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WELSH STATUTORY INSTRUMENTS

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**2013 No. 3048 (W. 307)**

**EDUCATION, WALES**

**The Welsh in Education Strategic Plans and Assessing Demand  
for Welsh Medium Education (Wales) Regulations 2013**

<i>Made</i>	- - - -	<i>3 December 2013</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>5 December 2013</i>
<i>Coming into force</i>	- -	<i>31 December 2013</i>

The Welsh Ministers in exercise of the powers conferred on them by sections 86(1), 87 and 98 of the School Standards and Organisation (Wales) Act 2013(1) make the following Regulations:

**Title and Commencement**

1.—(1) The title of these Regulations is the Welsh in Education Strategic Plans and Assessing Demand for Welsh Medium Education (Wales) Regulations 2013 and they come into force on 31 December 2013.

(2) These Regulations apply only in relation to Wales.

**Interpretation**

2. In these Regulations—

“14-19 networks” (“*rhwydweithiau 14-19*”) means a group of bodies and persons within a local authority’s area who work together to seek to ensure that persons aged 14 to 19 within that area benefit from the range of learning options available to 14 to 19 year olds described in the circular 37/2004 titled “Learning Pathways 14-19 Guidance”(2);

“14-19 regional forums” (“*fforymau rhanbarthol 14-19*”) means a group of bodies and persons within a number of local authority areas who work together to seek to ensure that persons aged 14 to 19 from within those areas benefit from the range of learning options available to 14 to 19 year olds described in the circular 37/2004 titled “Learning Pathways 14-19 Guidance”;

“the 1998 Act” (“*Deddf 1998*”) means the School Standards and Framework Act 1998(3);

“the 2002 Act” (“*Deddf 2002*”) means the Education Act 2002(4);

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(1) [2013 anaw 1](#).

(2) Published in July 2004 (ISBN Number 0750434201).

(3) [1998 c.31](#).

(4) [2002 c.32](#), as amended by section 21(1) and (7)(a) of the [Education \(Wales\) Measure 2009 \(nawm 5\)](#).

“the 2013 Act” (“*Deddf 2013*”) means the School Standards and Organisation (Wales) Act 2013;

“assessed” (“*asesu*”) means assessed in accordance with such assessment arrangements as are specified by the Welsh Ministers in an order made under section 108(2)(b)(iii) of the 2002 Act<sup>(5)</sup> in relation to pupils in the foundation phase;

“assessments” (“*asesiadau*”) means—

- (a) such assessment arrangements as are specified by the Welsh Ministers in an order made under section 108(2)(b)(iii) or (3)(c) of the 2002 Act; and
- (b) any other assessment of pupils carried out by teachers for the purpose of determining the level of attainment of pupils in the National Curriculum;

“assessment year” (“*blwyddyn asesu*”) means the school year in which the pupils were assessed and which immediately precedes the current school year;

“centres for latecomers” (“*canolfannau hwyrddyfodiaid*”) means Welsh language learning centres established by local authorities to provide pupils of primary and secondary school age with intensive Welsh language lessons;

“foundation phase” (“*cyfnod sylfaen*”) is to be construed in accordance with section 102 of the 2002 Act;

“key stage” (“*cyfnod allweddol*”) means any of the periods set out in paragraphs (b) to (d) of section 103(1) of the 2002 Act;

“plan” (“*cynllun*”) means a Welsh in education strategic plan as described by section 85(1) of the 2013 Act;

“relevant qualification” (“*cymhwyster perthnasol*”) has the meaning given to it in section 30(5) of the Education Act 1997<sup>(6)</sup>;

“school council” (“*cyngor ysgol*”) means a school council established pursuant to regulation 3 of the School Councils (Wales) Regulations 2005<sup>(7)</sup>;

“school performance data” (“*data perfformiad ysgol*”) means any data relating to the performance of pupils in public examinations and the award of relevant qualifications;

“Welsh document” (“*dogfen Gymraeg*”) means the document published by the Welsh Ministers in January 2008 titled “Welsh in the National Curriculum for Wales”<sup>(8)</sup> and referred to in the Education (National Curriculum) (Attainment Targets and Programmes of Study) (Wales) Order 2008<sup>(9)</sup>;

“Welsh medium education assessment” (“*asesiad addysg cyfrwng Cymraeg*”) means a survey of the demand among parents in a local authority’s area for Welsh medium education for their children pursuant to section 86(1) of the 2013 Act;

“Welsh medium education assessment closing date” (“*dyddiad cau asesiad addysg cyfrwng Cymraeg*”) means the date given by a local authority in accordance with paragraph (f) of Part 2 of Schedule 1 for the return of responses to any Welsh medium education assessment it has carried out;

“Welsh medium education forum” (“*fforwm addysg cyfrwng Cymraeg*”) means a body established by a local authority for the purpose of improving the provision of Welsh medium education the members of which consist of local authority officers and such other persons as the local authority considers appropriate;

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(5) The current order is the National Curriculum (End of Foundation Phase Assessment Arrangements and Revocation of the First Key Stage Assessment Arrangements) (Wales) Order 2011 (S.I. 2011/1948 (W.214)).

(6) 1997 c.44.

(7) S.I. 2005/3200 (W.236).

(8) ISBN number 9780750444187.

(9) S.I. 2008/1409 (W.146).

“Welsh programme of study” (“*rhaglen astudio Cymraeg*”) means the programme of study referred to in that part of the Welsh document titled ‘Welsh’; and

“Welsh second language programme of study” (“*rhaglen astudio Cymraeg fel ail iaith*”) means the programme of study referred to in that part of the Welsh document titled ‘Welsh second language’.

### **Welsh medium education assessment**

3.—(1) A local authority must carry out a Welsh medium education assessment of the whole or such part of its area as the Welsh Ministers determine.

(2) A local authority must carry out a Welsh medium education assessment if—

(a) more than 50% of pupils in maintained schools in that part of its area which is the subject of the Welsh medium education assessment are assessed in the—

(i) Welsh language development area of learning on the third Tuesday in January in the assessment year; or

(ii) language, literacy and communication skills area of learning through the medium of English on the third Tuesday in January in the assessment year;

(b) the local authority has not carried out a Welsh medium education assessment of the whole of its area in the 3 years immediately preceding the assessment year; and

(c) the Welsh Ministers inform the local authority in writing that it must do so.

(3) A Welsh medium education assessment must include the questions set out in Part 1 of Schedule 1 and the information set out in Part 2 of Schedule 1.

### **Duration of the plan**

4.—(1) The first plan has effect for the period commencing on 1 April 2014 and ending on 31 March 2017.

(2) The subsequent plans have effect for the period of three years commencing on 1 April in the year when the previous plan expires.

### **Form and content of the plan**

5. Each plan must include provision dealing with the matters set out in Schedule 2, and must be accompanied by the supporting information set out in Schedule 3.

### **Submission to the Welsh Ministers**

6.—(1) A local authority must submit its first plan to the Welsh Ministers for approval no later than 20 January 2014.

(2) A local authority must submit every subsequent plan to the Welsh Ministers for approval no later than 20 December in the year preceding the year in which the plan will have effect.

### **Timing of publication of the plan**

7.—(1) A local authority must publish its first plan no later than 1 June 2014.

(2) A local authority must publish every subsequent plan (or revised plan) no later than 1 June in the year the plan (or revised plan) is to have effect.

### **Manner of publication of the plan**

8. The local authority must publish the plan (or revised plan) by—
- (a) placing it on the local authority’s website; and
  - (b) making copies of the plan available for inspection by members of the public at—
    - (i) the local authority’s offices; and
    - (ii) any other place it considers appropriate.

### **Consultation**

- 9.—(1) A local authority must consult on the plan in draft—
- (a) the Welsh Language Commissioner (within the meaning of section 2 of the Welsh Language (Wales) Measure 2011<sup>(10)</sup>);
  - (b) the Early Years Development and Childcare Partnership (within the meaning of section 119 of the 1998 Act<sup>(11)</sup>);
  - (c) school councils;
  - (d) Her Majesty’s Chief Inspector of Education and Training in Wales;
  - (e) such organisations providing services to children and young people as the local authority considers appropriate; and
  - (f) such other persons or bodies as appear to the local authority to be appropriate.
- (2) In the case of the bodies referred to in paragraph (1) only those bodies which have an interest in the local authority’s area which is the subject of a Welsh medium education assessment are to be consulted.
- (3) The local authority must consult on the draft plan for a period of not less than eight weeks.
- (4) The local authority must carry out the consultation by sending to every consultee a draft of the plan inviting comments on it within a period specified by the local authority.
- (5) The requirement in paragraph (4) to send a draft of the plan to every consultee may be satisfied by sending copies of it by electronic mail.

### **Review of the plan**

- 10.—(1) The local authority must no later than 20 December every year, commencing in 2014—
- (a) review progress made by the local authority against the targets set out in the plan in accordance with section 84(1)(b) of the 2013 Act;
  - (b) submit any revised plan for approval to the Welsh Ministers.
- (2) During the conduct of such a review the local authority must consult such persons as they consider appropriate.

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<sup>(10)</sup> 2011 [nawm 1](#).

<sup>(11)</sup> 1998 (c.31), as amended by paragraph 10(1) and (2) of Part 1 of Schedule 2 to the Local Education Authorities and Children’s Services (Integration of Functions) Order 2010 (S.I. 2010/1158) and by paragraph 30(a) and (b) of Schedule 2 to the Childcare Act 2006.

3 December 2013

*Huw Lewis*  
Minister for Education and Skills, one of the  
Welsh Ministers

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## SCHEDULE 1

Regulation 3(3)

Questions and information to be included in a Welsh medium education assessment

## PART 1

Questions to be contained in a Welsh medium education assessment

<i>Number</i>	<i>Question</i>
1	How many children under 2 years of age currently live full-time or part-time at your address?
2	What are the dates of birth of each of the children currently living full-time or part-time at your address who are under the age of 2?
3	Which one of the following statements best describes the likelihood of you sending any child living full-time or part-time at your address to a Welsh medium primary school if that school is in excess of 2 miles of your home— (a) very likely; (b) quite likely; (c) likely; (d) unlikely; (e) quite unlikely; or (f) very unlikely.
4	Which one of the following statements best describes the likelihood of you sending a child living full-time or part-time at your address to a Welsh medium primary school if that school is within 2 miles of your home— (a) very likely; (b) quite likely; (c) likely; (d) unlikely; (e) quite unlikely; or (f) very unlikely.
5	Which one of the following statements best describes what you consider to be an acceptable journey time between home and a Welsh medium school by bus of— (a) less than 10 minutes; (b) between 10 minutes and 20 minutes; (c) between 20 minutes and 30 minutes; (d) between 30 minutes and 45 minutes; (e) between 45 minutes and 60 minutes; or (f) more than 60 minutes.
6	What is your postcode?

## PART 2

### Information to be contained in a Welsh medium education assessment

The following information must be included in any Welsh medium education assessment—

- (a) a brief statement of the purpose of the Welsh medium education assessment;
- (b) a statement that Welsh medium education is an option for both Welsh-speaking children and non Welsh-speaking children;
- (c) the names and addresses of maintained schools in a local authority's area which provide Welsh medium education;
- (d) a description of the amount of teaching that takes place through the medium of Welsh in each of the maintained schools that provide Welsh medium education in its area;
- (e) a brief explanation of the opportunities for pupils to progress from maintained primary schools that provide Welsh medium education to maintained secondary schools that provide Welsh medium education; and
- (f) the Welsh medium education assessment closing date.

## SCHEDULE 2

Regulation 5

### Matters to be dealt with in a plan

1. A statement setting out the local authority's strategy as to how it will increase the number of children of 7 years of age who are taught through the medium of Welsh.
2. A statement setting out the methods to be adopted by the local authority for assessing demand for Welsh medium childcare and Welsh medium education in its area.
3. A statement setting out the actions the local authority proposes to take before the expiry of 24 weeks from the Welsh medium education assessment closing date to address any demand in its area for Welsh medium childcare and Welsh medium education identified in any such assessment it has carried out.
4. A statement setting out the local authority's strategies as to how any applications it makes for grant funding from the Welsh Ministers in respect of expenditure on maintained schools in its area will take account of the demand for Welsh medium education identified in any Welsh medium education assessment it has carried out.
5. A statement setting out how the local authority will work collaboratively with other local authorities to meet any demand for Welsh medium education identified in any Welsh medium education assessment it has carried out.
6. A statement setting out the local authority's strategy to increase the opportunities for people who do not speak Welsh as their first language to learn through the medium of Welsh by taking part in intensive Welsh medium education and by increasing access to centres for latecomers.
7. A statement setting out whether the local authority will establish a Welsh medium education forum.
8. A statement setting out the local authority's strategy as to how it will seek to ensure that adequate financial resources are available to meet the demand for Welsh medium education for children up to the age of 7.
9. A statement setting out the local authority's strategy for providing parents with information as to the availability and type of Welsh medium education.

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**10.** A statement setting out the local authority’s strategy for increasing the percentage of pupils who are in the final year of the third key stage and who are following that part of the programme of study for Welsh titled “Welsh” and set out in the Welsh document.

**11.** A statement setting out the local authority’s strategy for ensuring continuity of Welsh medium education when children transfer from—

- (a) funded non-maintained nursery education to funded nursery education;
- (b) the foundation phase to the second key stage;
- (c) the second key stage to the third key stage; and
- (d) the third key stage to the fourth key stage.

**12.** A statement setting out the local authority’s strategy for increasing the amount of Welsh medium education provided in any schools it maintains which provide education through the medium of English and Welsh.

**13.** A statement setting out the local authority’s strategy for increasing the percentage of pupils aged 15 and over who are studying for qualifications through the medium of Welsh.

**14.** A statement setting out the local authority’s strategy as to how it will carry out its duty in section 116B of the 2002 Act<sup>(12)</sup>.

**15.** A statement setting out the local authority’s strategy as to how it will work through 14-19 networks and 14-19 regional forums to sustain and improve the provision of Welsh medium education in its area for persons aged 14 to 19.

**16.** A statement setting out the local authority’s strategy as to how it will gather and utilise school performance data to improve the provision of Welsh medium education for persons aged 14 to 19.

**17.** A statement setting out the local authority’s strategy to improve standards of literacy in Welsh in maintained schools in its area.

**18.** A statement setting out the local authority’s strategy as to how it will improve the provision and standards of Welsh medium education for those pupils following the Welsh programme of study.

**19.** A statement setting out the local authority’s strategy as to how it will improve the provision and standards of Welsh medium education for those pupils following the Welsh second language programme of study.

**20.** A statement setting out the local authority’s strategy as to how it will increase the opportunities for pupils to speak Welsh other than as part of formal Welsh medium education provided by a school.

**21.** A statement setting out the local authority’s strategy as to how it will improve Welsh medium education for pupils who require additional learning support arising from any difficulty that pupil has in learning in relation to other pupils of the same age who do not have any difficulty in learning.

**22.** A statement setting out the local authority’s strategy to ensure there are adequate numbers of teaching staff to meet the demand for Welsh medium education in maintained schools in its area.

**23.** A statement setting out the local authority’s strategy as to how it will improve the Welsh language linguistic skills of those practitioners in maintained schools in its area.

**24.** A statement setting out the local authority’s strategy as to how it will improve the teaching skills of those practitioners providing Welsh medium education in maintained schools in its area.

**25.** A statement setting out how the local authority will ensure that strategies it adopts to improve the educational standards of maintained schools in its area take full account of the plan.

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(12) Inserted by the section 5 of the [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#).



### SCHEDULE 3

Regulation 5

#### Supporting information

1. The number of children who attend—
    - (a) nurseries which are funded by the local authority in which they are situated pursuant to its duty in section 118 of the 1998 Act and which teach the foundation phase through the medium of Welsh; and
    - (b) nurseries which are not funded by the local authority in which they are situated pursuant to its duty in section 118A of the 1998 Act and which do not teach the foundation phase through the medium of Welsh.
  2. The percentage of children who transfer to Welsh medium maintained schools who attended—
    - (a) nurseries which are funded by the local authority in which they are situated pursuant to its duty in section 118 of the 1998 Act and which teach the foundation phase through the medium of Welsh; and
    - (b) nurseries which are not funded by the local authority in which they are situated pursuant to its duty in section 118A of the 1998 Act and which do not teach the foundation phase through the medium of Welsh.
  3. The percentage of pupils attending Welsh medium maintained primary schools who transfer to Welsh medium maintained secondary schools.
  4. In relation to pupils following the Welsh programme of study at the second, third and fourth key stage the—
    - (a) results of the assessments of those pupils; and
    - (b) any relevant qualifications awarded to those pupils.
  5. In relation to pupils following the Welsh second language programme of study at the second, third and fourth key stages—
    - (a) results of the assessments of those pupils; and
    - (b) any relevant qualifications awarded to those pupils.
  6. The number and percentage of pupils who are—
    - (a) entered for a relevant qualification in the Welsh second language programme of study;
    - (b) not entered for a relevant qualification in the Welsh second language programme of study.
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#### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Section 84 of the School Standards and Organisation (Wales) Act 2013 (“the 2013 Act”) requires a local authority to prepare a Welsh in education strategic plan (“Plan”). Section 85 of the 2013 Act requires a local authority to submit its draft Plan to the Welsh Ministers for approval prior to that Plan being published. Section 86 of the 2013 Act further provides that the Welsh Ministers may

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require a local authority to carry out an assessment of the demand among parents in its area for Welsh medium education for their children.

These Regulations are made under sections 87 and 98 of the 2013 Act. They provide for the following matters:

- (a) the circumstances in which a local authority will be required to carry out a Welsh medium education assessment (regulation 3) and the questions and information to be included in such an assessment (Schedule 1);
- (b) the duration of the plan (regulation 4);
- (c) the form and content of the plan (regulation 5 and Schedules 2 and 3);
- (d) the date for submission of the plan to the Welsh Ministers for approval (regulation 6);
- (e) the date on which the plan must be published (regulation 7);
- (f) the manner of publication of the local authority's plan (regulation 8);
- (g) the persons and bodies that a local authority must consult on the draft plan (regulation 9);  
and
- (h) the date by which the plan must be reviewed and who must be consulted (regulation 10).