



Cynulliad Cenedlaethol Cymru The National Assembly for Wales

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

**Dydd Mercher, 28 Tachwedd 2012
Wednesday, 28 November 2012**

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

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

Aelodau'r pwyllgor yn bresennol

Committee members in attendance

Angela Burns	Ceidwadwyr Cymreig Welsh Conservatives
Christine Chapman	Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair)
Jocelyn Davies	Plaid Cymru The Party of Wales
Suzy Davies	Ceidwadwyr Cymreig Welsh Conservatives
Rebecca Evans	Llafur Labour
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

Leighton Andrews	Aelod Cynulliad, Llafur (Y Gweinidog Addysg a Sgiliau) Assembly Member, Labour (The Minister for Education and Skills)
Anthony Jordan	Adran Addysg a Sgiliau, Llywodraeth Cymru Department for Education and Skills, Welsh Government
Simon Morea	Cyfeithiwr, Llywodraeth Cymru Lawyer, Welsh Government
Ceri Planchant	Cyfeithiwr, Llywodraeth Cymru Lawyer, Welsh Government

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

Sarah Beasley	Dirprwy Glerc Deputy Clerk
Gwyn Griffiths	Uwch-gynghorydd Cyfreithiol Senior Legal Adviser
Sarah Sargent	Dirprwy Glerc Deputy Clerk
Kath Thomas	Dirprwy Glerc Deputy Clerk
Liz Wilkinson	Clerc Clerk

Dechreuodd y cyfarfod am 9.31 a.m.
The meeting began at 9.31 a.m.

Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introductions, Apologies and Substitutions

[1] **Christine Chapman:** Good morning, and welcome to the Assembly's Children and Young People Committee. I remind Members that, if they have any mobile phones or BlackBerrys, they should be switched off. In the event of an emergency, an alarm will sound and ushers will direct everyone to the nearest safe exit and assembly point. We have not had any apologies this morning.

Bil Safonau a Threfniadaeth Ysgolion (Cymru): Cyfnod 2—Trafod y
Gwelliannau
School Standards and Organisation (Wales) Bill: Stage 2—Consideration of
Amendments

[2] **Christine Chapman:** This is our second meeting to consider and dispose of amendments to the Bill. I remind Members that amendments to sections 1 to 64 were disposed of at our meeting on 14 November and, as such, these sections were deemed agreed by the committee. For the purpose of today's meeting, the order in which we will consider amendments will be sections 65 to 102 and Schedules 1 to 6. Members should have before them the marshalled list of amendments and the groupings of amendments for debate. For the record, as Chair, I will move amendments in the name of the Minister. I welcome the Minister and his officials this morning. For expediency, I will assume that he wishes me to move all his amendments, unless he indicates otherwise. Where there are a number of amendments of a similar nature that have already been debated and appear together in the marshalled list, I am proposing to dispose of those amendments en bloc. Members will have the opportunity to object to this at the relevant point in proceedings. Are we all content? I see that we are.

[3] You will recall that, at our meeting on 14 November, we debated groups 1 to 12 and disposed of those amendments. As such, we will resume proceedings by moving to dispose of amendments 52 and 53 in the name of the Minister, which were debated as part of group 11. Minister, do you wish to proceed to a vote on amendments 52 and 53?

[4] **The Minister for Education and Skills (Leighton Andrews):** Yes.

[5] **Christine Chapman:** I move amendment 52 in the name of the Minister. The question is that amendment 52 be agreed to. Does any Member object? I see there are

objections, so we move to a vote by show of hands.

Gwelliant 52: O blaid 8, Ymatal 0, Yn erbyn 2.
Amendment 52: For 8, Abstain 0, Against 2.

Pleidleisiodd yr Aelodau canlynol o blaid:
 The following Members voted for:

Chapman, Christine
 Davies, Jocelyn
 Evans, Rebecca
 Morgan, Julie
 Neagle, Lynne
 Rathbone, Jenny
 Roberts, Aled
 Thomas, Simon

Pleidleisiodd yr Aelodau canlynol yn erbyn:
 The following Members voted against:

Burns, Angela
 Davies, Suzy

Derbyniwyd gwelliant 52.
Amendment 52 agreed.

[6] **Christine Chapman:** I move amendment 53 in the name of the Minister. The question is that amendment 53 be agreed to. Does any Member object? I see that there are objections, so we move to a vote by show of hands.

Gwelliant 53: O blaid 8, Ymatal 0, Yn erbyn 2.
Amendment 53: For 8, Abstain 0, Against 2.

Pleidleisiodd yr Aelodau canlynol o blaid:
 The following Members voted for:

Chapman, Christine
 Davies, Jocelyn
 Evans, Rebecca
 Morgan, Julie
 Neagle, Lynne
 Rathbone, Jenny
 Roberts, Aled
 Thomas, Simon

Pleidleisiodd yr Aelodau canlynol yn erbyn:
 The following Members voted against:

Burns, Angela
 Davies, Suzy

Derbyniwyd gwelliant 53.
Amendment 53 agreed.

[7] **Christine Chapman:** We now move to dispose of amendments 54 and 55, in the name of the Minister, which were debated as part of group 7 at our meeting on 14 November. Minister, do you wish to proceed to a vote on amendments 54 and 55?

[8] **Leighton Andrews:** Yes please.

[9] **Christine Chapman:** I move amendment 54 in the name of the Minister. The question is that amendment 54 be agreed to. Are there any objections? I see that there are, so I will take a vote by a show of hands.

Gwelliant 54: O blaid 8, Ymatal 0, Yn erbyn 2.
Amendment 54: For 8, Abstain 0, Against 2.

Pleidleisiodd yr Aelodau canlynol o blaid:
 The following Members voted for:

Chapman, Christine

Pleidleisiodd yr Aelodau canlynol yn erbyn:
 The following Members voted against:

Burns, Angela

Davies, Jocelyn
Evans, Rebecca
Morgan, Julie
Neagle, Lynne
Rathbone, Jenny
Roberts, Aled
Thomas, Simon

Davies, Suzy

*Derbyniwyd gwelliant 54.
Amendment 54 agreed.*

[10] **Christine Chapman:** I move amendment 55 in the name of the Minister. The question is that amendment 55 be agreed to. Are there any objections? I see that there are, so I will take a vote by a show of hands.

*Gwelliant 55: O blaid 8, Ymatal 0, Yn erbyn 2.
Amendment 55: For 8, Abstain 0, Against 2.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
Davies, Jocelyn
Evans, Rebecca
Morgan, Julie
Neagle, Lynne
Rathbone, Jenny
Roberts, Aled
Thomas, Simon

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Burns, Angela
Davies, Suzy

*Derbyniwyd gwelliant 55.
Amendment 55 agreed.*

[11] **Christine Chapman:** We now move to dispose of amendments 56 to 59, in the name of the Minister. These amendments were debated as part of group 11 at our meeting on 14 November. Minister, do you wish to proceed to a vote on amendments 56 to 59?

[12] **Leighton Andrews:** Yes, please.

[13] **Christine Chapman:** I move amendment 56 in the name of the Minister. The question is that amendment 56 be agreed to. Are there any objections? I see that there are, so I will take a vote by a show of hands.

*Gwelliant 56: O blaid 8, Ymatal 0, Yn erbyn 2.
Amendment 56: For 8, Abstain 0, Against 2.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
Davies, Jocelyn
Evans, Rebecca
Morgan, Julie
Neagle, Lynne
Rathbone, Jenny
Roberts, Aled
Thomas, Simon

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Burns, Angela
Davies, Suzy

*Derbyniwyd gwelliant 56.
Amendment 56 agreed.*

[14] **Christine Chapman:** I move amendment 57 in the name of the Minister. The question is that amendment 57 be agreed to. Are there any objections? I see that there are, so I will take a vote by a show of hands.

*Gwelliant 57: O blaid 8, Ymatal 0, Yn erbyn 2.
Amendment 57: For 8, Abstain 0, Against 2.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
Davies, Jocelyn
Evans, Rebecca
Morgan, Julie
Neagle, Lynne
Rathbone, Jenny
Roberts, Aled
Thomas, Simon

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Burns, Angela
Davies, Suzy

*Derbyniwyd gwelliant 57.
Amendment 57 agreed.*

[15] **Christine Chapman:** I move amendment 58 in the name of the Minister. The question is that amendment 58 be agreed to. Are there any objections? I see that there are, so I will take a vote by a show of hands.

*Gwelliant 58: O blaid 8, Ymatal 0, Yn erbyn 2.
Amendment 58: For 8, Abstain 0, Against 2.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
Davies, Jocelyn
Evans, Rebecca
Morgan, Julie
Neagle, Lynne
Rathbone, Jenny
Roberts, Aled
Thomas, Simon

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Burns, Angela
Davies, Suzy

*Derbyniwyd gwelliant 58.
Amendment 58 agreed.*

[16] **Christine Chapman:** I move amendment 59 in the name of the Minister. The question is that amendment 59 be agreed to. Are there any objections? I see that there are, so I will take a vote by a show of hands.

*Gwelliant 59: O blaid 8, Ymatal 0, Yn erbyn 2.
Amendment 59: For 8, Abstain 0, Against 2.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
Davies, Jocelyn
Evans, Rebecca
Morgan, Julie
Neagle, Lynne
Rathbone, Jenny
Roberts, Aled

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Burns, Angela
Davies, Suzy

Thomas, Simon

*Derbyniwyd gwelliant 59.
Amendment 59 agreed.*

**Grŵp 13: Trefniadaeth Ysgolion—Darpariaeth Ranbarthol ar gyfer Anghenion
Addysgol Arbennig (Gwelliannau 194, 67, 195, 196 a 197)
Group 13: School Organisation—Regional Provision for Special Educational Needs
(Amendments 194, 67, 195, 196 and 197)**

[17] **Christine Chapman:** The lead amendment in this group is amendment 194. I call on Angela Burns to move amendment 194 and to speak to it and the other amendments in the group.

[18] **Angela Burns:** I move amendment 194 in my name. Minister, we understand that you wish to be able to move processes along, particularly if you believe that a local education authority is not fulfilling its duties adequately. However, it is imperative that the office of Minister is seen to be accountable and transparent, which is why we have approached most of the amendments that we have tabled with a view that, where the Minister initiates actions, he must enable an appropriate check and balance, and where he wishes to issue direction or guidance, he must be transparent. So, amendment 194 is just such an example. Once again, in the Bill, the term ‘of the opinion’ is used by the Government and we believe that it lacks clarity and that Ministers should issue guidance concerning the circumstances in which they would be likely to use the powers contained within section 67.

[19] I also speak to amendment 195. At the moment, Minister, you—or any other Minister—only need to consider objections to proposals made concerning the regional provision of special educational needs. We believe that it is vital for appropriate checks and balances to be in place and that a local inquiry should be triggered where objections have been made. This local inquiry, as we see it, will consider the proposals and objections and could offer an informed and dispassionate view to Ministers in relation to their proposals.

[20] Amendment 196 relates to the determination of a decision by Welsh Ministers after a local inquiry has been held, ensuring that they adopt, with or without modifications, or determine not to adopt the proposals that have been considered by the local inquiry. We believe that the Welsh Minister would be able to make a significantly better informed decision as a consequence of holding a local inquiry.

[21] Amendment 197 is a consequential amendment to our other amendments related to special educational needs. It removes the current section related to how Ministers should adopt a proposal, which we are seeking to replace with a local inquiry and a subsequent section related to determination. As I said in my preface to this, Minister, this is all about not trying to frustrate the will of the Minister or the Government, but ensuring that appropriate checks and balances are given to ministerial actions.

[22] **Christine Chapman:** Do any other Members wish to speak?

[23] **Simon Thomas:** Ar ran Plaid Cymru, croesawaf yr hyn a ddywedodd Angela parthed gwelliant 194. Mae rhinwedd yn y gwelliant hwnnw gan ei fod yn egluro'r amgylchiadau lle byddai'r Gweinidog yn gallu arfer y pŵer sy'n cael ei roi iddo yn y Bil hwn. Serch hynny, ni allwn gefnogi gweddill y gwelliannau, sydd, yn fy marn i, **Simon Thomas:** On behalf of Plaid Cymru, I welcome what Angela said on amendment 194. There is merit in that amendment, in that it clarifies the circumstances in which the Minister could use the power provided to him in this Bill. However, we cannot support the remaining amendments, which, in my opinion, try to move the Bill away from the

yn ceisio symud y Bil i ffwrdd o'r canolbwyntio ar ddarpariaeth ranbarthol sydd ynddo yn awr—rhywbeth y mae Plaid Cymru'n ei gefnogi ac rydym wedi gweld yn digwydd dros y ddwy neu dair blynedd diwethaf. Rwy'n meddwl bod y Bil yn gwneud darpariaeth ddigonol ar gyfer gweithdrefn ranbarthol, sy'n rhywbeth rydym eisiau ei weld. Deallaf pam fod Angela wedi gosod y gwelliannau, ond credaf eu bod yn mynd â ni yn ôl at orfodi dull penderfynu lleol. Y cwestiwn sy'n codi yn y Bil drwyddi draw yw ble dylai'r cydbwysedd fod rhwng dulliau penderfynu lleol, rhanbarthol a chenedlaethol. Ond, yn y darn arbennig hwn, gan ein bod yn sôn am addysg arbennig yn benodol, mae'n briodol bod y penderfyniad yn cael ei wneud ar lefel rhanbarthol. Felly, ni allaf gefnogi gweddill y gwelliannau, ond rwy'n gweld rhinwedd ym mhrif welliant y grŵp hwn.

focus on regional provision that it has now—something that Plaid Cymru supports and that we have seen happening over the last two or three years. I think that the Bill makes sufficient provision for regional procedures, which is something that we would like to see. I understand why Angela has tabled the amendments, but I think that they take us back to forcing a local decision-making method. The question that arises throughout the Bill is where to strike the balance between local, regional or national decision-making methods. However, in this specific part, as we are talking about special education in particular, it is appropriate that the decision is made on a regional level. So, I cannot support the rest of the amendments, but there is merit in the lead amendment of this group.

[24] **Christine Chapman:** Do any other Members wish to speak? I see that they do not. Minister?

[25] **Leighton Andrews:** In a sense, Simon Thomas has put his finger on it: we are talking about where we need to ensure the quality of regional provision. That is what our own amendment 67 is about, which will require Welsh Ministers to consult in accordance with the school organisation code before publishing proposals to secure regional special educational needs provision. In the case of special educational needs, it is often necessary to ensure that the provision exists on a regional basis, because a single local authority might not have sufficient numbers of young people with particular special educational needs to provide the critical mass necessary to sustain a facility. So, it is about ensuring something that is proportionate.

9.45 a.m.

[26] While the requirements that are included in the unamended provisions reflect the law as it currently exists, our amendment does secure a greater consistency between the way in which Welsh Ministers are required to exercise their powers under section 69, on proposals to secure regional SEN provision, and sections 72 to 73, which are on the consultation on proposals for the restructuring of sixth form provision.

[27] We do not agree with amendments 195, 196 or 197, which would require local inquiries to be held in relation to proposals to secure regional SEN provision. I do not think that they are necessary in the context of the amendment that I have brought forward to consult in accordance with the code. In respect of amendment 194, I do not think that it is necessary to require the Welsh Ministers to issue guidance on when they will exercise their powers to publish regional SEN proposals. The school organisation code will essentially perform this function. Members have seen the school organisation code, and it gives considerable guidance as to the way in which we would approach this issue.

[28] **Christine Chapman:** I call on Angela to reply.

[29] **Angela Burns:** Thank you for your consideration. I just have to cleave to our basic

principles when looking at this Bill. Although the Bill seeks to address much that needs to be addressed, particularly in relation to local education authorities undertaking their statutory duties, I have to say that we have a degree of reservation about the Ministers being able to constantly bring back to them powers and rights that have no other input. So, for us, it is all about ensuring that we have clarity, transparency and, above all, that we have checks and balances. Again, I would say that where a Minister initiates actions there should be an appropriate check and balance. We felt that local inquiries would give people the opportunity to have their say. I would make the point that we are not then saying that the Minister should be bound by the local inquiry, but should just give due consideration to being able to hear the objections of people who are there on the ground.

[30] **Christine Chapman:** Angela, do you wish to proceed to a vote on an amendment 194?

[31] **Angela Burns:** Yes, indeed.

[32] **Christine Chapman:** The question is that amendment 194 be agreed to. Does any Member object? I see that there are objections; therefore, I call for a vote.

*Gwelliant 194: O blaid 5, Ymatal 0, Yn erbyn 5.
Amendment 194: For 5, Abstain 0, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Burns, Angela
Davies, Jocelyn
Davies, Suzy
Roberts, Aled
Thomas, Simon

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Chapman, Christine
Evans, Rebecca
Morgan, Julie
Neagle, Lynne
Rathbone, Jenny

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog Rhif 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order No. 6.20(ii).

*Gwrthodwyd gwelliant 194.
Amendment 194 not agreed.*

[33] **Christine Chapman:** We now move to dispose of amendments 60 to 66 in the name of the Minister. These amendments were debated as part of group 11 at our meeting on 14 November. These amendments appear consecutively on the marshalled list.

[34] I move amendments 60, 61, 62, 63, 64, 65 and 66 in the name of the Minister. Given their nature, I propose that these amendments be disposed of together. Does any Member object? I see that there are no objections.

[35] The question is that amendments 60 to 66 be agreed to. Does any Member object? I see that there are objections; therefore, I call for a vote.

*Gwelliannau 60, 61, 62, 63, 64, 65 a 66: O blaid 8, Ymatal 0, Yn erbyn 2.
Amendments 60, 61, 62, 63, 64, 65 and 66: For 8, Abstain 0, Against 2.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Chapman, Christine
Davies, Jocelyn
Evans, Rebecca
Morgan, Julie
Neagle, Lynne
Rathbone, Jenny
Roberts, Aled
Thomas, Simon

Burns, Angela
Davies, Suzy

*Derbyniwyd gwelliannau 60, 61, 62, 63, 64, 65 a 66.
Amendments 60, 61, 62, 63, 64, 65 and 66 agreed.*

[36] **Christine Chapman:** Minister, do you wish to proceed to a vote on amendment 67?

[37] **Leighton Andrews:** Yes, please.

[38] **Christine Chapman:** I move amendment 67 in the name of the Minister. The question is that amendment 67 be agreed to. Does any Member object? I see that there are no objections. Amendment 67 is therefore agreed in accordance with Standing Order No. 17.34.

*Derbyniwyd gwelliant 67.
Amendment 67 agreed.*

[39] **Christine Chapman:** Angela, would you like to move amendment 195?

[40] **Angela Burns:** I move amendment 195 in my name.

[41] **Christine Chapman:** The question is that amendment 195 be agreed to. Does any Member object? I see that there are objections; therefore, I call for a vote.

*Gwelliant 195: O blaid 2, Ymatal 0, Yn erbyn 8.
Amendment 195: For 2, Abstain 0, Against 8.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Burns, Angela
Davies, Suzy

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Chapman, Christine
Davies, Jocelyn
Evans, Rebecca
Morgan, Julie
Neagle, Lynne
Rathbone, Jenny
Roberts, Aled
Thomas, Simon

*Gwrthodwyd gwelliant 195.
Amendment 195 not agreed.*

[42] **Christine Chapman:** As amendment 195 has not been agreed to, amendments 196 and 197 in the name of Angela Burns fall.

*Methodd gwelliannau 196 a 197.
Amendments 196 and 197 fell.*

[43] **Christine Chapman:** We now move to dispose of amendments 68 and 69 in the name of the Minister. These amendments were debated as part of group 7 at our meeting on 14 November.

[44] I move amendment 68 in the name of the Minister. The question is that amendment 68 be agreed to. Does any Member object? I see that there are objections; therefore, I call for a vote.

*Gwelliant 68: O blaid 8, Ymatal 0, Yn erbyn 2.
Amendment 68: For 8, Abstain 0, Against 2.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
Davies, Jocelyn
Evans, Rebecca
Morgan, Julie
Neagle, Lynne
Rathbone, Jenny
Roberts, Aled
Thomas, Simon

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Burns, Angela
Davies, Suzy

*Derbyniwyd gwelliant 68.
Amendment 68 agreed.*

[45] **Christine Chapman:** I move amendment 69 in the name of the Minister. The question is that amendment 69 be agreed to. Does any Member object? I see that there are objections; therefore, I call for a vote.

*Gwelliant 69: O blaid 8, Ymatal 0, Yn erbyn 2.
Amendment 69: For 8, Abstain 0, Against 2.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
Davies, Jocelyn
Evans, Rebecca
Morgan, Julie
Neagle, Lynne
Rathbone, Jenny
Roberts, Aled
Thomas, Simon

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Burns, Angela
Davies, Suzy

*Derbyniwyd gwelliant 69.
Amendment 69 agreed.*

**Grŵp 14: Trefniadaeth Ysgolion—Cynigion i Ailstrwythuro Addysg Chweched
Dosbarth a Wneir gan Weinidogion Cymru (Gwelliannau 198, 199, 200 a 201)
Group 14: School Organisation—Proposals for Restructuring Sixth Form Education
Made by Welsh Ministers (Amendments 198, 199, 200 and 201)**

[46] **Christine Chapman:** The lead amendment in this group is amendment 198. I call on Angela Burns to move and speak to amendment 198 and to speak to the other amendments in the group.

[47] **Angela Burns:** I move amendment 198 in my name.

[48] Minister, amendment 198 again picks up our belief that even Welsh Ministers should have appropriate checks and balances. When a Welsh Minister commences a chain of action such as restructuring sixth form education, if there are objections to the proposal, a local

inquiry should be constituted. Such a local inquiry would consider the proposals and the objections and could offer an informed local view to the Minister. Furthermore, we believe that while it is right and proper for Welsh Ministers to have and to be able to use executive powers, we also believe, for the sake of open and transparent democracy, that it is acceptable to require that Ministers justify the use of those executive powers. We also run against the argument that objectors could resort to judicial review. We believe that that is incredibly costly and hugely time-consuming, and the right to judicial review should surely be used as a last rather than a first port of call.

[49] Amendment 199 relates to where a local inquiry has been triggered in relation to sixth form education proposals and the decision subsequently made by the Minister. Amendments 200 and 201 are consequential to amendment 199.

[50] **Christine Chapman:** Does any other Member wish to speak?

[51] **Simon Thomas:** Bydd y pwyllgor yn cofio ein bod wedi cynnig gwelliannau bythefnos yn ôl a oedd yn mynd y ffordd arall a cheisio cael gwared â'r ddarpariaeth gyffredinol ynglŷn â phaneli penderfynu lleol. I mi, mae hyn yn cyplysu â'r hyn rydych yn ei wneud â'r chweched dosbarth achos mae elfen ranbarthol yn fwyfwy yn dod i mewn i hynny. Dywedodd y Gweinidog bythefnos yn ôl byddai'r Llywodraeth yn ystyried y ffordd ymlaen ar y materion hyn. Felly, rwy'n derbyn bod y Llywodraeth yn mynd i edrych ar hyn. Mae'r chweched dosbarth, hyd y gwelaf i, yn gorfod bod yn rhan o'r ystyriaeth honno, felly rwy'n eiddgar i weld beth sydd gan y Llywodraeth i'w gynnig. Ni allaf gefnogi gwelliannau Angela Burns, gan eu bod yn mynd yn erbyn llif y gwelliannau eraill a oeddem ni'n ceisio eu gwneud i'r Bil y tro diwethaf. Felly, yn y cyd-destun hwnnw, mae Plaid Cymru yn disgwyl i weld beth sydd gan y Llywodraeth i'w gynnig fel gwelliannau yng Nghyfnod 3 ac, yn anffodus, ni allwn gefnogi'r gwelliannau hyn.

[52] **Aled Roberts:** Rydw i mewn sefyllfa ddigon tebyg. Cynigiwyd gwelliannau gennym a oedd yn ceisio rhoi tipyn mwy o fanylder ynghylch y ffordd yr oedd y Gweinidog yn gweithredu. Yr oedd yn gynnig gwahanol i'r hyn yr oedd Simon Thomas yn ei gynnig wrth dynnu'r egwyddor o baneli yn ôl. Dywedodd y Gweinidog bryd hynny ei fod yn barod i ystyried ffordd wahanol ymlaen, ac yr wyf hefyd yn meddwl bod hynny'n cyplysu gydag unrhyw fath o ad-drefnu o ran y chweched dosbarth mewn ysgolion neu'r chweched dosbarth yn

Simon Thomas: The committee will remember that we proposed amendments a fortnight ago that went the other way and tried to get rid of the general provision regarding local determination panels. To me, this complements what you are doing with the sixth forms, because a regional element is coming into that more and more. The Minister said a fortnight ago that the Government was considering the way forward on these matters. Therefore, I accept that the Government is going to look at this. Sixth forms, as far as I can see, have to be part of that consideration, so I am keen to see what the Government has to offer. I cannot support Angela Burns's amendments, because they go against the flow of the other amendments to the Bill that we were trying to introduce last time. Therefore, in that context, Plaid Cymru is waiting to see what the Government has to offer in terms of amendments at Stage 3 and, unfortunately, we cannot support these amendments.

Aled Roberts: I am in a similar situation. We also proposed amendments that tried to provide a little more detail in terms of how the Minister acts. That was a different approach from that which Simon Thomas took in terms of withdrawing the principle of determination panels. The Minister said at that point that he was willing to consider an alternative way forward, and I also think that that links in with any kind of reorganisation of school sixth forms or sixth forms in general.

gyffredinol.

[53] **Julie Morgan:** If the proposals went ahead as planned, the Minister would consult on any proposals in any case. So, a local inquiry would be unnecessary.

[54] **Christine Chapman:** Minister, would you like to say something on this?

[55] **Leighton Andrews:** I think that Julie Morgan has made my case for me, so I will say nothing more.

[56] **Angela Burns:** I would like to pick up on Julie Morgan's comment, because she is right that there is such a requirement. However, this is about how we consult and about ensuring that it is a true consultation, because it is very easy to consult and not reach the people you need to reach.

[57] **Christine Chapman:** Angela, do you wish to proceed to a vote on amendment 198?

[58] **Angela Burns:** Yes, please.

[59] **Christine Chapman:** The question is that amendment 198 be agreed to. Does any Member object?

[60] **Lynne Neagle:** Yes.

[61] **Christine Chapman:** I will therefore call for a vote.

Gwelliant 198: O blaid 2, Ymatal 0, Yn erbyn 8.

Amendment 198: For 2, Abstain 0, Against 8.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Burns, Angela
Davies, Suzy

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Chapman, Christine
Davies, Jocelyn
Evans, Rebecca
Morgan, Julie
Neagle, Lynne
Rathbone, Jenny
Roberts, Aled
Thomas, Simon

Gwrthodwyd gwelliant 198.

Amendment 198 not agreed.

[62] **Christine Chapman:** As amendment 198 is not agreed, amendments 199, 200 and 201 in the name of Angela Burns fall.

Methodd gwelliannau 199, 200 a 201.

Amendments 199, 200 and 201 fell.

[63] **Christine Chapman:** We now come to dispose of amendment 70 in the name of the Minister, which was debated as part of group 9 at our meeting on 14 November. Minister, do you wish to proceed to a vote on amendment 70?

[64] **Leighton Andrews:** Yes, please.

[65] **Christine Chapman:** I move amendment 70 in the name of the Minister. The

question is that amendment 70 be agreed to. Does any Member object? I see that there are no objections, therefore amendment 70 is agreed to in accordance with Standing Order No. 17.34(i).

*Derbyniwyd gwelliant 70.
Amendment 70 agreed.*

[66] **Christine Chapman:** We now move to dispose of amendments 71 to 77 in the name of the Minister, which were debated as part of group 7 at our meeting on 14 November. Minister, do you wish to proceed to a vote on amendments 71 to 77?

[67] **Leighton Andrews:** Yes, I do.

[68] **Christine Chapman:** I move amendments 71 to 77 in the name of the Minister. These amendments are consecutive on the marshalled list and, due to their nature, I propose that we dispose of them en bloc. Does any Member object to that? I see that you do not.

[69] The question is that amendments 71 to 77 be agreed to. Does any Member object?

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

[71] **Christine Chapman:** I therefore call for a vote.

*Gwelliannau 71 i 77: O blaid 8, Ymatal 0, Yn erbyn 2.
Amendments 71 i 77: For 8, Abstain 0, Against 2.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
Davies, Jocelyn
Evans, Rebecca
Morgan, Julie
Neagle, Lynne
Rathbone, Jenny
Roberts, Aled
Thomas, Simon

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Burns, Angela
Davies, Suzy

*Derbyniwyd gwelliannau 71 i 77.
Amendments 71 to 77 agreed.*

[72] **Christine Chapman:** We now move to dispose of amendment 202, which was debated as part of group 7. Angela, would you like to move amendment 202?

[73] **Angela Burns:** I move amendment 202 in my name.

[74] **Christine Chapman:** The question is that amendment 202 be agreed to. Does any Member object?

[75] **Lynne Neagle:** Yes.

[76] **Christine Chapman:** I therefore call for a vote.

*Gwelliant 202: O blaid 2, Ymatal 0, Yn erbyn 8.
Amendment 202: For 2, Abstain 0, Against 8.*

Pleidleisiodd yr Aelodau canlynol o blaid:

Pleidleisiodd yr Aelodau canlynol yn erbyn:

The following Members voted for:

Burns, Angela
Davies, Suzy

The following Members voted against:

Chapman, Christine
Davies, Jocelyn
Evans, Rebecca
Morgan, Julie
Neagle, Lynne
Rathbone, Jenny
Roberts, Aled
Thomas, Simon

*Gwrthodwyd gwelliant 202.
Amendment 202 not agreed.*

10.00 a.m.

[77] **Christine Chapman:** We now move to dispose of amendments 78 and 79 in the name of the Minister, which were debated as part of group 7. Minister, do you wish to proceed to a vote on amendments 78 and 79?

[78] **Leighton Andrews:** Yes, I do.

[79] **Christine Chapman:** I move amendment 78 in the name of the Minister. The question is that amendment 78 be agreed to. Does any Member object? I see that they do. I therefore call for a vote.

*Gwelliant 78: O blaid 8, Ymatal 0, Yn erbyn 2.
Amendment 78: For 8, Abstain 0, Against 2.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
Davies, Jocelyn
Evans, Rebecca
Morgan, Julie
Neagle, Lynne
Rathbone, Jenny
Roberts, Aled
Thomas, Simon

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Burns, Angela
Davies, Suzy

*Derbyniwyd gwelliant 78.
Amendment 78 agreed.*

[80] **Christine Chapman:** I move amendment 79 in the name of the Minister. The question is that amendment 79 be agreed to. Does any Member object? I see that they do. I therefore call for a vote.

*Gwelliant 79: O blaid 8, Ymatal 0, Yn erbyn 2.
Amendment 79: For 8, Abstain 0, Against 2.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
Davies, Jocelyn
Evans, Rebecca
Morgan, Julie
Neagle, Lynne
Rathbone, Jenny

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Burns, Angela
Davies, Suzy

Roberts, Aled
Thomas, Simon

*Derbyniwyd gwelliant 79.
Amendment 79 agreed.*

Grŵp 15: Cynlluniau Strategol Cymraeg mewn Addysg (Gwelliannau 172, 150, 204, 205, 206, 151, 173 a 174)

Group 15: Welsh in Education Strategic Plans (Amendments 172, 150, 204, 205, 206, 151, 173 and 174)

[81] **Christine Chapman:** The lead amendment in the group is amendment 172. I call on Simon Thomas to move and speak to amendment 172 and to speak to the other amendments in the group.

[82] **Simon Thomas:** Cynigiau welliant 172 yn fy enw i, gydag enw Jocelyn Davies yn ei gefnogi.

Simon Thomas: I move amendment 172 in my name, with the name of Jocelyn Davies in support.

[83] Wrth gynnig y gwelliant, rwy'n cydnabod bod Aled ac Angela wedi cynnig gwelliannau tebyg yn y grŵp hwn. Rwy'n ddiolchgar am hynny oherwydd mae cefnogaeth i edrych eto ar y rhan hon o'r Bil. Hoffwn atgoffa'r pwyllgor pam yr ydym yn ceisio gwella'r rhan hon o'r Bil yn arbennig. Wrth baratoi adroddiad ar y Bil ac yn ystod ein trafodaethau arno, cawsom dipyn o dystiolaeth ar y mater hwn sy'n ymwneud â chynlluniau Cymraeg mewn addysg. Yn gyntaf oll, roedd tystiolaeth o blaid rhoi cynlluniau Cymraeg mewn addysg ar lefel statudol, fel y mae'r Bil yn ei wneud ac fel y mae'r Llywodraeth yn bwriadu ei wneud. Roedd tipyn o gefnogaeth o'r undebau, awdurdodau lleol, Estyn a Llywodraethwyr Cymru; roeddent i gyd o blaid gosod cynlluniau Cymraeg mewn addysg ar lefel statudol ac rydym yn cefnogi hynny'n llwyr.

In proposing the amendment, I recognise that Aled and Angela have proposed similar amendments in this group. I am grateful for that because it means that there is support for looking again at that part of the Bill. I will remind the committee why we are trying to amend this part of the Bill in particular. In preparing a report on the Bill and during our consideration of it, we received a lot of evidence on the issue of Welsh in education strategic plans. First, there was evidence in favour of placing Welsh in education plans on a statutory footing, as the Bill does and the Government intends to do. There was a lot of support from the unions, local authorities, Estyn and Governors Wales; they were all in favour of placing in Welsh in education plans on a statutory footing and we are fully supportive of that.

[84] Fodd bynnag, mae sawl tyst i'r pwyllgor wedi cydnabod efallai fod gwendid yn y ffordd y cafodd y Bil ei baratoi, sef, er bod y Bil yn gwneud darpariaeth ddigonol ar gyfer asesu galw am addysg cyfrwng Cymraeg ac ar gyfer sicrhau bod cynlluniau Cymraeg mewn addysg ar waith gan awdurdodau lleol, nid oedd yn ateb y cwestiwn ynglŷn â beth fyddai'n digwydd pe na bai'r ddau yn cwrdd—pe bai'r galw'n cael ei asesu a'r cynllun yn cael ei wneud, ond nid oedd y ddarpariaeth yn dilyn hynny yn ddigonol i gwrdd â'r galw am addysg Gymraeg mewn ardal arbennig. Dyna beth mae'r gwelliannau yn y grŵp hwn yn ceisio

However, a number of witnesses recognised that there might be weaknesses in the way that the Bill was prepared, which is that even though the Bill made adequate provision for assessing the demand for Welsh-medium education and for ensuring that Welsh in education plans were implemented by local authorities, it did not address the issue of what would happen if those two things did not come together—if there was an assessment of demand and a plan was made, but the provision following on from that was not adequate to meet the need for Welsh-medium education in a particular area. That is what the amendments in this group endeavour to

mynd i'r afael ag ef.

[85] Roedd natur y pryderon a fynegwyd i'r pwyllgor yn ymwneud â dau beth. Un oedd y dylai fod rhyw fath o orfodaeth neu anogaeth ar awdurdodau i sicrhau bod y galw'n cael ei ateb. Ar y llaw arall, roedd rhai yn gofyn a ddylai fod rhyw fath o gosb pe na bai awdurdod lleol yn cwrdd â'r galw am addysg Gymraeg. Nid wyf wedi ceisio cosb yn y fan hon, ond rwy'n credu bod un o'r gwelliannau yn ceisio hynny. Rydym yn ceisio sicrhau bod y ddarpariaeth ar gael. Yn benodol, mae Rhieni dros Addysg Gymraeg a Chomisiynydd Plant Cymru wedi tynnu sylw at hyn fel rhywbeth y mae angen edrych arno eto.

[86] Yr hyn y mae gwelliant 172 a gwelliannau eraill yn y grŵp hwn yn ceisio ei wneud yw gwneud yn siŵr bod y galw ymysg rhieni am addysg cyfrwng Cymraeg, sef yr asesiad sy'n cael ei wneud o dan adran 87 y Bil, yn cael ei ateb, a bod hynny'n cael ei wneud 'mewn ffordd resymol'. Mae'r gair 'rhesymol' yn bwysig fan hyn. Mae'n air sy'n cael ei dderbyn yn eang mewn deddfwriaeth am ei fod yn osgoi'r angen am gosbi am beidio â gwneud rhywbeth. Rwy'n gobeithio y bydd y Llywodraeth yn derbyn y gair 'resymol'. Mae'n golygu bod yr asesiad o'r galw a'r gwaith paratoi ar gyfer bodloni'r galw hwnnw yn digwydd ar lefel leol; nid oes modd i awdurdodau lleol beidio â darparu yn y pen draw, os bydd y gwelliannau hyn yn cael eu derbyn, oherwydd bydd dyletswydd statudol i ateb y galw 'mewn ffordd resymol'. Mae hynny'n rhywbeth y gallwn chwilio amdano ac yn rhywbeth rwy'n gobeithio y gall y Gweinidog ymateb yn bositif iddo.

[87] Rhoddaf enghraifft gyflym, oherwydd mae hi bob amser yn haws meddwl yn nhermau rhywbeth go iawn. Mae ysgol yn agos iawn at swyddfa fy etholaeth yn Llanelli, ym Mhorth Tywyn. Mae ysgol Gymraeg ac ysgol nad yw'n benodedig Gymraeg yno. Mae'r ysgol nad yw'n benodedig Gymraeg mewn hen adeilad Fictoriaidd, ac yn briodol, mae'n cael ysgol gwbl newydd. Mae hynny yn gwbl briodol. Felly, mae hynny yn symud ymlaen ac mae darpariaeth resymol ar gyfer y rheini nad dynt yn dymuno addysg cyfrwng Cymraeg

tackle.

The nature of the concerns expressed to the committee related to two issues. One was that there should be some sort of requirement made of authorities to ensure that the demand is met, or that they should be encouraged to do so. On the other hand, some asked whether there should be some sort of penalty if a local authority failed to meet the demand for Welsh education. I am not seeking a penalty here, but I think that one of the amendments seeks to ensure that. We are trying to ensure that the provision is made. Specifically, RhAG and the Children's Commissioner for Wales have identified this as an issue that needs to be looked at again.

What amendment 172 and other amendments in this group are trying to do is to ensure that the demand among parents for Welsh-medium education, which is the assessment made under section 87 of the Bill, is met and done so 'reasonably'. The word 'reasonably' is important here. It is a word that is accepted widely in legislation as it avoids the need for punitive action. Therefore, I would hope that the Government would accept the word 'reasonably'. It means that an assessment of demand and preparations for meeting that demand happen at a local level; there is no way in which local authorities can fail to provide if these amendments are accepted, because there will be a statutory requirement to meet the demands, and to do so 'reasonably'. I think that that is something we could seek, and something that I hope that the Minister can respond to positively.

I will give you one quick example, because I think that it is always easier to think of things in terms of practical situations. There is a school very close to my constituency office in Llanelli, in Burry Port. There is a Welsh-medium school there and a school that is not a designated Welsh-medium school. The school that is not a designated Welsh-medium school is in a very old Victorian building. Quite appropriately, it is to have an entirely new school. It is very appropriate indeed; things are progressing and there is reasonable provision for those people who do not seek

i'w plant. Mae'r ysgol Gymraeg ym Mhorth Tywyn mewn adeilad sy'n dyddio yn ôl i'r 1970au, felly nid yw mor hen ag adeilad o'r cyfnod Fictoriaidd, ond, fel y mae rhai ohonoch yn gwybod, weithiau mae'r adeiladau o'r 1970au yn waeth na'r adeiladau Fictoriaidd, o safbwynt y problemau sy'n dod yn eu sgîl, o ran *damp* a dŵr yn dod i mewn. Mae'r ysgol hon wedi ei gordanysgrifio bob blwyddyn. Rwyf newydd gael y ffigur mwyaf diweddar: roedd 20 o blant ym mis Medi eleni yn methu â chael lle yn yr ysgol honno. Dewis y rhieni yw cael ysgol Gymraeg yn lleol. Felly, mae'r galw wedi ei fesur, ond nid yw'r ddarpariaeth yn ddigonol yn lleol.

[88] Mae'n wir fod ysgol arall ryw 5 milltir i ffwrdd yng Nghydsweli, ond mae honno'n llawn hefyd. Felly, mae'r 20 o blant hynny'n mynd ymhellach ac ymhellach, ac, yn y pen draw, mae rhai yn penderfynu mynd i ysgol mwy lleol, ac felly nid oes addysg cyfrwng Cymraeg ar gael ar gyfer pob un o'r 20 hynny. Ni fyddai cwrdd â'r galw hwnnw'n rhesymol yn golygu adeiladu ysgol newydd dros nos, ond byddai'n golygu sicrhau bod lle yn y cylch ar gyfer yr 20 o blant hynny.

[89] Dyna enghraifft ficro o'r hyn rwy'n ceisio ei wneud ar y lefel facro yn y Bil hwn. Mae'r gwendid wedi ei nodi yn ein hadroddiad, a chafodd ei gydnabod gan y tystion i'r pwyllgor. Nid wyf yn dweud bod y gwelliannau hyn yn berffaith, ond trwy geisio ateb y galw ymysg rhieni 'mewn ffordd resymol', rwy'n meddwl ein bod wedi ceisio gwneud y gorau posibl i gryfhau'r Bil heb danseilio'r hyn y mae'r Llywodraeth yn ceisio ei wneud yn y Bil. Rwy'n gobeithio'n fawr y caiff rhai o'r gwelliannau hyn gefnogaeth y pwyllgor.

[90] **Aled Roberts:** Yn y lle cyntaf, rwy'n cydnabod y ffaith bod y Gweinidog wedi cydnabod y galw am addysg Gymraeg ac wedi rhoi addysg Gymraeg ar lefel statudol. Mae'n bwysig i ni gyd gydnabod hynny, a dylem ddiolch iddo am hynny. Rwyf hefyd yn ddigon bodlon cyfaddef, hwyrach, fod gwelliant Simon Thomas, sef gwelliant 172, yn un gwell na fy ngwelliant i, sef gwelliant 150, felly ni fyddaf yn cynnig gwelliant 150 yn ffurfiol. Rwy'n barod, fodd bynnag, i

Welsh-medium education for their children. The Welsh-medium school in Burry Port is in a building dating back to the 1970s, so it is not Victorian, but, as some of you know, buildings from the 1970s can be worse than Victorian buildings, given the problems that are caused by damp, leaks and so on. This school has been oversubscribed over a period of years. I have just been given the latest figures: in September of this year, 20 pupils failed to get places in that school. It is the parents' choice to have local Welsh-medium education. So, the demand has been assessed, but the provision is not adequate at a local level.

It is true that there is another school some 5 miles away in Kidwelly, but that is also full. So, those 20 children have to travel further and further to access Welsh-medium education, and, at the end of the day, some parents decide on a more local school and, therefore, there is no option for Welsh-medium education available for all those children. So, making reasonable provision to meet that demand would not mean building a new school overnight, but it would mean providing places in the catchment area for those 20 children.

That is a micro example of what I am trying to achieve at a macro level in this Bill. The deficiencies have been identified in our report and have been identified by witnesses to the committee. I am not saying that these amendments are perfect, but trying to meet the demand among parents 'reasonably' strengthens the Bill without undermining what the Government is endeavouring to do in the Bill. Therefore, I very much hope that some of these amendments will be supported by the committee.

Aled Roberts: In the first place, I acknowledge that the Minister has recognised the demand for Welsh-medium education and has placed in on a statutory footing. It is important that we all acknowledge that point and thank him for it. I am willing to admit that Simon Thomas's amendment, amendment 172, is perhaps better than my amendment 150, and therefore, I will not be proposing amendment 150 formally. However, I am willing to propose that

gynnig fod gwelliant 151 yn cael ei ystyried, oherwydd mae gwelliant Simon yn rhoi cyfrifoldeb ar yr awdurdod addysg i asesu, yn y lle cyntaf, ac mae'r Gweinidog wedi gwneud hynny yn y Bil. Hefyd, fel y dywedodd Simon, cawsom dystiolaeth gan nifer o bobl yn ystod ein hymchwiliad a oedd yn dweud nad yw'n ddigon da i asesu yn unig a bod yn rhaid i'r awdurdodau gyflwyno cynlluniau i ddarparu yn ôl y galw.

amendment 151 is considered because Simon's amendment places the responsibility on the education authority to assess, in the first place, and the Minister has done that in the Bill. Also, as Simon said, we have received evidence from a number of people during our inquiry to say that it is not good enough to only assess and that local authorities must bring forward plans to make provision according to demand.

[91] Hoffwn sôn am sefyllfa yn fy ardal i, yn Wrecsam. Cyngor Bwrdeistref Sirol Wrecsam oedd yr ail awdurdod i asesu'r galw hwn. Mae'r galw wedi cynyddu i lefelau sydd hyd yn oed yn uwch nag a grybwyllwyd yn yr asesiad hwnnw. Y broblem sydd gennym yn awr yw bod yr awdurdod yn dweud ei fod yn mynd i ddarparu gwasanaethau yn ôl y galw, ond yn dweud nad oes adnoddau ariannol ar gael. Yn sgîl hynny, cafodd 12 o blant eu gwrthod o'r dosbarth meithrin Cymraeg mewn ysgol yn fy mhentref i. Dim ond pedwar o'r 12 sydd wedi mynd ymlaen i gael addysg cyfrwng Cymraeg mewn ysgolion eraill yn sgîl y broblem a grybwyllwyd gan Simon, sef nad yw rhieni plant tair oed yn awyddus iddynt deithio am 5 neu 6 milltir i'r ysgol. Felly, dyma'r broblem sydd gennym: mae'r cyngor yn dweud nad yw'n gallu ymateb i'r galw gan nad oes arian ar gael. O ran gwelliant 151, y cwbl yr wyf yn ei ddweud yw y dylai'r Llywodraeth, o ran y cynllunio ariannol, ystyried y broblem sydd gan awdurdodau lleol. Yn Wrecsam eleni, dim ond tri lle gwag sydd mewn dosbarthiadau meithrin. Felly, rhaid i'r cyngor ychwanegu at y ddarpariaeth bresennol.

I would like to mention a situation in my area, in Wrexham. Wrexham County Borough Council was the second authority to assess this demand. Demand has risen to levels even higher than projected in that assessment. The problem that we now have is that the authority says that it is going to deliver services in response to the demand, but it is also saying that the financial resources are not available. In light of that, 12 children were refused a place in the Welsh-medium nursery class in a school in my village. Only four of those 12 have gone on to receive a Welsh-medium education in other schools, because of the problem mentioned by Simon, namely that the parents of three-year-old children are not keen for them to travel 5 or 6 miles to school. This, therefore, is the problem that we have: the council says that it cannot respond to demand because there is no money available. In respect of amendment 151, all that I am saying is that the Government, in its financial planning, should consider the problems of local authorities. In Wrexham this year, there are only three empty places in nursery classes. Therefore, the council has to add to existing provision.

[92] **Suzy Davies:** I confirm that we are minded to support all the amendments. I thank Simon for what he said earlier. When the Minister replies to this part of the debate, perhaps he can confirm that the powers of intervention that relate to education functions and that appear much earlier in the Bill would also apply in the event of local authorities failing to comply with their obligations under this part of the Bill. Simon Thomas mentioned earlier that none of us put forward amendments regarding penalties. However, that was on the basis that there was no need to do so because the earlier part of the Bill would have dealt with that.

[93] Speaking to the amendments that will be moved by Angela Burns in due course, our amendment 204 simply extends the list of consultees, making it plain who should be consulted locally by the local education authority on Welsh education plans. The list would therefore include the parents of children who attend, or are likely to attend, the schools that are affected. The Bill did not specify that originally, which was quite extraordinary, particularly when other consultees are named specifically on the face of the Bill. We particularly want to see this amendment pass as there are still certain communities in Wales that do not see the advantages

of Welsh-medium education or Welsh teaching more widely, and failing to consult parents in those communities is likely to serve only to harden their views and confirm any perceptions that Welsh is being foisted on them against their will. Making them a part of the process would help those parents to overcome their apprehensions and misapprehensions, as well as alerting LEAs to genuine problems that they may have failed to spot in time and that could then be addressed.

[94] Amendment 2005—

[95] **Christine Chapman:** It is amendment 2006. No, sorry. I mean amendment 206.

[96] **Suzy Davies:** Oh, apologies. It is a long Bill. [*Laughter.*]

[97] Amendment 206 is before us because we are not always convinced that there are sufficient checks and balances on the power of the Welsh Ministers in this Bill. Section 86 permits the Welsh Ministers to approve, modify or reject a local education authority's Welsh in education plan. If they decide to modify or replace a local authority plan, there is no obligation to expose that modification or replacement to scrutiny, and yet the LEA will have to implement it. So, the amendment imposes a minimum requirement on the Welsh Minister to consult the local authority on any such modifications or replacement proposals.

[98] Section 86 also asks local authorities to 'take all reasonable steps' to implement a plan once approved. We would like ministerial confirmation that 'reasonable steps' includes teacher training. Local health boards are citing a lack of consultants as a reason to argue for some pretty unpalatable hospital reforms, and none of us wants to be facing a meltdown in Welsh-language education because of a lack of suitably qualified teachers. So, amendment 206 simply asks for teacher training to be specifically referred to in the Bill to help to prevent that situation. However, if the Minister is able to give us a categorical reassurance that the requirement will be included in relevant secondary legislation, we may decide not to move this particular amendment.

[99] **Christine Chapman:** Do any other Members wish to speak? I see that they do not. I call on the Minister to reply to the debate.

[100] **Leighton Andrews:** I thank Members who acknowledge that the move to put the Welsh in education strategic plans on a statutory basis is a fundamental step forward. It was a manifesto commitment of my party, and I am delighted to be implementing it. I want to confirm to Suzy Davies that the powers that we debated earlier in the Bill will apply to Welsh in education strategic plans.

10.15 a.m.

[101] Chair, much of this is about the planning of school places, plans that we would naturally expect local authorities to be undertaking. They need to take the preparation of their voluntary Welsh in education strategic plans seriously, and they need to be aware that the forthcoming move to a statutory basis will require an improvement in existing plans. This is the first time that any legislation has been brought forward relating solely to Welsh-medium education and we need to get it right for all parts of Wales so that it reflects local linguistic differences and is effective but not too onerous for local authorities to comply with.

[102] The amendments that we are interested in tabling to the Bill seek some of the improvements that Members are seeking. I understand that Members want to improve the planning and provision of Welsh-medium education, but I think that there are problems with some of these amendments. Starting with amendments 173 and 174, I do not think that these are appropriate. The requirement to assess demand is an additional burden on local authorities

and should therefore be imposed only when appropriate. As drafted, the Bill provides a power for the Welsh Ministers to make regulations setting out the circumstances in which local authorities are to be required to measure demand. I think that that is appropriate as it allows us to frame the regulations in such a way as to safeguard current good practice in some local authorities and to be more specific in our directions to those authorities that have not been active in measuring demand.

[103] We need always to be aware of the danger of undermining current good practice with the introduction of a blanket approach, and there is a risk that these amendments would do that. However, I recognise that there is scope to make the connection between the assessment of demand and the preparation of the Welsh in education strategic plans more specific on the face of the Bill. Therefore, I am minded to bring forward a Government amendment at the next stage to do this.

[104] Amendments 172, 150, which is now not being moved, and 151 relate to meeting the demand for Welsh-medium education. In our view, amendment 172 seeks to change the purpose of the Welsh in education strategic plans to add a focus on improving the planning and provision of Welsh-medium education so as to reasonably meet the demand among parents. In our view, this is not appropriate, as it links the planning for Welsh-medium education solely to meeting parental demand when there are other factors that we need to take into account, including the questions of the quality and distribution of provision. We do not regard amendment 151 as appropriate as it imposes an obligation to fund a particular element of educational provision without due consideration of other funding needs within the education system locally. As we all know, there are severe pressures on financial resources in the current economic climate and Ministers need to balance competing funding needs of different education sectors. There is, and must be, articulation between the planning of school places and the WESPs, and the school organisation code provides this.

[105] Amendment 204 requires local authorities to consult with the parents of children or young persons in schools. In considering this amendment, I sought to balance the merits of local authorities consulting with a large number of people with the need to avoid making the process so onerous and costly for those authorities that it becomes unworkable. As all schools are affected by the Welsh in education strategic plans, every parent across the entire local authority area would need to be consulted. That is a very substantial number of people, and it would be both difficult and disproportionately expensive to consult meaningfully and fully with them all. In addition, if the amendment were agreed, it would arguably also be necessary, in the interest of fairness, to consult adult students as they would similarly be affected. I believe that this amendment would make the consultation requirements too costly and too difficult for local authorities every time they prepared their Welsh in education strategic plans. In view of the fact that schools will be consulted, that local authorities will be required to assess demand in accordance with regulations, and that I have already said that I will bring forward an amendment to make it clear that local authorities must have regard to the results of that assessment in preparing their WESPs, I think that the Bill already provides adequate opportunity for parents to inform and shape the WESP.

[106] Amendment 205—no, 205. You have got me at it now. [*Laughter.*] Amendment 205 ensures that the Welsh Ministers must consult with a local authority before modifying the draft WESP. While this would occur as part of the iterative process for approving the WESPs, I am content to have this stipulated on the face of the Bill. If Angela Burns is content not to move her amendment, I will bring forward an appropriate Government amendment at Stage 3.

[107] Amendment 206, which Suzy Davies spoke to, highlights the importance of teacher training. While this is of vital importance, it will be addressed in regulations relating to the content of the WESP made under section 88(2)(a) of the Bill. It is anticipated that those regulations will include provision requiring local authorities to set out in their WESP what

steps they are taking in this regard.

[108] **Christine Chapman:** I call on Simon to reply to the debate.

[109] **Simon Thomas:** Hoffwn ddiolch i Aled Roberts a Suzy Davies yn benodol am eu cefnogaeth fras yn y grŵp hwn o welliannau. Hoffwn hefyd gydnabod yr hyn y mae'r Gweinidog wedi'i wneud wrth ddod â'r Bil hwn gerbron a gwireddu rhywbeth sydd wedi bod ar waith ganddo ers rhyw dair blynedd yn awr, sef troi cynlluniau gwirfoddol Cymraeg mewn addysg yn gynlluniau statudol. Rwy'n cydnabod bod hynny'n gam sylweddol ymlaen, a chyda'r gwelliannau hyn, rydym yn ceisio gwneud yn siŵr bod y cyfle hwn i ddeddfu mor berffaith â phosibl.

Simon Thomas: I thank Aled Roberts and Suzy Davies particularly for their broad support in this group of amendments. I also want to recognise what the Minister has done in bringing this Bill forward and in achieving something that he has had in the pipeline for three years or so now, namely turning these voluntary Welsh in education plans into statutory plans. I recognise that as a significant step forward, and what we are endeavouring to do with these amendments is ensure that this opportunity to legislate is as perfect as possible.

[110] Yn y cyd-destun hwnnw, imi fod yn glir, rwy'n deall bod y Gweinidog yn anhapus â geiriad fy ngwelliannau 173 ac 174, ac roedd yn awgrymu efallai fod y Llywodraeth yn ystyried gwelliannau i geisio gwella darpariaeth y Bil yn y cyd-destun arbennig hwnnw. Os mai dyna'r sefyllfa, ni fyddwn am gynnig y gwelliannau heddiw, gan aros i weld beth sydd gan y Llywodraeth mewn golwg.

In that context, just for me to be clear, I understand that the Minister is unhappy with the wording of my amendments 173 and 174, and he did suggest that the Government is considering its own amendments to seek to improve the provision in the Bill in that particular context. If that is the case, I would not seek to move the amendments today, but would wait to see what the Government has in mind.

[111] Mae'r prif welliant, sef 172, serch hynny, yn hynod bwysig—a gwnaf drysori geiriau Aled Roberts ei fod wedi'i eirio'n well na'i welliant ef.

Lead amendment 172, however, is extremely important—and I will treasure Aled Roberts's comments that my wording was better than his.

[112] **Aled Roberts:** Am unwaith. [*Chwerthin.*]

Aled Roberts: Just this once. [*Laughter.*]

[113] **Simon Thomas:** Ie. Gyda llaw, dyna'n union yr oeddwn wedi'i ysgrifennu ymlaen llaw ar fy mhapurau yma. Wedi dweud hynny, rydym i gyd yn ceisio cyrraedd yr un sefyllfa yn hyn o beth, ac rwy'n meddwl bod gofyn, fel y mae'r prif welliant yn ei wneud, i'r galw gael ei ateb mewn ffordd resymol yn welliant rhesymol—ac rwy'n ceisio peidio â defnyddio'r gair 'rhesymol' drwy'r amser, ond dyna y mae. Nid yw'n gosod rhyw oblygiadau y tu hwnt i'r disgwyl ar awdurdodau. Os oes gennych gynlluniau statudol, byddech yn disgwyl i'r galw o fewn y cynlluniau hynny gael eu hateb yn rhesymol, ac felly rwy'n gobeithio y bydd y pwyllgor o hyd yn gallu cefnogi'r prif welliant yn y grŵp hwn.

Simon Thomas: Yes. By the way, that is exactly what I had written down in my papers beforehand. Having said that, we are all endeavouring to reach the same point in this regard, and I think that requiring, as the lead amendment does, that the demand be met in a reasonable way is a reasonable amendment—and I am trying not to keep using the word 'reasonable', but that is what it is. It does not place any overly onerous burdens on authorities. If you have statutory plans, you would expect the demand within those plans to be addressed reasonably, and therefore I remain hopeful that the committee will still be able to support the lead amendment in this group.

[114] Rwyf hefyd yn derbyn y bydd y Llywodraeth naill ai yn derbyn neu'n dod â'i gwelliannau ei hun er mwyn ateb rhai o'r pwyntiau a wnaed gan Suzy. Felly, yn gyffredinol, mae'r ymateb wedi bod yn bositif i'r grŵp hwn o welliannau, ac rwy'n edrych ymlaen at weld yr hyn sydd gan y Llywodraeth i'w gynnig yn y cyfnod nesaf.

I also accept that the Government will either accept this or will table its own amendments in order to respond to some of the points that were made by Suzy. So, generally, the response has been positive to this group of amendments, and I look forward to seeing what the Government has to offer at the next stage.

[115] **Christine Chapman:** Thank you, Simon. Do you wish to proceed to a vote on amendment 172?

[116] **Simon Thomas:** Ydw.

Simon Thomas: I do.

[117] **Christine Chapman:** The question is that amendment 172 be agreed to. Does any Member object? I see that there is objection. I will therefore take a vote by show of hands.

*Gwelliant 172: O blaid 5, Ymatal 0, Yn erbyn 5.
Amendment 172: For 5, Abstain 0, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Burns, Angela
Davies, Jocelyn
Davies, Suzy
Roberts, Aled
Thomas, Simon

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Chapman, Christine
Evans, Rebecca
Morgan, Julie
Neagle, Lynne
Rathbone, Jenny

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog Rhif 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order No. 6.20(ii).

*Gwrthodwyd gwelliant 172.
Amendment 172 not agreed.*

[118] **Christine Chapman:** Aled has indicated that he will not move his amendment 150.

*Ni chynigiwyd gwelliant 150.
Amendment 150 not moved.*

[119] **Christine Chapman:** We now move to dispose of amendment 80 in the name of the Minister. This amendment was debated as part of group 2 at our meeting on 14 November. Minister, do you wish to proceed to a vote on amendment 80?

[120] **Leighton Andrews:** Yes, please.

[121] **Christine Chapman:** I move amendment 80 in the name of the Minister. The question is that amendment 80 be agreed to. Does any Member object? There is no objection. In that case, in accordance with Standing Order No. 17.34(i), I declare amendment 80 agreed.

*Derbyniwyd gwelliant 80.
Amendment 80 agreed.*

[122] **Christine Chapman:** Angela, would you like to move amendment 204?

[123] **Angela Burns:** Yes. I move amendment 204 in my name.

[124] **Christine Chapman:** The question is that amendment 204 be agreed to. Does any Member object? I see that there is an objection. We will take a vote.

*Gwelliant 204: O blaid 5, Ymatal 0, Yn erbyn 5.
Amendment 204: For 5, Abstain 0, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Burns, Angela
Davies, Jocelyn
Davies, Suzy
Roberts, Aled
Thomas, Simon

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Chapman, Christine
Evans, Rebecca
Morgan, Julie
Neagle, Lynne
Rathbone, Jenny

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog Rhif 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order No. 6.20(ii).

*Gwrthodwyd gwelliant 204.
Amendment 204 not agreed.*

[125] **Christine Chapman:** Angela, would you like to move amendment 205?

[126] **Angela Burns:** Given the Minister's assurances, I am happy to leave that amendment to one side.

*Ni chynigiwyd gwelliant 205.
Amendment 205 not moved.*

[127] **Christine Chapman:** Angela, would you like to move amendment 206?

[128] **Angela Burns:** Again, given the Minister's answers to my colleague, Suzy Davies, I am happy to leave that amendment to one side.

*Ni chynigiwyd gwelliant 206.
Amendment 206 not moved.*

[129] **Christine Chapman:** Aled, would you like to move amendment 151?

[130] **Aled Roberts:** Yes. I move amendment 151 in my name.

[131] **Christine Chapman:** The question is that amendment 151 be agreed to. Does any Member object? I see that there is an objection. Therefore, we will take a vote.

*Gwelliant 151: O blaid 5, Ymatal 0, Yn erbyn 5.
Amendment 151: For 5, Abstain 0, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Burns, Angela
Davies, Jocelyn
Davies, Suzy
Roberts, Aled
Thomas, Simon

Chapman, Christine
Evans, Rebecca
Morgan, Julie
Neagle, Lynne
Rathbone, Jenny

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog Rhif 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order No. 6.20(ii).

*Gwrthodwyd gwelliant 151.
Amendment 151 not agreed.*

[132] **Christine Chapman:** Can you confirm, Simon, that you are not moving amendment 173?

[133] **Simon Thomas:** That is right, in light of what the Minister said.

*Ni chynigiwyd gwelliant 173.
Amendment 173 not moved.*

[134] **Christine Chapman:** Can you also confirm that you are not moving amendment 174?

[135] **Simon Thomas:** That is right.

*Ni chynigiwyd gwelliant 174.
Amendment 174 not moved.*

[136] **Christine Chapman:** We will now take a break.

*Gohiriwyd y cyfarfod rhwng 10.27 a.m. a 10.39 a.m.
The meeting adjourned between 10.27 a.m. and 10.39 a.m.*

Grŵp 16: Brechwast am Ddim mewn Ysgolion a Chwnsela Mewn Ysgolion (Gwelliannau 152, 208, 214 a 90)

Group 16: Free School Breakfasts and School-based Counselling (Amendments 152, 208, 214 and 90)

[137] **Christine Chapman:** The lead amendment in the group is amendment 152. I call on Aled Roberts to move amendment 152 and to speak to the other amendments in the group.

[138] **Aled Roberts:** Rwy'n cynnig **Aled Roberts:** I move amendment 152 in my gwelliant 152 yn fy enw i. name.

[139] Mae tri gwelliant arall yn y grŵp hwn. Os ydych yn cofio, yn ystod ein trafodaethau fel pwyllgor, mynegwyd cryn dipyn o bryder ynglŷn ag ar ba sail y byddai cynghorau lleol yn ceisio tynnu'r ddarpariaeth o frechwastau yn ôl. Y cwbl mae'r gwelliant 152 yn ceisio ei wneud yw sicrhau bod yr awdurdodau lleol hynny yn rhoi rhesymau dros unrhyw newid i'w cynlluniau, os mai dyna maent yn bwriadu ei wneud. O ran gwelliannau 208 a 214, yn

There are three other amendments in this group. If you remember, during our discussions as a committee, there was quite a lot of concern expressed regarding the basis on which local authorities would try to withdraw the provision of breakfasts. All amendment 152 seeks to do is to ensure that those local authorities give reasons for any change to their plans, if that is what they intend to do. In terms of amendments 208 and 214, unfortunately I do not feel that I can

anffodus nid wyf yn teimlo fy mod yn gallu cefnogi'r gwelliannau hynny gan eu bod yn ceisio cyfyngu'r ddarpariaeth o frecwastau i'r plant sy'n derbyn cinio am ddim. Felly, nid wyf yn barod i gefnogi'r gwelliannau hynny.

support those amendments because they seek to restrict the provision of breakfasts to children who receive free school meals. Therefore, I am not willing to support those amendments.

[140] **Angela Burns:** We believe that our amendments 208 and 214 are very clear. We wish to protect the vulnerable child in two ways. We seek to ensure that the child in need of a free school breakfast receives just that, and we seek to ensure that there are sufficient funds available within a highly constrained budget to protect school-based counselling. I do not agree with the assertion that Aled Roberts has just made, because what our amendments are seeking to do is give local councils the opportunity to charge if they wish to do so—it is not mandatory. We certainly are not trying to restrict free school breakfasts, we are just being practical. Public funds for these initiatives are tight. In 2011, over £11 million was spent on free school breakfasts as a universal benefit, and, therefore, I, as a top-rate taxpayer, am able to drop my children off to free school breakfasts—in fact, I did so this morning in order to get here for my 9 a.m. start—and I do not have to pay a penny. I think that is financially indefensible in the long term. We believe that local authorities should not have to provide school breakfasts to children who are not eligible for free school meals without having the opportunity to charge for that provision, and our amendment 214 will ensure that local authorities have the power, should they wish to use it—I emphasise that again—to charge for providing breakfasts to those pupils who are not eligible under section 512ZB of the Education Act 1996 for free school meals.

[141] The ultimate objective of our amendments here is not to stop the provision of free school breakfasts, because it is patently clear that there is an enormous cohort of children for whom this is an incredibly important policy initiative. Our objective here is to say that, if you, as a local council, are struggling to find the budget to do other things, such as provide free school counselling—which we specifically target and tie this into—which is also about protecting, or having the opportunity to protect, vulnerable children, then why not enable them, if they wish, to charge for the provision of breakfasts to those children for whom a free school breakfast is not actually necessary in that they do not receive a free school lunch?

[142] We believe that that would free up much needed cash and we think we need to ensure, within a very tight budget, that we put more funds aside for the all-important counselling sessions that children may require. We all know from the work that we do that there are an awful lot of very vulnerable children within our school system who find it very difficult to find advocates, and a free school counselling service would be of immense benefit to those children. All we are trying to do is take a very limited pot of cash and say, 'There are a number of people who are able to pay; ask them to pay whatever it may be'. In fact, we go on to talk about the charge, because the Minister has already mentioned how we should charge for meals in the Bill, and the Education Act 1996 is very clear about the parity between the costs and so on. This is about saying that, if you can afford to pay, if your child is not in receipt of free school meals, pay a little bit, and local authorities can redeploy that money into school-based counselling. This is all about protecting vulnerable children, and ensuring that the money is going to be available in the long term for what has proven to be, Minister, a very successful policy for some children here in Wales.

[143] **Rebecca Evans:** I was really disappointed to see amendments 208 and 214. I cannot support anything that would undermine the provision of free school breakfasts on a universal basis. Amendment 208 in particular would unfairly stigmatise children who were entitled to free school meals, and that would be a terrible thing to happen. All children, especially vulnerable children, need to experience true equality in school, and they do that through school breakfasts. Therefore, I cannot support anything that would undermine that.

10.45 p.m.

[144] **Jenny Rathbone:** The flaw in Angela Burns's argument is that all those who are eligible for free school meals are actually claiming them. Unfortunately, for reasons that are quite complicated, a lot of children who are entitled to them do not claim free school meals. So, I think it would hugely complicate the life of headteachers who want to be able to promote the breakfast as a measure for ensuring that children are on time and ready to learn when school actually starts. In addition to that, it also undermines the public health issues relating to this, which is that half the children in Wales are obese. It is a measure that can be used to encourage healthy eating. You do not have to be on free school meals to be sending your child to school without a breakfast, or not providing them with a nutritious breakfast. It is a very important way of promoting healthy eating and of having children ready, and a way of enabling parents to be able to afford to go to work. Most jobs start at 9 a.m. and, therefore, children have to be left at school earlier than that.

[145] **Lynne Neagle:** I disagree fundamentally with what the Welsh Conservatives are trying to do with their amendments. As Jenny said, we know that there are lots of children who need free school meals who do not take them up because of the issues around stigma. The universal provision of this particular benefit is a key factor underpinning its success. So, I am opposed to their amendments.

[146] **Suzy Davies:** On this issue, I accept that, in the past particularly, children were stigmatised for taking up free school meals. However, efforts are made by schools, very successfully in some cases, to disguise the potential for stigma or remove it altogether. On this particular point, what is the difference between a free school breakfast and a free school lunch when it comes to stigma? I cannot see one myself. If a school is capable of ameliorating that for free school lunches, it would be able to do it for free school breakfasts as well, surely. On Jenny's point about the availability of breakfasts, Angela made it pretty clear that we are not against the principle of a healthy breakfast being available; it is about why those who can pay are not asked to pay. It is as simple as that for us.

[147] **Julie Morgan:** I have a few points to add. I am surprised that this amendment has been brought forward at a time that is so difficult for all families. For many families who are not entitled to free school lunches, they need the opportunity of having free school breakfasts. In this economic climate, to think of cutting down on a universal benefit that is so successful is the wrong way to be going. I would prefer to be moving towards all school meals being free because that would be a huge advantage, both in terms of health and equality issues. This is going in the wrong direction. Taking up Jenny's point, we know that lots of children who would be entitled to free school meals have sandwiches because schools have not managed to cope with the stigma in some cases. Many have, but I know that there are schools where the stigma remains.

[148] **Simon Thomas:** Byddwn yn gwrthwynebu'r gwelliannau hyn. Derbyniwn welliant Aled, ond gwrthodwn welliannau Angela Burns ar ddwy sail. Yn gyntaf, rwy'n credu bod y gwelliant yn ddiffygiol. Mae'n sôn yn benodol am brydau ysgol am ddim, ond mae newid yn dod mewn i'r system hon yn anffodus, ac nid wyf yn siŵr felly os yw'r gwelliant yn ddigon diogel i'r dyfodol. Fodd bynnag, derbyniaf mai mater technegol yw hynny.

Simon Thomas: We will be opposing these amendments. We accept Aled's amendment, but reject Angela Burns's amendments for two reasons. First, I believe that the amendment is deficient. It mentions specifically free school meals, but there is a change coming into this regime, unfortunately, and I am not sure whether the amendment is adequately futureproofed. However, I accept that that is a technicality.

[149] Mae cwestiwn ehangach ynglŷn â The broader question is on the whole issue of

darpariaeth i bawb yn erbyn darpariaeth benodol a darpariaeth a delir amdano. Efallai nad nawr yw'r amser i gael dadl athronyddol wleidyddol fawr, ond mae rhinweddau sylweddol mewn darpariaeth i bawb, yn enwedig wrth weld y cysylltiad rhwng cychwyn y bore gyda brechwast a dysgu yn ystod y diwrnod. Mae'r buddsoddiad o £11 miliwn ac ati werth ei wneud fel cymdeithas, serch ei fod yn golygu—nid yn f'achos i erbyn hyn—fod ein plant ni, fel pobl sydd yn ennill yn sylweddol uwch na'r cyfartaledd yng Nghymru, yn cael hynny hefyd.

[150] Ar y ddadl y gall pobl dalu amdano, ble rydych yn gorffen gyda'r ddadl honno? A ddylech chi felly dalu am brydau mewn ysbyty lle mae cyswllt pendant rhwng beth rydych yn ei dderbyn oddi wrth yr ysbyty a beth rydych yn ei dderbyn o ran triniaeth? A ddylech dalu am y cwnsela? Rydych yn sôn am wasanaethau cwnsela i blant yn y fan hon, pam ddim codi tâl i rieni sy'n ennill dros £50,000 ar gyfer cwnsela hefyd? Mae pob math o opsiynau y gallwch godi tâl amdanynt. Yn fras, mae'n rhaid penderfynu a ydych yn meddwl bod hwn yn fuddsoddiad gwerth chweil mewn rhywbeth sy'n helpu plant i ddysgu a sicrhau bod pob plentyn â digon o faeth ar ddechrau'r diwrnod ac fel nad ydynt yn amharu ar ddysgu plant eraill hefyd. Mae'r holl beth yn un gwead, ac yn y cyd-destun hwnnw, er fy mod yn deall consyrn Angela dros gyllid cyhoeddus, rwy'n meddwl bod y gwelliannau yn ddiffygiol am sawl rheswm.

[151] **Leighton Andrews:** To comment, in passing, on some of the amendments, if the purpose of Aled Roberts's amendment 152 is to require that a local authority's notification to a governing body cites the reasons for not providing free breakfasts, the amendment is unnecessary, because we will address this issue in statutory guidance. There is also an unintended consequence to this amendment, which is that while it requires a local authority's letter to a governing body to give reasons for determining why the provision of free school breakfast would be unreasonable, his amendment then removes the condition of unreasonableness in sub-section (2)(b) on which the intent of his amendment depends. So, I would suggest that it would be helpful not to pass that amendment.

[152] To turn to amendments 208 and 214 on free school breakfasts from the Welsh Conservatives, I have to say that Angela Burns today has made the most positive statement about free school breakfasts that I have ever heard from a Welsh Conservative, because she described this as 'an incredibly important policy initiative'. I can tell her that I will quote her words back to her colleague the Member for Clwyd West when he next stands up in the Assembly and says that he believes that parents should provide breakfasts, not schools. So, I very much welcome what she has said today, even though I want to resist her amendments. I will not go into details as to why I want to resist the amendments, because the arguments have

universal provision as opposed to specific provision and provision that is paid for. Perhaps now is not the time to have a major philosophical political debate, but I do think that there is great merit in universal provision, particularly when you see the link between starting the day with breakfast and the ability to learn during the day. The investment of £11 million and so on is worth making as a society, although it means that—although no longer in my case—our children, as people who earn far more than the average in Wales, also receive that benefit.

To take the argument that people can pay for it, where does that argument stop? Should you therefore pay for meals in hospital where there is a definite link between what you get from the hospital and what you get in terms of treatment? Should you pay for the counselling? You talk about providing counselling services to children here, why not charge parents who earn more than £50,000 for counselling as well? There are all sorts of charging options. Basically, it comes down to a decision on whether you think that this is a beneficial investment in assisting children to learn and ensuring that all children have adequate nutrition at the start of the day and so that they do not interfere with the education of other children. It all dovetails together, and in that context, although I understand Angela's concern about public expenditure, I think that the amendments are deficient for a number of reasons.

been made ably by my colleagues Rebecca Evans, Jenny Rathbone, Lynne Neagle and Julie Morgan this morning. However, we are committed to the universality of the scheme, and the money that we are putting in to the revenue support grant would allow for a modest expansion of the scheme, so I do not think that there is any financial pressure in respect of what we are doing. So, I urge the committee to resist amendments 208 and 214.

[153] In respect of our amendment 90, this will make it clear on the face of the Bill that legislative provisions regarding free breakfasts and school-based counselling will come into force on 1 April next year. That is the date when funding for these matters will transfer to the revenue support grant, enabling local authorities to discharge their new duties to provide these services. I ask the committee to support that amendment.

[154] **Christine Chapman:** Thank you, Minister. I call on Aled Roberts to reply to the debate.

[155] **Aled Roberts:** Rwy'n derbyn bod y cyngor mae'r Gweinidog yn ei dderbyn yn fwy manwl na'r cyngor rwy'n ei dderbyn; felly, os yw'n dweud y bydd y canllawiau statudol yn delio gyda'r ffaith bod yn rhaid i'r awdurdod rhoi rheswm pam ei fod yn tynnu'r cynllun yn ôl, rwy'n ddigon parod i dderbyn hynny ac ni wnaif gynnig bod gwelliant 152 yn cael ei roi.

Aled Roberts: I accept that the advice that the Minister receives is more detailed than the advice that I received; therefore, if he says that the statutory guidance will deal with the fact that the authority has to provide reasons why it is withdrawing the scheme, I am quite ready to accept that and I will not propose that amendment 152 is put to the vote.

[156] Mae'n bwysig ein bod yn gwrthwynebu gwelliannau 208 a 214 am y rhesymau sydd eisoes wedi cael eu crybwyll. Rwy'n cofio athrawes, cyn i'r cynllun hwn gael ei gyflwyno, yn dweud wrthyf fod yr ysgol lle'r oedd hi'n dysgu wedi bod yn cynnig brechwast am ddim i blant am nifer o flynyddoedd achos ei bod yn gweld bod plant yn cyrraedd yr ysgol angen bwyd a bod hynny'n amharu ar eu dysgu. Felly, mae hwn yn gynllun sy'n werth ei wneud. Dydw i ddim yn deall pam fod rhaid i Angela cynnig y gwelliannau hyn, achos cyfrifoldeb awdurdodau lleol sydd o fewn y cymalau hyn, a tra bod Llywodraeth Cymru'n ariannu'r cynllun, nid wyf yn gweld bod angen i lywodraeth leol dynnu'r cynllun yn ôl. Efallai dadl a ddaw ymhellach i lawr y ffordd yw hon, ond nid wyf yn gweld bod angen i ni newid y sefyllfa sy'n cael ei weithredu ar hyn o bryd.

It is important that we oppose amendments 208 and 214 for the reasons that have already been mentioned. I remember a teacher telling me, before this scheme was implemented, that the school where she taught had been offering free breakfasts to children for a number of years because it saw that children were coming to school needing food and that that was affecting their learning. So, this is a scheme that is worth doing. I do not understand why Angela needs to propose these amendments, because it is local authorities' responsibilities that are within these clauses and, while the Welsh Government is funding the scheme, I do not see a need for local government to withdraw it. Perhaps that is a debate that will be had further down the line, but I do not see that we need to change the situation as it is at the moment.

[157] Mae'r sefyllfa o ran prydau am ddim o fewn ysgolion wedi newid hefyd. Mae'r rhan fwyaf o awdurdodau lleol wedi cymryd camau fel ei bod bron yn amhosibl dweud pa blentyn sy'n derbyn prydau am ddim, achos eu bod yn defnyddio peiriannau a phethau felly. Mae'n wahanol i'r sefyllfa pan oeddwn i yn yr ysgol; nid yw'n bosibl yn awr i

The free school meals situation in schools has also changed. Most local authorities have taken steps so that it is almost impossible to see which child has free school meals, because they use machines et cetera. It is different to how it was when I was in school; it is not possible now to identify the children who receive free school meals. We have to

adnabod y plant sy'n derbyn prydau am ddim. Mae'n rhaid ystyried hyn yn ofalus. Os ydym am ddweud mai dim ond plant sy'n derbyn prydau am ddim a fydd yn cael brecwast, bydd pob plentyn yn yr ysgol yn gwybod mai nhw sy'n derbyn prydau am ddim achos efallai mai dim ond 20 neu 30 o blant yn y dosbarth a fydd yn derbyn y brecwast am ddim. Rwy'n meddwl bod honno'n sefyllfa beryglus iawn.

think this through. If we were to say that only children who receive free meals are to receive breakfast, every child in the school will know who gets free school meals because there may be only 20 or 30 children in the class having the free breakfast. I think that that is a very dangerous situation.

[158] **Christine Chapman:** Could you confirm, Aled, that you want to withdraw this amendment?

[159] **Aled Roberts:** Yes. I withdraw amendment 152.

[160] **Christine Chapman:** Does any Member object to the withdrawal of this amendment? I see that there are no objections.

*Tynnwyd gwelliant 152 yn ôl drwy ganiatâd y pwyllgor.
Amendment 152 withdrawn by leave of the committee.*

[161] **Christine Chapman:** Angela, would you like to move amendment 208?

[162] **Angela Burns:** I move amendment 208 in my name.

[163] **Christine Chapman:** The question is that amendment 208 be agreed to. Are there any objections? I see that there are. Therefore, I will take a vote.

*Gwelliant 208: O blaid 2, Ymatal 0, Yn erbyn 8.
Amendment 208: For 2, Abstain 0, Against 8.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Burns, Angela
Davies, Suzy

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Chapman, Christine
Davies, Jocelyn
Evans, Rebecca
Morgan, Julie
Neagle, Lynne
Rathbone, Jenny
Roberts, Aled
Thomas, Simon

*Gwrthodwyd gwelliant 208.
Amendment 208 not agreed.*

[164] **Christine Chapman:** As amendment 208 is not agreed, amendment 214 in the name of Angela Burns falls.

*Methodd gwelliant 214.
Amendment 214 falls.*

**Grŵp 17: Cyfarfodydd Rhieni (Gwelliannau 81, 209, 210, 82, 83, 84, 85, 91 a 92)
Group 17: Parents' Meetings (Amendments 81, 209, 210, 82, 83, 84, 85, 91 and 92)**

[165] **Christine Chapman:** The seventeenth group of amendments relates to parents'

meetings. The lead amendment in the group is amendment 81. I move amendment 81 in the name of the Minister and call on the Minister to speak to amendment 81 and the other amendments in the group.

[166] **Leighton Andrews:** These amendments deal with proposed changes to the provisions on parents' rights to petition a meeting with the school governing body. The first amendment, 81, is to section 95(3) and changes the way in which the threshold number of parents required to successfully petition a meeting with the school governing body is calculated. The committee recommended that consideration ought to be given to the threshold number of parents required to petition a meeting being subject to a sliding scale. However, we think that a sliding scale could be confusing and, as roles fluctuate, difficult to administer. Therefore, we believe that using a percentage or a number threshold is a more straightforward method of determining these matters.

[167] We appreciate the concerns that current proposals might not always have the right thresholds, for example, they could have the unintended consequence of making it harder for parents in a small secondary school to call a meeting than it would be for parents in a primary school of a comparative size. Therefore, I have brought forward this Government amendment to address the issue and make the calculation of the required threshold number of parents fairer and more straightforward. The different threshold criteria for primary and secondary schools will be removed and, instead, there will be one set of percentage and number criteria for all schools. Whichever is the lower, either parents of 10% of registered pupils or the parents of 30 registered pupils will be required to successfully petition a meeting with the governing body, using section 95 powers.

[168] I do not believe that the non-Government amendments before us today provide a suitable way of dealing with the concerns regarding parental threshold numbers. In particular, I believe that the proposed Government amendment 81, which makes the threshold the same for all schools, is fairer and more straightforward. I think that it is reasonable to expect the parents of 30 registered pupils in schools with a roll of 300 or more to be required to petition successfully for a meeting.

11.00 a.m.

[169] Turning next to the second proposed non-Government amendment to allow only one pupil per family and one parent from that family to count towards the parental threshold numbers. The current provisions on parental threshold numbers are drafted in terms of the numbers of registered pupils, not the numbers of parents. Therefore, I do not think that this part of the amendment relating to only one parent per family counting towards the parental threshold numbers would make a difference. As the Bill currently stands, parents with only one child at the school would make up a count of only one towards the parental threshold, even if both parents signed the petition. However, the part of this amendment that means that only one registered pupil per family can count towards the parental threshold calculation, no matter how many children a family may have registered with the school, would have an unfair impact. If a family has more than one child in the school, I believe that it is right that the parents' signatures count towards the parental threshold numbers as many times as they have children in the school. That is because the impact on that family of concerns within the school may increase in line with the number of children at that school. For example, if a school governing body is considering a change in uniform, the impact of having to provide a new uniform could be seen as being harder on a family with two or more children at the school than on a family with, say, only one child at the school.

[170] Turning next to amendments 82 to 85, to sections 95(8), 95(9) and 95(10), I am aware that consultation responses to the White Paper on the Bill raised certain concerns regarding the manageability of the Welsh Government's proposals to enable parents to petition for

meetings. Governing bodies will be supported in their duties under section 95 to hold parents' meetings by statutory guidance. My expectation is that that guidance will provide the detail on how the process of accepting a petition and convening a meeting is to operate in practice. However, I appreciate that the current proposals give only 20 days from the day after the presentation of a petition to the holding of a meeting. Before calling a meeting, governing bodies must satisfy that all four of the conditions in section 95 have been met. Some scenarios could raise manageability issues for governing bodies that will need to give appropriate notice of meetings. Therefore, the Government amendment to section 95(8) has been brought forward to increase the 20-day period to 25 days. I am content that such an increase would still allow for a maximum of three meetings to be petitioned in the school year. The amendments to sections 95(9) and 95(10) are consequential on that amendment.

[171] Finally, the Government amendments on the commencement of parents' rights to petition a meeting amend the current commencement provisions, so the duty on a school governing body to hold meetings with parents, following the presentation of a successful petition, is commenced two months after Royal Assent. I ask that Members support the Government amendments and resist the non-Government amendments.

[172] **Christine Chapman:** I now invite Suzy to speak.

[173] **Suzy Davies:** We accept the Minister's idea that parent and governor meetings must have a purpose and not just fulfil a random requirement to meet once a year—a meeting that no-one seems to attend, usually, in my experience. We are looking for tweaks that do not make it too burdensome for parents to call a meeting, while retaining the safeguards against vexatious process. The committee did hear evidence that getting 30 parents in a secondary school to sign up for a governors meeting would be a feat of organisation. I would accept, as I hope you do, Minister, that 30 parents could be lower than the 10% threshold in some schools. So, it is a bit of a stretch where the subject matter of a meeting may be specific to a class or year group. Our amendment 2009—no, 209; I am doing it again—just suggests a modest change to a threshold of 25, which is not significant. It might just be enough to be achievable for a class or a year group.

[174] In the interests of accessibility we did not think that there was any real need for the Minister's amendment 81, but we are conscious that the parents of families with several children should not have a greater say than parents of, say, one child. Conversely, families with two parents should not have a greater say than a family with one parent. We just believe that our amendment 210 makes that position a bit clearer and maintains an equity of influence per family regardless of the number of children or parents.

[175] **Christine Chapman:** Do any other Members wish to speak? If not, I invite the Minister to reply.

[176] **Leighton Andrews:** I respect the tone in which Suzy Davies spoke to her amendments. I personally do not think that there is much difference between 30 and 25, and I would prefer to stick with 30, so I am not going to make any changes on that.

[177] In respect of her other amendment, I made it clear in my introduction that this is about registered pupils, not registered parents. The arguments really do apply in respect of the number of parents. I gave the example of a change to uniform, which could be onerous, so I do not wish to make any changes, and I wish to proceed with my amendments.

[178] **Christine Chapman:** Do you wish to proceed to a vote on amendment 81?

[179] **Leighton Andrews:** I do.

[180] **Christine Chapman:** The question is that amendment 81 be agreed to. Does any Member object? I see that there is an objection. Therefore, I call for a vote by show of hands.

*Gwelliant 81: O blaid 8, Ymatal 0, Yn erbyn 2.
Amendment 179: For 8, Abstain 0, Against 2.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
Davies, Jocelyn
Evans, Rebecca
Morgan, Julie
Neagle, Lynne
Rathbone, Jenny
Roberts, Aled
Thomas, Simon

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Burns, Angela
Davies, Suzy

*Derbyniwyd gwelliant 81.
Amendment 81 agreed.*

[181] **Christine Chapman:** Angela, would you like to move amendment 209?

[182] **Angela Burns:** Yes, I move amendment 209 in my name.

[183] **Christine Chapman:** The question is that amendment 209 be agreed to. Does any Member object? I see that there is an objection. Therefore, I call for a vote by show of hands.

*Gwelliant 209: O blaid 3, Ymatal 0, Yn erbyn 7.
Amendment 209: For 3, Abstain 0, Against 7.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Burns, Angela
Davies, Suzy
Roberts, Aled

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Chapman, Christine
Davies, Jocelyn
Evans, Rebecca
Morgan, Julie
Neagle, Lynne
Rathbone, Jenny
Thomas, Simon

*Gwrthodwyd gwelliant 209.
Amendment 209 not agreed.*

[184] **Christine Chapman:** Angela, would you like to move amendment 210?

[185] **Angela Burns:** Yes, I move amendment 210 in my name.

[186] **Christine Chapman:** The question is that amendment 210 be agreed to. Does any Member object? I see that there is an objection. Therefore, I call for a vote by show of hands.

*Gwelliant 210: O blaid 2, Ymatal 0, Yn erbyn 8.
Amendment 210: For 2, Abstain 0, Against 8.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Burns, Angela

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Chapman, Christine

Davies, Suzy

Davies, Jocelyn
Evans, Rebecca
Morgan, Julie
Neagle, Lynne
Rathbone, Jenny
Roberts, Aled
Thomas, Simon

*Gwrthodwyd gwelliant 210.
Amendment 210 not agreed.*

[187] **Christine Chapman:** We now move to dispose of amendments 82 to 85 in the name of the Minister. Amendments 82 to 85 are identical and appear consecutively on the marshalled list. As such, I propose that these amendments be disposed of together. Do any Members object? I see that they do not, and that Members are happy to dispose of them en bloc.

[188] I move amendments 82, 83, 84 and 85 in the name of the Minister. The question is that amendments 82, 83, 84 and 85 be agreed to. Does any Member object? I see that there is an objection. We will take a vote.

*Gwelliannau 82, 83, 84 a 85: O blaid 8, Ymatal 0, Yn erbyn 2.
Amendments 82, 83, 84 and 85: For 8, Abstain 0, Against 2.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
Davies, Jocelyn
Evans, Rebecca
Morgan, Julie
Neagle, Lynne
Rathbone, Jenny
Roberts, Aled
Thomas, Simon

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Burns, Angela
Davies, Suzy

*Derbyniwyd gwelliannau 82, 83, 84 a 85.
Amendments 82, 83, 84 and 85 agreed.*

**Grŵp 18: Confensiwn y Cenhedloedd Unedig ar Hawliau'r Plentyn (Gwelliant 153)
Group 18: United Nations Convention on the Rights of the Child (Amendment 153)**

[189] **Christine Chapman:** The only amendment in the group is amendment 153, and I call on Aled Roberts to move and speak to amendment 153.

[190] **Aled Roberts:** Cynigaf welliant 153 yn fy enw i.

Aled Roberts: I move amendment 153 in my name.

[191] Mae'r gwelliant hwn yn un eithaf syml, ac mae'n fater o gael pleidlais o blaid neu yn erbyn y gwelliant. Fel pwyllgor, cawsom dystiolaeth fod rhai pobl wedi'u siomi nad oedd cyfeiriad at Gonfensiwn y Cenhedloedd Unedig ar Hawliau'r Plentyn wedi'i gynnwys ar wyneb y Bil. Yn ogystal, os cofiwch chi, argymhellid y pwyllgor hwn oedd y dylid ystyried gwneud hynny yng Nghyfnod 2. Felly, credaf fod dewis plaen

This amendment is quite straightforward, and it is just a matter of voting for the amendment or against it. As a committee, we received evidence that some people were disappointed that there was no reference to the United Nations Convention on the Rights of the Child on the face of the Bill. In addition, if you recall, this committee recommended that that should be done at Stage 2. Therefore, I believe that there is a simple choice to be

i'w wneud o blaid neu yn erbyn y cam hwn. made be in favour or against this move.

[192] **Christine Chapman:** Would any other Members like to speak to this amendment?

[193] **Julie Morgan:** I appreciate the point that Aled Roberts is making, and I know that we have all considered the importance of the UNCRC. However, there are some issues relating to this particular amendment that cause difficulty, for example saying that it applies to local authorities when there has been no consultation with local authorities on this. So, I do not think that it is appropriate to have local authorities brought into it—much as we would like them to be in the long term—in an amendment in this way. I agree with him in principle, but I think that the Welsh Ministers are already bound by the convention in any case. So, I wanted to say that I support the principle of it, but I do not think that this amendment can be accepted.

[194] **Leighton Andrews:** Let me start by saying that the Welsh Government is obviously proud that the National Assembly passed the Rights of Children and Young Persons (Wales) Measure 2011, and we spoke of this at the British-Irish Council on Monday in our discussions on the early years. Other Governments in the devolved administrations are looking at what we have done in Wales. However, the issue here is whether this amendment changes anything. Having a duty on the Welsh Ministers does not have more effect because we say it twice. We already have the responsibility to observe the duty.

[195] I have already committed to making appropriate reference to the UNCRC in the explanatory memorandum that accompanies the Bill, and I think that that, effectively, gives Members the assurance that we want recognition of that to be associated with this Bill. Julie Morgan is absolutely right to identify the problem in relation to local authorities, where there has been no effective consultation or discussion of any duty falling on them, and I do not feel that it would be appropriate to implement that in the course of our discussion on this Bill.

[196] **Aled Roberts:** Hwyrach bod **Aled Roberts:** There may be a flaw in the reference to local authorities, and I accept that, but I think that there is a definite principle here. I accept what the Minister has said, namely that, by repeating something, you do not make the duties more—
gwendid yn y cyfeiriad at awdurdodau lleol, ac rwy'n derbyn hynny, ond credaf fod egwyddor bendant yma. Rwy'n derbyn yr hyn y mae'r Gweinidog wedi'i ddweud, sef drwy ail-ddweud rhywbeth, nid ydych yn gwneud y dyletswyddau yn fwy—

[197] **Simon Thomas:** Nac yn llai.

Simon Thomas: Or less.

[198] **Aled Roberts:** Na. Fodd bynnag, credaf fod egwyddor yma a dywedodd y comisiynydd plant a rhai tystion eraill fod hwn yn fater o egwyddor iddynt. Gobeithiaf, os bydd y gwelliant yn methu heddiw, bydd rhyw fath o gydnabyddiaeth o hynny yn y ffordd y mae'r Gweinidog wedi'i awgrymu. **Aled Roberts:** No. However, I believe that there is a principle at stake here and the children's commissioner and other witnesses said that this was a matter of principle for them. I hope that, if this amendment falls today, there is some recognition of that in the way that the Minister has suggested.

[199] **Christine Chapman:** Aled, do you wish to proceed to a vote on amendment 153?

[200] **Aled Roberts:** Yes.

[201] **Christine Chapman:** The question is that amendment 153 be agreed to. Does any Member object? I see that there are objections. We will therefore take a vote by show of hands.

Gwelliant 153: O blaid 3, Ymatal 2, Yn erbyn 5.

Amendment 153: For 3, Abstain 2, Against 5.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Burns, Angela
Davies, Suzy
Roberts, Aled

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Chapman, Christine
Evans, Rebecca
Morgan, Julie
Neagle, Lynne
Rathbone, Jenny

Ymataliodd yr Aelodau canlynol:
The following Members abstained:

Davies, Jocelyn
Thomas, Simon

*Gwrthodwyd gwelliant 153.
Amendment 153 not agreed.*

Grŵp 19: Effaith Ariannol (Gwelliant 211)
Group 19: Financial Impact (Amendment 211)

[202] **Christine Chapman:** The final group of amendments relates to the financial impact of the Bill. The only amendment in the group is amendment 211. I call on Angela Burns to move and speak to amendment 211.

[203] **Angela Burns:** I move amendment 211 in my name.

[204] The amendment that we have proposed compels the Welsh Ministers and local authorities to have regard to the financial impact associated with the exercise by them of any of the functions under this Bill. The reason why we have tabled this is that, in the third Assembly, when we considered legislative competence Orders and Measures—and I admit that it was a different type of legislative process then—concerns were raised very often about the regulatory or financial impact of new proposals. Concerns were raised about the cumulative impact of Government and/or local authorities making decisions that have an impact on other parties, with those parties then being subject to other Acts and regulations from other sources that would perhaps result in a position where those parties were drowning under the weight of statutory guidance, regulation and law that they had to undertake, but which they did not have the funds to underpin.

11.15 a.m.

[205] It was a key concern of the Finance Committee of the third Assembly that adequate financial impact assessments should be made. So, our amendment 211 is about ensuring that consequential costs are borne in mind. We are not saying by this amendment—I hope that it is not being interpreted in this way—that one would use financial impact as a reason not to do something. It is not trying to say that. What it is trying to say is that, whether it is the Welsh Government or a local authority, if you are going to require another party to undertake an amount of work on a statutory basis that will incur a substantial cost, or any cost, then you should pay due regard to understanding what effect that particular measure would have on them, and, adding to that the impact of other Bills that may be being passed, what the cumulative impact will be. That makes for sound fiscal sense, particularly at this current point in our nation's history.

[206] **Jenny Rathbone:** I am confused as to why you are introducing this, because any body, at whatever level of government, has to assess the financial implications of their

proposals or opposition to a proposal. It seems to me to over-complicate the process of Government. Any local authority that takes a decision without having assessed its financial impact would, hopefully, not last too long. We never vote on things unless we know what the financial implications are and nor should anyone else. I would have thought that that is already well established in standing orders generally. So, I am surprised at the suggestion that we need to have this in this Bill.

[207] **Christine Chapman:** Do any other Members wish to comment?

[208] **Leighton Andrews:** This is a completely pointless amendment, as I think that my colleague, Jenny Rathbone, has already indicated. All of us have an obligation to ensure financial propriety in how we take measures forward. We, as a Government, have to provide financial explanations when we lay Bills before the Assembly. Local authorities have to have regard to financial propriety in any decisions that they undertake. So, I am afraid that this amendment is completely superfluous.

[209] **Angela Burns:** I am afraid that I disagree with Jenny Rathbone's comments. It is a matter of public record that, in the third Assembly, a number of Measures were passed that were not accompanied by proper financial impact assessments. The undertaking given to both financial and scrutiny committees was that those financial impact assessments would be sorted out at a later date and would be part of the regulatory impact assessment. You can go back and, in Measure after Measure after Measure, this was raised as a matter of real concern. We have proposed this amendment because we want to ensure that in the fourth Assembly, with the legislative powers that we now have, we are not faced with this situation where either Welsh Government or local authorities do not conduct themselves correctly in terms of ensuring that a financial impact assessment is done. We would not have put this amendment forward had history not taught us such a strong lesson in the third Assembly.

[210] **Christine Chapman:** Angela, do you wish to proceed to a vote?

[211] **Angela Burns:** Yes.

[212] **Christine Chapman:** The question is that amendment 211 be agreed to. Does any Member object? I see that there is objection. I will therefore take a vote.

*Gwelliant 211: O blaid 2, Ymatal 0, Yn erbyn 8.
Amendment 211: For 2, Abstain 0, Against 8.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Burns, Angela
Davies, Suzy

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Davies, Jocelyn
Evans, Rebecca
Morgan, Julie
Neagle, Lynne
Rathbone, Jenny
Roberts, Aled
Thomas, Simon

*Gwrthodwyd gwelliant 211.
Amendment 211 not agreed.*

[213] **Christine Chapman:** We have come to the end of the debate on all nineteen groups. We will now move to dispose of all remaining amendments. Minister, do you wish to proceed to a vote on amendment 86, which was debated as part of group 11?

[214] **Leighton Andrews:** Yes, please.

[215] **Christine Chapman:** I move amendment 86 in the name of the Minister. The question is that amendment 86 be agreed to. Does any Member object? I see that there is objection. I will therefore take a vote.

*Gwelliant 86: O blaid 8, Ymatal 0, Yn erbyn 2.
Amendment 86: For 8, Abstain 0, Against 2.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
Davies, Jocelyn
Evans, Rebecca
Morgan, Julie
Neagle, Lynne
Rathbone, Jenny
Roberts, Aled
Thomas, Simon

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Burns, Angela
Davies, Suzy

*Derbyniwyd gwelliant 86.
Amendment 86 agreed.*

[216] **Christine Chapman:** As amendment 36 has been agreed previously, amendments 212 and 213 in the name of Angela Burns have fallen.

*Methodd gwelliannau 212 a 213.
Amendments 212 and 213 fell.*

[217] **Christine Chapman:** We now move to dispose of amendment 87 in the name of the Minister, which was debated as part of group 2. Minister, do you wish to proceed to a vote on amendment 87?

[218] **Leighton Andrews:** Indeed.

[219] **Christine Chapman:** I move amendment 87 in the name of the Minister. The question is that amendment 87 be agreed to. Does any Member object? There is no objection. In accordance with Standing Order No. 17.34(i), I therefore declare amendment 87 agreed.

*Derbyniwyd gwelliant 87.
Amendment 87 agreed.*

[220] **Christine Chapman:** We now move to dispose of amendments 88 and 89 in the name of the Minister, which were debated as part of group 7. Minister, do you wish to proceed to a vote on amendments 88 and 89?

[221] **Leighton Andrews:** Yes, please.

[222] **Christine Chapman:** I move amendment 88 in the name of the Minister. The question is that amendment 88 be agreed to. Does any Member object? I see that there is objection. I will therefore take a vote by show of hands.

*Gwelliant 88: O blaid 8, Ymatal 0, Yn erbyn 2.
Amendment 88: For 8, Abstain 0, Against 2.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Chapman, Christine
Davies, Jocelyn
Evans, Rebecca
Morgan, Julie
Neagle, Lynne
Rathbone, Jenny
Roberts, Aled
Thomas, Simon

Burns, Angela
Davies, Suzy

*Derbyniwyd gwelliant 88.
Amendment 88 agreed.*

[223] **Christine Chapman:** I move amendment 89 in the name of the Minister. The question is that amendment 89 be agreed to. Does any Member object? I see that there is objection. I will therefore take a vote.

*Gwelliant 89: O blaid 8, Ymatal 0, Yn erbyn 2.
Amendment 89: For 8, Abstain 0, Against 2.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
Davies, Jocelyn
Evans, Rebecca
Morgan, Julie
Neagle, Lynne
Rathbone, Jenny
Roberts, Aled
Thomas, Simon

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Burns, Angela
Davies, Suzy

*Derbyniwyd gwelliant 89.
Amendment 89 agreed.*

[224] **Christine Chapman:** As amendment 157 was not agreed previously, amendment 175 in the name of Simon Thomas has fallen.

*Methodd gwelliant 175.
Amendment 175 fell.*

[225] **Christine Chapman:** We now move to dispose of amendment 90 in group 16 in the name of the Minister. Minister, do you wish to proceed to a vote on amendment 90?

[226] **Leighton Andrews:** Yes, please.

[227] **Christine Chapman:** I move amendment 90 in the name of the Minister. The question is that amendment 90 be agreed to. Does any Member object? There is no objection. In accordance with Standing Order No. 17.34(i), I therefore declare amendment 90 agreed.

*Derbyniwyd gwelliant 90.
Amendment 90 agreed.*

[228] **Christine Chapman:** We now move to dispose of amendments 91 and 92 in the name of the Minister, which were debated as part of group 17. Minister, do you wish to proceed to a vote on these amendments?

[229] **Leighton Andrews:** Yes, please.

[230] **Christine Chapman:** I move amendment 91 in the name of the Minister. The question is that amendment 91 be agreed to. Does any Member object? There is no objection. In accordance with Standing Order No. 17.34(i), I therefore declare amendment 91 agreed.

*Derbyniwyd gwelliant 91.
Amendment 91 agreed.*

[231] **Christine Chapman:** I move amendment 92 in the name of the Minister. The question is that amendment 92 be agreed to. Does any Member object? There is no objection. In accordance with Standing Order No. 17.34(i), I therefore declare amendment 92 agreed.

*Derbyniwyd gwelliant 92.
Amendment 92 agreed.*

[232] **Christine Chapman:** We now move to dispose of amendments 93 and 94 in the name of the Minister, which were debated as part of group 2. Minister, do you wish to proceed to a vote on amendments 93 and 94?

[233] **Leighton Andrews:** Yes.

[234] **Christine Chapman:** I move amendment 93 in the name of the Minister. The question is that amendment 93 be agreed to. Does any Member object? There is no objection. In accordance with Standing Order No. 17.34(i), I therefore declare amendment 93 agreed.

*Derbyniwyd gwelliant 93.
Amendment 93 agreed.*

[235] **Christine Chapman:** I move amendment 94 in the name of the Minister. The question is that amendment 94 be agreed to. Does any Member object? There is no objection. In accordance with Standing Order No. 17.34(i), I therefore declare amendment 94 agreed.

*Derbyniwyd gwelliant 94.
Amendment 94 agreed.*

[236] **Christine Chapman:** We now move to dispose of amendments 95 to 97 in the name of the Minister, which were debated as part of group 7. Minister, do you wish to proceed to a vote on amendments 95 to 97?

[237] **Leighton Andrews:** I do.

[238] **Christine Chapman:** As these appear consecutively on the marshalled list and given their nature, I propose to dispose of them together. Does any Member object to disposing of these en bloc? I see that there is no objection.

[239] I move amendments 95, 96 and 97 in the name of the Minister. The question is that amendments 95 to 97 be agreed to. Does any Member object? I see that there is objection. Therefore, I will take a vote.

*Gwelliannau 95, 96 a 97: O blaid 8, Ymatal 0, Yn erbyn 2.
Amendments 95, 96 and 97: For 8, Abstain 0, Against 2.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Burns, Angela

Davies, Jocelyn
 Evans, Rebecca
 Morgan, Julie
 Neagle, Lynne
 Rathbone, Jenny
 Roberts, Aled
 Thomas, Simon

Davies, Suzy

*Derbyniwyd gwelliannau 95, 96 a 97.
 Amendments 95, 96 and 97 agreed.*

*Methodd gwelliant 176.
 Amendment 176 fell.*

[240] **Christine Chapman:** We now move to dispose of amendment 98 in the name of the Minister, which was debated as part of group 5. Minister, do you wish to proceed to a vote?

[241] **Leighton Andrews:** Ydw. **Leighton Andrews:** Yes.

[242] **Christine Chapman:** I move amendment 98 in the name of the Minister. The question is that amendment 98 be agreed to. Does any Member object? I see that there is objection. Therefore, I will take a vote.

*Gwelliant 98: O blaid 5, Ymatal 0, Yn erbyn 5.
 Amendment 98: For 5, Abstain 0, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:
 The following Members voted for:

Burns, Angela
 Davies, Jocelyn
 Davies, Suzy
 Roberts, Aled
 Thomas, Simon

Pleidleisiodd yr Aelodau canlynol yn erbyn:
 The following Members voted against:

Chapman, Christine
 Evans, Rebecca
 Morgan, Julie
 Neagle, Lynne
 Rathbone, Jenny

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog Rhif 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order No. 6.20(ii).

*Gwrthodwyd gwelliant 98.
 Amendment 98 not agreed.*

[243] **Christine Chapman:** As amendment 146 was not agreed previously, amendment 154 in the name of Aled Roberts has fallen.

*Methodd gwelliant 154.
 Amendment 154 fell.*

[244] **Christine Chapman:** We now move to dispose of amendment 155, which was debated as part of group 5. Aled, would you like to move the amendment?

[245] **Aled Roberts:** Yes. I move amendment 155 in my name.

[246] **Christine Chapman:** The question is that amendment 155 be agreed to. Does any Member object? I see that there is objection. Therefore, I will take a vote.

Gwelliant 155: O blaid 3, Ymatal 0, Yn erbyn 7.

Amendment 155: For 3, Abstain 0, Against 7.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Burns, Angela
Davies, Suzy
Roberts, Aled

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Chapman, Christine
Davies, Jocelyn
Evans, Rebecca
Morgan, Julie
Neagle, Lynne
Rathbone, Jenny
Thomas, Simon

*Gwrthodwyd gwelliant 155.
Amendment 155 not agreed.*

[247] **Christine Chapman:** We now move to dispose of amendments 99 and 100 in the name of the Minister, which were debated as part of group 5. Minister, do you wish to proceed to a vote on amendments 99 and 100?

[248] **Leighton Andrews:** Yn sicr.

[249] **Leighton Andrews:** Certainly.

[250] **Christine Chapman:** I move amendment 99 in the name of the Minister. The question is that amendment 99 be agreed to. Does any Member object? I see that there is objection. Therefore, we will take a vote.

*Gwelliant 99: O blaid 7, Ymatal 0, Yn erbyn 3.
Amendment 99: For 7, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
Davies, Jocelyn
Evans, Rebecca
Morgan, Julie
Neagle, Lynne
Rathbone, Jenny
Thomas, Simon

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Burns, Angela
Davies, Suzy
Roberts, Aled

*Derbyniwyd gwelliant 99.
Amendment 99 agreed.*

[251] **Christine Chapman:** I move amendment 100 in the name of the Minister. The question is that amendment 100 be agreed to. Does any Member object? I see that there is objection. Therefore, I will take a vote.

*Gwelliant 100: O blaid 7, Ymatal 0, Yn erbyn 3.
Amendment 100: For 7, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Burns, Angela
Chapman, Christine
Davies, Suzy
Evans, Rebecca
Morgan, Julie
Neagle, Lynne
Rathbone, Jenny

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Davies, Jocelyn
Roberts, Aled
Thomas, Simon

*Derbyniwyd gwelliant 100.
Amendment 100 agreed.*

[252] **Christine Chapman:** As amendment 146 was not agreed previously, amendment 156 in the name of Aled Roberts has fallen.

*Methodd gwelliant 156.
Amendment 156 fell.*

[253] **Christine Chapman:** We now move to dispose of amendment 101 in the name of the Minister, which was debated as part of group 9. Minister, do you wish to proceed to a vote on amendment 101?

[254] **Leighton Andrews:** Of course.

[255] **Christine Chapman:** I move amendment 101 in the name of the Minister. The question is that amendment 101 be agreed to. Does any Member object? I see that there are no objections. In accordance with Standing Order 17.34(i), I therefore declare amendment 101 agreed.

*Derbyniwyd gwelliant 101.
Amendment 101 agreed.*

[256] **Christine Chapman:** We now move to dispose of amendments 102 to 139, which are all in the name of the Minister. All the amendments have been debated as part of group 7, other than amendment 111, which was in group 11. Minister, do you wish to proceed to a vote on amendments 102 to 139?

[257] **Leighton Andrews:** If that is okay with you, Chair. [*Laughter.*]

11.30 a.m.

[258] **Christine Chapman:** Members will be aware that there are 37 amendments that need to be disposed of. I am happy for the amendments to be voted on individually. Alternatively, if there is agreement, they can be voted on en bloc. Are there any objections? I see that there are none. Minister, do you wish to proceed to a vote to a vote on amendments 102 to 139?

[259] **Leighton Andrews:** Yes, I do.

[260] **Christine Chapman:** I move amendments 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138 and 139 in the name of the Minister. The question is that amendments 102 to 139 be agreed to. Does any Member object? I see that there is objection. Therefore, I will take a vote.

*Gwelliannau 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117,
118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136,
137, 138 a 139:*

O blaid 8, Ymatal 0, Yn erbyn 2.

*Amendments 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117,
118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136,
137, 138 and 139:*

For 8, Abstain 0, Against 2.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Davies, Jocelyn
Evans, Rebecca
Morgan, Julie
Neagle, Lynne
Rathbone, Jenny
Roberts, Aled
Thomas, Simon

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Burns, Angela
Davies, Suzy

Derbyniwyd gwelliannau 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138 a 139.

Amendments 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138 and 139 agreed.

[261] **Christine Chapman:** All sections of and Schedules to the Bill have been deemed agreed by the committee. Under Standing Order No. 26.27, I propose that the Minister prepare a revised explanatory memorandum as the Bill has been substantially amended as a result of today's proceedings. Are Members in agreement with this? I see that they are.

[262] As Stage 2 has been completed today, Stage 3 begins tomorrow. Members will be able to table amendments to the Bill with the legislation office for consideration at Stage 3.

[263] I thank all Members, the Minister and his officials. That concludes today's meeting. Our next meeting will take place on Wednesday, 9 January.

*Daeth y cyfarfod i ben am 11.32 a.m.
The meeting ended at 11.32 a.m.*