

Cynulliad  
Cenedlaethol  
Cymru

National  
Assembly for  
Wales



## RHESTR O WELLIANNAU WEDI'U DIDIOLI MARSHALLED LIST OF AMENDMENTS

### Mesur Arfaethedig ynghylch Addysg (Cymru) Proposed Education (Wales) Measure

Mae'r gwelliannau â \* ar eu bwys yn rhai newydd neu'n rhai sydd wedi'u haddasu  
Amendments marked \* are new or have been altered

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Caiff y Mesur ei ystyried yn y drefn a ganlyn –  
The Measure will be considered in the following order –

Sections 1-33	Adrannau 1-33
New Sections	Adrannau Newydd
Long Title	Teitl Hir

#### **Leighton Andrews**

Section 8, page 6, leave out lines 24 to 29.

Adran 8, tudalen 6, gadewch allan linellau 22 i 27.

**Leighton Andrews**

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Section 11, page 8, after line 11, insert –

- ( ) A local authority must, in accordance with regulations, consult the following persons on the published proposals –
  - (a) the governing bodies of the schools or federations to be federated;
  - (b) the staff of the schools;
  - (c) one or more bodies (if any) appearing to the authority to represent the interests of the staff of the schools;
  - (d) in so far as is practicable, registered pupils at the schools and their parents.
- ( ) Subsections (2) and ( ) do not apply in relation to a proposal for a federation consisting only of small schools.
- ( ) In relation to a proposal for a federation consisting only of small schools the local authority must, in accordance with regulations, consult the governing bodies of the schools concerned.
- ( ) A “small school” in subsections ( ) and ( ) means a maintained school that, on the date that the proposal is made under subsection (1), is a small maintained school as defined in an order under section 15.’.

Adran 11, tudalen 8, ar ôl llinell 11, ychwanegwch –

- ( ) Rhaid i awdurdod lleol, yn unol â rheoliadau, ymgynghori â’r personau canlynol ar y cynigion a gyhoeddir –
  - (a) cyrff llywodraethu ysgolion neu ffederasiynau i’w ffedereiddio;
  - (b) staff yr ysgolion;
  - (c) un neu ragor o gyrff (os oes) yr ymddengys i’r awdurdod eu bod yn cynrychioli buddiannau staff yr ysgolion;
  - (d) i’r graddau y mae’n ymarferol, disgyblion a gofrestrwyd yn yr ysgolion a’u rhieni.
- ( ) Nid yw is-adran (2) na ( ) yn gymwys mewn perthynas â chynnig ar gyfer ffederasiwn a ffurfir o ysgolion bach yn unig.
- ( ) Mewn perthynas â chynnig ar gyfer ffederasiwn a ffurfir o ysgolion bach yn unig, rhaid i’r awdurdod lleol, yn unol â rheoliadau, ymgynghori â chyrff llywodraethu’r ysgolion dan sylw.
- ( ) Ystyr “ysgol fach” yn is-adrannau ( ) a ( ) yw ysgol a gynhelir sydd, ar y dyddiad y gwneir y cynnig o dan is-adran (1), yn ysgol fach a gynhelir yn ôl y diffiniad mewn gorchymyn o dan adran 15.’.

**Leighton Andrews**

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Section 11, page 8, line 13, leave out ‘published’.

Adran 11, tudalen 8, llinell 13, gadewch allan ‘cyhoeddedig’.

- Leighton Andrews** 4  
Section 11, page 8, line 25, after ‘make’, insert ‘further’.  
Adran 11, tudalen 8, llinell 25, ar ôl ‘darpariaeth’, ychwanegwch ‘bellach’.
- Leighton Andrews** 5  
Section 11, page 8, line 27, after ‘the’, insert ‘making, ’.  
Adran 11, tudalen 8, llinell 27, gadewch allan ‘gyhoeddi’ a rhowch yn ei le ‘wneud, cyhoeddi’.
- Leighton Andrews** 6  
Section 11, page 8, line 31, leave out ‘(before or after publication)’.  
Adran 11, tudalen 8, llinell 32, gadewch allan ‘(cyn neu ar ôl eu cyhoeddi)’.
- Leighton Andrews** 7  
Section 12, page 9, line 10, leave out ‘published’ and insert ‘made’.  
Adran 12, tudalen 9, llinell 10, gadewch allan ‘gyhoeddodd’ a rhowch yn ei le ‘wnaeth’.
- Leighton Andrews** 8  
Section 12, page 9, line 16, leave out ‘published’ and insert ‘made’.  
Adran 12, tudalen 9, llinell 15, gadewch allan ‘gyhoeddodd’ a rhowch yn ei le ‘wnaeth’.
- Leighton Andrews** 9  
Page 10, line 24, leave out section 16.  
Tudalen 10, llinell 29, gadewch allan adran 16.
- Leighton Andrews** 11  
Section 19, page 11, after line 37, insert –  
    ‘( ) In section 19 –  
        (a) in subsection (8), before “Subsection (1)” insert “In relation to maintained schools in England,”;  
        (b) after subsection (8), insert –  
            “(9) In relation to maintained schools in Wales, subsection (1) has effect subject to Chapter 1 of Part 2 of the Education (Wales) Measure 2011; and regulations under this section may include provision with respect to the governing bodies of federations (within the meaning of section 20(1) of that Measure).”

- ( ) In section 20 –
- (a) in subsection (4), before “Subsection (1)” insert “In relation to maintained schools in England,”;
  - (b) after subsection (4), insert –  
“(4A) In relation to maintained schools in Wales, subsection (1) has effect subject to Chapter 1 of Part 2 of the Education (Wales) Measure 2011; and regulations under subsection (2) may include provision with respect to instruments of government for federations (within the meaning of section 20(1) of that Measure).” ‘.
- Adran 19, tudalen 11, ar ôl llinell 39, ychwanegwch –
- ‘( ) Yn adran 19 –
- (a) yn is-adran (8), o flaen “Subsection (1)” mewnosoder “In relation to maintained schools in England,”;
  - (b) ar ôl is-adran (8), mewnosoder –  
“(9) In relation to maintained schools in Wales, subsection (1) has effect subject to Chapter 1 of Part 2 of the Education (Wales) Measure 2011; and regulations under this section may include provision with respect to the governing bodies of federations (within the meaning of section 20(1) of that Measure).” ‘.
- ( ) Yn adran 20 –
- (a) yn is-adran (4), o flaen “Subsection (1)” mewnosoder “In relation to maintained schools in England,”;
  - (b) ar ôl is-adran (4), mewnosoder –  
“(4A) In relation to maintained schools in Wales, subsection (1) has effect subject to Chapter 1 of Part 2 of the Education (Wales) Measure 2011; and regulations under subsection (2) may include provision with respect to instruments of government for federations (within the meaning of section 20(1) of that Measure).” ‘.

## Leighton Andrews

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Section 19, page 12, after line 10, insert –

- ‘( ) In section 39(1), after “federated school” insert “in relation to England”.
- ( ) In paragraph 5 of Schedule 1, after sub-paragraph (1) insert –
- “(1A) Sub-paragraph (1) does not apply if –
    - (a) the school is a federated school in Wales, and
    - (b) immediately after the discontinuance date, there will be more than one other school remaining in the federation.
  - (1B) “Federation” in sub-paragraph (1A) means a group of schools that are federated by virtue of Chapter 1 of Part 2 of the Education (Wales) Measure 2011 or were federated by virtue of section 24 before the

coming into force of that Chapter, and “federated school” means a school forming part of a federation.”’.

Adran 19, tudalen 12, ar ôl llinell 10, ychwanegwch –

( ) Yn adran 39(1), ar ôl “federated school” mewnosoder “in relation to England”.

( ) Ym mharagraff 5 o Atodlen 1, ar ôl is-baragraff (1) mewnosoder –

“(1A)Sub-paragraph (1) does not apply if –

(a) the school is a federated school in Wales, and

(b) immediately after the discontinuance date, there will be more than one other school remaining in the federation.

(1B) “Federation” in sub-paragraph (1A) means a group of schools that are federated by virtue of Chapter 1 of Part 2 of the Education (Wales) Measure 2011 or were federated by virtue of section 24 before the coming into force of that Chapter, and “federated school” means a school forming part of a federation.”’.

### Leighton Andrews

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Section 20, page 12, leave out lines 13 to 18.

Adran 20, tudalen 12, gadewch allan linellau 14 i 18.

### Leighton Andrews

15

Section 30, page 16, after line 19, insert –

“enactment” (“deddfiad”) means any of the following, whenever passed or made –

(a) an Act of Parliament,

(b) a Measure or Act of the National Assembly for Wales,

(c) subordinate legislation within the meaning of section 21(1) of the Interpretation Act 1978, including subordinate legislation made under any Measure or Act of the National Assembly for Wales,

(d) a provision of any such Act or Measure or subordinate legislation;’.

Adran 30, tudalen 16, ar ôl llinell 19, ychwanegwch –

‘ystyr “deddfiad” (“enactment”) yw unrhyw un neu ragor o’r canlynol, pryd bynnag y cawsant eu pasio neu eu gwneud –

(a) Deddf Seneddol,

(b) Mesur neu Ddeddf gan Gynulliad Cenedlaethol Cymru,

(c) is-ddeddfwriaeth yn ystyr adran 21(1) o Ddeddf Dehongli 1978, gan gynnwys is-ddeddfwriaeth a wneir o dan unrhyw Fesur neu Ddeddf gan Gynulliad Cenedlaethol Cymru,

(d) darpariaeth mewn unrhyw Ddeddf, Mesur neu is-ddeddfwriaeth o’r fath;’.

**Leighton Andrews**

10

To insert a new section –

**(1) Federation of schools causing concern by direction of the Welsh Ministers**

(1) The School Standards and Framework Act 1998 is amended as follows.

(2) In section 14(3), after paragraph (a) insert –

“(aa) the Welsh Ministers have exercised in relation to the school their powers under section 18B (power to direct federation of schools); or”

(3) After section 18A insert –

**“18B Power of Welsh Ministers to direct federation of schools**

(1) A maintained school is a “school causing concern” for the purpose of this section if, at any time –

(a) section 15 applies to the school by virtue of subsection (4) or (6) of that section; or

(b) the Welsh Ministers are satisfied that –

(i) the standards of performance of pupils at the school are unacceptably low and are likely to remain so unless they exercise their powers under this section, or

(ii) that there has been a serious breakdown in the way the school is managed or governed which is prejudicing, or likely to prejudice, such standards of performance, or

(iii) that the safety of pupils or staff of the school is threatened (whether by a breakdown of discipline or otherwise), or

(iv) that the governing body has failed to comply with a provision of an order under section 122 of the Education Act 2002 (teachers' pay and conditions) that applies to a teacher at the school, or

(v) that the governing body has failed to secure that the head teacher of the school complies with such a provision.

(2) For the purposes of subsection (1)(b) the standards of performance of pupils at a school are low if they are low by reference to any one or more of the following –

(a) the standards that the pupils might in all the circumstances reasonably be expected to attain,

(b) where relevant, the standards previously attained by them, or

(c) the standards attained by pupils at comparable schools.

(3) The Welsh Ministers may direct any one or more of the following persons, as appropriate, to provide for one or more of the arrangements set out in subsection (4) –

(a) a local authority;

(b) a governing body of a maintained school;

- (c) a governing body of a federation.
- (4) The arrangements are –
  - (a) the federation of the school causing concern and one or more maintained schools;
  - (b) the federation of the school causing concern and an existing federation;
  - (c) the federation of the school causing concern and an existing federation and one or more maintained schools;
  - (d) where the school causing concern is part of a federation, the federation of that federation and one or more maintained schools;
  - (e) where the school causing concern is part of a federation, the federation of that federation and another existing federation;
  - (f) where the school causing concern is part of a federation, the federation of that federation and an existing federation and one or more maintained schools;
  - (g) where the school causing concern is part of a federation, for the school to leave that federation.
- (5) Before giving a direction under subsection (3), the Welsh Ministers must consult –
  - (a) the local authority;
  - (b) the governing bodies concerned;
  - (c) in the case of a Church in Wales school or a Roman Catholic Church school, the appropriate diocesan authority; and
  - (d) in the case of any other foundation or voluntary school, the person or persons by whom the foundation governors are appointed.
- (6) A person subject to a direction under this section must comply with it.
- (7) A direction under this section –
  - (a) must be in writing,
  - (b) must be published,
  - (c) may be varied or revoked by further direction, and
  - (d) is enforceable by mandatory order on application by the Welsh Ministers to the High Court.
- (8) In this section “federation” has the meaning given by section 20(1) of the Education (Wales) Measure 2011.” ‘.

I ychwanegu adran newydd –

**‘(1) Ffedereiddio ysgolion sy’n peri pryder drwy gyfarwyddyd gan Weinidogion Cymru**

- (1) Mae Deddf Safonau a Fframwaith Ysgolion 1998 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 14(3), ar ôl paragraff (a) mewnosoder –

“(aa) the Welsh Ministers have exercised in relation to the school their powers under section 18B (power to direct federation of schools); or”

(3) Ar ôl adran 18A mewnosoder –

**“18B Power of Welsh Ministers to direct federation of schools**

- (1) A maintained school is a “school causing concern” for the purpose of this section if, at any time –
  - (a) section 15 applies to the school by virtue of subsection (4) or (6) of that section; or
  - (b) the Welsh Ministers are satisfied that –
    - (i) the standards of performance of pupils at the school are unacceptably low and are likely to remain so unless they exercise their powers under this section, or
    - (ii) that there has been a serious breakdown in the way the school is managed or governed which is prejudicing, or likely to prejudice, such standards of performance, or
    - (iii) that the safety of pupils or staff of the school is threatened (whether by a breakdown of discipline or otherwise), or
    - (iv) that the governing body has failed to comply with a provision of an order under section 122 of the Education Act 2002 (teachers' pay and conditions) that applies to a teacher at the school, or
    - (v) that the governing body has failed to secure that the head teacher of the school complies with such a provision.
- (2) For the purposes of subsection (1)(b) the standards of performance of pupils at a school are low if they are low by reference to any one or more of the following –
  - (a) the standards that the pupils might in all the circumstances reasonably be expected to attain,
  - (b) where relevant, the standards previously attained by them, or
  - (c) the standards attained by pupils at comparable schools.
- (3) The Welsh Ministers may direct any one or more of the following persons, as appropriate, to provide for one or more of the arrangements set out in subsection (4) –
  - (a) a local authority;
  - (b) a governing body of a maintained school;
  - (c) a governing body of a federation.
- (4) The arrangements are –
  - (a) the federation of the school causing concern and one or more maintained schools;



- (b) the federation of the school causing concern and an existing federation;
  - (c) the federation of the school causing concern and an existing federation and one or more maintained schools;
  - (d) where the school causing concern is part of a federation, the federation of that federation and one or more maintained schools;
  - (e) where the school causing concern is part of a federation, the federation of that federation and another existing federation;
  - (f) where the school causing concern is part of a federation, the federation of that federation and an existing federation and one or more maintained schools;
  - (g) where the school causing concern is part of a federation, for the school to leave that federation.
- (5) Before giving a direction under subsection (3), the Welsh Ministers must consult –
- (a) the local authority;
  - (b) the governing bodies concerned;
  - (c) in the case of a Church in Wales school or a Roman Catholic Church school, the appropriate diocesan authority; and
  - (d) in the case of any other foundation or voluntary school, the person or persons by whom the foundation governors are appointed.
- (6) A person subject to a direction under this section must comply with it.
- (7) A direction under this section –
- (a) must be in writing,
  - (b) must be published,
  - (c) may be varied or revoked by further direction, and
  - (d) is enforceable by mandatory order on application by the Welsh Ministers to the High Court.
- (8) In this section “federation” has the meaning given by section 20(1) of the Education (Wales) Measure 2011.”’.

## Leighton Andrews

13

To insert a new section –

### **‘( ) Minor and consequential amendments to the Education Act 2005**

In section 68 of the Education Act 2005 for “section 24(2) of the Education Act 2002” substitute “section 20(1) of the Education (Wales) Measure 2011”.’.

I ychwanegu adran newydd –

**'() Mân ddiwygiadau a diwygiadau canlyniadol i Ddeddf Addysg 2005**

Yn adran 68 o Ddeddf Addysg 2005 yn lle "section 24(2) of the Education Act 2002"  
rhodder "section 20(1) of the Education (Wales) Measure 2011".