

## Education and Lifelong Learning Committee

**Date: Wednesday 13 October 2004**

**Time: 12.15pm-12.25pm**

**Venue: National Assembly Building, Cardiff Bay**

**Title: Forthcoming ELL Secondary Legislation**

### **Purpose of paper**

The attached information has been provided by the Education and Lifelong Learning Minister.

Annex 1 details the forthcoming legislation in the Education and Lifelong Learning portfolio. Members are invited to comment on this and to consider whether they wish to examine any of the items in more detail.

Chris Reading  
Clerk  
Committee Service

### **2004 ELL(2) 13-04 (p.4)**

Name/ working title of SI	Purpose/effect	Anticipated Procedure/ Projected month legislation to be made	Standing Order/ LEADING DIV.

<p>ELL-17-04</p> <p>Education (School Lunches) (Prescribed Credits) (Amendment) (Wales) Order 2004</p>	<p>Clarifies the prescribed requirements for LEAs to provide school Lunches (whether free or paid for) for nursery children in terms of the definition of full-time attendance. Children in maintained nursery schools are, under existing regulations, only entitled to a school lunch (whether paid for or free) provided they are full time. However, the existing regulations do not specify what is meant by full time and this has led to confusion over entitlement. The new Order will clarify that children must attend both morning and afternoon sessions and be present over the lunch period on the days they normally attend in order to be entitled to a school lunch.</p>	<p>Sept/Oct 2004</p> <p>Standard Procedure</p>	<p>SO24</p> <p>SMD</p>
<p>ELL-19-04</p> <p>The Education (LEA schemes for Financing Schools (Wales) Regulations 2004</p>	<p>The Education (LEA Financial Schemes)(Wales) Regulations 2004 will replace Part 4 and schedule 5 of the existing Financing of Maintained Schools Regulations 1999 and will define the items which have to be covered in the authority's scheme for financing schools.</p> <p>The scheme sets out the financial relationship between the Authority and the maintained schools that it funds and contains requirements relating to financial management and associated issues, binding on both the Authority and on schools.</p> <p>Consultation on the draft regulations ended on 14 May. Draft regulations to be debated in Plenary on 21/09/04 with a coming into force date of 30/09/04.</p>	<p>September 2004,</p> <p>Standard Procedure</p>	<p>SO24</p> <p>SMD</p>

<p>ELL-20-04</p> <p>Education (LEA/School Partnership) (Wales) Regulations 2004</p>	<p>Section 197 of the Education Act 2002 provides that the Assembly may make regulations requiring LEAs to put in place a partnership agreement with each of their maintained schools.</p> <p>The regulations will specify issues such as the categories of school to which the agreements will apply, what the agreements should cover , their duration etc</p>	<p>Jan 2005</p> <p>Standard procedure</p>	<p>SO24</p> <p>SMD</p>
<p>ELL-21-04</p> <p>Education (Revised School Governance (Wales) Regulations 2004</p>	<p>Relating to sections 19 (Constitution, Membership &amp; procedures of Governing Body Meetings), 20 (Instruments of Government), 21 (Terms of Reference), 23 (Appointment &amp; Dismissal of Clerks to GBs), 33 (Annual Parents Meetings) and 34 (New Schools) of the Education Act 2002. The purpose of the regulations is to put legislation in place to enable governing bodies to carry out their role and functions effectively. These regulations will replace existing regulations,</p>	<p>October 2004</p> <p>Standard procedure</p>	<p>SO24</p> <p>SMD</p>
<p>ELL-22-04</p> <p>Education (Health Standards) (Wales) Regulations 2004</p>	<p>Re-enacts the health standards provisions of the Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999. They will maintain the requirement on employers of teachers and certain other staff at maintained schools and certain further education establishments to satisfy themselves as to the health and physical and mental capacities of such staff. There will be a proposed relaxation of the restriction on individuals who have retired from teaching on health grounds to undertake non-teaching activities as a teaching assistant .</p>	<p>Standard Procedure</p> <p>October 2004</p>	<p>SO 24</p> <p>TLD</p>

<p>ELL-23-04</p> <p>The General Teaching Council for Wales (Functions) (Amendment) Regulations</p>	<p>Amendment will cover action to be taken by GTCW in determining suitability of a person to be a teacher</p> <p>(These regulations should travel with Amendment to GTCW Additional Functions Order)</p>	<p>2005</p> <p>Standard Procedure.</p>	<p>SO 24</p> <p>TLD</p>
<p>ELL-24-04</p> <p>The General Teaching Council for Wales (Additional Functions) (Amendment) Order 2004</p>	<p>Amendment will add to categories of people ineligible for registration with the GTCW because the Council is not satisfied as to their suitability to be a teacher</p> <p>(This Order should travel with Amendment to GTCW Functions Amendment Regulations)</p>	<p>2005 Standard Procedure.</p>	<p>SO24</p> <p>TLD</p>
<p>ELL-26-04</p> <p>The Education (Determination of Admission Arrangements) (Amendment) Regulations 2005</p>	<p>Arising from Schedule 4 of the Education Act 2002, Regulations to allow governing bodies who are admission authorities to consult on admission arrangements every other year rather than annually if the arrangements are unchanged. In addition, bodies entitled to be consulted about admission arrangements will have the right to object to the determined arrangements whether or not they were consulted.</p>	<p>June 2005</p> <p>Standard procedure</p>	<p>SO24</p> <p>SMD</p>
<p>ELL-27-04</p> <p>The Education (Objections to Admission Arrangements) (Amendment) Regulations 2005</p>	<p>Regulations made under S90 of the School Standards and Framework Act 1998 to give parents the right to object in specified circumstances to proposed admission numbers which do not reflect the physical capacity of a school. Currently any change in a standard admission number requires the publication of statutory proposals to which anyone may object; S47 of the Education Act 2002 will remove this requirement to publish but the regulations will mean the retention of rights for parents to be consulted on and</p>	<p>June 2005</p> <p>Standard procedure</p>	<p>SO24</p> <p>SMD</p>

	object to restricted admission numbers.		
ELL-28-04  The Education (Variation of Admission Arrangements) Regulations 2005	Regulations to be made under S89 (8) of the School Standards and Framework Act 1998 to prescribe circumstances in which an admission authority may vary the admission arrangements which they have determined for a particular school year.	June 2005  Standard procedure	SO24  SMD
ELL-29-04  The Education (Admission Appeal Arrangements) Regulations 2005	Section 50 of the Education Act 2002 provides for arrangements for school admission appeals to be set out in Regulations rather than the SSFA Act 1998. These Regulations will re-enact existing arrangements: no changes of substance are planned.	March 2005  Standard procedure	SO24  SMD
ELL-30-04  New School (Admissions) Regulations 2005	Regulations to be made under section 72 of the School Standards and Framework Act 1998 will revise provision for the determination of the initial admission arrangements and applications for admission to new schools to incorporate changes in the Education Act 2002. Such changes include the extension of consultation on admission arrangements to include community and voluntary controlled schools and the use of admission numbers in place of standard numbers. They will revoke the New School (Admissions) (Wales) Regulations 1999.	June 2005  Standard procedure	SO24  SMD
ELL 34-04  The Education (Listed Bodies) (Wales) (Amendment) Regulations 2004	The Listed Bodies (Wales) Order is updated every two years and is an administrative requirement under the Education Reform Act 1998. It provides the list of institutions that are not recognised bodies within s.214(2)(a) or (b) of the Education Reform Act 1988 but which either—  (a) provides any course which is in preparation for a degree to be granted by such a recognised body and is	December 2004  Accelerated	SO24  HE

	<p>approved by or on behalf of that body; or</p> <p>(b) is a constituent college, school, hall or other institution of a university which is such a recognised body</p>		
<p>ELL 37-04</p> <p>The General Teaching Council for Wales (Functions) (Amendment) (No.2 ) Regulations 2004</p>	<p>The Regulations will enable the General Teaching Council for Wales to monitor all newly qualified teachers who are working as short term supply teachers, and make other small amendments of a technical nature.</p>	<p>December 2004</p> <p>Standard</p>	<p>SO24</p> <p>TLD2</p>
<p>ELL 38-04</p> <p>The General Teaching Council or Wales (Additional Functions) (Amendment)(Wales) (Order) 2004</p> <p>(travelling with ELL37-04)</p>	<p>The Order will enable the General Teaching Council</p> <p>for Wales to monitor all newly qualified teachers who are working as short term supply teachers, and make other small amendments of a technical nature</p>	<p>December 2004</p> <p>Standard</p>	<p>SO24</p> <p>TLD2</p>
<p>ELL-39-04</p> <p>The Education (Information About Individual Pupils) (Amendment) (Wales) Regulations 2004</p>	<p>Regulations covering the Pupil Level Annual School Census (PLASC)</p> <p>Amendment to the Schedule, to allow for additional data items to inform the NC-ELWa's Post-16 funding formula. These data item to be collected for post-16 pupils only.</p> <p>Extension of the Regulations to cover maintained Nursery schools and to enable Pupil Referral Units to participate in PLASC on a voluntary basis</p>	<p>December 2004</p> <p>Accelerated Procedure</p>	<p>SO24</p> <p>BSD2</p>

<p>ELL-42-04</p> <p>The National Curriculum (Key Stage 2 Assessment Arrangements) (Wales) Order 2004</p>	<p>An Order which sets out the new National Curriculum assessment arrangements for English, Welsh, mathematics and science at the end of Key Stage 2. The new arrangements will be based on Teacher Assessments only and will apply in respect of the 2004-05 school year.</p>	<p>November 2004</p> <p>Executive Procedure</p>	<p>SO24.27</p> <p>SPD4</p>
<p>ELL-43-04</p> <p>The National Curriculum (Key Stage 2 Assessment Arrangements) (Consequential Amendments) (Wales) Regulations 2004</p>	<p>Regulations made under section 214 of the Education Act 2002 which remove the reference to National Curriculum Tests at the end of Key Stage 2 from the regulations dealing with School Target Setting, School Prospectuses, the Provision of Information to the Assembly and the Content of Individual Pupil Reports. These Regulations are consequential to the introduction of the new assessment arrangements prescribed in The National Curriculum (Key Stage 2 Assessment Arrangements) (Wales) Order 2004.</p>	<p>November 2004</p> <p>Executive Procedure</p>	<p>SO24.27</p> <p>SPD4</p>

## 2005

Name/ working title of SI	Purpose/effect	Anticipated Procedure/ Projected month legislation to be made	Standing Order

<p>ELL-01-05</p> <p>Education (Schools Councils) (Wales) Regulations 2004</p>	<p>To establish and regulate the running of Schools Councils (Section 21) Education Act 2002. We are currently considering responses to the consultation on regulations and guidance for school councils prior to decisions on the content of the regulations.</p>	<p>January 2005</p> <p>Standard procedure</p>	<p>SO24</p> <p>SMD</p>
<p>ELL-02-05</p> <p>Education (Federation and Collaboration of Governing Bodies) (Wales) Regulations 2004</p>	<p>Relating to sections 24-26 of the Education Act 2002. The purpose is to allow governing bodies to federate as a single governing body; and to facilitate collaboration between schools by allowing governing bodies to work together to jointly discharge any of their functions.</p>	<p>April 2005</p> <p>Standard procedure</p>	<p>SO24</p> <p>SMD</p>
<p>ELL-03-05</p> <p>Education (Interim Executive Boards) (Wales) Regulations 2004</p>	<p>Sections 57-59 of the Education Act 2002 provide LEAs and the Assembly with new powers to appoint a specially constituted governing body(Interim Executive Board) in a school in place of the existing governors in certain circumstances. The regulations will prescribe the powers and duties of the Interim Executive Board and also of a shadow governing body in the period of transition from the Interim Executive Board back to a normally constituted governing body.</p>	<p>April 2005</p> <p>Standard Procedure</p>	<p>SO 24</p> <p>SMD</p>
<p>ELL-04-05</p> <p>Education (Control of School Premises) (Wales) Regulations 2004</p>	<p>Relating to section 31 of the Education Act 2002. These regulations will cover the control and occupation and use of school premises by governing bodies during and outside school hours. They will replace existing provisions which are in primary legislation.</p>	<p>April 2005</p> <p>Standard procedure</p>	<p>SO24</p> <p>SMD</p>

<p>ELL-05-05</p> <p>Education (Staffing of Maintained Schools) (Wales) Regulations 2004</p>	<p>Relating to sections 35-37 of the Education Act 2002. These regulations will cover the appointment, discipline, suspension and dismissal of head teachers, deputy head teachers, teaching and non teaching staff by school governing bodies. They will replace existing provisions which are in primary legislation.</p>	<p>April 2005</p> <p>Standard procedure</p>	<p>SO24</p> <p>SMD</p>
<p>ELL-06-05</p> <p>Education (School Companies) (Wales) Regulations 2004</p>	<p>Relating to sections 11-12 of the Education Act 2002. These regulations will allow a governing body of a school to form a company, or participate in forming companies in order to purchase and provide services or facilities for that school and other participating schools.</p>	<p>April 2005</p> <p>Standard procedure</p>	<p>SO24</p> <p>SMD</p>
<p>ELL-07-05</p> <p>Education (Headteachers' Qualification and Registration) (Wales) Regulations 2005</p>	<p>To introduce a mandatory requirement for first-time headteachers in Wales to hold the National Professional Qualification for Headship (NPQH) from September 1, 2005.</p>	<p>September 2005</p> <p>Standard Procedure</p>	<p>SO 24</p> <p>TLD</p>

<p>ELL-10-05</p> <p>Education (Attendance Targets) (Amendment) Regulations 2005</p>	<p>Relating to section 53 of the Education Act 2004. These regulations will provide for LEAs to define targets relating to unauthorised absences. (Section 63 of the School Standards and Framework Act 1998)</p> <p>This will allow targets to be based on total absences, and not just 'unauthorised' absences.</p>	<p>June 2005</p> <p>Standard Procedure</p> <p>Coming into force Sept 2005</p>	<p>SO24</p> <p>PET</p>
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ELL-11-05 Education (Parenting Orders) (Wales) Regulations 2005	Relating to section 18 of the Anti Social Behaviour Act 2003. These regulations will define the provision for Welsh schools and LEAs to impose Parenting Orders on parents of pupils whose behaviour in school has led to their being excluded.	June 2005 Standard Procedure	SO24 PET
ELL-12-05 Individual Learning Account (Wales) Regulations 2003		June 2005 Standard Procedure	SO24 TSCP
ELL-13-05 Accounts of Maintained Schools and Financial Statements Regulations 2005	Relating to sections 44 and 45 of the Education Act 2002. These sections will allow requirements to be imposed as to the way maintained schools keep accounts, and report information based upon those accounts. This will provide a consistent minimum standard for school financial reporting, and enable all schools to compare their expenditure with that of similar schools.	December 2005 Standard Procedure	SO24 SMD
ELL-15-05 Higher Education Act 2004 (Commencement No.2) (Wales) Order 2005	To commence provisions which would transfer S/S functions for student support and tuition fees to the National Assembly for Wales.	December 2005 Standard Procedure	SO24 DSSP
ELL-16-05 Education (Student Support) (Wales) Regulations 2005	Regulations under section 22 of the Teaching and Higher Education Act 1998 , making provision for grants or loans to students in connection with higher education courses; prescribing eligibility for such grants or loans; amounts available; terms of grants or loans; etc.	December 2005 Standard Procedure	SO24 DSSP

ELL-17-05 The National Curriculum (Key Stage 3 Assessment Arrangements) (Wales) Order 2005	An Order which sets out the new National Curriculum assessment arrangements for English, Welsh, mathematics and science at the end of Key Stage 3. The new arrangements will be based on Teacher Assessments only and will apply in respect of the 2005-06 school year.	February 2005 Standard Procedure	SO24 SPD4
ELL-18-05 The National Curriculum (Key Stage 3 Assessment Arrangements) (Consequential Amendments) (Wales) Regulations 2005	Regulations made under section 214 of the Education Act 2002 which remove the reference to National Curriculum Tests at the end of Key Stage 3 from the regulations dealing with School Target Setting, School Prospectuses, the Provision of Information to the Assembly and the Content of Individual Pupil Reports. These Regulations are consequential to the introduction of the new assessment arrangements prescribed in The National Curriculum (Key Stage 3 Assessment Arrangements) (Wales) Order 2005.	February 2005 Standard Procedure	SO24 SPD4
ELL-20-05 The Higher Education Act 2004 (Commencement and Transitional Provision) (Wales) Order 2004	To commence provisions of the Higher Education Act 2004 relating to the establishment of a scheme for the independent review of complaints brought by students at Welsh Higher Education Institutions.	December 2005 Accelerated Procedure	SO 24 HED

Please note there is 1 SO28 and 4 SO 29's. (See below)

### Standing Orders 28 and 29

Name/ working title of SI	Purpose/effect	Anticipated Procedure/ Projected month legislation to be made	Standing Order
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<p>ELL-41-04</p> <p>Saint David's Catholic College/ Coleg Catholig Dewi Sant</p> <p>(Incorporation of Governing Body and Approval of Instruments and Articles of Government) Order 2004</p>	<p>Changes the College name, incorporates the Governing Body of the College and approves a new Instrument and Articles of Government at the request of the College's Governing Body.</p>	<p>November 2004</p>	<p>SO28</p> <p>LLD</p>
<p>ELL-08-05</p> <p>Employment Based Training Scheme</p>	<p>The Scheme will allow persons to train to become qualified teachers whilst employed as teachers in schools. The main part of the Scheme will set out the details of the existing Graduate Teacher Programme and Registered Teacher Programme and how they operate. This will be an enhanced version of the existing Scheme, incorporating improvements in procedure and new provisions allowed under The Education (School Teachers' Qualifications) (Wales) Regulations 2004, such as assessment only provisions for overseas trained teachers.</p>	<p>April 2005</p> <p>Procedure not decided</p>	<p>SO29</p> <p>TLD</p>
<p>ELL-09-05</p> <p>Standards for Qualified Teacher Status</p>	<p>This will be a replacement for the Qualified Teacher Status (QTS) provisions in Welsh Office Circular 13/98. Under the Education (School Teachers' Qualifications) (Wales) Regulations 2004, the Assembly may specify the standards required of persons who seek to become qualified teachers.</p> <p>The replacement for the QTS provisions in Welsh Office Circular 13/98 will update legislative, technical and other references. It will take account of the General Teaching Council for Wales' Professional Code for Teachers in Wales. The aim will be the production of</p>	<p>July 2005</p> <p>Procedure not decided</p>	<p>SO29</p> <p>TLD</p>

	clearer professional standards for QTS, more straightforwardly laid out.		
ELL-14-05 The Further Education Corporations (Wales) (Modification of Instruments and Articles of Government) Order 2005	Publication of a standard set of Instruments and Articles of Government for all Welsh FE Corporations. This will aid transparency in governance, consolidate previous modifications and updates to take account of with recent legislative changes.	June 2005	SO29  LLD
ELL-19-05 Criteria that initial teacher training (ITT) institutions must meet if they are to be accredited as ITT providers by the Higher Education Funding Council for Wales	This will be a replacement in part for the requirements for the provision of courses of ITT in Welsh Office Circular 13/98. Under the Education (School Teachers' Qualifications) (Wales) Regulations 2004, the Assembly may specify the criteria that initial teacher training (ITT) institutions must meet if they are to be accredited as ITT providers by the Higher Education Funding Council for Wales. These criteria can include requirements for the provision of courses of ITT. The replacement for Welsh Office Circular 13/98 will update legislative, technical and other references and allow ITT providers greater freedom in the design and delivery of training provision, within stated boundaries. The aim will be the production of clearer requirements for ITT courses.	July 2005  Procedure not decided	SO29  TLD