
WELSH STATUTORY INSTRUMENTS

2019 No. 1489 (W. 269)

EDUCATION, WALES

**The Welsh in Education Strategic
Plans (Wales) Regulations 2019**

<i>Made</i>	- - - -	<i>4 December 2019</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>5 December 2019</i>
<i>Coming into force</i>	- -	<i>1 January 2020</i>

The Welsh Ministers, in exercise of the powers conferred on them by sections 84, 87 and 97 of the School Standards and Organisation (Wales) Act 2013⁽¹⁾, make the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Welsh in Education Strategic Plans (Wales) Regulations 2019 and they come into force on 1 January 2020.

(2) These Regulations apply in relation to Wales.

Interpretation

2. In these Regulations—

“the 1998 Act” (“*Deddf 1998*”) means the School Standards and Framework Act 1998⁽²⁾;

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

“the 2014 Act” (“*Deddf 2014*”) means the Education (Wales) Act 2014⁽³⁾;

“FEI” (“*SAB*”) means an institution within the further education sector in Wales as defined by section 91(3) of the Further and Higher Education Act 1992⁽⁴⁾;

“plan” (“*cynllun*”) means a Welsh in education strategic plan as described by section 84(1) of the 2013 Act;

“provider of initial school teacher training” (“*darparwr hyfforddiant cychwynnol athrawon ysgol*”) means a provider of a course or programme of initial school teacher training accredited

(1) 2013 anaw 1. See section 98 for the definition of “prescribed”.

(2) 1998 c. 31.

(3) 2014 anaw 5.

(4) 1992 c. 13.

by the Education Workforce Council under article 3(1)(a) of the Education Workforce Council (Accreditation of Initial Teacher Training) (Additional Functions) (Wales) Order 2017(5);

“reception” (“*blwyddyn derbyn*”) means a year group in which the majority of children will, in the school year, attain the age of 5;

“school learning support worker” (“*gweithiwr cymorth dysgu mewn ysgol*”) means a person who is registered with the Education Workforce Council in the category of school learning support worker as described in table 1 of Schedule 2 to the 2014 Act;

“school teacher” (“*athro neu athrawes ysgol*”) means a person who is registered with the Education Workforce Council in the category of school teacher as described in table 1 of Schedule 2 to the 2014 Act;

“school year” (“*blwyddyn ysgol*”) means the period beginning with the first school term to begin after July and ending with the beginning of the first such term to begin after the following July;

“Welsh in education planning forum” (“*fforwm cynllunio Cymraeg mewn addysg*”) 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;

“year 1” (“*blwyddyn 1*”) means a year group in which the majority of children will, in the school year, attain the age of 6;

“year 10” (“*blwyddyn 10*”) means a year group in which the majority of children will, in the school year, attain the age of 15;

“year group” (“*grŵp blwyddyn*”) means a group of children at a school the majority of whom will, in a particular school year, attain the same age.

Form and content

3. Each plan must include provision dealing with the matters set out in the Schedule.

Duration of ten year plans

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”).

(2) Each subsequent ten year plan has effect for the period of ten years commencing on 1 September in the year when the previous ten year plan expires.

(3) Paragraphs (1) and (2) are subject to regulations 6 (ten year plans not approved by 1 September) and 8 (revision of plans).

Submission of ten year plans to the Welsh Ministers

5.—(1) A local authority must submit its first ten year plan to the Welsh Ministers for approval no later than 31 January 2021.

(2) A local authority must submit each subsequent ten year plan to the Welsh Ministers for approval no later than 31 March in the year the plan will take effect.

Ten year plans not approved by 1 September

6.—(1) If the Welsh Ministers do not approve a ten year plan by 1 September in the year in which that plan is to have effect, then that plan has effect one calendar month after the Welsh Ministers approve the plan.

(2) Paragraph (1) does not affect the date on which the ten year plan will expire (as outlined under regulation 4), unless the plan is replaced by a revised plan in accordance with regulation 8.

Annual review report

7.—(1) A local authority must each year, commencing in 2022, submit a review report to the Welsh Ministers which outlines the progress made to meet the targets contained in its plan and the steps it has taken as a result of the statements in its plan.

(2) The first review report must be submitted to the Welsh Ministers no later than 31 July 2022 and will outline the progress made and the steps taken by the local authority in the period since the first ten year plan has effect.

(3) Subsequent review reports must be submitted to the Welsh Ministers at intervals not exceeding 12 months from the submission of the previous report and will outline the progress made and the steps taken by the local authority in the period since the submission of the previous report.

Revision of plans

8.—(1) During or following the preparation of the review report under regulation 7, if the local authority decides to revise its plan, it must submit the revised plan to the Welsh Ministers for approval no later than 6 calendar months after the review report has been submitted.

(2) The plan which the revised plan replaces ceases to have effect one calendar month after approval of the revised plan.

(3) The revised plan has effect one calendar month after approval of the revised plan and has effect for the remainder of the period for which the plan it replaces originally had effect.

Preparation and consultation

9. The persons prescribed for the purposes of section 84(4)(f) of the 2013 Act (persons a local authority must consult in preparing a ten year plan or revised plan⁽⁶⁾) are—

- (a) the Welsh Language Commissioner (within the meaning of section 2 of the Welsh Language (Wales) Measure 2011⁽⁷⁾);
- (b) the Early Years Development and Childcare Partnership (within the meaning of section 119 of the 1998 Act);
- (c) Her Majesty's Chief Inspector of Education and Training in Wales;
- (d) providers of initial school teacher training;
- (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.

Timing of publication

10. A local authority must publish its plan (or revised plan) on or before the date the plan takes effect.

⁽⁶⁾ These persons are in addition to those listed in section 84(4) of the 2013 Act.

⁽⁷⁾ 2011 *nawm* 1.

Manner of publication

- 11.** A local authority must publish its plan (or revised plan) by—
- (a) placing it on its website; and
 - (b) making copies of the plan available for inspection by members of the public at—
 - (i) each of its offices that are open to the public;
 - (ii) any other place it considers appropriate.

Revocation and savings

12.—(1) Subject to paragraph (2), the Welsh in Education Strategic Plans and Assessing Demand for Welsh Medium Education (Wales) Regulations 2013⁽⁸⁾ are revoked.

(2) A local authority's plan which has effect immediately prior to the coming into force of these Regulations will continue to have effect until the local authority's first ten year plan has effect.

Kirsty Williams
Minister for Education, one of the Welsh
Ministers

4 December 2019

SCHEDULE

Regulation 3

1.—(1) A target outlining the expected increase of Year 1 children taught through the medium of Welsh in the local authority's area during the lifespan of the plan.

(2) In calculating the target, local authorities must have regard to guidance issued by the Welsh Ministers under section 87(4) of the 2013 Act.

2. A statement setting out how the local authority will achieve the expected increase in Year 1 children taught through the medium of Welsh during the lifespan of the plan.

3. A statement setting out how the local authority will use data derived from its review of the sufficiency of childcare provision for its area (under duties set out in regulation 3 of the Childcare Act 2006 (Local Authority Assessment) (Wales) Regulations 2016⁽⁹⁾) to inform planning of Welsh medium education.

4.—(1) A target outlining the expected increase in the number of children in reception taught through the medium of Welsh in the local authority's area during the lifespan of the plan.

(2) A statement setting out how the local authority will achieve the expected increase in the number of children in reception taught through the medium of Welsh during the lifespan of the plan.

5. A statement setting out how applications the local authority makes for grant funding from the Welsh Ministers in respect of its maintained schools will take account of the target to increase the number of Year 1 children taught through the medium of Welsh during the lifespan of the plan.

6. A statement setting out how the local authority will work on a collaborative basis with other local authorities by exercising their functions jointly to ensure continuity in arrangements for persons accessing Welsh medium education outside its area.

7. A statement setting out the local authority's arrangements with regard to their provision for latecomers⁽¹⁰⁾ to Welsh medium education, including how and when information is provided to parents and guardians.

8. A statement setting out how the local authority has worked in partnership with its Welsh in education planning forum (if established in the local authority's area) to prepare the authority's plan and how the forum will oversee its implementation and evaluation.

9. A statement setting out—

- (a) how the local authority will provide parents and guardians with information as to the availability and type of Welsh medium education provision on offer;
- (b) how it will provide parents and guardians with information stating that Welsh medium education is an option for persons regardless of their linguistic background;
- (c) how it will make best use of information regarding the benefits that bilingualism and multilingualism can bring.

10. A statement setting out how the local authority will ensure the continuation of persons taught in Welsh on transfer from one year group to another and plan accordingly if retention rates are a cause for concern for the authority.

11.—(1) A target outlining the expected increase during the lifespan of the plan in the amount of Welsh medium education provided in its maintained schools which provide education through the medium of both English and Welsh.

⁽⁹⁾ S.I. 2016/88 (W. 42).

⁽¹⁰⁾ Children (aged 7 years or over) who do not speak Welsh but wish to access Welsh medium education after the end of the foundation phase.

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

(2) A statement setting out how the local authority will achieve the expected increase during the lifespan of the plan in the amount of Welsh medium education provided in its maintained schools which provide education through the medium of both English and Welsh.

12.—(1) A target outlining the expected increase during the lifespan of the plan in the number and percentage of persons in year 10 and over in its maintained secondary schools who are studying for qualifications and are assessed through the medium of Welsh.

(2) A statement setting out how the local authority will achieve the expected increase during the lifespan of the plan in the number and percentage of persons in year 10 and over in its maintained secondary schools who are studying for qualifications and are assessed through the medium of Welsh.

13. A statement setting out how the local authority will support the continued provision of Welsh medium education for persons in year 10 and above by working collaboratively with other schools and FEIs if necessary.

14. A statement setting out how the local authority will work with its schools and FEIs (if necessary) to co-ordinate the provision of Welsh as a subject to persons in year 10 and above in its maintained secondary schools.

15. A statement setting out how the local authority will improve the Welsh language skills of persons receiving Welsh medium education in any school it maintains in order to improve the standards of Welsh medium education.

16. A statement setting out how the local authority will use the findings of its reviews under section 63 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018⁽¹¹⁾ to improve Welsh language provision for persons with additional learning needs and for workforce planning within the additional learning needs sector.

17. A statement setting out the local authority's commitment to identify the workforce it requires to provide Welsh medium education during the lifespan of the plan in accordance with the plan's targets, and to calculate any anticipated shortfall in its workforce.

18. A statement setting out the local authority's commitment to work on a collaborative basis with other local authorities by exercising their functions jointly in planning and delivering support to improve the Welsh language skills of school teachers and school learning support workers in maintained schools in its area.

19. A statement setting out the local authority's commitment, in collaboration with other local authorities and other agencies, to ensure that the plan is taken into account during considerations regarding the Welsh medium educational standards of maintained schools in its area.

20. A statement setting out how the local authority, in collaboration with other local authorities as necessary, will promote access to education and training through the medium of the Welsh language in relation to learner transport in line with the duty set out under section 10 of the Learner Travel (Wales) Measure 2008⁽¹²⁾.

(11) 2018 anaw 2.

(12) 2008 nawm 2.

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 plan to the Welsh Ministers for approval prior to that plan being published.

These Regulations are made under sections 84, 87 and 97 of the 2013 Act. They make provision for a local authority to prepare a ten year plan, the first to have effect from 1 September 2021, subject to the Welsh Ministers’ approval. They also make provision for the following matters:

- (a) the form and content of the plan (regulation 3);
- (b) the duration of the plan (regulation 4);
- (c) the date by which the plan must be submitted to the Welsh Ministers for approval (regulation 5);
- (d) the approval of a plan (regulation 6);
- (e) timescales for submitting a review report (regulation 7);
- (f) arrangements for revising a plan (regulation 8);
- (g) the persons and bodies that a local authority must consult on the draft plan (regulation 9);
- (h) the date by which the plan must be published (regulation 10);
- (i) the manner of publication of a plan (regulation 11);
- (j) the revocation, with savings, of the Welsh in Education Strategic Plans and Assessing Demand for Welsh Medium Education (Wales) Regulations 2013 (regulation 12).

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Pupil Wellbeing Branch, the Support for Learners Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.