddent yn fwy safonol.

[247] **Simon Thomas:** A fyddech yn mesur hynny wedyn?

[248] **Ms Keane:** Byddem yn ymateb yn ôl sut y byddai'r awdurdod wedi gweithredu'r canllawiau.

[249] **Aled Roberts:** Rwy'n datgan diddordeb fel cadeirydd llywodraethwr mewn ysgol cyfrwng Cymraeg. Tynnaf eich sylw at Ran 4(85) y Bil, sy'n rhoi'r cyfrifoldeb ar awdurdodau lleol i wella'r broses o gynllunio sut mae addysg drwy gyfrwng y Gymraeg yn cael ei darparu yn eu hardaloedd, ac i wella safonau addysg cyfrwng Cymraeg. Ond nid oes unrhyw beth yn y Bil am y gofyn iddynt wella darpariaeth cyfrwng Cymraeg o fewn eu siroedd. Felly, o dan y Bil, os ydynt yn cynllunio'n ddigonol, ac yn edrych ar safonau addysg Gymraeg yn y sir, ni fydd cyfrifoldeb arnynt o hyd i wella darpariaeth cyfrwng Cymraeg o fewn y sir. A oes gennyh unrhyw sylw ar hynny?

[250] **Ms Keane:** Roeddwn i'n cymryd

resources and more thought will be given to it. We will still report on the plans in our reports on local authorities in the future.

Simon Thomas: I have a specific question on the methods used in these surveys of demand. I have received evidence that different methods are being used across Wales. In one authority, for example, demand was measured among a group of parents, and rather than basing the provision on the percentage of people who expressed an interest in Welsh-medium education, the precise number within that group was taken and prepared for. You would think that that was an extremely unscientific way of carrying out a survey. Once these are statutory, would you expect guidance to be issued that authorities across Wales would have to follow in assessing demand and responding to it? Best practice, perhaps.

Ms Keane: I would certainly expect more detailed guidance from the unit in terms of what is expected within the new plans, and that that would be more standardised.

Simon Thomas: Would you then assess that?

Ms Keane: We would respond according to how the authority had implemented the guidelines.

Aled Roberts: I declare an interest as chair of governors in a Welsh-medium school. I draw your attention to Part 4(85) of the Bill, which gives local authorities the responsibility for improving the process of planning how Welsh-medium education is provided in their area, and for improving the quality of Welsh-medium education. However, there is nothing in the Bill about having to improve Welsh-medium provision within their counties. Therefore, under the Bill, if they plan sufficiently, and look at Welsh-medium education standards in the county, they will still not be responsible for improving provision within the county. Do you have any comments on that?

Ms Keane: I took it that that dealt with

bod hynny'n ymwneud ag edrych ar y drefniadaeth a'r ddarpariaeth, a sicrhau bod hynny'n ymateb i'r angen i sicrhau dilyniant o'r cynradd i'r uwchradd er mwyn sicrhau bod safonau'n gwella. Nid wyf wedi edrych yn ddigon manwl i weld a yw'r geiriad yn ddigon cryf.

organisation and provision, and ensuring that that responded to the need to secure progression from the primary sector to the secondary sector so that standards improved. I have not looked in enough detail to see whether the wording is robust enough.

[251] **Aled Roberts:** Rwy'n meddwl bod y rheoliadau yn mynd a'r peth ymhellach, ond mae gwendid yn y ffordd mae wedi ei ddrafftio.

Aled Roberts: I think that the regulations take it further, but there is a weakness in how it has been drafted.

[252] **Ms Keane:** Yn y geiriad.

Ms Keane: In the wording.

[253] **Christine Chapman:** I am going to have to draw this part of the session to a close. I thank you for giving evidence and for attending. I know that Members had other questions, but because of the time constraints, if you are content, Anne, we will write to you and perhaps you could respond. Thank you for coming to see us this morning.

11.15 a.m.

Bil Safonau a Threfniadaeth Ysgolion (Cymru): Cyfnod 1—Sesiwn Dystiolaeth 2 School Standards and Organisation (Wales) Bill: Stage 1—Evidence Session 2

[254] **Christine Chapman:** We will now take evidence from representatives of the Welsh Local Government Association and from the Association of Directors of Education in Wales. I welcome you all this morning. Could you start off by introducing yourselves for the record?

[255] **Dr Llewelyn:** My name is Chris Llewelyn, director of lifelong learning at the WLGA.

[256] **Mr Budd:** I am Ian Budd, corporate director with Flintshire County Council and chair of ADEW.

[257] **Mr Hopkins:** I am David Hopkins from the WLGA.

[258] **Christine Chapman:** You are all welcome. Thank you for submitting the papers in advance; Members will have read them. If you are happy to do so, we will move straight to questions.

[259] I will start on Part 2 of the Bill. Chapter 1 is about intervention in the conduct of maintained schools. To what extent are local authorities using their existing powers of intervention in schools that are causing concern?

[260] **Dr Llewelyn:** I will kick off and my colleagues will then follow. As our written evidence reflects, and there seems to be consensus on this, there is some ambiguity and confusion about the current position and powers that authorities have. In that sense, we have, as an association, supported what is proposed in the Bill to draw together the different pieces of current legislation into one single document and into one piece of legislation for ease of reference and so on.

[261] On how authorities use the powers that they currently have, there seems to be some debate on this. I know that there is criticism that authorities do not use their powers as effectively as they could. That in itself identifies a problem and the issue that this Bill is

trying to resolve. The other dimension to this is that it is difficult to determine when the threat of using powers of intervention is enough to secure the desired outcome. It is a grey area and is problematic, and, as such, it is difficult to give a definitive response. As I say, we are aware that there is some criticism that authorities do not use the powers that they have. Somebody looking in might say that the system as a whole is underperforming and that this is, perhaps, a symptom of that underperformance. We welcome this attempt, in a general sense, to try to streamline and codify the system.

[262] **Christine Chapman:** We will delve into the specifics of this, so I will bring in Aled Roberts to do that.

[263] **Aled Roberts:** Bore da. Rydych **Aled Roberts:** Good morning. You have just newydd ddweud, ac mae hyn yn eich said, and it is in your written evidence, that tystiolaeth ysgrifenedig hefyd, bod there is complexity in terms of the legislation. cymhlethdod o ran y ddeddfwriaeth. A oes Do you have specific evidence for that? gennych dystiolaeth benodol o hynny?

[264] **Mr Budd:** The complexity relates to the fact that there are around 17 different pieces of guidance and legislation in relation to intervention in schools that cause concern. Local authorities are all using influence and powers in terms of their work with schools causing concern. Putting the range of powers together in one place will help with communication and understanding, not only within local authorities and among elected members and officers, but also with school leaders and governors and others interested in school improvement in individual communities.

[265] **Jocelyn Davies:** On this complexity, and the 17 bits of legislation not having been consolidated before, do you find that there is a resistance from schools and school governors to an intervention because the legislation is spread over so many pages?

[266] **Mr Budd:** It is not resistance because it is spread over a number of pages. What bringing them together in one place will do is help with the communication and understanding of the powers. Local authorities with good practice will have very clear systems, procedures and policies in relation to identifying schools causing concern and following through with intervention. That starts with an informal communication of issues with school leaders and gradually gets formalised by clear communication and identification of issues and strategies for intervention and improvement, which are communicated not only to the school leadership team but also to governing bodies. There are procedures for clear follow through on a regular basis until the school is in a position where it is able to continue its school improvement journey under its own steam.

[267] **Jocelyn Davies:** So, this legislation will set about changing the culture in terms of people's approach to intervention.

[268] **Mr Budd:** In short, 'yes'. It will ensure that there is clearer understanding of the powers that are available when they are needed for individual school circumstances.

[269] **Dr Llewelyn:** Inevitably, it will have an impact on the culture. The question of giving specific examples is a difficult one, but it seems to me from the evidence that I have seen and the discussions that I have heard on this issue, that there is a consensus around the issue of a need for clarity. Anecdotally, from my discussion with directors and authorities, there does not seem to be a clear and shared understanding of the current position and the power that authorities have. Anything that provides clarity for school governing bodies, authorities, the Welsh Government and other stakeholders must be advantageous. It is not easy to point to a specific area or part of the dispersed 17 different bits of legislation and guidance that cause confusion, but I think that this approach of creating a shared understanding is potentially very

advantageous. That would have a knock-on impact on changing the culture.

[270] **Mr Hopkins:** Clarity will bring consistency, and that is what has been lacking. The fact that some authorities do not use their powers does not mean that they do not intervene or do things; they do things by other means. That is where the confusion arises. Clarity will bring a consistency that we would all welcome.

[271] **Aled Roberts:** Rydym wedi derbyn tystiolaeth gan Estyn y bore yma, gan roi cymhlethdod deddfwriaethol i un ochr, sy'n dweud bod ffactorau eraill yn dylanwadu ar barodrydd awdurdodau lleol i ymyrryd. A ydych yn awyddus i roi tystiolaeth ar hynny? A oes problemau ychwanegol, heblaw am y Ddeddf, a fyddai'n esbonio pam bod rhai awdurdodau wedi ymyrryd tra bod eraill yn anfodlon gwneud?

Aled Roberts: We received evidence from Estyn this morning, putting legislative complexity to one side, that says that other factors influence the willingness of local authorities to intervene. Do you want to give evidence on that? Are there additional problems, other than the Act, that would explain why some authorities have intervened and others have been unwilling to do so?

[272] **Dr Llewelyn:** Mae'n anodd i ni gyfeirio at enghreifftiau penodol. Mae awdurdodau lleol yn ymateb mewn amrywiaeth o ffyrdd yn ôl yr amgylchiadau a'r heriau maent yn eu hwynebu'n lleol. Mae'n anodd i ni, fel corff sy'n cynrychioli'r 22 awdurdod, ymateb mewn ffordd benodol a fyddai'n tynnu sylw at achos penodol o ran unrhyw ysgol neu awdurdod. Ond, rydym yn fwy na pharod i drafod gydag Estyn i glywed at beth yn union y mae'n cyfeirio.

Dr Llewelyn: It is difficult for us to refer to specific examples. Local authorities respond in a variety of ways according to the local circumstances and challenges that they face. It is difficult for us, as a body representing the 22 authorities, to respond in a specific way that would highlight any specific case to do with a school or authority. However, we would be more than willing to discuss with Estyn to hear to what it is referring.

[273] **Aled Roberts:** Yn ei adroddiadau ar wasanaethau awdurdodau mae Estyn yn dweud bod y sefyllfa mewn rhai awdurdodau yn eithaf da, ond bod y sefyllfa o ran timau gwella ysgolion mewn awdurdodau eraill yn annigonol ac nad yw ansawdd y swyddogion mewn rhai awdurdodau yn ddigon da.

Aled Roberts: In its reports on authorities' services, Estyn says that the situation in some authorities is quite good, but that the situation with school improvement teams in other authorities is inadequate and that the quality of officers in some authorities is not good enough.

[274] **Dr Llewelyn:** Rydym yn derbyn bod amrywiaeth ar draws y 22 awdurdod. Y rhesymeg tu ôl creu'r pedwar consortiwm a'r gwasanaethau gwella ysgolion ar draws awdurdodau—yn rhanbarthol—oedd i gydnabod bod diffygion neu wendidau yn ambell ardal. Y bwriad yw y bydd yr enghreifftiau o arfer da sydd ar gael ar draws Cymru yn codi safonau ar draws a thu fewn i'r consortia. Dyna beth mae'r awdurdodau yn anelu at gyflawni drwy weithio yn rhanbarthol a thrwy gonsortia o fis Medi ymlaen. Gan ddweud hynny, mae nifer o fesurau eraill ar waith sy'n anelu at godi safonau.

Dr Llewelyn: We accept that there is variation across the 22 authorities. The logic behind the creation of the four consortia and the school improvement services across authorities—regionally—was to recognise that there are deficiencies or weaknesses in certain areas. The intention is that the examples of good practice that are available across Wales will raise standards across and within the consortia. That is what the authorities are aiming to achieve by working regionally and through the consortia from September onwards. Having said that, there are a number of other measures in place that aim to raise standards.

[275] **Christine Chapman:** Did you want to come in, Ian?

[276] **Mr Budd:** Briefly, just building on Chris's last point, over the last year or so we have been engaged in work to move from the ADEW consortia, with the support of the WLGA and colleagues in the Welsh Government, and to develop the current consortia into regional school improvement services. One of the things that we have been conscious of is making sure that we have consistent good practice in terms of school improvement and highly skilled practitioners participating in the delivery of regional school improvement service work. Key components in that include recruiting the right people to posts, ensuring that there is consistency in approach to school improvement strategies—across authorities, and within each consortium or school improvement service area—and high-quality training, both in terms of induction and on a continuing basis, for the school improvement professionals delivering the service.

[277] **Christine Chapman:** Are there any other questions? Perhaps we need to clarify your assessment of how local authorities currently monitor and challenge the performance of the schools. Is it adequate at the moment?

[278] **Jenny Rathbone:** May I come in on this? I would like to know how systematically local education authorities look at school governing body minutes, because that is one indicator of whether people are discharging their duties, and whether things like the performance of staff are actually being monitored.

[279] **Mr Budd:** For many local authorities we have access to governing body minutes, and we have direct contact with the schools that are causing concern in terms of monitoring their progress against issues that have been identified. In terms of governing bodies, there are a number of areas where things could be sharpened and improved going forward. One is to have more access, particularly in schools causing concern, to meetings of the governing body. The other main area that we are interested in developing is the area of governor training to make sure that it is available, is of high quality, and picks up all the responsibilities from identification of performance issues through to how governors can ask the right questions to make sure that individual departments and parts of the school are ensuring that children get their entitlement.

[280] **Jenny Rathbone:** Are you saying that link advisers do not have an automatic right to attend governing body meetings?

[281] **Mr Budd:** No.

[282] **Dr Llewelyn:** There is an issue there. In an earlier written submission, we drew attention to the need for that relationship to be tightened up because, at the moment, there are situations where the authority is not ordinarily invited to attend governing body meetings or to deal with specific issues.

[283] **Jenny Rathbone:** Is this something that you would like to see included in this Bill?

[284] **Dr Llewelyn:** As I say, it is an area that needs to be tightened up. On the more general issue of your earlier question, Chair, I do not think that anybody would hide from the fact that there is variation and inconsistency across the 22 authorities in Wales. I cannot comment on individual authorities, but if one looks at Estyn's annual report, under the current inspection framework I think that about 12 or 13 authorities have been inspected, and it is clear that there is considerable variation. There are four or five authorities that are performing really well, and there are examples of excellence within those authorities. There are some that are not performing as well, and there are some where some kind of intervention is needed. Everybody recognises that. Following the publication of the last round of the PISA studies, the 22 leaders recognised that the system was underperforming and they needed to focus on

raising standards and school improvement.

11.30 a.m.

[285] They gave a commitment that they were serious in their intent to do that. The emergence of the four consortia and the shared school improvement services from September, other initiatives that have taken place and the support that local government has given to the Minister's 20 actions are an indication of that recognition and, as I said, the seriousness with which they are approaching addressing these issues.

[286] **Christine Chapman:** As you said, Estyn has come out and said that it is quite variable. I want to move on, because we have quite a lot of ground to cover and we have limited time.

[287] **Simon Thomas:** A gaf i ofyn ynglŷn ag ymyrraeth gan y Gweinidog mewn awdurdodau lleol? Byddwch yn gwybod yn y Bil, fel y mae wedi cael ei gyflwyno, mae sawl maes wedi eu gosod allan yn adran 21 sy'n sail i ymyrraeth gan y Gweinidog. Fodd bynnag, unwaith y mae sail i ymyrraeth, mae hawl gan y Gweinidog o dan adran 27 i ymyrryd mewn unrhyw ran o weithgaredd addysgol yr awdurdod. A ydych yn meddwl bod y pwerau yn y Bil yn gymesur â'r angen i ymyrryd? A ydych yn fodlon gyda'r hyn sy'n cael ei gynnig gan y Llywodraeth yn y Bil? A ydyw'n mynd yn rhy bell neu a ydyw wedi ei dargedu yn briodol?

Simon Thomas: May I ask about intervention by the Minister in local authorities? You will know that in the Bill, as introduced, a number of areas have been set out in section 21 that are grounds for intervention by the Minister. However, once there are grounds for intervention, the Minister, under section 27, has the right to intervene in any part of the educational activities of the authority. Do you think that the powers in the Bill are commensurate with the need for intervention? Are you content with what is proposed by the Government in the Bill? Does it go too far or has it been appropriately targeted?

[288] **Dr Llewelyn:** Dechreuaf i. Fel cymdeithas a llywodraeth leol, rydym yn derbyn mai rôl y Llywodraeth ganolog a'r Gweinidog yw gosod y strategaeth ar gyfer pa bynnag wasanaeth yr ydym yn sôn amdano, ac mai cyfrifoldeb a rôl llywodraeth leol yw dehongli'r strategaeth honno a'i ddelifro yn lleol. Felly, yn y cyd-destun hwnnw, rydym yn cydnabod a derbyn rôl y Gweinidog. Fel egwyddor, rydym yn derbyn y sefyllfa a gyflwynwyd, ond bydd gennym lawer o ddiddordeb mewn trafodaethau ynglŷn â'r modd y bydd y canllawiau yn cael eu datblygu. Buaswn yn disgwyl bod Gweinidogion yn defnyddio'r pwerau hyn mewn achosion arbennig iawn yn unig ac nid yn feunyddiol neu yn arferol.

Dr Llewelyn: I will start. As the WLGA and local government, we accept that the role of central Government and the Minister is to set the strategy for whichever service we are talking about, and that it is the responsibility and the role of local government to interpret that strategy and to deliver it locally. So, in that context, we acknowledge and accept the role of the Minister. In principle, we accept the situation that has been presented, but we will have a lot of interest in discussions about how the guidance will be developed. I would expect Ministers to use these powers only in exceptional cases and not on a daily or regular basis.

[289] **Simon Thomas:** I ddilyn hynny, mae rhai o'r pwerau hyn yn bodoli eisoes, er eu bod yn yr 17 darn o ddeddfwriaeth hynny. A ydynt yn cael eu defnyddio yn awr? A ydych yn meddwl y byddant yn cael eu defnyddio yn fwy ar ôl i'r Bil hwn droi'n Ddeddf?

Simon Thomas: To follow that up, some of these powers already exist, although they are contained in those 17 pieces of legislation. Are they being used now? Do you believe that they will be used more often once this Bill becomes an Act?

[290] **Dr Llewelyn:** Yr hyn a fuasai pawb yn ei obeithio yw mai effaith yr holl weithgareddau hyn sy'n cymryd lle tu fewn i addysg—maent i gyd wedi eu cyfeirio at godi safonau—yw y bydd llai o alw ac angen i ddibynnu ar y pwerau hynny. Felly, buaswn yn gobeithio na fuasem mewn sefyllfa lle y buasai hynny'n digwydd.

Dr Llewelyn: What everyone would hope is that the impact of all these activities that are taking place within education—they are all directed towards raising standards—is that there will be less demand for or need to depend upon those powers. So, I would hope that we would not be in a situation where that would happen.

[291] **Simon Thomas:** I fod yn deg, dywedodd y Gweinidog mai *backstop powers* oedd y rhain. Fodd bynnag, nid ydych yn chwilio am newid i'r Bil fel y mae ar hyn ac rydych yn fodlon derbyn yr hyn y mae yn ei gynllunio—

Simon Thomas: To be fair, the Minister said that these were backstop powers. However, you are not seeking an amendment to the Bill as it is currently drafted and you are content to accept what it plans—

[292] **Dr Llewelyn:** Mae'r mathau hynny o *backstop powers*, fel roedd y Gweinidog yn cyfeirio atynt, yn bodoli yn barod. Er enghraifft, yn bresennol mae'r Gweinidog yn gallu gosod cyllideb addysg awdurdod os yw'n teimlo nad yw'r gyllideb sydd wedi ei gosod yn ddilys neu'n addas ac yn y blaen, ond nid yw hynny'n digwydd. Mae enghreifftiau tebyg, felly rwy'n cytuno.

Dr Llewelyn: Those kinds of backstop powers, as the Minister referred to them, already exist. For example, the Minister can currently set an education budget for an authority if he or she feels that the budget that has been set is not valid or appropriate and so on, but that does not happen. There are similar examples, so I agree.

[293] **Mr Budd:** Briefly, on that, we all hope that, through the range of strategies that are in place for individual school improvement and the quality of challenge and support to individual schools on their school improvement journey, the number of situations in which the Minister needs to use reserved powers will be limited. We all want the best for our children and young people in Wales—the best opportunities and the best outcomes.

[294] **Suzy Davies:** I appreciate what you are saying, namely that these are backstop powers, but we have just heard evidence from Estyn that the way that the Bill is drafted at the moment would allow the Minister to intervene more quickly. I am also rather concerned that, although there will be an awful lot of opportunity for the Minister to give direction, there are three instances in which he can direct local authorities to take certain steps—two of which are quite controversial—but over which Assembly Members will have no scrutiny opportunities whatsoever. One of those is a direction to close or open schools. How do you feel about that?

[295] **Dr Llewelyn:** I do not think that the scrutiny of Assembly Members is something for us to comment on. Again, I repeat some of the points that have been made. We recognise that we are in a position where the system as a whole is underperforming. As a whole, this Bill addresses some of these issues to deal with that underperformance. It will also streamline and speed up some of the related processes. We recognise that it is the Minister's prerogative to set the strategy and direction for education in Wales and that it is the role of local government to interpret that and to deliver locally depending on local circumstances. We think that these provisions fall within that philosophy, if you like, although that probably overstates it.

[296] Although this has not yet been touched on, we also recognise that there is this body of academic work and there are school improvement professionals and academic observers who think that, when a system is underperforming, more central prescription is needed and that, as performance picks up, greater freedoms of interpretation are possible and easier to enable. That seems to be part of the thinking behind this as well.

[297] **Jocelyn Davies:** I think that some of the thinking behind this is that vast numbers of children have left school illiterate and that their lives have been blighted because of the failure of the education system. I think that that is the main thinking behind this. You mentioned the school improvement guidance earlier. Are you happy with the provisions in the Bill for consultation on that guidance?

[298] **Mr Budd:** In short, we have been used to working collaboratively, not least with civil servants as well as other stakeholders in the education system, on the development of major school improvement initiatives, and we would expect that to continue with the school improvement guidance. When it comes to work on that, it is important that we recognise that there are schools that are not doing well in terms of the opportunities and outcomes of learners and that there are also schools in Wales that are among the best that you will find anywhere on the planet. So, when we come to develop the guidance collaboratively, it is important that we do not straitjacket innovation and improvement but instead encourage it and enable it to be spread more easily across the education system. However, as we said earlier, within the framework, it is important that there be some consistency in the approaches taken across the country and in the expectations across the country in relation to schools that are not doing well enough at the moment.

[299] **Dr Llewelyn:** To add to that, this touches on the points that we made earlier. We recognise that the system is underperforming. As you say, we have challenges in terms of literacy, numeracy and the link between social deprivation and poverty and educational attainment. Everyone recognises that these issues need to be addressed. I think that there is a consensus on that. In the written evidence that I have seen and the oral evidence that I have heard in relation to the Bill, there seems to be an emerging consensus. On this particular issue, there is a balance to be achieved here between, on one hand, addressing that range of issues, getting consistency, raising standards, improving outcomes and being prescriptive where it is deemed to be necessary and, on the other hand, allowing enough discretion to enable people to respond to local circumstances. The chief inspector made the point in the earlier session that, depending on their different circumstances, different schools will need different support.

[300] School improvement is also a dynamic setting, and things change very quickly. If we identify examples of good practice that seem to work and deliver improved outcomes very quickly, we need to have a system that is able to respond to that, learn from it and implement it quickly. It will be very challenging, because you are trying to achieve a very delicate balance between being prescriptive and accommodating variation where appropriate, so that innovation is not stifled.

[301] **Mr Hopkins:** You need freedom for your very best schools, but you need levers to make those that are not performing well do so.

[302] **Jocelyn Davies:** There are examples of very good schools in very poor areas that get very good results, so I will not accept that just because people are poor, they do not do well in school. I just refuse to accept that.

[303] How do you feel about the appropriateness of the power of direction for Ministers to set aside an authority's alternative school improvement policy if they believe that it is not likely to improve standards? I feel that the thrust of the Bill is to cut through the complexity and the confusion, and if an LEA refuses to intervene in a failing school, the Minister will.

[304] **Dr Llewelyn:** It is difficult to conceive of a situation in which that—

[305] **Jocelyn Davies:** It could happen. It is on the face of the Bill.

[306] **Dr Llewelyn:** I know that it is, but as I say, it is difficult to conceive of a situation in

which it would arise. The authority in question would have to set out its proposals and why it thought its approach was better than the one set out in the guidance.

[307] **Jocelyn Davies:** Do you think it appropriate for it to state on the face of the Bill that the Minister has that power?

[308] **Dr Llewelyn:** I can understand why it is there under the current circumstances.

[309] **Jocelyn Davies:** There is no expectation that it will be used, but it is there on the face of the Bill.

[310] **Dr Llewelyn:** There is an opportunity for the authority to make the case for an alternative approach and then to have that adjudicated.

[311] **Aled Roberts:** Yn nhystiolaeth Ann Keane y bore yma, roeddem yn delio â chonsortia a'r ffaith os yw consortia yn dweud y dylid ymyrryd, ond mae gan yr awdurdod lleol yr hawl i ymyrryd, ac nid yw'r awdurdod lleol yn barod i ymyrryd, beth yw'ch dealltwriaeth chi o'r hyn a fyddai'n digwydd yn y sefyllfa honno?

Aled Roberts: In Ann Keane's evidence this morning, we were dealing with consortia and the fact that if consortia say that an intervention should take place, but that the local authority has the right to intervene, and that local authority is not prepared to intervene, what is your understanding of what would happen in that situation?

[312] **Dr Llewelyn:** Sori, ond nid wyf wedi deall y cwestiwn.

Dr Llewelyn: Sorry, but I did not understand the question.

[313] **Aled Roberts:** Mae'r gwasanaeth gwella ysgolion yn mynd i fod yn rhanbarthol o fis Medi ymlaen. Os yw'r gwasanaeth yn dweud y dylai awdurdod lleol ymyrryd, dywedodd Ann Keane mai penderfyniad yr awdurdod lleol yw hwnnw, ac nid y gwasanaeth rhanbarthol. Os nad yw'r awdurdod lleol yn barod i ymyrryd, beth a fyddai'n digwydd?

Aled Roberts: The school improvement service is going to be regional from September onwards. If the service says that a local authority should intervene, Ann Keane said that that is the decision of the local authority, and not the regional service. If the local authority is not prepared to intervene, what would happen?

[314] **Dr Llewelyn:** Ar hyn o bryd, mae cyfrifoldeb statudol gan yr awdurdod lleol, a'r awdurdod lleol fydd yn comisiynu'r gwasanaethau gan y corff rhanbarthol. Mae pedwar model gwahanol o ran sut y bydd y consortia yn gweithredu, ond ar hyn o bryd, gan yr awdurdod lleol y mae'r cyfrifoldeb statudol, ac felly'r awdurdod fyddai'n comisiynu gan gonsortiw m yn hytrach nag i'r gwrthwyneb.

Dr Llewelyn: Currently, the local authority has a statutory responsibility, and the local authority will commission services from the regional organisation. There are four different models for how the consortia should operate, but at this time, the local authority has the statutory responsibility, so the authority would commission from the consortium rather than the other way around.

[315] **Simon Thomas:** Onid yw hynny'n enghraifft pan fyddai'r Gweinidog yn camu i mewn, pe bai anghytuno rhwng awdurdod lleol a chonsortiw m?

Simon Thomas: Is that not an example of when the Minister would step in, if there were disagreement between a local authority and a consortium?

[316] **Dr Llewelyn:** Efallai y gall Ian roi enghraifft o sut y bydd pethau'n gweithio yn y gogledd. Eto, nid wyf yn gallu gweld y

Dr Llewelyn: Perhaps Ian can give an example of how things will work in north Wales. Again, I cannot quite see how that

sefyllfa honno'n codi.

situation would arise.

[317] **Mr Budd:** There is a very good rationale for why that situation should not arise. If there is recognition that a school is causing concern by not doing the right thing in terms of opportunities and outcomes for learners, it needs to be challenged and supported to turn it around. The legal position has been set out clearly, not least by Ann this morning, in that the authority has clear responsibilities in respect of school improvement, but it is commissioning a regional service to act on its behalf in supporting the school in turning itself around. Having worked in school improvement for 16 years, I cannot countenance a circumstance in which, if there is consensus that a school needs support and challenge and intervention, people will not gather around to try to make sure that that is delivered on behalf of the learners. If it is not brokered and delivered on behalf of the learners, there would be grounds for intervention.

11.45 a.m.

[318] **Christine Chapman:** I think that that is clear. I will move on now because there are other issues to be addressed. Jocelyn has a question about the cost.

[319] **Jocelyn Davies:** Perhaps we could have a note on that rather than explore the costs now. It might be better to do that in correspondence, Chair.

[320] **Christine Chapman:** All right. We will write to you about the issues of cost. We will now move on now to Part 3 of the Bill, which is on school organisation and I ask Suzy to come in.

[321] **Suzy Davies:** You state in your evidence that:

[322] 'the Bill responds positively to many concerns that have been voiced by local authorities regarding the current system of school organisation.'

[323] Could you outline those concerns and, if possible, tell us which authorities are saying what? I want to find out whether there is a rural/urban conflict.

[324] **Dr Llewelyn:** On the first point of your question, the Bill potentially streamlines and shortens the process. Again, we recognise that there is a problem with school organisation. Estyn published its report on surplus places last week or the week before, and indicated that there. I do not think that any of the authorities have reached the 10% target on surplus places. In its evidence today, Estyn clearly identified that there is a problem. At the moment, authorities feel that the process is too complex, cumbersome and time-consuming. Given the political dimension to it, with election cycles or anything that is long, drawn out, complicated and cumbersome in that way, it can eventually fall because it has just taken too long. What is proposed here, whereby not every decision on appeal has to go to the Minister, is a positive step. The expectation is that this will simplify, streamline and make school organisation easier for authorities. There are other problems, as well, which have been touched on, but that is why we have supported what is being outlined here.

[325] **Mr Hopkins:** There is widespread support. I was involved in some of the workshops and consultations early on in response to the original documents. There is widespread support from almost every authority for this change. So, it is seen in a very positive light.

[326] **Suzy Davies:** Are there any concerns that perhaps were not addressed by the Bill that you would have liked to see?

[327] **Dr Llewelyn:** I suppose the local decision-making panels, the LDPs, but we will see how they work out. Perhaps they are the least worst type of option. [*Laughter.*] We recognise

that we need some kind of independent process of arbitration, and this is as good as we can get while recognising that there are potential flaws there.

[328] **Mr Hopkins:** It is probably the best of those available.

[329] **Suzy Davies:** That was to be my next question. You say that it is your 'least worst'. I can see why you might prefer it to direct intervention from the Minister, but were other sorts of school adjudication systems considered? I just wonder why you chose this over other alternatives.

[330] **Dr Llewelyn:** We had quite an extensive discussion on this, both internally and informally. On the one hand, you want to keep decision making as close to the point of delivery as possible, but on the other you want some independence and some recourse to appeal. For example, there was the idea of having an independent adjudicator for Wales, but that would be like having a Minister who was not a Minister. You would still have the distance. You would have all the disadvantages without any of the advantages of its being a local decision. In short, we looked at a range of different options and concluded that this was probably the best way forward. However, we recognise and echo some of the comments that Ann Keane made in her earlier evidence.

[331] **Christine Chapman:** I know that Aled has a specific question.

[332] **Aled Roberts:** I want to look at some of the detail regarding section 51 and ask for your views on the appropriateness of the categories of objectors who are listed, and also what your view is of the disqualification criteria provided for in Schedule 3 as far as the local determination panels are concerned, and whether that has any implications for local authorities in particular.

[333] **Mr Hopkins:** In general, we said in our response that we were satisfied with the range or categories of objectors included, but I will have to wait for my colleague to look at the detail before responding.

[334] **Dr Llewelyn:** Yes, sorry. I think that that is right. We were in general satisfied because of the fact that it would speed things up and fulfil that objective of streamlining things.

[335] **Mr Budd:** The categories are very important, actually, because there have been a number of situations where it is not the people who are closest to the situation in terms of an individual school reorganisation who are objecting. If the people who are objecting are close to the situation, it is right that their objections are given full consideration and are carefully worked through appropriately in terms of decision making. However, there have been examples where decision making has been delayed, and the delays have caused issues, concerns and anxiety in individual communities, and yet the objection has come from far away, or has not been made by someone close to the situation.

[336] **Aled Roberts:** You will be aware from Ann Keane's evidence this morning that she identified politics with a small 'p' as being the biggest hurdle in many instances. She cited the nature of the persons who were nominated or selected for the panel as being of perhaps the greatest importance in deciding whether or not we unblock this issue. What is your understanding of how that local panel would be selected?

[337] **Mr Hopkins:** We suggested that, given the size of many authorities, if they are going into a school rationalisation programme, it is difficult for the members in that authority to distance themselves from any particular school because the probability is, if you are talking about a reorganisation, that all schools are involved to some degree. It is difficult for elected

members in that local context to perhaps be as objective as you would want, and therefore the suggestion was that that panel should be supplemented by independent persons, as happens with some other functions in local authorities at the moment, to give it a breadth of understanding, credibility and relevant experience. You want people who can assimilate the evidence put forward, look at it objectively, and take a view that is at a distance from the local politicians. There should not be a presumption—this occurred to me when I was watching earlier—that that panel is either going to overturn the local authority decision or go with it. It has to be objective and take a view based on the evidence that it receives. It will come to that view come what may. We should not go into this assuming that they will be for or against the authority—they must take an objective view, and you need the best people there to do that.

[338] **Dr Llewelyn:** Authorities will have experience of setting up panels such as this and monitoring officers will be familiar with what is required. I was not quite sure about Ann's concerns. It is one of those things that could perhaps be explored further.

[339] **Christine Chapman:** I appreciate that we only have about five minutes left now, and there are a couple of Members who want to come in. Ian, did you want to say something?

[340] **Mr Budd:** In terms of the decision making of the panels, it is right that they are seen to be objective in consideration of the evidence. I just wanted to note that the authorities that have made the greatest progress in terms of school organisation and modernisation are those where it has been possible for the members to broker a consensus on the way forward between themselves and stakeholders in the community. That vision and drive for the future is key.

[341] **Simon Thomas:** I gamu i ffwrdd o'r manylion am eiliad, y prif bwynt yn dystiolaeth Estyn oedd bod y system bresennol yn arwain at amharodrwydd ar ran awdurdodau lleol i ddelio ag ad-drefnu. Gallech weld hyn yn yr adroddiad a gyhoeddwyd ychydig o wythnosau yn ôl gan Estyn, sy'n dweud nad oes cynnydd—yn wir, mae dirywiad wedi bod yn y chwe blynedd diwethaf. A ydych yn gweld y system newydd hwn yn llacio'r amharodrwydd hwnnw ac yn rhyddhau'r system i ddod i'r penderfyniadau fydd yn gorfod cael eu gwneud gan awdurdodau lleol rhywbryd?

Simon Thomas: To step away from the details for a second, the main point in Estyn's evidence was that the current system leads to a reluctance on the part of local authorities to deal with reorganisation. You can see that in the report published just a few weeks ago by Estyn, which says that there has not been progress—indeed, there has been a decline over the past six years. Do you see this new system slackening that reluctance and freeing up the system to come to the decisions that local authorities will have to make at some point?

[342] **Dr Llewelyn:** Byddwn yn tybio y byddai hynny'n digwydd. Nid wyf yn cytuno'n llwyr fod awdurdodau'n amharod i ymyrryd ac i ad-drefnu.

Dr Llewelyn: I would imagine that that will happen. I do not quite agree that authorities are reluctant to intervene and reorganise.

[343] **Simon Thomas:** Dyfynnu adroddiad Estyn oeddwn i.

Simon Thomas: I was quoting Estyn's report.

[344] **Dr Llewelyn:** Rwyf yn derbyn hynny. Mae'r sefyllfa hon yn gymhleth. Fel y dywedodd Ann Keane, mae'r mater hwn yn rhan o'r darlun ac yn rhan o'r ateb. Serch hynny, mae'r darlun yn un cymhleth iawn, ac mae gwleidyddiaeth leol yn rhan o'r broses, yn ogystal â'r toriadau i'r arian cyfalaf sydd

Dr Llewelyn: I accept that. This situation is complex. As Ann Keane said, this issue is part of the picture and part of the solution. However, the picture is very complex, and local politics are a part of the process, as are the cuts to the capital funding available to local authorities to invest in building new

ar gael i awdurdodau fuddsoddi mewn schools. The picture is very complex, but—
adeiladu ysgolion newydd. Mae'r darlun yn
un cymhleth iawn, ond—

[345] **Simon Thomas:** Ni chafwyd unrhyw **Simon Thomas:** There have been no cuts to
doriadau i'r arian cyfalaf yn y chwe blynedd capital funding in the last six years.
diwethaf.

[346] **Dr Llewelyn:** Rwyf yn derbyn **Dr Llewelyn:** I accept that.
hynny.

[347] **Jenny Rathbone:** I absolutely take Ian's point about the need to build a local
consensus if you want to get a decent outcome. As Ann Keane said, the local determination
panels are only going to work if the people on them are sufficiently rigorous and independent
to be able to challenge the adequacy or rigour of the local authority's plans. It is difficult to
see how the public can be convinced that the local authority has appointed people who are
independent, as opposed to people who will return the outcome that was desired in the first
place. How are you going to convince the public of that?

[348] **Dr Llewelyn:** The panels will operate where there is an appeal, and where the
consensus has, in a sense, broken down. If we look at the current situation, where appeals
have gone to Ministers, we see that there are very few instances where Ministers have not
supported the local authority in the first instance.

[349] **Jenny Rathbone:** However, things unravel. In the timescale that it takes, things take
their own course.

[350] **Dr Llewelyn:** I agree with the point that the panels need to be robust. We have to
have appropriate people on the panels. Clearly, the quality of those people is a factor.
However, at this stage, we think that this proposed arrangement is the best way forward.

[351] **Jenny Rathbone:** How will these proposals support local authorities in making the
difficult decisions about reorganising schools to which Estyn and others have referred?

[352] **Dr Llewelyn:** One of the things that this will do is speed up the process considerably.
Of late, there has been a logjam in terms of decisions going to the Minister for adjudication,
given the time that it takes to consider them and the length of the process. As I mentioned
earlier, given that this work takes place in a political arena where there are fixed timescales
for elections, anything that speeds things up is advantageous. That is one example of how this
would help.

[353] **Jenny Rathbone:** Okay, but I do not see how the proposals, in themselves, will
overcome local authorities' reluctance to deal with these difficult decisions.

[354] **Dr Llewelyn:** Oh, I see. I understand your point. Perhaps Ian can come in on this. I
was trying to suggest earlier that I did not entirely agree with the suggestion that the reason
why we have surplus places is because of a reluctance on the part of authorities. It is a
complicated area to deal with. It is very volatile. The amount of capital available to invest in
new buildings is also a factor, among a range of different factors. The fact that not one
authority has reached the notional target of 10% surplus places is an indicator of how difficult
and challenging this is. So, I would argue with the point that this is about a reluctance on the
part of authorities. It is about the difficulty of dealing with a very difficult set of challenges.

[355] **Christine Chapman:** I will invite Ian to make a final comment before we close the
meeting.

12.00 p.m.

[356] **Mr Budd:** I will make a brief comment on that issue. A few minutes ago, I mentioned the importance of having as much of a consensus as possible brokered around the right course of action for future school organisation and future school educational delivery within the area. Elected members have a major part to play in brokering that consensus across the councils and with other stakeholders. There are some barriers along the way to developing that kind of approach, which include the balancing of different parts of the system. It is important that sufficient time is spent on engaging with communities on the ideas and getting them used to the notions of change as far as that is possible. Then, there are other parts of the system that we have to balance and keep in tune as well, including the availability of capital funding. We are at an interesting stage in the delivery of the twenty-first century schools programme in Wales. Authorities are working very carefully towards detailed delivery plans for their local schools. However, the availability of capital needs to be confirmed if a number of authorities are to be able to quickly make a step change in school organisation and school place planning.

[357] **Christine Chapman:** We have other questions, but time was against us this morning, so, if you are happy for us to do so, we will send you some of the other questions that the Members had and perhaps you could respond in writing. I thank you all for attending this morning. We will send you a transcript so that you can check it for factual accuracy. Thank you for attending.

[358] Before I close the meeting, I would like to advise Members that the next meeting is scheduled for Wednesday, 13 June. We will be taking evidence from the Association of School and College Leaders, NAHT Cymru, and Michael Imperato on the School Standards and Organisation (Wales) Bill, and we will continue to take evidence on the adoption inquiry. I now close today's meeting.

Daeth y cyfarfod i ben am 12.02 p.m.
The meeting ended at 12.02 p.m.