



Cynulliad National  
Cenedlaethol Assembly for  
Cymru Wales

## HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 12 Ionawr 2009  
Tabled on 12 January 2009

### Mesur Arfaethedig ynghylch Dysgu a Sgiliau (Cymru) Proposed Learning and Skills (Wales) Measure

**John Griffiths**

1

To insert a new Section—

**( ) Local curricula: Welsh language**

After section 116A of the Education Act 2002 (c. 32) insert—

**“116AB Local curricula: Welsh language**

- (1) Each local education authority must exercise their functions in relation to local curricula so as to promote access to courses of study which are taught through the medium of the Welsh language.
- (2) In the discharge of its duty under subsection (1), a local education authority must have regard to any guidance given by the Welsh Ministers.
- (3) Guidance under subsection (2) may be given to a particular authority, or to authorities of a particular class or to authorities generally.
- (4) Within two months of the end of each academic year, a local education authority must, in accordance with any instructions given by the Welsh Ministers, provide the Welsh Ministers with a report which—
  - (a) describes the courses of study included within local curricula established by the authority for that academic year which were to be taught through the medium of Welsh;

- (b) describes how many pupils elected to follow such courses under section 116C and how many pupils were entitled to follow such courses under section 116D;
  - (c) explains what the authority plans to do in academic years following that to which the report relates so that registered pupils of schools maintained by the authority are given the opportunity to follow local curricula courses of study which are taught through the medium of Welsh.
- (5) For the purposes of subsection (4), “academic year” means the period of 12 months beginning on 1 September.”.

I ychwanegu Adran –

**( ) Cwricwla lleol: yr Iaith Gymraeg**

Ar ôl adran 116 o Ddeddf Addysg 2002 (p. 32) mewnosoder –

**“116AB Local curricula: Welsh language**

- (1) Each local education authority must exercise their functions in relation to local curricula so as to promote access to courses of study which are taught through the medium of the Welsh language.
- (2) In the discharge of its duty under subsection (1), a local education authority must have regard to any guidance given by the Welsh Ministers.
- (3) Guidance under subsection (2) may be given to a particular authority, or to authorities of a particular class or to authorities generally.
- (4) Within two months of the end of each academic year, a local education authority must, in accordance with any instructions given by the Welsh Ministers, provide the Welsh Ministers with a report which –
  - (a) describes the courses of study included within local curricula established by the authority for that academic year which were to be taught through the medium of Welsh;
  - (b) describes how many pupils elected to follow such courses under section 116C and how many pupils were entitled to follow such courses under section 116D;
  - (c) explains what the authority plans to do in academic years following that to which the report relates so that registered pupils of schools maintained by the authority are given the opportunity to follow local curricula courses of study which are taught through the medium of Welsh.
- (5) For the purposes of subsection (4), “academic year” means the period of 12 months beginning on 1 September.”.

**John Griffiths**

2

Section 8, page 8, line 24, leave out 'as to' and insert 'connected with'.

Adran 8, tudalen 8, llinell 24, gadewch allan 'as to' a rhowch yn ei le 'connected with'.

**John Griffiths**

3

Section 8, page 8, line 24, leave out 'this section' and insert 'subsection (1)'.

Adran 8, tudalen 8, llinell 24, gadewch allan 'this section' a rhowch yn ei le 'subsection (1)'.

**John Griffiths**

4

Section 8, page 8, line 25, leave out 'as to the time or date by which decisions are to be made' and insert –

' –

- (a) as to the time or date by which decisions are to be made;
- (b) as to the procedure to be followed in connection with the making of decisions;
- (c) for appeals against decisions to be made to the governing body of a pupil's school or another person specified in the regulations;
- (d) as to the time or date by which appeals are to be determined;
- (e) as to the procedure to be followed in connection with the determination of an appeal'.

Adran 8, tudalen 8, llinell 25, gadewch allan 'as to the time or date by which decisions are to be made' a rhowch yn ei le –

' –

- (a) as to the time or date by which decisions are to be made;
- (b) as to the procedure to be followed in connection with the making of decisions;
- (c) for appeals against decisions to be made to the governing body of a pupil's school or another person specified in the regulations;
- (d) as to the time or date by which appeals are to be determined;
- (e) as to the procedure to be followed in connection with the determination of an appeal'.

**John Griffiths**

5

Section 8, page 8, line 27, after 'head teacher' insert 'and any body or person charged with determining appeals under regulations made under subsection (3)'.

Adran 8, tudalen 8, llinell 27, ar ôl 'head teacher' ychwanegwch 'and any body or person charged with determining appeals under regulations made under subsection (3)'.

**John Griffiths**

6

Section 9, page 9, line 2, leave out –

‘A pupil’s entitlement to follow a course of study under section 116D(1) is to be taken to be satisfied if the course of study is made available to the pupil during the fourth key stage by or on behalf of the governing body of his or her school’

and insert –

‘Where a pupil is entitled to follow a course of study under section 116D(1), the governing body of the pupil’s school must ensure that during the fourth key stage the course is made available to the pupil by or on behalf of the governing body’.

Adran 9, tudalen 9, llinell 2, gadewch allan –

‘A pupil’s entitlement to follow a course of study under section 116D(1) is to be taken to be satisfied if the course of study is made available to the pupil during the fourth key stage by or on behalf of the governing body of his or her school’

a rhowch yn ei le –

‘Where a pupil is entitled to follow a course of study under section 116D(1), the governing body of the pupil’s school must ensure that during the fourth key stage the course is made available to the pupil by or on behalf of the governing body’.

**John Griffiths**

7

Section 10, page 9, line 19, leave out ‘as to’ and insert ‘connected with’.

Adran 10, tudalen 9, llinell 19, gadewch allan ‘as to’ a rhowch yn ei le ‘connected with’.

**John Griffiths**

8

Section 10, page 9, line 19, leave out ‘this section’ and insert ‘subsection (1) including in particular provision –

- (a) as to the procedure to be followed in connection with the making of decisions;
- (b) for appeals against decisions to be made to the governing body of a pupil’s school or another person specified in the regulations;
- (c) as to the effect of a decision pending determination of an appeal;
- (d) as to the procedure to be followed in connection with the determination of an appeal’.

Adran 10, tudalen 9, llinell 19, gadewch allan ‘this section’ a rhowch yn ei le ‘subsection (1) including in particular provision –

- (a) as to the procedure to be followed in connection with the making of decisions;
- (b) for appeals against decisions to be made to the governing body of a pupil’s school or another person specified in the regulations;

- (c) as to the effect of a decision pending determination of an appeal;
- (d) as to the procedure to be followed in connection with the determination of an appeal’.

**John Griffiths**

9

Section 10, page 9, line 21, after ‘head teacher’ insert ‘and any body or person charged with determining appeals under regulations made under subsection (3)’.

Adran 10, tudalen 9, llinell 21, ar ôl ‘head teacher’ ychwanegwch ‘and any body or person charged with determining appeals under regulations made under subsection (3)’.

**John Griffiths**

10

Section 12, page 10, line 19, leave out –

‘the local education authority by which it is maintained, the governing body of a maintained secondary school –

- (a) must consider whether it would further the objective of this section to enter into any co-operation arrangements; and
  - (b) if it concludes that entering into any such arrangements would further that objective, it must seek to do so.
- (3) In relation to the local curriculum or curricula for its area, a local education authority –
- (a) must consider whether it would further the objective of this section to make arrangements with any person for the provision, on behalf of the governing body of a maintained secondary school, of a course of study included in that local curriculum; and
  - (b) if it concludes that entering into any such arrangements would further that objective, it must seek to do so.
- (4) The governing body of an institution within the further education sector in Wales must consider whether or not to enter into –
- (a) co-operation arrangements proposed by a governing body of a maintained school under subsection (2); and
  - (b) arrangements proposed by a local education authority under subsection (3).’

and insert –

‘a local education authority, the persons mentioned in subsection (4) must take all reasonable steps in order to achieve the objective of this section.

- (3) The duty under subsection (2) includes, but is not limited to, a duty to seek to enter into cooperation arrangements where, having given due and proper consideration to whether it would further the objective of this section to do so, the persons mentioned in subsection (4) have concluded that entering into such arrangements would further that objective.

- (4) The persons are –
- (a) the local education authority;
  - (b) the governing body of a secondary school maintained by the authority; and
  - (c) the governing body of an institution within the further education sector which is situated within the area of the authority.'

Adran 12, tudalen 10, llinell 19, gadewch allan –

'the local education authority by which it is maintained, the governing body of a maintained secondary school –

- (a) must consider whether it would further the objective of this section to enter into any co-operation arrangements; and
  - (b) if it concludes that entering into any such arrangements would further that objective, it must seek to do so.
- (3) In relation to the local curriculum or curricula for its area, a local education authority –
- (a) must consider whether it would further the objective of this section to make arrangements with any person for the provision, on behalf of the governing body of a maintained secondary school, of a course of study included in that local curriculum; and
  - (b) if it concludes that entering into any such arrangements would further that objective, it must seek to do so.
- (4) The governing body of an institution within the further education sector in Wales must consider whether or not to enter into –
- (a) co-operation arrangements proposed by a governing body of a maintained school under subsection (2); and
  - (b) arrangements proposed by a local education authority under subsection (3).'

a rhowch yn ei le –

'a local education authority, the persons mentioned in subsection (4) must take all reasonable steps in order to achieve the objective of this section.

- (3) The duty under subsection (2) includes, but is not limited to, a duty to seek to enter into cooperation arrangements where, having given due and proper consideration to whether it would further the objective of this section to do so, the persons mentioned in subsection (4) have concluded that entering into such arrangements would further that objective.
- (4) The persons are –
- (a) the local education authority;
  - (b) the governing body of a secondary school maintained by the authority; and
  - (c) the governing body of an institution within the further education sector which is situated within the area of the authority.'

**John Griffiths** 11

Section 13, page 11, line 29, leave out ‘exercise of their functions’ and insert ‘discharge of their duties’.

Adran 13, tudalen 11, llinell 29, gadewch allan ‘exercise of their functions’ a rhowch yn ei le ‘discharge of their duties’.

**John Griffiths** 12

Section 13, page 11, line 32, leave out ‘and arrangements entered into following a proposal under section 116I(3)’.

Adran 13, tudalen 11, llinell 32, gadewch allan ‘and arrangements entered into following a proposal under section 116I(3)’.

**John Griffiths** 13

Section 13, page 11, line 36, leave out ‘and arrangements described in section 116I(3)’.

Adran 13, tudalen 11, llinell 36, gadewch allan ‘and arrangements described in section 116I(3)’.

**John Griffiths** 14

Section 13, page 12, line 1, leave out ‘(whether or not they have been the subject of a proposal under section 116I)’.

Adran 13, tudalen 12, llinell 1, gadewch allan ‘(whether or not they have been the subject of a proposal under section 116I)’.

**John Griffiths** 15

To insert a new Section –

‘( ) **Local curricula: Welsh language**

After section 33A of the Education Act 2002 (c. 32) insert –

**“33AB Local curricula: Welsh language**

The Welsh Ministers must exercise their functions in relation to local curricula so as to promote access to courses of study which are taught through the medium of the Welsh language.”’.

I ychwanegu Adran –

‘( ) **Cwricwla lleol: yr Iaith Gymraeg**

Ar ôl adran 33A o Ddeddf Addysg 2002 (p. 32) mewnosoder –

**“33AB Local curricula: Welsh language**

The Welsh Ministers must exercise their functions in relation to local curricula so as to promote access to courses of study which are taught through the medium of the Welsh language.”.

**John Griffiths**

**16**

Section 23, page 15, after line 27, insert –

‘( ) This section does not require any person to admit a pupil to a particular school or institution.’.

Adran 23, tudalen 15, ar ôl llinell 27, ychwanegwch –

‘( ) This section does not require any person to admit a pupil to a particular school or institution.’.

**John Griffiths**

**17**

Section 26, page 17, line 31, leave out ‘as to’ and insert ‘connected with’.

Adran 26, tudalen 17, llinell 31, gadewch allan ‘as to’ a rhowch yn ei le ‘connected with’.

**John Griffiths**

**18**

Section 26, page 17, line 31, leave out ‘this section’ and insert ‘subsection (1)’.

Adran 26, tudalen 17, llinell 31, gadewch allan ‘this section’ ac ychwanegwch ‘subsection (1)’.

**John Griffiths**

**19**

Section 26, page 17, line 32, leave out ‘as to the time or date by which decisions are to be made’ and insert –

‘ –

- (a) as to the time or date by which decisions are to be made;
- (b) as to the procedure to be followed in connection with the making of decisions;
- (c) for appeals against decisions to be made to the school or institution’s governing body or another person specified in the regulations;
- (d) as to the time or date by which appeals are to be determined;
- (e) as to the procedure to be followed in connection with the determination of an appeal’.

Adran 26, tudalen 17, llinell 32, gadewch allan ‘as to the time or date by which decisions are to be made’ a rhowch yn ei le –

‘ –

- (a) as to the time or date by which decisions are to be made;
- (b) as to the procedure to be followed in connection with the making of decisions;
- (c) for appeals against decisions to be made to the school or institution’s governing body or another person specified in the regulations;
- (d) as to the time or date by which appeals are to be determined;
- (e) as to the procedure to be followed in connection with the determination of an appeal’.

**John Griffiths**

**20**

Section 26, page 17, line 34, after ‘principal’ insert ‘and governing body or other person charged with determining appeals under regulations made under subsection (3)’.

Adran 26, tudalen 17, llinell 34, ar ôl ‘principal’ ychwanegwch ‘and governing body or other person charged with determining appeals under regulations made under subsection (3)’.

**John Griffiths**

**21**

Section 27, page 18, line 6, leave out –

‘A student’s entitlement to follow a course of study under section 33E(1) is to be taken to be satisfied if the course of study is made available to the student during the entitlement period by or on behalf of the governing body of the student’s relevant school or institution.’

and insert –

‘Where a student is entitled to follow a course of study under section 33E(1), the governing body of the student’s relevant school or institution must ensure that during the entitlement period the course is made available to the student by or on behalf of the governing body.’.

Adran 27, tudalen 18, llinell 6, gadewch allan –

‘A student’s entitlement to follow a course of study under section 33E(1) is to be taken to be satisfied if the course of study is made available to the student during the entitlement period by or on behalf of the governing body of the student’s relevant school or institution.’

a rhowch yn ei le –

‘Where a student is entitled to follow a course of study under section 33E(1), the governing body of the student’s relevant school or institution must ensure that during the entitlement period the course is made available to the student by or on behalf of the governing body.’.

**John Griffiths**

**22**

Section 28, page 18, line 23, leave out 'as to' and insert 'connected with'.

Adran 28, tudalen 18, llinell 23, gadewch allan 'as to' a rhowch yn ei le 'connected with'.

**John Griffiths**

**23**

Section 28, page 18, line 23, leave out 'this section' and insert 'subsection (1) including in particular provision –

- (a) as to the procedure to be followed in connection with the making of decisions;
- (b) for appeals against decisions to be made to the school or institution's governing body or another person specified in the regulations;
- (c) as to the effect of a decision pending determination of an appeal;
- (d) as to the procedure to be followed in connection with the determination of an appeal'.

Adran 28, tudalen 18, llinell 23, gadewch allan 'this section' a rhowch yn ei le 'subsection (1) including in particular provision –

- (a) as to the procedure to be followed in connection with the making of decisions;
- (b) for appeals against decisions to be made to the school or institution's governing body or another person specified in the regulations;
- (c) as to the effect of a decision pending determination of an appeal;
- (d) as to the procedure to be followed in connection with the determination of an appeal'.

**John Griffiths**

**24**

Section 28, page 18, line 25, after 'principal' insert 'and governing body or other person charged with determining appeals under regulations made under subsection (3)'.

Adran 28, tudalen 18, llinell 25, ar ôl 'principal' ychwanegwch 'and governing body or other person charged with determining appeals under regulations made under subsection (3)'.

**John Griffiths**

**25**

Section 30, page 19, line 22, leave out –

'the local education authority by which it is maintained, the governing body of a maintained secondary school –

- (a) must consider whether it would further the objective of this section to enter into any co-operation arrangements; and
- (b) if it concludes that entering any such arrangements would further that objective, it must seek to do so.

- (3) In relation to the local curriculum or curricula for the local education authority area in which an institution is situated, the governing body of the institution –
  - (a) must consider whether it would further the objective of this section to enter into any co-operation arrangements; and
  - (b) if it concludes that entering into any such arrangements would further that objective, it must seek to do so.
- (4) In relation to the local curriculum or curricula for its area, a local education authority –
  - (a) must consider whether it would further the objective of this section to make arrangements with any person for the provision, on behalf of the governing body of a maintained school or institution, of a course of study included in that local curriculum; and
  - (b) if it concludes that entering into any such arrangements would further that objective, it must seek to do so.'

and insert –

'a local education authority, the persons mentioned in subsection (4) must take all reasonable steps in order to achieve the objective of this section.

- (3) The duty under subsection (2) includes, but is not limited to, a duty to seek to enter into cooperation arrangements where, having given due and proper consideration to whether it would further the objective of this section to do so, the persons mentioned in subsection (4) have concluded that entering into such arrangements would further that objective.
- (4) The persons are –
  - (a) the local education authority;
  - (b) the governing body of a secondary school maintained by the authority; and
  - (c) the governing body of an institution within the further education sector which is situated within the area of the authority.'

Adran 30, tudalen 19, llinell 22, gadewch allan –

'the local education authority by which it is maintained, the governing body of a maintained secondary school –

- (a) must consider whether it would further the objective of this section to enter into any co-operation arrangements; and
  - (b) if it concludes that entering any such arrangements would further that objective, it must seek to do so.
- (3) In relation to the local curriculum or curricula for the local education authority area in which an institution is situated, the governing body of the institution –
  - (a) must consider whether it would further the objective of this section to enter into any co-operation arrangements; and
  - (b) if it concludes that entering into any such arrangements would further that objective, it must seek to do so.

- (4) In relation to the local curriculum or curricula for its area, a local education authority –
- (a) must consider whether it would further the objective of this section to make arrangements with any person for the provision, on behalf of the governing body of a maintained school or institution, of a course of study included in that local curriculum; and
  - (b) if it concludes that entering into any such arrangements would further that objective, it must seek to do so.'

a rhowch yn ei le –

'a local education authority, the persons mentioned in subsection (4) must take all reasonable steps in order to achieve the objective of this section.

- (3) The duty under subsection (2) includes, but is not limited to, a duty to seek to enter into cooperation arrangements where, having given due and proper consideration to whether it would further the objective of this section to do so, the persons mentioned in subsection (4) have concluded that entering into such arrangements would further that objective.
- (4) The persons are –
- (a) the local education authority;
  - (b) the governing body of a secondary school maintained by the authority; and
  - (c) the governing body of an institution within the further education sector which is situated within the area of the authority.'

**John Griffiths**

26

Section 30, page 20, line 10, leave out 'in relation to a maintained school,'.

Adran 30, tudalen 20, llinell 10, gadewch allan 'in relation to a maintained school,'.

**John Griffiths**

27

Section 30, page 20, line 11, leave out 'the school' and insert 'a maintained school,'.

Adran 30, tudalen 20, llinell 11, gadewch allan 'the school' ac ychwanegwch 'a maintained school,'.

**John Griffiths**

28

Section 30, page 20, line 14, leave out 'in relation to an institution,'.

Adran 30, tudalen 20, llinell 14, gadewch allan 'in relation to an institution,'.

**John Griffiths**

**29**

Section 30, page 20, line 15, leave out 'the institution' and insert 'an institution,'.

Adran 30, tudalen 20, llinell 15, gadewch allan 'the institution' a rhowch yn ei le 'an institution,'.

**John Griffiths**

**30**

Section 31, page 21, line 6, leave out 'exercise of their functions' and insert 'discharge of their duties'.

Adran 31, tudalen 21, llinell 6, gadewch allan 'exercise of their functions' a rhowch yn ei le 'discharge of their duties'.

**John Griffiths**

**31**

Section 31, page 21, line 9, leave out 'and arrangements entered into following a proposal under section 33J(4)'.

Adran 31, tudalen 21, llinell 9, gadewch allan 'and arrangements entered into following a proposal under section 33J(4)'.

**John Griffiths**

**32**

Section 31, page 21, line 13, leave out 'and arrangements described in section 33J(4)'.

Adran 31, tudalen 21, llinell 13, gadewch allan 'and arrangements described in section 33J(4)'.

**John Griffiths**

**33**

Section 31, page 21, line 15, leave out '(whether or not they have been the subject of a proposal under section 33J)'.

Adran 31, tudalen 21, llinell 15, gadewch allan '(whether or not they have been the subject of a proposal under section 33J)'.