

SL(6)220 – The Education in Multiple Settings (Wales) Regulations 2022

Background and Purpose

The Curriculum and Assessment (Wales) Act 2021 establishes a new framework for a curriculum and makes provision about assessment for pupils and children in Wales.

These Regulations require the appropriate local authority to make and review a plan for those children and pupils who are educated in more than one setting. The plan must set out the teaching and learning to be provided for the child or pupil at each setting, and the assessment arrangements that will apply to the child or pupil at each setting.

The commencement of these Regulations will mirror the planned roll out of the new curriculum, being phased in over a period of time by year group.

Procedure

Negative

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument:

1. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

The term “head teacher” appears in these Regulations but is not defined. Other instruments in the suite, such as *the Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Secondary Legislation) (No. 2) Regulations 2022*, do define the term “head teacher” (as having the meaning given to it in section 579(1) of the Education Act 1996).

We ask the Welsh Government to explain the inconsistency in the approach used across the suite, as it could cause confusion to the reader.



Welsh Government response

Merit Scrutiny point 1:

The Welsh Government notes the Committee Report and agrees with its conclusion. There is a partial definition of the term “head teacher” in section 579(1) of the Education Act 1996 to the effect that head teacher includes acting head teacher. The term acting head teacher is not itself defined in the 1996 Act. The Welsh Government agrees that it would have been helpful to the reader to have referred the reader to the partial definition in section 579(1) of the 1996 Act. We will amend the 2022 Regulations to address this point at the next available opportunity.

Committee Consideration

The Committee considered the instrument and Government response at its meeting on 4 July 2022 and reports to the Senedd in line with the reporting point above.

