

Response to the National Assembly for Wales' Enterprise and Learning
Committee: Learning and Skills Measure (Proposed)

1.0 – Introduction

ConstructionSkills welcomes the invitation to respond to this subject, specifically the proposed Assembly Measure on Learning and Skills for Wales. ConstructionSkills is pleased to see that there is a continued focus on the skills agenda in Wales, especially post-Webb. This is a vital area of the economy and knowledge base of Wales which needs to be addressed and ConstructionSkills feel that it is well-placed, as are all the Sector Skills Councils, to contribute effectively and decisively to the policy and scrutiny process. Although ConstructionSkills agrees with many of the changes which the Measure will implement, there are three key areas which ConstructionSkills feel need to be addressed.

1.1 – The role of Local Education Authorities

- Although there is a clear role which LEAs can and should play in the creation of the new 'local curricula', ConstructionSkills feel that there is too much emphasis placed on the role of these educational bodies, and that there is too much power given over to them to influence the procedures and Welsh Ministers. These organizations are often inclined towards the position of other bodies, such as parents and schools and as a result are not best placed to oversee such decisions with regards the creation of local curricula.
- If there is to be constructive engagement between education providers and the local community to establish these new 'local curricula', which the Measure indicates will include a provision for a certain amount of vocational learning, then ConstructionSkills feel that there is a need for a structure to be established which will allow local businesses and bodies such as the Welsh Built Environment Forum and various Sector Skills Councils, to be involved alongside the local education authorities.

1.2 – The lack of 'outside' influence

- ConstructionSkills feel that there is little provision within the proposed Measure for collaboration between education providers and the business sector to help construct the proposed 'local curricula'. Collaboration between education providers **and** business/industry experts is vital in creating effective and workable solutions to the skills deficit in Wales.
- In keeping with this need for cooperation across sectors, there needs to be a folding in of the provision of apprenticeships and Work Based Learning environments, as business and industry bodies see these as vital in delivering the skills agenda. Currently the proposed Measure

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makes little or no reference to the continued provision of apprenticeship schemes and work-based learning schemes.

1.3 – The specifics of particular strategies

- ConstructionSkills welcomes the renewed focus on vocational education and learning which the proposed Measure indicates, however, there are a number of areas which need to be defined more clearly, such as the role of the Welsh Baccalaureate in the new local curricula, and the specific position of vocational learning and qualifications. ConstructionSkills has been employing both of these types of qualification in a pilot 14 – 19 learning pathways programme, **developed in partnership with employers**, with great success.
- Funding needs to be more **accurately identified**, **maximised** and then **ringfenced**. It should be emphasised that ConstructionSkills and SSCs in general are tasked with endorsing sector-specific qualifications, and it is these courses and awards which should be eligible for Assembly Government funding, not only LEA provided courses.
- ConstructionSkills' other concerns include the suitability and quality of the 'local curricula' provision, employer demands, and the place of new technology within the Measure.

1.4 – The Managing Agency approach

- ConstructionSkills would also like to point out to the National Assembly that its Managing Agency approach¹ has been highly successful at delivering results over a number of courses and under a number of different frameworks. ConstructionSkills urges the National Assembly to pursue the implementation of a Managing Agency approach in order to more fully deliver on the skills agenda for Wales.

2.0 Responses to the specific questions from the Committee

Below are the responses to the four specific areas with which the Committee is concerned.

¹ The Managing Agency approach refers to the unique service that Managing Agency (a private company in its own right) delivers to its industry employers. The Managing Agency provides workers, often of the executive level to a range of construction trades across the UK. The Agency has built strong partnerships with all the colleges in Wales and is actively collaborating on a number of initiatives to foster increased employer engagement and increase apprenticeship availability across the board.

With its own Grant Support packages and Employer Support, the Managing Agency has become the largest Construction Work Based Learning Provider in Wales and is a key driver for innovation and change throughout the delivery network to meet industry demands.

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2.1 – Is there a need for legislation to re-organise 14 – 19 provision?

ConstructionSkills agrees that there is a need to look again at the issue of 14 – 19 education provision, however we are of the opinion that there are important questions with regards to the structure of the proposed arrangements which have yet to be addressed.

Here again ConstructionSkills would like to point out that schemes piloted by us have included provisions for the Welsh Baccalaureate and to date have been very successful in delivering results. There are however sector and industry specific concerns which arise from the proposals which have not been addressed in the Measure. ConstructionSkills agrees that in order to achieve the skills requirement set out in Leitch, *“the option of ‘doing nothing’ is not acceptable. It is the course of action (or inaction) least likely to achieve the stated policy aims”²*, and that *“an Assembly Measure is the most likely route through which the policy objectives can be achieved. The measure provides flexibility for necessary changes to the detail of the policy in the future”³*. However, ConstructionSkills urges the Enterprise and Learning Committee to examine in closer detail the following issues.

- ConstructionSkills has repeatedly commented on the importance of STEM education, (science, technology, engineering and maths), but wishes to emphasise there should also be scope within the ‘business’ learning domain for entrepreneurial education and sector-specific training. This is why ConstructionSkills feel that it is necessary that the new ‘local curricula’ should be created in conjunction with the needs of local businesses and SMEs. This would ensure that local business needs are addressed by the changes in education provision.
- ConstructionSkills also feel that there is a need for a national body of some description to be involved, to ensure that the provision of ‘local curricula’ is fair across Wales. Sector Skills Councils and bodies such as the Welsh Built Environment Forum (the professional organization representing the construction industry) could act as consulting and advising bodies in these instances. ConstructionSkills feel that it should point out to the Committee that Sector Skills Councils across Wales and England are tasked with endorsing qualifications and courses with regards specific sectors. ConstructionSkills feel that it is these courses which should be eligible for Assembly Government funding.
- With regards the continued provision of apprenticeships and work-based learning, there is a brief reference to a form of education

² 7.2.4, p.15, *Explanatory Memorandum to the Proposed Learning and Skills (Wales) Measure*

³ 7.4.1, p.17, *ibid.*

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provision outside of a school or college environment when the Measure notes that *"it will be possible for 14-19 year olds to study outside their main learning setting"*⁴. ConstructionSkills feel that this is in need of greater clarification, and if Modern Apprenticeships were to play a part, this should be indicated. With regards Apprenticeships and their place in delivering on the skills agenda, ConstructionSkills would like to point out that pilot apprenticeship schemes, which **have been developed in partnership with industry** have been the most successful from a sectoral point of view.

2.2 – Does the proposed Measure achieve the policy objective or could changes be made without legislating?

ConstructionSkills feel that the stated policy objectives can best achieved through making changes in the provision of education to 14 – 19 year olds. ConstructionSkills feels that there are some non-legislative ways of addressing the skills agenda, however if legislation is to be employed to this end, ConstructionSkills feels that a clearer definition of certain areas is needed.

- In order to fully achieve the aim of *"95 per cent of young people by the age of 25 to be ready for high skilled employment or higher education by 2015"*⁵, ConstructionSkills appreciates the need for a legislative approach to co-ordinate education provision across Wales, however ConstructionSkills is also of the opinion that this target is high to be unlikely to be achieved solely through 'traditional' education provision.
- ConstructionSkills would like to highlight the Modern Apprenticeship scheme and Skills Pledge programme, two measures which could be (and have been) increasingly industry-led and address many of the issues which the Measure raises. Working with businesses, SMEs and industry within a locality is perhaps a specialty of a sector skills council such as ConstructionSkills, and to date this has not required a legislative approach. With regards working more closely with businesses and industry, ConstructionSkills, along with many other SSCs, are in a key position to deliver accurate and up-to-date Labour Market Intelligence (LMI) to employers so that they can make the right choice about who and when to employ individuals. The provision of this information is key in answering the shortfall in skills across many sectors.
- ConstructionSkills would also like to point out that the provision and monitoring of Health and Safety information for both employers and

⁴ 1.3, p.3, *ibid.*

⁵ 3.1, p.4, *ibid.*

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employees is vital, and that legislation, or increased scrutiny in this area should be of concern to the Committee. This is another area in which ConstructionSkills has been a leader in the field, committing to the monitoring and recording of Health and Safety information whilst learners have been on placement.

- Having said this, ConstructionSkills recognises the need to legislate on certain issues, specifically when it comes to compelling local authorities, education bodies and LEAs into action regarding what amounts to a significant change in the provision of learning in that area. We believe that there is a clear need to unite Welsh education providers under one Measure, so as to ensure that 14 – 19 year olds are not subject to a learning postcode lottery in particular areas. A legislative approach will ensure that there is a connected network across Wales of effective and vocational learning provision for 14 – 19 year olds, and that the skills gap between south Wales and Mid and North Wales does not widen in the coming years.

2.3 – What are the views of stakeholders who will have to work with the new arrangements?

ConstructionSkills cannot speak on behalf of education providers such as schools and colleges, but we note that there will have to be significant work carried out by these bodies and LEAs in order to create the new 'local curricula'; with the help of local businesses and Sector Skills Councils, this workload could be reduced.

As a representative of various construction industry bodies and groups, ConstructionSkills feel that the following issues should be addressed by the Enterprise and Learning Committee

- Sector Skills Councils such as ConstructionSkills, would welcome not only a collaborative but also a constructive role in the creation of these new 'local curricula', as a Skills Council would bring vital expertise to the discussions surrounding vocational education within particular learning domains, and possibly posit the creation of new learning domains which are not currently covered by the proposed Measure.
- Currently the share of funding between Work Based Learning providers and FEIs/LEAs is not equally divided. The funding issue needs to be resolved so that WBL providers are financially able to deliver on their promises to employers and employees.
- We feel that construction and businesses as a whole are significantly underrepresented in the proposed Measure, and there is a distinct

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need to involve various industries and businesses – not only on a local and community level, but at a national level as well. This could take the form of a specific 'construction' learning domain alongside the other six domains⁶.

- ConstructionSkills is also of the opinion that apprenticeships should be given a more prominent role, possibly as a part of each of the learning domains, or in a domain solely devoted to apprenticeship-based learning.

2.4 – What might be the barriers to delivering the policy agenda and does the proposed measure take account of them?

ConstructionSkills sees two main barriers to delivering the policy agenda outlined in the propose Measure. We feel that the Measure does not take full account of these barriers, and to that end, we have included a tentative solution to each.

2.4.1 – The role of Local Education Authorities

- One of the main barriers to delivering on the skills promise for Wales, is that the new guidelines for the creation of 'local curricula', although welcome, still rely on the input of local education authorities, Welsh Ministers and other education providers⁷. This is without the input of business experts or industry leaders. ConstructionSkills is also of the opinion that LEAs are not as impartial as the proposed Measure indicates and therefore, a more balanced approach in terms of input is a more appropriate solution.
- ConstructionSkills feel that this is not a wholly viable solution, as LEAs and education specialists are often more inclined towards the position of individual schools and school organisations. In this instance, there is an opening for bodies such as Sector Skills Councils to play a part in shaping these 'local curricula'. This will not only ensure that other, equally important voices are heard, but also ensure that the skills and learning agenda remains relevant for businesses and industry in the local area.

⁶ Section 4: 3, p.6, *Proposed Learning and Skills (Wales) Measure [As Introduced]*.

⁷ "The Measure will place a duty on Local Education Authorities in Wales in relation to learners aged 14-16, and on the Welsh Ministers for those learners aged 16-19, to form collaborative local area curricula. A duty will be placed on Governing Bodies and Head Teachers of Maintained Schools and Governing Bodies and Principals of Further Education Institutions to assist a Local Education Authority or the Welsh Ministers, as appropriate, in planning the local area curriculum, having regard to any guidance issued and in compliance with any directions given by Welsh Ministers. Local Authorities will also be under the same duty to assist the Welsh Ministers." (1.6, p.3, *Explanatory Memorandum to the Proposed Learning and Skills (Wales) Measure*)

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2.4.2 – Ensuring national parity

- With *local* education authorities currently providing the bulk of the advice to schools and Welsh Ministers on the formulation of the new 'local curricula', and the distinct possibility of differences in approach, opinion and quality across local authorities, it is possible that there could be not only the duplication of the same problems, but also a discrepancy in standards from one authority to the next. To help to deliver on the *local* level, ConstructionSkills feel that it is essential that LEAs work with teacher training organisations and the Assembly Government to ensure that teachers and lecturers are of the appropriate skill level themselves to teach on these new courses.
- To ensure that there is equality of standards across the whole of Wales (so as to not increase the skills poverty problems of, for example, rural and isolated areas), ConstructionSkills foresees Sector Skills Councils and national bodies such as the Welsh Built Environment Forum playing an important role in advising and consulting on national approaches. This would allow the *local* education authorities to work with a national body or bodies, which would ensure that every 14 – 19 learner was at least offered the same or similar opportunities. ConstructionSkills does not wish for learners to become subject to a post-code learning lottery.

Before discussing the proposed amendments to the Measure, ConstructionSkills would like to re-emphasise that it is the Sector Skills Councils which are **best-placed**, **best-sourced** and **best-suited** to contribute, monitor and manage the process of delivering on the Welsh skills agenda, through the **reorganizations and increased provision of work based learning, apprenticeships and sector specific qualifications as outlined in the comments above.**

Furthermore ConstructionSkills would like to propose that under Section 29 of the proposed Measure, Sector Skills Councils be given a statutory role equal to that of local education authorities, in contributing to the development of the local curricula.

3.0 – Views on amendments to the proposed Measure

ConstructionSkills welcomes the opportunity to respond to the amendments to the proposed Measure, as outlined in Section 4 of the Explanatory Memorandum.

3.1 – Head teacher's or principal's decision as to entitlement

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- ConstructionSkills is pleased to see that more definition has been given to the term “*entitlement*”, however, we do not believe that funding should be a barrier to a pupil being allowed to opt into a particular learning domain or course, as indicated in 8.1.d of the proposed Measure, and that funding should be addressed so that it is not a factor in allowing pupils to study.

3.2 – Formation of the local curriculum for pupils in key stage 4 / students aged 16 – 18

- ConstructionSkills is happy with the proposed Measure in this area

3.3 – Pupil’s choice of local curriculum

- ConstructionSkills is pleased to see that a points system has been implemented so as to ‘score the courses’, but would like to see a renewed focus on the number of vocational courses offered and a clearer definition of what would constitute a vocational course choice.
- ConstructionSkills feel that the current shortfall in qualified and skilled learners becoming construction employees is not best served by some of the proposals. A Construction learning domain would be ideal in addressing this issue and it is vital that LEAs and FEIs work with businesses and industry to develop a communication strategy which feeds the needs of the sector back to the education providers.
- ConstructionSkills would also like to see the introduction and proliferation of progression routes and feeder programmes, so as to allow newly-skilled learners routes into industry and business. It is also important that learners are given the support they need so that they can progress from one skill level to the next, with the help of both industry and education specialists.
- The provisions for local curricula and the ways in which *local* authorities will develop them (even in coordination with local business and/or industry) present a major problem when answering *national* needs. The following extended example will help to highlight this problem:

The Powys LEA works with local schools and businesses (such as a textiles manufacturer) to develop a learning domain which addresses the needs of the textile manufacturer – ‘Manufacturing & Business’, for example. Along with the other learning domains created in the Powys local curricula, learners are now presented with a

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'business' option. This is helpful, however, due to the locality of particular businesses which may not necessarily reflect the national needs of Wales (for example to bulk up the number of learners entering the construction industry), learners may end up studying purely for local business needs rather than the needs of the areas or indeed the country where they may end up working.

- Essentially, the proposals outlined in the Measure do not account for the fact that learners often move away from where they were studying their local curricula choices into different areas where their skills they have learnt may not be as useful, or in fact needed.
- It is vital that this be addressed in the Measure, as it will be an issue which will impact on the 'brain-drain' from Wales and also the skills drain from rural to urban regions.

3.4 – Deliver of local curriculum entitlement: joint working (Maximising availability of courses of study included in a local curriculum)

- Although ConstructionSkills welcomes the clarification of “*co-operation arrangements*” as laid out in section 12.5 of the Measure, there is still no mention of work-based learning providers, Sector Skills Councils or other organisations playing a role, and we feel that this is key in delivering on the skills agenda.
- As indicated above, even with the formal “*co-operation arrangements*” in place, LEAs and schools will effectively still be pursuing the same agenda and so any attempt at partiality will have been lost, as there is no provision for input from other bodies, such as Sector Skills Councils.

3.5 – Identification of local curriculum for the learner

- ConstructionSkills is happy with the proposed Measure in this area.

3.6 – Special schools

- ConstructionSkills is happy with the proposed Measure in this area.

3.7 – Suspension of local curriculum

- ConstructionSkills is happy with the proposed Measure in this area.

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