

Subject: **Education and Training**

Last updated: 23 January 2008

This tracking note provides an updated log of amendments, both proposed and enacted, to **Field 5** of Schedule 5 to the [Government of Wales Act 2006](#) ('the Act'). This is the field relating to **education and training**.

Information on amendments to the Act, outside Field 5, is also included when the amendments affect the legislative competence provided by a Matter in Field 5. Information on the source of the amendment and, where relevant, the latest information on the stage of any proposal is also provided. Matters have been grouped according to the legislation that has amended, or proposes to amend, the Act.

The '**Excepted Matters Table**' is available as a separate Assembly Powers Tracking Note.

- (P)** This indicates the Matter has, or group of Matters have, been proposed but are not yet enacted.

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**Matter 5.10A**

5.10A Inspection of education and training provided for children of compulsory school age.

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5.17 Additional learning needs

**Interpretation of this field**

## Matters 5.1 – 5.10

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<b>Status:</b>	Enacted
<b>Source:</b>	National Assembly for Wales Statutory Instrument <a href="#">The National Assembly for Wales (Legislative Competence) (Conversion of Framework Powers) Order 2007</a> added Matters <b>5.1 to 5.10</b> .
<b>Latest Information:</b>	<b>Exceptions to Matter 5.10</b>  Articles 2(2) and 2(4) of the proposed <a href="#">National Assembly for Wales (Legislative Competence) (No. 2) Order</a> (No.2 Order) seek to place the excepted matters listed under Matter 5.10 in a new table of excepted matters to be included after Field 20.  In addition to the movement of the excepted matters to a new table, the proposed No.2 Order seeks to amend the excepted matter that relates to harbours. It is currently listed as sub-section (n) of Matter 5.10 (see below).  The newly proposed version is provided in the table of exceptions, in the proposed No. 2 Order, as exception number 15. However, this amendment does not affect the substance of the exception as it applies to Matter 5.10.

### **Matter 5.1**

Provision about the categories of school that may be maintained by local education authorities.

### **Matter 5.2**

Provision about the establishment and discontinuance of schools maintained by local education authorities, their change from one category to another and their alteration in other respects.

### **Matter 5.3**

Provision about the admission of pupils to schools maintained by local education authorities.

### **Matter 5.4**

Provision about the curriculum in schools maintained by local education authorities.

### **Matter 5.5**

Provision about school attendance, the behaviour of pupils at school, school discipline and the exclusion of pupils from school (including the duties of parents in connection with those matters).

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**Matter 5.6**

Provision about the making of arrangements for the provision of education for persons of compulsory school age who have been excluded from schools or who for any other reason would not otherwise receive suitable education.

**Matter 5.7**

Provision about entitlement to primary, secondary and further education and to training.

**Matter 5.8**

Provision about the provision of services that are intended to encourage, enable or assist people—

- (a) to participate effectively in education or training,
- (b) to take advantage of opportunities for employment, or
- (c) to participate effectively in the life of their communities.

**Matter 5.9**

Provision about food and drink provided on school premises or provided for children at a place where they receive education or childcare.

**Matter 5.10**

Provision about the travel of persons receiving primary, secondary or further education or training to and from the schools or other places where they receive it.

This does not include provision about any of the following—

- (a) the regulation of the use of motor vehicles on roads, their construction and equipment and conditions under which they may be so used;
- (b) road traffic offences;
- (c) driver licensing;
- (d) driving instruction;
- (e) insurance of motor vehicles;
- (f) drivers' hours;
- (g) traffic regulation on special roads, pedestrian crossings, traffic signs and speed limits;
- (h) public service vehicle operator licensing;
- (i) the provision and regulation of railway services, apart from financial assistance which—
  - (i) does not relate to the carriage of goods,
  - (ii) is not made in connection with a railway administration order, and
  - (iii) is not made in connection with Council Regulation (EEC) 1191/69 as amended by Council Regulation (EEC) No. 1893/91 on public service obligations in transport;

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- (j) transport security;
- (k) shipping, apart from financial assistance for shipping services to, from or within Wales;
- (l) navigational rights and freedoms, apart from regulation of works which may obstruct or endanger navigation;
- (m) technical and safety standards of vessels;
- (n) harbours, docks, piers and boatslips, apart from those used or required wholly or mainly for communications between places in Wales;
- (o) registration of local bus services, and the application and enforcement of traffic regulation conditions in relation to those services.

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<b>Status:</b>	Proposed (brought forward by the UK Government)
<b>Source:</b>	UK Parliament Bill  Clause 132 of the <a href="#">Education and Skills Bill</a> proposes to insert Matter 5.10A into Field 5 of Schedule 5 to the <i>Government of Wales Act 2006</i> .
<b>Latest Information:</b>	The Bill received its <a href="#">second reading</a> on 14 January 2008.  The <a href="#">explanatory note</a> provides more information.  Further information on the Bill's progress is available <a href="#">here</a> .

### **Matter 5.10A**

The inspection of education or training provided (whether or not at a school) for children who are not above compulsory school age.

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## Matters 5.11 – 5.16 (Further Education)

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<b>Status:</b>	Enacted (Commences on 23 December 2007 (specified date))
<b>Source:</b>	Act of Parliament The <a href="#">Further Education and Training Act 2007</a> will add Matters <b>5.11 to 5.16</b> .
<b>Latest information:</b>	The <a href="#">Further Education and Training Act 2007 (chapter 25)</a> received Royal Assent on <b>23 October 2007</b> .  The Section of this Act that inserts Matters 5.11 to 5.16 comes into force on <b>23 December 2007</b> (provisional date).

### **Matter 5.11**

Provision for and in connection with securing the provision of facilities for post-16 education or training.

### **Matter 5.12**

Provision for and in connection with the establishment and dissolution of—

- (a) institutions concerned with the provision of further education, and
- (b) bodies that conduct such institutions, including the circumstances in which an educational institution becomes or ceases to be an institution concerned with the provision of further education.

Provision about—

- (a) the conduct and functions of such institutions and bodies that conduct such institutions;
- (b) the property, rights and liabilities of such institutions and bodies that conduct such institutions;
- (c) property held by any person for the purposes of such an institution;
- (d) the governance and staff of such institutions.

### **Matter 5.13**

Provision for and in connection with securing collaboration—

- (a) between bodies that conduct institutions concerned with the provision of further education, or
- (b) between one or more such bodies and other persons or bodies that have functions relating to education or training in Wales, including, in particular, provision for and in connection with the establishment of bodies for the purpose of discharging functions on behalf of one or more persons or bodies that are party to arrangements for collaboration.

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**Matter 5.14**

The provision of financial resources for and in connection with—

- (a) education or training provided by institutions concerned with the provision of further education;
- (b) post-16 education or training provided otherwise than by such institutions;
- (c) the carrying out of research relating to education or training falling within paragraph (a) or (b).

**Matter 5.15**

The inspection of—

- (a) education or training provided by institutions concerned with the provision of further education;
- (b) post-16 education or training provided otherwise than by such institutions;
- (c) the training of teachers and specialist teaching assistants for schools;
- (d) services of the kinds mentioned in matter 5.8.

**Matter 5.16**

The provision of advice and information in connection with, and the carrying out of studies in relation to, any of the kinds of education, training or services mentioned in matter 5.15.

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## Matter 5.17 Additional learning needs

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<b>Status:</b>	Proposed (brought forward by the Welsh Assembly Government)
<b>Source:</b>	National Assembly for Wales Proposed Legislative Competence Order  The proposed <a href="#">National Assembly for Wales (Legislative Competence Order) 2007</a> seeks to add Matter 5.17.
<b>Latest Information:</b>	<p><b>The Assembly</b></p> <p>The LCO and accompanying <a href="#">Explanatory Memorandum</a> were laid in the National Assembly on 11 June 2007.</p> <p>A legislation committee has been established to scrutinise this proposed LCO.</p> <p>The Committee laid its <a href="#">report on the proposed LCO</a> on 28 November 2007.</p> <p>The Committee proceedings are available <a href="#">here</a>.</p> <p><b>Westminster</b></p> <p>The <a href="#">Welsh Affairs Select Committee</a> has launched a <a href="#">call for evidence</a> seeking the views of all interested parties on the proposals contained within the proposed LCO. This consultation has now closed.</p> <p>The Welsh Affairs Select Committee took evidence from the Parliamentary Under Secretary of State for Wales, Huw Irranca-Davies MP, on 7 November 2007.</p> <p>The Welsh Affairs Select Committee took evidence from the Minister for Children, Education Lifelong Learning and Skills, Jane Hutt AM on 21 November 2007.</p> <p>The Welsh Affairs Select Committee published its <a href="#">report on the proposed LCO</a> on 21 December 2007.</p> <p>The <a href="#">Constitution Committee</a> of the House of Lords has considered the proposed LCO.</p>

### **Matter 5.17**

Education and training for—

- (a) persons who have a greater difficulty in learning than the majority of persons of the same age as those persons;
- (b) persons who have a disability.

A person has a disability for the purposes of this matter if that person has a physical or mental impairment.



This matter does not include travel arrangements for persons receiving education or training to and from the places where they receive it.

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## Interpretation of this field

[The National Assembly for Wales \(Legislative Competence\) \(Conversion of Framework Powers\) Order 2007](#) added the title 'Interpretation of this field'. Under this title it also added 'Expressions used in this field and in the Education Act 1996 have the same meaning in this field as in that Act.'

[The Further Education and Training Act 2007](#) will add, immediately underneath the title 'Interpretation of this field':

"post-16 education" means—

- (a) education (other than higher education) suitable to the requirements of persons who are above compulsory school age, and
- (b) organised leisure-time occupation connected with such education;

"post-16 training" means—

- (a) training suitable to the requirements of persons who are above compulsory school age, and
- (b) organised leisure-time occupation connected with such training.

References in this field to an institution concerned with the provision of further education are references to an educational institution, other than a school or an institution within the higher education sector (within the meaning of the Further and Higher Education Act 1992), that is conducted (whether or not exclusively) for the purpose of providing further education.

[Expressions used in this field and in the Education Act 1996 have the same meaning in this field as in that Act.]\*

\* *This final paragraph is from [The National Assembly for Wales \(Legislative Competence\) \(Conversion of Framework Powers\) Order 2007](#)*

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