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Ysgrifennydd y Cabinet dros yr Economi, Ynni a'r Gymraeg
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Llywodraeth Cymru
Welsh Government

Buffy Williams, AS
Chair
Children, Young People and Education Committee
Senedd Cymru
Cardiff Bay
CF99 1SN

15 July 2024

Dear Buffy,

Welsh Language and Education (Wales) Bill

Following the introduction of the Welsh Language and Education (Wales) Bill into the Senedd today, please find attached a copy of the statement of policy intent . This document is provided to support the Committee's scrutiny of the Bill.

I look forward to providing evidence to the Committee in due course.

I am copying this letter to the Chair of the Legislation, Justice and Constitution Committee .

Yours sincerely,

Jeremy Miles AS/MS
Ysgrifennydd y Cabinet dros yr Economi, Ynni a'r Gymraeg
Cabinet Secretary for Economy, Energy and Welsh Language

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.



Llywodraeth Cymru
Welsh Government

WELSH LANGUAGE AND EDUCATION (WALES) BILL

Statement of Policy Intent for Subordinate Legislation to
be made under this Bill

July 2024

WELSH LANGUAGE AND EDUCATION (WALES) BILL

STATEMENT OF POLICY INTENT FOR SUBORDINATE LEGISLATION

Introduction

1. This document outlines the current policy intention for the subordinate legislation which Welsh Ministers would be empowered or required to make under the provisions of the Welsh Language and Education (Wales) Bill ('the Bill') as laid before Senedd Cymru on 15 July 2024.
2. The Statement has been produced in order to assist the Senedd committees during the scrutiny of the Bill. It should be read in conjunction with the Bill, the Explanatory Memorandum and the Explanatory Notes which form part of the Memorandum.
3. The Senedd procedure for each power is detailed in Chapter 5 of the Explanatory Memorandum. Those details are not recounted in this document. The reason specified for the use of the Senedd procedure reflects the '[Welsh Government guidelines on subordinate legislation: draft affirmative or negative assembly procedure](#)' (April 2012).
4. In developing subordinate legislation, the Welsh Government will work closely with stakeholders and consult publicly where appropriate to seek views on the subordinate legislation.

Overview of the Bill

5. The main objective of this Bill is to ensure that all pupils are independent Welsh language users, at least, by the time they reach the end of compulsory school age. Furthermore, the aim is for all pupils to develop oral skills equivalent to level B2, at least, of the Common European Framework of Reference for Languages.

In summary, the Bill will:

- provide a statutory basis for the target of one million Welsh speakers by 2050, as well as other targets relating to the use of the language, including in the workplace and socially;
- establish a standard method for describing Welsh language ability based on the common reference levels of the Common European Framework of Reference for Languages;
- make provisions for designating statutory language categories for schools, along with requirements relating to the amount of Welsh language education provided (including a minimum amount), and Welsh language learning goals for each category;
- link linguistic planning at a national level (by placing a duty on the Welsh Ministers to prepare a National Framework for Welsh Language Education and Learning Welsh), at local authority level (by placing a duty on the local authorities to prepare local Welsh in education strategic plans), and at school level (by placing a duty on schools to prepare Welsh language education delivery plans);

- establish a National Institute for Learning Welsh as a statutory body responsible for supporting people (of all ages) to learn Welsh

PART 1 - PROMOTION AND FACILITATION OF USE OF THE WELSH LANGUAGE

SECTION	3(1), 3(2)(b)
FORM	Regulations
DESCRIPTION OF THE REGULATIONS	
<p>The duty in section 3(1) and the power in section 3(2)(b) allow the Welsh Ministers, by regulations, to specify the basis for calculating the number of Welsh speakers for the purposes of sections 1 and 2 of the Bill. The power has a limitation to the extent that:</p> <ul style="list-style-type: none"> • any relevant data derived from a census conducted in accordance with the Census Act 1920 must be taken into account • the basis for calculating the number of persons aged 16 and over who are Welsh speakers must be the individuals' self-assessment of their Welsh language ability • the basis for calculating the number of children under the age of 16 who are Welsh speakers must be the self-assessment of their Welsh language ability, or an assessment by a parent or carer, or any other method specified by the Welsh Ministers in regulations. 	
WHY THE POWER/DUTY IS REQUIRED	
<p>It is appropriate to allocate the power in section 3(1) and the duty in section 3(2)(b) to allow the Welsh Ministers the flexibility to vary the data sources used for calculating the number Welsh speakers e.g. to adapt to new methods over time due to advances in technology and data collection methods.</p> <p>The provision in section 3(2)(b) gives the Welsh Ministers the discretion to specify an additional method to that described on the face of the Bill, if necessary, to calculate the number of Welsh speakers under the age of 16, and the same flexibility will need to be allowed to vary the data sources used over time e.g. to use data collected by schools.</p>	
POLICY INTENT – HOW THE DELEGATED POWER IS INTENDED TO BE USED	
<p>When the targets of the Welsh Ministers' current strategy Cymraeg 2050: a million Welsh speakers were set in 2017 to reach a million speakers and double the numbers who use the language on a daily basis, it became evident that there was a need to consider how to define a 'Welsh speaker' and at what level of proficiency would an individual be likely to use Welsh on a daily basis. These delegated duties are intended to be used to provide clarity, through regulations, on how the number of Welsh speakers will be calculated. This will provide clarity on the statutory target of one million speakers by 2050 and various other targets in the strategy under 1(1) on promoting and facilitating the use of Welsh.</p> <p>Provision 3(2) is also intended to confirm the current policy principle that the number of Welsh speakers aged 16 and over will be calculated on the basis of self-assessment. As such, individuals' perception of their own Welsh skills (and that of their children) is key to measuring progress towards realising the Cymraeg 2050 targets.</p>	

Provision 3(1) confirms that the census continues to be the main source of information to report on the Welsh language skills of people in Wales and to measure progress towards the one million Welsh speakers target by 2050. The delegated power is also intended to be used to consider how data could be accessed from other sources about Welsh language ability of individuals aged 16 and over, and other methods for collecting data about the Welsh language ability of children under the age of 16.

There is a correlation between the powers/duties in section 3(1) and 3(2)(b) and the powers/duties in:

- section 1 on setting targets in the Welsh language strategy
- section 2 about reporting on the targets in the Welsh language strategy at least once every 5 years
- section 3(3) about the formulation and publication of guidance on self-assessments under 3(2)
- section 3(4) about having regard to the Code on describing capability in Welsh in formulating and publishing the guidance under 3(3)
- section 3(5) about taking all reasonable steps to consider the guidance under 3(3) in collecting the data under 3(1) and carrying out the self-assessments under 3(2).

OTHER RELEVANT INFORMATION

Nothing to note.

SECTION	3(3)
FORM	Guidance
DESCRIPTION OF THIS GUIDANCE	
<p>The provision in section 3(3) places a duty on the Welsh Ministers to prepare and publish guidance on assessments to assist individuals in completing assessments, including a self-assessment of their Welsh language ability, and to assist in collecting data on the number of Welsh speakers. The Welsh Ministers must have regard to the Code drawn up under section 6 when preparing the guidance.</p>	
WHY THE POWER/DUTY IS REQUIRED	
<p>It is appropriate to allocate the duty in section 3(3) to the Welsh Ministers and it will be necessary to wait until the Code describing Welsh language ability under section 6 of the Bill has been drawn up so that it can be considered in preparing the guidance in section 3(3).</p>	
POLICY INTENT – HOW THE DELEGATED POWER IS INTENDED TO BE USED	
<p>The intention would be to use the provision to provide guidance in addition to that which will be included in the Code drawn up under 6(1), in order to provide clarity and support to individuals on how to meaningfully assess or self-assess ability in Welsh. Therefore, the Code will have to be in existence before this power can be used.</p> <p>There is a correlation between the duties in section 3(3) and the powers/duties in:</p> <ul style="list-style-type: none"> - section 3(2) which gives the Welsh Ministers the discretion to specify an additional method to that described on the face of the Bill, if necessary, to calculate the number of children under the age of 16 who are Welsh speakers. - section 3(4) about having regard to the Code describing Welsh language ability drawn up under 6(1) in preparing and publishing the guidance under 3(3) - section 3(5) about taking all reasonable steps to ensure that the guidance under 3(3) is taken into account when collecting the data under 3(1) and carrying out the self-assessments under 3(2). 	

OTHER RELEVANT INFORMATION

In publishing the first data about the Welsh language from the 2021 Census, the Chief Statistician noted in December 2022 that an individual's assessment of how well they speak a language can be subjective. For some people, the ability to say a few words in Welsh is enough for them to say that they speak the language. For others, although they speak the language regularly, they may say they cannot speak it if they feel more comfortable speaking another language.

The comments highlight the need for a more mature narrative around how individuals self-assess their Welsh language ability. The Chief Statistician added that it is clear from the National Survey for Wales that there is an increasing number of people who are able to speak *some* Welsh, and that choosing between 'yes' and 'no' when asked whether they can speak the language may be particularly challenging for those people. It was further noted that this is a contributing factor in the different estimates provided by different data sources.

The comments support the need for guidance to provide clarity and support to individuals on how to meaningfully self-assess their ability in Welsh.

PART 2 – DESCRIBING WELSH LANGUAGE ABILITY

SECTION	5(2)
FORM	Regulations
DESCRIPTION OF THE REGULATIONS	
<p>The power in section 5(2) allows the Welsh Ministers, by regulations, to amend the Table in Schedule 1. They may not use the power unless necessary in response to any changes made by the Council of Europe to the European Common Framework of Reference for Languages.</p>	
WHY THE POWER/DUTY IS REQUIRED	
<p>It is appropriate to allocate the power to the Welsh Ministers because flexibility is needed to be able to modify the Table in Schedule 1 of the Bill.</p>	
POLICY INTENT – HOW THE DELEGATED POWER IS INTENDED TO BE USED	
<p>The power will ensure that the Welsh Ministers are able to modify the contents of the Table in Schedule 1, if deemed necessary, to ensure that the types of user, the common levels of reference and the general characteristics of the users continue to be based on the content of the Common European Framework of Reference for Languages.</p>	
OTHER RELEVANT INFORMATION	
<p>Nothing to note.</p>	

SECTION	6(1) to (3), 7(1) and (2)
FORM	Code
DESCRIPTION OF THE CODE	
<p>The provision in section 6(1) to (3) places a duty on the Welsh Ministers to draw up a Code to describe ability in Welsh (the Code) based on the Common European Framework of Reference for Languages (CEFR). The Code must include a description of the specific characteristics of each of the six common reference levels A1-C2 set out in the Table in Schedule 1 of the Bill in relation to the Welsh language, and explain how they should be used.</p> <p>The provision in section 7(1) and (2) places a duty on the Welsh Ministers to publish the Code, to review it from time to time and to amend it as appropriate. They must consult on the contents of the Code before publishing it for the first time ,and before it is published each time it is amended.</p>	
WHY THE POWER/DUTY IS REQUIRED	
<p>It is appropriate to allocate the duties in section 6 and 7 to the Welsh Ministers because it is necessary to include comprehensive and detailed information in the Code regarding the specific characteristics of the common reference levels. This information is technical in nature and will require expert input.</p> <p>As the new standard method of describing ability in Welsh will be increasingly used in different contexts, flexibility will be needed to update the information in the Code. It is envisaged that it will be used, for example, as a basis for assessing language skills, for providing Welsh language learning for learners over compulsory age and for providing resources and qualifications.</p>	
POLICY INTENT – HOW THE DELEGATED POWER IS INTENDED TO BE USED	
<p>The provision will enable the establishment of a single standard method for describing ability in Welsh to provide a common understanding across different Welsh lifelong learning contexts, rather than the many different methods currently used by individuals, schools, resource and qualification providers, employers etc. The provision is supported in the Bill by the reproduction of a table from the Common European Framework of Reference for Languages (CEFR) in Schedule 1 which provides for three types of Welsh user and the common levels of reference for those users (in relation to Welsh).</p> <p>For the education sector, this provision is intended to introduce the common reference levels in order to provide clarity to parents and pupils regarding the expectation in terms of ability in Welsh at the end of compulsory education in the different categories of schools, and clarity to schools on the aim of their provision. The intention is to facilitate progression planning for school pupils particularly when transitioning to secondary school, so that they can continue to make progress and build on the skills they have already developed. The provision is also intended to establish the single standard method as the basis for standardising teaching resources and materials and for reference in the assessment arrangements to ensure pupils' progress towards</p>	

achieving a school's Welsh language learning goal. The Code will enable clear expectations to be set for providing qualifications and will ensure clarity on the extent to which a qualification will be of benefit in the future.

In terms of lifelong Welsh language learning, the provision will ultimately improve the quality of data collected about the number of Welsh speakers, whether as part of the census or otherwise, and will strengthen the structures that will allow coherent language planning in Wales to realise the targets of the Cymraeg 2050 strategy. All workplaces will be able to use the standard method of describing Welsh language ability established in the Code to plan for the increased use of Welsh.

Publishing the Code under 6(1) will need to be one of the first steps in implementing the Bill. There is a correlation between the duties in section 6 (1) to (3) and 7(1) and (2) and the powers/duties in:

- section 3(3) about the formulation and publication of guidance for the purpose of assisting individuals to complete a self-assessment of their ability in Welsh, and the role of the guidance in collecting data on the number of Welsh speakers (3(5))
- section 4(1) about reviewing the standards specified under section 26 of the Welsh Language (Wales) Measure 2011 with a view to determining whether certain standards need to be amended to reflect the Code
- section 4(2) about the timetable for completion of the review of the standards in section 4(1)
- section 11(1) to (3) about Welsh language learning goals for "Primarily Welsh Language", "Dual Language" and "Primarily English Language, partly Welsh" category schools (as the Welsh language learning goals refer to proficient/independent/basic users that tie into the common reference levels in Schedule 1). Section 6(2) places a duty to describe the specific characteristics of each common reference level in the Code
- section 11(5)(b) regarding any further provision in the Code to clarify the meaning of "oral common reference level B2"
- section 12(2) about making assessment arrangements by regulations under section 56 of the Curriculum and Assessment (Wales) Act 2021 for the purpose of ensuring pupils' progress towards achieving a school's Welsh language learning goal.
- section 12(3) about ensuring that the Welsh Ministers, in drawing up the Progression Code under the Curriculum and Assessment (Wales) Act 2021 and keeping it under review, must have regard to the Welsh language learning goals set out by section 11 of the Bill (as the Welsh language learning goals refer to proficient/independent/basic users attached to the common levels of reference in Schedule 1). Section 6(2) places a duty to describe the specific characteristics of each common reference level in the Code
- section 23(3)(d) about ensuring that training, professional development and support is made available for education practitioners for the purpose of improving ability in Welsh
- section 23(7)(b) about setting targets for the National Institute for Learning Welsh to improve ability in Welsh among people over compulsory school age

- section 37(5)(b) about the learning levels of Welsh language learning provision for learners over compulsory school age.

OTHER RELEVANT INFORMATION

Nothing to note.

PART 3 – WELSH LANGUAGE EDUCATION

SECTION	9(3)
FORM	Regulations
DESCRIPTION OF THE REGULATIONS	
<p>This power allows the Welsh Ministers to make provision, by regulations, in relation to schools that are designated more than one language category.</p>	
WHY THE POWER/DUTY IS REQUIRED	
<p>Section 9(3) allows schools to be designated more than one language category for their provision This provision is appropriate as some schools, particularly primary schools, that are within the current non-statutory categorisation system have more than one education stream (for example, a Welsh stream and an English stream or a dual language stream). However, the purpose of the policy is not to allow schools to be in more than one category where that would go against the ambition of increasing Welsh language education.</p> <p>Accordingly, it is appropriate to allow the designation of more than one category on the face of the Bill to provide clarity to stakeholders. However, the policy intention is to provide further detail on the extent of this provision through regulations. It is not appropriate to include such detail on the face of the Bill because:</p> <ul style="list-style-type: none"> a) Designating more than one language category to a school is a multilayered issue. It may be a fair reflection of the education provision, it may be a proactive way of gradually moving a school into a higher category, or it may run counter to the policy ambition to increase Welsh language education by allowing a lower category to be designated where it is not desirable. This level of detail is better suited for inclusion in regulations. b) It is appropriate to consult more widely with the sector to hear the views of those who will implement the policy. This can be done at the same time as the consultation on the amount of Welsh language education provision to be specified in each category under section 10(1). 	
POLICY INTENT – HOW THE DELEGATED POWER IS INTENDED TO BE USED	
<p>It is intended to exercise the power to make regulations in order to make further provision in relation to the designation of more than one language category to schools by the time the statutory categories come into force. This will provide clarity for schools when designating their language category in their Welsh language education delivery plan, and also clarity to local authorities when approving the language category.</p> <p>In practice, the regulations will reflect the Welsh Ministers' desire to narrow the scope of the power to designate more than one category so that it is not overused or used where it is not desirable. It is likely that the Welsh Ministers will undertake further</p>	

engagement with schools and local authorities to ensure that there is mutual understanding about the extent of the permission to designate more than one language category.

OTHER RELEVANT INFORMATION

We will build on that which was established in the non-statutory guidance published in 2021 on the categorisation of schools by Welsh-medium provision. This guidance stated:

In the primary sector we plan to amend PLASC so that primary schools will be able to identify themselves in more than one category. This is most relevant for schools currently categorised as dual stream primary schools with an English-medium and Welsh-medium stream. The ability to record a school's provision in two separate categories will mean that new school models, such as schools with category 2 and category 3 streams, can be recognised. Primary schools identifying their provision in two separate categories as referred to above, should clearly outline to parents the nature of provision and expected linguistic outcomes for learners following the different streams.

Primary schools wishing to increase their provision gradually can also categorise streams or classes within a school to reflect this. For example, this could be achieved by delivering Welsh-medium provision up to age 7 (using Welsh as the predominant language of teaching) to begin with, with each year group following suit year on year until the whole school is Welsh-medium. Any such change would need to be consulted upon under the School Organisation Code.

Linguistic progression in Welsh (in terms of the amount of the curriculum followed through the medium of Welsh) becomes more challenging as learners transfer to the secondary sector, and increases as learners progress through each year group. For this reason, it is proposed that in categorising secondary schools, the following two criteria should be used to support schools and governing bodies to increase progression levels. With this in mind, Category 2 and 3 models should be defined according to an input and output model, namely:

- *Input: The percentage of Areas of Learning and Experience (AoLEs) as well as extra-curricular activities offered through the medium of Welsh.*
 - *Output: The percentage of pupils following those Areas of Learning and Experience (AoLEs) through the medium of Welsh up to the age of 16*
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SECTION	10(1) and (2)
FORM	Regulations
DESCRIPTION OF THE REGULATIONS	
<p>This places a duty on the Welsh Ministers to make regulations specifying the amount of Welsh language education in each language category. The language categories will be based on the percentage of education and training provided in school sessions during a school year for pupils of compulsory school age, and the amount specified will be in the form of a range for each language category. In accordance with section 10(3), the minimum for the language category "Primarily English Language, partly Welsh" may not be less than 10%.</p>	
WHY THE POWER/DUTY IS REQUIRED	
<p>It is appropriate for this to be done in regulations to ensure that the Welsh Ministers have the flexibility to adjust the categories over time if appropriate. The details of the categories will be core to understanding Welsh language education provision in each school, so it will be important to consult on this before making regulations.</p>	
POLICY INTENT – HOW THE DELEGATED POWER IS INTENDED TO BE USED	
<p>The regulations under section 10(1) and (2) on the amount of Welsh language education provision in each category will enable the statutory categories to be used by schools.</p> <p>Although the three categories are named in section 9(2), and the Welsh language learning aims are detailed in section 11(1)-(3), these statutory categories cannot come into force until the regulations specifying the amount of Welsh language education provision in each category have been made.</p> <p>In terms of the timing of the introduction of these regulations, the categories will need to be known before the National Framework for Welsh Language Education and Learning Welsh and the Local Welsh in Education Strategic Plans are drawn up as the targets of the National Framework and the Strategic Plans will take the language categories into account.</p>	

OTHER RELEVANT INFORMATION

Section 13(5) states that the Welsh Ministers must decide every 5 years whether to revise the language categories, and specifically the minimum provision of Welsh language education for the "Primarily English Language, partly Welsh" category. This is in line with using regulations to specify the amount of Welsh language education provision, rather than doing so on the face of the Bill.

SECTION	11(2)(b), 11(3)(a), 11(3)(b)(ii)
FORM	Regulations
DESCRIPTION OF THE REGULATIONS	
<p>11(2)(b): This gives the Welsh Ministers the power make regulations specifying the date by which the Welsh language learning goal of the "Dual Language" category schools will be that pupils reach the B2 common reference level in terms of verbal interaction, at a minimum, by the time they cease to be of compulsory school age.</p> <p>11(3)(a): This gives the Welsh Ministers the power to make regulations specifying until what date the Welsh language learning goal of "Primarily English Language, partly Welsh" category schools will be that pupils are basic users, at least, by the time they cease to be of compulsory school age. After that date, the Welsh language learning goal will be for pupils to be independent users, at least, by the time they cease to be of compulsory school age.</p> <p>11(3)(b)(ii): This gives the Welsh Ministers the power to make regulations specifying the date by which the Welsh language learning goal for "Primarily English Language, partly Welsh" category schools will be that pupils reach the B2 common reference level in terms of verbal interaction, at least, by the time they cease to be of compulsory school age.</p>	
WHY THE POWER/DUTY IS REQUIRED	
<p>These powers are similar to each other in that they place a duty to make regulations specifying the date the Welsh learning goals will come into force.</p> <p>It is appropriate that these dates are specified in regulations to give the Welsh Ministers the flexibility to adjust them in response to developments in relation to workforce capacity, resources, and progress being made in complying with the statutory categories.</p> <p>Also, as a result of the requirement in section 2 of the Bill, the Welsh Ministers must report on progress being made against the targets in the Welsh language strategy, including the targets in relation to increasing the provision of Welsh language education. Section 25(3) of the Bill places a duty on the Welsh Ministers to review the targets set by the National Framework for Welsh Language Education and Learning Welsh. It is possible that the evaluation under section 2 and the review under section 25(3) may highlight the need to amend the dates on which the Welsh learning goals set out in sections 11(2)(b), 11(3)(a), and 11(3)(b)(ii) will come into force.</p>	

POLICY INTENT – HOW THE DELEGATED POWER IS INTENDED TO BE USED

The policy intention is to exercise the power to make these regulations at the same time as regulations are drawn up under section 9(3) and 10(1)-(2). It is intended that this will create one comprehensive set of regulations for school language categories, which will provide clarity to the sector.

Also, as noted above, the flexibility to make further regulations to amends the date on which the Welsh learning goals in sections 11(2)(b), 11(3)(a) and 11(3)(b)(ii) will come into force. This could be in response to developments in workforce capacity, resources, and progress being made in complying with the statutory categories. It could also be in response to a review of the national targets in relation to Welsh language education.

OTHER RELEVANT INFORMATION

Nothing to note.

SECTION	13(1)
FORM	Regulations
DESCRIPTION OF THE REGULATIONS	
Section 13(1) gives the Welsh Ministers the power to make regulations to make further provision in relation to school language categories.	
WHY THE POWER/DUTY IS REQUIRED	
The reasons why it is appropriate for the detail of the language categories to be included in regulations have already been highlighted, which is to consult further with the sector and provide flexibility to amend the regulations over time as factors change. Accordingly, it is appropriate to give the Welsh Ministers the power to make regulations under section 13(1) so that further provision can be made about school language categories to ensure that the provisions in the Bill are aligned.	
POLICY INTENT – HOW THE DELEGATED POWER IS INTENDED TO BE USED	
It is intended to exercise this power if further provision is necessary in relation to school language categories. This could be either because the Bill does not include all the detail of the categories, or in response to other regulations that will be drawn up in the same area to ensure that the language categories remain current and compatible with other provisions.	
OTHER RELEVANT INFORMATION	
Nothing to note.	

SECTION	13(2), 13(4)
FORM	Regulations
DESCRIPTION OF THE REGULATIONS	
<p>13(2): Section 13(2) provides the Welsh Ministers with a power to make regulations amending section 9 of the Bill in order to add or revise a language category. This includes a power to amend section 10(3) to increase the minimum provision of Welsh language education for the "Primarily English Language, partly Welsh" category.</p> <p>13(4): Section 13(4) states that any regulations made to add a language category need to include a Welsh language learning goal for that category.</p>	
WHY THE POWER/DUTY IS REQUIRED	
<p>The categorisation system already in place is based on non-statutory guidance, and therefore it is fairly easy to modify the categories. As this Bill provides a statutory basis for the categories, it is appropriate to include a power to amend section 9 to ensure that the Bill can respond to any changes made to the language categories over time. These changes are limited to adding or revising a language category. Further to this, in line with the spirit of the Bill, it is stated that any category added or revised may not reduce the minimum provision for "Primarily English Language, partly Welsh" category schools in section 10(3).</p> <p>The power in section 13(4) is required to ensure that any category added or revised contains a Welsh language learning goal. This is necessary to align with section 9(1), which states that a language category determines the amount of Welsh language education and the Welsh language learning goal.</p>	
POLICY INTENT – HOW THE DELEGATED POWER IS INTENDED TO BE USED	
<p>Currently, there is no policy intent to use this power. It is a power that will enable the Welsh Ministers to respond to any future developments where it could be appropriate to add or revise a language category. The purpose of these powers is to future-proof the Bill.</p>	
OTHER RELEVANT INFORMATION	
<p>Section 13(5) states that the Welsh Ministers must decide every 5 years whether to amend the language categories, specifically the minimum provision of Welsh language education for the "Primarily English Language, partly Welsh" category. This is in line with using regulations to specify the amount of Welsh language education provision, rather than doing so on the face of the Bill.</p>	
SECTION	14(2)(b)(vi)

FORM	Regulations
DESCRIPTION OF THE REGULATIONS	
<p>Section 14(2)(b)(vi) allows the Welsh Ministers to specify any person who must be consulted by a school's governing body when preparing a Welsh language education delivery plan.</p>	
WHY THE POWER/DUTY IS REQUIRED	
<p>It is not anticipated at this time when this regulation-making power will need to be exercised to add consultee to delivery plans, but it is important that it be included to ensure that the Bill remains current.</p>	
POLICY INTENT – HOW THE DELEGATED POWER IS INTENDED TO BE USED	
<p>Although it is envisaged that this power will not be used in the short term, it may be appropriate to add consultees to the delivery plans if, for example, a new body is established that has an interest in school delivery plans, or another person needs to be added to the list of consultees in section 14(2)(b).</p>	
OTHER RELEVANT INFORMATION	
<p>Nothing to note.</p>	

SECTION	14(3)(a), 14(4)(a)-(b)
FORM	Regulations
DESCRIPTION OF THE REGULATIONS	
<p>14(3)(a): Section 14(3)(a) gives the Welsh Ministers the power specify the school year in which the first delivery plan starts.</p> <p>14(4)(a)-(b): Section 14(4)(a)-(b) allows the Welsh Ministers to draw up regulations to amend the duration of the period that a delivery plan has effect and make provision about the form and content of a delivery plan.</p>	
WHY THE POWER/DUTY IS REQUIRED	
<p>The power in section 14(3)(a) is required to bring into force all the requirements for the delivery plans set out in section 14 of the Bill. It is appropriate to allow Welsh Ministers the flexibility to specify the school year by regulations to ensure that the statutory language categories are operational (that is, the amount of Welsh language education provision for each category under section 10(1)) along with the National Framework for Welsh Language Education and Learning Welsh and the local Welsh in Education Strategic Plans.</p> <p>It is appropriate to include the powers in section 14(4)(a)-(b) in order to future-proof the Bill if it becomes clear that the length of the delivery plans needs to be amended. The power also enables the Welsh Ministers to be more prescriptive about the form and content of the delivery plans (in addition to the details of the delivery plans detailed on the face of the Bill in section 14). This could be useful to ensure school delivery plans are consistent and that the information included is of benefit.</p>	
POLICY INTENT – HOW THE DELEGATED POWER IS INTENDED TO BE USED	
<p>The power in section 14(3)(a) is intended to be used to bring the provisions of section 14 into force at an appropriate time. Other steps need to be taken first before the first delivery plans become operational.</p> <p>There is no intention at present to exercise the power in section 14(4)(a), but it may be useful to amend the duration of the delivery plans if they are deemed too short or too long.</p> <p>The power in section 14(4)(b) could be used to ensure that there is clarity among governing bodies with regards to what Welsh language education delivery plans should include, and also clarity for local authorities as they undertake the process of checking and approving the plans.</p>	

OTHER RELEVANT INFORMATION
Nothing to note.

SECTION	15(4)(c), 16(6)(c)
Form	Direction
DESCRIPTION OF THE DIRECTION	
<p>Section 15(4)(c) provides local authorities with a power to reject the delivery plan submitted to it by a school's governing body and direct the governing body to reconsider the plan.</p> <p>Section 16(6)(c) provides a similar power, but in relation to a Welsh language education delivery plan which will be amended before the end of the period the delivery plan is in effect.</p>	
WHY THE POWER/DUTY IS REQUIRED	
<p>Local authorities need this power to ensure they have the appropriate tools to influence schools' Welsh language education delivery plans. As the delivery plans are approved by the local authority, if a plan is not approved it is appropriate for the authority to instruct the governing body what needs to be done so that it can be approved.</p> <p>In accordance with section 15(6), any direction must give the reasons for rejecting the delivery plan and specify by when the governing body must submit a further draft of the plan to the local authority.</p> <p>The local authority is subject to the targets set by the National Framework for Welsh Language Education and Learning Welsh. Therefore, it is vital that the local authority has influence over schools' Welsh language education delivery plans to ensure that schools plan effectively for progress and improvement in the Welsh language education provision within the local authority.</p>	
POLICY INTENT – HOW THE DELEGATED POWER IS INTENDED TO BE USED	
<p>In practice, section 14(2)(b)(v) provides that the governing body must consult the local authority that maintains the school in preparing the Welsh language education delivery plan. Therefore, the local authority will already have had the opportunity to influence the drafting of the plan.</p> <p>Accordingly, the policy intention is that it will not often be necessary to use the power to reject a delivery plan and direct a governing body to reconsider it. In addition, a local authority may approve a plan with agreed modifications, and therefore this also mitigates against the likelihood of needing to use the power to give a direction.</p>	

However, not including this power would weaken the local authority's influence and potentially hamper its ability to meet the targets set by the National Framework for Welsh Language Education and Learning Welsh.

OTHER RELEVANT INFORMATION

There are similar powers in section 30(3) of the Bill in relation to the approval of local Welsh in education strategic plans.

SECTION	20(2), 20(4)
FORM	Regulations
DESCRIPTION OF THE REGULATIONS	
<p>20(2): Section 20(2) allows the Welsh Ministers to make regulations to make further provision in relation to the Welsh language education plans of community special schools.</p> <p>20(4): Section 20(4) places a duty on the Welsh Ministers to make regulations regarding voluntary language category designation for community special schools.</p>	
WHY THE POWER/DUTY IS REQUIRED	
<p>The regulation-making power in section 20(2) is important as it allows further provision to be made in relation to the Welsh language education plans of community special schools. This includes the duration and timing of a plan, consulting on a plan, approving a plan and reviewing and amending a plan. It may be appropriate for the provisions for community special schools to differ from the provisions set out in section 14.</p> <p>Section 20(4) is necessary to provide clarity to community special schools and local authorities on what voluntary designation means.</p>	
POLICY INTENT – HOW THE DELEGATED POWER IS INTENDED TO BE USED	
<p>It is not currently intended to exercise the power in section 20(2), but it is important to include it in order to future-proof the Bill.</p> <p>Given that community special schools may voluntarily designate a language category, regulations will detail the extent of such a designation. This provision will likely be included in the same set of regulations on school language categories as those under section 10(1).</p>	
OTHER RELEVANT INFORMATION	
Nothing to note.	

SECTION	21(3)
FORM	Regulations
DESCRIPTION OF THE REGULATIONS	
<p>The power in section 21(3) allows the Welsh Ministers to make regulations to make further provision in relation to the register maintained by local authorities that contains the matters listed in section 21(1)(a)-(d). In addition to the matters included in the register, further provision can be made about the form of the register and how and when it is to be published.</p>	
WHY THE POWER/DUTY IS REQUIRED	
<p>This power protects the duty on local authorities to maintain a register for the future. In other words, if it becomes clear that it would be beneficial to make further provision in relation to the register, there is flexibility for the Welsh Ministers to do so by regulations.</p>	
POLICY INTENT – HOW THE DELEGATED POWER IS INTENDED TO BE USED	
<p>It may be beneficial to exercise the power in section 21(3) to ensure that the register maintained by local authorities contains any further details needed for the purposes of realising the policy of the Bill. It may also be useful to exercise the power to ensure the form of the register and to detail how and when it is to be published, in order to provide a consistent picture of Welsh language education across all local authorities.</p>	
OTHER RELEVANT INFORMATION	
None.	

PART 4 – PLANNING WELSH LANGUAGE EDUCATION AND LEARNING

SECTION	23(9)
FORM	Regulations
DESCRIPTION OF THE REGULATIONS	
<p>Section 23(9) provides the Welsh Ministers with a power to change what is required or permitted to be included in the National Framework for Welsh Language Education and Learning Welsh, as set out in sections 23(3) – (7).</p>	
WHY IS THE POWER/DUTY REQUIRED?	
<p>Section 23(3) to (6) contains requirements as to what the Welsh Ministers must state and include in a National Framework. This includes:</p> <ul style="list-style-type: none"> • setting out the steps they will take to promote and facilitate the use of Welsh and Welsh language education provision in relation to schools • identifying the steps they will take to provide opportunities for people of all ages to learn Welsh throughout life: at pre-school stage, at different stages of their education careers, and in the workplace and community • setting targets for local authorities in relation to implementing the National Framework in their area, and to reflect any national target regarding Welsh language education and learning Welsh set out in the Welsh language strategy in light of section 1(1)(c). These are the targets behind what local authorities must include in the local Welsh in Education Strategic Plans. • assessments and analyses in terms of the current state of provision of Welsh language education in schools across Wales, what is needed in terms of Welsh language education and in terms of the number of education practitioners in each local authority in order to achieve the targets placed on local authorities in the National Framework. <p>The Welsh Ministers also have the power, in accordance with section 23(7), to impose targets on the National Institute for Learning Welsh for the purpose of facilitating the achievement of national targets (included in the Welsh language strategy) relating to supporting people to learn Welsh.</p> <p>The power is needed to give Ministers the flexibility to vary the requirements as to what should be included in the National Framework, when necessary, in order to respond to new situations that may arise in the future. For example, changes to existing structures around how education is delivered, changes to requirements around school language categories or other unpredictable changes in society.</p>	

POLICY INTENT – HOW IS THE DELEGATED POWER INTENDED TO BE USED?

The Welsh Ministers have no plans to use this power immediately. Rather, the intention is that the power is available to Ministers so that it can be used to change the requirements around the content of the National Framework in response to new situations as described above.

OTHER RELEVANT INFORMATION

Nothing to note.

SECTION	28(4)(b)(ix)
FORM	Regulations
DESCRIPTION OF THE REGULATIONS	
<p>Section 28(4)(b)(ix) provides the Welsh Ministers with further powers, by regulations, to prescribe other persons who must be consulted by a local authority when preparing a local Welsh in education strategic plan.</p>	
WHY IS THE POWER/DUTY REQUIRED?	
<p>It is appropriate that regulations allow the Welsh Ministers the flexibility to make further provision about persons a local authority should be consulting in relation to their local Welsh in education strategic plans, in order to respond to new situations that may arise in the future e.g. the persons who may have a contribution to make or a strategic interest in this area.</p>	
POLICY INTENT – HOW IS THE DELEGATED POWER INTENDED TO BE USED?	
<p>It is intended to exercise the power, should it be called for, to draw up regulations which may prescribe such further persons as must be consulted by a local authority.</p>	
OTHER RELEVANT INFORMATION	
<p>This reflects section 9 of the Welsh in Education Strategic Plans (Wales) Regulations 2019 which detail prescribed persons (under section 84(4)(f) of the School Standards and Organisation (Wales) Act 2013) who must be consulted by a local authority when formulating a plan or an amended plan.</p>	

SECTION	29(1)(a)
FORM	Regulations
DESCRIPTION OF THE REGULATIONS	
<p>Section 29(1)(a) provides further powers to the Welsh Ministers, by regulations, to specify the start date for the first 5-year period of the local Welsh in education strategic plan.</p>	
WHY IS THE POWER/DUTY REQUIRED?	
<p>Section 29(1)(a) provides the Welsh Ministers with a power, by regulations, to introduce a commencement date for the first period of the 5-year implementation cycle. The Welsh local strategic plans will not take effect until the power has been exercised and the regulations have been made, as this is what sets the date on which the first 5 year period commences.</p> <p>It is appropriate that the Welsh Ministers specify the commencement date in regulations as the commencement period of the local Welsh in education strategic plan is dependent on the date of publication of the National Framework for Welsh Language Education and Learning Welsh in accordance with section 26(3). The Welsh Ministers under that section have a duty to lay the first National Framework before the Senedd before 31 July 2028. This is the latest date for laying the National Framework. It can, if circumstances permit, be laid sooner than that. It is therefore appropriate to offer flexibility in setting the first date for the commencement of a local Welsh in education strategic plan in secondary legislation.</p>	
POLICY INTENT – HOW IS THE DELEGATED POWER INTENDED TO BE USED?	
<p>Similar to section 4 of the Welsh in Education Strategic Plans (Wales) Regulations 2019, the intention is to set a commencement date eg, the 2019 Regulations state:</p> <p>'4.—(1) A local authority's plan has effect for the period commencing on 1 September 2021 and ending on 31 August 2031 ("the first ten year plan").</p> <p>It is intended that all local authorities operate according to the same timeframe, with the 5-year period starting simultaneously for all local authorities.</p>	
OTHER RELEVANT INFORMATION	
Nothing to note.	

SECTION	30(3)(c) and 30(4)
FORM	Direction
DESCRIPTION OF THE DIRECTION	
<p>Section 30(4) imposes a duty on the Welsh Ministers, in exercising their powers under section 30(3)(c) to reject a draft local Welsh in education strategic plan and give a direction to a local authority to reconsider the plan, to (a) give reasons for the decision and (b) specify by what date the local authority is required to submit a further draft of the plan.</p>	
WHY IS THE POWER/DUTY REQUIRED?	
<p>This is to provide clarity to local authorities on the reasons that have led the Welsh Ministers to give a direction to the local authority to submit a further draft. The duty on the Welsh Ministers to outline the reasons for giving a direction to a local authority to submit a further draft could support the local authority with their preparations to resubmit a further draft, e.g. focusing in particular on the section(s) of the plan that the Welsh Ministers have deemed it necessary to strengthen.</p>	
POLICY INTENT – HOW IS THE DELEGATED POWER INTENDED TO BE USED?	
<p>This power is intended to strengthen and support the approval process of local Welsh in education strategic plans. This power enables the Welsh Ministers to offer clarity and guidance to local authorities who have received a direction to submit a further draft plan, on the issues they deem it necessary to strengthen in order to respond to their targets.</p>	
OTHER RELEVANT INFORMATION	
<p>Nothing to note.</p>	

SECTION	32(3)
FORM	Direction
DESCRIPTION OF THE DIRECTION	
<p>This power enables the Welsh Ministers to give a direction to a local authority to consider amending its local Welsh in Education Strategic Plan if the Welsh Ministers consider that the local authority is unlikely to achieve a relevant target in the National Framework for Welsh Language Education and Learning Welsh, and that the Plan needs to be amended as a result.</p>	
WHY IS THE POWER/DUTY REQUIRED?	
<p>This power is important to support the progress monitoring process of local Welsh in Education Strategic Plans, introducing a procedure for the Welsh Ministers to use if that progress is not considered adequate.</p>	
POLICY INTENT – HOW IS THE DELEGATED POWER INTENDED TO BE USED?	
<p>This power is intended to enable the Welsh Ministers to respond proactively to cases where evidence shows that local planning and action is not achieving the expected progress. The power to direct a local authority to consider amending its Plan also recognises that circumstances beyond a local authority's control may affect its ability to respond to its targets. Any direction to a local authority to consider amending its Plan should be supported by a discussion outlining the rationale. The power allows the local authority the opportunity to respond to the direction to consider amending its Plan, and to offer a reason for not doing so.</p> <p>If a local authority does not decide to amend its plan and the Welsh Ministers are unwilling to accept its reasons for not doing so, then this may result in Welsh Ministers using their powers under the School Standards and Organisation (Wales) Act 2013 in certain circumstances, which allow the Welsh Ministers to intervene in education functions. The Welsh Ministers may also ask His Majesty's Chief Inspector for Education and Training in Wales (in accordance with their powers in section 38 of the Education Act 1997) to inspect how the local authority executes its education functions.</p>	
OTHER RELEVANT INFORMATION	
<p>Nothing to note.</p>	

SECTION	33(1) and (2)
FORM	Regulations
DESCRIPTION OF THE REGULATIONS	
<p>The substance of the provisions in relation to the local Welsh in Education Strategic Plans (sections 28-32) is set out on the face of the Bill. However, section 33(1) provides the Welsh Ministers with a power to make regulations making further provision about local Welsh in Education Strategic Plans, including:</p> <ol style="list-style-type: none"> a) the form and content of a plan; b) the timing of preparing a plan; c) the consultation process when preparing a draft plan; d) the approval of a plan; e) how and when to publish a plan and f) reporting on the implementation of the plan, for example through annual review reports. <p>33(2) presents further information about what the Welsh Ministers can do under the power in 33(1). It states that regulations under sub-section (1) may also make provision to enable two or more authorities to produce a joint local Welsh in education strategic plan, and any such regulations may make provision applying sections 28 to 32 with modifications for that purpose.</p>	
WHY IS THE POWER/DUTY REQUIRED?	
<p>It is appropriate that regulations provide the Welsh Ministers with the flexibility to make further provision about local Welsh in education strategic plans. These regulations will prescribe technical and administrative matters.</p> <p>The regulation-making power under section 33(1) will also enable the Welsh Ministers to go into greater detail on the matters presented in section 28(1) – (3) of the Bill, namely:</p> <ul style="list-style-type: none"> - how the local authority will promote and facilitate Welsh language education and the use of Welsh in schools - taking all reasonable steps to achieve the targets imposed on them in the National Framework - the steps a local authority intends to take to exercise its education functions to improve the provision of Welsh language education and the planning of Welsh language education - the steps a local authority wants to take to promote and provide information about Primarily Welsh Language schools and Dual Language schools - the steps a local authority wants to take to promote and provide information on late immersion provision - the steps a local authority wants to take to facilitate continuity of Welsh language learning and Welsh language education between nursery education and compulsory school age education, and from then to tertiary education. - information about the workforce of learning practitioners 	

These powers could be used to ask local authorities to highlight in their plans how programmes, policies and their wider statutory duties have been considered in pursuit of the targets imposed on them, e.g. Childcare Sufficiency Assessments, early years programmes, school capital, learner travel arrangements, reviews of additional learning needs provisions, workforce plans, amongst others.

It is therefore appropriate that this level of detail is a matter for subordinate legislation as it is likely to vary over time.

Section 33(2) is necessary to make clear that the power in section 33(1) is broad enough to give Ministers the flexibility to vary the requirements in relation to local plans, to ensure the best circumstances for local authorities to make progress against their targets. Collaboration across local authority or regional boundaries is already common among local authorities, eg in relation to learners' travel arrangements between home and school. This power therefore enables the Welsh Ministers to introduce arrangements whereby two or more local authorities could produce a joint plan, should the circumstances call for it.

POLICY INTENT – HOW IS THE DELEGATED POWER INTENDED TO BE USED?

Through the provisions of this Bill, local authority strategic plans will have to respond to targets imposed on them in the National Framework for Welsh Language Education and Learning Welsh ("the National Framework"), and school delivery plans will have to address the targets of their local authorities' strategic plans. The targets imposed on local authorities in the National Framework must reflect national targets set in the Welsh language strategy (section 1(1)). The purpose of co-ordinating the targets is to facilitate the aim of working towards the same goal.

OTHER RELEVANT INFORMATION

In 2013, the concept of Welsh in Education Strategic Plans (WESPs) was introduced in Part 4 of the [School Standards and Organisation \(Wales\) Act 2013](#). Section 87 of that Act provides the Welsh Ministers with a power to produce regulations for WESPs. Section 87 (3) of the Act states that regulations may make provision to enable two or more local authorities to produce a joint plan.

The purpose of the WESPs was to record the intentions of the local authority as to how it will carry out its education functions, for the improvement of:

- the process of planning Welsh-medium education provision
- Welsh-medium education standards
- Welsh language teaching standards.

The Welsh in Education Strategic Plans (Wales) Regulations 2013 came into force on 1 September 2013. On 14 March 2017, it was announced that a rapid review of the Welsh in Education Strategic Plans would be undertaken. The rapid review recognised the findings and recommendations of two previously published reports - a report by the National Assembly for Wales' Children and Young People's Committee published in December 2015, and a report on the Welsh in Education Strategic Plans published by Estyn in September 2016. The review stated that change was needed, not only in the ambition of the individual schemes, but also in the legislative framework that has been set out by the Government.

The Welsh in Education Strategic Plans (Wales) Regulations 2019 came into force on 1 January 2020. On 27 January 2021, guidance was issued to local authorities on how to comply with the provisions of these Regulations.

PART 5 – NATIONAL INSTITUTE FOR LEARNING WELSH

SECTION	38(1)
FORM	Regulations
DESCRIPTION OF THE REGULATIONS	
<p>This power enables the Welsh Ministers to make regulations that give the National Institute for Learning Welsh additional functions in relation to supporting people to learn Welsh or facilitating their progress.</p>	
WHY IS THE POWER/DUTY REQUIRED?	
<p>If the Bill is to succeed, it will need stable and appropriate support for Welsh language education and Welsh language learning long term. Circumstances may change which will necessitate modification of the Institute's functions going forward, or which will call for adding to those functions.</p> <p>This power will provide the Welsh Ministers with the flexibility to give the Institute more functions as needed.</p>	
POLICY INTENT – HOW IS THE DELEGATED POWER INTENDED TO BE USED?	
<p>Given that the Cymraeg 2050 strategy, and its underlying wellbeing goal, is a long-term aspiration, the need to facilitate and support Welsh language learning will continue. It therefore follows that we need to future-proof.</p> <p>This power will ensure that the functions of the Institute can be extended, if it is considered that they support people to learn Welsh or facilitate their progress.</p> <p>For example, if changes were made to the roles and responsibilities of other bodies, or recommendations resulted from Estyn inspections or evidence-based reviews, this power could be used to add to the Institute's functions.</p>	
OTHER RELEVANT INFORMATION	
<p>Nothing to note.</p>	

SECTION	44(8)(a); 44(8)(b)
FORM	Regulations
DESCRIPTION OF THE REGULATIONS	
<p>These powers enable the Welsh Ministers to make regulations detailing a planning phase in relation to the strategic plan of the National Institute for Learning Welsh. The power enables the Welsh Ministers:</p> <ul style="list-style-type: none"> • to determine the first planning period for the Institute (44(8)(a)); and • to amend the 3-year follow-up period set out in the primary legislation (44(8)(b)). 	
WHY IS THE POWER/DUTY REQUIRED?	
<p>These are appropriate to be included in regulations to give the Welsh Ministers the flexibility to set the planning phases for the Institute as necessary.</p>	
POLICY INTENT – HOW IS THE DELEGATED POWER INTENDED TO BE USED?	
<p>The substance of this provision is set out on the face of the Bill. These regulations will prescribe technical and administrative matters.</p> <p>The power under 44(8)(a) is intended to be used to determine the first planning period for the Institute.</p>	
OTHER RELEVANT INFORMATION	
<p>Nothing to note.</p>	

SECTION	Schedule 2, paragraph 2(4).
FORM	Regulations
DESCRIPTION OF THE REGULATIONS	
<p>This power enables the Welsh Ministers to make regulations varying the number of members of the National Institute for Learning Welsh.</p> <p>The power will allow the Welsh Ministers to change the number of non-executive and executive members as necessary, but they must ensure that the number of non-executive members exceeds the number of executive members.</p>	
WHY IS THE POWER/DUTY REQUIRED?	
<p>Circumstances may change which will necessitate modification of the Institute's remit going forward, or which will call for adding to that remit. This power will give Welsh Ministers the flexibility to increase or cut the number of members as necessary.</p>	
POLICY INTENT – HOW IS THE DELEGATED POWER INTENDED TO BE USED?	
<p>We envisage that this power may be used alongside the power to make regulations that give additional functions to the Institute under section 38(1). For example, if Ministers needed to give supplementary functions to the Institute, this power could be used to increase the number of members if necessary to enable the Institute to exercise its supplementary functions.</p>	
OTHER RELEVANT INFORMATION	
<p>Nothing to note.</p>	

SECTION	Schedule 2, paragraph 3(f)
FORM	Regulations
DESCRIPTION OF THE REGULATIONS	
<p>This power enables the Welsh Ministers to specify in regulations the holder of an office, or a member of a body, or a member of staff of a body that are disqualified from being a non-executive member of the National Institute for Learning Welsh.</p>	
WHY IS THE POWER/DUTY REQUIRED?	
<p>A list of persons disqualified from being a non-executive member of the Institute are named on the face of the Bill (Schedule 2, paragraph 3(a)-(e)). It is important that Welsh Ministers can add to this list if necessary.</p> <p>The power will allow the Welsh Ministers the flexibility to add to the disqualified persons as necessary.</p>	
POLICY INTENT – HOW IS THE DELEGATED POWER INTENDED TO BE USED?	
<p>Should there be changes to the roles and responsibilities of other bodies that cause a significant conflict of interest or, for example, if a relevant new body is established, this power may be used to add to the list of disqualified persons.</p>	
OTHER RELEVANT INFORMATION	
<p>Nothing to note.</p>	

SECTION	Schedule 2, paragraph 9(4); Schedule 2, paragraph 9(5).
FORM	Direction
DESCRIPTION OF THE DIRECTION	
<p>These powers enable the National Institute for Learning Welsh to specify in a direction the functions which may not be delegated by a committee or sub-committee of the Institute. They also enable the National Institute for Learning Welsh to direct a committee or sub-committee to vary or revoke any delegation specified in the direction, and to direct a committee to vary or revoke any direction given by the committee.</p> <p>Powers are given to committees of the National Institute for Learning Welsh to give a direction to sub-committees regarding the non-delegation of functions, as well as directing a sub-committee to vary or revoke a delegation given by the sub-committee.</p>	
WHY IS THE POWER/DUTY REQUIRED?	
<p>The Institute, its committees and sub-committees have the powers to delegate functions. Powers may be delegated to committees, sub-committees, members or staff. The directing powers give the Institute and its committees flexibility to control, through a direction, how the functions are exercised.</p>	
POLICY INTENT – HOW IS THE DELEGATED POWER INTENDED TO BE USED?	
<p>Governance and the internal control regime will be a matter primarily for Members of the Institute. The Institute will be expected to give a direction to a committee or sub-committee as soon as reasonably practicable and ensure that any direction is reviewed, amended or repealed if necessary.</p>	
OTHER RELEVANT INFORMATION	
<p>Nothing to note.</p>	

SECTION	Schedule 2, paragraph 10
FORM	Rules
DESCRIPTION OF THE RULES	
<p>This section requires the National Institute for Learning Welsh to make rules to regulate its own procedure. The Institute must make rules that:</p> <ul style="list-style-type: none"> • note the minimum number of members who must be present at any of its meetings to make the proceedings of that meeting valid; • provide that a meeting of the Institute does not constitute a quorum unless a majority of the members present are non-executive members; • regulate the procedure of its committees and sub-committees. <p>The Institute, its committees and sub-committees may also set their own procedure, subject to any rules made by the Institute under sub-paragraph (3) to regulate the procedure of its committees and sub-committees.</p>	
WHY IS THE POWER/DUTY REQUIRED?	
<p>The rules will enable the Institute to put in place a governance procedure and an internal control regime. These details are appropriate for inclusion in rules to give the Institute the flexibility to change the content as necessary.</p>	
POLICY INTENT – HOW IS THE DELEGATED POWER INTENDED TO BE USED?	
<p>Internal regulatory arrangements will be primarily a matter for the Institute. The Institute will be expected to make rules as soon as reasonably practicable and ensure that any arrangements are reviewed, amended or repealed if necessary.</p>	
OTHER RELEVANT INFORMATION	
<p>Nothing to note.</p>	

SECTION	Schedule 2, paragraph 16
FORM	Direction
DESCRIPTION OF THE DIRECTION	
<p>It provides the Welsh Ministers with a power to give a direction as to the information to be included in the statement of accounts of the National Institute for Learning Welsh for each financial year, the manner in which the information is to be presented, and the methods and principles according to which the statement is to be presented. The direction will also enable the Welsh Ministers to set out any additional information that is to accompany the statement.</p>	
WHY IS THE POWER/DUTY REQUIRED?	
<p>The Institute will receive funding from the Welsh Ministers and be accountable to Ministers for that expenditure. The Institute will have a duty to keep appropriate accounts and produce a statement of accounts for each financial year.</p> <p>The details for the statement of accounts are deemed appropriate for inclusion in directions to give the Welsh Ministers the flexibility to change the content as necessary.</p>	
POLICY INTENT – HOW IS THE DELEGATED POWER INTENDED TO BE USED?	
<p>It is intended to publish the direction as soon as reasonably practicable, ensuring that the direction is reviewed, and updated if necessary, at least 6 months before the commencement of each financial year.</p>	
OTHER RELEVANT INFORMATION	
<p>Nothing to note.</p>	

PART 6 - GENERAL

SECTION	46(2)
FORM	Guidance
DESCRIPTION OF THE COMMENCEMENT ORDER	
This section provides the Welsh Ministers with a power to make guidance for local authorities and school governing bodies regarding their functions under the Bill.	
WHY IS THE POWER/DUTY REQUIRED?	
The Bill gives a number of functions to local authorities and school governing bodies. This power is intended to allow the Welsh Ministers the flexibility to prepare guidance, as the need arises, to facilitate the work of local authorities and school governing bodies to exercise their functions under the Bill.	
POLICY INTENT – HOW IS THE DELEGATED POWER INTENDED TO BE USED?	
<p>The policy intention is that the Welsh Ministers will prepare guidance as the Bill, and the secondary legislation under the Bill, are put in place. In particular, guidance is intended to be prepared in relation to:</p> <ul style="list-style-type: none"> - school language categories; - school Welsh language education delivery plans; - community special school Welsh language education plans; - local Welsh in education strategic plans. 	
OTHER RELEVANT INFORMATION	
Currently, prior to the introduction of the Bill, guidance exists regarding the non-statutory language categories as well as guidance regarding Welsh in education strategic plans in local authorities under the School Standards and Organisation (Wales) Act 2013. That guidance will expire when the provisions of the Bill come into force.	

SECTION	53(1)
FORM	Regulations
DESCRIPTION OF THE REGULATIONS	
<p>This section provides the Welsh Ministers with a power to make provision that is incidental or supplementary to any provision in the Bill or that is consequential on any provision in the Bill, and to make transitional provision, transitory provision or saving provision in connection with any provision of the Bill. This includes amending, repealing or revoking any primary or subordinate legislation (including any provision of this Bill) as long as they relate to one of the above provisions.</p>	
WHY IS THE POWER/DUTY REQUIRED?	
<p>This power will be intended to enable the Welsh Ministers to make changes over time, to ensure that this Bill works together with other laws. It is therefore appropriate to introduce regulations to give the Welsh Ministers the flexibility to be able to do so.</p>	
POLICY INTENT – HOW IS THE DELEGATED POWER INTENDED TO BE USED?	
<p>The Welsh Ministers have no immediate plans to use this power. Rather, the power is there to enable the Welsh Ministers to respond to unforeseen future circumstances.</p>	
OTHER RELEVANT INFORMATION	
<p>Nothing to note.</p>	

SECTION	54(3)
FORM	Commencement Order
DESCRIPTION OF THE COMMENCEMENT ORDER	
This section provides the Welsh Ministers with a power to commence the provisions of the Bill by an order.	
WHY IS THE POWER/DUTY REQUIRED?	
<p>Section 54(1) provides which sections come into force the day following the day the Act receives Royal Assent, while section 54(2) provides which sections come into force two months after the Act receives Royal Assent. Other sections, including section 47 which provides for the repeal of provisions in the School Standards and Organisation (Wales) Act 2013, come into force on a day specified by the Welsh Ministers by exercising this power to make an order.</p> <p>It is appropriate to commence provisions by an order as it will be necessary to ensure that implementation arrangements are in place before the sections come into force. For example, the Code for describing Welsh language ability will have to have been published before sections dependent on the existence of the Code can be commenced.</p>	
POLICY INTENT – HOW IS THE DELEGATED POWER INTENDED TO BE USED?	
The policy intent is for the Welsh Ministers to commence the provisions of the Bill over time in a way that enables implementation arrangements to be put in place before they come into force.	
OTHER RELEVANT INFORMATION	
Nothing to note.	