



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

## **Y Pwyllgor Plant, Pobl Ifanc ac Addysg The Children, Young People and Education Committee**

**Dydd Iau, 30 Ebrill 2015  
Thursday, 30 April 2015**

### **Cynnwys Contents**

[Cyflwyniad, Ymddiheuriadau a Dirprwyon  
Introductions, Apologies and Substitutions](#)

[Bil Cymwysterau Cymru—Cyfnod 2: Trafod y Gwelliannau  
Qualifications Wales Bill—Stage 2: Consideration of Amendments](#)

[Grŵp 1: Dynodi Cymwysterau Eraill \(Gwelliannau 13, 15, 18, 26, 27A, 27, 28, 29, 36, 37, 38, 39, 40, 73, 43, 44 a 45\)](#)

[Group 1: Designation of Other Qualifications \(Amendments 13, 15, 18, 26, 27A, 27, 28, 29, 36, 37, 38, 39, 40, 73, 43, 44 and 45\)](#)

[Grŵp 2: Amrywiol a Thechnegol \(Gwelliannau 14, 17, 2, 4, 5, 6, 7, 9, 10, 68, 11 a 12\)  
Group 2: Miscellaneous and Technical \(Amendments 14, 17, 2, 4, 5, 6, 7, 9, 10, 68, 11 and 12\)](#)

[Grŵp 3: Rôl Reoleiddiol Cymwysterau Cymru—Cydnabod Cyrff Dyfarnu \(Gwelliannau 16, 19, 20, 21, 22, 23, 24, 25, 35, 8, 41, 42, 46 a 47\)](#)

[Group 3: Regulatory Role of Qualifications Wales—Recognition of Awarding Bodies \(Amendments 16, 19, 20, 21, 22, 23, 24, 25, 35, 8, 41, 42, 46 and 47\)](#)

[Grŵp 4: Dyletswydd Gweinidogion Cymru \(Gwelliannau 58, 59, 62, 60 a 61\)  
Group 4: Duty of Welsh Ministers \(Amendments 58, 59, 62, 60 and 61\)](#)

[Grŵp 5: Prif Nodau Cymwysterau Cymru \(Gwelliannau 56 a 57\)](#)  
[Group 5: Principal Aims of Qualifications Wales \(Amendments 56 and 57\)](#)

[Grŵp 6: Cymeradwyo Cymwysterau \(Gwelliannau 63, 64, 65, 1, 70, 67 a 69\)](#)  
[Group 6: Approval of Qualifications \(Amendments 63, 64, 65, 1, 70, 67 and 69\)](#)

[Grŵp 7: Cyllido Cyrsiau sy'n Arwain at Gymwysterau \(Gwelliannau 30, 31, 3, 48, 49, 50, 51, 52, 53, 54 a 55\)](#)  
[Group 7: Funding of Courses Leading to Qualifications \(Amendments 30, 31, 3, 48, 49, 50, 51, 52, 53, 54 and 55\)](#)

[Grŵp 8: Fersiwn Gymreig o Gymwysterau \(Gwelliannau 32, 33, 34\)](#)  
[Group 8: Welsh Versions of Qualifications \(Amendments 32, 33, 34\)](#)

[Grŵp 9: Gweithgareddau Masnachol a Chodi Ffioedd \(Gwelliannau 71, 72 a 75\)](#)  
[Group 9: Commercial Activities and Charging Fees \(Amendments 71, 72 and 75\)](#)

[Grŵp 10: Dehongli Cymhwyster \(Gwelliant 66\)](#)  
[Group 10: Interpretation of Qualification \(Amendment 66\)](#)

[Grŵp 11: Is-ddeddfwriaeth \(Gwelliant 74\)](#)  
[Group 11: Subordinate Legislation \(Amendment 74\)](#)

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**

Jeff Cuthbert	Llafur (yn dirprwyo ar ran Lynne Neagle) Labour (substitute for Lynne Neagle)
Keith Davies	Llafur Labour
Paul Davies	Ceidwadwyr Cymreig (yn dirprwyo ar ran Angela Burns) Welsh Conservatives (substitute for Angela Burns)
Suzy Davies	Ceidwadwyr Cymru Welsh Conservatives
Bethan Jenkins	Plaid Cymru The Party of Wales
Ann Jones	Llafur (Cadeirydd y Pwyllgor) Labour (Chair of the Committee)
David Rees	Llafur Labour
Aled Roberts	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Simon Thomas	Plaid Cymru The Party of Wales
Joyce Watson	Llafur (yn dirprwyo ar ran John Griffiths) Labour (substitute for John Griffiths)

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

Huw Lewis	Aelod Cynulliad, Llafur (y Gweinidog Addysg a Sgiliau) Assembly Member, Labour (the Minister for Education and Skills)
Catherine Lloyd	Gwasanaethau Cyfreithiol, Llywodraeth Cymru Legal Services, Welsh Government
Cassy Taylor	Arweinydd Polisi, Llywodraeth Cymru Policy Lead, Welsh Government

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

Sarah Bartlett	Dirprwy Glerc Deputy Clerk
Stephen Davies	Cynghorydd Cyfreithiol Legal Adviser
Gareth Rogers	Clerc Clerk

*Dechreuodd y cyfarfod am 09:32.*  
*The meeting began at 09:32.*

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

[1] **Ann Jones:** Good morning, everybody. Welcome to the Children, Young People and Education Committee. Can I just do the usual housekeeping rules? If you've got your mobile phones on, can you make sure they're switched off or are on 'silent'? If you're using your iPads, can you make sure that the ping goes off, or I might think my dinner's ready, because it's microwave ping dinners? We're not expecting the fire alarm to operate. If it does, we'll take our instructions from the ushers, but, if we can get out, the Assembly point is the Pierhead building, so, if we can get out this side, we can do that. I'm just checking that my mobile phone is off—sorry, having told you all. I don't think anyone needs to declare any interests that they haven't already declared. As we're at Stage 2 of this Bill, I think most of us will have declared, should we have done. So, we'll move on.

[2] We've had apologies from Angela Burns, Lynne Neagle and John Griffiths for today, so we've got Paul, who's substituting for Angela. Paul has been substituting for Angela—you're welcome. I had to remember to put you in, because you're part of our committee now, in a way, but there we go. And we've got Joyce Watson and Jeff Cuthbert subbing for Lynne Neagle and John Griffiths, so, thanks very much to you for agreeing to do this.

09:33

**Bil Cymwysterau Cymru—Cyfnod 2: Trafod y Gwelliannau**  
**Qualifications Wales Bill—Stage 2: Consideration of Amendments**

[3] **Ann Jones:** As I say, the only item on our agenda today is Stage 2 of the Qualifications Wales Bill, consideration of amendments. So, Minister, would you like to

introduce yourself and your team and then we'll go straight through?

[4] **The Minister for Education and Skills (Huw Lewis):** Yes, thank you, Chair. I'm Huw Lewis, the Minister for Education and Skills. On my right is Cassy Taylor, who is heading up our transition team for Qualifications Wales, and, on my left, Catherine Lloyd who's a member of our legal team. I will be joined later by Siwan Daniel, who is also a member of the legal team.

[5] **Ann Jones:** Okay. Thank you very much for that. We've done Stage 2 before, but, just for Members to be aware, you should have a copy with you of—well, the Bill, if necessary—the marshalled list of amendments and the groupings list for debate, so you can follow where we're up to. Just to remind the Minister, because you're not a member of the committee—I know you might think you're a member, because you're here in front of us quite regularly—that, when it comes to amendments that you've put down in your name, I will move them on your behalf. So, if everybody's happy with that, and you've all got your marshalled lists and your amendments, shall we move to the first group of amendments? Okay.

**Grŵp 1: Dynodi Cymwysterau Eraill (Gwelliannau 13, 15, 18, 26, 27A, 27, 28, 29, 36, 37, 38, 39, 40, 73, 43, 44 a 45)**

**Group 1: Designation of Other Qualifications (Amendments 13, 15, 18, 26, 27A, 27, 28, 29, 36, 37, 38, 39, 40, 73, 43, 44 and 45)**

[6] **Huw Lewis:** Thank you, Chair. With your indulgence, could I just say a few brief remarks—?

[7] **Ann Jones:** Well, first of all, do you want me to move your amendment 13, so we can start—

[8] **Huw Lewis:** If you'd like to do that now, yes.

*Cynigiwyd gwelliant 13 (Huw Lewis).*  
*Amendment 13 (Huw Lewis) moved.*

[9] **Ann Jones:** Well, I'll formally move amendment 13, which is the lead amendment in the group. Go on then, you can speak.

[10] **Huw Lewis:** Thank you, Chair. I just wanted to make a few brief remarks about Stage 2. I do welcome the opportunity to consider amendments to the Bill today, and I'm grateful for the interest of stakeholders and Assembly Members in the development of the Bill. In particular, I'd like to just quickly place on record my thanks to committee members for their scrutiny, and, particularly, those Members who have tabled amendments. I want to reassure Members that I've considered all those amendments very carefully indeed.

[11] Just turning to the amendments themselves, Part 4 of the Bill gives Qualifications Wales functions of publishing approval criteria for qualifications and considering for approval qualifications that have been submitted to it by recognised awarding bodies. Such approved qualifications become eligible for use on publicly funded courses of learning for learners under the age of 19. The approval of qualifications remains central, of course, to the regulatory role that Qualifications Wales will play in the qualifications system. It will be the key method for assuring that qualifications are fit for purpose and likely to be effective in meeting the needs of learners in Wales, including learners' needs to progress to the next stage of learning or to work.

[12] However, it will take time for Qualifications Wales to design, build and implement

such a system of approval. It will take time for Qualifications Wales to engage effectively with stakeholders to ensure that the new qualifications are designed, from the outset, to meet learners' needs. The priority qualifications list provides a means by which Qualifications Wales may prioritise its work over time, and I'm aware that Philip Blaker, the interim chief executive of Qualls Wales, is keen to work with occupational sectors in a phased approach to bring more and more qualifications into approval, over time.

[13] In the meantime, it's vital that learners continue, of course, to have access to an appropriate range of qualifications, and Qualifications Wales would not be able to identify, at the outset, whether each of these qualifications are effective and it seems inappropriate that those qualifications should be granted the status denoted by approval, even if it's only for a limited time. Other than those qualifications that have been recently designed for Wales, following an intensive period of engagement to address the recommendations of the review of qualifications, and that are intended to become approved qualifications from the outset, it's intended that other currently funded qualifications will become regulated by Qualifications Wales as designated qualifications. Approval should, I believe, denote a status that is earned and not simply inherited. Furthermore, some qualification types, perhaps those taken by niche groups of learners, may never, in fact, be listed on the priority qualifications list, and yet there may be an argument for them to be used on publicly funded courses.

[14] In the Bill, as it presently stands, the only alternative to approval for qualification courses for under-19s to be publicly funded is for Ministers to exempt certain courses from the requirement to use an approved qualification. This group of amendments gives Qualls Wales the ability to designate qualifications other than those it has approved as being eligible for use on publicly funded courses for learners under 19. The amendments, taken as a whole across the Bill, build a category of designated qualifications into the regulatory regime. Awarding bodies offering designated qualifications will be regulated under the conditions of recognition, and it's envisaged that specific conditions of recognition may be developed by Qualifications Wales in relation to designated qualifications.

[15] Now, amendment 26 inserts a new Part into the Bill to enable an appropriately recognised awarding body to apply to Qualifications Wales to designate a form of qualification as eligible for public funding for under 19-year-olds, and gives Qualls Wales the power to make a designation. The section requires Qualls Wales to consider the appropriateness of designating rather than approving a qualification, as well as the appropriateness of a course leading to the qualification being publicly funded. It will always be necessary to consider whether the qualification is one that should be approved. I believe it's appropriate that Qualifications Wales should make this consideration for the majority of qualifications, rather than having a situation where Welsh Ministers are exempting courses, which might otherwise be the case. The amendment strengthens the independence of the new body and significantly reduces the number of decisions to be made by Government about qualifications. Being able to designate some qualifications rather than approve will strengthen Qualifications Wales's ability to focus on priority qualifications, and will mean that approval really does indicate that a robust consideration has been given to qualifications that are approved. It also means that Qualls Wales would not need to devote resources to reviewing in detail the thousands of qualifications that are already in the system. It will be able to start with a relatively clean sheet of paper, so to speak, to build a bank of qualifications that will underpin the assessment of learners in Wales.

[16] Amendment 27 requires Qualls Wales to specify start and end dates to designations. Designations may also cease to have an effect before that end date, and there are a number of potential reasons for that. Designations come to an end once a restricted qualification has been approved. This is because restricted priority qualifications will always need to be approved rather than designated. A designation would also end if the designated qualification is itself subsequently approved. They may also cease to have an effect if the awarding body—

I beg your pardon; if the body awarding the qualification ceases to be recognised in respect of it. Finally, of course, Quals Wales may revoke a designation.

[17] Qualifications Wales is required to give notice to the affected awarding body of the end date if a designation ends before its expiry. It may also place a limit on the effect of a designation, for example by reference to certain circumstances, or by reference to certain descriptions of people to whom the qualification is awarded, for example, to designate the qualification as eligible for funding for learners over the age of 16, for instance. This is to enable Quals Wales to ensure that designations are granted only where they are necessary and appropriate to meet learners' needs. Amendment 28 gives Qualifications Wales powers to allow a qualification to continue to be treated as designated for specified purposes where it has ended early due to being approved, or a restricted form of the qualification being approved. This is for the purpose of avoiding learners being disadvantaged by the designation ending early—for example, in the middle of a course. The power is broad enough, for example, to extend eligibility for funding to cover learners resitting the qualification after the expiry of the designation. Quals Wales has powers under Schedule 3 to deal with cases where recognition ceases, which could be used to similar effect in respect of any designations ending early due to recognition ceasing.

[18] Amendment 29 gives Qualifications Wales the ability to revoke designations, allows for the affected awarding body to make representations and have them considered by Qualifications Wales before it revokes such a designation, and deals with the notice of revocation to the affected awarding body. Notice of the decision must be given promptly, but in any event by 31 December of the year when the decision takes place. This is so that schools and other learning providers can plan from the start of the year according to which qualifications are actually for eligible for use on publicly funded courses for the next academic year, in essence providing them with a minimum of eight months' notice. This enables learners to make choices about qualifications with a degree of certainty in the spring term before they commence their course.

[19] The other amendments in this group are consequential to amendment 26 in that they incorporate the new function of designation into both the structure of the Bill and into the regulatory regime for Qualifications Wales. Amendments 13 and 15 amend the overview to reflect the new function of designation, and amendment 18 amends Part 3 to reflect this function.

09:45

[20] Amendments 36 to 40 and 43 to 45 include the category of designated qualifications into the various functions of Qualifications Wales. These include, for example, the requirement for Qualifications Wales to state in its policy statement the matters that it is likely to take into account when deciding whether or not to designate, the length of designation, and also what it is likely to take into consideration when deciding whether to revoke a designation. The power to cap an awarding body's fees is also extended to relate to the award of designated qualifications, as well as approved ones, to people on publicly funded courses.

[21] If I could turn, Chair, now to Suzy Davies's proposed amendments 27A and 73, the proposal is that Ministers should make regulations to provide a maximum time period for designations to have effect. I imagine that the underlying concern may be that important qualifications may not be reviewed fully for approval soon enough. However, this amendment would present a number of difficulties. Firstly, the time period needed for designations is likely to vary according to the qualification and according to the formation of the priority qualifications list. Secondly, in the transitional provisions to transfer qualifications into the new regime, the majority of qualifications will be transferred across as designated for a limited period of time, in any case. Should a designation come to an end before Qualifications

Wales is ready to accept applications for approval for that type of qualification, a further designation may be granted in any case. Furthermore, some qualifications, for example, some taken by small groups of learners, may, as I've already said, never feature on the priority qualifications list and may be better served by a longer term designation. So, I believe it would be more in accordance with the degree of independence that we intend Qualifications Wales to have to enable it to make its own professional judgments about the appropriate length of designations, rather than for Ministers to make such a judgment through regulations.

[22] A number of safeguards have been built into my amendments to provide the necessary protections to awarding bodies and to learners, including the provision of a period of notice if they end early, and of the need for Qualifications Wales to consider representations about a proposal to revoke a designation. So, I would urge Members to reject amendments 27A and 73. That, Chair, I think, concludes that run-through for group 1.

[23] **Ann Jones:** Okay. Thanks very much. Suzy, you want to speak. Does anybody else? No. Suzy.

[24] **Suzy Davies:** Thank you, Chair, and thank you, Minister. Minister, because of these amendments, I'm afraid I'm going to have to withdraw my best Bill of the Fourth Assembly award. [*Laughter.*]

[25] **Simon Thomas:** It may still be the best Bill. [*Laughter.*]

[26] **Huw Lewis:** I want to know who's going to win instead.

[27] **Suzy Davies:** I'm so disappointed.

[28] Last December, in evidence to us, you explained that the current system meant that,

[29] 'any awarding body can put up anything for consideration, and this leads to all sorts of capacity issues in terms of the regulator's ability to cope'.

[30] At that point, Angela Burns asked you specifically whether, in your financial modelling, there would be enough staff to undertake the work that Qualifications Wales was identified as having to do under this Bill. She said specifically,

[31] 'It seems to me that you are talking about some 73 people, going from zero to implementing all of this and to doing the monitoring and the regulating, and I find that a challenge to think

[32] that you will be able to do that with that level of staffing.'

[33] You replied that you were,

[34] 'reassured by officials and by the interim chief executive, Philip Blaker, that this is the right sort of quantum of spend and numbers of people'

[35] and that the timetable was achievable. Yet, today, you're talking about needing more time for certain functions to be done.

[36] When we revisited the question in March this year, you remained confident that all was in order, bar a few questions over IT costs, and that the interim chief executive was hands-on and still very much in the thick of this. So, I want to know: when did you all identify that there was a hole in the Bill that needed filling quickly? You managed to bring other amendments forward much more quickly at Stage 2 than you have those in this group today. When did it become clear that you were expecting a surge of applications for approval

by Qualifications Wales—far too many to deal with—and that some would have to be diverted to this, sort of, holding pen, where they would be treated as de facto provisionally approved designated in order to qualify for Welsh Government funding? And at which point did you realise that, even with the extra staff, that Qualifications Wales would not be able to handle all the approval applications in anything like good time?

[37] If designated status is good enough to attract Welsh Government funds, what is the point of having Qualification Wales approval? Because we all accepted your argument that Qualifications Wales approval would meet the aims of this Bill, which is a guarantee of meeting the needs of Welsh learners, a guarantee of quality to help create that public confidence, and then a guarantee that taxpayers' money should be spent on them. You were right when you said that any awarding body can put up anything for consideration, and that this leads to all sorts of capacity issues in terms of the regulator's ability to cope. But, your original Bill doesn't seem to have solved that problem, and however much you try and solve that problem now, you still need to explain why designation, as described in these amendments, doesn't undermine the principal guarantees offered by the Bill.

[38] Moreover, this new concept is being introduced into the legislative process without any genuine opportunity for consultation with affected parties or scrutiny by this Assembly. I'd like to know, for example, whether you intend to go through the pool of designated qualifications on a sort of awarding body by awarding body basis. There might be something in the Bill that I've missed there, but I don't think so. Is there going to be an equivalent holding pen for the recognition of awarding bodies? I think this policy should have been brought to us at Stage 1 with a revised explanatory memorandum and a revised financial analysis, on which we should have had the opportunity to take some evidence, Chair.

[39] You may say that it's not a brand-new concept and a new piece of policy, because section 29(6) to (8) already referred to the funding ban not applying to courses designated by Ministers. But, it's clear from those subsections that you were just anticipating a small number of exceptions to the general rule, and that's not what these new amendments anticipate. So, to try and recover some of the certainty of the original Bill, I offered that further amendment 27A to your own amendment 27, which you kindly described for us.

[40] I think it is important to have a maximum period for which any course can expect to be eligible for public funding by virtue of being designated, and I'd want those regulations to come before the Assembly using the affirmative procedure to ensure that the designated status doesn't go on for years, or even indefinitely. I thank you for your comments and response to what you thought might be behind this amendment, but I think my response to that is, really, you should have thought of those problems right at the beginning of this Bill, and not have come to us a week before Stage 2.

[41] I appreciate that other amendments in this group talk about expiry dates and revocation of designated status—you've been kind enough to go through those with us. And you say that approval should be earned. But, these amendments suggest that designated courses will be treated with the presumption that they'll be approved—you talk about obligations to serve notices and rights of reply, and so on—rather than be provisionally approved for a certain period after which revocation should be automatic. If the former is how you see designation working, then I think I do go back to my original point, which is: how can the public be confident that there's any real difference between approved qualifications and designated qualifications?

[42] **Ann Jones:** Okay. Simon?

[43] **Simon Thomas:** Diolch, Gadeirydd. **Simon Thomas:** Thank you, Chair. I too am Rwyf innau yn siomedig mewn ffordd ein disappointed in a way that we are dealing



bod ni'n delio ag un gwelliant, sef 26, a nifer o welliannau sy'n dilyn, sydd mor sylfaenol, ar yr adeg hwn o Fil sydd wedi cael ei drafod, fel roedd Suzy Davies yn ei ddweud, mewn ffordd fwy cytbwys ac agored cyn nawr. Dyma'r Bil, yn fy marn i, sydd wedi cael y mwyaf o waith yn ei gylch e, gan gynnwys y pwyllgor yma yn gwneud y gwaith rhag-ddeddfwriaethol. Ac mae'n wir i ddweud nad oedd y mater yma wedi codi yn ystod y broses y buom ni yn ei wneud fel pwyllgor, na'r broses graffu ar y Bil fel y'i cyflwynwyd i'r Cynulliad.

[44] Mae materion o ran capasiti wedi codi, fel roedd Suzy Davies yn sôn, ac mae'r Llywodraeth wedi ateb y pwyllgor drwy ddweud bod yna gapasiti digonol i ddelio â'r Bil a chymhwyso cymwysterau newydd. Y ffordd roeddwn i'n cymryd bod hyn yn mynd i weithio oedd bod pob un cymhwyster yn mynd i drosglwyddo i'r corff newydd, bod yna broses o awdurdodi'r cymwysterau hynny yn cymryd lle—mae'n gallu cymryd blynyddoedd, rwy'n deall hynny—ond oherwydd bod y cymwysterau yna wedi eu cymhwyso rhyw ffordd neu'i gilydd gan gyrff eraill yn y gorffennol, gan gynnwys Ofqual a'r cyrff galwedigaethol, byddai hynny yn rhywbeth dilys a rhywbeth gyda digon o hygredd yn ei gylch, a rhywbeth oedd yn gyfarwydd i bobl hefyd, felly ni fyddai cymhlethdodau yn codi oherwydd bod pobl yn gyfarwydd â'r cyrff yma yn bod yn gyfrifol am awdurdodi cymwysterau yng Nghymru.

[45] Yr hyn rwy'n pryderu yn ei gylch nawr yw bod yr adran newydd yma, a'r gwelliannau eraill, yn cyflwyno cymhlethdod newydd. Drwyddi draw, un o'm prif bryderon i gyda'r Bil yma yw nid yr egwyddor, ond sut fyddwn ni'n hyrwyddo'r Bil a sicrhau bod pawb yn deall beth yw cymhwyster yng Nghymru, a pha mor ddilys yw'r cymhwyster yna wrth ei gymharu â chymwysterau eraill drwy Brydain ac Ewrop, ac mae gennyf welliannau nes ymlaen sydd yn delio â rhai o'r materion hynny hefyd. Ond drwy gyflwyno'r set arall o gymwysterau yma, y rhai sydd wedi'u dynodi, mae modd o gymylu'r dŵr a drysu, rwy'n ofni. Rwyf hefyd yn ofni y bydd myfyriwr sydd nawr yn astudio cymhwyster sydd wedi ei awdurdodi gan Gymwysterau

with one amendment, namely 26, and a number of consequential amendments, which are so fundamental at this stage of a Bill that has been discussed, as Suzy Davies said, in a more balanced and open way previously. This is the Bill, in my opinion, that has seen the most work done on it, including this committee carrying out the pre-legislative work. And it's true to say that this issue wasn't raised during the process that we considered as a committee, or the scrutiny process on the Bill as it was introduced to the Assembly.

The issues of capacity have been raised, as Suzy Davies mentioned, and the Government has responded to the committee by saying that there is adequate capacity to deal with the Bill and the application of new qualifications. The way I anticipated that this would work was that every qualification would transfer to the new body, that there would be a process of authorising those qualifications—which could take years, I understand that—but as those qualifications had been approved in one way or another by other bodies in the past, including Ofqual and the vocational bodies, that would have been a valid approach and one that would have sufficient credibility, and it would be well known to people too, so there wouldn't be any complications arising because people would have been familiar with those bodies being responsible for the approval of qualifications in Wales.

What concerns me now is that this new section, and the other amendments, introduces a new level of complexity. Generally speaking, one of my main concerns with the Bill is not the principle, but how we promote the Bill and ensure that everyone understands what qualifications are in Wales, and how valid those qualifications are in comparison with other qualifications throughout Britain and Europe, and I have some amendments dealing with those issues a little later on. But by introducing this other set of qualifications, the designated qualifications, we are muddying the waters, I fear. I also fear that a student who is now studying a qualification approved by Qualifications Wales under Part 4, as the Bill currently stands, and one who is studying a

Cymru o dan Ran 4, fel y mae'r Bil nawr, ac un sy'n dilyn cymhwyster sydd wedi'i ddynodi yn yr adran newydd yma—. Ym mha ffordd y byddech yn cymharu'r ddau gymhwyster yma? A fyddant yn cael eu trin yr yn ffordd? A fydd un person yn meddwl bod ganddynt gymhwyster sydd yn eilradd achos mae e wedi'i ddynodi yn hytrach na chymhwyster sydd wedi'i lwyr awdurdodi gan Gymwysterau Cymru?

[46] Felly, rwy'n gobeithio bod y pwyllgor yn gallu gweld pam rwy'n pryderu ynglŷn â chyflwyno rhywbeth mor fawr ar adeg eithaf hwyr yn y broses yma. Achos un o'r pethau sydd yn deillio o hynny, wrth gwrs, yw nad ydym wedi derbyn tystiolaeth, Gadeirydd, fel pwyllgor ar y materion hyn. Ac nid yw e wedi cael ei godi chwaith gan y bobl sydd wedi dod i roi tystiolaeth, sydd yn gwneud i mi deimlo mai rhywbeth arall efallai sydd y tu ôl i hwn, a byddwn yn gobeithio bod y Gweinidog yn gallu ateb nes ymlaen ynglŷn â hynny.

[47] Er fy mod yn ddiolchgar iawn i'r Gweinidog am esbonio heddiw, ac mewn cyfarfod o'r blaen hefyd, ei reswm dros y gwelliannau hyn, byddaf yn atal fy mhleidlais heddiw. Nid ydym eisiau rhwystro'r Bil; rydym yn gweld y Bil fel rhywbeth positif iawn yn gyffredinol. Ond, byddwn yn gobeithio, drwy o leiaf fynegi ein hanfodlonrwydd yr adeg hon, y byddwn mewn sefyllfa i gasglu mwy o wybodaeth a mwy o dystiolaeth gan y bobl hynny sydd wedi dod i'r pwyllgor i ni ddeall yn well os yw hyn wir yn ddull y gallwn ei gymeradwyo ar gyfer Bil sydd, hyd yma, wedi ennyn cefnogaeth gan bob un person a phob un sydd wedi bod yn rhan ohono fe.

[48] **Aled Roberts:** Rwy'n rhannu rhai o'r pryderon achos roedd y gyfundrefn gymeradwyo yn rhywbeth gymeron ni dystiolaeth arno fo, ac rwy'n meddwl ei bod ni wedi derbyn, wrth ofyn cwestiynau i'r bobl o Ogledd Iwerddon, ac hefyd yr Alban, beth yn union oedd y sefyllfa lle roedd cymwysterau wedi cael eu cymeradwyo mewn gwlad arall ac roedden nhw'n mynd trwy'r broses yma yng Nghymru. Rwyf eisiau gofyn i'r Gweinidog egluro dau beth, a dweud y gwir. Yn y lle cyntaf, rwyf hefyd yn ddiolchgar iddo am y sesiwn yr wythnos

qualification designated in this new part—. How would you compare those two qualifications? Would they be treated in the same way? Would one individual believe that they have a secondary qualification because it is designated rather than being a qualification that is fully approved by Qualifications Wales?

So, I hope that the committee is able to understand my concerns about the introduction of such a major new section at a relatively late stage in this process. Because one of the things that emerges from that, of course, is that we haven't taken evidence, Chair, as a committee, on these issues. And it hasn't been raised either by the stakeholders who have provided evidence to us, which makes me feel that there may be something else behind this, and I would hope that the Minister could respond a little later on that issue.

Although I am very grateful to the Minister for explaining today, and at a previous meeting, the rationale behind these amendments, I will be abstaining today. We don't want to prevent the progress of the Bill; we see the Bill as something very positive generally speaking. But, we would hope that through at least expressing our disquiet at this stage, we would be in a position to gather more information and more evidence from those people who have appeared before the committee for us to better understand if this truly is an approach that we can approve for a Bill that, to date, has garnered the support of all of the people involved.

**Aled Roberts:** I share some of the concerns because the approval system was something that we took evidence on, and I think we accepted, in asking questions to the people from Northern Ireland, and also from Scotland, what exactly the situation was where qualifications had been approved in another country and they went through this process in Wales. I want to ask the Minister to explain two things, really. In the first place, I'm also thankful to him for the session last week when these amendments were presented. There was one part of the briefing

diwethaf pan gyflwynwyd y gwelliannau yma. Roedd un rhan o'r briffio lle roedd sôn am gymwysterau wedi'u cymeradwyo, cymwysterau wedi'u dynodi, a bod y cymwysterau sydd wedi cael eu dynodi yn cael eu cynnwys o fewn y fframwaith. Felly, rwyf eisiau gwybod yn union os wyf yn iawn mai yr unig gymwysterau a fydd yn cael arian cyhoeddus yw'r rhai sydd wedi cael eu cymeradwyo neu'r rhai sydd wedi cael eu dynodi, ac nad oes rhai eraill mewn golwg, yn y lle cyntaf, jest er mwyn eglurhad.

where there was talk of qualifications being approved, qualifications being designated, and that the qualifications that had been designated were to be included within the framework. Therefore, I want to know exactly if I'm right that the only qualifications that will receive public funding will be those that have been approved or designated, and that there aren't any other ones being considered, in the first place, just as a point of explanation.

[49] Hefyd, er mwyn i mi ddeall yn union, cyn i mi benderfynu sut i bleidleisio, roedd y Gweinidog yn dweud, yn ystod y cyfnod trosglwyddo yma, bod amserlen penodol a rhyw fath o ddyddiad pen draw o ran y cymwysterau yma sy'n cael eu dynodi. Fe aeth ymlaen i ddweud ei bod hi'n bosib i'r dynodiad yna gael ei adnewyddu. Nid oeddwn yn deall os oedd hynny'n gallu bod yn hollol agored, neu os oedd yr un rheolau yn cael eu cynnwys yna, bod yn rhaid i Gymwysterau Cymru ddynodi diwedd, felly, o ran y dynodiad ar ôl iddo gael ei adnewyddu.

Also, for me to understand properly, before I decide how to vote, the Minister said, during this transitional period, that there was a specific timetable and some sort of end date in terms of the designated qualifications. He went on to say that it was possible for that designation to be renewed. I didn't understand whether that could be completely open, or whether the same rules applied there, that Qualifications Wales would have to designate the ending, therefore, in terms of the designation after it was renewed.

[50] **Ann Jones:** Okay. Anybody else? No. Minister, do you want to respond?

10:00

[51] **Huw Lewis:** Yes, thank you, Chair. These are all very pertinent questions, and each of them has weight and deserves an answer. First of all, in terms of Suzy's central point, which is, I believe, 'Why didn't you think of this earlier?'—and I'm very sorry to have gone down in Suzy's estimation; I didn't know there was an awards ceremony at the end of August, but I'm looking forward to it—I could plead, I suppose, that this committee or stakeholders in general likewise did not suggest this as a practical way forward, in terms of the thoughts that everyone had put into the scrutiny process. So, I suppose I could plead that I'm no better than all the other concerned parties in terms of drilling down into this particular issue. I would say that I am grateful and I am glad that there was broad consensus around the early appointment of an interim chief executive, because, really, it is that practical-eye view from the chief executive about implementation that has led to advice from him about what are the best practical ways of making sure that we get through what is a transitional phase for the new organisation.

[52] I believe this way forward answers the knotty, practical issues around having to begin from where we begin—you know, none of us would want to start from here, but we will start from here. It prioritises the needs of learners, and, to answer Simon Thomas's point about the student's-eye view, if you like, even though there may be, theoretically, a level of complexity involved with this new designation of designated qualification, it's not a worry for the learner; it's a worry for the professionals and it's a worry for Qualifications Wales. I doubt that any student anywhere would be aware of, or interested in, really, whether their qualification was approved or designated. It shouldn't matter to them, and it won't matter to them, in terms of the validity of the certificate that they win at the end of the course. There is a needs-must

element to this, Chair. There are capacity issues, even if Quals Wales was double the size—treble the size. Even if I threw the entire educational department into this, there would be a transitional phase. There are thousands of qualifications out there that have to be worked through, prioritised, and, in time, if they're good enough, approved.

[53] I believe it was Aled who asked about exceptions, and so on. Now, the only exception that I could point to, really, and an example might be the best illustration, is that non-regulated qualifications—unusual things like driving tests in schools, for instance—might be something that could be put to Ministers regarding non-regulated qualifications being excepted. Designation, first of all, sends a signal about the importance of approval that Qualifications Wales is in charge of this process, that there is a new regime in Wales, and approval is what should be aimed for. It also, of course, gives an essential tool to Qualifications Wales in terms of being able to focus down, to prioritise, connecting the needs of Wales and our skills needs to the needs of learners, and to make expert decisions about how that prioritisation takes place.

[54] We have, of course, discussed this with key stakeholders. There have been no signals of any great concern around this, and I would propose that the committee support my amendments, on the basis that this solution is—given the complexity of what we're facing here, in terms of the qualifications landscape—in my mind, simple, it's practical, and it's straightforward, in terms of people's understanding. I would even say it's potentially an elegant solution to the complicated qualifications landscape that Quals Wales will have to navigate itself through.

[55] **Ann Jones:** Okay, thank you. There is no right to reply after the Minister replies to the debate, but was there a clarification point?

[56] **Aled Roberts:** Yes, it's that there was no explanation of the renewal of designation, and whether that was time limited.

[57] **Huw Lewis:** Oh, the time-limited question.

[58] **Ann Jones:** Okay. I'll be generous because it's the first debate, but—

[59] **Simon Thomas:** That's an intervention, surely.

[60] **Ann Jones:** It's not an intervention; it's a point of clarification. Let's try and stick to the Standing Orders. I think I can see—but you can't come back. The process is that the Minister responds to the debate, so I think it's a lesson for you all to get your points in ahead. Do you just want to answer that point of clarification, then, Minister?

[61] **Huw Lewis:** Well, I apologise. I think Aled did get that point in and I didn't refer to it in my response. The simple answer is: it's Qualifications Wales's duty to sort that out. It's a matter for them, in terms of that making sense, keeping the needs of the learner paramount and, of course, the consultation with stakeholders has been an essential element of that.

[62] **Ann Jones:** Okay, thanks very much. Minister, do you wish to proceed to a vote on amendment 13?

[63] **Huw Lewis:** I do.

[64] **Ann Jones:** Okay, then. The question is that amendment 13 be agreed to. Does any Member object? [*Objection.*] Okay, thank you. So, we'll take a vote by show of hands, then. All those in favour of amendment 13, please show: five. Those against? No against. Abstentions? Five. Okay. That is carried.

*Gwelliant 13: O blaid 5, Ymatal 5, Yn erbyn 0.*

*Amendment 13: For 5, Abstain 5, Against 0.*

O blaid:  
For:

Yn erbyn:  
Against:

Ymatal:  
Abstain:

Cuthbert, Jeff  
Davies, Keith  
Jones, Ann  
Rees, David  
Watson, Joyce

Davies, Paul  
Davies, Suzy  
Jenkins, Bethan  
Roberts, Aled  
Thomas, Simon

*Derbyniwyd gwelliant 13.*

*Amendment 13 agreed.*

[65] **Ann Jones:** Under the marshalled list, we'll vote the rest of the amendments when we reach them.

**Grŵp 2: Amrywiol a Thechnegol (Gwelliannau 14, 17, 2, 4, 5, 6, 7, 9, 10, 68, 11 a 12)**  
**Group 2: Miscellaneous and Technical (Amendments 14, 17, 2, 4, 5, 6, 7, 9, 10, 68, 11 and 12)**

[66] **Ann Jones:** So, we'll now go on to group 2, which is miscellaneous and technical amendments. The first amendment in this group is amendment 14. Minister, do you want me to move amendment 14 in your name?

*Cynigiwyd gwelliant 14 (Huw Lewis).*

*Amendment 14 (Huw Lewis) moved.*

[67] **Huw Lewis:** I do.

[68] **Ann Jones:** Right. We'll formally move amendment 14. Minister, do you want to speak to the amendment, and any other amendments in the group?

[69] **Huw Lewis:** Thank you, Chair. This grouping of amendments contains technical corrections to the text of the Qualifications Wales Bill, which are all—with the exception of one, which I propose to accept—my own amendments. The amendments being largely matters of textual detail, I'll go through them as succinctly as I can.

[70] Amendment 14 clarifies that courses provided on behalf of maintained schools, as well as those provided by them, are subject to the restrictions articulated in section 29 of the Bill. This amendment makes the text of the overview consistent with the substantive provision in Part 5.

[71] Amendment 17 clarifies that the reference to qualifications awarded in Wales, for the purposes of the meaning of the Welsh qualifications system, means that the learners must be—and this is the definition—

[72] 'assessed wholly or mainly in Wales'

[73] rather than any potentially wider application implied by using simply 'in Wales'. This ensures consistency with drafting elsewhere in the Bill.

[74] Amendment 2 corrects a potentially confusing provision in relation to the withdrawal of approval from a qualification. It replaces two subsections with one and clarifies that the

amended withdrawal date set out in a notice to an awarding body is to be considered as the withdrawal date, rather than any other previously notified date.

[75] Amendments 4 and 5 refer to scenarios where a person authorised by Qualifications Wales may enter and inspect an awarding body's premises. They clarify that a justice of the peace has discretion in whether or not to permit or require a police constable to accompany the authorised person to enter the awarding body's premises, to ascertain whether the awarding body has breached its recognition or approval conditions.

[76] Amendments 6 and 7 provide clarification in relation to a charging scheme. Together, they confirm that a charging scheme must only be prepared if Qualifications Wales intends to charge fees to an awarding body, whereas the present draft might indicate that a scheme should be prepared whether or not fees are to be charged. The requirement to have any charging scheme approved by Ministers in unaffected.

[77] Amendments 9 and 10 list sections 2(3) of, and Schedule 2 to, the Bill as provisions that come into effect on Royal Assent. These provisions enable the Welsh Ministers to make one or more transfer schemes, setting out a date for the transfer of property and staff to Qualifications Wales. Having these provisions commence on Royal Assent will enable the planning and transfer of assets and staff to take place in a timely manner and to co-ordinate with plans for Qualifications Wales to be established and exercise its new functions. Transfer schemes will still be required to be laid before the Assembly.

[78] Now, amendment 68, which is introduced by Aled Roberts, would appear to be aimed at removing an implication that, in any given year, Qualifications Wales may be likely not to involve stakeholders in its activities. I welcome the strengthening of the intention that Qualifications Wales as an organisation should engage appropriately with its stakeholders. It should, of course, so I am content to accept amendment 68 on the basis that it is inevitable that Qualifications Wales will involve stakeholders at some point during the annual reporting year, and as the amendment itself does not place a general duty on Qualifications Wales to consult on the exercise of each of its functions.

[79] Amendment 11 removes unnecessary wording in paragraph 1(2) of Schedule 3, since the cessation of recognition of an awarding body can only occur through withdrawal or surrender, and not otherwise.

[80] Amendment 12 provides for Qualifications Wales's records to be Welsh public records, thereby ensuring that Qualifications Wales's key documents are preserved in an appropriate manner. Officials have liaised with the National Archives in relation to this matter. To summarise, Chair, I propose that Members support all of the amendments in this group.

[81] **Ann Jones:** Okay, thank you. Does any Member wish to speak? No? All right, thank you. So, there's no need to reply to the debate, because there hasn't been one. Minister, do you wish to proceed to a vote on amendment 14?

[82] **Huw Lewis:** I do.

[83] **Ann Jones:** Thank you. The question is amendment 14 be agreed to. Does any Member object? No. Thank you very much. Amendment 14 is agreed.

*Derbyniwyd gwelliant 14 yn unol â Rheol Sefydlog 17.34.  
Amendment 14 agreed in accordance with Standing Order 17.34.*

[84] **Ann Jones:** We need to return to dispose of amendment in the earlier group, so,

Minister, would you like amendment 15 in your name to be moved?

[85] **Huw Lewis:** I would.

*Cynigiwyd gwelliant 15 (Huw Lewis).*  
*Amendment 15 (Huw Lewis) moved.*

[86] **Ann Jones:** I formally move amendment 15. The question is that amendment 15 be agreed to. Does any Member object? [*Objection.*] You object, okay. So, we'll have a vote by show of hands. All those in favour of amendment 15, please show. Thank you. Those against. Against?

[87] **Suzy Davies:** Oh, no, sorry. [*Laughter.*]

[88] **Ann Jones:** I'm being very generous this morning. Okay, nobody against. Abstentions? Five abstentions. Thank you. Amendment 15 is carried.

*Gwelliant 15: O blaid 5, Yn erbyn 0, Ymatal 5.*  
*Amendment 15: For 5, Against 0, Abstain 5.*

O blaid:  
For:

Yn erbyn:  
Against:

Ymatal:  
Abstain:

Cuthbert, Jeff  
Davies, Keith  
Jones, Ann  
Rees, David  
Watson, Joyce

Davies, Paul  
Davies, Suzy  
Jenkins, Bethan  
Roberts, Aled  
Thomas, Simon

*Derbyniwyd gwelliant 15.*  
*Amendment 15 agreed.*

**Grŵp 3: Rôl Reoleiddiol Cymwysterau Cymru—Cydnabod Cyrff Dyfarnu**  
**(Gwelliannau 16, 19, 20, 21, 22, 23, 24, 25, 35, 8, 41, 42, 46 a 47)**  
**Group 3: Regulatory Role of Qualifications Wales—Recognition of Awarding Bodies**  
**(Amendments 16, 19, 20, 21, 22, 23, 24, 25, 35, 8, 41, 42, 46 and 47)**

[89] **Ann Jones:** We move on to group 3, which is the regulatory role of Qualifications Wales, and the recognition of awarding bodies. The lead amendment in this group is amendment 16. Minister, would you like amendment 16 to be moved?

[90] **Huw Lewis:** I would.

*Cynigiwyd gwelliant 16 (Huw Lewis).*  
*Amendment 16 (Huw Lewis) moved.*

[91] **Ann Jones:** I'll formally move amendment 16 and call the Minister to speak to that amendment, and then the others in the group.

[92] **Huw Lewis:** Thank you, Chair. The Bill as introduced restricts Qualifications Wales to only be able to impose its conditions of recognition on awarding bodies in relation to the award of qualifications that it has approved. Due to section 31, these conditions do not apply to other qualifications awarded in Wales by a recognised body, and, in such cases, the qualifications may be regulated by Ofqual, but not by Qualifications Wales. On reflection, this seems to me to limit unduly the ability of Qualifications Wales to ensure the effectiveness of the qualifications system for meeting the reasonable needs of learners in Wales. Whilst,

certainly, the intention is for Qualifications Wales to focus its attention on the design and award of priority qualifications through the process of approval, it should also be able to protect the interests of learners in Wales taking other qualifications awarded by recognised bodies, for example in the event of, for instance, malpractice or complaints. Broadly speaking, this group of amendments enables Qualifications Wales to take regulatory action in relation to qualifications that are awarded by recognised awarding bodies in Wales, even where those qualifications have not been approved by Qualifications Wales.

[93] Amendment 35 amends section 31 so that the limit to Qualifications Wales's regulatory powers is set to qualifications awarded in Wales if covered by the body's recognition, rather than solely in relation to qualifications that it has approved. Now, this does not mean that Qualifications Wales will need to give focused consideration to the design of qualifications that it does not consider for approval if it chooses not to do so.

10:15

[94] Qualifications Wales may need to take into account any consideration that other regulators, such as Ofqual, may have given to those qualifications. Most importantly, Qualifications Wales will be able to consider concerns that may arise, for example, about the delivery and verification of non-approved qualifications in particular centres in Wales. It means that Qualifications Wales may, for example, direct an awarding body to take action to bring its activities into compliance with its conditions of recognition, in response to an investigated complaint about a qualification in respect of which the body is recognised, regardless of whether that qualification has been approved or not. This will provide a valuable layer of protection for learners in Wales. Additionally, it may provide regulation and protection should, for example, Ofqual decide not to take action on a breach in relation to a qualification awarded in Wales.

[95] A number of the amendments within this group are consequential to amendment 35. Amendment 16 reflects this change in the overview in section 1 of the Bill. Amendments 19, 21 and 22 reflect it in relation to the description of 'recognition' in section 8.

[96] Turning to amendments 20, 23, 24 and 25, these enable awarding bodies to specify in applications for general recognition that they wish to opt out of regulation by Qualifications Wales in respect of certain qualifications. This is because—as is presently the case—the regulation of qualifications will remain a voluntary system. For example, some bodies awarding professional qualifications choose not to be regulated by the general qualifications regulators, and some recognised awarding bodies choose that their recognition does not extend to certain qualifications. An awarding body developing a custom-made qualification for an employer may, for example, not wish to be regulated in respect of those qualifications.

[97] The amendments provide the means for such exemptions to be brought into effect and to ensure that Qualifications Wales does not regulate in relation to such exempted qualifications.

[98] Amendments 46 and 47 are related to this, in that they make clear that a recognised body's ability to surrender its recognition can be in respect of all qualifications, or just some, thereby enabling it to pull out of recognition for some qualifications, while continuing to be recognised for others.

[99] Amendment 41 facilitates this extension of Qualifications Wales's regulatory role by allowing it to set standard conditions of recognition directed at the different types of qualification. So, it could set a standard condition applicable only to approved qualifications, or conversely to qualifications that are not approved. It also refers to the new category of qualification—that was designated qualifications, which were dealt with under group 1



amendments. Amendment 42 provides that special conditions of recognition may be addressed at different qualifications, and similarly to amendment 41, this could only be by reference to whether or not a qualification is approved or designated.

[100] Finally, amendment 8 simply corrects a previous omission, in that it includes Qualifications Wales's activities in connection with the review of recognised awarding bodies and approved qualifications—for example, its monitoring work—within the list of functions that must be conducted according to the regulatory principles set out in section 49.

[101] **Ann Jones:** Do any Members wish to speak? Okay. Minister, do you wish to move to a vote on amendment 16?

[102] **Huw Lewis:** I do.

[103] **Ann Jones:** The question is that amendment 16 be agreed to. Does any Member object? No? Thank you. Amendment 16 is agreed.

*Derbyniwyd gwelliant 16 yn unol â Rheol Sefydlog 17.34.  
Amendment 16 agreed in accordance with Standing Order 17.34.*

**Grŵp 4: Dyletswydd Gweinidogion Cymru (Gwelliannau 58, 59, 62, 60 a 61)  
Group 4: Duty of Welsh Ministers (Amendments 58, 59, 62, 60 and 61)**

[104] **Ann Jones:** We'll move on, therefore, to group 4, which is duty of Welsh Ministers. The lead amendment in this group is amendment 58. I call Simon Thomas to move and speak to his amendment and the other amendments in this group.

*Cynigiwyd gwelliant 58 (Simon Thomas).  
Amendment 58 (Simon Thomas) moved.*

[105] **Simon Thomas:** Diolch, Gadeirydd. Mae pedwar gwelliant gen i yn y grŵp yma—gwelliannau 58, 59, 60 a 61. Mae gwelliannau 58 a 60 yn ymwneud â dyletswydd newydd y byddai'r gwelliannau yn eu gwneud, sef gosod ar y Gweinidog ddyletswydd i hyrwyddo'r system gymwysterau yng Nghymru ac amcanion Cymwysterau Cymru, a hyrwyddo hynny drwy gymryd pob cam rhesymol i wneud hynny, a gwneud hynny'n benodol wrth dargedu grwpiau rwyf wedi'u rhestru yng ngwelliant 60, sef, ymysg rhai eraill, rhieni, cyflogwyr, athrawon, sefydliadau, a myfyrwyr eu hunain. Mae'n bosib nad yw'r rhestr honno yn cynnwys pawb, ond mae o leiaf yn dynodi at bwy y dylai'r Gweinidog fod yn anelu ei waith hyrwyddo. Ond, wrth gwrs, nid yw'n cau allan unrhyw feysydd eraill chwaith. Nid yw'n rhestr gaedig yn yr ystyr yna.

**Simon Thomas:** Thank you, Chair. There are four amendments in my name in this group—amendments 58, 59, 60 and 61. Amendments 58 and 60 relate to a new duty that the amendments would place on the Minister to promote the qualifications system in Wales and the objectives and aims of Qualifications Wales, and to promote that by taking all reasonable steps to do so, and to do that specifically by targeting the groups that I have listed in amendment 60, namely, among others, parents, employers, teachers, institutions, and students themselves. It's possible that that isn't an entirely comprehensive list, but at least it does designate who the Minister should target his promotional activities at. But, it doesn't actually exclude any other areas either. It's not a closed list in that sense.

[106] Mae gwelliannau 59 a 61 yn ymwneud â phrentisiaethau a chamau y byddai Cymwysterau Cymru yn eu cymryd, Amendments 59 and 61 relate to apprenticeships and the steps that Qualifications Wales would take, in turn, to

yn ei dro, i gymeradwyo prentisiaethau yng Nghymru. Yn y cyd-destun yma, byddwn yn licio cyfeirio'r pwyllgor at y ffaith bod cymwysterau wedi cael eu trafod yn ystod ein trafodion ni fel pwyllgor a'n bod ni wedi derbyn tystiolaeth gan Ffederasiwn Hyfforddiant Cenedlaethol Cymru y bydden nhw'n hoffi i Gymwysterau Cymru, yn ei dro, fod yn gyfrifol am gymeradwyo prentisiaethau yng Nghymru. Mae hynny'n cael ei gyfeirio ato hefyd—er nad yw ar wyneb y Bil, mae'n y memorandwm esboniadol, ar dudalen 102, fel mae'n digwydd, fel rhywbeth y gall Cymwysterau Cymru ei wneud.

[107] Nawr, rwy'n ymwybodol, wrth gwrs, bod y Llywodraeth yn cynnal arolwg ar hyn o bryd o brentisiaethau yng Nghymru, fel rhan o'r cynllun gweithredu sgiliau. Felly, yn hytrach na cheisio, yn y Bil fel ag y mae, symud yn syth tuag at gymeradwyo prentisiaethau gan Gymwysterau Cymru, rwyf wedi gosod y ddyletswydd, yn hytrach, ar y Gweinidog i adrodd i'r Cynulliad pryd a sut y byddai prentisiaethau yn dod y tu mewn i faes gwaith Cymwysterau Cymru. Rwy'n meddwl bod hynny'n rhoi rhyddid i'r Llywodraeth benderfynu pryd, os o gwbl, y mae hynny i ddigwydd, ond mae hefyd yn dangos signal o'r math o gamau y gallai Cymwysterau Cymru eu datblygu, yn union fel mae'r sector yn dymuno. Rwy'n credu, o safbwynt y drafodaeth rydym wedi ei chael hyd yma, fod hyn yn fwy priodol fyth, nawr bod adran newydd, o bosibl, yn cael ei dodi yn y Bil, a'n bod yn fwy ymwybodol, efallai, o'r gwaith sydd gerbron Cymwysterau Cymru.

[108] Mae'n ddigon posib na fydd y corff newydd am symud yn syth at brentisiaethau, ond ni fyddem chwaith am weld hyn yn cwmpo oddi ar y radar yn llwyr. Rwyf eisiau cadw hyn fel rhywbeth sydd yn rhan o'r drafodaeth ar y ffordd rydym yn trin cymwysterau yng Nghymru, gan ei fod yn ymwneud hefyd â'r grŵp arall o welliannau sydd gennyf ynglŷn â pharch cydradd rhwng cymwysterau galwedigaethol a chymwysterau academaidd.

[109] Felly, rwy'n gobeithio bod y pwyllgor yn gweld y synnwyr yn yr hyn rwy'n trio ei wneud o gwmpas prentisiaethau

approve apprenticeships in Wales. In this context, I would like to refer the committee to the fact that qualifications were discussed during our proceedings as a committee and that we did receive evidence from the National Training Federation Wales that they would like Qualifications Wales, in turn, to be responsible for the approval of apprenticechips in Wales. That is referred to also; while it's not on the face of the Bill, it is referred to in the explanatory memorandum, on page 102, as it happens, as something that Qualifications Wales could do.

Now, I am aware, of course, that the Government is currently conducting a review of apprenticeships in Wales, as part of the skills implementation plan. So, rather than trying, in the Bill as it is, to move at once towards the approval of apprenticeships by Qualifications Wales, I have placed a duty, rather, on the Minister to report to the Assembly when and how apprenticeships will fall within the remit of Qualifications Wales. I do believe that that gives the Government the freedom to decide when, if at all, that should happen, but it also gives a signal of the kind of steps Qualifications Wales could develop, exactly as the sector would wish. I think, in terms of the discussion that we've had to date, that this is even more appropriate, now that there is possibly a new section to be included in the Bill, and that we're more aware, perhaps, of the work facing Qualifications Wales.

It's quite possible that the new body wouldn't want to move immediately towards apprenticeships, but I wouldn't want to see this falling off the radar entirely. I want to keep this as something that is part of the debate on the way that we are approaching qualifications in Wales, because it relates to another group of amendments that I have on the parity between vocational and academic qualifications.

So, I do hope that the committee sees the rationale in terms of what I'm trying to do around apprenticeships and recognises the

a'n cydnabod y dystiolaeth a gawsom fel pwyllgor, ac yn rhoi ffordd i Lywodraeth ymateb i hynny. Hefyd, rwy'n gobeithio bod y pwyllgor yn cydnabod bod y maes yma yn un dyrys iawn, a bod angen hyrwyddo Cymwysterau Cymru ym mhob ffordd bosib ymarferol a rhesymol, yn enwedig o safbwynt yr adran newydd o gymwysterau dynodedig rydym wedi'u derbyn hyd yn hyn fel pwyllgor beth bynnag, a bod dyletswydd ar y Gweinidog i hyrwyddo cymwysterau yn y ffordd fwyaf priodol hefyd yn ddyletswydd resymol i'w doddi ar Weinidogion Cymru.

evidence that we received as a committee, and provides a means for Government to respond to that. I also hope that the committee would recognise that this is a very complex area, and that we do need to promote Qualifications Wales in all possible reasonable and practical ways, particularly in terms of the new section of designated qualifications that was agreed by the committee anyway, and that the duty on the Minister to promote qualifications in the most appropriate way is also a reasonable duty to place on Welsh Ministers.

[110] **Ann Jones:** Okay. Suzy.

[111] **Suzy Davies:** Thank you. Just quickly—Simon, we're going to be supporting, certainly amendment 60 today, because the list of individuals you've chosen for Qualifications Wales to be promoted to includes students. I was a bit concerned by the Minister's earlier response in evidence that the difference between approved qualifications and designated qualifications wasn't of interest or importance to students; I personally think it is. I was just wondering whether, with the list there, you think it would be suitable for, perhaps, a further amendment at Stage 3 to include people with parental responsibility, which could include corporate parents and, perhaps, employers and institutions abroad. Thank you.

[112] **Ann Jones:** Jeff.

[113] **Jeff Cuthbert:** Thank you. I'll speak with regard to amendment 59. I'm not sure that this needs to be there. Apprenticeships are a framework; they're not an individual qualification in that sense. They will consist of a number of qualifications and they could be vocational or general. For example, I know of some engineering apprenticeships where they pursue the core of the Welsh baccalaureate as part of it. So, whilst Qualifications Wales may have a role in terms of approving individual aspects of an apprenticeship, I cannot see, at this time, how they could have a role in deciding the overall framework in which employers, of course, have to have a crucial role through their industrial bodies. So, whilst I understand the motivation, I think, of Simon, in bringing this forward, I don't think it's appropriate and I don't think it's necessary in terms of the development of apprenticeships.

[114] **Ann Jones:** Okay. Thanks, Jeff. Aled.

[115] **Aled Roberts:** Rwyf eisiau cyfeirio at welliant 62. Mae'r gwelliant yma'n adlewyrchu argymhelliad 2 yn adroddiad y pwyllgor ar ddiwedd Cyfnod 1. Beth rwy'n ceisio'i wneud yma ydy—. Rwy'n meddwl bod y dystiolaeth rydym ni wedi'i derbyn, fel pwyllgor, yn cadarnhau ein bod yn derbyn bod yna lefel o annibyniaeth y mae Cymwysterau Cymru'i hangen i ymgymryd â'i rôl, ond rwy'n credu y dylem ei gwneud yn hollol glir y dylai'r Gweinidog sicrhau bod cyfeiriad at y ddogfen fframwaith a hefyd at y cylchlythyr gwaith blynyddol yn y Bil. Dyna beth roeddem ni'n ei gredu, fel pwyllgor, yn ystod Cyfnod 1, ac rwy'n

**Aled Roberts:** I want to refer to amendment 62. This amendment reflects recommendation 2 in the committee's report at the end of Stage 1. What I'm trying to do here—. I think the evidence that we've received as a committee confirms that we accept that there is a level of independence needed for Qualifications Wales to undertake its role, but I do believe that we should be making completely clear that the Minister should ensure that there is a reference to the framework document and also to the annual remit letter in the Bill. That is what we believed, as a committee, during Stage 1, and I think that this amendment makes that

meddwl bod y gwelliant yma'n gwneud hynny'n hollol glir. Fe fyddai hynny, hefyd, yn rhoi rhyw fath o dryloywder i'r broses y mae Cymwysterau Cymru'n ei dilyn ac yn ei gwneud yn ofynnol arnyn nhw eu bod yn cyhoeddi'r dogfennau hynny yn ystod y broses.

completely clear. That would also give some clarity to the process that Qualifications Wales is following and make it a requirement on them to publish those documents during the process.

[116] **Ann Jones:** Okay, thanks. Minister, do you want to—?

[117] **Huw Lewis:** Yes. Thank you, Chair. I have listened carefully to the comments made by committee members, particularly, of course, to Simon's comments around his amendments. I must admit to some surprise at amendments 58 and 60 proposed by Simon Thomas requiring Ministers to take all reasonable steps to promote the Welsh qualifications system and the aims of Qualifications Wales. In my view, these amendments appear to, potentially, undermine the principle of establishing an organisation that is at arm's length from Government. I don't think it's necessary for Welsh Ministers to be placed under these duties.

[118] This Bill establishes an independent regulator of qualifications and these matters fall, to my mind, clearly within the responsibility of Qualifications Wales, and they're set out in its second principal aim, of course. Placing such a requirement on Government could be seen to undermine Qualifications Wales's ability to act independently. The amendments also, conceivably, could result in duplication and a potential confusion in terms of promotional activity in relation to qualifications. So, I urge Members not to accept amendments 58 and 60.

[119] In terms of amendments 59 and 61, regarding a potential role for Qualifications Wales in apprenticeships, I would like to state that I do understand the desire to signal within the legislation a future role for the new organisation in terms of apprenticeships, but I am convinced that now is not the time to make a specific provision in legislation for that. I've already undertaken to examine the issue and I'm part way through a review of the apprenticeship framework in Wales in which I have publicly consulted on the potential role of Qualifications Wales in a new apprenticeship model for Wales. So, there is no scenario whereby—to paraphrase Simon Thomas—this question could fall off the radar. That new model may not be ready for implementation within two years and it is entirely possible, for example, that the model may dispense with the concept of an issuing authority altogether. So, I don't believe that this is a practical amendment to the Qualifications Wales Bill. I understand the desire to include it, but it is premature.

[120] I am fulfilling my commitment to examine the apprenticeship framework in Wales and Qualifications Wales's role within it, but the place for developing that is not within the Bill. Indeed, to do so may pre-empt and possibly constrain the work under way to take that matter forward in the best interests of learners.

10:30

[121] So, I recommend that amendments 59 and 61 are rejected. I'll turn now to amendment 62, proposed by Aled Roberts, in which it is proposed that a requirement to publish a framework document and remit letter becomes a statutory requirement. In the Stage 1 debate in Plenary I made a commitment to publish the framework document, but also not to use the term 'remit letter', rather to use the term 'grant allocation letter', in reference to the degree of independence anticipated for Qualifications Wales. Ministers will not be providing Qualifications Wales with its remit; the Bill will. I therefore recommend that amendment 62 is rejected. I have already committed to publishing the framework document and the grant allocation letter, and I don't believe it's necessary to place a requirement in legislation for

something that is already standard administrative practice.

[122] **Ann Jones:** Okay, thank you. Simon to respond to the debate.

[123] **Simon Thomas:** Yes, thank you. I'm grateful for the committee's consideration. If I can respond, first of all, on amendments 58 and 60, which relate to promotion of qualifications, I'm also slightly surprised at the Minister's response, in a way. I don't believe this interferes with the independence of Qualifications Wales at all, because the lead amendment here, 60, is very clear that this places a duty on the Minister to take reasonable steps to promote the qualifications system, which is a wider duty than just the work of Qualifications Wales—we've just discussed apprenticeships, for example—it's a wider duty than that, as well as the aims of Qualifications Wales. I think there is a duty on Government to ensure that students do know what qualifications are approved in Wales—and, we now know, are designated in Wales as well—and how they may use those qualifications or access the correct level of qualification that meets their needs. I think the only point that the Minister may have some argument on is that of duplication, which I can see could arise, but, of course, my amendment does not in any way limit or fetter the discretion of the Minister to discharge his duty in a particular way. He can do that by means of working with Qualifications Wales, and I think amendment 62 would strengthen that in terms of there being an annual framework for that way of working. But I think the duty that I'm trying to promote here in amendment 60 is wider than the work of Qualifications Wales itself, and relates more directly to what the Government as a whole does to promote the Welsh qualifications system. So, I believe it is merited; whether the committee agrees is another matter. In that regard, I'm grateful for Suzy Davies's comments. I'm not sure whether 'parents', in legal terms, also includes those with parental responsibilities. That may be the case, but I'm quite happy to look at that for the next stage. I would also say, of course, that, although we could add to this list, even if we were to add to the list, it's still not a closed list, and it's still not a limiting list on the duty to discharge more widely, and that it would include abroad, and internationally, I accept as well.

[124] If I can then turn to amendments 59 and 61 regarding apprenticeships—and I'm obviously grateful for the comments from the Minister, and the previous Minister who was responsible for apprenticeships—

[125] **Jeff Cuthbert:** The previous but one.

[126] **Simon Thomas:** Previous but one, was it? There have been a couple of changes, but we know his experience in this matter. I note the review that's going on at the moment, which is why the amendment is worded in the way it is, to at least give a two-year period before the Minister has to come back with a report, and it's simply to come back with a report—it doesn't say you have to do particular steps, either, and maybe the two years is the wrong period of time. But I am keen that, in some way, shape or form, this does not slip off the agenda. If I could say to Jeff Cuthbert, though, I note his comments around the framework nature of apprenticeships, but it is noted in the explanatory memorandum for this Bill itself that there is potential for Qualifications Wales to become an issuing authority in due course. My question is: what is 'due course', and what is the process by which that happens? By placing a requirement on the Minister to come forward with a report to the Assembly, I think we clarify that process. Now, it may not be the perfect amendment, in many respects, but I would like to see that link there between apprenticeships and what the Minister may do with apprenticeships in good time. I also would say to the Minister that the evidence that we had as a committee was that the National Training Federation for Wales were quite keen that Qualifications Wales did have a role in apprenticeships. Now, I note his point that the review may mean that there's no issuing authority at all, and so things could change even more radically than I was quite aware of, but, nevertheless, I do think there will be a need for apprenticeships—the framework or the individual parts of them—to be, in some way, either approved or have some kind of accreditation system within Wales. Of course, there is an

element of this that some of it will be done in Wales, some of it will be much more on a UK basis, and some of it may even be international, in terms of European-level apprenticeships, but nothing that I have in my amendment actually stops that. It simply puts a responsibility on the Government to come back to the Assembly with a report on the way ahead, if you like. Now, this will happen, I would hope, as a matter of course, when the review is finished and when the Government has had time to collect its thoughts, but we know that things can slip, and we know that we'll have an election in the meantime. So, this statutory duty would ensure that the next Government does come back and report on the role of apprenticeships and what this relationship with this new Qualifications Wales would be. So, that is the reasoning behind these amendments, and, despite what has been said, I hope that the committee will be favourable to them.

[127] **Ann Jones:** Thank you. So, I take it you wish to proceed to a vote on amendment 58.

[128] **Simon Thomas:** Please.

[129] **Ann Jones:** So, the question is amendment 58 be agreed to. Does any Member object? [*Objection.*] Okay, so we'll have a vote by show of hands. All those in favour of amendment 58, please show: five. Those against, five. Therefore, it falls. I have to remember how my casting vote goes. It falls. Sorry.

*Gwelliant 58: O blaid 5, Yn erbyn 5, Ymatal 0.*

*Amendment 58: For 5, Against 5, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
Davies, Paul	Cuthbert, Jeff	
Davies, Suzy	Davies, Keith	
Jenkins, Bethan	Jones, Ann	
Roberts, Aled	Rees, David	
Thomas, Simon	Watson, Joyce	

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

*As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 58.  
Amendment 58 not agreed.*

[130] **Ann Jones:** Simon, do you want to move amendment 59?

*Cynigiwyd gwelliant 59 (Simon Thomas).  
Amendment 59 (Simon Thomas) moved.*

[131] **Simon Thomas:** Cynnig. **Simon Thomas:** Move.

[132] **Ann Jones:** Okay. Thank you. So, the question is amendment 59 be agreed to. Does any Member object? [*Objection.*] Thank you, so we'll have a vote by show of hands. All those in favour of amendment 59, please show. That's five. Those against, five. And, therefore, that falls.

*Gwelliant 59: O blaid 5, Yn erbyn 5, Ymatal 0.*

*Amendment 59: For 5, Against 5, Abstain 0.*

O blaid:  
For:

Yn erbyn:  
Against:

Ymatal:  
Abstain:

Davies, Paul  
Davies, Suzy  
Jenkins, Bethan  
Roberts, Aled  
Thomas, Simon

Cuthbert, Jeff  
Davies, Keith  
Jones, Ann  
Rees, David  
Watson, Joyce

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

*As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 59.  
Amendment 59 not agreed.*

### **Grŵp 5: Prif Nodau Cymwysterau Cymru (Gwelliannau 56 a 57) Group 5: Principal Aims of Qualifications Wales (Amendments 56 and 57)**

[133] **Ann Jones:** We'll move on to group 5, which is the principal aims of Qualifications Wales. The lead amendment in this group is amendment 56, so I'll call Simon to move and speak to that amendment and the other amendment in the group. Simon.

*Cynigiwyd gwelliant 56 (Simon Thomas).  
Amendment 56 (Simon Thomas) moved.*

[134] **Simon Thomas:** Diolch, Gadeirydd. Mae dau welliant yn y grŵp yma, y ddau gennyf i, 56 a 57. Os caf i ddechrau gyda 57 yn gyntaf, achos, a dweud y gwir, mae hynny yn fwy synhwyrol, mae 57, yn syml iawn, yn gosod dyletswydd newydd yn y Bil ar Cymwysterau Cymru i hyrwyddo beth sy'n cael ei alw yn 'barch cydradd'—*parity of esteem*; rŷm ni'n fwy cyfarwydd â'r Saesneg, efallai—rhwng cymwysterau galwedigaethol ac academiaidd. Rŷm ni'n gyfarwydd â'r drafodaeth yma, ac nid wyf eisiau cadw'r pwyllgor yn rhy hir ynglŷn â natur y drafodaeth. Rwy'n meddwl y bydd yn gyfarwydd i bawb yma. Ond y cwestiwn yw: a ddylem ni osod rhywbeth yn y Bil sydd yn adlewyrchu'r dymuniad trawsbleidiol sydd wedi bod i weld y parch cydradd yma? Rwy'n meddwl ei fod e'n briodol i wneud hynny ac rwy'n meddwl y bydd yn gwneud y Bil yn fwy cadarn os gwneir hynny.

**Simon Thomas:** Thank you, Chair. There are two amendments in this group, both in my name, 56 and 57. If I could start with 57, first of all, because that would be a more sensible approach, 57, quite simply, places a new duty in the Bill on Qualifications Wales to promote what is described as parity of esteem, or *parch cydradd*, between academic and vocational qualifications. We are familiar with this debate, and I don't want to keep the committee too long on the nature of the debate. I think that everyone here will be familiar with it. But the question is whether we should have something on the face of the Bill that reflects the cross-party aspiration that has existed to see this parity of esteem. I think it is appropriate to do so, and I think it will make the Bill more robust if that is done.

[135] Mae 56, mewn ffordd, yn dilyn hynny, achos mae hefyd yn gosod dyletswydd i hyrwyddo cymwysterau Cymru gyda chymwysterau tebyg, perthnasol Ewropeaidd a'r fframweithiau Ewropeaidd. Rwyf wedi dewis y rhai Ewropeaidd achos dyna'r rhai sydd wedi eu cydnabod a dyna'r

In a way, 56 follows on from that, because it also places a duty for the promotion of the compatibility of qualifications in Wales with relevant European credit and qualifications frameworks. I have selected the European frameworks, because those are the ones that are recognised and already being operated in

rhai sydd gennym ni eisoes ar waith yng Nghymru. Mae EQF, yr *European qualifications framework*, yn cael ei ddefnyddio i weld a meincnodi lle mae'n cymwysterau ni yn cael eu cydnabod. Mae hefyd yn wir i ddweud, wrth gwrs, mai'r Undeb Ewropeaidd yw'r maes llafur lle mae gan ein pobl ni, fel petai, hawl perffaith i symud a gweithio, a chan bobl eraill, wrth gwrs, i ddod i mewn. Felly, mae'n gwneud synnwyr i fi ein bod ni'n cymhwyso a meincnodi ein cymwysterau yng Nghymru gyda'r rhai yng ngweddill yr Undeb Ewropeaidd, er bod y fframweithiau hyn yn ehangach na'r undeb, fel rwy'n ei ddeall—ychydig yn fwy eang na'r undeb—gan fod ein pobl ni yn gallu mynd i weithio yno heb broblem. Felly, mae symudedd a chymudedd yn bethau a fydd yn fwy pwysig, byddwn i'n tybio, dros y blynyddoedd i ddod i bobl ifanc o Gymru, a bydd y ffaith bod ganddynt gymwysterau yng Nghymru sydd wedi eu meincnodi ac felly'n hawdd i gyflogwyr tramor, colegau tramor neu unrhyw gorff arall eu cydnabod a gweld sut maen nhw'n ffitio i mewn i'r fframwaith Ewropeaidd yn gwneud synnwyr i mi.

[136] Nawr, rwy'n siŵr bod yna ddyletswyddau eraill yn y Bil wedi eu gosod ar Gymwysterau Cymru ynglŷn â meincnodi. Mae yna ddyletswyddau yna ynglŷn ag ymchwil ac arfer da, a chasglu'r ymchwil gorau dros Ewrop a'r byd i gyd. Felly, i raddau, mae'n siŵr y bydd y Gweinidog yn dweud bod hwn wedi ei wneud, ond rwyf eisiau bod yn glir mai dyma yw'r disgwyl i Gymwysterau Cymru, gan fy mod i o'r farn bod ymwneud â cholegau, a sefydliadau, a chyflogwyr yn Ewrop yn mynd i fod yn fwyfwy pwysig i'n pobl ifanc ni dros y ddegawd nesaf.

[137] **Ann Jones:** Okay. Thank you very much. Do any Members wish to speak? No? Minister.

[138] **Huw Lewis:** Thank you, Chair. If I could reverse the order, really, in which Simon Thomas addressed the amendments, and talk about amendment 56 first, now, I do appreciate the purpose of the amendment, and I would, of course, wish Qualifications Wales to continue to be compatible—I wish qualifications in Wales, rather than Qualifications Wales, to be compatible with qualifications in Europe. But I believe the Bill already delivers the effect behind this amendment. The importance of comparison, on an international level, is addressed in one of the eight matters to which Qualifications Wales must have regard, in the context of considering how to achieve its principal aims, namely, and I quote:

Wales. EQF, the European qualifications framework, is used as a benchmark for our qualifications. It is also true to say, of course, that the European Union is the labour market where our people, as it were, have a perfect right to move and to work, and others, of course, have a right to come to this country. Therefore, it makes sense to me that we should ensure compatibility and benchmark our qualifications in Wales with those in the rest of the European Union, although these frameworks are broader than the European Union, as I understand it—slightly broader than the European Union—because our people can move to work there without any fetters. Therefore, mobility and portability are things that will become more important in years to come, I would anticipate, for young people from Wales, and the fact that they will have qualifications in Wales that will have been benchmarked and, therefore, easy for employers abroad, colleges abroad or any other body to recognise and see how they fit into the European credit and qualifications framework makes sense to me.

Now, I am sure there are other duties placed on Qualifications Wales in the Bill on benchmarking. There are duties there on research and good practice, and gathering the best research available across Europe and the globe. So, to a certain extent, the Minister will probably say that this has been done, but I want to be clear that this is the expectation on Qualifications Wales, because I am of the opinion that involvement with colleges, institutions, and employers in Europe is going to become more and more important for our young people over the next decade.



[139] ‘whether qualifications indicate a consistent level of attainment with that indicated by whatever Qualifications Wales considers to be comparable qualifications, whether awarded in Wales or elsewhere’.

[140] And, of course, ‘elsewhere’ would include the whole of Europe.

[141] The second principal aim of Qualifications Wales, of promoting public confidence in qualifications and the Welsh qualifications system, is also relevant. European frameworks will be one of the many tools by which Qualifications Wales can judge whether qualifications are effective, and build public confidence in qualifications in Wales. It would seem odd, however, to give greater prominence to compatibility with European frameworks, than to, for example, alignment with the direct requirements of universities in the UK, or internationally, or with the needs of employers.

[142] In addition to the risk of duplication of the aims and matters already in the Bill, there is also the risk that the proposed amendment ties Qualifications Wales to considering a framework that may itself be discontinued over time. For example, the qualifications and credit framework—the QCF—is in the process of being dismantled in England. Frameworks are one tool within the toolkit, and it seems to me to be a hostage to fortune to refer to them on the face of the Bill. So, I do urge Members to reject amendment 56.

[143] If I could turn to amendment 57, which relates to the promotion of parity of esteem between academic and vocational qualifications, now, again, I do understand the message that Simon Thomas is trying to give in this amendment, but I fear it could actually do more harm than good to write it into the legislation. Apart from the fact that the notion of parity of esteem is perhaps legally an intangible concept, to which I would resist attempting to give a legal weight or substance that people might try to measure, I believe that this Bill already effectively equalises academic and vocational qualifications. Section 51 of the Bill clearly defines the term ‘qualification’ as referring to academic or vocational qualifications, and there is no distinction between them in the Bill. The Bill also enables Qualifications Wales to address each qualification on its merits, as it considers appropriate.

[144] There will be cases where different approaches may be more appropriate for some vocational qualifications than for some more general qualifications, and other cases where the same approach might be more appropriate. I do not want to make a distinction in the Bill that might risk, even if only inadvertently, suggesting that qualifications fall into one box or another, and that different approaches should be adopted according to the label on the box. I do not want to risk Qualifications Wales giving undue weight to whether it considers its actions would achieve parity of esteem, which may be defined in different ways by different commentators. For example, does parity of esteem mean that, generally, vocational qualifications are considered to be equally valuable to academic qualifications? Would there be a difficulty, for example, if a university expressed a preference for a vocational qualification as an entry requirement into a vocational degree?

10:45

[145] It could be argued that, in this case, there was a disparity of esteem, but would this necessarily be a bad thing? Would it not be better for Qualifications Wales to regulate in the way that it thinks most appropriate to make the qualification effective and achieve public confidence in it? In this way, parity of esteem should be the result. Philosophically also, if we consider the findings of Professor Donaldson in the curriculum review, there is an argument for moving away from the descriptions of vocational and academic qualifications. Conceivably, over time, academic qualifications will increasingly assess elements of employability, and it will become harder to distinguish between the two. Preserving the descriptions ‘academic’ and ‘vocational’ within the matters listed in the Bill and permanently

suggesting that there is disparity of esteem, could be artificially, in my view, promulgating a divide when in future there may not be one. So, I do urge the committee to reject amendment 57.

[146] **Ann Jones:** Okay. Thanks. Simon.

[147] **Simon Thomas:** Yes, I'm grateful to the Minister for his comments. If I may respond briefly, I think it is important, actually, that we be more specific on the face of the Bill regarding our European credit and the qualification frameworks. I accept that these come and go as things change, but I think there will be an ongoing relevant European framework, which is all the amendment refers to. It doesn't refer to any particular existing framework. I say that because, for example, one of the four strategic objectives of Education and Training 2020, which is the European Commission's strategic framework for European co-operation in education and training, is to make lifelong learning and mobility a reality, and the portability of qualifications across Europe will continue to be an important issue for the EU. I think—at least I hope—that our future in Wales is within the EU and that we won't be withdrawing from that situation. Therefore, I hope that it will be important for our young people in future that they have qualifications that are portable throughout the European Union and easily portable, not that they have to go through a process by demonstrating that portability but that they have qualifications that they can demonstrate very easily are compatible with European frameworks because they have been approved by Qualifications Wales, which, in turn, through the mechanism of this amendment, has promoted that compatibility within the Welsh context. So, I think it is relevant. Although none of us can foresee way into the future, I think it's a practical amendment for the situation that we are likely to remain in for the foreseeable future.

[148] Turning to amendment 57 and the parity of esteem, I do note the Minister's comments. It would be delightful to have a philosophical debate on the curriculum now, and I think you'd be delighted to have that, Chair—

[149] **Ann Jones:** Oh, yes.

[150] **Simon Thomas:** —if I was to take up the next 30 minutes or so with that.

[151] **Ann Jones:** Feel free. [*Laughter.*]

[152] **Simon Thomas:** I thought you might. I do, nevertheless, accept the core of the Minister's argument that we do want to remove this distinction. I think that's an important point that he makes, and Donaldson does point in that way. However, I think we're a long way from that, and I think the reality is that we see that academic qualifications in Wales both hold higher esteem amongst the population as a whole but also, to be frank, get more money, more support and more funding in the Welsh context. I think that's a consequence of history, it's a consequence of attitudes and it's a consequence of politics. So, when we, as politicians, talk about parity of esteem, we should be prepared to put a little more flesh on that and be prepared perhaps to state what that means. It is a novel term; it doesn't have a legal meaning, but this is the way law comes about, Minister. You have a political term like 'child poverty', it has no legal meaning, you then put it in an Act of Parliament, you put targets to it and, before you know it, you have a piece of law that delivers your political objectives. I think that's what the Labour Party did anyway.

[153] This is something that you'd do in a very similar way. When something is a political objective, particularly when it's shared by more than one party and when you do have cross-party support for this kind of approach, putting it in law—. All laws do fossilise over a period of time, and I don't think this will be a completely fossilised piece of—. I think this will be an active kind of guide to Qualifications Wales for at least the foreseeable decade or so that it's

establishing its systems. I think that's the important final point. When the initial decisions are taken, we want to make sure that that long-term philosophical point that you were making, Minister, is borne in mind. It's great to have it in documents; it's great to have it in rhetoric, but Governments change, ideas change, fashions change: the emphasis changes. But if we are serious about parity of esteem and changing some of the preconceptions that people have about vocational qualifications, then I think being upfront about that on the face of the Bill would be helpful.

[154] **Ann Jones:** Okay. Thanks very much, Simon. Do you wish to proceed to a vote on amendment 56?

[155] **Simon Thomas:** I do.

[156] **Ann Jones:** Okay, thank you. The question is that amendment 56 be agreed to. Does any Member object? [*Objection.*] Okay, we'll go to a vote by a show of hands. Those in favour of amendment 56, please show: five. Those against, five. Therefore, it falls.

*Gwelliant 56: O blaid 5, Yn erbyn 5, Ymatal 0.*

*Amendment 56: For 5, Against 5, Abstain 0.*

O blaid:  
For:

Yn erbyn:  
Against:

Ymatal:  
Abstain:

Davies, Paul  
Davies, Suzy  
Jenkins, Bethan  
Thomas, Simon  
Roberts, Aled

Cuthbert, Jeff  
Davies, Keith  
Jones, Ann  
Rees, David  
Watson, Joyce

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

*As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 56.  
Amendment 56 not agreed.*

[157] **Ann Jones:** Simon, do you want to move amendment 57?

*Cynigiwyd gwelliant 57 (Simon Thomas).  
Amendment 57 (Simon Thomas) moved.*

[158] **Simon Thomas:** Yes.

[159] **Ann Jones:** The question is that amendment 57 be agreed to. Does any Member object? [*Objection.*] Okay, thank you. We'll go to a vote by a show of hands. All those in favour of amendment 57, please show: five. Those against, five. Therefore, this amendment falls.

*Gwelliant 57: O blaid 5, Yn erbyn 5, Ymatal 0.*

*Amendment 57: For 5, Against 5, Abstain 0.*

O blaid:  
For:

Yn erbyn:  
Against:

Ymatal:  
Abstain:

Davies, Paul

Cuthbert, Jeff

Davies, Suzy  
Jenkins, Bethan  
Thomas, Simon  
Roberts, Aled

Davies, Keith  
Jones, Ann  
Rees, David  
Watson, Joyce

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

*As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 57.  
Amendment 57 not agreed.*

[160] **Ann Jones:** Can we just now return to dispose of amendments that we've debated in earlier groups? So, amendment 17 from group 2. Minister, do you want amendment 17 to be moved?

[161] **Huw Lewis:** I do.

*Cynigiwyd gwelliant 17 (Huw Lewis).  
Amendment 17 (Huw Lewis) moved.*

[162] **Ann Jones:** I formally move amendment 17. The question is that amendment 17 be agreed to. Does any Member object? No. Amendment 17 is agreed.

*Derbyniwyd gwelliant 14 yn unol â Rheol Sefydlog 17.34.  
Amendment 14 agreed in accordance with Standing Order 17.34.*

[163] **Ann Jones:** Next are the amendments that were debated in group 4. Aled, would you want to move amendment 62?

*Cynigiwyd gwelliant 62 (Aled Roberts).  
Amendment 62 (Aled Roberts) moved.*

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

[165] **Ann Jones:** Amendment 62 has been moved. The question is that amendment 62 be agreed to. Does any Member object? [*Objection.*] Okay. We'll go to a vote by a show of hands. All those in favour of amendment 62, please show: five. Those against, five. Therefore, it falls.

*Gwelliant 62: O blaid 5, Yn erbyn 5, Ymatal 0.  
Amendment 62: For 5, Against 5, Abstain 0.*

O blaid:  
For:

Yn erbyn:  
Against:

Ymatal:  
Abstain:

Davies, Paul  
Davies, Suzy  
Jenkins, Bethan  
Thomas, Simon  
Roberts, Aled

Cuthbert, Jeff  
Davies, Keith  
Jones, Ann  
Rees, David  
Watson, Joyce

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

*As there was an equality of votes, the Chair used her casting vote in accordance with*

*Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 62.*

*Amendment 62 not agreed.*

[166] **Ann Jones:** Amendments that were debated in group 1. Minister, would you like amendment 18 to be moved in your name?

[167] **Huw Lewis:** I would.

*Cynigiwyd gwelliant 18 (Huw Lewis).*

*Amendment 18 (Huw Lewis) moved.*

[168] **Ann Jones:** I formally move amendment 18 and the question is that amendment 18 be agreed to. Does any Member object? [*Objection.*] Okay, so we'll go to a vote by a show of hands. Those in favour of amendment 18, please show: five. You'll have to be quicker. Those against amendment 18, please show. No againsts. Abstentions, five. Okay, so, amendment 18 is agreed.

*Gwelliant 18: O blaid 5, Yn erbyn 0, Ymatal 5.*

*Amendment 18: For 5, Against 0, Abstain 5.*

O blaid:

For:

Cuthbert, Jeff  
Davies, Keith  
Jones, Ann  
Rees, David  
Watson, Joyce

Yn erbyn:

Against:

Ymatal:

Abstain:

Davies, Paul  
Davies, Suzy  
Jenkins, Bethan  
Thomas, Simon  
Roberts, Aled

*Derbyniwyd gwelliant 18.*

*Amendment 18 agreed.*

[169] **Ann Jones:** We return to amendments debated in group 3. The following seven amendments all relate to the regulatory role of Qualifications Wales. I therefore propose, under Standing Order 17.36, that these amendments are grouped for one single vote. I take it Members have no objections to that. No? Good. Therefore, Minister, would you like amendments 19 to 25 in your name to be moved?

[170] **Huw Lewis:** I would.

*Cynigiwyd gwelliannau 19, 20, 21, 22, 23, 24 a 25 (Huw Lewis).*

*Amendments 19, 20, 21, 22, 23, 24 and 25 (Huw Lewis) moved.*

[171] **Ann Jones:** Thank you. I will now formally move amendments 19 to 25. The question is that amendments 19 to 25 be agreed to. Does any Member object? No. Fine. Thank you very much; those are all agreed.

*Derbyniwyd gwelliannau 19, 20, 21, 22, 23, 24 a 25 yn unol â Rheol Sefydlog 17.34.*

*Amendments 19, 20, 21, 22, 23, 24 and 25 agreed in accordance with Standing Order 17.34.*

[172] **Ann Jones:** I think we'll have a 10-minute break now before we move on to the next grouping. So, we'll be back in—well just under 10 minutes—for 11 a.m. Okay. Thank you.

*Gohiriwyd y cyfarfod rhwng 10:53 a 11:02.  
The meeting adjourned between 10:53 and 11:02.*

**Grŵp 6: Cymeradwyo Cymwysterau (Gwelliannau 63, 64, 65, 1, 70, 67 a 69)**  
**Group 6: Approval of Qualifications (Amendments 63, 64, 65, 1, 70, 67 and 69)**

[173] **Ann Jones:** If it's okay then, if we can return to the amendment stage of the Qualifications Wales Bill, Stage 2. We'll move on now to group 6, which is the approval of qualifications. The lead amendment in this group is amendment 63, so I call Aled Roberts to move and speak to amendment 63 and other amendments in the group. Aled.

*Cynigiwyd gwelliant 63 (Aled Roberts).  
Amendment 63 (Aled Roberts) moved.*

[174] **Aled Roberts:** Diolch, Gadeirydd. **Aled Roberts:** Thank you, Chair.

[175] Mae yna bum gwelliant yn fy enw i yn y grŵp yma. Mae gwelliant 63 a 64 yn cyfeirio yn ôl at welliant 68, y gwnaethom ei drafod o fewn grŵp 2. Beth rwy'n ceisio ei wneud yma ydy rhoi dyletswydd ar Gymwysterau Cymru i ymgynghori â rhanddeiliaid cyn iddynt dynnu rhestr o'r cymwysterau yna sydd wedi cael eu cymeradwyo, neu, erbyn hyn, wrth gwrs, y rhai hynny sydd wedi cael eu dynodi. Mae'r Gweinidog wedi cyfeirio at y ffaith bod hyder y cyhoedd yn bwysig, ac rwy'n meddwl, fel rhan o'r hyder yna, bydd y ffaith bod Cymwysterau Cymru yn cymryd ystyriaeth o beth mae rhanddeiliaid yn ei wneud yn cryfhau yr hyder.

There are five amendments tabled in my name in this group. Amendments 63 and 64 refer back to amendment 68, which we discussed within group 2. What I'm trying to do here is place a duty on Qualifications Wales to consult with stakeholders before they draw up a list of those qualifications that have been approved, or, by now, of course, those that have been designated. The Minister has referred to the fact that the public's confidence is important, and I think, as part of that confidence, the fact that Qualifications Wales takes into consideration what stakeholders are doing will strengthen that confidence.

[176] Mae gwelliant 65 yn ceisio delio â'r pryderon a gyfeiriwyd atynt yn argymhellid 9 o fewn adroddiad y pwyllgor yma ar ddiwedd Cyfnod 1. Roeddwn i'n rhagweld ar y pryd bod yna berig o ran risg i'r farchnad, os ydych chi'n cofio, ac roeddwn i wedi gofyn i'r Gweinidog, a'r Llywodraeth, adolygu pa effaith yr oedd penderfyniadau Cymwysterau Cymru yn eu cael ar y farchnad, yn arbennig felly os oedd penderfyniadau ar y farchnad o ran cyfyngu y cymwysterau blaenoriaethol yna yn creu anhawster, ac wedi gofyn i'r Gweinidog a'r Llywodraeth gyflwyno adroddiad ar yr adolygiad o'r ffactorau yna, a'r effaith ar y farchnad, i'r Cynulliad.

Amendment 65 attempts to deal with the concerns referred to in recommendation 9 in this committee's report at the end of Stage 1. I foresaw at the time that there was a danger of risk to the market, if you remember, and I had asked the Minister, and the Government, to review what effect determinations under Qualifications Wales would have on the qualifications market, in particular if decisions in the market relating to restricting those priority qualifications created a difficulty, and asked the Minister and the Government to present a report on the review of those factors, and the effect on the market, to the Assembly.

[177] Nid oedd y Gweinidog, a bod yn deg iddo, yn cytuno yn ystod Cyfnod 1, ond rwyf jest yn gobeithio y bydd o mewn sefyllfa heddiw, hwyrach, i roi mwy o wybodaeth i ni

The Minister, to be fair to him, did not agree during Stage 1, but I just hope that he will be in a position today, perhaps, to provide us with more information on how exactly the

ynglŷn â sut yn union y mae'r Llywodraeth yn mynd i adolygu'r effaith y mae unrhyw benderfyniadau gan Gymwysterau Cymru yn mynd i'w cael ar y farchnad. Achos rwy'n meddwl ein bod ni wedi clywed gan nifer o'r byrddau arholiad ar y pryd nad oedden nhw'n hollol siŵr beth sy'n mynd i ddigwydd i'r farchnad yma yng Nghymru. Rwy'n meddwl bod yna gwestiynau sylfaenol yma. Mae rhai ohonom ni, hwyrach, yn fwy bodlon efo'r farchnad nag eraill, ond os ydy'r Gweinidog yn dweud ei fod e'n mynd i barhau efo'r farchnad agored yma, rwy'n meddwl bod angen i ni wybod yn union sut y mae'r Llywodraeth yn mynd i adolygu unrhyw effaith ar y farchnad.

Government is going to review the effect that any determinations by Qualifications Wales will have on the market. Because I think we've heard from a number of the examination boards at the time that they weren't completely sure of what's going to happen to this market in Wales. I think there are fundamental questions here. Some of us, perhaps, are more content with the market than others, but if the Minister says that he is going to continue with this open market, I think there is a need for us to know exactly how the Government is going to review any effect on the market.

[178] Mae gwelliant 67, hwyrach, yn adlewyrchu y pryderon y gwnaethom ni fel pwyllgor eu nodi, ac y gwnaethom ni glywed amdany'n nhw, ynglŷn ag anghysondeb o ran y ffordd y mae Cymwysterau Cymru yn delio â chymwysterau cyffredinol, y rhai academaidd a'r rhai galwedigaethol, a'n bod ni'n nodi bod yna ddiffyg manylder ynghylch sut y byddant yn dod i unrhyw benderfyniadau, a chyfleoedd, felly, i ni fel Cynulliad graffu ar unrhyw benderfyniadau y mae Cymwysterau Cymru yn eu gwneud. Roedd y pwyllgor, rwy'n meddwl, yn credu nad oedd y Bil yn ddigon clir ar hynny pan oeddem ni'n trafod y sefyllfa yn ystod Cyfnod 1.

Amendment 67 perhaps reflects the concerns that we as a committee noted, and concerns that we heard, about the inconsistency in terms of the way Qualifications Wales deals with general qualifications, the academic ones and the vocational ones, and that we noted that there was a lack of detail in terms of how they would come to any decision, and opportunities, therefore, for us as an Assembly to scrutinise any decisions made by Qualifications Wales. The committee, I think, believed that the Bill wasn't clear enough on that when we discussed the situation during Stage 1.

[179] Ac yn olaf, mae gwelliant 69 yn dilyn gwelliant 65 ac yn gofyn i Gymwysterau Cymru gynnwys o fewn yr adroddiad blynyddol fanylion ynghylch casgliadau a wnaed ar sail unrhyw asesiad o'r effaith ar y farchnad o unrhyw benderfyniadau i gyfyngu blaenoriaethau.

And finally, amendment 69 follows on from amendment 65 and asks Qualifications Wales to include within the annual report details regarding conclusions made on the impact on the qualifications market of decisions made to restrict priority qualifications.

[180] **Ann Jones:** Okay, thanks. Any other Members?

[181] **Suzy Davies:** Yes, amendment 70 in my name is seeking to make a small but vital addition to section 24 of the Bill. Section 24 allows Qualifications Wales to make rules about the making of applications for approval, and those rules may make provision about the form and content of applications and the way in which applications are to be made. As applications for approval are not bound to succeed, and, indeed, will be up against principles of prioritisation and restriction, as well as the robustness of the requirements of the qualification itself, I don't think it's unreasonable that potential applicants could seek advice prior to making an application. I think, actually, section 40 almost anticipates that, but it doesn't articulate it. We're not talking about advice that in any way prejudices a future decision. Rather, this is borrowing a concept from town and country planning procedures to avoid wasteful errors, irrelevances and resubmissions of defective applications. The introduction of

designation into the Bill reflects the likelihood that the new system is likely to experience a surge of applications for approval, and I think it can only help the approval process if applications are accurate and apposite. I suspect it would be more cost-effective to spend a little time on pre-application advice rather than on assessing and rejecting applications, only to see them resubmitted with changes that may still be unsatisfactory.

[182] Could I also take the opportunity to ask the Minister why section 24 only permits Ministers to make such rules about how to apply for approval? In the interest of certainty, it might have been better to place them under a duty to introduce those rules, so that applicants know exactly what they need to do, and maybe even reducing the need for pre-application advice in the first place. I wonder, perhaps, if the Minister could respond to that question, as well. Thank you.

[183] **Ann Jones:** Okay. Any other Member? No. Minister.

[184] **Huw Lewis:** Thank you, Chair. Several of these amendments relate to a desire to strengthen Qualifications Wales's consultation with stakeholders, and while I agree with Aled Roberts that, of course, engagement with stakeholders needs to be absolutely central to the work that Qualifications Wales carries out, I do believe that there is already sufficient provision in the Bill to ensure that that takes place. There is a risk that increasing the specific requirements to consult at particular points in the regulatory process will lead to a more bureaucratic process than would be achieved by enabling Qualifications Wales to plan its engagement with stakeholders appropriately, and through the exercise of its own professional judgment. In addition, in section 42, Quals Wales is required to prepare a statement identifying the circumstances and manner in which it proposes to carry out consultation in respect of its functions. It will therefore need to consider these matters, plan its approach to consultation appropriately, and publicise it.

[185] Amendment 63 seeks to place a duty on both the Welsh Ministers and Qualifications Wales to consult with stakeholders prior to preparing a list of priority qualifications for Wales. In terms of how I envisage the priority qualifications list being developed—and I know that this vision is shared with Mr Blaker, the interim chief executive of Qualifications Wales—is that following preliminary discussions with Welsh Ministers and a period of engagement with stakeholders in a particular employment sector—say, for example, the social care sector—to identify the types of qualifications that should be a priority and to determine the most appropriate content and assessment routes, Qualifications Wales will develop approval criteria for qualifications in that sector. Qualifications Wales will already be bound by section 3(2)(d) to have regard to the reasonable requirements of employers, HEIs and the professions in the exercise of its functions for the purpose of achieving its principal aims.

[186] Once approval criteria have been finalised, I envisage that Qualifications Wales will approach the Welsh Ministers to seek agreement that a certain qualification or description of qualifications should then be added to the priority qualifications list. When a qualification or description of a qualification is on the priority qualifications list, awarding bodies with the appropriate recognition may submit their applications for approval to Qualifications Wales, who will then consider them against the approval criteria. So, there is likely to be extensive consultation with stakeholders about the development of approval criteria for priority qualifications rather than separately on the development of the list.

[187] To put a formal consultation duty, I believe, would be overly bureaucratic and could unduly slow down the work of Qualifications Wales. For example, it would mean that, should Qualifications Wales and the Welsh Ministers identify that there was a need to add even just one qualification to the list, they would need to consult upon doing so, even if they might already know—whether from engagement with stakeholders or from the analysis of data—that adding it to the list would be appropriate. I therefore urge the committee to reject



amendment 63.

[188] Amendment 64 appears to me to duplicate duties already set out in the Bill for Qualifications Wales to take into account the views of stakeholders in relation to the restriction of qualifications. The amendment requires Qualifications Wales, before it can make a determination to restrict the numbers of forms of qualification, to consult with stakeholders. However, section 14(7) of the Bill already requires Qualifications Wales to notify recognised bodies and others who might reasonably be expected to have an interest, if it proposes to make a determination. Furthermore, Qualifications Wales is also under a duty to consider representations made to it by those persons about the proposal.

[189] Given that the steps that Qualifications Wales is already required to take in relation to restricting qualifications are already clearly set out in the Bill and already provide clear safeguards, I do not want to see the Bill becoming more prescriptive, nor, potentially, more confusing, in this regard. So, I recommend that amendment 64 is rejected.

[190] I would also recommend that amendment 65 is rejected. In requiring Qualifications Wales to undertake an assessment of the effect of determining that a qualification should be restricted, it does not take into account what is already provided for elsewhere in the Bill. Section 14, about restrictions, already refers Qualifications Wales to considering its principal aims in determining whether to restrict a qualification. The aims are inextricably tied to the eight matters to which Qualifications Wales must have regard. The principal aims and matters to which Qualifications Wales must have regard provide an ample steer that would lead Qualifications Wales to make a balanced judgment about any decision to restrict. It is not necessary, in my view, to make further provision for this in the Bill. In terms of assessing the impact that restrictions have had on the qualifications market, there is already a requirement in section 41 of the Bill for Qualifications Wales to keep under review the respective roles played by it and by awarding bodies in respect of the Welsh qualifications system.

11:15

[191] The next amendment in this group, amendment 1, is one of my own, so the committee wouldn't be surprised to hear me recommend that it be accepted. This amendment provides clarity that Qualifications Wales may impose conditions of approval on qualifications that relate to the persons or descriptions of persons to whom a qualification may be awarded as approved. This could include a condition, for example, that the awarding body can only offer the qualification to learners who've reached a certain age. For example, we don't want to see 16-year-olds being able to take qualifications to become nightclub door supervisors.

[192] Just returning to Aled's amendments, amendment 69 imposes a requirement for Qualifications Wales to report on any assessment that it has conducted under amendment 65 of the impact on the qualifications market of decisions to restrict qualifications. This provision is similar to what is provided for in the annual report, which already requires Qualifications Wales to report on the conclusions of any assessments in the period that it is carried out of the impact of the exercise of its functions on the Welsh qualifications system, and on others. If it's Aled's intention that the impact assessment should take place before the restriction, I believe this is already covered by the considerations that it is desirable to restrict, particularly given that this function must be carried out, as any other, with regard to the eight matters set out in section 3 of the Bill. So, I believe this is an unnecessary addition to the Bill, and I therefore recommend that amendment 69 is rejected.

[193] To turn to amendment 70, Suzy Davies seeks to add a provision that permits the rules about applications for approval to include the circumstances in which Qualifications Wales may give pre-application advice to awarding bodies who may be seeking approval, and that the rules are also permitted to address the nature of the advice that is sought. I say 'permitted'

because, of course, there is no duty on Qualifications Wales to make rules about the making of approvals; there is a discretion as to what the rules may contain, as set out in section 24. While I don't disagree with the implication that it would be helpful for Qualifications Wales to provide guidance to awarding bodies on any pre-application processes, Qualifications Wales already has the power under Schedule 1, paragraph 27 to do anything it considers necessary or appropriate in connection with the exercise of its functions, and providing such guidance could feature as a part of that. I would prefer to leave the giving of advice and guidance to Qualifications Wales's professional judgment, for it to act as it feel appropriate as an independent body. I therefore propose that amendment 70 is rejected.

[194] Amendment 67 seeks to require Qualifications Wales in its annual report to include details of the rationale for the prioritisation and restriction of qualifications during the reporting period. I believe this amendment is unnecessary, as Schedule 1, paragraph 28(1)(a) requires Qualifications Wales to report annually on how it has exercised its functions during the reporting period. A requirement to report on Qualifications Wales's exercise of its prioritisation and restriction functions is within this, and I don't think that to introduce a further reporting requirement on Qualifications Wales would be in any way beneficial in this respect. So, I therefore recommend, Chair, the rejection also of amendment 67.

[195] **Ann Jones:** Okay. Aled, do you want to respond to the debate?

[196] **Aled Roberts:** Jest yn fyr iawn. Yn amlwg, nid yw'r gwelliannau yma wedi dwyn ffafwr y Gweinidog, ond rwy'n meddwl bod yna anghytuno i rhyw raddau. Mae yna nifer ohonom ni yn pryderu ynglŷn â rhan o'r dystiolaeth y gwnaethom ei chlywed, lle roedd yn amlwg bod rhai cyrff arholi yn dweud yn hollol blaen eu bod yn rhagweld sefyllfa lle bydden nhw'n tynnu allan o Gymru, ac y byddai hynny yn creu dirywiad yn ansawdd y dewis sydd gan ddysgwyr yng Nghymru o ran y cymwysterau sydd ar gael iddyn nhw—yn arbennig, felly, y cymwysterau yna sy'n dwyn arian cyhoeddus.

**Aled Roberts:** Just very briefly. Obviously, these amendments have not found favour with the Minister, but I think there is disagreement to some degree. A number of us are concerned about part of the evidence that we heard, where it was clear that some examining bodies were saying quite plainly that they foresaw a situation where they would pull out of Wales, and that that would lead to deterioration in the quality of the choice available to learners in Wales in terms of the qualifications available to them—particularly, therefore, those qualifications that attract public funding.

[197] Felly, rwy'n meddwl bod nifer o ohonom ni yn awyddus i'w wneud yn hollol glir—er nad ydym yn awyddus i amharu ar eu hannibyniaeth nhw o gwbl—pa brosesau y mae'n rhaid i Gymwysterau Cymru fynd trwyddynt cyn iddynt gyrraedd y penderfyniadau yma. Rwy'n meddwl ei bod yn hollbwysig ein bod yn cynnal hyder y cyhoedd wrth inni drosglwyddo hyn i Gymwysterau Cymru. Nid wyf chwaith yn deall sut mae'r Llywodraeth, ar un llaw, yn dweud y bydd yr holl brosesau yma yn cael eu canlyn o dan beth sydd yn y Ddeddf ar hyn o bryd ac, ar ôl hynny, i ryw raddau, yn ymosod ar unrhyw welliannau gan y gwrthbleidiau gan ddweud y byddant yn creu proses hollol fiwrocraidd. Naill ai mae'r gwaith yn mynd i gael ei wneud neu ddim.

Therefore, I think that a number of us are keen to make it completely clear—although we are keen not to interfere with their independence at all—what processes Qualifications Wales has to go through before it makes these determinations. I think that it's extremely important that we uphold the public's confidence as we transfer this to Qualifications Wales. I don't understand either how the Government, on the one hand, says that all of these processes will be followed according to what is in the Act at the moment and, after that, to some extent, attacks any amendments from the opposition parties by saying that they would create completely bureaucratic processes. Either the work is going to be done, or it's not. I think that, while we are very keen, as opposition

Rwy'n meddwl, tra'n bod ni'n awyddus iawn, fel gwrthbleidiau, rwy'n meddwl, i symud at broses lle mae rôl y Gweinidog hwyrach yn cael ei ddileu, i ryw raddau, a'n bod ni'n creu corff sy'n hollol annibynnol, mae'n rhaid i'r corff yna fod yn atebol. Rwy'n credu mai'r unig ffordd y gallwn ni fel Cynulliad sicrhau bod y corff yna'n atebol ydy trwy ddweud yn union beth rydym ni'n gweld sy'n rhaid iddynt ei gynnwys yn eu hadroddiad blynyddol.

parties to move towards a process where the role of the Minister is perhaps being eliminated, to some extent, and that we are creating a body that is completely independent, that body has to be accountable. I think that the only way that we as an Assembly can ensure that that body is accountable is by saying exactly what we believe it has to include within its annual report.

[198] Os cofiwch, roedd cryn ddryswch ynglŷn ag a oedd yr adroddiad blynyddol yn y lle cyntaf yn mynd i gael ei drafod ar lawr y Cynulliad; mi wnaeth y Gweinidog esbonio mai dyna oedd ei fwriad o. Ond, rwyf yn pryderu ein bod yn symud i broses newydd, lle mae hwyrach rai peryglon o ran y farchnad rydd, ac rwy'n meddwl ei bod yn ddyletswydd arnom ni fel pwyllgor i geisio sicrhau a diogelu buddiannau dysgwyr Cymru, a dyna a wnaethon ni, wrth gwrs, wrth dderbyn argymhelliaid 9, sef yr hyn mae'r gwelliannau yma yn seiliedig arno, o adroddiad y pwyllgor yng Nghyfnod 1.

If you remember, there was considerable confusion regarding whether the annual report would, in the first place, be discussed on the floor of the Assembly; and the Minister explained that that was his intention. However, I am concerned that we are moving to a new process where there are perhaps some risks in terms of that free market, and I think that it is our duty as a committee to try to ensure and protect the interests of learners in Wales, and that is what we did, of course, in accepting amendment 9, which is what these amendments are based on, during the committee's report at Stage 1.

[199] **Ann Jones:** Okay, thanks. Minister, I think you were asked a specific question for clarification from Suzy in the debate. Did you want to—

[200] **Huw Lewis:** Could you remind me?

[201] **Suzy Davies:** Yes, it was in connection with amendment 70 and section 24, to which amendment 70 relates. I think I'd asked why section 24 gives discretionary powers to Qualifications Wales, rather than placing them under a duty to bring forward regulations about how approvals are made. I don't think you answered that. Actually, my amendment was trying to resolve that problem.

[202] **Huw Lewis:** If you can bear with me. I suppose, really, this boils down to, again, that question of independence around Qualifications Wales's operation and my reluctance to fetter them in any way in terms of matters of process. So, it's simply a question, I suppose, of that very strong perception that I want to be transmitted that this is an independent expert body.

[203] **Ann Jones:** Okay, thank you. Aled, do you want to proceed to a vote on amendment 63?

[204] **Aled Roberts:** Os gwelwch yn dda. **Aled Roberts:** Yes, please.

[205] **Ann Jones:** Okay. The question is that amendment 63 be agreed to. Does any Member object? [*Objection.*] Okay, we'll go to a show of hands. All those in favour of amendment 63 please show; five. Thank you. Those against; five. Therefore, it falls.

*Gwelliant 63: O blaid 5, Yn erbyn 5, Ymatal 0.  
Amendment 63: For 5, Against 5, Abstain 0.*

O blaid: For:	Yn erbyn: Against:	Ymatal: Abstain:
Davies, Paul Davies, Suzy Jenkins, Bethan Thomas, Simon Roberts, Aled	Cuthbert, Jeff Davies, Keith Jones, Ann Rees, David Watson, Joyce	

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

*As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 63.  
Amendment 63 not agreed.*

[206] **Ann Jones:** Aled, do you want to move amendment 64?

*Cynigiwyd gwelliant 64 (Aled Roberts).  
Amendment 64 (Aled Roberts) moved.*

[207] **Aled Roberts:** Ydw. **Aled Roberts:** Yes.

[208] **Ann Jones:** The question is that amendment 64 be agreed to. Does any Member object? [*Objection.*] Okay, thank you. We'll move to a vote by show of hands. All those in favour of amendment 64; five. Those against; five. Thank you. That falls.

*Gwelliant 64: O blaid 5, Yn erbyn 5, Ymatal 0.  
Amendment 64: For 5, Against 5, Abstain 0.*

O blaid: For:	Yn erbyn: Against:	Ymatal: Abstain:
Davies, Paul Davies, Suzy Jenkins, Bethan Thomas, Simon Roberts, Aled	Cuthbert, Jeff Davies, Keith Jones, Ann Rees, David Watson, Joyce	

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

*As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 64.  
Amendment 64 not agreed.*

[209] **Ann Jones:** Aled, do you want to move amendment 65?

*Cynigiwyd gwelliant 65 (Aled Roberts).  
Amendment 65 (Aled Roberts) moved.*

[210] **Aled Roberts:** Ydw. **Aled Roberts:** Yes.

[211] **Ann Jones:** The question is that amendment 65 be agreed to. Does any Member

object? [*Objection.*] Thank you. We'll vote by show of hands. All those in favour of amendment 65 please show; five. Those against; five. Therefore that falls.

*Gwelliant 65: O blaid 5, Yn erbyn 5, Ymatal 0.*

*Amendment 65: For 5, Against 5, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
Davies, Paul	Cuthbert, Jeff	
Davies, Suzy	Davies, Keith	
Jenkins, Bethan	Jones, Ann	
Thomas, Simon	Rees, David	
Roberts, Aled	Watson, Joyce	

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

*As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 65.*

*Amendment 65 not agreed.*

[212] **Ann Jones:** Minister, would you like amendment 1 in your name to be moved?

[213] **Huw Lewis:** I would.

*Cynigiwyd gwelliant 1 (Huw Lewis).*

*Amendment 1 (Huw Lewis) moved.*

[214] **Ann Jones:** Okay. I formally move amendment 1. The question is that amendment 1 be agreed to. Does any Member object? No. Therefore, amendment 1 is agreed.

*Derbyniwyd gwelliant 1 yn unol â Rheol Sefydlog 17.34.*

*Amendment 1 agreed in accordance with Standing Order 17.34.*

[215] **Ann Jones:** Suzy, would you like to move amendment 70.

*Cynigiwyd gwelliant 70 (Suzy Davies).*

*Amendment 70 (Suzy Davies) moved.*

[216] **Suzy Davies:** Move.

[217] **Ann Jones:** Moved. Okay. The question is that amendment 70 be agreed to. Does any Member object? [*Objection.*] Right. We'll move to a vote by show of hands. All those in favour of amendment 70, please show; five. Those against; five. Therefore, it falls.

*Gwelliant 70: O blaid 5, Yn erbyn 5, Ymatal 0.*

*Amendment 70: For 5, Against 5, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
Davies, Paul	Cuthbert, Jeff	
Davies, Suzy	Davies, Keith	
Jenkins, Bethan	Jones, Ann	
	Rees, David	

Roberts, Aled  
Thomas, Simon

Watson, Joyce

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

*As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 70.  
Amendment 70 not agreed.*

[218] **Ann Jones:** We return to dispose of amendments debated earlier in group 2. Minister, would you like amendment 2 in your name to be moved?

[219] **Huw Lewis:** I would.

*Cynigiwyd gwelliant 2 (Huw Lewis).  
Amendment 2 (Huw Lewis) moved.*

[220] **Ann Jones:** I formally move amendment 2. The question is that amendment 2 be agreed to. Does any Member object? No. Therefore, amendment 2 is agreed.

*Derbyniwyd gwelliant 2 yn unol â Rheol Sefydlog 17.34.  
Amendment 2 agreed in accordance with Standing Order 17.34.*

[221] **Ann Jones:** Again, amendments debated earlier—in group 1. Minister, would you like amendment 26 in your name to be moved?

[222] **Huw Lewis:** I would.

*Cynigiwyd gwelliant 26 (Huw Lewis).  
Amendment 26 (Huw Lewis) moved.*

[223] **Ann Jones:** I formally move amendment 26. The question is that amendment 26 be agreed to. [*Objection.*] Therefore, we'll take a vote by show of hands. All those in favour of amendment 26, please show; five. Those against; none. Abstentions; five. Therefore, amendment 26 is carried.

*Gwelliant 26: O blaid 5, Yn erbyn 0, Ymatal 5.  
Amendment 26: For 5, Against 0, Abstain 5.*

O blaid:  
For:

Yn erbyn:  
Against:

Ymatal:  
Abstain:

Cuthbert, Jeff  
Davies, Keith  
Jones, Ann  
Rees, David  
Watson, Joyce

Davies, Paul  
Davies, Suzy  
Jenkins, Bethan  
Roberts, Aled  
Thomas, Simon

*Derbyniwyd gwelliant 26.  
Amendment 26 agreed.*

[224] **Ann Jones:** Minister, would you like amendment 27 in your name to be moved?

[225] **Huw Lewis:** I would.

*Cynigiwyd gwelliant 27 (Huw Lewis).*  
*Amendment 27 (Huw Lewis) moved.*

[226] **Ann Jones:** I formally move amendment 27. As there is an amendment to amendment 27, we'll deal with that amendment first. So, Suzy, would you like to move amendment 27A?

*Cynigiwyd gwelliant 27A (Suzy Davies).*  
*Amendment 27A (Suzy Davies) moved.*

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

[228] **Ann Jones:** Okay. The question is that amendment 27A be agreed to. Does any Member object? [*Objection.*] Right. We'll go to a vote by show of hands. All those in favour of amendment 27A, please show; three. Those against; five. Abstentions; two. Thank you. Therefore, that falls.

*Gwelliant 27A: O blaid 3, Yn erbyn 5, Ymatal 2.*  
*Amendment 27A: For 3, Against 5, Abstain 2.*

O blaid: For:	Yn erbyn: Against:	Ymatal: Abstain:
Davies, Paul Davies, Suzy Roberts, Aled	Cuthbert, Jeff Davies, Keith Jones, Ann Rees, David Watson, Joyce	Jenkins, Bethan Thomas, Simon

*Gwrthodwyd gwelliant 27A.*  
*Amendment 27A not agreed.*

[229] **Ann Jones:** So, the question is that amendment 27 be agreed to. Does any Member object? [*Objection.*] Okay. So, we'll go to a show of hands. All those in favour of amendment 27, please show; five. Thank you. Those against; none against. Abstentions; five. Okay; thank you. So, that's carried.

*Gwelliant 27: O blaid 5, Yn erbyn 0, Ymatal 5.*  
*Amendment 27: For 5, Against 0, Abstain 5.*

O blaid: For:	Yn erbyn: Against:	Ymatal: Abstain:
Cuthbert, Jeff Davies, Keith Jones, Ann Rees, David Watson, Joyce		Davies, Paul Davies, Suzy Jenkins, Bethan Roberts, Aled Thomas, Simon

*Derbyniwyd gwelliant 27.*  
*Amendment 27 agreed.*

[230] **Ann Jones:** Minister, would you like amendment 28 in your name to be moved?

[231] **Huw Lewis:** I would.

*Cynigiwyd gwelliant 28 (Huw Lewis).*

*Amendment 28 (Huw Lewis) moved.*

[232] **Ann Jones:** I formally move amendment 28. The question is that amendment 28 be agreed to. Does any Member object? [Objection.] Okay. Therefore, we will take a vote by show of hands. All those in favour of amendment 28, please show; five. Those against; none. Abstentions; five. Therefore, that is carried.

*Gwelliant 28: O blaid 5, Yn erbyn 0, Ymatal 5.*

*Amendment 28: For 5, Against 0, Abstain 5.*

O blaid:

For:

Cuthbert, Jeff  
Davies, Keith  
Jones, Ann  
Rees, David  
Watson, Joyce

Yn erbyn:

Against:

Ymatal:

Abstain:

Davies, Paul  
Davies, Suzy  
Jenkins, Bethan  
Roberts, Aled  
Thomas, Simon

*Derbyniwyd gwelliant 28.*

*Amendment 28 agreed.*

[233] **Ann Jones:** Minister, would you like amendment 29 in your name to be moved?

[234] **Huw Lewis:** I would; thanks.

*Cynigiwyd gwelliant 29 (Huw Lewis).*

*Amendment 29 (Huw Lewis) moved.*

[235] **Ann Jones:** The question is that amendment 29 be agreed to. Does any Member object? [Objection.] Right. We'll vote by show of hands. All those in favour of amendment 29, please show; five. Those against; none. Abstentions; five. Okay; it's carried.

*Gwelliant 29: O blaid 5, Yn erbyn 0, Ymatal 5.*

*Amendment 29: For 5, Against 0, Abstain 5.*

O blaid:

For:

Cuthbert, Jeff  
Davies, Keith  
Jones, Ann  
Rees, David  
Watson, Joyce

Yn erbyn:

Against:

Ymatal:

Abstain:

Davies, Paul  
Davies, Suzy  
Jenkins, Bethan  
Roberts, Aled  
Thomas, Simon

*Derbyniwyd gwelliant 29.*

*Amendment 29 agreed.*

**Grŵp 7: Cyllido Cyrsiau sy'n Arwain at Gymwysterau (Gwelliannau 30, 31, 3, 48, 49, 50, 51, 52, 53, 54 a 55)**

**Group 7: Funding of Courses Leading to Qualifications (Amendments 30, 31, 3, 48, 49, 50, 51, 52, 53, 54 and 55)**

[236] **Ann Jones:** We now move to group 7, which is funding of courses leading to qualifications. The lead amendment in this group is amendment 30. Minister, would you like



me to move amendment 30?

[237] **Huw Lewis:** I would.

*Cynigiwyd gwelliant 30 (Huw Lewis).*  
*Amendment 30 (Huw Lewis) moved.*

[238] **Ann Jones:** Okay. So, I formally move amendment 30. Minister, do you want to speak to that and any other amendments in the group?

[239] **Huw Lewis:** Thank you, Chair. This group of amendments relates to the restrictions that are placed on most publicly funded courses for learners under the age of 19 in section 29 of the Bill. This is the section of the Bill that, as drafted, requires any qualifications used on such courses to have been approved by Qualifications Wales, unless the course has been exempted by the Welsh Ministers from such a requirement. There is also an exception to enable persons with learning difficulties to be provided with publicly funded courses of education leading to qualifications that are not approved. For example, this would enable a learner with learning difficulties to attend a course in England leading to a qualification regulated by Ofqual, as the course may be more appropriate to their needs.

[240] Amendment 31 has three purposes. Firstly, it's linked to amendment 30, and together they add designated qualifications to the types of qualification that may be used on publicly funded courses for under 19s. This is the reason for having the designation powers already discussed. Another purpose is to ensure that publicly funded courses are only provided consistently within limits determined by Qualifications Wales, for example on to whom the qualification may be offered. So if, for example, Qualifications Wales has specified that the designation only applies when the qualification is awarded to learners over the age of 16, that limit must be adhered to when such qualifications are used on publicly funded courses. This is similar to the award limitation condition for approved qualifications, which is being also introduced in these amendments.

11:30

[241] Finally, this amendment also maintains a consistency of language used throughout the Bill in respect of replacing the term 'Welsh version of a qualification' with a form of words that explains that the form of qualification in question is one awarded by a recognised body pursuant to the approval of that form of qualification, under Part 4, for award in Wales. This aspect of the amendment is linked to the amendments that will be discussed in group 8.

[242] Amendment 3 corrects an ambiguity in the present draft of the Bill and makes it clear that a learner with learning difficulties may be provided with a course of education or training free from the funding restrictions in this section, but that this exemption does not extend to any other learners without learning difficulties on that course.

[243] Amendment 51 relates to sections 96 to 102 of the Learning and Skills Act 2000, which deal with the funding of courses for under 19s, and apply in relation to England and to Wales. It removes the provisions originally made in sub-paragraphs 2 and 3 of paragraph 3 of Schedule 4 and inserts a new amendment that restricts the application of sections 96 to 102 of the Learning and Skills Act 2000 to England only. Section 29 of the Bill will instead be used to determine whether courses leading to qualifications for the under 19s may be eligible for public funding.

[244] Amendments 48 to 50 and amendments 52 to 55 are consequential to amendment 51. They amend provision of acts and subordinate legislation, which in turn, amend those Learning and Skills Act 2000 provisions that are removed by amendment 51. These others

Acts include the Education Act 1996, the Education and Skills Act 2008 and the Apprenticeship, Skills, Children and Learning Act 2009.

[245] Amendment 53 relates in part to amendments made by amendment 51, but also removes references to sections of the Education Act 1997, which are repealed elsewhere in paragraphs 2(3) of Schedule 4 to the Bill. I recommend that these amendments are approved by the committee.

[246] **Ann Jones:** Thank you. Simon.

[247] **Simon Thomas:** Diolch. Jest yn fyr iawn. Mae Plaid Cymru'n cefnogi'r rhan fwyaf o'r gwelliannau yn y grŵp yma, ond jest i ddweud, er fy mod i'n falch bod y Llywodraeth wedi newid y geiriad ynglŷn â'r fersiwn Gymraeg o gymhwyster, drwy ei wneud e yn gysylltiedig â'r cymhwyster dynodedig newydd yma, ni fyddwn yn gallu cefnogi gwelliant 30 a 31, sydd yn gysylltiedig â'i gilydd, gan ein bod ni o hyd yn amheus iawn ynglŷn â'r categori newydd o gymwysterau.

**Simon Thomas:** Thank you. Just very briefly. Plaid Cymru supports the majority of amendments in this group, but I just want to say that, although I am pleased that the Government has changed the wording on the Welsh version of a qualification, by doing it in relation to this new designated qualification, we will not be able to support amendments 30 and 31, which are related to each other, because we are still very dubious about this new category of qualifications.

[248] **Ann Jones:** Okay, thank you. Minister, do you want to respond to that?

[249] **Huw Lewis:** No, I've put all the points, I think, Chair.

[250] **Ann Jones:** Thanks. Do you wish to proceed to a vote on amendment 30?

[251] **Huw Lewis:** I do.

[252] **Ann Jones:** Okay. The question is amendment 30 be agreed to. Does any member object? [*Objection.*] We'll take a vote by show of hands. All those in favour of amendment 30, please show; seven. Thank you. Those against; none. Abstentions; three. Okay, therefore it's carried. Thank you.

*Gwelliant 30: O blaid 7, Yn erbyn 0, Ymatal 3.*

*Amendment 30: For 7, Against 0, Abstain 3.*

O blaid:  
For:

Yn erbyn:  
Against:

Ymatal:  
Abstain:

Cuthbert, Jeff  
Davies, Keith  
Davies, Paul  
Davies, Suzy  
Jones, Ann  
Rees, David  
Watson, Joyce

Jenkins, Bethan  
Roberts, Aled  
Thomas, Simon

*Derbyniwyd gwelliant 30.  
Amendment 30 agreed.*

[253] **Ann Jones:** Minister, would you like amendment 31 in your name to be moved?

[254] **Huw Lewis:** I would.

*Cynigiwyd gwelliant 31 (Huw Lewis)*  
*Amendment 31 (Huw Lewis) moved.*

[255] **Ann Jones:** Okay. I formally move amendment 31. Any objection? [*Objection.*] Therefore let's take a vote by show of hands. All those in favour of amendment 31; seven. Thank you. Those against; nobody. Abstentions; three. Okay, thank you. That's carried.

*Gwelliant 31: O blaid 7, Yn erbyn 0, Ymatal 3.*  
*Amendment 31: For 7, Against 0, Abstain 3.*

O blaid:  
 For:

Yn erbyn:  
 Against:

Ymatal:  
 Abstain:

Cuthbert, Jeff  
 Davies, Keith  
 Davies, Paul  
 Davies, Suzy  
 Jones, Ann  
 Rees, David  
 Watson, Joyce

Jenkins, Bethan  
 Roberts, Aled  
 Thomas, Simon

*Derbyniwyd gwelliant 31.*  
*Amendment 31 agreed.*

[256] **Ann Jones:** Minister, would you like amendment 3 in your name to be moved?

[257] **Huw Lewis:** I would.

*Cynigiwyd gwelliant 3 (Huw Lewis)*  
*Amendment 3 (Huw Lewis) moved.*

[258] **Ann Jones:** Okay. I formally move amendment 3 and the question is that amendment 3 be agreed to. Does any member object? No. Therefore, amendment 3 is agreed to.

*Derbyniwyd gwelliant 3 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 3 agreed in accordance with Standing Order 17.34*

**Grŵp 8: Fersiwn Gymreig o Gymwysterau (Gwenlliannau 32, 33, 34)**  
**Group 8: Welsh Versions of Qualifications (Amendments 32, 33, 34)**

[259] **Ann Jones:** We'll move on to group 8, which is Welsh versions of qualifications. The lead amendment in this group is amendment 32. Minister, would you like me to move amendment 32 in your name?

[260] **Huw Lewis:** I would.

*Cynigiwyd gwelliant 32 (Huw Lewis)*  
*Amendment 32 (Huw Lewis) moved.*

[261] **Ann Jones:** Okay. I formally move amendment 32 and I call on the Minister to speak to this and the other amendments.

[262] **Huw Lewis:** Thank you, Chair. As we know, in its report on its scrutiny of Stage 1 of the Bill, the committee recommended that the term 'Welsh version of a qualification' be replaced, as some stakeholders were finding it confusing. I'm pleased to accept this

recommendation and therefore the amendments in this group deal with that issue. ‘A Welsh version of a qualification’ was a label to describe a qualification that has been approved by Qualifications Wales for award in Wales by a body whose recognition covers the form of qualification in question and is awarded pursuant to that approval. These amendments do not change this interpretation and, instead, they seek to spell it out in clearer terms on the face of the Bill. Amendment 32 removes the definition of a Welsh version of a qualification, and, as this term is no longer used, amendments 33 and 34 remove the phrase ‘Welsh version of a qualification’ and replace it with the words,

[263] ‘form of a qualification pursuant to its approval under Part 4’.

[264] Amendment 33 also reflects changes already discussed in previous groups. The amendment amends section 30 of the Bill, which restricts the application of conditions of recognition imposed by Ofqual in relation to the award of approved qualifications in Wales. The words in brackets in the amendment indicate that restriction does not affect the position regarding other qualifications awarded in Wales, including the designated ones. These are purely textual amendments to aid clarity and have no other practical effect, so I urge Members to support these amendments.

[265] **Ann Jones:** Okay, thank you. Does any other Member wish to speak? No. So, there’s no debate then. Minister, do you wish to proceed to a vote on amendment 32?

[266] **Huw Lewis:** I do.

[267] **Ann Jones:** Okay. Therefore, the question is that amendment 32 be agreed. Does any Member object? No. Therefore, that is carried.

*Derbyniwyd gwelliant 32 yn unol â Rheol Sefydlog 17.34.  
Amendment 32 agreed in accordance with Standing Order 17.34.*

[268] **Ann Jones:** Minister, would you like me to move amendment 33?

[269] **Huw Lewis:** I would.

*Cynigiwyd gwelliant 33 (Huw Lewis).  
Amendment 33 (Huw Lewis) moved.*

[270] **Ann Jones:** I’ll move. The question is then that amendment 33 be agreed to. Does any Member object? No.

*Derbyniwyd gwelliant 33 yn unol â Rheol Sefydlog 17.34.  
Amendment 33 agreed in accordance with Standing Order 17.34.*

[271] **Ann Jones:** Minister, would you like amendment 34 in your name to be moved?

[272] **Huw Lewis:** I would.

*Cynigiwyd gwelliant 34 (Huw Lewis).  
Amendment 34 (Huw Lewis) moved.*

[273] **Ann Jones:** I’ll formally move amendment 34. The question is that amendment 34 be agreed to. Does any Member object? No. Therefore amendment 34 is agreed to.

*Derbyniwyd gwelliant 34 yn unol â Rheol Sefydlog 17.34.  
Amendment 34 agreed in accordance with Standing Order 17.34.*

[274] **Ann Jones:** We now dispose of amendments debated earlier in group 3. Minister, would you like amendment 35 in your name to be moved?

[275] **Huw Lewis:** I would.

*Cynigiwyd gwelliant 35 (Huw Lewis).*  
*Amendment 35 (Huw Lewis) moved.*

[276] **Ann Jones:** I'll formally move amendment 35. The question is that amendment 35 be agreed to. Does any Member object? No. Thank you.

*Derbyniwyd gwelliant 35 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 35 agreed in accordance with Standing Order 17.34.*

[277] **Ann Jones:** Similarly, these amendments were debated earlier in group 2. Minister, would you like amendment 4 in your name to be moved?

[278] **Huw Lewis:** I would.

*Cynigiwyd gwelliant 4 (Huw Lewis).*  
*Amendment 4 (Huw Lewis) moved.*

[279] **Ann Jones:** I formally move amendment 4. The question is that amendment 4 be agreed to. Does any Member object? No. Therefore, amendment 4 is agreed.

*Derbyniwyd gwelliant 4 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 4 agreed in accordance with Standing Order 17.34.*

[280] **Ann Jones:** Minister, would you like amendment 5 in your name to be agreed—to be moved?

[281] **Huw Lewis:** I beg your pardon. I would. [*Laughter.*]

[282] **Ann Jones:** You'd want it to be agreed, I know, but, no, to be moved? We'd better go through the process first. To be moved.

[283] **Huw Lewis:** Yes.

*Cynigiwyd gwelliant 5 (Huw Lewis).*  
*Amendment 5 (Huw Lewis) moved.*

[284] **Ann Jones:** Therefore, I formally move amendment 5 and the question is does any Member object? No. Thank you. Amendment 5 is agreed, then.

*Derbyniwyd gwelliant 5 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 5 agreed in accordance with Standing Order 17.34.*

**Grŵp 9: Gweithgareddau Masnachol a Chodi Ffioedd (Gwelliannau 71, 72 a 75)**  
**Group 9: Commercial Activities and Charging Fees (Amendments 71, 72 and 75)**

[285] **Ann Jones:** We'll move on to group 9, on commercial activities and charging fees. The lead amendment is amendment 71 and I call Suzy Davies to move and speak to that amendment and any others in the group.

*Cynigiwyd gwelliant 71 (Suzy Davies).*  
*Amendment 71 (Suzy Davies) moved.*

[286] **Suzy Davies:** Thank you very much. First of all, amendment 71—sorry, I move the amendment. Amendment 71 has been tabled in response to a recommendation of this committee, and it aims to alleviate concerns that if Qualifications Wales is permitted to provide commercial services under section 40, then it may encounter a conflict of interest advising awarding bodies, which it then regulates and whose qualifications it may also approve.

[287] We agree that Qualifications Wales should be able to undertake commercial work and capitalise on its expertise, but we also agree with the need for a mechanism that protects Qualifications Wales from the perception of conflict of interest. The duty to introduce that mechanism needs to be on the face of the Bill. I understand, Minister, your argument in evidence that such a protocol is required by different legislation governing the conduct of public bodies, but this Bill doesn't refer to that other legislation, and, being new, isn't referred to by that legislation. In which case, a duty to introduce the mechanism, even if it is by reference to existing law, is necessary.

[288] My amendment says that Welsh Ministers must prepare a protocol to which Qualifications Wales must have regard. To be honest, as Qualifications Wales is an arm's-length body, I would be happy if Qualifications Wales itself introduced a protocol approved by Welsh Ministers, as with the section 44 charging scheme, but the bottom line is that a protocol must be introduced and there is nothing on the face of the Bill requiring that.

[289] **Ann Jones:** Does any other Member wish to speak? No. Thank you. Minister.

[290] **Huw Lewis:** Thank you, Chair. First, in relation to amendment 71—*[Interruption.]*

[291] **Ann Jones:** Oh, sorry.

[292] **Suzy Davies:** I've got amendments 72 and 75.

[293] **Huw Lewis:** I beg your pardon.

[294] **Ann Jones:** Sorry. I thought you'd finished, because there was a natural pause. Sorry.

[295] **Suzy Davies:** Sorry about that. I think it might have been me. Apologies, Minister, as well.

[296] **Ann Jones:** Sorry, Minister. Go on; I'm being very generous this morning. Go on, Suzy.

[297] **Suzy Davies:** Amendments 72 and 75, I'll deal with these together and I refer back to section 44 of the Bill, which allows Qualifications Wales to charge fees to awarding bodies for the work that it does as a result of recognition of those bodies' approval of their qualification under some ancillary functions. Unlike other commercial activities, those fees must be set out in a scheme, which Qualifications Wales is obliged to draw up, and which must be approved by Welsh Ministers, as I said earlier. So, first of all, I'd like the Minister to explain why the independence of Qualifications Wales, which prevented him from supporting amendments 70 and 71, does not prevent him having an approval role under this section 44. Saying it's just a transfer of existing powers doesn't wash if those transferred powers don't fit with the independence of Qualifications Wales. We'd all hope that any charging scheme doesn't artificially restrict the market by being too onerous, and even though the ability to charge is, as I say, just a transfer to Qualifications Wales of existing ministerial powers, those

powers have never been exercised and we as an Assembly, therefore, have no idea of the impact of those powers were they to be exercised. Realistically, they look more likely to be exercised by Qualifications Wales than Ministers as it looks more closely at ways to contribute to its own sustainability. So, accordingly, we've tabled this amendment asking Qualifications Wales to report on the impact of the charging scheme in its annual report in accordance with this committee's recommendation, similar to Aled Roberts's own amendment 63 in group 6. Amendment 75 is simply consequential on amendment 72, confirming that this review of impact is a matter to be included in Qualifications Wales's annual report. Thank you.

[298] **Ann Jones:** Minister.

[299] **Huw Lewis:** Thank you, Chair. Just firstly in relation to amendment 71, I do acknowledge the concerns that have been expressed by Members and stakeholders about the commercial activities that may be carried out by Qualifications Wales, but I do continue to believe that these concerns are unfounded. As a public body, Qualifications Wales will already be bound by the extensive principles of public and European law, and this Bill does not need to refer to those principles in order that they should apply. They will apply in any case. So, I'm not entirely sure what a protocol produced by Welsh Ministers to which Qualifications Wales only has to have regard could usefully add to this. After all, Qualifications Wales would be better placed to know about any potential scope for conflicts of interest in light of any proposed activities. So, a protocol by Welsh Ministers might conceivably simply require that Qualifications Wales adhere to the principles of public and European law, and I can see no real benefit in that.

[300] The inclusion of the ability for Qualifications Wales to undertake commercial activities was introduced into the Bill in response, partly, to the recommendation of this committee following its pre-legislative scrutiny. Such activity can only be undertaken if it relates to Qualifications Wales's functions or other matters related to qualifications, but this does not offer a back-door route to awarding-body functions. I envisage that the commercial activities that Qualifications Wales will undertake are likely to be in the field of consultancy on such matters, for example, as Qualifications Wales's experience in implementing reforms to the qualification system in Wales. That is something they may want to advise upon. Clearly, the Assembly will be able to hold Qualifications Wales to account for all its activities, as will the Welsh Ministers in relation to the proper use of public funds. I believe that this amendment is, therefore, unnecessary and that any positive effect it might have could be extremely limited. I therefore urge Members to reject amendment 71.

[301] If I could turn now to amendments 72 and 75, Suzy Davies is seeking to impose a duty on Qualifications Wales to perform an annual assessment of the impact of any charging scheme that it applies and to report on it. Apart from the fact that there is already a duty on Qualifications Wales to report on the conclusions of any assessments conducted during the reporting period on the impact of the exercise of its functions, Quals Wales will also have a duty to review the role it plays within the qualification system in Wales. It is also to act as it considers appropriate for the purpose of achieving its principal aims. Therefore, I envisage that Qualifications Wales will need to address the impact of its work at appropriate times rather than strictly at annual intervals, which might not necessarily be the most appropriate time to address the impact.

11:45

[302] This amendment would place, I think, an unreasonable burden of activity on what would be a small organisation to perform such a specific review on an annual basis, and would risk the focus being on one particular aspect of its functions, potentially at the expense of others. As time goes by, it may become harder and harder to identify or assess the specific

impact of fee charging as the system adjusts to what could become business as usual. An annual review, I believe, is not necessary or appropriate, and should not be required in perpetuity. Again, the Assembly will be able to hold Qualifications Wales to account for any unintended impacts upon the system of a decision to charge fees. Also, the Welsh Ministers will be able to review potential and actual impacts when reviewing any proposed scheme of charging, or indeed any amendments to a scheme in the light of actual impacts. So, in conclusion, Chair, I don't believe it's appropriate to impose this duty on Qualifications Wales, and I urge the Members to reject both amendment 72 and the associated amendment 75.

[303] **Ann Jones:** Okay, thanks. Suzy, do you want to respond?

[304] **Suzy Davies:** Thank you very much, Minister, for your response to those points. First of all, on the issue of the protocol, as you accept that it's possible for you to refer to a protocol as a Welsh Minister, and you say that this could go on the face of the Bill, effectively, even if you see there's no point to it, I think that there is a point to it, because it is a clear signal to Qualifications Wales that they must do something. At the moment, there is no obligation on them to do that, and so the concerns about potential conflicts of interest are still there, and are not satisfied either by anything on the face of the Bill compelling you to do anything on the part of Welsh Ministers or indeed Qualifications Wales having to do something to alleviate those concerns. With regard to the commercial activities, I don't think I was suggesting that the current Bill allows for a sort of back-door route into awarding issues; that wasn't on my mind at all. It was essentially to try and draw from you why you think that there is a distinction between the powers in section 40 and the powers in section 44, and I'm not entirely sure that you answered that. I don't think that asking Qualifications Wales to report on the impact of one of its specific functions, as opposed to the more general obligation that you refer to, suggests that that impact should be considered at the expense of others, although I do take your point that there's an issue on the perpetuity of that, which I'll consider. But, at the moment, I'm still minded to move the amendment when I get the opportunity.

[305] **Ann Jones:** Right. Thank you very much. So, Suzy, do you wish to proceed to a vote on amendment 71?

[306] **Suzy Davies:** Yes, please.

[307] **Ann Jones:** Okay. Therefore, the question is that amendment 71 be agreed to. Does any Member object? [*Objection.*] Okay, thank you. We'll move to a show of hands. All those in favour of amendment 71, please show: five. Those against, five. And my casting vote. Therefore, it falls.

*Gwelliant 71: O blaid 5, Yn erbyn 5, Ymatal 0.*

*Amendment 71: For 5, Against 5, Abstain 0.*

O blaid:  
For:

Yn erbyn:  
Against:

Ymatal:  
Abstain:

Davies, Paul  
Davies, Suzy  
Jenkins, Bethan  
Roberts, Aled  
Thomas, Simon

Cuthbert, Jeff  
Davies, Keith  
Jones, Ann  
Rees, David  
Watson, Joyce

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

*As there was an equality of votes, the Chair used her casting vote in accordance with*



*Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 71.  
Amendment 71 not agreed.*

[308] **Ann Jones:** We're now going to return to dispose of amendments debated in groups earlier, so, Minister, would you like amendment 36 in your name to be moved?

[309] **Huw Lewis:** I would.

*Cynigiwyd gwelliant 36 (Huw Lewis).  
Amendment 36 (Huw Lewis) moved.*

[310] **Ann Jones:** I formally move amendment 36. The question is amendment 36 be agreed. [*Objection.*] Okay, object. Therefore we'll take a vote by show of hands. Those in favour of amendment 36 please show: five. Those against, nobody. Abstentions, five. Therefore, amendment 36 is carried.

*Gwelliant 36: O blaid 5, Yn erbyn 0, Ymatal 5.  
Amendment 36: For 5, Against 0, Abstain 5.*

O blaid:  
For:

Yn erbyn:  
Against:

Ymatal:  
Abstain:

Cuthbert, Jeff  
Davies, Keith  
Jones, Ann  
Rees, David  
Watson, Joyce

Davies, Paul  
Davies, Suzy  
Jenkins, Bethan  
Roberts, Aled  
Thomas, Simon

*Derbyniwyd gwelliant 36.  
Amendment 36 agreed.*

[311] **Ann Jones:** Minister, amendment 37 to be moved?

[312] **Huw Lewis:** Yes, please.

*Cynigiwyd gwelliant 37 (Huw Lewis).  
Amendment 37 (Huw Lewis) moved.*

[313] **Ann Jones:** I formally move amendment 37. The question is amendment 37 be agreed to. [*Objection.*] Okay, we'll vote by show of hands. All those in favour of amendment 37 please show: five. Those against, none. Abstentions, five. Carried.

*Gwelliant 37: O blaid 5, Yn erbyn 0, Ymatal 5.  
Amendment 37: For 5, Against 0, Abstain 5.*

O blaid:  
For:

Yn erbyn:  
Against:

Ymatal:  
Abstain:

Cuthbert, Jeff  
Davies, Keith  
Jones, Ann  
Rees, David  
Watson, Joyce

Davies, Paul  
Davies, Suzy  
Jenkins, Bethan  
Roberts, Aled  
Thomas, Simon

*Derbyniwyd gwelliant 37.  
Amendment 37 agreed.*

[314] **Ann Jones:** Minister, amendment 38 to be moved in your name?

[315] **Huw Lewis:** Yes, please.

*Cynigiwyd gwelliant 38 (Huw Lewis).*

*Amendment 38 (Huw Lewis) moved.*

[316] **Ann Jones:** Therefore I move amendment 38, and the question is amendment 38 be agreed to. Does any Member object? [*Objection.*] Therefore, we'll take a vote by show of hands. All those in favour of amendment 38 please show: five. Those against, none. Abstentions, five. Therefore, it's carried.

*Gwelliant 38: O blaid 5, Yn erbyn 0, Ymatal 5.*

*Amendment 38: For 5, Against 0, Abstain 5.*

O blaid:  
For:

Yn erbyn:  
Against:

Ymatal:  
Abstain:

Cuthbert, Jeff  
Davies, Keith  
Jones, Ann  
Rees, David  
Watson, Joyce

Davies, Paul  
Davies, Suzy  
Jenkins, Bethan  
Roberts, Aled  
Thomas, Simon

*Derbyniwyd gwelliant 38.*

*Amendment 38 agreed.*

[317] **Ann Jones:** Minister, amendment 39 in your name to be moved?

[318] **Huw Lewis:** Please.

*Cynigiwyd gwelliant 39 (Huw Lewis).*

*Amendment 39 (Huw Lewis) moved.*

[319] **Ann Jones:** I formally move amendment 39. The question is that amendment 39 be agreed to. Does any Member object? [*Objection.*] Object, okay. Therefore, a vote by show of hands. Those in favour of amendment 39 please show. Those against, no. Abstentions, five. Thank you. Therefore, it's carried.

*Gwelliant 39: O blaid 5, Yn erbyn 0, Ymatal 5.*

*Amendment 39: For 5, Against 0, Abstain 5.*

O blaid:  
For:

Yn erbyn:  
Against:

Ymatal:  
Abstain:

Cuthbert, Jeff  
Davies, Keith  
Jones, Ann  
Rees, David  
Watson, Joyce

Davies, Paul  
Davies, Suzy  
Jenkins, Bethan  
Roberts, Aled  
Thomas, Simon

*Derbyniwyd gwelliant 39.*

*Amendment 39 agreed.*

[320] **Ann Jones:** Minister, would you like amendment 6 in your name to be moved?

[321] **Huw Lewis:** I would.

*Cynigiwyd gwelliant 6 (Huw Lewis).*  
*Amendment 6 (Huw Lewis) moved.*

[322] **Ann Jones:** I formally move amendment 6. The question is that amendment 6 be agreed to. Does any Member object? No. Right, okay. Therefore, it's carried.

*Derbyniwyd gwelliant 6 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 6 agreed in accordance with Standing Order 17.34.*

[323] **Ann Jones:** Minister, would you like amendment 40 in your name to be moved?

[324] **Huw Lewis:** I would.

*Cynigiwyd gwelliant 40 (Huw Lewis).*  
*Amendment 40 (Huw Lewis) moved.*

[325] **Ann Jones:** I formally move amendment 40. The question is that amendment 40 be agreed to. [*Objection.*] Object. Okay. Therefore, we'll vote by show of hands. All those in favour of amendment 40 please show. Five. Those against, none. Abstentions, five. Thank you. Therefore, it's carried.

*Gwelliant 40: O blaid 5, Yn erbyn 0, Ymatal 5.*  
*Amendment 40: For 5, Against 0, Abstain 5.*

O blaid:  
For:

Yn erbyn:  
Against:

Ymatal:  
Abstain:

Cuthbert, Jeff  
Davies, Keith  
Jones, Ann  
Rees, David  
Watson, Joyce

Davies, Paul  
Davies, Suzy  
Jenkins, Bethan  
Roberts, Aled  
Thomas, Simon

*Derbyniwyd gwelliant 40.*  
*Amendment 40 agreed.*

[326] **Ann Jones:** Is amendment 7, Minister, in your name to be moved?

[327] **Huw Lewis:** Please.

*Cynigiwyd gwelliant 7 (Huw Lewis).*  
*Amendment 7 (Huw Lewis) moved.*

[328] **Ann Jones:** I formally move amendment 7. The question is that amendment 7 be agreed to. Does any Member object? No. Thank you.

*Derbyniwyd gwelliant 7 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 7 agreed in accordance with Standing Order 17.34.*

[329] **Ann Jones:** Suzy, would you like to move amendment 72?

*Cynigiwyd gwelliant 72 (Suzy Davies).*  
*Amendment 72 (Suzy Davies) moved.*

[330] **Suzy Davies:** Yes, I would. Thank you.

[331] **Ann Jones:** You will, okay. The question is that amendment 72 be agreed to. Does any Member object? [*Objection.*] Okay. Therefore, we'll take a vote by show of hands. Those in favour of amendment 72, please show. Three. Those against, five. Abstentions, two. Therefore, it falls.

*Gwelliant 72: O blaid 3, Yn erbyn 5, Ymatal 2.  
Amendment 72: For 3, Against 5, Abstain 2.*

O blaid: For:	Yn erbyn: Against:	Ymatal: Abstain:
Davies, Paul Davies, Suzy Roberts, Aled	Cuthbert, Jeff Davies, Keith Jones, Ann Rees, David Watson, Joyce	Jenkins, Bethan Thomas, Simon

*Gwrthodwyd gwelliant 72.  
Amendment 72 not agreed.*

[332] **Ann Jones:** Minister, would you like amendment 8 in your name to be moved?

[333] **Huw Lewis:** I would.

*Cynigiwyd gwelliant 8 (Huw Lewis).  
Amendment 8 (Huw Lewis) moved.*

[334] **Ann Jones:** I formally move amendment 8. The question is that amendment 8 be agreed to. Does any Member object? No. Carried.

*Derbyniwyd gwelliant 8 yn unol â Rheol Sefydlog 17.34.  
Amendment 8 agreed in accordance with Standing Order 17.34.*

[335] **Ann Jones:** Simon, would you like to move amendment 60 in your name?

*Cynigiwyd gwelliant 60 (Simon Thomas).  
Amendment 60 (Simon Thomas) moved.*

[336] **Simon Thomas:** Yes.

[337] **Ann Jones:** Okay. The question is that amendment 60 be agreed to. Does any Member object? [*Objection.*] We'll vote by show of hands. Those in favour of amendment 60, please show. Five. Those against, five. And my casting vote, therefore it falls.

*Gwelliant 60: O blaid 5, Yn erbyn 5, Ymatal 0.  
Amendment 60: For 5, Against 5, Abstain 0.*

O blaid: For:	Yn erbyn: Against:	Ymatal: Abstain:
Davies, Paul Davies, Suzy Jenkins, Bethan Roberts, Aled Thomas, Simon	Cuthbert, Jeff Davies, Keith Jones, Ann Rees, David Watson, Joyce	

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

*As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 60.*

*Amendment 60 not agreed.*

[338] **Ann Jones:** Simon, do you want to move amendment 61?

*Cynigiwyd gwelliant 61 (Simon Thomas).*

*Amendment 61 (Simon Thomas) moved.*

[339] **Simon Thomas:** Yes.

[340] **Ann Jones:** The question is that amendment 61 be agreed to. Does any Member object? [*Objection.*] Okay, therefore we'll vote by show of hands. Those in favour of amendment 61, please show. Five. Those against, five. And my casting vote. It falls.

*Gwelliant 61: O blaid 5, Yn erbyn 5, Ymatal 0.*

*Amendment 61: For 5, Against 5, Abstain 0.*

O blaid:

For:

Davies, Paul  
Davies, Suzy  
Jenkins, Bethan  
Roberts, Aled  
Thomas, Simon

Yn erbyn:

Against:

Cuthbert, Jeff  
Davies, Keith  
Jones, Ann  
Rees, David  
Watson, Joyce

Ymatal:

Abstain:

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

*As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 61.*

*Amendment 61 not agreed.*

[341] **Ann Jones:** Suzy, would you like to move amendment 73?

*Cynigiwyd gwelliant 73 (Suzy Davies).*

*Amendment 73 (Suzy Davies) moved.*

[342] **Suzy Davies:** Yes, please.

[343] **Ann Jones:** The question is that amendment 73 be agreed to. Does any Member object? [*Objection.*] Okay, thank you, therefore we'll vote by show of hands. Those in favour of amendment 73, please show. Three. Those against, five. Abstentions, two. Therefore it falls.

*Gwelliant 73: O blaid 3, Yn erbyn 5, Ymatal 2.*

*Amendment 73: For 3, Against 5, Abstain 2.*

O blaid:

Yn erbyn:

Ymatal:

For:	Against:	Abstain:
Davies, Paul	Cuthbert, Jeff	Jenkins, Bethan
Davies, Suzy	Davies, Keith	Thomas, Simon
Roberts, Aled	Jones, Ann	
	Rees, David	
	Watson, Joyce	

*Gwrthodwyd gwelliant 73.*

*Amendment 73 not agreed.*

### **Grŵp 10: Dehongli Cymhwyster (Gwelliant 66)** **Group 10: Interpretation of Qualification (Amendment 66)**

[344] **Ann Jones:** Group 10: interpretation of qualification. The lead and the only amendment in this group is amendment 66. I call on Aled to move and speak to that amendment.

*Cynigiwyd gwelliant 66 (Aled Roberts).*

*Amendment 66 (Aled Roberts) moved.*

[345] **Aled Roberts:** Diolch, Gadeirydd. Y cwbl rwy'n trio ei wneud yma yw chwilio am eglurhad gan y Gweinidog ynghylch sefyllfa y gyfundrefn diploma addysg uwch i ryw raddau. Rwy'n meddwl ei bod hi'n aneglur, yn ystod ein tystiolaeth ni, ai Cymwysterau Cymru, y QAA neu unrhyw gorff arall a fuasai'n gyfrifol. Felly, yn dibynnu ar beth y mae'r Gweinidog yn ei ddweud, chwilio am gael rhyw fath o eglurhad ar y Cofnod ydw i yma, er mwyn i ni wybod yn union beth ydy'r sefyllfa.

**Aled Roberts:** Thank you, Chair. All I'm trying to do here is look for an explanation from the Minister regarding the situation with the higher education diploma system. I think it was unclear during our evidence whether Qualifications Wales, the QAA or any other body would be responsible. So, depending on what the Minister says, I'm looking for some clarification on this, in the Record, in order to know exactly what the situation is.

[346] **Ann Jones:** Okay. Anybody else? No. Minister.

[347] **Huw Lewis:** Thank you, Chair. I understand what may be a desire to avoid duplication, of course, of the role of the QAA and Qualifications Wales in respect of these qualifications, and I would foresee that these regulatory roles would be taken into account by Qualifications Wales, given that Qualifications Wales is required, in acting to achieve its principle aims, to have regard to the roles played by relevant persons for the purposes of the Welsh qualifications systems. It's not my intention that Qualifications Wales should duplicate the work of other bodies or take action where it's not necessary, and I would envisage that the regulators would need to be mindful of each other when operating within the system. Indeed, the regulatory regime of Qualifications Wales is voluntary. Awarding bodies do not have to be recognised unless they want to offer qualifications to publicly funded courses for learners under the age of 19. Now, as access diplomas are primarily intended for learners over the age of 19, I do not anticipate any significant issues arising in this regard.

[348] Also, I believe that other amendments that have been discussed today will reinforce this point: that the regulation of these qualifications is voluntary. Awarding bodies will, under amendments introduced by group 3, be able to exclude certain forms of qualification from being recognised and regulated by Qualifications Wales. There is, therefore, to my mind, sufficient provision in the Bill to enable awarding bodies to choose not to be regulated, and for Qualifications Wales to exercise its professional judgment on whether or not such diplomas should be regulated by it. Given that such qualifications are primarily intended for

learners over the age of 19, awarding bodies may choose not to seek approval of the qualification, or alternatively they may choose to exclude them from their general recognition. Indeed, awarding bodies who award the diplomas may decide not to apply for recognition at all. In any case, it is unlikely that access diplomas will feature on the priority qualifications list and I do not envisage that it is likely that Qualifications Wales would publish specific approval criteria for these qualifications. But should the awarding body want to offer them on under-19 publicly funded courses, it can be recognised in respect of them and apply for the qualification to be designated under the amendments already discussed.

[349] I also have some significant concerns about the unintended consequences of this amendment. The title of ‘access to higher education diplomas’ is not defined in law, and the award of these diplomas is not subject to the same legal controls as the award of degrees by specific bodies such as universities. In identifying the qualifications to be exempted from Qualifications Wales’s regulatory regime, we would not wish to create a loophole whereby renaming certain qualifications as ‘access to higher education diplomas’ could lead to the funding requirements of this Bill being sidestepped.

[350] As Members will be aware, section 29 of the Bill requires maintained schools in Wales and other publicly funded providers to under 19-year-olds to use only qualifications that are approved or designated by Qualifications Wales. I wouldn’t wish to introduce an amendment that could undermine the intention of the Bill to provide Qualifications Wales with a level of control over the qualifications that are awarded to young people in publicly funded education.

[351] Another potential difficulty would be in coming up with a definition of these qualifications. Not only might it give rise to the loophole I just mentioned, but it might also involve uncertainty as to which qualifications are covered by the regime and which are not. The amendment could also create a lack of parity with current provision, whereby access diplomas are not exempted from the regulatory regime of the Welsh Ministers or, indeed, of Ofqual. To conclude then, Chair, and particularly to avoid the unintended consequences that I believe that this amendment carries with it, I urge Members to reject amendment 66.

[352] **Ann Jones:** Thank you. Aled to respond.

[353] **Aled Roberts:** Rwy’n derbyn bod y rhan fwyaf o’r diplomâu yma ar gyfer mynediad i addysg uwch i’r rhai hynny sydd dros 19 oed, ond rwy’n meddwl ein bod ni wedi clywed tystiolaeth bod yna enghreifftiau hefyd lle maen nhw cyn hynny. Rwyf hefyd yn derbyn hwyrach bod yna wendidau yn y ffordd y mae’r gwelliant yma wedi cael ei eirio, ond rwy’n pryderu bod y Gweinidog yn defnyddio geiriau fel ei fod o ‘ddim yn rhagweld’ hyn a’r llall. Rwy’n meddwl bod yna gryn dipyn o ddryswch ynglŷn â’r ffordd y mae’r Bil wedi cael ei eirio ar hyn o bryd, felly, mi fyddaf i’n gofyn i’r gwelliant yma gael ei roi er fy mod yn derbyn, hwyrach, fod angen i’r ddwy ochr ystyried yn ddwysach sut yn union rydym ni’n mynd i osgoi unrhyw ddryswch yn y dyfodol. Beth sydd angen i ni ei wneud ydy creu Deddf sydd yn gadarn, sydd yn gwneud yn union beth mae Llywodraeth yn mynnu

**Aled Roberts:** I accept that the majority of these diplomas for access to higher education are for those who are over 19 years of age, but I think we’ve heard evidence that there are examples as well where they applied before that. I also accept that there are weaknesses in the way that this amendment has been worded, but I am concerned that the Minister’s using words such as that he ‘doesn’t foresee’ such and such. I think that there is quite a lot of confusion regarding the way that the Bill has been worded at the moment, therefore I will ask for this amendment to be moved, but I do accept that there is need for the two sides to consider more seriously how we are going to avoid any confusion in the future. What we need to do is to create an Act that is robust, that does exactly what the Government wants it to do. I accept that, perhaps, there are things that need to be

iddi'i wneud. Rwy'n derbyn bod yna, hwyrach, bethau i'w cymryd i ystyriaeth nad ydw i wedi ei wneud wrth ddrafftio'r gwelliant yma, ond rwy'n meddwl bod yn rhaid i ni fod yn hollol glir, ac yn blaen, ynglŷn â phwy sydd â chyfrifoldeb i gymeradwyo'r diplomâu yma.

considered that I haven't considered in drafting this amendment, but I do think that we need to be completely clear about who has responsibility over the approval of these diplomas.

[354] **Ann Jones:** Thanks, Aled. You've indicated that you want 66 to go to the vote, so, the question is that amendment 66 be agreed to. Does any Member object? [*Objection.*] Therefore, we'll take a vote by a show of hands. All those in favour of amendment 66, please show. Five; thank you. Those against, five. And my casting vote, therefore it falls.

*Gwelliant 66: O blaid 5, Yn erbyn 5, Ymatal 0.  
Amendment 66: For 5, Against 5, Abstain 0.*

O blaid:  
For:

Yn erbyn:  
Against:

Ymatal:  
Abstain:

Davies, Paul  
Davies, Suzy  
Jenkins, Bethan  
Roberts, Aled  
Thomas, Simon

Cuthbert, Jeff  
Davies, Keith  
Jones, Ann  
Rees, David  
Watson, Joyce

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

*As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(i).*

*Gwrthodwyd gwelliant 66.  
Amendment 66 not agreed.*

[355] **Ann Jones:** We'll now return to dispose of amendments debated in earlier groups. Minister, would you like amendment 9 in your name to be moved?

[356] **Huw Lewis:** I would.

*Cynigiwyd gwelliant 9 (Huw Lewis).  
Amendment 9 (Huw Lewis) moved.*

[357] **Ann Jones:** I formally move amendment 9. The question is that amendment 9 be agreed to. Does any Member object? No. Thank you. Amendment 9 is agreed.

*Derbyniwyd gwelliant 9 yn unol â Rheol Sefydlog 17.34.  
Amendment 9 agreed in accordance with Standing Order 17.34.*

[358] **Ann Jones:** Minister, is amendment 10 in your name to be moved?

[359] **Huw Lewis:** Please.

*Cynigiwyd gwelliant 10 (Huw Lewis).  
Amendment 10 (Huw Lewis) moved.*

[360] **Ann Jones:** The question is that amendment 10 be agreed to. Does any Member



object? No. Therefore, amendment 10 is carried.

*Derbyniwyd gwelliant 10 yn unol â Rheol Sefydlog 17.34.  
Amendment 10 agreed in accordance with Standing Order 17.34.*

**Grŵp 11: Is-ddeddfwriaeth (Gwelliant 74)**  
**Group 11: Subordinate Legislation (Amendment 74)**

[361] **Ann Jones:** Group 11 is subordinate legislation. The only amendment, and the lead amendment therefore, in this group is amendment 74. I call on Suzy Davies to move and speak to amendments. Suzy.

*Cynigiwyd gwelliant 74 (Suzy Davies).  
Amendment 74 (Suzy Davies) moved.*

12:00

[362] **Suzy Davies:** Thank you, Chair. I move this amendment, 74. Prior to the introduction of your amendments to accommodate designation, Minister, this Bill had deservedly been praised for having a considerable amount of detail on the face of the Bill, and just four powers or duties for Ministers to make secondary legislation. The affirmative procedure applies to two and the negative to one, and we've taken that as evidence that your ministry has taken seriously the recommendations of the Constitutional and Legislative Affairs Committee during this Assembly about primary legislation, how to best accommodate scrutiny and including scrutiny of subsequent secondary legislation. And I seem to remember that Bethan Jenkins' Financial Education and Inclusion (Wales) Bill also recognised the work that CLAC had been doing on that, particularly in connection with commencement Orders, where we're having a bit of a groundhog day moment here. This time, however, it's this committee that's taken up the argument, rather than the Constitutional and Legislative Affairs Committee. We accept that commencement Orders aren't intended to change policy, but mistakes happen. Other Ministers may be less rigorous than you about the kind of transitional, transitory or saving provisions that can be contained within a commencement Order. So, some scrutiny should be permitted to allow us to do our jobs of making the best law possible. By applying the negative procedure to commencement Orders, 99 times out of 100 there will be no problem and no delay, but this sort of proofreading, if you like, of commencement Orders by fresh eyes just guards against the inadvertent ambiguity or exceeding limits, which those of someone immersed in preparing legislation can easily miss. So, amendment 74 simply allows for that. Thank you.

[363] **Ann Jones:** Okay. Any other Member? Minister?

[364] **Huw Lewis:** Thank you, Chair. Well, it seems that my fall from grace in the eyes of the Welsh Conservatives is complete, and I was doing so well. [*Laughter.*] Members will be aware that it is my intention, subject to the Bill's progress, for Qualifications Wales to be up and running from September this year, close to the commencement of the academic year, which would depend on the commencement of some of the establishment provisions in August in order to most benefit the students and teachers of Wales.

[365] Members, of course, will be aware, as I mentioned in the Stage 1 Plenary debate, that the First Minister wrote to the Constitutional and Legislative Affairs Committee in October 2013 setting out the Welsh Government's position concerning powers for commencement Orders, which are not usually subject to procedure. I do not see advantages in the case of the Qualifications Wales Bill; indeed, the potential risk to the establishment date of the organisation could jeopardise, for example, the arrangements to prepare awarding bodies, centres and learners for the transitional arrangements. It is the intention to be able to discuss

the proposed arrangements with awarding bodies, provisionally following Stage 2, in order to make firmer arrangements following Stage 4. Due to the nature of the work needed to establish a new body, I wish to provide as much certainty to those affected as possible. Introducing an element of uncertainty and delay through the use of the negative procedure would be, potentially, unhelpful and confusing. It is entirely appropriate for such commencement Orders not to have a procedure.

[366] However, I am happy to provide Members with further details, of course, about the transitional arrangements as they progress. But, I do recommend that this amendment is rejected.

[367] **Ann Jones:** Okay, thank you. Suzy?

[368] **Suzy Davies:** Thank you very much again, Minister, for your reply there. I just wanted to make two points, really. First, I think it is noteworthy that other committees are now starting to pick up on this particular point, and that the days of saying it's just usual for no procedure to be attached to commencement Orders, hopefully, might be numbered, as other committees realise the potential importance of these. And secondly, I just want to put to bed the myth that attaching procedures to commencement Orders in and of itself will delay matters; it will only cause a delay if there's a problem with the commencement Order, and surely it's important for this Assembly to know when there's a problem with a commencement Order, and Government as well, because obviously you won't be looking for anything to jeopardise the happy final transition of any Bill that you're putting through. So, I will be moving the amendment to see if we can build up some momentum on this argument. Thank you.

[369] **Ann Jones:** Okay, thank you. Do you wish to proceed to a vote on amendment 74?

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

[371] **Ann Jones:** The question is that amendment 74 be agreed to. Does any Member object? [*Objection.*] We'll vote by show of hands. Those in favour of amendment 74, please show. Five. Those against. Five. My casting vote means the amendment falls.

*Gwelliant 74: O blaid 5, Yn erbyn 5, Ymatal 0.  
Amendment 74: For 5, Against 5, Abstain 0.*

O blaid:  
For:

Yn erbyn:  
Against:

Ymatal:  
Abstain:

Davies, Paul  
Davies, Suzy  
Jenkins, Bethan  
Thomas, Simon  
Roberts, Aled

Cuthbert, Jeff  
Davies, Keith  
Jones, Ann  
Rees, David  
Watson, Joyce

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).  
As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 74.  
Amendment 74 not agreed.*

[372] **Ann Jones:** We are now going to return to dispose of amendments debated earlier in groups. Aled, would you like to move amendment 67?

*Cynigiwyd gwelliant 67 (Aled Roberts).*  
*Amendment 67 (Aled Roberts) moved.*

[373] **Aled Roberts:** Ydw. **Aled Roberts:** Yes.

[374] **Ann Jones:** You want to move it. Okay. So, 67 has been moved. The question is that amendment 67 be agreed to. Does any Member object? [*Objection.*] Object. Thank you. We'll vote by show of hands. Those in favour of amendment 67 please show: five. Those against, five. Therefore, my casting vote, and it falls.

*Gwelliant 67: O blaid 5, Yn erbyn 5, Ymatal 0.*  
*Amendment 67: For 5, Against 5, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
Davies, Paul	Cuthbert, Jeff	
Davies, Suzy	Davies, Keith	
Jenkins, Bethan	Jones, Ann	
Thomas, Simon	Rees, David	
Roberts, Aled	Watson, Joyce	

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

*As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 67.*  
*Amendment 67 not agreed.*

[375] **Ann Jones:** Aled, would you want to move amendment 68?

*Cynigiwyd gwelliant 68 (Aled Roberts).*  
*Amendment 68 (Aled Roberts) moved.*

[376] **Aled Roberts:** Ydw. **Aled Roberts:** Yes.

[377] **Ann Jones:** Okay. The question is that amendment 68 be agreed to. Does any Member object? No. Thank you. That's taken through.

*Derbyniwyd gwelliant 68 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 68 agreed in accordance with Standing Order 17.34.*

[378] **Ann Jones:** Aled, do you want to move amendment 69?

*Cynigiwyd gwelliant 69 (Aled Roberts).*  
*Amendment 69 (Aled Roberts) moved.*

[379] **Aled Roberts:** Ydw. **Aled Roberts:** Yes.

[380] **Ann Jones:** Okay. Thank you. The question is that amendment 69 be agreed to. Does any Member object? [*Objection.*] Object. Thank you. Therefore, we'll vote by show of hands.

Those in favour of amendment 69 please show: five. Those against, five. Therefore, my casting vote, and it falls.

*Gwelliant 69: O blaid 5, Yn erbyn 5, Ymatal 0.  
Amendment 69: For 5, Against 5, Abstain 0.*

O blaid: For:	Yn erbyn: Against:	Ymatal: Abstain:
Davies, Paul Davies, Suzy Jenkins, Bethan Thomas, Simon Roberts, Aled	Cuthbert, Jeff Davies, Keith Jones, Ann Rees, David Watson, Joyce	

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

*As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 69.*

*Amendment 69 not agreed.*

[381] **Ann Jones:** Suzy, do you want to move amendment 75?

*Cynigiwyd gwelliant 75 (Suzy Davies).*

*Amendment 75 (Suzy Davies) moved.*

[382] **Suzy Davies:** Yes, please.

[383] **Ann Jones:** Okay. The question is that amendment 75 be agreed to. Does any Member object? [*Objection.*] Okay. Therefore, we'll vote by show of hands. Those in favour of amendment 75 please show: five. Those against, five. And my casting vote. Therefore, it falls.

*Gwelliant 75: O blaid 5, Yn erbyn 5, Ymatal 0.  
Amendment 75: For 5, Against 5, Abstain 0.*

O blaid: For:	Yn erbyn: Against:	Ymatal: Abstain:
Davies, Paul Davies, Suzy Jenkins, Bethan Thomas, Simon Roberts, Aled	Cuthbert, Jeff Davies, Keith Jones, Ann Rees, David Watson, Joyce	

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

*As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 75.*

*Amendment 75 not agreed.*

[384] **Ann Jones:** Minister, would you like amendment 11 in your name to be moved?

[385] **Huw Lewis:** I would.

*Cynigiwyd gwelliant 11 (Huw Lewis).*  
*Amendment 11 (Huw Lewis) moved.*

[386] **Ann Jones:** I formally move amendment 11. The question is that amendment 11 be agreed to. Does any Member object? No. Thank you.

*Derbyniwyd gwelliant 11 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 11 agreed in accordance with Standing Order 17.34.*

[387] **Ann Jones:** Minister, would you like amendment 41 in your name to be moved?

[388] **Huw Lewis:** I would.

*Cynigiwyd gwelliant 41 (Huw Lewis).*  
*Amendment 41 (Huw Lewis) moved.*

[389] **Ann Jones:** I formally move amendment 41. The question is that 41 be agreed to. Does any Member object? [*Objection.*] Okay, thank you. We'll vote by show of hands. Those in favour of 41 please show: five. Those against, nobody. Those abstaining, five. Therefore it's carried.

*Gwelliant 41: O blaid 5, Yn erbyn 0, Ymatal 5.*  
*Amendment 41: For 5, Against 0, Abstain 5.*

O blaid:  
For:

Yn erbyn:  
Against:

Ymatal:  
Abstain:

Cuthbert, Jeff  
Davies, Keith  
Jones, Ann  
Rees, David  
Watson, Joyce

Davies, Paul  
Davies, Suzy  
Jenkins, Bethan  
Thomas, Simon  
Roberts, Aled

*Derbyniwyd gwelliant 41.*  
*Amendment 41 agreed.*

[390] **Ann Jones:** Minister, would you like amendment 42 to be moved?

[391] **Huw Lewis:** I would.

*Cynigiwyd gwelliant 42 (Huw Lewis).*  
*Amendment 42 (Huw Lewis) moved.*

[392] **Ann Jones:** I formally move amendment 42. The question is that amendment 42 be agreed to. Does any Member object? [*Objection.*] Okay. Therefore, a vote by show of hands. Those in favour of amendment 42 please show: five. Those against, nobody. Abstentions, five. Therefore, 42 is carried.

*Gwelliant 42: O blaid 5, Yn erbyn 0, Ymatal 5.*  
*Amendment 42: For 5, Against 0, Abstain 5.*

O blaid:  
For:

Yn erbyn:  
Against:

Ymatal:  
Abstain:

Cuthbert, Jeff  
Davies, Keith  
Jones, Ann  
Rees, David  
Watson, Joyce

Davies, Paul  
Davies, Suzy  
Jenkins, Bethan  
Thomas, Simon  
Roberts, Aled

*Derbyniwyd gwelliant 42.  
Amendment 42 agreed.*

[393] **Ann Jones:** Minister, would you like amendment 43 to be moved?

[394] **Huw Lewis:** I would.

*Cynigiwyd gwelliant 43 (Huw Lewis).  
Amendment 43 (Huw Lewis) moved.*

[395] **Ann Jones:** I formally move amendment 43. The question is that 43 be agreed to. [*Objection.*] Okay. Therefore, a vote by show of hands. Those in favour of amendment 43 please show. Those against, none. Abstentions, five. Therefore, amendment 43 is carried.

*Gwelliant 43: O blaid 5, Yn erbyn 0, Ymatal 5.  
Amendment 43: For 5, Against 0, Abstain 5.*

O blaid:  
For:

Yn erbyn:  
Against:

Ymatal:  
Abstain:

Cuthbert, Jeff  
Davies, Keith  
Jones, Ann  
Rees, David  
Watson, Joyce

Davies, Paul  
Davies, Suzy  
Jenkins, Bethan  
Thomas, Simon  
Roberts, Aled

*Derbyniwyd gwelliant 43.  
Amendment 43 agreed.*

[396] **Ann Jones:** Minister, would you like amendment 44 in your name to be moved?

[397] **Huw Lewis:** I would.

*Cynigiwyd gwelliant 44 (Huw Lewis).  
Amendment 44 (Huw Lewis) moved.*

[398] **Ann Jones:** The question is that amendment 44 be agreed to. Does any Member object? [*Objection.*] Okay. I will therefore take a vote by show of hands. Those in favour of 44 please show. That's five. Those against, none. Abstentions, five. Okay, therefore 44 is carried.

*Gwelliant 44: O blaid 5, Yn erbyn 0, Ymatal 5.  
Amendment 44: For 5, Against 0, Abstain 5.*

O blaid:  
For:

Yn erbyn:  
Against:

Ymatal:  
Abstain:

Cuthbert, Jeff

Davies, Paul

Davies, Keith  
 Jones, Ann  
 Rees, David  
 Watson, Joyce

Davies, Suzy  
 Jenkins, Bethan  
 Thomas, Simon  
 Roberts, Aled

*Derbyniwyd gwelliant 44.  
 Amendment 44 agreed.*

[399] **Ann Jones:** Minister, would you like amendment 45 to be moved?

[400] **Huw Lewis:** I would.

*Cynigiwyd gwelliant 45 (Huw Lewis).  
 Amendment 45 (Huw Lewis) moved.*

[401] **Ann Jones:** I formally move amendment 45. The question is that amendment 45 be agreed to. [*Objection.*] We'll therefore take a vote by show of hands. Those in favour of amendment 45 please show. That's five. Those against, nobody. Abstentions, five. Thank you. It's gone through.

*Gwelliant 45: O blaid 5, Yn erbyn 0, Ymatal 5.  
 Amendment 45: For 5, Against 0, Abstain 5.*

O blaid:  
 For:

Yn erbyn:  
 Against:

Ymatal:  
 Abstain:

Cuthbert, Jeff  
 Davies, Keith  
 Jones, Ann  
 Rees, David  
 Watson, Joyce

Davies, Paul  
 Davies, Suzy  
 Jenkins, Bethan  
 Thomas, Simon  
 Roberts, Aled

*Derbyniwyd gwelliant 45.  
 Amendment 45 agreed.*

[402] **Ann Jones:** Minister, would you like amendment 46 in your name to be moved?

[403] **Huw Lewis:** Yes, please.

*Cynigiwyd gwelliant 46 (Huw Lewis).  
 Amendment 46 (Huw Lewis) moved.*

[404] **Ann Jones:** I formally move amendment 46. The question is that amendment 46 be agreed to. Does any Member object? No. Therefore, amendment 46 is agreed to.

*Derbyniwyd gwelliant 46 yn unol â Rheol Sefydlog 17.34.  
 Amendment 46 agreed in accordance with Standing Order 17.34.*

[405] **Ann Jones:** Amendment 47, Minister: would you want it to be moved?

[406] **Huw Lewis:** Yes, please.

*Cynigiwyd gwelliant 47 (Huw Lewis).  
 Amendment 47 (Huw Lewis) moved.*

[407] **Ann Jones:** I formally move amendment 47. The question is that amendment 47 be agreed to. Does any Member object? No. Thank you.

*Derbyniwyd gwelliant 47 yn unol â Rheol Sefydlog 17.34.  
Amendment 47 agreed in accordance with Standing Order 17.34.*

[408] **Ann Jones:** The following six amendments all relate to the funding of courses, and I therefore propose again, in accordance with Standing Orders, to group these for one single vote. Does any Member object? No. Thank you.

[409] Minister, would you like me to move amendments 48 to 53 in your name?

[410] **Huw Lewis:** I would.

*Cynigiwyd gwelliannau 48, 49, 50, 51, 52 a 53 (Huw Lewis).  
Amendments 48, 49, 50, 51, 52 and 53 (Huw Lewis) moved.*

[411] **Ann Jones:** Right. Okay. I formally move amendments 48 to 53. Does any Member object? No. Thank you. Therefore, those amendments are agreed.

*Derbyniwyd gwelliannau 48, 49, 50, 51, 52 a 53 yn unol â Rheol Sefydlog 17.34.  
Amendments 48, 49, 50, 51, 52 a 53 agreed in accordance with Standing Order 17.34.*

[412] **Ann Jones:** Minister, would you like amendment 12 in your name to be moved?

[413] **Huw Lewis:** I would.

*Cynigiwyd gwelliant 12 (Huw Lewis).  
Amendment 12 (Huw Lewis) moved.*

[414] **Ann Jones:** I formally move amendment 12. The question is that amendment 12 be agreed to. Does any Member object? No. Therefore, amendment 12 is agreed to.

*Derbyniwyd gwelliant 12 yn unol â Rheol Sefydlog 17.34.  
Amendment 12 agreed in accordance with Standing Order 17.34.*

[415] **Ann Jones:** Minister, would you like amendment 54 in your name to be moved?

[416] **Huw Lewis:** I would.

*Cynigiwyd gwelliant 54 (Huw Lewis).  
Amendment 54 (Huw Lewis) moved.*

[417] **Ann Jones:** I formally move amendment 54. The question is that amendment 54 be agreed to. Does any Member object? No. Thank you. Amendment 54 is agreed to.

*Derbyniwyd gwelliant 54 yn unol â Rheol Sefydlog 17.34.  
Amendment 54 agreed in accordance with Standing Order 17.34.*

[418] **Ann Jones:** Minister, would you like amendment 55 in your name to be moved?

[419] **Huw Lewis:** I would.



*Cynigiwyd gwelliant 55 (Huw Lewis).*  
*Amendment 55 (Huw Lewis) moved.*

[420] **Ann Jones:** I formally move amendment 55. The question is that amendment 55 be agreed to. Okay. That's carried.

*Derbyniwyd gwelliant 55 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 55 agreed in accordance with Standing Order 17.34.*

[421] **Ann Jones:** We have now disposed of all of the amendments. So, for the record, all sections of the Bill have been agreed by the committee.

*Barnwyd y cytunwyd ar bob adran o'r Bil.*  
*All sections of the Bill deemed agreed.*

[422] As we've disposed of all of the amendments at Stage 2, Stage 3 begins tomorrow. The deadline for tabling amendments will be notified to Members in due course. Under Standing Order 26.27, if a Bill is amended, the Member in charge must prepare a revised explanatory memorandum. So, I take it that we would expect to see a revised explanatory memorandum. Yes. Okay. There we go.

[423] So, that concludes the Stage 2 proceedings of the Qualifications Wales Bill. So, thank you all very much for that. Thank you, Minister.

[424] **Huw Lewis:** Thank you.

[425] **Ann Jones:** That's the end of this meeting. I just remind committee members that we meet next Wednesday, when we're going back to our supply teaching inquiry. Okay. Thank you very much. Thank you for your indulgence today.

*Daeth y cyfarfod i ben am 12:10.*  
*The meeting ended at 12:10.*