

National Assembly For Wales

Report By The Education And Lifelong Learning Committee

Secondary Legislation : 17 March 2004

The Committee considered two items of secondary legislation at a meeting on Wednesday 17 March 2004:

- The Adventure Activities Licensing Regulations 2004; and
- The School Organisation Proposals by the National Council for Education and Training for Wales Regulations 2004

The Adventure Activities Licensing Regulations 2004

These regulations are due to be considered by Business Committee on 27 April, then by plenary on 4 May and by Parliament on 5 May. The proposed regulations are a consequence of the second triennial review of the licensing regime carried out by the Department for Education and Skills (DfES) on behalf of England, Scotland and Wales in 2003.

The intention is to revoke the existing regulations and make new ones that will apply to England, Scotland and Wales. The proposed regulations would change inspection timings by separating inspection from licence renewal so that the Adventure Activities Licensing Authority will be able to inspect a provider's facilities at any time during the 12 months prior to licence expiry. The proposed regulations will also raise the level of fees in line with inflation.

The Committee welcomed an opportunity to discuss these proposed regulations. Members endorsed the need for the regulations to apply across England, Scotland and Wales and welcomed the separation of timings of inspection and licence renewal. The Committee did not propose any amendments.

The School Organisation Proposals by the National Council for Education and Training for Wales Regulations 2004

The Committee selected these regulations for detailed scrutiny at its meeting on 28 January 2004. In introducing the regulations, the Minister made the following points:

- The powers available to ELWa would complement those of local education authorities (LEA's);
- There was no intention to move sixth form provision away from schools;
- The power to propose school reorganisation was focussed on improving the provision for learners;
- Paragraphs 22-23 of the draft guidance stipulated that ELWa could not make proposals purely to save costs; and
- The Minister would make the final decision on all proposals.

The Committee, having taken advice from its legal adviser Peter Jones, considered the following proposed amendments to the regulations:

Amendment 0 (in the name of Janet Ryder)

(pages 8 and 12) Part 2 and Part 3

At the start of Part 2 and Part 3 insert... *"No proposal should be put forward or implemented without the agreement of the relevant local education authority."*

Following discussion, the amendment was formally moved by Janet Ryder and voted on as follows:

For: David Davies, William Graham, Janet Ryder and Owen John Thomas

Against: Leighton Andrews, Peter Black, Jeff Cuthbert, Jane Davidson, Irene James and Denise Idris Jones

The amendment was defeated by four votes to six.

Amendment 1 (in the name of Janet Ryder)

(page 6) Part 1 Preliminary

1.-(1) Delete everything after *"...force"* and replace with *"two years after the implementation of ELWA's new planning and funding system."*

Following discussion, the amendment was formally moved by Janet Ryder and voted on as follows:

For: Peter Black, David Davies, William Graham, Janet Ryder and Owen John Thomas

Against: Leighton Andrews, Jeff Cuthbert, Jane Davidson, Irene James and Denise Idris Jones

The vote was tied at five votes for and five against. In accordance with Presiding Officer's guidelines, the Chair used his casting vote to defeat the amendment.

Amendment 2 (in the name of Janet Ryder)

(page 8) Part 2

Consultation

4. Between *"...must consult"* and *"such persons....."* insert:

- (a) *the governing body of any school or educational institution affected;*
- (b) *the parents of the school or educational institution concerned and of any other school or educational institution in the area which may be affected;*
- (c) *the local education authority;*

- (d) *the professional bodies concerned;*
- (e) *the headteachers of all schools or educational institutions affected;*
- (f) *the relevant CCET;*
- (g) *the relevant Youth Partnership and Forums;*
- (h) *the Diocesan Board of Education (or other body responsible for education) for any diocese of the Church in Wales and the Bishop of any Roman Catholic Church diocese any part of which is comprised in the area of the local education authority who maintain the school or (in the case of proposals to establish a new 16 to 19 institution) whom it is proposed should maintain the proposed school;"*

Following discussion, the amendment was formally moved by Janet Ryder and voted on as follows:

For: Peter Black, David Davies, William Graham, Janet Ryder and Owen John Thomas

Against: Leighton Andrews, Jeff Cuthbert, Jane Davidson, Irene James and Denise Idris Jones

The vote was tied at five votes for and five against. In accordance with Presiding Officer's guidelines, the Chair used his casting vote to defeat the amendment.

Amendment 3 (in the name of Janet Ryder)

(page 9) **Publication of proposals**

(4) (b) Delete everything in brackets after "...the proposals"

Following discussion, the amendment was formally moved by Janet Ryder and voted on as follows:

For: Peter Black, David Davies, William Graham, Janet Ryder and Owen John Thomas

Against: Leighton Andrews, Jeff Cuthbert, Jane Davidson, Irene James and Denise Idris Jones

The vote was tied at five votes for and five against. In accordance with Presiding Officer's guidelines, the Chair used his casting vote to defeat the amendment.

Amendment 4 (in the name of Janet Ryder)

(page 10) **Publication of proposals**

(4) Insert new point (f) as follows and renumber accordingly:

“(f) The parents of all pupils registered at the school. Where the proposals are to establish a new 16 – 19 institution the parents of all registered pupils within that catchment area.”

Following discussion, the amendment was formally moved by Janet Ryder and voted on as follows:

For: Peter Black, David Davies, William Graham, Janet Ryder and Owen John Thomas

Against: Leighton Andrews, Jeff Cuthbert, Jane Davidson, Irene James and Denise Idris Jones

The vote was tied at five votes for and five against. In accordance with Presiding Officer's guidelines, the Chair used his casting vote to defeat the amendment.

Amendment 5 (in the name of Janet Ryder)

(page 10) **Objections to proposals**

6. Delete “.....*two months*” and replace with “ ...*three months*”

Following discussion, the amendment was formally moved by Janet Ryder and voted on as follows:

For: Peter Black, David Davies, William Graham, Janet Ryder and Owen John Thomas

Against: Leighton Andrews, Jeff Cuthbert, Jane Davidson, Irene James and Denise Idris Jones

The vote was tied at five votes for and five against. In accordance with Presiding Officer's guidelines, the Chair used his casting vote to defeat the amendment.

Amendment 6 (in the name of Janet Ryder)

(page 10) **Objections to proposals**

6. Add new sentence at end of point 6. – “ *The three month period should exclude any periods when the school or educational institution is in recess.*”

Following discussion, the amendment was formally moved by Janet Ryder and voted on as follows:

For: Peter Black, David Davies, William Graham, Janet Ryder and Owen John Thomas

Against: Leighton Andrews, Jeff Cuthbert, Jane Davidson, Irene James and Denise Idris Jones

The vote was tied at five votes for and five against. In accordance with Presiding Officer's guidelines, the Chair used his casting vote to defeat the amendment.

Amendment 7 (in the name of Janet Ryder)

(page 11) **Decision by the National Assembly**

9. (d) Delete everything in brackets after "*...the school.*"

Following discussion, the amendment was formally moved by Janet Ryder and voted on as follows:

For: Peter Black, David Davies, William Graham, Janet Ryder and Owen John Thomas

Against: Leighton Andrews, Jeff Cuthbert, Jane Davidson, Irene James and Denise Idris Jones

The vote was tied at five votes for and five against. In accordance with Presiding Officer's guidelines, the Chair used his casting vote to defeat the amendment.

Amendment 8 (in the name of Janet Ryder)

(page 12) **Decision by the National Assembly**

9. (3) Insert the words "*and the local education authority*" after "*....if the Council*"

Following discussion, the amendment was formally moved by Janet Ryder and voted on as follows:

For: Peter Black, David Davies, William Graham, Janet Ryder and Owen John Thomas

Against: Leighton Andrews, Jeff Cuthbert, Jane Davidson, Irene James and Denise Idris Jones

The vote was tied at five votes for and five against. In accordance with Presiding Officer's guidelines, the Chair used his casting vote to defeat the amendment.

Amendment 9 (in the name of Janet Ryder)

(page 14) **Objections to proposals**

15. (2) Delete “...one month” and replace with “two months”

Following discussion, the amendment was formally moved by Janet Ryder and voted on as follows:

For: All Members

Against: None

The amendment was agreed unanimously.

Amendment 10 (in the name of Janet Ryder)

(page 14) **Objections to proposals**

15. (2) Add new sentence to end of clause as follows: “ *The two month period should exclude any periods when the school or educational institution is in recess.*”

Following discussion, the amendment was formally moved by Janet Ryder and voted on as follows:

For: Peter Black, David Davies, William Graham, Janet Ryder and Owen John Thomas

Against: Leighton Andrews, Jeff Cuthbert, Jane Davidson, Irene James and Denise Idris Jones

The vote was tied at five votes for and five against. In accordance with Presiding Officer's guidelines, the Chair used his casting vote to defeat the amendment.

Amendment 11 (in the name of Janet Ryder)

(page 17) SCHEDULE 1 Regulation 5

Insert the following new points after point 2 and renumber accordingly:

3. *The evidence upon which the objectives and proposals are based.*
4. *An analysis of the effect and impact of the proposals on all existing schools and educational institutions in the catchment area.*

Following discussion, the amendment was formally moved by Janet Ryder and voted on as follows:

For: Peter Black, David Davies, William Graham, Janet Ryder and Owen John Thomas

Against: Leighton Andrews, Jeff Cuthbert, Jane Davidson, Irene James and Denise Idris Jones

The vote was tied at five votes for and five against. In accordance with Presiding Officer's guidelines, the Chair used his casting vote to defeat the amendment.

Amendment 12 (in the name of Janet Ryder)

(page 17) SCHEDULE 1 Regulation 5

Insert a new point after point 6 and renumber accordingly:

"7. An analysis of the impact of the proposals on the year 7 to year 11 classes in the school or educational institution."

Following discussion, the amendment was formally moved by Janet Ryder and voted on as follows:

For: All Members

Against: None

The amendment was agreed unanimously.

Amendment 13 (in the name of Janet Ryder)

(page 18) SCHEDULE 2 Regulation 11

Insert the following new points after point 2 and renumber accordingly:

- "3. The evidence upon which the objectives and proposals are based.*
- 4. An analysis of the effect and impact of the proposals on all existing schools and educational institutions in the catchment area."*

Following discussion, the amendment was formally moved by Janet Ryder and voted on as follows:

For: Peter Black, David Davies, William Graham, Janet Ryder and Owen John Thomas

Against: Leighton Andrews, Jeff Cuthbert, Jane Davidson, Irene James and Denise Idris Jones

The vote was tied at five votes for and five against. In accordance with Presiding Officer's guidelines, the Chair used his casting vote to defeat the amendment.

Amendment 14 (in the name of Janet Ryder)

page 19) SCHEDULE 2 Regulation 11

Insert a new point after point 6 and renumber accordingly:

"7. An analysis of the impact of the proposals on the year 7 to year 11 classes in the school or educational institution."

Following discussion, the amendment was formally moved by Janet Ryder and voted on as follows:

For: All Members

Against: None

The amendment was agreed unanimously.

Amendment 15 (in the name of Janet Ryder)

SCHEDULE 3 Regulations 7 and 13

Insert a new clause in Parts 2, 3, 4 and 5:

"Details of provision to ensure development of Welsh medium education and training."

Following discussion, the amendment was formally moved by Janet Ryder and voted on as follows:

For: All Members

Against: None

The amendment was agreed unanimously.

The Minister stated that her officials would examine the amendments approved by Committee and they would redraft the regulations and/or associated guidance where appropriate.