

Cyflwynwyd yr ymateb hwn i ymchwiliad y [Pwyllgor Plant, Pobl Ifanc ac Addysg i egwyddorion cyffredinol y Bil Addysg Drydyddol ac Ymchwil \(Cymru\)](#)

This response was submitted to the [Children, Young People and Education Committee](#) inquiry into the general principles of the [Tertiary Education and Research \(Wales\) Bill](#)

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Ymateb gan: NAHT Cymru

Response from: NAHT Cymru

NAHT Cymru Response to Tertiary and Research Bill – Wales

NAHT Cymru welcomes the opportunity to respond to the consultation on this Bill.

As a largest school leaders' union that has a significant membership in secondary schools, we are encouraged by the Welsh Government's desire to legislate around these issues.

Clarity and consistency

We are keen to stress that our members would welcome a move that brings clarity and a levelling of the playing field with regards to tertiary education.

For example, we welcome the commitment to the protection of free speech, something we may find becoming a societal concern in the years to come. NAHT Cymru is broadly supportive of a body that could help provide some strategic guidance for sixth form provision.

Powers over sixth form reorganisation

However, we have some concerns over some of the fundamental elements in this Bill that we feel award a disproportionate level of authority to what is essentially another middle-tier organisation or quango.

NAHT Cymru is very concerned with the powers the Bill outlines for this body over sixth forms.

This provision within the Bill has been nestled in, when in reality a change such as this would have considerable and potentially detrimental effects on school and local communities.

The draft Bill states "Directions by the Commission to make sixth form proposals

(1) The Commission may, in accordance with the Code—

- a) direct a local authority to exercise its powers to make proposals to—
 - i. establish or discontinue a school providing education suitable only to the requirements of persons above compulsory school age, or
 - ii. make an alteration described in Schedule 2 to a school, the effect of which would be that provision of education suitable to the requirements of persons above compulsory school age at the school increases or decreases.
- b) direct the governing body of a foundation or voluntary school to exercise its powers to make an alteration described in Schedule 2 to a school, the effect of which would be that provision of education suitable to the requirements of persons above compulsory school age at the school increases or decreases."

It is clear to our members that the provision as stated is not in keeping with the spirit and principals of the Social Partnership Bill.

This is a disappointing move from Welsh Government that goes against their own commitments on collaboration and communication.

NAHT Cymru supports the overwhelming consensus in the summary of responses to the initial consultation for the Tertiary Education and Research Bill that "there was agreement that the triggers for instigating sixth form reorganisation by the Commission itself should be clearly defined and subject to full consultation with all appropriate parties before introduction."

NAHT Cymru members fully support this and call on Welsh Government to release a full consultation on this separate to this Bill.

Additional middle tier organisation

A key concern for NAHT Cymru members with the introduction of this Bill brings to fruition another body and level in the middle tier.

NAHT Cymru has consistently highlighted the need to review and reform the *existing* middle tier and is highly concerned that adding another body into the fray only further tangles schools in a web of duplicated accountability measures and inspection.

This could mean that Local Authorities, Regional Consortia, ESTYN *and* this Commission could all legitimately have sway over provision and practice.

NAHT Cymru highlights that none of its members will want to see duplication so it will be important to see further detail on how this will be dealt with and avoided.

Funding allocations

Moreover, members are concerned about the Commission's ability to allocate funding.

Many of our members recall how changing funding models have ended up severely impacting on school budgets to the detriment of provision and their pupils.

Given that Local Authorities and Regional Consortia already have multiple and complex funding streams that they allocate to schools, we do not support the suggestion of creating another administration to do this.