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Llywodraeth Cymru  
Welsh Government

# **WELSH LANGUAGE AND EDUCATION (WALES) BILL**

**Explanatory Memorandum**  
incorporating the  
**Regulatory Impact Assessment and  
Explanatory Notes**

**April 2025**

# **Welsh Language and Education (Wales) Bill**

## **Explanatory Memorandum for the Welsh Language and Education (Wales) Bill**

This Explanatory Memorandum was produced by the Welsh Government's Education, Culture and Welsh Language Group and will be laid before the Senedd.

It was originally produced and laid in accordance with Standing Order 26.6 in July 2024, and a revised Memorandum is now laid in accordance with Standing Order 26.28.

### **Member's Declaration**

In my view the provisions of the Welsh Language and Education (Wales) Bill, introduced by the then Cabinet Secretary for Economy, Energy and Welsh Language on 15 July 2024, would be within the legislative competence of Senedd Cymru.

***Mark Drakeford MS***

Cabinet Secretary for Finance and the Welsh Language  
Member of the Senedd in charge of the Bill

28 April 2025

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# **PART 1 – EXPLANATORY MEMORANDUM**

## **1. Description**

- 1.1 The Welsh Government has set an aim of ensuring one million Welsh speakers in Wales by 2050. The main objective of this Bill is to contribute towards that goal by aiming 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.
- 1.2 Alongside new policy proposals, the Bill includes some changes to existing legislation. These changes will strengthen and complement existing processes to make them more effective. This will enable us to purposefully plan Welsh language education to improve the linguistic outcomes of our pupils.
- 1.3 The Bill also establishes a statutory body, the National Institute for Learning Welsh. One of the Institute's roles will be to plan the development of the education workforce and provide training for them in order to improve Welsh language learning in schools. It will also provide support for Welsh learners of all ages, and promote innovation in relation to learning Welsh.
- 1.4 In summary, the Bill will:
  - provide a statutory basis for the target of one million Welsh speakers by 2050 by requiring the Welsh language strategy to include a target of at least a million Welsh speakers by 2050, as well as 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.

## **2. Legislative Competence**

- 2.1 Senedd Cymru ("the Senedd") has the legislative competence to make the provisions in the Welsh Language and Education (Wales) Bill ("the Bill") pursuant to Part 4 of the Government of Wales Act 2006 ("GoWA 2006") as amended by the Wales Act 2017.

### 3. Purpose and intended effect of the legislation

#### General policy background

- 3.1 On 10 July 2017, the ambitious strategy *Cymraeg 2050: a million Welsh speakers* was published. A number of proactive steps have been taken since then and many aspects of the infrastructure supporting the Welsh language have been strengthened. This Bill is the first piece of primary legislation to be introduced for the purpose of realising the long-term objective of the strategy, which is to ensure the viability of the Welsh language for generations to come.
- 3.2 Here are some of the successes since the strategy was published:
- the Welsh language learning sector is continuing to grow, with a high demand for lifelong Welsh language classes especially among young people;
  - the Welsh in Education Strategic Plans have become embedded into local authority education planning processes, and this has led to effective collaboration between local authorities and the Welsh Government;
  - there's a lot of enthusiasm and goodwill for the language. The Welsh language belongs to us all and there is a real sense of ownership of the language among Welsh speakers and those at the beginning of their language journey.
- 3.3 However, the results of the 2021 Census have highlighted the need for us to act purposefully, and it is therefore appropriate to take further action by introducing primary legislation.
- 3.4 The education system is integral to realise the goal of achieving one million speakers. Welsh belongs to us all in Wales regardless of our language skills, and every pupil in Wales therefore deserves to become a Welsh speaker. There is a responsibility on each one of us that works in the education system to work towards this goal. Our ambition is to see everyone learning in a school or setting in Wales being supported to enjoy using the Welsh language, to make continued progress in learning it, and to have the confidence and skills to be able to choose to use Welsh beyond educational settings.
- 3.5 The proposals in this paper reflect this aim and ambition for our education system. Realising this will mean increasing the number of “Primarily Welsh Language” schools, but also increasing and improving Welsh language provision in “Primarily English Language, partly Welsh” schools and “Dual Language” schools. Put simply, we want every pupil to become a confident Welsh speaker through the statutory education

system.

- 3.6 The Bill creates a mechanism to ensure that over time all children receive an increasing proportion of their education provision through the medium of Welsh, in order to nurture Welsh language skills across the curriculum. Ultimately, the aim is that all pupils are independent Welsh speakers by the end of compulsory education.
- 3.7 To achieve this aim, the Bill introduces an ambitious programme of change that requires action on many levels. While legislation is essential in laying the groundwork for this change, it is important to note that this piece of primary legislation is only one part of the picture. In due course we will also introduce secondary legislation. Additionally, other activities and interventions such as policies across education, funding, engagement and behaviour change will also have a key role to play.

## **Delivering on the Welsh Government's commitment to legislate**

- 3.8 Our [Programme for Government 2021 to 2026](#) emphasised our commitment to legislate to strengthen and increase the provision of Welsh language education. The [Co-operation Agreement](#) between the Welsh Government and Plaid Cymru reaffirmed that intention to introduce legislation that would:
- strengthen Welsh in Education Strategic Plans;
  - set new ambitions and incentives to expand the proportion of the education workforce able to teach and/or work through the medium of Welsh;
  - establish and implement a single continuum of Welsh language learning;
  - facilitate and enable existing schools to move into a higher Welsh language category;
  - incentivise the increase of Welsh-medium provision in all education settings, including those where English is the medium of instruction.
- 3.9 Specific provision is made in the Bill establishing structures that will facilitate and enable both “Primarily English Language, partly Welsh” category schools and “Dual Language” category schools to move to the “Primarily Welsh language” category over time. Education in “Primarily Welsh Language schools” is the most effective way of ensuring independent, confident speakers that are more likely to use their Welsh skills beyond education, in the community and in future jobs, and

transmit the ability to use the Welsh language within families.

- 3.10 On 27 June 2023, the former First Minister made a statement outlining the third year of the Welsh Government's ambitious legislative programme. In this statement, he emphasised the Welsh Government's commitment to increase the number of people who can speak Welsh and protect our Welsh-speaking communities. He reiterated that our ambition for 2050 is that all pupils in Wales are able speak Welsh confidently by the time they leave school. This Bill reflects that ambition and creates a robust infrastructure that will support the Welsh language to thrive.

## **Why is the Bill necessary**

- 3.11 When the *Cymraeg 2050: a million Welsh speakers* strategy was published, two main targets were set:
- The number of Welsh speakers to reach 1 million by 2050.
  - The percentage of the population that speak Welsh daily and can speak more than just a few words of Welsh to increase from 10% (in 2013 to 2015) to 20% by 2050.
- 3.12 These targets provide a clear narrative for us all in Wales, in Government, in the public sector and as citizens: the Welsh language belongs to us all, as does the responsibility for its future.
- 3.13 But as the *Cymraeg 2050* strategy states, while this is a long-term vision, we have to take action and lay the foundations now, and these actions must reflect the scale of our ambition. That is why the strategy commits to reviewing the legislation which underpins the Welsh language to ensure it offers a strong foundation for promoting and facilitating the use of Welsh.
- 3.14 It is also important to note that this Bill is not the starting point. Over many years, we have established a non-statutory infrastructure, and have supported the Welsh language in the education sector and beyond. Statutory action has also been taken with the introduction of the Welsh in Education Strategic Plans and Assessing Demand for Welsh Medium Education (Wales) Regulations 2013, and the Welsh in Education Strategic Plans (Wales) Regulations 2019. These regulations and the WESP regime have transformed the way local authorities plan their Welsh language education provision, and we must build on the progress that has already been made.
- 3.15 This Bill is the next natural step as we work to realise our ambition of reaching one million speakers and improving the linguistic outcomes of our pupils in Wales. It is also right that the Bill looks beyond the



compulsory education system so that our young people not only have Welsh language skills at the end of their compulsory education but are also ready to use the language thereafter.

- 3.16 While this legislation is a notable step towards realising the policy aim, it must be noted that the Bill is only one part of a bigger picture. There are other steps that are critical to support the implementation of the Bill including:
- developing secondary legislation to bring into force some of the provisions in the Bill, for example Regulations for language planning in schools, and the preparation of a Code to establish a standard method of describing ability in Welsh;
  - taking non-legislative steps to increase the capacity of the education workforce in order to implement the Bill's education objectives effectively; and
  - setting ambitious targets – both medium and long-term – for the coming decades and monitoring the achievement of those targets.

## **Other relevant legislation**

### ***The Government of Wales Act 2006***

- 3.17 Section 78 of the Government of Wales Act requires Welsh Ministers to adopt a strategy setting out how they propose to promote and facilitate the use of Welsh. The current strategy is *Cymraeg 2050: a million Welsh speakers*, which was published in 2017.
- 3.18 In light of the requirement for a Welsh language strategy, this Bill adds elements that must be included in the strategy. The Bill therefore aligns with, and expands on, the section 78 provision to strengthen the accountability of Welsh Ministers in setting, and responding to, specific targets.

### ***Implementation of the Welsh Language (Wales) Measure 2011***

- 3.19 The Welsh Language (Wales) Measure 2011 established the Welsh language standards regime along with the role of the Welsh Language Commissioner. This Bill makes provision to place a duty on the Welsh Ministers to review the standards in relation to improving or assessing the Welsh language skills of the workforce and the promotion standards. It places requirements on Welsh Ministers to consult with the Welsh Language Commissioner in formulating the Welsh language strategy, reviewing the standards and drawing up or amending the

National Framework for Welsh Language Education and Learning Welsh.

***The School Standards and Organisation (Wales) Act 2013***

- 3.20 Part 4 of the School Standards and Organisation (Wales) Act 2013 placed a requirement on all local authorities in Wales to produce a Welsh in Education Strategic Plan which includes:
- (a) a local authority's proposals on how it will carry out its education functions in order to:
    - (i) improve the planning of the provision of Welsh-medium education in its area;
    - (ii) improve the standard of Welsh-medium education and the teaching of Welsh in its area.
- 3.21 This Bill builds on the progress made by the Welsh in Education Strategic Plans by placing a requirement on local authorities to produce Local Welsh in Education Strategic Plans, which are a crucial link between the targets and vision set out in the National Framework and the delivery plans at school level.
- 3.22 The 2013 Act also established regulated alterations in relation to a number of proposed alterations to schools, including a change to the language medium of primary and secondary education. The regulated changes are activated when there is a certain percentage of increase or decrease in the teaching which is conducted through the medium of Welsh or the number of subjects taught through the medium of Welsh.
- 3.23 The Bill revokes certain provisions in Schedule 2 of the 2013 Act which refer to regulated alterations in the context of Welsh language education provision, given that opportunities for consultation will arise from other provisions in this Bill.

***The Well-being of Future Generations (Wales) Act 2015***

- 3.24 The Well-being of Future Generations (Wales) Act 2015 requires the Welsh Government to think more long-term. This Bill works towards some of the goals stated in the Act, including:
- a Wales of vibrant culture and thriving Welsh language;
  - a more equal Wales;
  - a Wales of cohesive communities.
- Through the provisions in the Bill, the intention is to create conditions in which the Welsh language can thrive within the education system and beyond. Along with the ambition of seeing all pupils leave statutory education able to speak Welsh independently, this will lead to more

equal linguistic outcomes and support cohesive communities. The Bill as a whole aims to embrace the letter and spirit of the Well-being of Future Generations Act.

***The Curriculum and Assessment (Wales) Act 2021***

- 3.25 The Curriculum and Assessment (Wales) Act 2021 makes provisions about progress and assessment in relation to the curriculum for those aged 3 to 16 – Welsh is a mandated element of that curriculum. It requires Welsh Ministers to publish a Progression Code setting out the ways in which a curriculum must make provision for progression by pupils and children. The Code states that a successful curriculum, supported by effective teaching and learning, enables learners to make appropriate progress. That progress must be made across all elements of the curriculum including the Welsh mandated element. The 2021 Act also enables Welsh Ministers to make arrangements to assess learners' progress in order to identify the next steps in their learning and the teaching and learning needed to maintain that progress.
- 3.26 The Bill will ensure that the Welsh language mandated element of the curriculum, the Progression Code and the arrangements for assessing pupil progress support the objectives of the Bill (namely that the statutory education system contributes towards the target of a million Welsh speakers) as well as the policy intention of the Curriculum for Wales. In the long-term the aim is for each school to enable its pupils to become independent Welsh speakers at the B2 common reference level in terms of oral interaction of the Common European Framework of Reference for Languages (CEFR) – this will enable them to choose to use the language in their daily life.
- 3.27 Contact hours in learning and using a language and the quality of teaching are key factors that impact the scale of progress by learners. The Bill includes provisions in relation to the quality of teaching that will support schools to plan for an appropriate increase over time in pupils' attainment in the Welsh mandated element. The Bill also includes provision in relation to contact hours which places a duty on Welsh Ministers, by regulations, to set out the amount of Welsh language education provision required by schools in each category, and sets a minimum of 10%. The statutory requirement for schools to provide a certain amount of Welsh language education will not become effective until the relevant secondary legislation has come into force. Therefore, schools will have several years to plan for the change and review the amount of Welsh language education they provide and, if necessary, to revise their curriculum in accordance with the 2021 Act in order to increase the amount of provision before the duty comes into effect.

### ***The Tertiary Education and Research (Wales) Act 2022***

- 3.28 Part 1 of the Tertiary Education and Research (Wales) Act 2022 sets out a strategic framework for tertiary education and research in Wales. In terms of the Welsh language, this includes a duty on the Commission for Tertiary Education and Research to build demand for and encourage participation in tertiary education through the medium of Welsh.
- 3.29 Furthermore, in accordance with section 13 of the Act, a statement of strategic priorities was issued by the Welsh Ministers on 28 February 2024 and one of those priorities was to:
- “Develop a plan to increase and improve the provision and promotion of Welsh-medium education and assessment in the whole of the tertiary system recognising the role of Coleg Cymraeg Cenedlaethol, as the designated person under Section 9 of the 2022 Act, and Qualifications Wales as the independent qualifications regulator. This is a key part of the seamless pathway for learners into the tertiary education of their choosing.”*
- 3.30 These provisions recognise that the tertiary education and research framework is part of a wider regime. The proposals in the Bill are in line with this vision in establishing a statutory body that will provide lifelong support for Welsh language learning, including designing and developing Welsh language learning provision for learners aged 16 and over or facilitating the design and development of this provision.
- 3.31 Provision is made in the Bill highlighting the importance of Welsh language tertiary education to ensure that pupils have an opportunity to progress their Welsh language skills beyond statutory education. The National Framework for Welsh Language Education and Learning Welsh will set out how the Welsh Ministers will implement the Welsh language strategy’s proposals, including in relation to Welsh language provision in tertiary education.
- 3.32 The Commission for Tertiary Education and Research will be a consultee to the National Framework, the local Welsh in Education Strategic Plan, and the new Learning Welsh Institute’s strategic plan. This role will highlight the need for a joined-up approach across multiple sectors in ensuring effective Welsh language provision and opportunities for our young people.

- 3.33 This Bill also introduces a description of the types of Welsh language user and common reference levels that are in line with the Common European Framework of Reference for Languages. Tertiary education and research institutions would be able to use these common levels of reference when assessing through the medium of Welsh.

## **Summary of the provisions in the Bill**

### **PART 1: Promotion and facilitation of use of the Welsh language**

#### **Reflect the target of a million Welsh speakers by 2050 in law**

- 3.34 Provide a statutory basis for the target of one million speakers by requiring any Welsh language strategy developed by the Welsh Ministers under section 78 of the Government of Wales Act 2006 to include a target of at least one million Welsh speakers by 2050 as well as other targets relating to the use of the language.
- 3.35 Place a duty on Welsh Ministers to review the standards set under section 26 of the Welsh Language (Wales) Measure 2011 within 12 months of publishing the Code describing Welsh language ability. This review will determine whether certain standards need to be revised to reflect the Code and to meet the targets set in the Welsh language strategy.

### **PART 2: Describing Welsh language ability**

#### **Prepare a code to establish a standard method of describing Welsh language ability**

- 3.36 Establish the concept of three types of Welsh language user.
- 3.37 Describe the general characteristics of Welsh language users on the basis of the six common reference levels of the Common European Framework of Reference for Languages.
- 3.38 Place a duty on Welsh Ministers to prepare a code that will establish a standard method of describing the specific characteristics of Welsh language users based on the common reference levels. This will facilitate a shared understanding by learners, teachers, parents and employers of an individual's journey to learn the Welsh language and the expected linguistic outcomes at each stage of that journey.

## **PART 3: Welsh language education**

### **Categorise the Welsh language education provided by schools; delivery plans; and late immersion provision**

- 3.39 Establish a statutory regime to categorise the provision of Welsh language education. The Bill states that there will be three categories: (i) “Primarily Welsh Language” (ii) “Dual Language” and (iii) “Primarily English Language, partly Welsh”. These will be accompanied by provisions to:
- give Welsh Ministers the power to set the range of Welsh language provision for each category. The Bill sets out the Welsh language learning goals for schools in each category;
  - provide that 10% is the minimum provision of Welsh language education for a “Primarily English Language, partly Welsh” school;
  - allow Ministers, in regulations, to increase the minimum provision of Welsh language education over time as factors such as workforce availability change;
  - require schools to provide Welsh language education provision in accordance with the range of their language category;
  - allow “Primarily English Language, partly Welsh” schools to apply for a temporary exemption to the duty to provide education provision in accordance with their category where more time is required to reach the statutory minimum;
  - require each local authority to maintain a list of the language category of each school in its area and any new schools proposed.
- 3.40 Require schools to prepare delivery plans outlining, amongst other things, how schools will improve or increase their Welsh language provision and where applicable, plan to move to a higher language category over time.
- 3.41 Give local authorities the role of approving a school's delivery plan and language category.
- 3.42 Place a requirement on local authorities to take all reasonable steps to provide late immersion education in Welsh and encourage demand for and participation in late immersion education.

## **PART 4: Planning Welsh Language Education and Learning**

### **National Framework for Welsh Language Education and Learning Welsh**

- 3.43 Place a duty on Welsh Ministers to produce a National Framework for Welsh Language Education and Learning Welsh which sets out the proposals relating to the Welsh language for pupils of compulsory school age, for lifelong Welsh language learning and for tertiary education. The Framework will create a link between the national targets and the targets at local authority level in relation to Welsh in education.
- 3.44 There will be a requirement for the Framework to include the steps the Welsh Ministers will take to ensure that training, professional development and support is available for education practitioners in Wales for the purposes of improving ability in Welsh. The Framework will also have to include an assessment of the number of education practitioners needed in each local authority in order to meet targets set in the Framework, and set out the steps the Welsh Ministers will take, based on that assessment, for the purposes of ensuring that the number of education practitioners working in Wales meets the need.
- 3.45 The Framework will need to be updated every five years and achievement against the targets reported annually.

### **Local Welsh in Education Strategic Plans**

- 3.46 Change the system of Welsh in Education Strategic Plans, by shifting the focus towards plans that outline the steps the local authority intends to take to achieve the targets set upon them by Welsh Ministers in the National Framework for increasing Welsh language provision in their schools.
- 3.47 Require such plans to detail the steps the local authority will take to:
- promote and facilitate Welsh language education and the use of Welsh in schools in its area;
  - improve the provision of Welsh language education in the maintained schools in its area;
  - improve the process of planning the provision of Welsh language education in its area;
  - promote and provide information about the Welsh language education provided in “Primarily Welsh Language” schools;
  - meet its duty to promote late immersion education and to take all reasonable steps to provide late immersion education in its area;

- facilitate progression in teaching Welsh and education through the medium of Welsh between nursery education and education for pupils of compulsory school age, between maintained primary schools and maintained secondary schools, and between education for pupils of compulsory school age and tertiary education.

3.48 The plans will also need to include information about the education workforce.

3.49 Omit Part 4 of the School Standards and Organisation (Wales) Act 2013.

## **PART 5: National Institute for Learning Welsh**

3.50 Establish the National Institute for Learning Welsh (“the Institute”) as a new statutory body, and provide for its membership, its governance and its functions.

3.51 The Institute's objective is to facilitate and support people to learn Welsh, so that more people (of all ages) are learning the language and using it daily.

3.52 The Bill places a number of duties on the Institute in order to achieve this objective, including to:

- provide strategic leadership and direction to all Welsh language learning providers;
- provide opportunities to learn Welsh and improve levels of ability in Welsh for those over compulsory school age;
- provide, or facilitate the provision of, Welsh language learning materials;
- develop a national curriculum for Welsh language learning for those over compulsory school age, and arrange provision to facilitate progress along the common reference levels;
- design and develop Welsh language learning provision for those over compulsory school age, or facilitate such work. The provision must include a variety of learning levels based on the common reference levels;
- plan the development of the education workforce and provide training in order to improve Welsh language teaching methods;
- collect and publish data on Welsh learners.

3.53 Enable the Institute to give financial assistance to any person in relation to teaching or learning Welsh, provide advice to any persons on teaching and learning Welsh, and co-ordinate and commission research on teaching and learning Welsh.



3.54 Require the Institute to:

- 
- promote equality of opportunity and increasing participation in Welsh language learning by those in under-represented groups; promote innovation and continuous improvement in relation to learning Welsh;
- promote collaboration and co-ordination in relation to learning Welsh and share best practice;
- prepare a strategic plan and set out the Institute's arrangements for preparing, submitting, publishing and revising the strategic plan;
- prepare and publish an annual report on the exercise of its functions. The Welsh Ministers must lay the report before the Senedd.

**PART 6: General**

3.55 Make general provisions about the operation of the Bill and include an interpretation section along with details of when the Bill will come into force.

## **Detailed provisions in the Bill**

### **Part 1: Promotion and facilitation of use of the Welsh language**

#### **i) Background**

- 3.56 Section 78 of the Government of Wales Act 2006 requires Welsh Ministers to adopt a Welsh language strategy setting out how they will promote and facilitate the use of the Welsh language. *Cymraeg 2050: a million Welsh speakers* is the current strategy, and was drawn up in 2017. This strategy sets a target of reaching a million Welsh speakers by 2050 and is a crucial backdrop to the overall aim of this Bill.
- 3.57 The results of the 2021 Census have highlighted the need for us to act with purpose and have brought into sharp focus the steps we need to take to strengthen the infrastructure of the Welsh language and realise the ambition of reaching a million speakers.
- 3.58 As a result of the Welsh Language (Wales) Measure 2011, the Welsh language standards regime was introduced. The Welsh language standards are a list of legal requirements, the purpose of which is to promote and facilitate the Welsh language and to ensure that it is not treated less favourably than English in Wales. Organisations have to comply with standards in the following areas:
- Service delivery
  - Policy making
  - Operational
  - Promotion
  - Record keeping
- 3.59 The purpose of the Welsh language standards is to:
- Make it clearer to people in Wales what to expect from organisations;
  - Make it clear to organisations what their duties are in relation to the Welsh language;
  - Ensure greater consistency in Welsh language services and improve their quality.
- 3.60 The Welsh Language Commissioner has the power under the Welsh Language Measure to enforce standards imposed on organisations.

## **ii) Why change is needed**

- 3.61 Section 78 of the Government of Wales Act 2006 enables Welsh Ministers to adopt a new strategy or amend the existing strategy from time to time. The publication of the *Cymraeg 2050* strategy was a key cornerstone as the Welsh Government set a long-term target, reflecting that steps to increase the number of speakers do not succeed overnight and that language planning is a long-term effort.
- 3.62 In light of the results of the 2021 Census, we must take decisive action to realise the ambition of reaching a million speakers, and to this end it is appropriate to set challenging targets for the short and medium term to ensure the viability of the Welsh language. There is a requirement in the Government of Wales Act for the Welsh Government to produce a Welsh language strategy, and it is now appropriate that we should be more prescriptive about the content of that strategy.
- 3.63 In setting clear targets and outlining the steps Welsh Ministers intend to take to make these targets a reality, a further layer of accountability will be introduced into the Welsh Government's actions in relation to the Welsh language.
- 3.64 Other provisions in the Bill place a duty on Welsh Ministers to produce a Code detailing ability levels in Welsh. As we describe language ability in this more sophisticated way, it is also appropriate that we reflect this across our work as a government.

## **iii) Policy objectives and purpose of the legislation**

- 3.65 The overall policy objectives are to strengthen the Welsh Government's accountability in planning to ensure the viability of the Welsh language.
- 3.66 This Government is fully committed to the target of a million Welsh speakers. In theory, however, a target set by a strategy under section 78 of the Government of Wales Act could have been diluted or abolished. Giving the target a statutory basis gives linguistic planning a more solid foundation, guaranteeing that this target will not be watered down. Requiring the Strategy to include a target of 'at least' million Welsh speakers by 2050 provides clarity that reaching the million is not the end goal, and efforts will not be confined by the million as a ceiling. It will also serve as a backdrop to any further targets set – whether in relation to workplaces or for social contexts or the education sector.
- 3.67 In light of this stronger accountability and the requirements in the Bill for Welsh Ministers to report every five years on the situation of the Welsh

language in Wales and the progress being made against the targets, the policy objective is that this will enable the Senedd to undertake rigorous scrutiny which is to be welcomed.

- 3.68 In setting a target of a million speakers by 2050, we must also be clear how those speakers will be calculated. We are fully committed to the principle that the Welsh language belongs to us all, and therefore the Bill confirms that individuals will self-assess whether they are Welsh speakers. Reference is made to the need to consider any data derived from the Census, and any other data to be specified in regulations. In due course, the provisions regarding ability levels in Welsh could enable us to gain a more comprehensive understanding of the level of Welsh speakers.
- 3.69 In introducing this statutory target and the requirement for Welsh Ministers to include various other targets in the Welsh language strategy, it is also appropriate to consider the existing legal infrastructure supporting the Welsh language. To this end, the policy objective is for Welsh Ministers to review some of the Welsh language standards in light of the provisions in this Bill.

#### **iv) How the legislation enables sectors to operate efficiently**

- 3.70 The Bill imposes a statutory requirement for certain targets to be included in the Welsh language strategy. In addition to the inclusion of a target of at least a million Welsh speakers, the Strategy must include targets for increasing the use of Welsh in the workplace and socially and targets for Welsh language education and learning Welsh. Under section 78(9) of the Government of Wales Act, Welsh Ministers must publish a plan describing the steps they intend to take to contribute to meeting these targets.
- 3.71 This means that the sectors covered by the targets will receive clear guidance from the Welsh Government on the steps to be taken to realise those targets. The targets will also provide a context for any action that sectors want to take themselves to respond to the Bill's policy objectives.
- 3.72 Furthermore, the duty on Welsh Ministers to review Welsh language standards, within the 12-month period commencing on the day following publication of the Code describing Welsh language ability, could lead to amending the standards. If so, it could provide sectors with further clarity on how these common reference levels could be embedded in their work. Reviewing the Welsh language standards

could also lead to amending standards that would facilitate the achievement of the targets set out in the Welsh language strategy.

- 3.73 Therefore, through the provisions of this Part the relevance of any targets within the Welsh language strategy and any standards reviewed in light of the Code describing Welsh language ability will be highlighted to all sectors.

**v) The risk if legislation is not made**

- 3.74 If the provisions of this Part are not included in the Bill, there will be no statutory requirement for targets as outlined above to be included in the Welsh language strategy. This means that while there is freedom for Welsh Ministers to set these targets in a strategy, this is not mandatory and they could decide not to include such targets in subsequent strategies. Therefore, if this was not enacted, the targets would not carry as much long-term force.
- 3.75 The Bill's provisions regarding specific targets within the strategy also increase accountability to the Welsh Senedd. This is because Welsh Ministers will have to report at least once every 5 years and assess the likelihood of the targets being achieved. The Bill provides that Welsh Ministers must lay a statement before the Senedd if they conclude that a target is unlikely to be achieved, setting out the reasons for this and what further steps will be taken to achieve the target. If these provisions were not included in the Bill, there would be less transparency about the progress being made to reach a million Welsh speakers and other targets, and it is likely that the Senedd would not be able to maintain effective scrutiny.
- 3.76 In terms of the duty to review Welsh language standards, the Welsh Ministers could do this without provisions in the Bill. However, there is a need to ensure the legal infrastructure supporting the Welsh language is coherent. That is the purpose of the duty for Welsh Ministers to review the standards within 12 months of the publication of the Code describing Welsh language ability.

## Part 2: Describing Welsh language ability

### i) Background

- 3.77 When the targets of the current Welsh Ministers' 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.
- 3.78 Welsh Ministers will continue to calculate the number of Welsh speakers on the basis of individual self-assessments, and therefore the perception of an individual's own Welsh language skills (and that of their children) is key to measuring progress towards realising the *Cymraeg 2050* targets.
- 3.79 In publishing the first data on 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 people who speak some Welsh'*. It was further noted that this is a contributing factor in the different estimates provided by different data sources.
- 3.80 In the context of statutory education, the *Cymraeg 2050: a million Welsh speakers* strategy places a clear emphasis on oral communication. Over time, the school curriculum and assessment arrangements should align with this national vision.
- 3.81 Everyone's language journey is unique, and it is important that each person can describe their Welsh language ability effectively. The Bill provides an opportunity to develop a single national standard method to describe Welsh language ability, based on common reference levels, in order to facilitate the ability of individuals to self-assess their Welsh language skills and the mutual understanding of learners, teachers,

parents and employers.

## **ii) Why change is needed**

- 3.82 Currently, a number of different methods are used by bodies to describe Welsh language ability levels. Several systems are in operation which has made it difficult to embed a single consistent regime for the purpose of language planning and the implementation of the Cymraeg 2050 strategy. There is now an opportunity for the Welsh Government to play a leading role in developing such a regime.
- 3.83 The way we as individuals self-assess our Welsh language ability needs to be matured in order to improve the quality of data collected about the number of Welsh speakers and their use of the language and to respond to the challenges that have been identified by the Chief Statistician.
- 3.84 Developing one standard method of describing Welsh language ability based on common reference levels that anyone can refer to would make it easier for all individuals, regardless of how much Welsh they speak, to describe their ability in the language as well as highlight the next stage of their learning journey.
- 3.85 Using the standard approach consistently across different contexts from the education sector to workplaces could improve the quality of the self-assessment data collected on the number of Welsh speakers, whether as part of the Census or otherwise, and facilitate coherent language planning.
- 3.86 There are a number of situations where the need to describe Welsh language ability would be advantageous. For example:
- when a parent chooses a school for their child and wants clarity on what level of Welsh language ability would be expected to be reached by the end of their time at the school;
  - when an employer advertises a job and wants to provide clarity on the extent to which an applicant would be expected to have Welsh language skills in order to perform the job;
  - when a learner wants to know where they are on their journey to learn Welsh and what their next step will be;
  - in formulating qualifications in order to provide clarity for pupils to decide which Welsh qualification to follow based on where they should expect to reach in terms of Welsh language ability level and the extent to which a qualification will be of benefit in the future; and

- when employers need an understanding of the level of Welsh language proficiency among job applicants to gain clarity on their ability to use Welsh in the workplace.

### **iii) Policy objectives and purpose of the legislation**

- 3.87 The policy objective is to place a duty on Welsh Ministers to prepare a Code describing Welsh language ability based on common reference levels, by applying the Council of Europe's Common European Framework of Reference for Languages (CEFR) to the context of Wales and the Welsh language and receiving advice and guidance from experts in this field in Wales. This provision in the Bill is supported by the inclusion of a table from the CEFR framework in Schedule 1 to provide for three types of Welsh users and the common reference levels for each user.
- 3.88 The [CEFR](#) offers a recognised standard framework that clearly describes skill levels and language ability based on common reference levels. The framework contains comprehensive, coherent and transparent descriptions of language proficiency and use. It defines proficiency levels that allow learners' progress to be measured at all stages of learning and on a lifelong basis. The CEFR has been used to produce descriptors for various languages within and beyond the European Union and the policy adopts CEFR's common reference levels to develop a standard method of describing Welsh language ability, meaning that the levels would be aligned with recognised international levels.
- 3.89 The CEFR framework is already used by the National Centre for Learning Welsh as the basis for its curricular provision for adults. This has facilitated collaboration with other language learning fields in Wales, the UK and abroad, and enables easier reference to the resources used in those fields and to adapt them where beneficial. Similarly the CEFR framework has been used by the WJEC to provide for Welsh for Adults qualifications that align with the framework levels.
- 3.90 The use of the common reference levels will be crucial in creating a statutory system of categorising schools according to their Welsh language education provision – it will enable the description of the Welsh language learning goal schools are expected achieve when planning their provision. By giving the Code and the common reference levels a statutory status, the intention is to develop a common understanding among learners, teachers, parents and employers of the different levels of Welsh language ability.



- 3.91 The Code and common reference levels will facilitate continuity planning for school pupils, particularly when transitioning to secondary school, to ensure they continue to make progress and build on the skills already developed.
- 3.92 They will provide the basis for planning lifelong Welsh language learning provision and can be used to standardise teaching and assessment resources and materials. They can also be used to assess and plan interventions to develop the skills of the education workforce.
- 3.93 In addition, the Code and common reference levels will be useful to set expectations when providing qualifications for school pupils and will provide clarity on the Welsh language ability pupils should expect to reach and therefore to what extent a qualification will be of benefit in the future.
- 3.94 They will continue to be useful for lifelong learning and for the provision of qualifications for that purpose, and can be used in workplaces as we take steps to increase the wider use of Welsh. All bodies will be able to use the standard method of describing Welsh language ability that will be established in the Code based on the common reference levels.
- 3.95 Using the same standard approach in the Code consistently to describe Welsh language ability based on the common reference levels in various contexts – from schools to workplaces and adult provision – will improve our understanding of the threshold for when an individual is more likely to use Welsh on a daily basis. This, in turn, will facilitate the design of interventions to realise the targets of the Cymraeg 2050 strategy.

#### **iv) How the legislation enables sectors to operate efficiently**

- 3.96 The common reference levels introduced by the Bill, and that will be elaborated upon in the Code in due course, will enable sectors to operate more efficiently in a number of ways. This could be by enabling them to detail exactly what ability levels are required for different roles within sectors. The ability levels could also be useful for workforce planning purposes and for upskilling staff.
- 3.97 As the common reference levels will be introduced through this Bill, the Welsh Government will have a leading role in raising awareness of these and will be able to ensure cohesion as different sectors apply

these levels for different purposes.

**v) The risk if legislation is not made**

- 3.98 If this provision is not made in legislation, there is a risk that the perception of individuals in Wales of their own Welsh language skills (and that of their children) will remain inconsistent. If a single standard method was not created through the Bill, calculating the number of Welsh speakers on the basis of self-assessment by individuals will remain a challenge for Welsh Ministers as this will inevitably lead to inconsistent estimates, and make it difficult to measure progress towards realising the Cymraeg 2050 targets.
- 3.99 If this provision was not made in the Bill, an opportunity will have been missed to strengthen the structures for language planning in Wales. If the common reference levels are not established, there is a risk that the concept of developing a single standard method to describe Welsh language ability will not gain a footing in some sectors. There is a danger that sectors will continue to be inconsistent in the methods by which they describe Welsh language ability. It could also mean that some will continue to think too simplistically about how to describe ability in Welsh, for example when specifying that it is or is not essential to have Welsh skills for roles. The common reference levels are an opportunity to describe language ability in a more sophisticated way.
- 3.100 In terms of the education sector, if the common reference levels were not introduced in the Bill, there is a risk that parents and pupils will not be clear on what Welsh language learning goal schools should work towards. This could make it harder to make an informed decision when choosing a school, without understanding what would be expected in terms of a pupil's Welsh language ability at the end of their compulsory education. There was a clear message in the responses to the White Paper that it would be advantageous for school categories to describe the output (the expected level of ability in Welsh) as well as the input (the amount of education provision by schools). Without common reference levels, it would not be possible to communicate this output effectively.
- 3.101 Another risk is that schools would find it more difficult to understand the Welsh language learning goal they should be working towards as they improve and/or increase their Welsh language provision over time. It will be harder to communicate the extent to which learners will progress as Welsh language education provision increases and/or improves. This could mean that the current situation continues, with the majority of pupils leaving school each decade without having the opportunity to learn Welsh to a level that would enable them to choose to use the language in their daily life.

## **Part 3: Welsh Language Education**

### **i) Background**

- 3.102 Maintained schools in Wales have been categorised by language medium on a non-statutory basis since 2007. The categorisation system has evolved over time and new non-statutory categorisation guidance was published in 2021.
- 3.103 In that guidance, three categories were introduced for primary schools and three categories for secondary schools. Those categories were Welsh medium schools, dual language schools and English medium schools. Two transitional subcategories were also introduced to indicate that a school is on a path towards a higher category, along with a category for designated Welsh-medium schools. In January 2024, all maintained schools in Wales had placed themselves within one of these categories. This is a solid starting point for creating statutory language categories.
- 3.104 The language category of a school is included in the school's prospectus and the language categories of all schools in a local authority area is included in the local authority's composite prospectus.
- 3.105 In September 2021, the Welsh Government announced an investment of £2.2 million in late immersion education. Late immersion education helps learners entering Welsh language education at a later stage, and pupils for whom Welsh may not have been part of their daily routine, to gain the skills and confidence needed to continue their learning through the medium of Welsh.
- 3.106 This funding has allowed all local authorities in Wales to provide late immersion education – whether by establishing new late immersion provision where there had previously been none, or by expanding their provision to meet growing demand. Since the grant became operational in 2021, around 2,500 learners have benefited from late immersion interventions.

### **ii) Why change is needed**

- 3.107 The non-statutory language categories, and initiatives such as the Siarter Iaith and Cymraeg Campus, have changed the way we think about Welsh language education in our schools. The categories have led to far-reaching changes with some schools moving to a higher category over time.

- 3.108 The language category system has not only been adopted at school level but has led to the establishment of networks and links between local authorities as they plan their Welsh language provision and implement their Welsh in Education Strategic Plans. In recent years, an informal network has been established between local authorities in west Wales to discuss key issues and common challenges in relation to the categories, and a similar network was later established for local authorities in east Wales.
- 3.109 The non-statutory categories have certainly generated enthusiasm among local authorities. But there is also a feeling that it is now time to put the categories on a stronger footing. As the existing categories are in the form of non-statutory guidance, there is no requirement on schools to follow the guidance and therefore it is difficult to establish robust monitoring arrangements to ensure that the specific requirements of the categories are being met.
- 3.110 The challenge in terms of monitoring the Welsh language education provided in schools is incompatible with the enthusiasm felt for Welsh language education across local authorities in Wales. Creating statutory categories will provide a stronger foundation for the categorisation system and enable local authorities to better monitor provision across schools and identify where to prioritise any support that is needed.
- 3.111 Unlike the non-statutory categories, the statutory categories proposed in the Bill also recognise the importance of describing them according to output as well as input. This means describing not only the provision that schools will deliver to pupils (the 'input'), but also the Welsh language learning goals which are the overall outcomes that pupils of schools in each category would be expected to have reached by the end of compulsory education (the 'output').
- 3.112 This was raised frequently in the responses to the White Paper as respondents saw value in understanding the level of Welsh language ability that would be expected in each language category and its relevance to workplaces and beyond.
- 3.113 It was clear from the responses that the regulated alterations process under the School Standards and Organisation (Wales) Act 2013 can make it challenging to increase the provision of Welsh language education in schools - whether that increase has been proposed by the school or local authority.
- 3.114 There was also confusion at times as the process for voluntary and foundation schools differed from community schools. As such, the Bill proposes to repeal provisions in the School Standards and

Arrangements (Wales) Act 2013 as any increase in the provision of Welsh language education will take place within the context of the new National Framework for Welsh Language Education and Learning Welsh and Local Welsh in Education Strategic Plans and will be subject to consultation as a result of the new regime. There will be opportunities to consult and engage with stakeholders on the delivery plan proposed in Part 3 of the Bill and the Local Welsh in Education Strategic Plans proposed in Part 4 of the Bill.

- 3.115 In terms of late immersion education, the investment of £2.2 million has had a transformative effect on the lives of many learners, enabling them to engage in Welsh-medium education where it would not otherwise have been possible. It is important that we build on this success and support the late immersion education sector to continue to open new doors for pupils.

### **iii) Policy objectives and purpose of the legislation**

#### **School language categories**

- 3.116 The overall policy objective is to strengthen the categorisation system for the provision of Welsh language education in schools. This means that each maintained school is designated a language category based on the Welsh language education they provide and will be under a duty to provide according to the range for their language category.
- 3.117 It is vital to create a robust accountability structure that gives local authorities a clear overview of the exact provision of Welsh language education within schools in their area, and a way for them to influence the Welsh language education of those schools. The proposals in the Bill mean that the local authority will have the opportunity to influence school delivery plans as a consultant and through its role in approving the plans.
- 3.118 This will not only allow the local authority to oversee the plans but also to identify where to prioritise any support that is needed for schools to provide Welsh language education within their category or increase their Welsh language education provision where reasonably practicable. It is essential that the local authority has these levers as the authority itself will be subject to targets through the National Framework.
- 3.119 It should be recognised that the current non-statutory guidance requires English medium schools to provide 15% of their provision in Welsh. However, this percentage covers both curricular and extracurricular

provision. In giving a statutory basis to language categories, it is not practical to impose a statutory requirement on schools in relation to their extra-curricular provision as it is much more difficult to monitor this type of provision. Also, the extra-curricular provision provided can vary significantly from school to school and from one school year to the next.

- 3.120 Therefore, the Bill proposes that the Welsh language education required in each category is based on school sessions. This will provide clarity to both schools and local authorities on what is expected. A duty will also be placed on school governing bodies to ensure that the school provides an amount of Welsh language education that is within the range specified for their language category.
- 3.121 For “Primarily English Language, partly Welsh” schools, the Bill sets a requirement that at least 10% of their provision is Welsh language education. The Bill defines Welsh language education as teaching Welsh (as a subject) or education/training through the medium of Welsh.
- 3.122 The engagement we have undertaken and the statistical work available suggests that a minimum of 10% is realistic and fair given the challenges that exist due to a shortage of workforce with sufficient Welsh language skills.
- 3.123 It should also be noted that 10% is a minimum and schools are expected to work to improve or increase their provision of Welsh language education over time. The Bill proposes to place a duty on Welsh Ministers to consider once in each five-year period whether to increase the minimum provision. Such a decision would be based on a number of factors including an assurance that there is an adequate workforce, dedicated resources and effective support.
- 3.124 As well as a range in Welsh language education provision, each language category will have a Welsh language learning goal that a school will be expected work towards. The Welsh language learning goals for the categories will be as follows:

<b>Language category</b>	<b>Welsh language learning goal</b>
Primarily Welsh Language	That pupils are proficient users, at least, by the end of compulsory education (common reference level C1 or C2). The Table in Schedule 1 describes the general characteristics of a proficient user.
Dual Language	That pupils are independent users, at least, by the end of compulsory education (common reference level B1 or B2). The Table in Schedule 1 describes the general characteristics of an independent user.
	By a date specified by the Welsh Ministers by regulations, that pupils reach at least the B2 common reference level for oral interaction by the end of compulsory education.
Primarily English Language, partly Welsh	<p>By a date specified by the Welsh Ministers by regulations, that pupils are basic users, at least, by the end of compulsory education.</p> <p>The Table in Schedule 1 describes the general characteristics of a basic user.</p> <p>In terms of the common reference levels encompassing a basic user, a school's delivery plan under section 14(1)(f)(iii) will be expected to facilitate continuous improvement. Thereby, the expectation over time is that the vast majority of pupils will reach the A2 common reference level, at least, by the end of compulsory education.</p>

	<p>After that date,</p> <p>(i) that pupils are independent users, at least, by the end of compulsory education (common reference level B1 or B2). The Table in Schedule 1 describes the general characteristics of an independent user.</p>
	<p>(ii) by a date specified by the Welsh Ministers by regulations, that pupils reach the B2 common reference level, at least, for oral interaction by the end of compulsory education.</p>

3.125 It is worth drawing attention to the fact that the Welsh language learning goal in "Dual Language" schools is that pupils are independent users by the end of compulsory school age, and that this will also eventually be the goal for "Primarily English Language, partly Welsh" schools by a date specified by the Welsh Ministers in regulations. In one sense, this is in line with the general policy objective of the Bill, that we want to see the gap between pupils' linguistic outcomes reduced. But it is also fair to note that it is likely that pupils' linguistic outcomes will be higher the more contact they have with the Welsh language.

3.126 Therefore, pupils in "Dual Language" schools will be more likely to be able to work towards the goal of being at the top of an 'independent user', which is B2 not only in terms of oral interaction but also in other aspects. As a "Primarily English Language, partly Welsh" school will provide fewer contact hours with the Welsh language, pupils will be more likely to be able to work towards being lower within the scope of 'independent user', which is B1 across different aspects (but B2 in oral interaction). Although the general Welsh language learning goal will be the same for these two categories eventually, the levels will vary within the scope of 'independent user'.

3.127 The Bill includes powers for the Welsh Ministers to make regulations specifying the date when a goal is set:



- that pupils in “Dual Language” schools reach the B2 common reference level in terms of oral interaction, at least, by the end of compulsory education;
- that pupils in “Primarily English Language, partly Welsh” schools are independent users, at least, by the end of compulsory education.
- that pupils in “Primarily English Language, partly Welsh” schools reach the B2 common reference level in terms of oral interaction, at least, by the end of compulsory education.

These dates will be determined based on appropriate progression being made in these categories, and based on factors such as resources and workforce capacity. The dates are not necessarily the same for upgrading the goals across the categories.

3.128 The overall policy objective of focussing on Welsh language learning goals is that parents, guardians and learners will be able to make informed decisions about the education pathway they want to pursue based on the Welsh language learning goals. The relevance of the Welsh language learning goals will also become increasingly clear if workplaces use the same standard method of describing Welsh language ability based on the common reference levels.

3.129 The intention is for the learning goals to be fixed and overarching and a backdrop for designing a school's Welsh language education provision. The provision in the Bill to amend the Curriculum and Assessment (Wales) Act 2021 means that Welsh Ministers, in formulating and reviewing the Progression Code, must have regard to the Welsh language learning goals set for the different categories of Welsh language education provision. The Progression Code sets out how a curriculum is to provide for pupil progress

3.130 The provisions of the Bill support the principles of the Curriculum for Wales and the Progression Code. Schools are already expected to design a curriculum that will enable learners to make 'appropriate progress' in relation to the mandated Welsh language element of the areas of learning and experience.

3.131 The speed at which learners make progress towards any expected outcomes will of course remain individual to each learner, in line with the Progression Code. We anticipate that schools, particularly “Primarily English language, partly Welsh” schools, will have access to the expertise and guidance of the National Institute for Learning Welsh (the body established by the Bill) in how to improve their Welsh

language education provision to achieve their Welsh language learning goal.

- 3.132 To enable schools to assess that learners are making appropriate progress towards the long-term goal of becoming independent Welsh users, the Bill contains provision which specifically provides for the power in section 56 of the 2021 Act to be used to make assessment arrangements for ensuring pupils are making progress towards the school's Welsh language learning goal. It is envisaged that such assessments would provide information to support schools' decisions on improving and increasing their Welsh language education provision and would facilitate the provision of appropriate support.

### **Welsh language education delivery plan**

- 3.133 The Bill proposes that all maintained schools will be required to prepare a delivery plan. The plan will:

- set out a language category for the school;
- set out the amount of Welsh language education provided by the school at the time the delivery plan is being prepared;
- explain how the governing board will ensure that the school provides Welsh language education in accordance with its language category
- set out how the school will promote late immersion education
- set out proposals for the amount of Welsh language education that will be provided during the period of the plan, and proposals for maintaining or increasing that amount when reasonably practicable;
- set out, if the school provides education to pupils under compulsory school age:
  - the amount of Welsh language nursery education provided at the time the delivery plan is being prepared
  - the governing body's proposals on the amount of Welsh language nursery education it intends to provide during the plan's period
  - the governing body's proposals for maintaining that amount of Welsh language nursery education, and increasing the amount where this is reasonably practicable;
- identify, for the purpose of meeting the school's Welsh language learning goal, how the school will:
  - promote a Welsh ethos and culture within the school
  - promote use of Welsh language within the school
  - facilitate continuous improvement in the school's Welsh language education
- set out the proposals on how the governing body will prepare for changing the school's language category, if it intends on doing so.

- 3.134 By placing a requirement on each school to prepare a delivery plan and detailing what such a plan should include, the aim will be to guide schools as they plan their Welsh language education at a practical level. The Bill also gives Welsh Ministers the power to make regulations further detailing the form and content of such a plan. A template for delivery plans would be useful in order for schools to understand exactly what is expected of them. We will work closely with stakeholders in preparing a template that sets out the information schools must provide, and the information that local authorities will find useful in informing their WESP.
- 3.135 In formulating the plan, the school's governing body must consult with a number of stakeholders, including pupils, parents, staff and the local authority. This will be an opportunity for stakeholders to be involved in decisions about the provision of Welsh language education, and in particular for the local authority to determine whether the delivery plan is adequate to meet the expectations of the Local Welsh in Education Strategic Plan. It should also facilitate the approval process as the local authority will have the opportunity to influence the delivery plan before a draft is submitted.
- 3.136 Once a delivery plan has been submitted to the local authority, the authority will approve the plan, approve it with modifications agreed with the school's governing body, or reject it and direct the governing body to reconsider the plan. If the plan is rejected, the direction given must state the reasons for the decision and specify by when the governing body must submit a further draft to the local authority. In line with the clear line of accountability introduced by the Bill, the local authority must be able to ensure that it can meet the targets set by Welsh Ministers in the National Framework for Welsh Language Education and Learning Welsh, and the role of the local authority in approving the plans will facilitate this.
- 3.137 It has already been stated that there will be a requirement on governing bodies to ensure that schools provide an amount of Welsh language education that is within the range of their category, which cannot not be below 10% in accordance with the minimum prescribed in the Bill. The policy objective is to draw up detailed guidance to help schools understand exactly what 10% might look like in practice. The Welsh Government and other relevant organisations will provide further guidance and assistance to "Primarily English Language, partly Welsh" category schools on providing this minimum.
- 3.138 Non-legislative measures will be crucial to achieve this. They could include making effective teaching resources available to schools,

increasing the education workforce over time, provide opportunities to upskill staff where appropriate and using technology to facilitate the provision of Welsh language education.

3.139 However, it is also important to recognise that providing at least 10% of their education in Welsh will be a challenge for some schools, for reasons that may be beyond their control.

3.140 Therefore, the Bill allows “Primarily English Language, partly Welsh” schools to submit – within their first delivery plan – a request for a temporary exemption to the requirement to provide the minimum provision of Welsh language education. A school is permitted to make such a request if it is unable to provide the minimum amount of Welsh language education for a “Primarily English Language, partial Welsh” category school. If an exemption is approved, the school’s language category is deemed to be designated as the “Primarily English Language, partly Welsh” category for that period.

3.141 The policy objective here is to recognise that it may not be reasonably practicable for some schools to provide the minimum of 10% when that requirement comes into force. When applying for a temporary exemption, the school will also have to specify:

- the reasons why it is not reasonably practicable to provide the minimum amount of Welsh language education;
- the school’s proposals to ensure that it can provide the minimum provision (at least) of Welsh language education;
- the date by which those proposals will be implemented, with such a date being no later than the end of the three-year period to which the draft delivery plan applies;
- information about the support necessary to enable the school to provide the minimum amount of Welsh language education.

3.142 This is to provide transparency regarding the amount of Welsh language education provided by the school, the barriers preventing the school from providing the minimum amount and the steps that will be taken to increase provision. It is also important to note the requirement for any application for a temporary exemption to detail the support the school needs from the local authority to reach the minimum.

3.143 This recognises that a school should not have to work in silo without guidance to achieve the minimum. The local authority itself will be subject to expectations in the Local Welsh in Education Strategic Plan and it will therefore be in the authority’s interest to support schools to increase their Welsh language education provision so that they meet the minimum amount required.

- 3.144 In addition, if the school, when preparing its second delivery plan, continues to believe that it is not reasonably practicable to provide the minimum amount of Welsh education, the school is permitted to apply for a further exemption stating why the proposals had not succeeded, or why the proposals were not implemented, alongside further proposals to provide the minimum amount and what support is required.
- 3.145 It will be up to the local authority to decide whether to approve these exemptions. If a school has valid reasons as to why it is not reasonably practicable to provide the minimum amount, it may be appropriate to approve such an application and work with the school to increase provision. However, if the local authority considers that there are no reasonable barriers preventing a school from providing the minimum amount and that there is alternative capacity available, it may be appropriate for the local authority to instruct the school to reconsider the delivery plan.
- 3.146 It may be useful for Welsh Ministers to issue guidance outlining the valid reasons for approving an exemption request, along with any alternative proposals as to how the minimum provision could be provided if the exemption request was not approved.
- 3.147 The Bill also places a requirement on a school's governing body to review the delivery plan at least once before the end of the period for which it has effect. Given that the delivery plan is intended to include practical details on the amount of Welsh language education provided by the school and how it maintains that provision, it is possible and likely that some factors will change during this period.
- 3.148 Therefore, the requirement to review the plan at least once will meet the policy objective to provide an opportunity for the school to evaluate what is working well and where improvements could be made and for the local authority to evaluate the school's Welsh language education provision and offer further support where appropriate. A governing body may amend the delivery plan if appropriate and the local authority's approval procedure will apply.
- 3.149 The Bill also recognises that the delivery plan could be amended to change a language category. It states that a school's language category may not be changed:
- from the "Dual Language" category to the "Primarily English Language, partly Welsh" category;
  - from the "Primarily Welsh Language" category to the "Dual Language" category or the "Primarily English Language, partly

Welsh” category.

3.150 This reflects one of the core principles introduced in the non-statutory categorisation guidance published in 2021, which is that schools should not offer less Welsh-medium provision in the future than has been offered in the past. It is also in line with other provisions made in the Bill that work should be undertaken to increase provision where reasonably practicable and to continually improve Welsh language education. The principle that schools should not offer less Welsh-medium provision in the future than has been offered in the past was also widely supported in the White Paper.

3.151 As changing a language category is an important step in a school's language journey, leading to a higher Welsh language learning goal, the Bill recognises the importance of consultation if an amendment is made to a delivery plan during the period of the plan that would result in a change to the language category.

3.152 The Bill places a requirement on a school's governing body to publish the delivery plan. This is important as the delivery plan will detail the school's Welsh language education provision, which will help parents, guardians and pupils to make informed choices about the education they want. It also provides clarity to members of staff.

### **Maintained nursery schools**

3.153 There is a provision in the delivery plans for maintained schools to detail their provision and proposals in relation to pupils under compulsory school age. This means that, if a school has a nursery unit attached to the school, it will be required to detail the amount of Welsh language nursery education provided, and proposals for maintaining that amount or increasing it where reasonably practicable. In most cases, the nursery unit will provide nursery education in the same language medium as is provided to pupils of compulsory school age. Most maintained nursery providers are attached to schools in this manner, and will therefore be covered by the school's delivery plan.

3.154 However, there is a small number of maintained nursery schools in Wales. Provision is made in the Bill requiring these type of schools to provide similar information in their own Welsh language nursery education delivery plans.

### **Special schools**

3.155 One of the core messages of the Bill is that we want every pupil to have a fair chance to become a Welsh speaker. This means that the

categorisation system established encompasses schools of all types - community, voluntary, foundation. However, the right balance must be struck which considers different circumstances. To this end, it has been established that it is appropriate to permit a temporary exemption to "Primarily English Language, partly Welsh" schools from providing the statutory minimum where they face certain challenges.

3.156 In the context of community special schools, the right balance must be struck between allowing such schools to be part of the wider categorisation system while giving due consideration to the unique circumstances in which they work. Fostering awareness of the Welsh language is important in all schools in Wales, but it is recognized that it could be particularly challenging for special schools to comply with providing a certain percentage of their provision in Welsh.

3.157 Therefore, the Bill places a requirement on special schools to prepare a Welsh language plan which sets out the amount of Welsh language education provided, and the governing body's proposals to promote Welsh language ethos and culture within the school, as well as promoting use of the language. There is no duty on them to provide a specific amount of Welsh language provision, but there is an opportunity for them to demonstrate what they are doing to promote the language among their pupils.

3.158 It should also be noted that it is possible that some special schools will be eager to provide a certain amount of Welsh language provision, and that they are therefore permitted to designate a language category on a voluntary basis. As an example, this could be desirable for Welsh-medium special schools that wish to convey to parents and pupils that Welsh is the main language of their provision.

### **Register of school language categories**

3.159 Also for the purposes of providing transparency, the Bill places a duty on local authorities to maintain and publish a register of the language categories of all schools in their area, a record of all approved applications for exemption and the proposed language category of any new schools for which proposals have been made.

3.160 According to anecdotal evidence, a number of local authorities already maintain a similar register and the information is included in local authority composite prospectuses. Therefore, the objective is that this duty will not result in a significantly higher workload than at present.

3.161 However, its inclusion will ensure consistency across local authorities and will be useful from an administrative point of view. It will also be an

opportunity for stakeholders to have their say on any proposals for new schools early on in the process.

### **Late immersion education**

- 3.162 As noted above, late immersion education has proven to be an effective tool to ensure that pupils are able to participate meaningfully in Welsh-medium education where this would not otherwise have been possible.
- 3.163 The Bill places a duty on local authorities to take all reasonable steps to provide late immersion education that meets the demand for it in their area. The policy objective here is to reinforce the role of local authorities in making arrangements to provide late immersion education and encouraging demand and participation in it.
- 3.164 The overall aim of this provision is to level the playing field for pupils by giving them the opportunity to be immersed in Welsh so that they can benefit fully from education in a “Primarily Welsh Language” category school or a “Dual Language” category school.

#### **iv) How will the legislation enable sectors to operate more efficiently?**

- 3.165 The provisions of this Part, together with the provisions in Part 4 regarding the Local Welsh in Education Strategic Plans, ensure a clear line of accountability between the school and the local authority.
- 3.166 It is vital that the local authority has a clear overview of the Welsh language education provided across its area, and this is reflected in its role in the approval of delivery plans and language categories.
- 3.167 The ability to influence the Welsh language education provision of the schools in its area and provide them with the support they need will put the local authority in a strong position to be able to meet the targets set in the National Framework for Welsh Language Education and Learning Welsh.
- 3.168 The detailed requirements in the Bill for the information a delivery plan must include and the fact that Welsh Ministers may, by regulations, make further provision about the form and content of the schemes, should provide clarity to schools on what is required of them. Clear guidance from Welsh Ministers through the Bill and through regulations in due course is essential to ensure that schools produce comprehensive and effective delivery plans.



3.169 Beyond the statutory education sector, the provisions in relation to the statutory categories – and in particular the Welsh language learning goals attached to those categories – could be beneficial to the further education sector as they plan their provision or workplaces as they recruit staff on the basis of their language skills.

**v) The risk if legislation is not made**

3.170 As noted above, the system of categorisation by language medium has evolved significantly since it was first introduced in 2007. Following the latest development, namely the publication of non-statutory guidance in 2021, the categories have become embedded in the planning processes of local authorities and schools.

3.171 However, giving a statutory basis to the language categories was a matter intended to be considered further when the non-statutory guidance was published. As we set out the vision of the Bill and take action to strengthen the infrastructure that supports Welsh language education, it is vital that we take the opportunity afforded by the Bill to create statutory categories.

3.172 If statutory categories were not created along with the underpinning processes in terms of delivery plans and the approval role of local authorities, it would be much more difficult to ensure the success of the Local Welsh in Education Strategic Plans and the National Framework.

3.173 The current non-statutory guidance has ensured that the Welsh language is more prominent in school provision and schools have a duty to heed that guidance. This has also created further goodwill towards teaching Welsh as local authorities support schools on their journey. However, to ensure progress and systemic improvement in the provision of Welsh language education in schools – and therefore higher linguistic outcomes among pupils – the most effective approach is the creation of statutory categories, delivery plans to drive improvement and progress, and a robust accountability and support structure.

3.174 It is also accepted that there may be a risk associated with creating a statutory categorisation system as it will lead to higher expectations on many of our schools not already providing 10% of their school sessions in Welsh. There are a number of factors that could contribute to the challenge of reaching the minimum. However, if we want to act purposefully to improve the linguistic outcomes of our pupils, decisive action must be taken that provides clarity to pupils, schools and local authorities so that there is a shared understanding of the progress

expected. The provisions in the Bill in relation to temporary exemptions and the requirement for schools to detail what support they need from the local authority means that proportionate mitigation measures will be taken to ensure that the Bill's requirements are realistic for all schools.

- 3.175 Ultimately, if legislation is not made, there is a risk that there will not be sufficient progress towards the national targets set out in the Welsh language strategy, and that the Welsh Government's overarching aim of one million Welsh speakers by 2050 is not achieved.

## **PART 4: Planning Welsh Language Education and Learning**

### **i) Background**

3.176 Section 78(1) of the Government of Wales Act 2006 requires the Welsh Ministers to adopt a Welsh language strategy. *Cymraeg 2050: A million Welsh speakers* is the current strategy, and Welsh Ministers publish a work programme every five years evaluating success against targets, and setting out the further steps that will be taken over the period of the work programme.

3.177 The scope of the work programme is broad as it includes all sectors covered by the strategy itself along with the progress to be made against the three main themes of the strategy, namely:

- Increasing the number of Welsh speakers;
- Increasing the use of Welsh;
- Creating favourable conditions - infrastructure and context.

3.178 While the Welsh language strategy and its associated work programme sets out the Government's vision at a national level in relation to education to increase the number of Welsh speakers, the Welsh in Education Strategic Plans are a vehicle for local authorities to improve the planning process for delivering Welsh-medium education in their area and to improve Welsh-medium education standards and Welsh-medium teaching standards in their area.

### **ii) Why change is needed**

3.179 As education is such a core part of the vision of the *Cymraeg 2050* strategy and one of the main ways we will reach a million speakers, there must be a joined-up approach to planning that encompasses the national level, the local authority level and the school level.

3.180 Therefore, it is deemed appropriate to produce a National Framework for Welsh Language Education and Learning Welsh that clearly sets out the Welsh Government's vision. The Framework needs to be holistic have regard to the compulsory and post-compulsory education sector alike, reflecting the fact that we all on a language journey whether as a pupil in a school or as a learner beyond the compulsory education sector.

3.181 The Welsh in Education Strategic Plans have focused to a large extent on increasing the Welsh-medium education sector. Whilst the Welsh-medium sector is crucial to the creation of Welsh speakers, the English medium sector must also be planned purposely to improve pupils'

Welsh language learning outcomes.

- 3.182 To this end, the focus of Welsh in Education Strategic Plans must be shifted so that they pay further attention to the Welsh language education provided in schools in each language category. As a result of creating the statutory categories through this Bill and the minimum Welsh language education that “Primarily English - partly Welsh” schools must provide, it is appropriate for the revamped Local Welsh in Education Strategic Plans to monitor the progress being made in “Primarily English Language - partly Welsh” schools to the same extent as in “Primarily Welsh Language” schools.

### **iii) Policy objectives and purpose of the legislation**

#### **National Framework for Welsh Language Education and Learning Welsh**

- 3.183 The overall policy objective is to ensure that Welsh language education for pupils of compulsory school age and the arrangements for learning Welsh arrangements beyond school are designed in an integrated way in one comprehensive framework.
- 3.184 Another important policy objective as a result of the requirement to create a National Framework is to strengthen accountability in relation to the Welsh language. As well as outlining in the Framework the specific steps that Welsh Ministers will take – in the context of Welsh language education and in the context of lifelong Welsh language learning – there is also a requirement to report annually on the implementation of the Framework.
- 3.185 It is worth noting that section 78(8) of the Government of Wales Act already requires Welsh Ministers to publish an annual report on the implementation of the Welsh language strategy. By including a requirement for that report to have specific regard to the implementation of the National Framework for Welsh Language Education and Learning Welsh, this will ensure further transparency. It will provide a regular opportunity for the Senedd to scrutinise the progress being made to achieving the objectives of the Framework, and an opportunity for the Government to evaluate the success of the actions that have been taken.
- 3.186 Furthermore, attached to the duty for Welsh Ministers to prepare the Framework, there is a requirement to consult with a number of key stakeholders on a draft of the Framework. These stakeholders include all local authorities in Wales, the National Institute for Learning Welsh,

the Welsh Language Commissioner, His Majesty's Chief Inspector of Education and Training in Wales, and the Commission for Tertiary Education and Research. The purpose of this is to create a Framework that takes into account the views of those who will be working with Welsh Ministers to achieve the objectives of the Framework.

3.187 As previously stated, the National Framework will encompass learners of all ages. In the context of the education sector in particular, the Bill requires the Framework to set out the steps that Welsh Ministers will take for different purposes. These steps are to be taken alongside actions at local authority level and at school level. The following table elaborates on the specific requirements in relation to Welsh language education in schools. Any inter-convergence with other provisions is also noted.

<b>The National Framework must set out the steps to:</b>	<b>Further explanation</b>
Increase the provision of Welsh language education in schools	<p>These are the steps that Welsh Ministers will take to ensure that schools increase the Welsh language education they offer where reasonably practicable.</p> <p><u>Interconnection</u> Although these are steps to be taken at a national level, this requirement aligns with the requirement at a local level for schools to set out in their delivery plans how they will ensure an increase in Welsh language education where reasonably practicable (see section 14(1)(e)(ii) of the Bill).</p>
Improve the provision of Welsh language education in schools	<p>These are the steps that Welsh Ministers will take at a national level to support schools to improve the quality of their Welsh language education.</p> <p><u>Interconnection</u> This requirement aligns with the requirement:</p> <ul style="list-style-type: none"> <li>(i) at local authority level: for a local Welsh in education strategic plan to set out the steps a local authority will take to improve the provision of Welsh language</li> </ul>

	<p>education (see section 30(3)(a)(i)).</p> <p>(ii) at a school level: for schools to set out in their delivery plans how they will facilitate continuous improvement in Welsh language education (see section 14(1)(g)(iii) of the Bill).</p>
<p>Promote education in “Primarily Welsh Language” category schools , and increase the number of pupils attending that category</p>	<p>Pupils are more likely to develop higher linguistic outcomes the more Welsh language education they receive. Therefore, to ensure that pupils have the best possible chance of becoming independent Welsh users, and open new opportunities for them, there is a role for Welsh Ministers in the promotion of education in “Primarily Welsh Language” category schools.</p> <p>In the White Paper, it was asked whether a duty should be placed on local authorities to promote Welsh-medium education. While responses agreed that local authorities should have a role, many suggested that Welsh Ministers should also have a proactive role in promoting Welsh-medium education. The requirement for the National Framework to include steps to promote “Primarily Welsh Language” category schools reflects that view.</p> <p><u>Interconnection</u></p> <p>This requirement aligns with the requirement at local authority level to set out the steps it will take to promote and provide information about the Welsh language education provided in “Primarily Welsh Language” category schools in its area (see section 30(3)(b)).</p> <p>It also aligns with the duty on local authorities in relation to late immersion</p>

	education in Welsh in section 23 of the Bill.
Ensure that training, professional development and support is available for education practitioners in Wales	<p>These are the steps that Welsh Ministers will take to ensure that schools have the capacity to increase or improve their Welsh language education as expected.</p> <p>As the National Framework will set targets per local authority to increase or improve Welsh language education in their area, Welsh Ministers must take a leadership role in ensuring that these targets are achievable. The capacity of education practitioners must be planned at a national level to ensure that there is an adequate workforce to achieve the targets of the National Framework.</p> <p><u>Interconnection</u></p> <p>This requirement aligns with the requirement at a local authority level to set out the steps it will take to ensure that its arrangements for the workforce of education practitioners working in its area are sufficient (see section 30(3)(a)(iii)).</p>
Facilitate progression in teaching Welsh and in education through the medium of Welsh	<p>These are the steps that Welsh Ministers will take to encourage pupils to follow a Welsh language education pathway consistent with the previous provision they received. That way, pupils will be encouraged to make continued progress in their Welsh language skills. For example, this could be through continuing in a school in the same language category when moving from primary education to secondary education, or moving to a school in a higher language category and taking advantage of the local authority's late immersion education to do so.</p> <p><u>Interconnection</u></p>

	<p>This requirement aligns with the requirement at a local authority level to set out the steps it will take to facilitate progression in teaching Welsh and Welsh-medium education between —</p> <ul style="list-style-type: none"> <li>(i) nursery education and education for pupils of compulsory school age (see section 30(3)(d)(i)),</li> <li>(ii) maintained primary schools and maintained secondary schools (see section 30(3)(d)(ii)), and</li> <li>(iii) education for pupils of compulsory school age and tertiary education. (see section 30(3)(d)(iii)).</li> </ul> <p>It also aligns with the duty on local authorities in relation to late immersion education in Welsh in section 23 of the Bill.</p>
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3.188 In the context of learning Welsh beyond the education sector, the Bill requires the Framework to set out the steps Welsh Ministers will take to provide opportunities for persons of all ages in Wales to learn Welsh.

3.189 This includes:

- through pre-compulsory school age childcare;
- through nursery education;
- through tertiary education;
- in the workplace and in the community.

3.190 Together, the action in the context of the education sector and in the context of learning Welsh beyond the education sector will give Welsh Ministers a robust overview of the situation as regards learning Welsh, and this will enable a holistic approach to planning the steps to be taken in the short and medium term.

### **Local Welsh in Education Strategic Plans**

3.191 The overall policy objective in the provisions regarding Local Welsh in Education Strategic Plans in the Bill is to ensure that there is alignment between the national vision set out in the Framework and the Welsh language education planning work undertaken at a local authority level.



- 3.192 The structure of the Welsh in Education Strategic Plans, introduced by the School Standards and Organisation (Wales) Act 2013, has had a far-reaching impact especially on local authorities' planning of Welsh-medium education provision.
- 3.193 The Local Welsh in Education Strategic Plans introduced by this Bill will form part of a wider planning structure. In simple terms, the objective is for the Local Strategic Plans to respond to the National Framework targets and for school delivery plans to respond to the targets of the Local Strategic Plans. This integrated approach will facilitate systemic change as we work to improve the linguistic outcomes of our pupils. They will also note how the local authority will promote and facilitate Welsh language education and the use of Welsh in schools within its area.
- 3.194 The period covered by Local Welsh in Education Strategic Plans is also at the core of the policy objective. Following consultation on the draft Welsh in Education Strategic Plans (Wales) Regulations 2019, there was support for extending the period covered from 3 years to 10 years. This was intended to enable local authorities to plan for the longer term, as 3 years is too short to have a significant impact.
- 3.195 The period covered by the Local Strategic Plans introduced by this Bill is 5 years, but they must include the actions that the local authority intends to take over a period of 10 years. This is to enable local authorities to set out their long-term intentions, recognising that some changes to school provision can take a decade to come to fruition.
- 3.196 However, although they will have a 10-year overview, the requirement in the Bill for all plans to last 5 years strikes the right balance between allowing flexibility to operate over the medium to long term, but with accountability from the requirement to report on progress made at the end of each plan. The 5-year period with a broader overview of 10 years also aligns with the National Framework.
- 3.197 Similar to the National Framework, there is a requirement for draft Local Strategic Plans to be subject to consultation. The local authority will have to consult with, amongst others, neighbouring local authorities, the headteacher and governing body of each school maintained by the local authority, and every further education institution in its area.
- 3.198 This should ensure that Welsh language education is planned in a coherent and co-ordinated manner across the local authority. In addition, the fact that the Local Strategic Plans are subject to the approval of Welsh Ministers should ensure that the vision of the Local

Strategic Plan aligns with the National Framework.

- 3.199 As the implementation of the Local Strategic Plans is one of the key levers to drive progress in Welsh language education and improve the linguistic outcomes of pupils, it is appropriate to establish robust accountability arrangements for these plans.
- 3.200 The Bill provides that a local authority must keep its Local Welsh in Education Strategic Plan under review and, if it is considered appropriate, revise it. Welsh Ministers may also give a direction to a local authority to revise its plan if they consider that the local authority is unlikely to meet a target in the National Framework.
- 3.201 To meet the National Framework targets, all local authorities will have to play their part in implementing their Local Strategic Plan. If it is appropriate for Estyn to undertake a review of the progress being made against a Local Strategic Plan, it will be vital to identify what support a local authority needs to ensure that any targets are met.

#### **iv) How the legislation enables sectors to operate efficiently**

- 3.202 As previously stated, the provisions of this Part regarding the National Framework and Local Welsh in Education Strategic Plans are to be considered as part of a wider structure. This structure will ensure alignment between plans at a national level, at local authority level and at school level.
- 3.203 Relevant stakeholders will be consulted on the National Framework or the Local Strategic Plan, and therefore every sector that will be affected by any improvement or increase over time in Welsh language education should have the opportunity to influence the decisions made on every level.
- 3.204 The clear line of accountability between the National Framework, the Local Strategic Plans at a local authority level, and the Delivery Plans at a school level should ensure that clear and achievable targets are set in the first place, and that they are regularly monitored so that any support needed at any level is provided to enable the targets to be met.
- 3.205 The thread throughout the Bill is the common reference levels that describe Welsh language ability. These reference levels will be used at every level of planning Welsh language education. An understanding of these levels and the policy objective to ensure that all pupils are independent Welsh language users should help sectors understand the

vision that drives the targets set in the National Framework and Local Strategic Plans.

**v) The risk if legislation is not made**

- 3.206 The policy proposals made in Part 4 are critical to the success of the policy proposals made in Part 3 on school categorisation and delivery plans.
- 3.207 If legislation is not made on the provisions of Part 4, planning Welsh language education will be less joined-up. While the current Welsh in Education Strategic Plans have changed the mindset of local authorities as regards planning Welsh-medium education, this Bill shifts the focus in two ways. Firstly, further attention will be paid to the Welsh language education provided in schools in each language category. Secondly, the Bill replaces a system where the responsibility was on local authorities to decide their own ambition in terms of Welsh language education in their area, as they will be responding to national targets. Local authorities will have had the opportunity to give their views on those targets as Welsh Ministers consult on the National Framework.
- 3.208 Without the provisions of this Part, there is a danger that there will continue to be a perception that the role of Welsh in Education Strategic Plans is solely to improve Welsh-medium education. One of the main aims of this Bill is to ensure that all pupils have the opportunity to become independent Welsh users, and it is therefore vital to place an emphasis on the contribution of schools in each language category to achieve this.

## Part 5: The National Institute for Learning Welsh

### i) Background

- 3.209 If the Bill is to succeed, there must be stable and appropriate support for Welsh language education and Welsh language learning beyond the education sector. There is a policy ambition to centralise support for Welsh language learning within one visible organisation that specialises in learning Welsh at all stages of life. This includes supporting schools in the transmission of the Welsh language, and supporting young people, adults and workplaces on their language journey.
- 3.210 A range of organisations and partnerships are currently supporting individuals on their language journey, including Mudiad Meithrin, education consortia and local authorities, and the National Centre for Learning Welsh (“the Centre”).
- 3.211 The Centre exists to support the learning of Welsh for those over compulsory school age. The Centre was established following a [review](#) of Welsh for Adults provision published in July 2013. One of the recommendations from this report was that Welsh Government should establish a national entity to be responsible for providing strategic guidance to Welsh for Adults providers, and to undertake evolving responsibilities at a national level in terms of the curriculum, tutor training, research, marketing and e-learning, among other elements.
- 3.212 The Centre has played a key role in the steady growth of those learning Welsh beyond the schools sector. Recent reviews by [Estyn](#) and an [Independent Review Report commissioned by the Welsh Government in 2021](#) point to the significant improvements in the Welsh language learning sector since the Centre's inception. The purpose of the Bill's proposals is to build on these effective structures and create a new statutory body with a comprehensive overview of facilitating and supporting Welsh language learning for people of all ages in Wales.
- 3.213 Medr (the new Tertiary Education and Research Commission) has a strategic duty to promote tertiary education through the medium of Welsh. Medr is responsible for funding and regulating apprenticeship providers, further education colleges, local authorities and universities, overseeing adult learning in the community, apprenticeships, further education, higher education and sixth form provision maintained by local authorities.
- 3.214 The Coleg Cymraeg Cenedlaethol works to promote, develop and maintain Welsh-medium opportunities in the tertiary education sector and the Welsh Ministers have designated the Coleg to advise Medr on

fulfilling its duty to promote tertiary education through the medium of Welsh

- 3.215 Although Medr has a duty in relation to the Welsh language, the duty relates specifically to learning provided through the medium of Welsh. Medr also has supervision over the Welsh language as a subject, namely where the Welsh language is offered as an A Level subject or at university. This is different from the National Institute for Learning Welsh's ("the Institute") objective in this Bill for supporting and facilitating the learning of Welsh, which is for people of all ages.
- 3.216 Note that "Welsh language learning providers" in the Bill refers to persons funded by the Institute to provide Welsh language teaching for people over the compulsory school age. It is envisaged that the Institute will be able to commission a network of providers to offer Welsh language learning provision that will align with the Institute's curriculum. The reference in this document to the "Welsh language learning sector" is to the network of providers the Institute is expected to commission.

## **ii) Why change is needed**

- 3.217 If the provisions in Parts 1 to 4 of the Bill are to succeed, it is essential to ensure that there is adequate support to enable the Bill to be implemented effectively.
- 3.218 The role of the Centre focuses specifically on individuals aged 16 and over. There is currently no single body providing strategic leadership for lifelong Welsh language learning. Consequently, support for learning Welsh is split across multiple organisations and partnerships resulting in a lack of continuity across the education sector and different workplaces.
- 3.219 As noted above, Medr's role relates to tertiary education through the medium of Welsh, rather than facilitating and supporting lifelong learning of Welsh. It does not have oversight of the Welsh language learning sector nor any strategic planning role as a funder of the Welsh language learning sector.
- 3.220 A lack of central strategic vision/oversight for lifelong Welsh language learning leads to duplication of provision and resources. The lack of opportunities for collaboration between the various education sectors means that opportunities to share expertise and good practice as well as the co-production of resources are being lost. Without a dedicated organisation with oversight and responsibility for the full range of provision, this could lead to gaps in provision and missed opportunities to share expertise.

- 3.221 Maintaining the current set-up would also make it harder to implement a single Welsh language skills continuum and achieve our goal of improving the linguistic outcomes of learners aged 3-16.
- 3.222 The Centre's current remit does not lend itself to achieving the Welsh Government's strategic objectives and supporting the policy ambition set out above to its full potential. Since the Centre has been established by means of a tendering process, its remit cannot be expanded without conducting another tendering process with different requirements.
- 3.223 The Centre has been operating on a specific procurement cycle basis. The perception is that working on the basis of procurement cycles does not provide the appropriate certainty and longevity for a body that supports Welsh language learning – particularly if that support is extended to the compulsory education sector. The establishment of a new statutory body to undertake this work would provide long-term certainty, and institutional stability, for the Welsh language learning sector and would enable the body to plan long-term with confidence. The Institute's functions will include the Centre's current remit and, as a result, the grant relationship between the Government and the Centre will come to an end.
- 3.224 Providing certainty and longevity for a statutory body to perform specific functions will help that body to build central expertise. This will mean that the statutory body can be a single point of contact for any organisation that needs support in the areas of Welsh language education and Welsh language learning.

### **iii) Policy objectives and purpose of the legislation**

- 3.225 The legislation creates a statutory body, namely the National Institute for Learning Welsh. The Institute will be a Welsh Government sponsored body, operating at arm's length from government but within a strategic planning and funding framework established by Welsh Ministers. This framework will mirror the standard framework document for Welsh Government Sponsored Bodies.
- 3.226 The Institute's overall objective is to facilitate and support people of all ages to learn Welsh, so that more people learn the language and use it daily. The objective encompasses learners of all ages. Whilst a number of other provisions in the Bill aim to increase the number of Welsh speakers specifically through the compulsory education system, one of the main functions of the Institute is to offer support beyond the compulsory education system.
- 3.227 The objective through the Bill is to convey the message that school is not the only opportunity to learn Welsh or to improve your skills in

Welsh. There are a variety of reasons why individuals choose to learn Welsh or improve their Welsh language skills beyond the compulsory school age, and it is vital that we facilitate this and support learners to improve their skills.

- 3.228 The intention is that the Institute will provide guidance to Welsh language learning providers. The Institute will develop and maintain a high-quality Welsh language learning curriculum for learners over compulsory school age, as well as reviewing, producing and commissioning resources to support the curriculum. In this respect it will need to collaborate with partners including Adnodd Cyf., WJEC, the Coleg Cymraeg Cenedlaethol, Qualifications Wales, the Welsh Books Council and others in education to understand the needs of learners and specific sectors.
- 3.229 The Welsh language learning sector has an important contribution to make as we work to achieve one million Welsh speakers by 2050. The creation of the Institute as a statutory body provides a solid foundation for long-term planning and funding and will also avoid the constant need for re-tendering, and the inherent instability this creates.
- 3.230 Providing solid financial foundations will give the Institute confidence and a platform to design long-term policies, strategies, and interventions. It will also provide assurance to the education sector and to learners that central support is available to them over the long term.
- 3.231 The aim is to establish the Institute not only as a central point of support for the Welsh language education and Welsh language learning sectors, but also as a body providing guidance in all aspects of learning the language. The Institute will act to ensure that Welsh language learning provision is innovative and takes into account the latest research and pedagogy.
- 3.232 Clear duties for the body to facilitate and support the Welsh language are placed on the face of the Bill. These duties support the policy objectives of the Bill as follows:

<b>Duty of the body</b>	<b>Policy Objective</b>
To provide strategic leadership and direction for all Welsh learning providers	<p>The Institute will have central strategic oversight for Welsh language learning.</p> <p>The Institute will ensure national consistency in the delivery of Welsh language learning provision.</p>

	<p>In addition, as a national lead body, the Institute can function as a central point of contact for anyone who needs advice or support to learn Welsh and direct them to appropriate Welsh language learning provision.</p>
<p>Provide, or facilitate the provision of Welsh language learning materials</p>	<p>This will enable the Institute to ensure that high-quality, standard materials are used to support Welsh language learning.</p> <p>The Institute will be responsible for making resources (digital and in print) available to support Welsh language learning for learners over compulsory school age; this includes supporting Institute activity within workplaces.</p>
<p>Planning the development of the education workforce for the purpose of improving Welsh language teaching methods</p>	<p>The Institute's work will support the implementation of the National Framework for Welsh Language Education and Learning Welsh which will set targets for increasing the education workforce,</p> <p>The Institute will provide specialist training and support for the workforce, to upskill the education workforce and share good pedagogical practice in relation to the learning and transmission of Welsh.</p> <p>The Institute will be expected to develop and implement a plan for the development of the education workforce.</p>
<p>Make arrangements to provide opportunities to learn Welsh—  (i) for the education workforce,  (ii) in the workplace,</p>	<p>These duties reflect the fact that the Institute's remit covers all ages.</p> <p>As a national body, the Institute will co-ordinate the provision of</p>



<p>(iii) for people over the compulsory education age</p> <p>and</p> <p>Make arrangements to improve ability levels in Welsh—</p> <ul style="list-style-type: none"> <li>(i) for the education workforce,</li> <li>(ii) in the workplace,</li> <li>(iii) for people over the compulsory education age</li> </ul>	<p>Welsh language learning and skills enhancement for the education workforce, workplaces, and for people over the compulsory school age.</p> <p>The Institute will respond to the Welsh language skills requirements of various sectors and workplaces working with the network of providers to develop provision.</p> <p>The Institute will also work with partners to identify specific sectors where interventions are needed to increase Welsh skills capacity and increase the ability of organisations and sectors to provide Welsh language services to their users.</p>
<p>Design and develop Welsh language learning provision for people over the compulsory education age, or facilitate such design and development</p>	<p>The purpose of this is to convey the message that compulsory education is not the only opportunity to learn Welsh, and to ensure that there is an opportunity to develop further skills in Welsh beyond the compulsory education age if desired.</p> <p>The Institute will ensure that there is a comprehensive offering of provision for learners which includes a range of learning levels and activities as well as a range of learning settings and study methods.</p> <p>It is envisaged that the arrangements made by the Institute will be different and additional to the curricula for young people aged 16 to 19 offered by schools and other post-16 providers, although the</p>

	<p>intention is that arrangements should support the provision offered by these organisations.</p> <p>The Institute will be expected to maintain strategic partnerships with commercial companies in order to expand the opportunities for learners to develop their Welsh language skills.</p> <p>This duty builds on the Centre's existing work in developing Welsh language learning provision for people over the compulsory education age.</p>
Develop and maintain a national Welsh language learning curriculum for people over the compulsory school age	<p>The creation of a high-quality Welsh language learning curriculum is needed especially for those above compulsory education age.</p> <p>The role of the Institute will be to develop and maintain this curriculum, as well as to review, produce and commission resources to support the curriculum.</p>
Collect and publish data, at least once every 12 months, on Welsh learners above the compulsory school age.	<p>It is vital to gather relevant data so that the Institute can provide assurance that it contributes to the Welsh Government's aims of increasing the number of Welsh speakers.</p> <p>Data collection will also enable monitoring of progress made through the Institute's work. Data can also highlight trends, through which the Institute can better plan its future provision.</p>

- 3.233 Of course, the provision designed and developed by the Institute, or facilitated by the Institute, relating to Welsh language education and Welsh language learning will align with the common reference levels in the Code provided for in section 6 of the Bill. The policy objective is, therefore, to mainstream these reference levels, leading to a more sophisticated understanding of capability in Welsh.
- 3.234 For clarity, it is not intended that the Institute will set requirements for teaching Welsh as a subject in schools and colleges. Medr oversees and funds the Welsh language as a subject in the tertiary education sector and GCSE, A level and AS Welsh qualifications will continue to be regulated by Qualifications Wales.
- 3.235 The Institute will be responsible for making resources (digital and in print) available to support Welsh language learning for learners over compulsory school age; this includes supporting Institute activity within workplaces. The Institute may generate resources of its own, or commission other individuals to create, produce, or provide resources on its behalf. The Institute will be responsible for providing resources to develop the skills of the education workforce to improve Welsh language teaching methods in schools. The Institute will also be expected to work with Adnodd Cyf. to ensure that suitable resources are available to support Welsh language learning within schools and that those resources support progression through the common reference levels.
- 3.236 The Institute will also be expected to form working relationships with a range of other bodies to perform its duties, including the Commission for Tertiary Education and Research, the Coleg Cymraeg Cenedlaethol, Estyn, Education and School Improvement Services, the Education Workforce Council and Adnodd Cyf.
- 3.237 The relationship between the Institute, Medr and the Coleg Cymraeg will be key, as the three bodies will operate alongside each other in the tertiary education sector. Although learning Welsh is not included as part of Medr's Statement of Priorities which guides its work, it is important that operational arrangements are made to ensure that the Institute, Medr, and the Coleg work effectively together to support each other's work and to avoid duplicating efforts and increasing the impact of their interventions. The Coleg, by virtue of its function as the designated person for Medr, will have a key role in this regard. It is anticipated that Medr, the Coleg, and the Institute would benefit from developing Memoranda of Understanding together to outline how they will work together.
- 3.238 Having two statutory bodies operating in the tertiary education sector means that it is necessary to ensure that the roles and responsibilities

of Medr and the Institute are clearly defined. The nature of the Welsh learning sector means that Welsh learning providers will also be part of the network of wider tertiary education providers and, as a result, subject to the requirements of Medr. There may be an additional burden on providers if the requirements set by the Institute and Medr do not match each other.

- 3.239 It is intended that clear expectations will be set for the Institute regarding ways of working to ensure that it considers Medr's requirements when developing its own arrangements for promoting equal opportunity, continuous improvement, engaging with learners and ensuring quality. It is intended that this will be done through the remit letters to the Institute, and through the terms and conditions which will be attached to its funding.

#### Co-ordinating and commissioning research on learning Welsh

- 3.240 The Institute will also be able to co-ordinate and commission research on teaching and learning Welsh. The aim is for the Institute to strategically coordinate and commission research on a national scale to identify research gaps in the acquisition of Welsh, and to consider the relevance of international research conducted on the acquisition of other languages to its work in the context of the Welsh language. The Institute will also conduct market research to identify the needs of learners and education practitioners.

#### Advice on teaching and learning Welsh

- 3.241 The Bill provides that the Institute may give advice to any person on learning Welsh. It is envisaged that the Institute will function as a central point of contact, offering unbiased information, advice and guidance to anyone in need of advice or support to learn Welsh.
- 3.242 The Institute will also act to improve the quality of information, advice and guidance available to learners, workplaces and the education workforce and reduce the likelihood of duplication and competition between providers for learners.

#### Financial support in relation to learning Welsh

- 3.243 The Bill makes provision for the Institute to be able to provide funding any person in relation to teaching or learning Welsh. The purpose of this funding is to support Welsh language learning provision, and other facilities and activities. It will be for the Institute to decide on the funding and accompanying monitoring arrangements.

3.244 In addition to these functions, the Bill provides that the Institute may act to achieve targets set by the National Framework for Welsh Language Education and Learning Welsh.

#### Promoting equality of opportunity

3.245 The Bill requires the Institute to promote equality of opportunity in Welsh language learning for learners from underrepresented groups. This duty reflects the importance of a Welsh language learning sector that meets the different needs of people over compulsory school age.

3.246 Medr also has a specific duty in relation to promoting equal opportunities, and the Institute will need to consider the requirements set by Medr for tertiary education providers when fulfilling this duty.

#### Promoting innovation and continuous improvement

3.247 The Bill requires the Institute to promote raising standards in learning Welsh, to increase the numbers who speak and use Welsh, and improve the ability of those speakers. Promoting raising standards alone is not sufficient and the Institute also has a duty to promote continuous improvement.

3.248 The Institute will be ideally placed to drive innovation and continuous improvement across the Welsh language learning sector. It is intended that the Institute will:

- Publish and maintain a quality assurance framework for the Welsh Language learning sector.
- Provide advice and guidance to Welsh language learning providers about quality and quality improvement. In particular, the Institute will be expected to provide advice and guidance to providers in situations where there is a risk that the quality of Welsh language learning education may be inadequate.
- Develop and implement a workforce development plan for the Welsh Language learning sector.
- Develop a regular programme to gather the views of learners and the workforce to lead to a programme of improvement.
- Develop innovative programmes that lead to an increase in the use of Welsh and improve Welsh language teaching methods.
- Run an Innovation Group in language acquisition and learning.
- Create and fund opportunities for research and innovation.

3.249 An effective partnership between the Institute and Estyn will be crucial in terms of assessments of the quality of Welsh language learning in order to ensure that efficient and effective arrangements continue across the Welsh learning sector for assessment and quality assurance. As previously stated, the Institute will also need to

collaborate effectively with Medr, which has specific duties in terms of monitoring the quality of tertiary education and promoting improvement in the quality of that education.

- 3.250 Medr has the power to create and publish a quality assurance framework, which will outline its policy relating to quality and quality assessment. The Institute will need to consider Medr's requirements when developing quality assurance arrangements and quality inspection arrangements for learning Welsh, ensuring that its arrangements match the frameworks published by Medr.
- 3.251 The Institute must have regard to the importance of taking the views of learners who are over compulsory school age when exercising its functions. It is expected that the Institute will consider the wider Learner Engagement Code that Medr will develop to fulfil its duties in the Tertiary Education and Research Act. This will be in accordance with the principle that learners are central to the tertiary education system in Wales.

#### Promoting collaboration

- 3.252 Collaboration and co-operation as opposed to competition and division are intended to underpin the Welsh language learning sector, and the Institute will be central to achieving this. In this regard the Institute will need to create opportunities for greater collaboration across the sector including funding collaborative projects and working with providers to develop more opportunities for aligning provision, to enable learners to progress with greater ease to learning at higher levels.
- 3.253 The Bill requires the Institute to promote collaboration between Welsh language learning providers, between Welsh learning providers and maintained schools, between Welsh language learning providers and maintained nursery schools, between Welsh learning providers and tertiary education providers in Wales, and between Welsh learning providers and employers in Wales. It is intended that the Institute will promote greater collaboration for the benefit of those learning Welsh. The Institute will be expected to work with employers and sectoral umbrella bodies to identify gaps in Welsh language skills, and prepare interventions targeted at specific workplaces, sectors, or geographical areas to improve the ability of bodies and sectors to deliver Welsh language services.
- 3.254 As noted above, Welsh language learning providers may also fall into the "tertiary education providers" category. The current network of providers includes further education, higher education and community learning institutions. It is vital that providers collaborate with each other

and with other tertiary education providers in their areas to expand opportunities to learn Welsh and improve the skills of Welsh speakers.

#### Promoting coordination

3.255 The Institute will be required to promote co-ordination in the provision of Welsh language learning in Wales for those over compulsory school age. Without coherence in learner provision, or a centrally managed system to identify unnecessary gaps and duplication it would be difficult to ensure well-designed learning pathways for learners or to ensure a sustained and consistent focus on the quality of provision.

3.256 The Institute will also be required to take action to promote the sharing of best practice in relation to Welsh language teaching and transmission methods.

#### Strategic plan and annual report

3.257 As would be expected of a statutory body, the Bill places a duty on the Institute to produce a strategic plan setting out how it intends to exercise its functions to achieve the objective of facilitating and supporting people to learn Welsh, so that more people learn the language, and also how it intends to exercise certain functions.

3.258 In formulating the strategic plan, a requirement is placed on the Institute to consult with the Welsh Ministers, the Welsh Language Commissioner, Medr, the Coleg Cymraeg Cenedlaethol, Welsh language learning providers who receive financial support from the Institute, as well as others it considers appropriate. By ensuring broad input from all these relevant stakeholders, the objective is that all strategic plans will be interconnected with wider strategies. This will facilitate alignment across organisations in relation to learning Welsh.

3.259 Furthermore, the Bill requires the Institute to submit the plan to the Welsh Ministers for approval. This is important to ensure that the Institute's vision and work plan is aligned with the wider vision of Welsh Ministers. Part 1 of the Bill places a requirement on Welsh Ministers to assess the likelihood of meeting certain targets in the Welsh language strategy. The outcome of any such assessment may inform the decision of Welsh Ministers in approving the Institute's strategic plan.

3.260 The Institute also has a duty to produce an annual report, and the Welsh Ministers have a duty to lay it before the Senedd.

#### **iv) How does the legislation enable sectors to operate more efficiently**

- 3.261 The Institute will function as a one-stop-shop for Welsh language learning. The Institute's overall objective is to facilitate and support people to learn Welsh, and this objective covers all ages. This means that there is clarity for any organisation or individual that the Institute is the central point of contact for the learning of Welsh.
- 3.262 The Institute will therefore be a clear destination for anyone who wants support in learning Welsh. However, it will also play a proactive role by implementing the clear functions set out on the face of the Bill. This will include planning to provide opportunities to learn Welsh and improving levels of ability in Welsh for the education workforce and in the workplace.
- 3.263 Although many of the Institute's functions in section 39(2) of the Bill focus on learners over compulsory school age, one of the consequences of exercising these functions will be to support lifelong Welsh language education and teaching.
- 3.264 It must nevertheless be stressed that the Institute has no intention of providing courses and activities directly to pupils 3-16 in schools. However, the provision planned and organised by the Institute for the education workforce will improve provision for children 3-16 and bring the provision into line with Welsh learning skill levels.
- 3.265 The Institute will be responsible for developing and maintaining a national curriculum for Welsh language learning for people over compulsory school age based on the common reference levels in the Code. It will also provide high quality resources to support the curriculum.
- 3.266 This consistent offer to learners over compulsory school age will give learners more clarity and allow recognition of previous learning, enabling learners to progress seamlessly between providers and/or levels of learning.
- 3.267 The Institute will not be responsible for the curriculum in schools but will plan and organise training and specialist support to develop the Welsh language skills of the education workforce and share good pedagogical practice in relation to learning and transmitting the Welsh language.
- 3.268 The Bill also provides that the Institute may provide financial support to Welsh language learning providers. This will enable sectors to work effectively as it means that the Institute not only plays a role at a national level but can fund local provision that is effective for different circumstances in different areas.



**v) The risk of failure to make legislation**

- 3.269 As set out in Chapter 4 of this Explanatory Memorandum, the National Centre for Learning Welsh has worked effectively in the field of Welsh language learning, and the sector has grown successfully, generating enthusiasm from organisations and individuals alike. However, the Centre's specific focus is individuals aged 16 and over and there is no single specific body providing strategic leadership and support for lifelong Welsh language learning.
- 3.270 Lack of central supervision for lifelong Welsh language learning risks duplicating provision and resources. This can also lead to gaps in provision and opportunities to collaborate in order to share expertise and good practice as well as the co-production of resources also risk being lost. Proposals in the other Parts of this Bill create a clear line of accountability between language planning undertaken at school level, local authority level, and at national level. But in setting additional requirements and specific targets, there must be a centrally secure and stable offer of support.
- 3.271 This is the reason for the creation of a statutory body. The Bill's proposals have a long-term vision, and work of this long-term importance and nature should be delivered on solid financial foundations, as opposed to being an organisation subject to acquisition periods which end in uncertainty.
- 3.272 The stability provided by a statutory basis for the Institute will also broaden the body's horizons as it plans for the long term and builds expertise at a national level that will be accessible for individuals and organisations.

## 4. Consultation

- 4.1 A number of proposals in this Bill deal with structures and regimes already in existence – whether statutory or non-statutory – for example the target of a million Welsh-speakers, the categorisation system of schools according to language medium, Welsh in Education Strategic Plans amongst other proposals.
- 4.2 As such, over recent years, Welsh Government has undertaken several policy reviews, consulting and engaging widely with stakeholders on policy proposals that have been put forward. The White Paper proposals for the Bill were developed in light of those consultations and reviews.
- 4.3 The White Paper's proposals for this Bill were consulted upon between March and June 2023, and the findings of that consultation are outlined below. Firstly, we will outline the previous consultations that have taken place on the policy issues addressed in the Bill.

### **Consultations, reviews and inquiries carried out prior to the submission of the White Paper**

#### **The Cymraeg 2050 strategy and the target of reaching a million Welsh-speakers**

- 4.4 The Cymraeg 2050 Strategy is the strategy that Welsh Government has adopted under section 78 of the Government of Wales Act 2006. A consultation on the draft strategy took place between 1 August and 31 October 2016, and the strategy was published on 11 July 2017. The summary of responses to the consultation is available [here](#).
- 4.5 The majority of respondents supported the approach to creating a long-term strategy for the Welsh language. In relation to the role of education specifically within the strategy, some felt the need to be more proactive in creating demand for Welsh language education rather than simply responding to demand. This has been a key principle of the Welsh in Education Strategic Plans, as will be highlighted in due course.
- 4.6 Respondents to the consultation also highlighted the importance of involving all Welsh schools in the quest to increase the number of people learning Welsh. It was noted that efforts should be made to

increase the co-operation between Welsh-medium and English-medium schools, and the desire to review the categorisation of schools according to language medium was discussed. In relation to school structures, the need to adequately address provision for specific groups was also discussed, such as latecomers and those with additional learning needs.

- 4.7 Some respondents spoke of the need to introduce a linguistic continuum for all schools in Wales. They also mentioned the need to develop Welsh-medium provision beyond the statutory period, particularly in further and higher education in order to increase the opportunities available for people to continue their education through the Welsh language.
- 4.8 Regarding what the Welsh Government should prioritise in implementing the Cymraeg 2050 strategy, the largest number of responses highlighted the development of education as the priority in implementing the objectives. Over the range of responses prioritising education, there were references to the need to develop the education sector as a whole, from the early years, Welsh language provision in primary and secondary schools, through to further and higher education along with lifelong learning and immersion provision.

### **Welsh in Education Strategic Plans**

- 4.9 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 84 places a duty on all local authorities to prepare a plan, keep it under review and revise it if necessary. Section 87 of that Act empowers Welsh Ministers to produce regulations for such WESPs. 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
- in its area.
- 4.10 Between 27 June and 22 August 2013, a [consultation](#) was held on the draft Welsh in Education Strategic Plans and Assessing Demand for Welsh Medium Education (Wales) Regulations 2013. Responses were received from organisations and individuals.

- 4.11 Overall, the responses to the draft regulations were positive. At the time of responding to the consultation, it was noted that local authorities had already had two years' experience of preparing and delivering WESPs on a non-statutory basis. As a result of the consultation responses, the consultation period was reduced from 12 weeks to 8 weeks, and the process for reviewing WESPs was streamlined.
- 4.12 The [Welsh in Education Strategic Plans \(Wales\) Regulations 2013](#) came into force on 1 September 2013.
- 4.13 The first statutory WESPs covering the period 2014 to 2017 were submitted to Welsh Ministers in December 2013. The second statutory WESPs covering the period 2017 to 2020 were submitted to Welsh Ministers in December 2016. The plans were fully assessed, and the conclusion was that they did not go far enough to ensure adequate growth in Welsh language education – particularly in the context of the target set in the interim by the Cymraeg 2050 strategy to reach a million Welsh-speakers.
- 4.14 On 14 March 2017, it was announced that a rapid review of the Welsh in Education Strategic Plans 2017-2020 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.
- 4.15 Eighteen recommendations were put forward as a result of the rapid review, and all of these recommendations were accepted. 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. It went on to say that change was needed in the regulations and guidance arising from the legislation, and that this would inevitably lead to a change in the responsibilities of stakeholders and what they are expected to achieve. In addition, an independent advisory board was formed to oversee the implementation of the recommendations.
- 4.16 The review recommended:
- the need to review and change the legal regime by creating a framework that enables local authorities to plan strategically in the long term rather than over a three-year period;

- the need to create a planning framework where the aspirations at local level reflect the ambition of Welsh Government and ask the authorities to plan based on that;
  - the need to change the process around rejecting a plan so that the plan is driven back to the local authority for re-writing rather than for Welsh Government to be responsible for doing so.
- 4.17 The review also recommended that the school categorisation process be streamlined – an issue discussed further below.
- 4.18 Between 30 May and 13 September 2019, a draft of the Welsh in Education Strategic Plans (Wales) Regulations 2019 and Guidance were consulted upon. The summary of responses is available [here](#).
- 4.19 In light of the responses to this consultation, Welsh Government made the following revisions:
- Extending the duration of WESPs from 3 years to 10 years;
  - Removing the duty to carry out assessments of parental demand as the basis for planning Welsh-medium education;
  - Reducing the number of Statements required to be dealt with in a WESP;
  - Emphasising that there is no requirement to amend a WESP annually, but rather that there is a requirement to submit a review report to Welsh Government annually.
- 4.20 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.
- 4.21 Welsh Government also holds regular sessions with local authorities to offer anyone involved in implementing the schemes the opportunity to share good practice; and learn more about the principles of language planning and promotion nationally, regionally and locally.
- 4.22 Between 12 April 2022 and 24 June the Senedd Culture, Communications, Welsh Language, Sport and International Relations Committee carried out an [inquiry](#) into the legislative framework supporting Welsh-medium education provision. In May 2023, the [report](#) was published following the inquiry. Welsh Government [responded](#) to the report in July 2023, confirming that a number of the report's

recommendations are in line with plans already underway, some through this Bill.

### **Workforce Planning**

- 4.23 As noted above, the Welsh in Education Strategic Plans (Wales) Regulations 2019 were subject to consultation. One of the outcomes set out in these regulations is 'Increase the number of teaching staff able to teach Welsh (as a subject) and teach through the medium of Welsh'. When the supporting guidance was published in 2021, it was stated that local authorities must include in their plans their commitment to identifying the workforce it needs in order to provide Welsh-medium education during the life of the plan in line with the plan's targets, and calculate any expected shortfall in its workforce.
- 4.24 On 24 May 2022, the [Welsh in Education workforce plan](#) was published. There has been widespread engagement with key stakeholders and partners in order to understand the problems and develop the solutions needed. As part of the development of the plan, a Task and Finish Group collaborated with Welsh Government to suggest, develop and refine the course of action.
- 4.25 As part of the implementation of the Plan, there was a commitment to do the following:
- establish a steering group of experts from the sector to advise on implementation
  - consult with our key stakeholders on specific developments through task and finish groups
  - continuously monitor and evaluate action taken and formally review the plan after 5 years
  - consider international best practice as we move forward with implementation.
- 4.26 One of the recommendations of the Senedd Culture, Communications, Welsh Language, Sport and International Relations Committee in its report on the legislative framework supporting Welsh-medium education provision stated that Welsh Government should invest significantly in upskilling the existing teaching workforce, giving a greater number of teachers, teaching assistants and lecturers the opportunity to take advantage of the Sabbatical Scheme.
- 4.27 In response to this recommendation, reference was made to the proposals in the White Paper to impose duties on local authorities to

plan their workforce and set targets for increasing the number of practitioners with Welsh language skills, based on analysis of the relevant data in the School Workforce Annual Census.

### **Categorisation of schools according to language medium**

- 4.28 School language categories were first introduced in 2007 in an attempt to provide a coherent picture of how Welsh language immersion education was being implemented in different parts of Wales, as well as provide consistency by grouping schools implementing similar immersion methods.
- 4.29 These categories were first published in the non-statutory guidance Defining schools according to Welsh medium provision - five categories in the primary sector and four in the secondary sector (including four sub-groups).
- 4.30 In formulating these categories, extensive consultation was carried out and responses were received from schools, local authorities, teachers' associations and groups with an interest in the Welsh language, including the Welsh Language Board.
- 4.31 In August 2017, the rapid review report of the Welsh in Education Strategic Plans 2017-2020 was published. The review recommended that the school categorisation process be streamlined.
- 4.32 In December 2020, a report was published following an independent review to redefine schools according to their Welsh-medium education provision. This review involved a panel of experts, and the proposed draft categories were consulted upon.
- 4.33 In considering the definitions of the new categories, representatives from Welsh local authorities and the Welsh Joint Education Committee were consulted. It was recommended that three categories be created for the primary sector, and three categories for the secondary sector. It was also recommended that schools have the opportunity of a transitional period as they move from one category to another to give schools the opportunity to grow their Welsh language provision over an extended period of time.
- 4.34 The report produced, based on the review, recommended that one of the core principles should be that schools are unable to offer less Welsh language provision in the future than they have done in the past. In recommending that the categories be labelled in a neutral way i.e.

with numbers 1, 2 and 3, the report also noted that consideration needs to be given to providing a comprehensive description of each category in relation to the category numbers. It was proposed that this description would outline a child's linguistic journey and what the parent(s) and child could expect in terms of linguistic outcomes at the end of that journey.

- 4.35 The report also noted that the table setting out regulated changes (Schedule 2 of the School Standards and Organisation (Wales) Act 2013) needs to be revisited, as the wording as it stands makes it difficult to move schools in a practical and sensible way along the linguistic continuum. It went on to say that 'in terms of the ambitious targets in Cymraeg 2050: A million Welsh-speakers, it is clear that we need to look in detail at the definitions of the current categories and the conditions for consulting on changes to language medium'.
- 4.36 Using that report as a basis, between 14 December 2020 and 26 March 2021, a consultation was held on revised non-statutory guidance to replace the 2007 guidance. It was noted in this consultation that any new arrangements will remain non-statutory for the time being as we continue to consider options to place school language categories on a statutory footing.
- 4.37 There was widespread support for the principle that the regime should be streamlined to include three categories. Strengthening the proposals was a priority for some respondents, who felt the policy should be more ambitious and provide more incentives for schools to increase the Welsh-medium provision they offer. Some respondents felt that the proposals should be statutory and should include reference to wider considerations, including the ethos of schools in relation to the Welsh language.
- 4.38 Some respondents indicated the need for more detail in order to fully evaluate the proposals. This included details of timescales (particularly in relation to time spent within transitional categories), linguistic outcomes, monitoring arrangements, funding and the nature of the support available to schools to help them move between categories.
- 4.39 On 16 December 2021, the new non-statutory guidance for categorising schools according to language medium was published. Considerable consultation was carried out in formulating this policy, and it was stressed that the new non-statutory guidance was only the first step. It was noted that the benefits of making the categories statutory would



need to be considered, but that it was clear from the consultation that we were on the right track.

### **Specialist support for learning Welsh**

- 4.40 One of the White Paper's proposals was that specialist support for learning Welsh, including school education, should be centralised within a single body. The concept of having one all-encompassing body responsible for all aspects of Welsh language acquisition is a new one. However, engagement and consultation has been undertaken in relation to this over the years.
- 4.41 The National Centre for Learning Welsh was established following a comprehensive [review](#) of the Welsh for Adults provision - leading to a report entitled "Raising our Sights" - published in July 2013. One of the recommendations of that report was that Welsh Government should establish a national entity to be responsible for providing strategic guidance to Welsh for Adults providers, and to undertake evolving duties at a national level in terms of curriculum, tutor training, research, marketing and e-learning, among other elements.
- 4.42 In June 2017, Estyn published a [review](#) of the work of the National Centre for Learning Welsh, following its establishment two years previously. Estyn found that the Centre had developed its role well as a national voice for the Welsh for Adults sector, and provided clear strategic direction for the sector.
- 4.43 Furthermore, Estyn noted that the National Centre has developed a new range of courses at entry, foundation, intermediate and advanced levels to ensure greater consistency in provision for learners across Wales. The outcome levels aligned with the Common European Framework of Reference for Languages (CEFR). Estyn said the National Centre had been consulting with providers about these changes to the curriculum, and had responded appropriately to feedback. Estyn went on to say that the Centre is implementing a consistent approach across all providers for listening to learners' perspectives in order to improve their learning experiences.
- 4.44 In January 2021, Estyn published an [inspection report](#) on the Centre. Once again, the work of the Centre was praised, and some recommendations were proposed, including sharing a successful second language teaching and acquisition methodology with other relevant sectors to support Welsh Government's aim of reaching a million active Welsh-speakers by 2050, and continuing to work with

Welsh learning providers to develop models of provision based on learner availability.

- 4.45 To steer the provision of the Centre from 1 August 2022, the second seven-year procurement period following its establishment in 2015, the then Minister for Mental Health, Wellbeing and Welsh Language commissioned a [Rapid Review of the National Centre for Learning Welsh](#). Meetings were held with a range of stakeholders to seek their views, including users, providers and Welsh learning provision managers as well as Welsh Government and Estyn. This rapid review included a number of recommendations, again praising the organisation's work and encouraging the sharing of good practice and further co-operation with other sectors.
- 4.46 In response to these recommendations, Welsh Government agreed that the Centre has established a national structure that has provided a sound basis for the Welsh learning sector. The Government went on to say that it will look for opportunities to further develop the Centre and strengthen its influence in relation to Welsh language acquisition. The Government said it was pleased that the Centre had already collaborated with education consortia to adapt some of its resources for use in learning Welsh in schools, and we will ensure that collaboration of this kind continues and is strategically expanded at a national level.
- 4.47 Other recommendations from the report included:
- that the Centre should become a hub for research innovation in language acquisition, and again Welsh Government agreed with this recommendation;
  - that consideration should be given to the appropriateness of the current governance model;
  - that expansion of the Centre's remit should be explored in relation to areas such as training the education workforce, and in so doing, sharing resources and good practice with the second language sector in schools and building language skills for further education subjects;
  - that consideration should be given to expanding the provision and remit to include 16-25 year olds who have studied Welsh as a subject in the English-medium school sector.

### **Consultation on the White Paper: Proposals for an Education and Welsh Language Bill**

- 4.48 [A White Paper on the proposals for an Education and Welsh Language Bill](#) was published on 27 March 2023, and the consultation period closed on 16 June. This White Paper contained 36 questions relating to

the policy proposals and the financial and non-financial impacts of these proposals.

4.49 Broadly, the White Paper's proposals included:

- Reflecting the target of a million Welsh-speakers in law;
- Creating a single Welsh language skills continuum to describe skill levels so that learners, teachers, parents and employers have a common understanding of the journey towards learning Welsh;
- Establishing a statutory system of categorising maintained schools according to language medium;
- Over time, enhancing Welsh language provision in maintained schools that are not already designated Welsh-medium schools;
- A requirement for the Welsh Ministers to create a statutory National Plan for the acquisition and learning of Welsh, and review it in each Senedd term;
- Reforming how local authorities plan Welsh language provision in schools in order to meet targets set by the Welsh Ministers;
- Requirements on local authorities to proactively promote Welsh-medium education, including late immersion provision; and
- Providing specialist support for schools with Welsh learning.

4.50 The White Paper was published on the Government's website, and sent to relevant stakeholders. Proactive steps were taken to engage during the consultation period, and over 35 meetings, seminars and forums were held to discuss the proposals. We received a total of 538 responses, of which 366 were unique. Responses represented a wide range of stakeholders, including local authorities, universities, teaching unions, other public organisations in the education sector, third sector organisations and individuals. The full list of respondents is included in Schedule 1 of the report.

4.51 An independent analysis of the responses received was published. The report along with the responses have been published on the [Welsh Government website](#).

4.52 The provisions of the Bill as introduced are based on the proposals of the White Paper and the responses to the questions of that consultation. However, it is worth highlighting a provision in Part 1 which was not part of the White Paper consultation, and which was a new policy development during the drafting of the Bill.

- 4.53 This new provision places a duty on the Welsh Ministers to review the standards specified under section 26 of the Welsh Language (Wales) Measure 2011 with a view to determining whether amendments are necessary to—
- a) any of the standards relating to improving or assessing workforce Welsh language skills to —
    - i. facilitate meeting a target set under Part 1 of the Bill, or
    - ii. reflect the Code prepared by the Welsh Ministers on describing Welsh language ability in Part 2 of the Bill;
  - b) any of the Welsh language promotion standards to facilitate meeting a target set under Part 1 of the Bill.
- 4.54 Firstly, it is worth highlighting that this is a duty to review the standards, and not an obligation to amend them. Any decision to amend the Welsh language standards regulations would be subject to further consultation, as is usual for regulations.
- 4.55 Eight sets of regulations have been created relating to the Welsh language standards, all of which have been subject to public consultation. Placing a duty on the face of the Bill to review specific standards ensures that appropriate steps are taken to connect the provisions of the standards with the provisions of the Bill.
- 4.56 There are two main reasons for including this provision in the Bill. Firstly, it aims to ensure that Welsh language standards complement any targets set in the Welsh language strategy, and facilitate the realisation of those targets. Secondly, it aims to ensure that the Welsh language standards reflect the Code on describing Welsh language ability.
- 4.57 Furthermore, such a review must be carried out within 12 months of the publication of the Code on describing Welsh language ability, and therefore the provision aims to ensure that prompt steps are taken to ensure the success of the statutory targets that must be determined under the Bill.

### **Summary of the consultation outcomes**

- 4.58 Overall, comments received about the proposals were favourable, particularly so from organisations (including the organisations that will be responsible for implementing the Bill's proposals).

### **Reflecting the target of a million Welsh-speakers in law**

- 4.59 In relation to reflecting the target of a million Welsh-speakers on the face of the Bill, there was widespread support for this proposal, with recognition that strengthening the status of the target would lead to central leadership, and that this would facilitate effective action to support progress across different sectors.
- 4.60 However, some respondents were unsure what was being measured in referring to 'Welsh-speakers' and felt that more clarity was needed in this regard. Some also stressed the need for Welsh Government to ensure there are appropriate resources to meet any target set.

### **Creating a single Welsh language skills continuum**

- 4.61 In terms of establishing a single lifelong Welsh language skills continuum, there was considerable support for this proposal, with many feeling this would give parents and pupils a common understanding and more clarity about the likely linguistic outcomes for learners in each school. Many respondents saw the potential for the continuum to link to pupils' expected proficiency levels, and many believed it would be appropriate to set a goal for English-medium schools to produce speakers at a level that is at least synonymous with B2 on the CEFR.
- 4.62 It was also noted that a continuum of this kind would provide a common framework for use by employers during recruitment processes in communicating and assessing the required Welsh language skills for posts.
- 4.63 The need to ensure that any continuum was accessible and easy to understand was raised. It was suggested that the continuum therefore needs to be clearly and carefully defined, and its purpose and benefits made clear to all. It was noted that this would increase people's confidence in understanding where they are as individuals on the continuum.
- 4.64 It was also noted that care must be taken that any outcome target associated with the continuum should not place too much emphasis on the minimum expectation, and that doing so thwarts further ambition, creating some sort of artificial ceiling.

### **Establishing a statutory system of categorising maintained schools according to language medium**

- 4.65 On the proposal to establish a statutory system of categorising schools according to language medium, respondents indicated that the creation of a statutory regime would enable accurate definition of provision, along with constant monitoring of provision, and would provide a basis for progress in line with the Cymraeg 2050 targets.
- 4.66 Some responses indicated that the link between continuum proficiency levels and statutory categories should be clear. There was also some feeling that this change to statutory categories would be very soon after the new non-statutory categories were announced in September 2022.
- 4.67 In relation to the inclusion of details of the statutory categories in regulations, it was emphasised that further consultation and investigation was required before specifying descriptions of the categories. Some respondents also felt it was important to be able to amend any elements of the categories in the future.
- 4.68 There was widespread support for the introduction of a minimum Welsh language provision, but there were a number of comments making subsequent points to this effect. Some respondents felt that emphasis needed to be placed on a Welsh language ethos as well as the provision, and that focus was needed on the use of the language outside the classroom as well.
- 4.69 Some stated that any minimum Welsh language provision needs to be adequate for pupils to become confident speakers. However, others stressed that there must be adequate support (e.g. staff training, learning resources and funding) to accommodate a required minimum.
- 4.70 Reference was made to the attention needed not only in terms of the quantity of provision, but to the quality of that provision. One institution noted that it was essential for contact time with pupils to be stimulating and enriching, and based on best pedagogical practice.
- 4.71 In terms of giving local authorities a role in approving a school language category, there was widespread support for this principle. Respondents said this would ensure consistency and enable local authorities to have a more robust overview, and this will ensure greater uniformity within school categories across their county.
- 4.72 However, in implementing this arrangement at a practical level, it was stressed that it was important for the local authority to work closely with schools, school governors and other stakeholders to agree on the categories in which schools are placed.

### **Over time, enhancing Welsh language provision in maintained schools that are not already designated Welsh-medium schools**

- 4.73 The majority of respondents also agreed with the White Paper's proposal on increasing Welsh language provision and moving towards a higher linguistic category. Some thought it was necessary to define more clearly how much progress needed to be made within a certain period, but others highlighted other factors affecting the scale of progress e.g. the Welsh language skills of the workforce. It was stressed that this is something that must be planned for.
- 4.74 Other respondents were concerned that the expectation for progress would mean each school becoming a Welsh-medium school or a designated Welsh-medium school, and it was also felt that due consideration needed to be given to the requirements expected of Additional Learning Needs settings.
- 4.75 As a way of driving this progress, the majority of respondents agreed that school-level delivery plans were necessary. However, a common theme that arose was that any additional work pressures that producing such a scheme would create needed to be considered, and that appropriate resources were needed. It was also noted that clear guidance would be needed detailing how to formulate delivery plans.
- 4.76 It was proposed that there should be flexibility for Welsh Ministers or local authorities to provide further funding and support to any schools in the process of transitioning to a higher linguistic category. Some respondents also went on to note that further efforts would be needed to promote the benefits of speaking Welsh among pupils from non-Welsh-speaking homes.
- 4.77 On a practical level, some respondents highlighted the importance of planning any increase in provision per cluster of primary schools so that pupils arrive at secondary school with similar proficiency levels.
- 4.78 The majority of respondents also agreed with the White Paper's proposal on monitoring school progress. While agreeing with the proposal of giving local authorities this monitoring responsibility, some local authorities expressed concerns about the additional burden this would put on their resources.
- 4.79 For some, the idea of including an external body such as Estyn within the monitoring process was essential. On a practical level, a number of respondents stressed the need to ensure that the monitoring role of

local authorities and Estyn is conducted in a supportive and collaborative way, and not in a way that judges schools.

- 4.80 Some said clarity must be provided on how any monitoring of progress would be done – whether on the basis of input i.e. the school's provision, or on the basis of output i.e. the pupils' results in assessments. Some respondents also said it was necessary to be clear what the consequences would be if the monitoring process identified a school that had not increased or improved its Welsh language provision.

**A requirement for the Welsh Ministers to create a statutory National Plan for the acquisition and learning of Welsh, and review it in each Senedd term**

- 4.81 The majority of respondents believed that Welsh Ministers needed to produce a National Plan to provide guidance and direction on the use of the Welsh language as well as arrangements to support language acquisition and ensure consistency across all local areas. Some suggested that it was worth involving language and teaching experts in creating the National Plan.
- 4.82 It was noted that it is important for any National Plan to address the significant increase needed in the number of teachers able to teach through the medium of Welsh, as well as the need to ensure fewer teachers leave the profession. A large number of respondents suggested that financial investment was needed to promote training courses in order to attract more people to the teaching sector.

**Reforming how local authorities plan Welsh language provision in schools in order to meet targets set by the Welsh Ministers**

- 4.83 On the role of local authorities in planning Welsh in education (in the form of the WESP), there was support from a number of respondents, but the scale of the task of ensuring an adequate bilingual workforce in order to implement the county plans (and the objectives of the Bill as a whole) was highlighted. It was stated that the challenge of growing the Welsh-medium education workforce is a national priority and that it cannot be solved at a local level only. It was also said that it is vital to secure infrastructure and resources at a national level in order to support the implementation of local plans.
- 4.84 There was widespread support for the principle that a WESP should be reviewed after 5 years to coincide with the National Plan's review



period. It was also proposed that the WESP be aligned with capital funding schemes for practical reasons.

- 4.85 In relation to the principle that Welsh Ministers should impose targets on local authorities through the National Plan, respondents said it was necessary to ensure that the targets set by Welsh Ministers were appropriate for local circumstances, whilst sufficiently ambitious at the same time. It was noted that strategic guidance from Welsh Government would be welcomed, as some believed that it is parents and other pressure groups that have led the demand in the past. Several respondents indicated that they welcomed the proposals for Welsh Ministers to be able to set higher expectations in certain areas in order to safeguard Welsh as a community language.
- 4.86 However, it was stressed that discussions were needed between authorities and Welsh Government in order to agree and update targets, and to ensure local authority ownership and aspiration to achieve the targets. Some were concerned that targets would be set without an adequate local workforce to achieve those targets, and that flexibility was therefore needed to respond to targets in a way that reflects local contexts and challenges.
- 4.87 In terms of enabling Welsh Ministers to commission Estyn to review local authority WESP content when appropriate, some respondents said that objective and expert external opinion would be valuable and a means of ensuring that developments are built on the basis of research. Others noted the proposal would ensure that the review and evaluation processes are more effective and speed up the process of ensuring that authorities address weaknesses in their plans or implementation. However, some said there needed to be more clarity on the conditions or situations that would necessitate an external review.
- 4.88 On imposing a duty on local authorities to plan their workforce in line with the WESP, it was proposed that the whole workforce needed to be mapped out, and opportunities found to develop the workforce according to the needs of the area. It was also emphasised that appropriate resources needed to be provided to enable local authorities to grow the Welsh-speaking workforce, for example continue and extend the Sabbatical and Camau schemes. It was noted that workforce planning needed to be done at a wider level than the local authority level alone, and that other relevant organisations working in the field should be included.

- 4.89 The White Paper proposed that local authorities should be under a duty to publish a report on the implementation of the WESP and the progress being made against the National Plan targets. The majority supported this proposal for accountability and transparency reasons, and some authorities indicated that they were already doing this for scrutiny purposes, and that formalising the requirement would therefore be welcome. Some respondents mentioned that it would be useful to have clear guidance to ensure consistency of methods and expectations.
- 4.90 In relation to giving Estyn a role in undertaking a rapid review of a local authority WESP in situations where there appears to be a risk that the authority will not realise its targets, there was a perception that this would ensure a measure of accountability and provide a clear pathway to dealing with any underachievement by a local authority.
- 4.91 However, some respondents believed that adequate provision was already made by the Bill due to the requirement for local authorities to revise the WESP every 5 years to ensure consistency with the National Plan. Others proposed that Welsh Ministers could use their powers under the School Standards and Organisation (Wales) Act 2013 to intervene in such cases. Some respondents indicated that clarity would be needed on what the exact role of Estyn would be as a result of the proposal.

**Requirements on local authorities to proactively promote Welsh-medium education, including late immersion provision**

- 4.92 In terms of placing a duty on local authorities to proactively promote Welsh-medium education, respondents who were in favour of the proposal said that this was already underway in a number of local authorities and that the proposal built on these foundations. Respondents also noted that imposing a duty of this kind could contribute to better clarity and information for parents and guardians, empowering them to make informed decisions about their children's education. Some respondents suggested that it would be beneficial for any promotion undertaken to include opportunities for parents to learn or improve their Welsh language skills so that they can support their children at home.
- 4.93 Many respondents also felt there was a role for Welsh Ministers in promoting Welsh-medium education. Primarily, this would involve providing adequate resources to boost the Welsh-medium sector, along

with resources, training and support for teachers to improve their Welsh language skills.

- 4.94 There was also widespread support for the proposal to impose a duty on local authorities to offer late immersion provision. Many stressed that this was already happening in local authorities, but that the assurance of adequate funding would be essential. It was proposed that national guidance be provided in terms of late immersion to ensure coherent action across local authorities and the sharing of good practice. Some respondents were concerned about the funding arrangements of a duty of this kind, and were keen to ensure that any funds earmarked for late immersion should not be diverted from schools.

### **Providing specialist support for schools with Welsh learning**

- 4.95 In relation to the proposal to centralise specialist support for learning Welsh, including school education, within a single body, many respondents felt that this would give schools clarity on where they can access support, and would avoid duplication of work across the country. Some respondents said that support at a local level was also critical. Some said this issue needed to be further discussed and considered, including the functions and scope of a body of this kind.
- 4.96 There was widespread support for the principle that adequate Welsh learning provision should be guaranteed, and that suitable structures should be in place to support learners of all ages in Wales. Many respondents referred to the goal of a million Welsh-speakers, saying the required provision and structures need to be guaranteed in order to achieve this goal. However, some were keen to get more specific details about the proposal and its operation to fully understand its scope and impact.
- 4.97 Further engagement was also undertaken with stakeholders directly affected by the Bill's proposals, seeking further information specifically in relation to the costs, impacts and benefits of the proposals. Details of the methods and outcomes of that engagement are set out in paragraphs 8.2- 8.7 of the Regulatory Impact Assessment.

### **Reason for not consulting on a draft Bill**

- 4.98 On the whole, the provisions in the Bill are in alignment with the proposals set out in the responses to the White Paper, as noted above. Also, given the broad and detailed engagement in respect of the policy

areas over a prolonged period, it was not considered necessary to consult on a draft Bill.

## **5. Power to make subordinate legislation**

5.1 The Bill contains provisions to make subordinate legislation and issue determinations. Table 5.1 (subordinate legislation) and Table 5.2 (directions, codes and guidance) set out in relation to these:

- (i) the person upon whom, or the body upon which, the power is conferred;
- (ii) the form in which the power is to be exercised;
- (iii) the appropriateness of the delegated power;
- (iv) the applied procedure; that is, whether it is "affirmative", "negative", or "no procedure", together with reasons why it is considered appropriate.

5.2 The Welsh Government will consult on the content of the subordinate legislation where it is considered appropriate to do so. The precise nature of consultation will be decided when the proposals have been formalised.

**Table 5.1: Summary of powers to make subordinate legislation in the provisions of the Welsh Language and Education (Wales) Bill**

<b>Section</b>	<b>Power conferred on</b>	<b>Form</b>	<b>Appropriateness of delegated power</b>	<b>Procedure</b>	<b>Reason for procedure</b>
3(1)	Welsh Ministers	Regulations	<p>It imposes a duty to specify the data-related basis for calculating the number of Welsh speakers.</p> <p>It is appropriate to include this information in regulations in order to give the Welsh Ministers the flexibility to vary the data sources over time.</p>	Draft Affirmative	The subject of the regulations is likely to be of interest to Members of the Senedd and to the public.
3(3)	Welsh Ministers	Regulations	<p>It provides a power to specify a method of deciding whether a person under the age of 17 is a Welsh speaker and whether that method is to be used in addition to, or instead of, the assessments referred to in subsection (2)(b)</p> <p>It is appropriate that this is a regulation-making in order to give the Welsh Ministers the flexibility</p>	Draft Affirmative	The subject of the regulations is likely to be of interest to Members of the Senedd and to the public.

<b>Section</b>	<b>Power conferred on</b>	<b>Form</b>	<b>Appropriateness of delegated power</b>	<b>Procedure</b>	<b>Reason for procedure</b>
			to adapt to new methods over time.		
5(2)	Welsh Ministers	Regulations	<p>It provides a power to amend the Table in Schedule 1 (Table 1).</p> <p>It is appropriate to use a regulation-making power to ensure that the Welsh Ministers have the flexibility to modify the text in Table 1 in response to changes to the Common European Framework of Reference for Languages. Subsection 5(3) limits this power to situations where changes need to be made only in response to a change made to the Common European Framework of Reference for Languages.</p>	Draft Affirmative	The power enables the Welsh Ministers to amend primary legislation.
9(3)	Welsh Ministers	Regulations	It provides a power to modify Part 3 of the Bill to make provision in relation to a school that is designated more than one language category.	Draft Affirmative	The power enables the Welsh Ministers to amend primary legislation.

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			It is appropriate to use a regulation-making power to ensure that the Welsh Ministers have the flexibility to make changes to the Bill for schools that are designated more than one language category, as the need arises and over time.		
10(1) and (2)	Welsh Ministers	Regulations	<p>It imposes a duty to specify the amount of Welsh language education for schools in each language category, including a minimum provision of Welsh language education.</p> <p>Section 10(2) states that the amount must be specified:</p> <ul style="list-style-type: none"> <li>(a) by referring to the Welsh language education as a percentage of the education and training provided over a school year during school sessions for pupils of compulsory school age; and</li> </ul>	Draft Affirmative	The subject of the regulations is of particular importance to Members of the Senedd and to stakeholders. The range and minimum are also likely to lead to financial implications for stakeholders.



Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			<p>(b) in the form of a range of percentages for each language category.</p> <p>It is appropriate to use a regulation-making power to ensure that the Welsh Ministers have the flexibility to amend the range and minimum over time, particularly by virtue of the duty in section 13(5).</p>		
11(2)(b)	Welsh Ministers	Regulations	<p>It provides a power to specify the date when the learning goal of the “Dual Languages” category schools will be at least the common reference level of oral B2.</p> <p>It is therefore important that the Welsh Ministers have the flexibility to set this date at the appropriate time based on evidence. It will be necessary to ensure that the education workforce is available and that there is support for schools.</p>	Draft Affirmative	The subject of the regulations is of particular importance to Members of the Senedd and to stakeholders.

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
11(3)(a)	Welsh Ministers	Regulations	<p>It provides a power to specify the period during which the Welsh language learning goal of pupils in the “Primarily English Language, partly Welsh” category of schools will be to be basic Welsh users.</p> <p>The regulations will lead to systematic change. It is therefore important that the Welsh Ministers have the flexibility to set this date at the appropriate time based on evidence. It will be necessary to ensure that the education workforce is available and that there is support for schools.</p>	Draft Affirmative	The subject of the regulations is of particular importance to Members of the Senedd and to stakeholders.
11(3)(b)(ii)	Welsh Ministers	Regulations	<p>It provides a power to specify the date when the learning goal of the “Primarily English Language, partly Welsh” category of schools will be at least the common reference level of oral B2.</p> <p>It is therefore important that the Welsh Ministers have the flexibility</p>	Draft Affirmative	The subject of the regulations is of particular importance to Members of the Senedd and to stakeholders.

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			to set this date at the appropriate time based on evidence. It will be necessary to ensure that the education workforce is available and that there is support for schools.		
12(1) refers to the regulation-making power under section 56 of the Curriculum and Assessment (Wales) Act 2021 <sup>1</sup>	Welsh Ministers	Regulations	It refers to the power that the Welsh Ministers have to make regulations in relation to assessment arrangements – planning, implementing, evaluating, amending and providing information.	Not relevant to this Bill. The negative procedure is relevant to the power in section 56 of the Curriculum and Assessment	The Senedd agreed, in scrutinising the Curriculum and Assessment (Wales) Act 2021, that the subject of the regulations is relatively minor and technical, and it is likely that they will need to be updated regularly. The

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<sup>1</sup>[Amended Explanatory Memorandum to the Curriculum and Assessment \(Wales\) Act 2021, pg 56](#)

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
				(Wales) Act 2021.	negative procedure is therefore deemed appropriate.
13(1)	Welsh Ministers	Regulations	It provides a power to make further provision about school language categories. It is appropriate to use a regulation-making power to ensure that Welsh Ministers have the flexibility to make further provision about the language categories over time, as the need arises.	Draft Affirmative	The power enables the Welsh Ministers to amend primary legislation.
13(2)	Welsh Ministers	Regulations	The power in subsection (2) enables the Welsh Ministers to:  (a) add a language category, or (b) revise a language category the regulations may not add a language category or revise a language category so that the amount of Welsh language education provided for the new category is less than the minimum provision of Welsh	Draft Affirmative	The power enables the Welsh Ministers to amend primary legislation.

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			<p>language education for a “Primarily English Language, partly Welsh” category school.</p> <p>(c) increase the minimum amount of provision of Welsh language education for a “Primarily English Language, partly Welsh” category school.</p> <p>It is appropriate to use a regulation-making power to ensure that the Welsh Ministers have the flexibility to amend the language categories over time.</p>		
13(4)	Welsh Ministers	Regulations	In circumstances where the powers under section 13(2)(a)(i) is used to add a language category to section 9, there is duty under subsection 3 to amend section 11 to specify a Welsh language learning goal for the category added.	Draft Affirmative	The procedure enables the Welsh Ministers to amend primary legislation.

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
14(2)(b)(vi)	Welsh Ministers	Regulations	<p>It provides the Welsh Ministers with a power to specify another person who must be consulted by a school's governing body when preparing a Welsh language education delivery plan.</p> <p>It is appropriate to include this in regulations in order to give the Welsh Ministers the flexibility to add to the list of those who must be consulted by a school's governing body over time.</p>	Negative	<p>The subject of the power is a relatively minor detail in the legislative plan for implementing the Bill.</p> <p>We are following the procedure used for a similar provision in section 97 of the School Standards and Organisation (Wales) Act 2013.</p>
14(3)(a)	Welsh Ministers	Regulations	<p>It provides a power to set a start date for the period of the first delivery plan.</p> <p>It is appropriate that regulations allow the Welsh Ministers the flexibility to decide when it is appropriate to impose the requirement on school governing bodies. This provision is dependent on the implementation</p>	Negative	<p>The substance of this provision is set out on the face of the Bill. These regulations will prescribe technical and administrative matters.</p>

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			of provisions in the Bill relating to the National Framework for Welsh Language Education and Learning Welsh and the local Welsh in education strategic plans.		
14(4)(a) and (b)	Welsh Ministers	Regulations	<p>It provides a power to change the duration during for which delivery plans are relevant, and makes provision about the form and content of a delivery plan.</p> <p>The form and content of delivery plans can change over time, so it is appropriate that these matters are set out in regulations.</p>	Draft Affirmative	The power enables the Welsh Ministers to amend the impact of primary legislation.
20(2)	Welsh Ministers	Regulations	<p>It provides a power to make further provision about a community special school Welsh language education plan, including about –</p> <p>(a) the duration and timing of a plan;</p>	Negative	These regulations will prescribe technical and administrative matters.

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			<p>(b) consulting on a plan;  (c) approving a plan;  (d) reviewing and amending a plan.</p> <p>The details to be included in the regulations may change over time, so it is appropriate to include them in regulations to ensure that the Welsh Ministers have the flexibility to make changes as the need arises.</p>		
20(4)	Welsh Ministers	Regulations	<p>It imposes a duty to make provision, in relation to voluntary designation, including modifying Part 3 of the Bill.</p> <p>It is appropriate to use regulation-making power to ensure that the Welsh Ministers have the flexibility to make changes to the Bill in relation to a voluntary designation, as the need arises and over time.</p>	Draft Affirmative	The power enables the Welsh Ministers to amend primary legislation.



<b>Section</b>	<b>Power conferred on</b>	<b>Form</b>	<b>Appropriateness of delegated power</b>	<b>Procedure</b>	<b>Reason for procedure</b>
21(3)	Welsh Ministers	Regulations	<p>It provides the Welsh Ministers with the power to make further provision about Welsh language nursery education plans. Such regulations may include: –</p> <ul style="list-style-type: none"> <li>(a) the duration and timing of a plan;</li> <li>(b) consulting on a plan;</li> <li>(c) approving a plan;</li> <li>(d) reviewing and amending a plan.</li> </ul> <p>This is a similar regulation-making power to that in section 20(2). The details to be included in the regulations may change over time, so it is appropriate to include them in regulations to ensure that the Welsh Ministers have the flexibility to make changes as the need arises.</p>	Negative	These regulations will specify technical and administrative matters.
22(3)	Welsh Ministers	Regulations	It provides a power to make further provision about the matters to be included in the register to be maintained by a local authority of	Negative	The substance of this provision is set out on the face of the Bill. The regulations will

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			<p>the language categories of maintained schools in its area. It also provides a power to make provision about the form of the register and how and when to publish that register.</p> <p>The form and content of the register and methods of publication may change over time, so it is appropriate that these matters are set out in regulations.</p>		include technical and administrative matters.
24(10)	Welsh Ministers	Regulations	<p>It provides a power to change what is required or permitted to be included in the National Framework for Welsh Language Education and Learning Welsh.</p> <p>It is appropriate to use a regulation-making power to give the Welsh Ministers the flexibility to vary the content of the Framework, when necessary.</p>	Draft Affirmative	The power enables the Welsh Ministers to amend the impact of primary legislation.

<b>Section</b>	<b>Power conferred on</b>	<b>Form</b>	<b>Appropriateness of delegated power</b>	<b>Procedure</b>	<b>Reason for procedure</b>
30(5)(b)(xi)	Welsh Ministers	Regulations	<p>It provides the Welsh Ministers with a power to prescribe other persons who must be consulted by a local authority when preparing a local Welsh in education strategic plan.</p> <p>It is appropriate to include this in regulations in order to give the Welsh Ministers the flexibility to add to the list of those who must be consulted by a local authority over time.</p>	Negative	<p>The subject of the power is a relatively minor detail in the legislative plan for implementing the Bill.</p> <p>We are following the procedure used for the current provision under section 97 of the School Standards and Organisation (Wales) Act 2013.</p>
31(1)(a)	Welsh Ministers	Regulations	<p>It provides Welsh Ministers with a power to specify the start date for the first 5-year period of local Welsh in education strategic plans.</p> <p>It is appropriate that regulations allow the Welsh Ministers the flexibility to decide when it is appropriate to impose the requirement on local authorities.</p>	Negative	<p>The substance of this provision is set out on the face of the Bill. These regulations will prescribe technical and administrative matters.</p>

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
35(1) and (2)	Welsh Ministers	Regulations	<p>It provides the Welsh Ministers with a power to make further provision about local Welsh in education strategic plans. The content of the regulations is not limited to the matters set out in this section.</p> <p>It also provides a power to make provision to enable two or more authorities to produce a joint local Welsh in education strategic plan.</p> <p>The Regulations may include details of the form and content of a plan, the timing in relation to the preparation of a plan, the process of consultation when preparing a draft plan, the procedure for approval of a plan, how and when to publish a plan and reporting on the implementation of the plan. It is therefore appropriate that this level of detail is a matter for subordinate legislation as it is likely to vary over time and</p>	Negative	<p>These regulations will prescribe technical and administrative matters.</p> <p>We are following the procedure used for the current provision under section 97 of the School Standards and Organisation (Wales) Act 2013.</p>

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			changes will need to be made regularly.		
40(1)	Welsh Ministers	Regulations	<p>It provides a power to confer additional functions on the National Institute for Learning Welsh.</p> <p>This allows the Welsh Ministers the flexibility to modify the functions of the Institute as needed.</p>	Draft Affirmative	The power enables the Welsh Ministers to amend primary legislation.
46(8)(a) and (b)	Welsh Ministers	Regulations	<p>It provides a power to specify the first planning period and a power to vary the planning period for the National Institute for Learning Welsh.</p> <p>This allows the necessary flexibility for the Welsh Ministers to specify the planning periods as needed.</p>	<p>Negative when specifying a planning period under section 44(8) (a)</p> <p>Draft Affirmative when varying</p>	The substance of these provisions is set out on the face of the Bill. These regulations will prescribe technical and administrative matters. 44(8)(b) enables the Welsh Ministers to amend the 3-year planning

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
				a planning period under section 44(8) (b)	period set out in the primary legislation.
55(1)	Welsh Ministers	Regulations	<p>It provides the Welsh Ministers with a power to make provision that is incidental or supplementary to, or 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.</p> <p>This power is intended to enable the Welsh Ministers to make changes over time, to ensure that this Bill works together with other laws. It is appropriate to introduce regulations to give the Welsh Ministers flexibility.</p>	Draft Affirmative - if amending primary legislation. Otherwise negative.	The affirmative procedure is suitable where primary legislation is amended as a higher level of scrutiny is appropriate. Otherwise the negative procedure applies – these changes are limited to ones that are consequential etc
56(4)	Welsh Ministers	Commencement Order	It provides a power to commence certain provisions of the Bill.	No procedure	The Order relates to commencement provisions.

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			It is suitable 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.		
Schedule 2, paragraph 2(4)	Welsh Ministers	Regulations	<p>It provides the Welsh Ministers with a power to vary the number of members for the National Institute for Learning Welsh.</p> <p>This allows the Welsh Ministers the flexibility 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>	Affirmative	The substance of this provision is set out on the face of the Bill. These regulations will prescribe technical and administrative matters.
Schedule 2, paragraph 3(f)	Welsh Ministers	Regulations	It provides the Welsh Ministers with a power to specify in	Draft Affirmative	The power enables the Welsh Ministers to

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			<p>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. This is in addition to the list of persons that are disqualified from being a non-executive member of the Institutes that that is already on the face of the Bill.</p> <p>This allows the Welsh Ministers the flexibility to add to the persons disqualified from being a non-executive member of the National Institute for Learning Welsh.</p>		amend primary legislation.



**Table 5.2: Summary of powers to make directions and to issue codes and guidance in the provisions of the Welsh Language and Education (Wales) Bill**

<b>Section</b>	<b>Power conferred on</b>	<b>Form</b>	<b>Appropriateness of delegated power</b>	<b>Procedure</b>	<b>Reason for procedure</b>
3(3)	Welsh Ministers	Guidance	<p>It imposes a duty to prepare and publish guidance on assessments for the purpose of assisting individuals to complete assessments, including a self-assessment of their Welsh language ability.</p> <p>Guidance is considered appropriate as the purpose is to provide further information and support beyond what will be set out in the Code (under section 6(1)).</p>	No procedure	The guidance is intended to facilitate the application of primary legislation.
6(1)	Welsh Ministers	Code	It imposes a duty to produce a code on describing Welsh language ability, based on the Common European Framework of Reference for Languages.	No procedure	The substance of this provision is clearly set out on the face of the Bill, and the content of the code is technical in nature.

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			<p>The code must explain how to use the common reference levels and describe specific characteristics of each common reference level.</p> <p>A code is considered appropriate because it will provide comprehensive and detailed information that is likely to need to be updated fairly regularly.</p>		
15(4)(c)	Local Authority	Direction	<p>If a local authority rejects a draft delivery plan, a local authority must give a direction to a school's governing body to re-consider the draft plan. The direction must give reasons for the decision to reject and specify by when the governing body is required to submit a further draft of the plan.</p> <p>The content of the direction will vary so that it can cover specific</p>	No procedure	The direction is intended to facilitate the application of primary legislation.

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			reasons for rejecting a plan. It is therefore appropriate to submit the information in the form of direction.		
16(6)(c)	Welsh Ministers	Direction	<p>If a local authority rejects the amended delivery plan, the local authority must give a direction to the school's governing body to reconsider the amended delivery plan. The direction must give reasons for the decision and must specify by when the school's governing body must submit a further draft of the delivery plan to the local authority, or notify the local authority that it no longer proposes to amend its delivery plan.</p> <p>The content of the direction will vary so that it can cover specific reasons for rejecting a plan. It is therefore appropriate to submit</p>	No procedure	The direction is intended to facilitate the application of primary legislation.

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			the information in the form of direction.		
32(3)(c)	Welsh Ministers	Direction	<p>If the Welsh Ministers reject a draft local Welsh in education strategic plan, the Welsh Ministers must give a direction to the local authority to re-consider the draft plan. The direction must give reasons for the decision to reject and specify a by when the local authority is required to submit a further draft of the plan.</p> <p>The content of the direction will vary so that it can cover specific reasons for rejecting a plan. It is therefore appropriate to submit the information in the form of direction.</p>	No procedure	The direction is intended to facilitate the application of primary legislation.
34(3)	Welsh Ministers	Direction	<p>It provides the Welsh Ministers with a power to give a direction to a local authority in specific circumstances, namely</p> <p>(a) if the Welsh Ministers consider that a local</p>	No procedure	The direction is intended to facilitate the application of primary legislation.

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			<p>authority is unlikely to meet a target in the National Framework for Welsh Language Education and Learning Welsh; and</p> <p>(b) if the Welsh Ministers consider it necessary to amend the local authority's local Welsh in education strategic plan accordingly.</p> <p>The content of the direction will be targeted for specific circumstances, so it is suitable that the information is in the form of direction.</p>		
48(2)	Welsh Ministers	Guidance	It provides the Welsh Ministers with a power to make guidance for local authorities and school governing bodies regarding their functions under the Bill.	No procedure	The guidance is intended to facilitate the application of primary legislation.

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			This power is intended to allow the Welsh Ministers the flexibility to prepare guidance, as the need arises.		
Schedule 2, paragraph 9(4) and (5)	National Institute for Learning Welsh	Direction	<p>It provides the Institute with a power to specify in a direction the functions which may not be delegated by a committee or sub-committee of the Institute. It also enables 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 regarding matters it may not delegate, as well as directing a sub-committee to, vary or revoke</p>	No procedure	The substance of the power to direct the committee or sub-committee of the Institute is set out on the face of the Bill and is limited in scope, and therefore requires no application of procedure.

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			<p>any delegation given by a sub-committee.</p> <p>Direction - making powers are considered appropriate to give the Institute the flexibility to decide what functions it may not delegate to a committee or sub-committee, and to give a committee of the National Institute for Learning Welsh the flexibility to decide about directing sub-committees.</p>		
Schedule 2, Paragraph 10	National Institute for Learning Welsh	Rules	<p>It imposes a duty on the National Institute for Learning Welsh to make rules to regulate its own procedure. The rules must provide that a meeting of the Institute for Learning Welsh does not constitute a quorum unless a majority of the members present are non-executive members.</p> <p>It also imposes a duty on the National Institute for Learning</p>	No procedure	The rules will deal primarily with process, and as such it is not considered appropriate to use a Senedd procedure.

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			<p>Welsh to make rules to regulate the procedure of its committees and sub-committees. The National Institute for Learning Welsh, its committees and sub-committees may set their own procedure, subject to any rules made by the Institute under paragraph 10(3).</p> <p>These details are deemed suitable for inclusion in rules to give flexibility to change the content as necessary.</p>		
Schedule 2, paragraph 16(2)	Welsh Ministers	Directions	It provides the Welsh Ministers with a power to give directions as to the information to be included in the statement of accounts, the manner in which the information is to be presented, and the methods and principles according to which the statement is to be presented an additional	No procedure	The instructions will be technical in nature and will deal primarily with process, and as such it is not considered appropriate to use a Senedd procedure.



Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			<p>information that is to accompany the statement.</p> <p>These details are deemed suitable for inclusion in directions to give flexibility to change the content as necessary.</p>		

## PART 2 – REGULATORY IMPACT ASSESSMENT

### 6. Regulatory Impact Assessment (RIA) summary

- 6.1. A Regulatory Impact Assessment has been completed for the Bill and it follows below.
- 6.2. There are no specific provisions in the Bill which charge expenditure on the Welsh Consolidated Fund.
- 6.3. The following table presents a summary of the costs and benefits for the Bill as a whole. The table has been designed to present the information required under Standing Order 26.6 (viii) and (ix).

<b><i>Welsh Language and Education (Wales) Bill</i></b>		
<b>Preferred option:</b> Introduce legislation to promote and facilitate the use of the Welsh language, which contains provisions to strengthen the infrastructure underpinning Welsh language learning and acquisition, and specifically the role of education within this process. The Bill encompasses the following – <ul style="list-style-type: none"><li>• setting a target to increase the number of speakers to one million by 2050</li><li>• providing for common reference levels for describing Welsh language ability</li><li>• developing a national framework and local plans for improving Welsh language education</li><li>• introducing a system of categorisation of schools based on the amount of Welsh language education provided</li><li>• setting Welsh language learning goals for schools to pursue through Welsh language education delivery plans</li><li>• establishing a National Institute for Learning Welsh to support lifelong learning of Welsh.</li></ul>		
<b>Stage:</b> Introduction	<b>Appraisal period:</b> 2025-26 - 2034-35	<b>Price base year:</b> 2023-24
<b>Total Cost</b> <b>Total:</b> £111.9m <b>Present value:</b> £89.3m	<b>Total Benefits</b> <b>Total:</b> £0 <b>Present value:</b> £0	<b>Net Present Value (NPV):</b> <b>£-89.3m</b>

## Administrative cost

### Costs:

Several proposals within the Bill build upon structures and practices already in existence – whether statutory or non-statutory. For example, the target of a million Welsh-speakers, the categorisation of schools based on the amount of Welsh language provision, and local Welsh in Education Strategic Plans (WESPs), amongst other proposals. However, our assessment is that there will be administrative costs associated with the Bill. There will be costs for the Welsh Government, for example to develop a Code to describe Welsh language ability, guidance and regulations, as well as costs associated with developing National Frameworks and establishing the National Institute for Learning Welsh. The administrative cost to Welsh Government is estimated to be £8.2m

<b>Transitional: £3.3m</b>	<b>Recurrent: £4.9m</b>	<b>Total: £8.2m</b>	<b>PV: £6.9m</b>
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### Cost-savings:

The Bill intends to set a clear context for the contribution of different stakeholders and the education system towards achieving the goal of a million Welsh speakers by 2050. Bill provisions aim to streamline existing systems and processes and ensure that resources are better targeted towards key goals. Key stakeholders (e.g. local authorities, schools) have suggested that this might result in cost savings in the long term. However, it is not possible to quantify these cost savings at this stage. Any cost savings associated with the Bill should be considered further during the post-implementation period.

<b>Transitional: £0</b>	<b>Recurrent: £0</b>	<b>Total: £0</b>	<b>PV: £0</b>
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**Net administrative cost: £8.2m**

## Compliance costs

The Bill introduces statutory duties for local authorities and schools, with which they will need to comply. This primarily relates to the requirement for schools to prepare Welsh language education delivery plans to be approved by local authorities; the requirement for schools to increase their Welsh language education to meet Welsh language learning goals; and reforms to the current system of WESPs.

The cost to local authorities over the ten-year appraisal period is estimated to be £4.3m, with the cost to schools estimated to be £10.2m. The cost to Estyn is approximately £0.16m.

Welsh Government funding to support local authorities and schools is estimated to total £89.0m over the ten-year appraisal period. This total is estimated based on an assumption that current levels of funding to support local authorities and schools will need to continue throughout the appraisal period to realise the ambitions of the Bill. As future funding is not yet agreed, these costs are included as additional costs of the Bill.

<b>Transitional: £0</b>	<b>Recurrent: £103.7</b>	<b>Total: £103.7</b>	<b>PV: £82.4</b>
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## Other costs

Not applicable

<b>Transitional: £0</b>	<b>Recurrent: £0</b>	<b>Total: £0</b>	<b>PV: £0</b>
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## Unquantified costs and disbenefits

Not applicable

<b>Transitional: £0</b>	<b>Recurrent: £0</b>	<b>Total: £0</b>	<b>PV: £0</b>
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## Benefits

*Cymraeg 2050* sets out the Welsh Government's long-term vision for the Welsh language: that by 2050, 'the Welsh language is thriving, the number of speakers has reached a million, and it is used in every aspect of life. Given the importance of education in creating new Welsh speakers, the Bill creates a clear link between the target of one million Welsh speakers and the infrastructure and planning processes involved in growing Welsh language education. It sets out provisions to enable all pupils in Wales to become independent Welsh speakers through the statutory education system. Due to their nature, it has not been possible to quantify the benefits at this stage.

**Total: £0**

**PV: £0**

## Key evidence, assumptions and uncertainties

Best estimates of costs and benefits were developed using a variety of evidence sources, including white paper consultation responses, administrative data and research papers. Additional interviews and workshops were conducted with a range of key stakeholders who are anticipated to be impacted by the Bill. Surveys were also undertaken with local authorities and schools. This evidence served as the basis for key assumptions made in the RIA, including the likely costs in areas such as developing the Welsh language education workforce and increasing Welsh language provision in "Primarily English Language, partly Welsh" schools.

## 7. Options

- 7.1 The main organising principle for the Welsh Language and Education (Wales) Bill is that all pupils leaving statutory education by 2050 should be able to speak Welsh independently. In order to meet this ambition, the Bill introduces a programme of change that requires action at many levels.
- 7.2 The policy objectives and rationale for the Bill are set out in Chapter 3 of this Explanatory Memorandum and this Chapter should be read alongside Chapter 3. To assist the reader, the key parts of the Bill are set out below:

**Part 1 – Promotion and Facilitation of Use of the Welsh Language**  
**Part 2 – Describing Welsh Language Ability**  
**Part 3 – Welsh Language Education**  
**Part 4 – Planning Welsh Language Education and Learning**  
**Part 5 – National Institute for Learning Welsh**

- 7.3 Table 1 provides a summary of the options that were considered for each of the above areas as part of the policy development process. These options were scrutinised by Welsh Government officials during an options appraisal workshop and involved identifying the 'preferred option' and a realistic alternative 'do minimum' or 'do something' option. In some cases, no alternative option is included where it was deemed there was no viable option other than Business as Usual (BAU) and the preferred option.
- 7.4 An alternative option was considered to determine whether a large proportion of the expected benefits of the 'preferred option' could be delivered at a significantly lower cost<sup>2</sup>. The current BAU situation served as the baseline against which the impact of the other options was assessed.
- 7.5 Discussions during the options appraisal workshop were informed by research reports relating to the relevant policy areas, information provided by key stakeholders, officials' knowledge of the sector and evidence submitted during the white paper consultation exercise. Chapter 4 of this Explanatory Memorandum describes how key points raised in the consultation have been taken forward.

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<sup>2</sup> [Legislation Handbook on Senedd Bills \(Welsh Government\)](#)

Table 1 - Summary of the key policy options considered during the options appraisal process

Bill Part	Policy Area	Proposal / Option	£ *	Legislation Req'd	Advantages / Benefits	Disadvantages / Risks / Other Costs
Promotion and Facilitation of Use of the Welsh language	Reflecting the target of one million Welsh speakers by 2050 in law	<b>Do Nothing</b> – The target of a million Welsh speakers would continue to operate as a non-statutory target.	Low	No	<ul style="list-style-type: none"> <li>The target has existed as a non-statutory target since 2017 and has become a foundation for Welsh language policymaking at a local and national level. This is largely realised through established work programmes, which are updated every five years.</li> <li>There are no additional costs for continuing with BAU</li> </ul>	<ul style="list-style-type: none"> <li>Non-statutory nature of the target means that the Welsh Ministers and local authorities have no legal obligation to consider the target when discharging their duties.</li> <li>This is not conducive to ensuring that the aspiration of a long-term policy ambition receives the necessary attention from relevant bodies, especially when considering competing policy priorities.</li> </ul>
		<p><b>Preferred Approach</b> - Place the target of one million Welsh speakers by 2050 on a statutory footing by requiring Welsh Ministers to include the target in their Welsh Language Strategy. In addition, Welsh Ministers to set other targets on language use, Welsh language education and Welsh language learning.</p> <p>Place a duty on the Welsh Ministers to review the Welsh language standards specified under section 26 of the Welsh Language (Wales) Measure 2011 in light of the targets and the provisions relating to describing Welsh language ability (see below).</p>	Medium	Yes – Section 78 of the Government of Wales Act 2006 would need to be amended.	<ul style="list-style-type: none"> <li>The inclusion of targets or outcomes in legislation is a method of ensuring that the long-term policy aspiration receives the necessary attention from relevant bodies.</li> <li>Making the target of a million Welsh speakers statutory provides a clear context for the contribution of the compulsory education system towards achieving the target, and to long-term behaviour change.</li> <li>Reviewing the Welsh language standards will ensure that consideration is given to how the duties imposed on bodies through the Standards link clearly to the Bill, and specifically the statutory target and the Code. While it would be possible to review the Standards without legislating, the preferred approach would provide a stronger foundation.</li> </ul>	<ul style="list-style-type: none"> <li>Inclusion of targets in legislation limits the scope to amend the target.</li> <li>While placing the target on a statutory footing will not result in additional costs, there will be costs for the Welsh Government associated with reviewing the Welsh language standards.</li> </ul>
Describing Welsh Language Ability	Code to establish a standard method for describing Welsh language ability	<b>Do Nothing</b> - Stakeholders currently use a variety of frameworks for defining and measuring Welsh language skills.	Low	No	<ul style="list-style-type: none"> <li>Existing frameworks are well established and are utilised by a variety of stakeholders.</li> <li>Existing frameworks are used as a means of measuring the Welsh language skills of the</li> </ul>	<ul style="list-style-type: none"> <li>Existing frameworks are inconsistent in the way that different levels of Welsh language skills are described and measured.</li> <li>Frameworks are primarily designed for adults and are not aligned with the Curriculum for Wales principles of progression.</li> </ul>

Bill Part	Policy Area	Proposal / Option	£ *	Legislation Req'd	Advantages / Benefits	Disadvantages / Risks / Other Costs
					<p>workforce and often underpin organisational Welsh language policies<sup>3</sup>.</p> <ul style="list-style-type: none"> <li>Stakeholders currently have the flexibility to select a framework that best aligns with their organisational needs and expertise.</li> <li>There are no additional costs for continuing with BAU.</li> </ul>	
		<b>Preferred Option</b> - Adopt the common reference levels from the Council of Europe Common European Framework of Reference for Languages (CEFR) in the Bill and place a duty on Welsh Ministers to prepare a Code to describe Welsh language ability based on the common reference levels.	Medium	Yes	<ul style="list-style-type: none"> <li>This option gives the Welsh Ministers the opportunity to play an important strategic role in this policy area and design a single bespoke framework for describing Welsh language ability, onto which it will be possible to map all learners and speakers, regardless of age and proficiency.</li> </ul>	<ul style="list-style-type: none"> <li>This option will lead to short-term disruption for some stakeholders due to the need to transition from existing frameworks to a Welsh Government designed framework. However, some stakeholders, including the adult sector, are already aligned with the CEFR.</li> <li>This option will involve costs for stakeholders who update relevant processes and procedures (organisational Welsh language policies) to align with the new framework.</li> <li>Preparing the Code will involve Welsh Government staff costs.</li> </ul>
		<b>Alternative Option</b> – The Welsh Government adopts an existing framework.	Medium	No	<ul style="list-style-type: none"> <li>The cost would be lower than for the preferred option as it would not require Welsh Government staff to create a bespoke framework.</li> <li>This approach would potentially be less disruptive for stakeholders as the ambition would be to adopt and support an existing framework that is already in use by some groups (e.g. the CEFR or the Association of Language Testers in Europe (ALTE) Framework).</li> </ul>	<ul style="list-style-type: none"> <li>This option would lead to short-term disruption for those stakeholders who transition to a different framework.</li> <li>There are challenges aligning an existing framework designed for adults with the Curriculum for Wales.</li> </ul>

<sup>3</sup> [Welsh language schemes \(Welsh Language Commissioner\)](#)



Bill Part	Policy Area	Proposal / Option	£ *	Legislation Req'd	Advantages / Benefits	Disadvantages / Risks / Other Costs
Welsh Language Education	Categorisation of schools based on the amount of Welsh language education provided; Welsh language education delivery plans; and late immersion provision	<b>Do Nothing</b> – Schools continue to have a requirement to set out in its prospectus its language category against the current non-statutory categorisation guidance 2021.	Low	No	<ul style="list-style-type: none"> <li>The current categories were designed according to the principles of simplicity, clarity, and accessibility.</li> <li>This addressed one of the weaknesses of the categories designed in 2007, which were found to be overcomplex for those using them<sup>4</sup>.</li> <li>There are no additional costs for continuing with BAU.</li> </ul>	<ul style="list-style-type: none"> <li>This option has not addressed one of the key disadvantages associated with the 2007 categories: <i>"The main weakness of the new definitions was that they were not statutory and therefore there was no requirement for education authorities to consider them"</i>.</li> </ul>
		<b>Preferred Option</b> – Establish a statutory system to categorise schools. Require schools to prepare Welsh language education delivery plans which will, among other things, outline how they will increase their Welsh provision in order to meet Welsh language learning goals. Set the minimum amount of Welsh provision in "Primarily English Language, partly Welsh" schools at 10%. Place a duty on local authorities to approve delivery plans, and to promote and provide late immersion education in Welsh.	High	Yes	<ul style="list-style-type: none"> <li>All maintained schools will be categorised according to a single system.</li> <li>The amount of Welsh language provision according to language category specified in regulations under the Bill, together with the Welsh language learning goals for each category, will provide clarity to schools regarding what is required and for what purpose.</li> <li>Each school's category will need to be approved by the local authority as part of the process of approving school Welsh language education delivery plans, which means that the local authority will have a more robust overview.</li> <li>The duty to promote late immersion provision will provide an opportunity for more pupils to receive Welsh-medium education.</li> </ul>	<ul style="list-style-type: none"> <li>This option will involve Welsh Government staff costs to develop the regulations.</li> <li>New responsibilities entail costs for both local authorities (approving school categories) and schools (creating Welsh language education delivery plans).</li> <li>The success of this option is contingent on ensuring that there is a robust workforce that can deliver Welsh-medium education and teach Welsh, which entails continued funding.</li> </ul>
		<b>Alternative Option</b> – Supplement existing guidance with additional non-statutory guidelines so that school language categories align with other Bill proposals.	Medium	No	<ul style="list-style-type: none"> <li>Schools and local authorities are increasingly familiar with the new non-statutory guidelines.</li> <li>This option would build on existing work instead of creating new processes and systems.</li> </ul>	<ul style="list-style-type: none"> <li>It is questionable whether continuing with a non-statutory system would provide the required infrastructure to achieve the education goals of the <i>Cymraeg 2050</i> strategy.</li> <li>There would still be a need to provide continued funding to ensure there is a robust</li> </ul>

<sup>4</sup> [Review of school categories according to Welsh-medium provision \(Welsh Government\)](#)

Bill Part	Policy Area	Proposal / Option	£ *	Legislation Req'd	Advantages / Benefits	Disadvantages / Risks / Other Costs
					<ul style="list-style-type: none"> <li>The cost would be lower compared with the preferred option as there would be no requirement for Welsh Government staff to develop and consult on new guidance and regulations relating to school language categories.</li> </ul>	workforce that can deliver Welsh-medium education.
Planning Welsh language education and learning	National Framework for Welsh Language Education and Learning Welsh	<b>Do Nothing</b> – There is no current equivalent of a National Framework. A range of organisations and partnerships currently develop plans and policies around supporting individuals on their journey along the Welsh language skills continuum in different sectors and for different stages of life.	Low	No	<ul style="list-style-type: none"> <li>The <i>Cymraeg 2050</i> strategy provides a long-term vision for increasing the number of Welsh speakers.</li> <li>The strategy is well-established and annual reports highlight the extensive work undertaken to realise its ambitions.</li> <li>There are no additional costs for continuing with BAU.</li> </ul>	<ul style="list-style-type: none"> <li>The <i>Cymraeg 2050</i> strategy does not address the issue of implementation at a local level or establish local targets.</li> <li>The short timeframe of the <i>Cymraeg 2050</i> annual action plans, and the fact that they cover the breadth of all <i>Cymraeg 2050</i> themes, means that they do not provide specific analysis of progress on Welsh language education.</li> </ul>
		<b>Preferred Option</b> – Place a duty on the Welsh Ministers to produce a statutory National Framework for Welsh Language Education and Learning Welsh	Medium	Yes	<ul style="list-style-type: none"> <li>A National Framework (underpinned by new powers to place targets on local authorities) is a means of ensuring Welsh language education and learning activities happen in a more coordinated manner across different local authorities (in the case of statutory education) and at different stages of life.</li> </ul>	<ul style="list-style-type: none"> <li>If Welsh Government fails to properly engage and consult with local authorities during the process of setting targets, there is a risk of the National Framework being unrealistic and unworkable.</li> <li>This option involves Welsh Government staff costs to prepare the National Framework.</li> </ul>
		<b>Alternative Option</b> – The Welsh Ministers to produce a non-statutory National Framework for Welsh Language Education and Learning Welsh	Medium	No	<ul style="list-style-type: none"> <li>This option would serve as an opportunity for Welsh Government to play a more central leadership role in the area of Welsh language education and learning activities.</li> </ul>	<ul style="list-style-type: none"> <li>It is questionable whether non-statutory targets would result in the desired behaviour change needed to meet the ambitions of the <i>Cymraeg 2050</i> strategy.</li> <li>There would be Welsh Government staff costs associated with preparing the National Framework.</li> </ul>
	Local Welsh in Education Strategic Plans (WESPs)	<b>Do Nothing</b> – The current WESPs system has been in place since 2013, in which local authorities set their own targets for improving Welsh-medium education in their area.	Low	No	<ul style="list-style-type: none"> <li>The current WESPs system has provided a robust foundation for planning Welsh-medium education at a local authority level.</li> <li>There are no additional costs for continuing with BAU.</li> </ul>	<ul style="list-style-type: none"> <li>Stakeholders who provided evidence to the <a href="#">Senedd inquiry</a> were broadly in agreement that it was still not functioning as effectively as it could be. It was noted that some key recommendations made during the <a href="#">Rapid Review of WESPs</a> by Aled Roberts had not been implemented.</li> </ul>

Bill Part	Policy Area	Proposal / Option	£ *	Legislation Req'd	Advantages / Benefits	Disadvantages / Risks / Other Costs
		<b>Preferred Option</b> – Reform the current system for preparing WESPs and create a direct link with the targets in the National Framework.	Medium	Yes	<ul style="list-style-type: none"> <li>This option gives the Welsh Ministers the direct ability to set targets for local authorities in order to realise national policy. This differs to the current situation where local authorities set their own targets, having regard to the Welsh Ministers guidance.</li> </ul>	<ul style="list-style-type: none"> <li>Local authorities already have resources in place to manage WESPs, although there will be some additional costs for local authorities associated with reforms to the system.</li> </ul>
		<b>Alternative Option</b> – Discontinue WESPs and rely instead on the proposed National Framework to guide Welsh language policy within local authorities.	Low	No	<ul style="list-style-type: none"> <li>This would serve as an opportunity to embed Welsh language ambitions into other policy areas at a local authority level.</li> </ul>	<ul style="list-style-type: none"> <li>This option would potentially be very disruptive and upend a system that has been in place for over 10 years.</li> <li>While the cost would be lower than the preferred option, discontinuing WESPs would undermine local authority wide coordination of efforts on Welsh language education and would be a step backwards.</li> </ul>
National Institute for Learning Welsh	Centralising support for learning Welsh	<b>Do Nothing</b> – A range of organisations and partnerships currently support individuals on their journey along the Welsh language skills continuum, including Mudiad Meithrin in the early years; schools; education consortia and local authorities providing professional learning opportunities for school practitioners; Coleg Cymraeg Cenedlaethol, which works with post-16 providers to provide training and study opportunities through the medium of Welsh; and the National Centre for Learning Welsh, which provides Welsh language learning for people aged over 16, including support for workplaces .	Low	No	<ul style="list-style-type: none"> <li>Individual organisations and partnerships are well-established in their individual areas and play a key role in supporting their target audience with learning Welsh.</li> <li>A 2021 <a href="#">review by Estyn</a> and a <a href="#">Rapid Review</a> by a team led by Steve Morris highlight the significant improvements in the Learn Welsh sector since the National Centre for Learning Welsh was established in 2015.</li> <li>There are no additional costs for continuing with BAU.</li> </ul>	<ul style="list-style-type: none"> <li>The National Centre for Learning Welsh focuses specifically on people aged over 16. There is currently no single body providing strategic leadership and support for lifelong Welsh language learning. As a result, support for Welsh learning and acquisition is fragmented across several organisations and partnerships, resulting in a lack of continuity across different sectors.</li> <li>The lack of central strategic oversight results in duplication of resources and programming. The lack of collaboration between sectors means that opportunities to share expertise are lost.</li> <li>Maintaining the status quo would make it more difficult to implement a single framework for Welsh language ability in part 2 of the Bill.</li> <li>The existing funding model for the National Centre for Learning Welsh makes long-term planning difficult and limits flexibility.</li> </ul>
		<b>Preferred Option</b> - Establish a new statutory body: the National Institute for Learning Welsh, which will facilitate and support people of all ages to learn Welsh and develop their Welsh language skills.	High	Yes	<ul style="list-style-type: none"> <li>The Institute will be a single body providing strategic leadership for lifelong Welsh language learning, addressing weaknesses of the current system.</li> <li>This option addresses the recommendations in the recent Estyn report and the Rapid Review on the National Centre for Learning Welsh, with the creation of a body which will share expertise with the statutory education sector</li> </ul>	<ul style="list-style-type: none"> <li>Establishing a new statutory body will be more costly for Welsh Government compared with the BAU option.</li> </ul>

Bill Part	Policy Area	Proposal / Option	£ *	Legislation Req'd	Advantages / Benefits	Disadvantages / Risks / Other Costs
					<p>and develop into a strategic influencer on language acquisition across all ages.</p> <ul style="list-style-type: none"> <li>This option will provide more stable financial and planning foundations on which to design long-term policies and interventions,</li> </ul>	
		<b>Alternative option</b> – Expand the remit of the National Centre for Learning Welsh	Medium	No	<ul style="list-style-type: none"> <li>This option would expand the role of the National Centre outside of this Bill. This option would address recommendations that the National Centre for Learning Welsh could share expertise with the statutory education sector and provide strategic direction.</li> </ul>	<ul style="list-style-type: none"> <li>There would still be considerable costs involved in expanding the National Centre for Learning Welsh's remit, although these would be slightly lower than the preferred option.</li> <li>As the Centre has been established by a tendering process, its remit cannot be expanded without carrying out another tendering process with different requirements.</li> <li>The existing funding model for the Centre makes long-term planning difficult and the regular need for re-tendering creates instability for providers and risks the loss of key staff and expertise with each round. This option would not address these risks, neither would it provide sound financial and planning foundations.</li> <li>It is unlikely that an expanded Centre would have the same profile or exert the same influence as a statutory body.</li> </ul>

\* Note: The cost column provides a high-level assessment of the costs of the 'do nothing', 'preferred' and 'alternative' options relative to each other, rather than a measure of the actual estimated costs. Actual estimated costs are presented in Chapter 8.

## 8. Costs and Benefits

- 8.1 The previous chapter summarised the preferred options for each part of the Bill. This chapter provides further detail on the preferred options and builds on the advantages, disadvantages and costs described in Chapter 7. It sets out a cost-benefit analysis for the aims of the Bill as a whole and for each preferred option versus the Business as Usual (BAU) option.

### **Evidence Sources**

- 8.2 Best estimates of costs and benefits were developed using a variety of evidence sources, including white paper consultation responses, administrative data and research papers. An evidence gathering exercise was also undertaken with a range of key stakeholders who are anticipated to be impacted by the proposed changes.
- 8.3 Two online workshops were conducted with local authorities to explain the proposed changes outlined in the Bill and to gather feedback regarding the anticipated costs and benefits. At the same time, all local authorities were invited to provide input by completing a series of questions on costs and benefits in a survey format. Feedback was received from 13 local authorities on transitional and recurrent costs to implement the proposals, in comparison to BAU.
- 8.4 A survey was also undertaken with schools, with 23 schools providing feedback on transitional and recurrent costs and benefits, in comparison to BAU. Initial contact was made with 295 schools, stratified by primary and secondary provision, geographic area and language category. The 23 responses included a range of schools across the stratified categories. This gave a sufficient understanding of the likely cost areas associated with the proposed elements of the Bill across (or for) different school language categories.
- 8.5 Stakeholder engagement extended beyond local authorities and schools to encompass organisations identified in the white paper, as well as those likely to be impacted by the proposed changes. A group discussion was held with the Policy Development & Implementation Working Group (which has representation from education unions alongside the Welsh Local Government Association (WLGA) and a local authority representative), while interviews were conducted with representatives from Estyn, the National Centre for Learning Welsh, Mudiad Meithrin, the Education Workforce Council, and four Initial Teacher Education providers.
- 8.6 During this process, many stakeholders were able to provide reliable estimates of costs associated with new administrative processes and procedures (e.g. new monitoring arrangements). However, stakeholders noted the challenge of providing reliable estimates of costs for parts of

the Bill that are dependent on the pace and degree of change. This was particularly pertinent for targets underpinning the proposed National Framework and local Welsh in Education Strategic Plans (WESPs) and ranges set as part of the new system for categorising schools based on the amount of Welsh language education provided.

- 8.7 This presents a challenge for this RIA as the National Framework and new local WESPs will only be prepared after the Bill becomes law. However, we do know that current WESP outcomes will continue to provide a clear focus for national and local planning, and the National Framework will continue to work towards the *Cymraeg 2050* target of a million Welsh speakers by 2050. These factors do provide a basis for us to consider what might reasonably happen once the Bill becomes law and the impact this will have on key stakeholders such as schools and local authorities.

### **Cost scenarios**

- 8.8 Three different scenarios were developed to facilitate consideration of what might reasonably happen once the Bill becomes law. The current BAU served as the baseline for these scenarios, and they were developed using evidence provided by stakeholders, administrative data and input from Welsh Government officials.

#### **Scenario 1**

Bill becomes law. Existing progress towards the goal of ensuring that all pupils leaving statutory education by 2050 are able to speak Welsh independently is **good**. As a result, Bill provisions (National Framework, school categorisation, etc.) support existing BAU activities. This means that the impact of the Bill and costs for stakeholders is minimal.

#### **Scenario 2**

Bill becomes law. Existing progress towards the goal of ensuring that all pupils leaving statutory education by 2050 are able to speak Welsh independently is **not meeting expectations**. As a result, Bill provisions (National Framework, categorising schools, etc.) strengthen existing BAU activities to better coordinate progress towards key targets. This means the Bill has an impact and costs for stakeholders.

#### **Scenario 3**

Bill becomes law and **deviates significantly** from BAU. This means that Bill provisions are substantially more ambitious than current practice, which results in considerable impact and costs for stakeholders.

- 8.9 Scenario 1 recognises the important progress currently being made by local authorities and schools towards the wider *Cymraeg 2050* targets. The function of the Bill in this scenario would therefore be to support existing BAU activities. However, this scenario assumes that progress

for the next 10 years will be sufficient to meet the target of a million speakers by 2050 and does not account for any external pressures or challenges that might derail progress.

- 8.10 Scenario 2 accounts for these challenges and recognises that the Bill seeks to drive progress through setting ambitious targets and expectations. It is also worth recognising that the Bill moves a lot of current practice on to a statutory footing, which will inevitably prompt stakeholders to refocus efforts on elements of work that were previously non-statutory. This will lead to some additional costs for stakeholders as they intensify and redouble their efforts in response to ambitions set out in the Bill.
- 8.11 Finally, Scenario 3 reflects concerns expressed by stakeholders during the evidence gathering exercise that the Bill will result in wholesale changes to current targets and systems underpinning Welsh language policy, resulting in significant costs. However, when preparing the National Framework, Ministers will be required to consider a number of factors when setting local targets, including the linguistic demographics of the local authority in question and the workforce available to deliver Welsh-medium education and to teach Welsh. This will also be done in collaboration with key stakeholders such as local authorities. The Bill will therefore not result in wholesale changes to BAU activities.
- 8.12 Based on the points above, it was deemed that Scenarios 1 and 3 are unlikely to materialise. Instead, Welsh Government officials anticipate that the degree of change when compared with BAU is likely to fall within Scenario 2. This essentially means that the Bill will strengthen the current BAU infrastructure and will set reasonable but challenging expectations to ensure that current arrangements (e.g. local WESPs, school categorisation, late immersion) deliver enhanced progress.

### **General cost assumptions**

- 8.13 Welsh Government staff costs are based on the average pay band costs for 2023-24, which use a 52-week year and five-day working week. The standard working week is 37 hours a week as per the National Agreement 'Green Book'. Staff costs include on-costs. Local Government staff costs are based on the Soulbury Pay Scale 2023-24. 30% has been added to account for on-costs.
- 8.14 In tables, costs have been rounded to the nearest £100. In some tables, there may be a very small discrepancy between the sum of costs and totals due to this rounding.
- 8.15 Monetised costs and benefits have been discounted using HM Treasury's central discount rate of 3.5%.
- 8.16 Costs will be incurred from the 2025-26 financial year, though not all parts of the Bill will start incurring costs at the same time. Some costs will

fall at certain points and other costs will be recurrent until 2050. The appraisal period used in the cost-benefit analysis is a ten-year period from 2025-26 to 2034-35.

- 8.17 The best estimate of when costs will be incurred is detailed in Table 16. However, the actual timing of costs will be dependent on the implementation of subordinate legislation and also the pace of change for each school and local authority.
- 8.18 We have used the narrative to highlight areas of uncertainty in terms of costs as opposed to providing a range of costs for different parts of the Bill, where there is no robust basis for doing so. The costs included in the RIA should therefore be considered our best central estimate, and the accompanying narrative describes circumstances in which the actual costs might differ from these estimates.

### **Overall benefits**

- 8.19 Given the nature of the benefits of this Bill, it has not been possible to monetise or quantify them. However, we describe the overall benefits of the Bill in this sub-section as well as the benefits of each individual part of the Bill in the sub-sections below.
- 8.20 'A Wales of vibrant culture and thriving Welsh language' is one of the Well-being of Future Generations Act (Wales) 2015's seven goals. This goal highlights the uniqueness of Welsh culture, which is strongly associated with heritage and the Welsh language. Promoting and protecting the Welsh language is part of the definition of this goal.
- 8.21 The Future Generations Commissioner for Wales has elaborated on the journey towards a Wales of vibrant culture and a thriving Welsh language<sup>5</sup>. The Commissioner highlights the importance of developing skills, increasing opportunities, and respecting our status as a bilingual nation. The Commissioner also highlights the importance of using the Welsh language and culture to address wider societal issues, and as a driver for economic and environmental change.
- 8.22 *Cymraeg 2050* sets out the Welsh Government's long-term vision for the Welsh language: that by 2050, *'the Welsh language is thriving, the number of speakers has reached a million, and it is used in every aspect of life. Among those who do not speak the language there is goodwill and*

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<sup>5</sup> [A Wales of Vibrant Culture and Thriving Welsh Language \(Future Generations Commissioner\)](#)



*a sense of ownership towards the language and a recognition by all of its contribution to the culture, society and economy of Wales.'* It recognises that achieving a million speakers will require concerted effort. The two main methods are transmitting the Welsh language from one generation to the next, and developing and sustaining skills through education and training. However, it recognises that education is a key component as there is a limit to the additional number of Welsh speakers that can be created by transmitting the language from one generation to the next alone.

- 8.23 Given the importance of education in creating new Welsh speakers, the Bill creates a clear link between the target of one million Welsh speakers and the infrastructure and planning processes involved in growing Welsh language education. It sets out provisions to enable all pupils in Wales to become independent Welsh speakers through the statutory education system. As such, the provisions in the Bill are considered to be a cost-effective means of achieving the target of one million Welsh speakers.

## ***Part 1 – Promotion and Facilitation of Use of the Welsh Language***

### **Reflecting the target of one million Welsh speakers by 2050 in law**

#### **Background**

- 8.24 *Cymraeg 2050* is a long-term strategy, and achieving the target of one million Welsh speakers will require purposeful action from many organisations. Given the importance of education in creating new Welsh speakers, there is an ambition to ensure that there is a clear link between the target of one million Welsh speakers and the planning processes involved in increasing and improving Welsh language education.

#### **Option 1 – Business as Usual**

- 8.25 The target of a million Welsh speakers would continue to operate as a non-statutory target.
- 8.26 Section 78(1) of the Government of Wales Act 2006 places a duty on the Welsh Ministers to adopt a strategy that outlines the promotion and facilitation of the use of the Welsh Language<sup>6</sup>. The *Cymraeg 2050*

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<sup>6</sup> [Government of Wales Act 2006](#)

strategy<sup>7</sup> is the latest strategy published under this duty and supersedes *A living language: a language for living – Welsh Language Strategy 2012–17*. The Government of Wales Act 2006 does not require the Welsh Ministers to outline legally binding statutory targets.

- 8.27 The Welsh language standards would not be reviewed at this stage.

### **Option 1 – Costs**

- 8.28 There are no additional costs for continuing with BAU.
- 8.29 Although specific workstreams with budgets are attached to the *Cymraeg 2050* strategy, the focus of this option is the target itself. The target is already well established in policy and underpins a variety of other strategies.

### **Option 1 – Benefits**

- 8.30 Since its inception in 2017, the target of a million Welsh speakers in the *Cymraeg 2050* strategy has served as a guiding principle for Welsh language policy. There is a requirement on the Welsh Ministers to produce an annual report which outlines progress towards achieving the three main targets of the strategy. The latest report highlights the positive work that has been undertaken and progress made in relation to these targets<sup>8</sup>.

### **Option 2 – Preferred Approach – Place the target of one million speakers by 2050 on a statutory footing and place a duty on the Welsh Ministers to review Welsh language standards**

- 8.31 The Bill places a target of at least one million Welsh speakers in Wales by 2050 on a statutory footing. This is done by requiring any Welsh language strategy adopted by the Welsh Ministers under section 78 of the Government of Wales Act 2006 to include a target of at least one million Welsh speakers by 2050, as well as other targets relating to language use, teaching Welsh and education through the medium of Welsh.
- 8.32 The Bill also places a duty on the Welsh Ministers to review the Welsh language standards specified under section 26 of the Welsh Language (Wales) Measure 2011 in order to determine whether amendments are necessary to the Standards relating to improving or assessing workforce Welsh language skills and Welsh language promotion standards. If any amendments are proposed to the Standards, these will be subject to

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<sup>7</sup> [Cymraeg 2050: A million Welsh speakers \(Welsh Government\)](#)

<sup>8</sup> [Cymraeg 2050: A million Welsh speakers - Annual report 2022-23 \(Welsh Government\)](#)

secondary legislation and will be subject to a separate Regulatory Impact Assessment.

## Option 2 – Costs

- 8.33 Placing the target of a million Welsh speakers on a statutory footing will not in itself result in any additional work or activities beyond BAU. Instead, the intended purpose of this change is to embed long-term behaviour change in the way Welsh language policy is planned and delivered across different stakeholders.
- 8.34 There will be a transitional staff cost for Welsh Government to review the Welsh language standards and to develop regulations on calculating the number of Welsh speakers. Our assumption is that this will be an opportunity cost as it will involve existing Welsh Government staff. According to the Bill, the review must be completed within the 12-month period starting on the day following publication of the Code to describe Welsh language ability (see Part 2). Our assumption therefore is that this will be a one-off cost falling between August 2026 and July 2027. The review of the Standards may lead to decisions with further cost implications. These cost implications will be considered in a future RIA accompanying the relevant secondary legislation.

*Table 2 – Transitional Welsh Government staff costs incurred on Part 1 of the Bill*

Stakeholder	Staff Grade	Annual Average Gross Cost	Monthly Average Gross Cost	Transitional Period (Months)	FTE	Estimated Cost Over Transitional Period
Welsh Government	SEO (Policy)	£71,380	£5,948	12	0.5	£35,700
	Grade 7 (Policy)	£92,844	£7,737	12	0.2	£18,600
	Deputy Director (Policy)	£127,981	£10,665	12	0.1	£12,800
	Grade 7 (Legal)	£92,844	£7,737	6	0.1	£4,600
	Grade 7 (Legal – Quality Assurance)	£92,844	£7,737	1	0.1	£800
	Grade 6 (Legal)	£112,521	£9,376	2	0.1	£1,900
	SEO (Analyst)	£71,380	£5,948	12	0.3	£21,400
	Grade 7 (Analyst)	£92,844	£7,737	12	0.1	£9,300
<b>Total Cost - £105,000</b>						
<b>(Additional Cost £0, Opportunity Cost £105,000)</b>						

## Option 2 – Benefits

- 8.35 This option is expected to result in long-term behaviour change and require the Welsh Ministers and local authorities to consider whether their decisions and actions are likely to lead to a positive contribution

towards the million Welsh speakers by 2050 target during the exercise of their functions in relation to compulsory education.

- 8.36 The relevant targets will not only be reflected in a strategy, a document that can be changed at any time, but incorporated in primary legislation. This will reflect the importance placed on achieving the target and ensuring the target steers key decisions made in compulsory educational planning.
- 8.37 Many of the respondents to the white paper consultation agreed that making the target of a million Welsh speakers by 2050 statutory would reinforce its status and the status of the Welsh language.
- 8.38 Several white paper respondents believed that this status along with central leadership would facilitate effective action to support progress towards the target and ensure that all stakeholders across the compulsory education system commit to its achievement.
- 8.39 This sentiment was reflected during the evidence gathering exercise, with key stakeholders noting that a statutory target would provide reassurance that work towards this target will continue to be supported into the future. It would also provide the benefit of a shared goal, set in legislation, that all organisations are working towards.
- 8.40 The Bill's provision for reviewing the Welsh language standards is to ensure that the targets set in Part 1 and the Code are reflected in the duties imposed on bodies through the Standards.
- 8.41 The Bill provides for common reference levels to describe Welsh language ability in order to ensure that learners, teachers, parents and employers have a common understanding of Welsh language skills (see Part 2). To achieve and facilitate this, it is important that the Standards contribute to normalising the use of the common reference levels within education and in the workplace. This will reinforce the status of the common reference levels as a standard measure. It will also lead to more consistency across Wales, and when moving from education into work.
- 8.42 In accordance with the Standards, county and county borough councils, and national park authorities, are under a duty to prepare a strategy to promote the Welsh language. The Bill recognises the contribution of these Standards to achievement of the targets in Part 1 of the Bill. Ensuring the targets set in Part 1 are reflected in the promotion Standards will ensure that local authorities consider these targets when drawing up their promotion strategies. This will ensure that strategies are compatible with the Bill and contribute to its goals.

## ***Part 2 – Describing Welsh Language Ability***

### **A Code to establish a standard method for describing Welsh language ability**

#### **Background**

- 8.43 There is a policy ambition to establish a standard means of describing Welsh language ability so that learners, teachers, parents and employers have a common understanding of the journey towards learning Welsh and the expected linguistic outcomes at each stage of that journey.

#### **Option 1 – Business as Usual**

- 8.44 Stakeholders currently use a variety of frameworks for defining and measuring Welsh language skills. For example:

- Association of Language Testers in Europe (ALTE) Framework - Several stakeholders use it, including CBAC-WJEC for their Welsh for Adults course<sup>9</sup>; some local authorities and public sector bodies in their Welsh language policies; and the 'More than just words strategic plan' for promoting the Welsh language in health and social care for its accompanying Language Skills Framework<sup>10</sup>.
- Council of Europe Common European Framework of Reference for Languages (CEFR) - This framework is used for measuring the Welsh language ability of all education practitioners in Wales via the School Workforce Annual Census (SWAC)<sup>11</sup>. It is also used to define courses provided by the National Centre for Learning Welsh<sup>12</sup>.
- The Curriculum and Assessment (Wales) Act 2021 establishes a legislative framework which gives each school in Wales the opportunity to design its own curriculum, in line with a national approach that ensures a level of consistency. The framework includes 'Welsh' as a mandatory element within the Areas of Learning and Experience (AoLE). It is a mandatory element of the curriculum in all school language categories, including English-medium. The curriculum must make provision for learning and teaching which encompasses Welsh for learners aged 3-16 (7-16

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<sup>9</sup> [Welsh for Adults \(WJEC\)](#)

<sup>10</sup> [More than just words \(Welsh Government\)](#)

<sup>11</sup> [Developing the Welsh language within your school \(Welsh Government\)](#)

<sup>12</sup> [The Learn Welsh Level Checker \(National Centre for Learning Welsh\)](#)

in English-medium schools) and must provide for appropriate progression. The framework provides national expectations for learner progress throughout the continuum of learning.

### **Option 1 – Costs**

- 8.45 There are no additional costs for continuing with BAU.

### **Option 1 – Benefits**

- 8.46 Instead of a single framework, stakeholders would continue to use different frameworks to define and measure Welsh language skills. Examples of these frameworks have been provided above, in addition to a broad overview of the way Welsh language skills are to be taught via the Curriculum for Wales legislative framework.
- 8.47 These existing frameworks and means of measuring Welsh language skills are well established and are used by a variety of stakeholders. They are often used as a means of measuring the Welsh language skill levels of the workforce and underpin organisational Welsh language policies<sup>13</sup>. These existing frameworks are therefore embedded within existing organisational processes and procedures.
- 8.48 Stakeholders currently have the flexibility to select a framework that best aligns with their organisational needs and expertise.

### **Option 2 – Preferred Option – Adopt the common reference levels of the CEFR and place a duty on Welsh Ministers to prepare a Code to describe Welsh language ability based on the CEFR**

- 8.49 The Bill specifies, in accordance with the CEFR, the types of Welsh language user and the common reference levels for describing the ability of those types of Welsh language user, and a description of the general characteristics of each level. The Bill places a duty on the Welsh Ministers to prepare and publish a Code to describe Welsh language ability based on the CEFR (“the Code”), explaining how to use the common reference levels and describing the specific characteristics of each common reference level.

### **Option 2 – Costs**

- 8.50 Transitional Welsh Government staff costs will be incurred to develop and consult on the Code and accompanying guidance. Our assumption is that this will be an opportunity cost as it will involve existing Welsh

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<sup>13</sup> [Welsh Language Schemes \(Welsh Language Commissioner\)](#)

Government staff. It is assumed that costs will fall during the first two years of the Bill.

*Table 3 – Transitional Welsh Government staff costs incurred on Part 2 of the Bill*

Stakeholder	Staff Grade	Annual Average Gross Cost	Monthly Average Gross Cost	Transitional Period (Months)	FTE	Estimated Cost Over Transitional Period
Welsh Government	SEO (Policy)	£71,380	£5,948	24	1.0	£142,800
	Grade 7 (Policy)	£92,844	£7,737	24	0.5	£92,800
	Deputy Director (Policy)	£127,981	£10,665	24	0.1	£25,600
	Grade 7 (Legal)	£92,844	£7,737	2	0.2	£3,100
<b>Total Cost - £264,300</b> <b>(Additional Cost £0, Opportunity Cost £264,300)</b>						

8.51 We anticipate that stakeholders (including the education sector) will need to familiarise themselves with the Code and any accompanying guidance. For local authorities and schools, this is factored into estimated costs for developing local WESPs and Welsh language education delivery plans respectively., Any additional familiarisation costs for employers will be considered as part of the RIA accompanying any changes to the Welsh language standards

8.52 The Code may result in cost efficiencies for some stakeholders in the longer term through the streamlining of record keeping and reporting if there is a single and consistent means of describing Welsh language ability across Wales. Furthermore, the Welsh Government and National Institute for Learning Welsh, will support stakeholders in the process of adopting the Code.

### **Option 2 – Benefits**

8.53 The common reference levels included in the Bill together with the Code will offer comprehensive, coherent and transparent descriptions of Welsh language ability for all ages., Assuming this approach to describing Welsh language ability is widely adopted, either on a voluntary basis or through other measures put in place, there are expected to be m.

8.54 First, it provides a platform to improve consistency in the way Welsh language ability is recorded in data collection exercises. This is particularly important for a range of areas, including workforce planning and measuring progress towards *Cymraeg 2050* targets. The review of Standards is partly intended to ensure the common reference levels become embedded in the way in which organisations subject to Standards monitor and plan the Welsh language skills of their workforce.

- 8.55 Second, it would provide learners, parents, teachers, and employers with a common understanding of the language ability expected at each stage of the journey towards learning Welsh. Adopting the CEFR common reference levels in the Bill, using those levels to describe Welsh language learning goals of schools and, in due course, using them in the workplace, will contribute to a process over time of embedding the levels within the consciousness of people in Wales.
- 8.56 This aligns with findings of the white paper consultation, with respondents noting that *“Creating a Welsh language skills continuum would provide a general understanding and increased clarity for parents and pupils regarding the likely linguistic outcomes for learners in every school”*.

## ***Part 3 – Welsh Language Education***

### **School language categories; Welsh language education delivery plans; and late immersion education**

#### **Background**

- 8.57 School language categories were first introduced in 2007 to provide a coherent picture of how Welsh language education was being implemented across Wales, as well as to ensure consistency by grouping schools that were using similar immersion methods.
- 8.58 In December 2021, new non-statutory guidance was introduced reducing the number of school categories to three in the primary sector and three in the secondary sector. These categories apply to all maintained schools.
- 8.59 Transitional sub-categories were also created for schools that are committed to moving to a higher language category. The 2021 guidance established the principle that a school should not offer less Welsh language provision in the future than has been offered in the past.
- 8.60 The policy ambition underpinning the Bill’s provisions is to build on this work and further develop the school language categorisation process.
- 8.61 There will also be a requirement for schools to prepare Welsh language education delivery plans outlining, amongst other things, how schools will improve or increase their Welsh language provision and where applicable, plan to move to a higher language category over time.
- 8.62 Local authorities will also have the role of approving a school’s delivery plan and language category and to take all reasonable steps to provide late immersion education in Welsh and encourage demand for and participation in late immersion education.



### **Option 1 – Business as Usual**

- 8.63 Each maintained school has a requirement to set out in its prospectus its language category against the current non-statutory categorisation guidance. This is linked to the requirement for all maintained schools to complete the Pupil Level Annual School Census (PLASC), where information about a school's language category is requested. The category is based solely on the school's self-assessment.
- 8.64 The 2021 guidance for categorising schools notes that *“Schools and local authorities should work together to ensure that school categorisation is aligned with the local authority’s commitment to increase the amount of Welsh-medium provision in accordance with its WESP”*. The emphasis is therefore on increasing provision within all categories according to existing WESP outcomes, with scope to move along language categories if a school wishes to do so<sup>14</sup>.
- 8.65 The Welsh-medium late immersion grant aimed to enable all local authorities to provide late immersion education in Welsh in their areas. Since 2024-25, this funding has been part of the Local Authority Education Grant - Cymraeg 2050. The provision and models for late immersion education vary across local authorities. Each local authority is in a different place in terms of provision, with some offering peripatetic provision, some offering provision within the school itself, and others offering provision in language centres.

### **Option 1 - Costs**

- 8.66 There are no additional costs for continuing with BAU.
- 8.67 The costs for schools in self-assessing their language category are minimal. The primary costs of BAU under this part of the Bill are those associated with the local authority’s commitment to increase Welsh language provision in its area in accordance with its WESP.
- 8.68 Increasing the amount of Welsh language education is dependent on having a core number of staff who can teach through the medium of Welsh in order to increase provision in line with WESP targets and for schools to move to the next language category if they wish to do so. The 2021 guidance notes that *“Governing bodies will need to plan their workforce to ensure the successful implementation of this policy. This aligns with the objective set out within their local authority’s WESP to increase the number of teaching staff able to teach Welsh as a subject and teach through the medium of Welsh”*.

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<sup>14</sup>[School categories according to Welsh-medium provision \(Welsh Government\)](#)

- 8.69 The Welsh in Education Workforce Plan<sup>15</sup> was published in 2022 to support local authorities' commitments to increase the amount of Welsh-medium provision in accordance with their WESPs and to support interested schools to move to a higher language category.
- 8.70 The Workforce Plan is divided into four key aims, including *"increasing the number of teachers able to teach Welsh as a subject and other subjects through the medium of Welsh"* and "Developing all practitioners' Welsh language skills and expertise to teach Welsh and through the medium of Welsh". The focus in this instance is therefore on Initial Teacher Education (ITE) and upskilling the existing workforce through schemes such as the Welsh Language Sabbatical Scheme.
- 8.71 To support the implementation of the Workforce Plan, a total of £8.22m has been made available in 2024-25. This includes approximately £3.8m funding for the Welsh language sabbatical scheme<sup>16</sup> and funding for the National Centre for Learning Welsh to support upskilling of staff. Separate funding has also been made available via the Welsh in Education Grant in order to support schools and local authorities with the objectives of the Workforce Plan and wider *Cymraeg 2050* strategy.
- 8.72 The Welsh-medium late immersion grant committed £6.6m from April 2022 until the end of March 2025 to support late immersion education in all local authorities in Wales. In 2025-26, £3m will be provided to support late immersion education in Welsh as part of the Local Authority Education Grant – *Cymraeg 2050*.

### **Option 1 – Benefits**

- 8.73 The 2021 categories were designed according to the principles of simplicity, clarity, and accessibility. There was a reduction in the overall number of categories from ten to six: three for primary and three for secondary. This addressed one of the weaknesses of the 2007 categories which were found to be overcomplex for those using them<sup>17</sup>.
- 8.74 The 2007 definition of a school category was based on the percentage of the curriculum offered through the medium of Welsh in a school. However, the 2021 system defined school categories by the amount of curricular and extra-curricular activities offered in Welsh. This better recognised all the activities schools may undertake through the medium of Welsh.

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<sup>15</sup> [Welsh in education workforce plan \(Workforce Plan\)](#)

<sup>16</sup> [Welsh language professional learning - Hwb \(Welsh Government\)](#)

<sup>17</sup> [Review of school categories according to Welsh-medium provision \(Welsh Government\)](#)

- 8.75 An important principle in reviewing these arrangements was to ensure that information around the type of school language models found in Wales was made clearer to parents/carers. In doing so, parents/carers would be better placed to make confident and informed decisions when choosing their child's education pathway. BAU would provide a continuation of current practice.
- 8.76 One of the intentions of the 2021 categorisation system was to encourage more schools to increase their Welsh language provision by the introduction of two transitional sub-categories in the primary sector and two in the secondary sector, to facilitate the process for schools moving to the next category. BAU allows schools to increase their Welsh language provision over an extended period.

**Option 2 – Preferred Option – Establish a statutory system to categorise schools according to the amount of Welsh language education provided. Require each school to prepare a Welsh language education delivery plan which, among other things, sets out how it will meet its Welsh language learning goals. Set the minimum amount of Welsh provision in “Primarily English Language, partly Welsh” schools at 10%. Place a duty on local authorities to approve Welsh language education delivery plans, and to promote and provide late immersion education in Welsh**

- 8.77 The Bill establishes a statutory system to categorise schools according to the amount of Welsh language education provided. The Bill sets out that there will be three language categories: (i) “Primarily Welsh Language”, (ii) “Dual Language”, and (iii) “Primarily English Language, partly Welsh”. This is accompanied by provisions which:
- Place a duty on Welsh Ministers to specify, by regulations, the amount of Welsh language education provided for each language category.
  - Set out the overall Welsh language learning goal that schools in each category should work towards.
  - Provide that the minimum amount of Welsh language education in a “Primarily English Language, partly Welsh” school is 10%.
  - Enable the Welsh Ministers to increase the minimum amount of Welsh language education provision over time as factors such as workforce availability change.
  - Require schools to provide Welsh language education in accordance with their language category.
  - Enable schools to apply for a temporary exemption (up to 3 years initially, with the possibility of up to a further 3 years) to the requirement to provide Welsh language education in accordance with their language category, where more time is needed to reach the statutory minimum.

- Require a school's governing body to prepare a Welsh language education delivery plan, which will, among other things, specify a language category and how the school will continuously improve and increase its Welsh language provision and, where relevant, move towards a higher language category.
- Require a school that provides education to pupils under compulsory school age to outline the amount of Welsh language nursery education provided and how the governing body intends on maintaining or increasing that amount of Welsh language nursery education.
- Give local authorities a role in approving school Welsh language education delivery plans, including the language category.
- Require all schools to publish their Welsh language education delivery plans and local authorities to maintain and publish a register of the language category of each school in their area, and any new schools proposed.
- Place a requirement on local authorities to encourage demand for late immersion education in Welsh, provide information and advice about its availability in the area, and provide late immersion education that meets demand.

8.78 A community special school will also be required to prepare a Welsh language education delivery plan. This delivery plan must outline the amount of Welsh language education provided by the school and how a Welsh language ethos and culture and use of the Welsh language will be promoted within the school. A community special school is designated a language category only if it wishes to have one.

## Option 2 – Costs

8.79 Transitional Welsh Government staff costs will be incurred in developing and consulting on regulations relating to school language categories and delivery plans, and engagement with stakeholders after making the regulations. Our assumption is that this will be an opportunity cost as it will involve existing Welsh Government staff. It is assumed that this work will take place, and therefore the costs will fall, during the second and third years of the Bill.

*Table 4 - Transitional Welsh Government staff costs incurred on Part 3 of the Bill*

Stakeholder	Staff Grade	Annual Average Gross Cost	Monthly Average Gross Cost	Transition Period (Months)	FTE	Estimated Cost Over Transitional Period
Welsh Government	SEO (Policy)	£71,380	£5,948	16	1.0	£95,200
	Grade 7 (Policy)	£92,844	£7,737	16 (+4*)	0.8 (0.4*)	£111,400
	Deputy Director (Policy)	£127,981	£10,665	16	0.1	£17,100

	Grade 7 (Legal)	£92,844	£7,737	12	1.0	£92,800
	Grade 7 (Legal)	£92,844	£7,737	3	1.0	£23,200
	Grade 6 (Legal)	£112,521	£9,377	12	0.1	£11,300
	SEO (Analyst)	£71,380	£5,948	12	0.5	£35,700
	Grade 7 (Analyst)	£92,844	£7,737	12	0.1	£9,300
<p style="text-align: right;"><b>Total Cost - £395,900</b>  <b>(Additional Cost £0, Opportunity Cost £395,900)</b></p>						

*Note: Grade 7 (Policy) costs include 16 months at 0.8 FTE, with a further 4 months at 0.4 FTE.*

- 8.80 Local authorities will have an approval role for school language categories as part of approving the school delivery plans. To do this, they will need a clear picture of the language position of each maintained school in their area. The period of the first school Welsh language education delivery plans is three academic years, with the period of subsequent delivery plans to be determined by regulations. We would expect the school and local authority to discuss the plan on a regular basis. This will involve an additional cost for local authorities.
- 8.81 Quantifying the additional costs for local authorities is challenging. Local authorities' estimates varied widely, in part due to uncertainty over what the requirements would mean in practice at the time of data collection and in part due to variation in the number of maintained schools in each local authority. However, there was a general view that there would be additional costs for local authorities. Our best estimate of the total, based on feedback from local authorities, is presented as an estimated average per local authority, multiplied by the number of local authorities in Wales, acknowledging that costs may be higher for some local authorities and lower for others.
- 8.82 Based on our assumption that the work would require additional staffing at 0.4 FTE on Soulbury Pay Scale 4, the cost is estimated to be approximately £23,200 per annum for each local authority. This cost is expected to commence in Year 6 (2030-31) based on an assumption that the first school Welsh language education delivery plans will be approved in 2030-31. The total cost to each local authority over the appraisal period is therefore estimated to be approximately £115,800, giving an aggregate cost of £2,548,000.

Table 5 - Recurrent costs incurred approving school Welsh language education delivery plans

Stakeholder	Staff Grade	Annual Average Gross Cost	Monthly Average Gross Cost	Recurrence	Years	FTE	Estimated Cost over Appraisal Period (per local authority)
Local Authority	Soulbury Pay Scale 4	£57,909	£4,826	Annual	Years 6-10	0.4	£115,800
<b>Total Cost (across all local authorities) - £2,548,000</b> <b>(Additional Cost £2,548,000, Opportunity Cost £0)</b>							

8.83 Whilst schools are already required to prepare school development plans, the Bill places a duty on school governing bodies to meet new requirements relating to preparing Welsh language education delivery plans. These requirements on schools include:

- preparing the plan
- consulting on the plan
- submitting the plan to the local authority for approval along with a summary of objections to the plan
- seeking an exemption if appropriate
- liaising with the local authority for approval
- if the local authority rejects the plan, redrafting the plan and preparing a report setting out how it has addressed the issues raised
- if a school decides to change the plan during the relevant period, consulting again and submitting to the local authority for approval, along with a report summarising the changes.

8.84 Schools (including the six schools that currently provide education to pupils under compulsory school age<sup>18</sup>) will incur a recurrent cost every time they prepare a delivery plan, which will be after three years in the first instance. We assume costs for preparing the first delivery plan will fall in 2029-30 and the second delivery plan in 2032-33. Although some schools may incur costs in other years (e.g. if the local authority rejects the plan or a school decides to change the plan), we do not factor this into estimates.

8.85 This will be an opportunity cost for schools. Actual costs incurred by each school are likely to vary widely given differences in school size and current Welsh language provision. However, our estimate is presented as an average multiplied by the number of maintained schools in Wales,

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<sup>18</sup> [Schools' census results: January 2024 \(Welsh Government\)](#)

acknowledging that actual costs may be higher for some schools and lower for others. Although the duty is on governing bodies, various staff members may play a role. Our estimate is based on a headteacher salary. We assume 0.1 FTE of a headteacher's time for 6 months for the first iteration of the delivery plan and 3 months for each subsequent delivery plan (given that the process will be more familiar, and it will involve updating the existing plan). The cost per school is therefore estimated to be approximately £4,700 in year 5 and £2,400 in year 8. This gives a total for all schools of £10,218,600 over the appraisal period.

*Table 6 - Recurrent costs incurred preparing Welsh language education delivery plans*

Stakeholder	Staff Grade	Annual Average Gross Cost	Monthly Average Gross Cost	Recurrence	Years	FTE	Estimated Cost over Appraisal Period (per school)
Schools	Headteacher	£94,881	£7,907	Intermittent (2 periods)	6 months in year 5 and 3 months in year 8	0.1	£7,100
<b>Total Cost (across all maintained schools in Wales (n=1436)) - £10,218,600</b> <b>(Additional Cost £0, Opportunity Cost £10,218,600)</b>							

- 8.86 The Bill places a duty on all schools to specify the language category of the school in their delivery plan and set out how they will go about increasing (where reasonably practicable) and improving their Welsh language provision, responding to the local WESP of its local authority.
- 8.87 Local authorities have previously noted in WESP annual reports that Outcome 7 of WESP guidance (Increasing the number of teaching staff able to teach Welsh (as a subject) and teach through the medium of Welsh) represents the greatest risk to WESP progress. This sentiment is broadly reflected in the evidence provided by stakeholders and schools, with many schools noting that costs for increasing Welsh language provision are largely focused on having a workforce with the necessary skills to provide Welsh language education.
- 8.88 As noted in the BAU costs, £8.22 million has been allocated in 2024-25 to support the implementation of the Welsh in Education Workforce Plan, with elements (approx. £4.37m) specifically around upskilling existing staff throughout the categories. The evidence provided by stakeholders suggests that it will be vital to continue with at least this level of support over the next 10 years to ensure continued progress towards current WESP outcomes and *Cymraeg 2050* targets.
- 8.89 However, the Workforce Plan highlights several challenges with the current BAU situation, particularly around the additional teachers with Welsh language skills required per year to meet *Cymraeg 2050* targets



(and by extension WESP outcomes) over and above the current ITE intake and other existing methods <sup>19</sup>.

- 8.90 The Workforce Plan also notes that, should local authority WESP targets for recruitment not be met, this would create additional pressure for future targets. This primarily relates to WESP Outcome 2 (More reception class children / five-year olds receive their education through the medium of Welsh), which relates to the wider *Cymraeg 2050* ambition of increasing the proportion of all school year groups that receive their education through the medium of Welsh.
- 8.91 The proportion of learners receiving Welsh-medium education currently sits at approximately 23%. The ambition is to increase the proportion of year groups receiving Welsh-medium education to 30% by 2030/31 and 40% by 2050.
- 8.92 However, the percentage of year 1 learners across Wales studying Welsh as a first language has decreased from 23.9% in 2022 to 23.4% in 2023. This equates to around 320 fewer learners. Eleven local authorities have seen an increase in the percentage of year 1 learners studying Welsh as a first language since 2022; ten have seen a decrease; and one has maintained the same percentage.
- 8.93 This situation broadly aligns with our Scenario 2 assumptions (see 8.9), that existing progress towards the goal of ensuring that all pupils leaving statutory education by 2050 are able to speak Welsh independently is not meeting expectations and that Bill provisions will therefore need to strengthen existing BAU activities in order to better coordinate progress towards key targets.
- 8.94 The Bill's provisions are likely to involve a greater degree of change and reform over a longer timeframe within the "Primarily English Language, partly Welsh" schools, and particularly for schools moving from the lowest base toward providing the minimum required hours of Welsh language education (10%). It is expected that a large proportion of these schools will need to upskill their workforce to meet the new requirements.
- 8.95 Based on current evidence and Scenario 2 assumptions, our assumption is that current levels of funding for upskilling the workforce will need to continue at least at the current level over the appraisal period.
- 8.96 During the evidence gathering exercise for the RIA, some stakeholders noted that current levels of funding might not be sufficient to meet the

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<sup>19</sup> [Welsh in education workforce plan: data analysis English \(Welsh Government\)](#)



ambitions of the Bill. However, there is considerable uncertainty as this is largely dependent on the pace of change. It will largely be determined by the targets included in the National Framework, which will shape WESPs and school Welsh language education delivery plans. The Bill states that the first National Framework must be published no later than 31 July 2028, so in year 3 of Bill implementation.

- 8.97 The National Framework will also require Welsh Ministers to set out steps to ensure that training, professional development and support is available for education practitioners in Wales for the purposes of improving ability in Welsh. Furthermore, the National Framework must include an assessment of the number of education practitioners needed in each local authority in order to meet relevant targets outlined in the Bill.
- 8.98 It is important to recognise, however, that many Bill provisions are focused on improving the infrastructure underpinning Welsh language education planning. This will lead to optimisation of existing processes and practices, which should result in more efficient use of resources and funds. An example of this is the number of teachers currently who can speak Welsh but are not using their linguistic skills within their current post. Of the 26,446 teachers in local authority-maintained schools in Wales, 6% or 1,620 are not teaching through the medium of Welsh despite having the necessary skills (although there is uncertainty around how many of these would be willing to do so if given the opportunity). It is possible that more efficient use of existing resources will counter some of the costs of additional requirements in the Bill.
- 8.99 In the context of the considerations set out above, our reasonable estimate is that that the Bill will require funding levels similar to the existing costs associated with upskilling the workforce (table 7), from when the new categories are established in year 3 of the appraisal period until year 10. These costs primarily relate to the cost of funding and administering professional learning to develop the Welsh language skills of practitioners, currently delivered through the National Centre for Learning Welsh.
- 8.100 As future funding is not yet agreed, these costs are presented as additional costs of the Bill. The situation will need to be reviewed regularly to ensure the estimated costs are sufficient to achieve the Bill's aims.

*Table 7 - Recurrent costs incurred by Welsh Government to financially support schools to continuously improve or increase their Welsh language provision and, where relevant, plan to move over time to a higher language category. Minimum amount of Welsh provision in a "Primarily English Language, partly Welsh" school is 10%.*

Stakeholder	Annual Average Gross Cost	Monthly Average Gross Cost	Recurrence	Years	Estimated Cost over Appraisal Period
Welsh Government (*Schools)	£4,370,000	£364,167	Annual	Years 3-10	£34,960,000
<b>Total Cost - £34,960,000</b> <b>(Additional Cost £34,960,000, Opportunity Cost £0)</b>					

*Note: \*While the direct costs would fall to LAs/schools (and this is categorised as a compliance cost), funding is expected to be provided by Welsh Government. For the purposes of this RIA, we therefore present the costs as a cost to Welsh Government.*

8.101 In 2025-26, £3m in funding has been allocated to local authorities in Wales to provide late immersion education in Welsh. However, the Bill places a duty on local authorities to encourage an increase in demand and to take all reasonable steps to provide late immersion education, with the goal of ensuring that newcomers and latecomers to the Welsh language can fully benefit from education through the medium of Welsh. Our assumption is that this will lead to increased participation in late immersion provision over time<sup>20</sup>. Accordingly, our assumption is that funding for late immersion will need to increase from its current level to accommodate an anticipated increase in participation.

8.102 Modelling the likely increase in costs at a local authority level is challenging given the various models of late immersion education as well as variation in levels of participation across local authorities. We therefore model the increase in costs at a national level. Our model for estimating the necessary increase in funding for late immersion is based on the projected increase in participation in Welsh-medium education needed to meet relevant targets over the relevant period

8.103 The *Cymraeg 2050* strategy aims to have 40% of learners in Welsh-medium education by 2050. We have modelled the annual percentage increase in the number of learners in Welsh-medium education required to meet this target<sup>21</sup> and applied a corresponding percentage increase to the current budget for late immersion (£3m). We attribute costs of late immersion to the Bill from the point the relevant provisions come into

<sup>20</sup> [Welsh Immersion Education - Strategies and approaches to support 3 to 11-year-old learners](#)

<sup>21</sup> Based on the projected change in the percentage of learners in Welsh-medium education in Table 8, and factoring in projected changes in the school-age population over this period.

effect in 2028-29 and assume that the percentage of learners in Welsh-medium education will remain relatively stable until 2028-29.

*Table 8 - Estimated Annual Costs for Late Immersion Provision*

Year	Percentage of Learners in Welsh-Medium Education (Projected)	Estimated late immersion costs per year over the appraisal period
Year 4 (2028-29)	21.2%	£3,000,000
Year 5 (2029-30)	21.9%	£3,060,100
Year 6 (2030-31)	22.6%	£3,119,600
Year 7 (2031-32)	23.4%	£3,200,500
Year 8 (2032-33)	24.3%	£3,291,100
Year 9 (2033-34)	25.2%	£3,386,300
Year 10 (2034-35)	26.1%	£3,490,600
<b>Total Cost - £22,548,300</b> <b>(Additional Cost £22,548,300, Opportunity Cost £0)</b>		

8.104 We recognise limitations of the modelling approach. In particular, the drivers of an increase in participation in Welsh-medium education may be different to the drivers of an increase in participation in late immersion education in Welsh. It is not yet known whether the actual change in participation in Welsh-medium education over the appraisal period will follow the trajectory anticipated by the target. Furthermore, it does not account for aspects such as efficiencies that may affect the cost per pupil over time. However, our conclusion is that the assumptions made provide the most reasonable estimate given the wide variation across local authorities and limitations of existing data on late immersion participation at local authority level.

## **Option 2 – Benefits**

8.105 The new proposals for categorising schools and schools' Welsh language education delivery plans will strengthen existing systems and create a clearer line of accountability in terms of what is the responsibility of the Welsh Ministers, what is the responsibility of local authorities and what is the responsibility of schools.

8.106 The delivery plans will, among other things, demonstrate how schools will continuously increase and improve their Welsh language provision and, if they choose to do so, how they will move over time to a higher language category.

- 8.107 Evidence demonstrates the importance of continued exposure to a language for acquisition in monolingual contexts<sup>22</sup>. The school context is vital in providing children from non-Welsh-speaking households with the critical mass of exposure required to develop their ability and confidence to use the language<sup>23</sup>. The renewed focus on increasing and improving Welsh language provision in schools, and in the case of some schools, moving towards a higher language category, will therefore support progress towards ensuring that all learners in Wales become independent Welsh speakers through the statutory education system.
- 8.108 The Bill provisions will strengthen the infrastructure underpinning Welsh language education planning by schools and ensure continued progress towards a million speakers by 2050.
- 8.109 The Bill's provisions relating to late immersion lay a strong foundation for ensuring that late immersion education in Welsh is provided by each local authority and that this vital provision is adequately promoted across all local authorities.
- 8.110 The provisions will support parents and guardians to understand the options available to them and to make informed decisions about the language of their children's education, helping to ensure that learners have access to Welsh-medium education at various entry points.
- 8.111 An Estyn report<sup>24</sup> on Welsh Immersion Education found that existing provision supports learners to feel increasingly confident in trying to speak Welsh and provide a variety of experiences that immerse learners in the Welsh language. Furthermore, the report found that:

*"Most learners who complete intensive late immersion programmes attain a suitable level of proficiency to succeed in Welsh-medium education. Most learners in language immersion centres develop listening and speaking skills consistently well. They make sound progress in their reading skills and by the end of the intensive late immersion programmes many write extended pieces in Welsh by using familiar vocabulary. In those cases where support is provided to latecomers through alternative arrangements at school, a majority make appropriate progress".*

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<sup>22</sup>[Progressing from primary to secondary education during the Covid-19 pandemic \(Health and Care Research Wales Evidence Centre\)](#)

<sup>23</sup> [Accessing Welsh during the Covid-19 pandemic \(Welsh Government\)](#)

<sup>24</sup> [Welsh Immersion Education - Strategies and approaches to support 3 to 11 \(Estyn\)](#)

- 8.112 Renewed emphasis on promoting and supporting late immersion is therefore vital in ensuring that all learners are given the opportunity to have a Welsh-medium education.

## ***Part 4 – Planning Welsh Language Education and Learning Welsh***

### **National Framework for Welsh Language Education and Learning Welsh**

#### **Background**

- 8.113 There is a policy ambition to shift from a situation where Welsh language acquisition and learning activities happen in an uncoordinated manner in different sectors and for different age groups towards a single joined-up system, with specific targets and guidance set by the Welsh Ministers.

#### **Option 1 – Business as Usual**

- 8.114 A range of organisations and partnerships currently develop plans and policies around supporting individuals on their journey along the Welsh language skills continuum in different sectors and for different age groups. For example, Mudiad Meithrin specialises in the provision of Welsh-medium early years education, Coleg Cymraeg Cenedlaethol works with post-16 providers to provide training and study opportunities through the medium of Welsh, and the National Centre for Learning Welsh provides Welsh language learning for young people and adults, including support for workplaces.
- 8.115 These different organisations have their own strategies and action plans for the learning and acquisition of the Welsh language which all contribute to the implementation of the *Cymraeg 2050* strategy, increasing the number of Welsh speakers and promoting use of the language.

#### **Option 1 – Costs**

- 8.116 There is no current equivalent of a National Framework for Welsh Language Education and Learning Welsh, and therefore no BAU costs.

#### **Option 1 – Benefits**

- 8.117 There is no current equivalent of a National Framework for Welsh Language Education and Learning Welsh. Existing plans and policies developed by organisations and partnerships working in this area are well-established and provide a valuable service for those learning the language.

**Option 2 – Preferred Option – Place a duty on the Welsh Ministers to produce a statutory National Framework for Welsh Language Education and Learning Welsh**

- 8.118 The Bill places a duty on the Welsh Ministers to prepare a National Framework for Welsh Language Education and Learning Welsh, which encompasses the education provided to pupils of compulsory education age and for lifelong learning of the Welsh language. The Welsh Ministers must set out in the National Framework the steps they intend to take over periods of 10 years and review and amend it before the end of each period of five years to update those steps. The Welsh Ministers must consult on and publish the National Framework, and report annually on implementation.
- 8.119 The National Framework will bridge the current gap between the long-term vision outlined in *Cymraeg 2050* and targets outlined in local WESPs. It will create a link between national targets and targets at local authority level.
- 8.120 The National Framework requires Welsh Ministers to set out steps in relation to increasing and improving Welsh language education; promoting Welsh language education in “Primarily Welsh Language” category schools; ensuring training, professional development and support for education practitioners; and providing opportunities to learn Welsh at all ages, including through childcare, nursery education, tertiary education, and in the workplace and in the community. The steps will be underpinned by assessment of the Welsh language education provided, the Welsh language education needed, and the number of education practitioners needed in each local authority.

**Option 2 – Costs**

- 8.121 The Welsh Government will incur a recurrent staff cost in creating and/or updating a National Framework every 5 years. Preparing the National Framework will involve scoping, analysis, drafting as well as consultation. Our assumption is that this will be an opportunity cost, as it will be undertaken by existing Welsh Government staff. Based on the assumptions set out in Table 9, we estimate a cost of £209,000 for preparation of the first National Framework, and we assume this will fall in year 3 of the Bill (2027-28). We estimate a lower cost for the review before the end of the period of five years at £94,000, and we assume the cost will fall in year 8 of the Bill (2032-33). The total cost associated with the National Framework is therefore estimated to be £302,700 over the appraisal period.

*Table 9 – Recurrent Welsh Government staff costs incurred on the National Framework in Part 4 of the Bill*

Stakeholder	Staff Grade	Annual Average Gross Cost	Monthly Average Gross Cost	Recurrence	Years	FTE	Estimated Cost Over Appraisal Period
Welsh Government	SEO (Policy)	£71,380	£5,948	Intermittent	Year 3	1.0	£71,400
	Grade 7 (Policy)	£92,844	£7,737	Intermittent	Year 3	0.8	£74,300
	Deputy Director (Policy)	£127,981	£10,665	Intermittent	Year 3	0.1	£12,800
	Grade 7 (Legal)	£92,844	£7,737	Intermittent	Year 3	0.1	£2,300
	Grade 6 (Legal)	£112,521	£9,377	Intermittent	Year 3	0.1	£900
	SEO (Analyst)	£71,380	£5,948	Intermittent	Year 3	0.5	£35,700
	Grade 7 (Analyst)	£92,844	£7,737	Intermittent	Year 3	0.2	£18,600
	SEO (Policy)	£71,380	£5,948	Intermittent	Year 8	0.5	£35,700
	Grade 7 (Policy)	£92,844	£7,737	Intermittent	Year 8	0.2	£18,600
	Deputy Director (Policy)	£127,981	£10,665	Intermittent	Year 8	0.1	£12,800
	Grade 7 (Legal)	£92,844	£7,737	Intermittent	Year 8	0.1	£2,300
	Grade 6 (Legal)	£112,521	£9,377	Intermittent	Year 8	0.1	£900
	SEO (Analyst)	£71,380	£5,948	Intermittent	Year 8	0.3	£21,400
	Grade 7 (Analyst)	£92,844	£7,737	Intermittent	Year 8	0.1	£9,300
<b>Total Cost - £317,000</b> <b>(Additional Cost £0, Opportunity Cost £317,000)</b>							

*Note: Policy and Analyst costs extend for 12 months in years 3 and 8. Grade 7 (Legal) costs extend for 3 months and Grade 6 (Legal) costs extend for 1 month in years 3 and 8.*

8.122 Costs of implementing the National Framework via local authorities' WESPs are covered in the next subsection on local WESPs. Costs associated with supporting the education workforce are provided in paragraphs 8.90 to 8.109. The planning process for the National Framework will determine what changes, if any, are required to current activities in the tertiary sector. Therefore, it will only be possible to estimate costs, if any, for the tertiary sector when this work has been completed.

## **Option 2 – Benefits**

- 8.123 This provision will support the *Cymraeg 2050* aim of creating 'a statutory education system which increases the number of confident Welsh speakers' by providing strategic direction and clear leadership to local authorities about expectations in relation to increasing their Welsh language provision. It will create a link between the target of a million speakers, the *Cymraeg 2050* Welsh language education and learning Welsh targets, and local WESPs. It will address the message that was given by local authorities in regard to the white paper about the need for the Welsh Government to set the strategic lead in the field. It will also present to local authorities and the public a more comprehensive and consistent picture of the expectations on local authorities in terms of increasing and improving Welsh language education, and increasing the number of pupils receiving education in "Primarily Welsh Language" category schools.
- 8.124 The provision will create a single coherent plan for Welsh language education and learning Welsh, ensuring that all partners in the field are working towards the same goals. It will provide guidance to those providing support to the education system in the acquisition and learning of Welsh, thereby laying the foundations for lifelong learning of the Welsh language.
- 8.125 Stakeholders who responded to the RIA evidence gathering exercise noted that the National Framework would provide strategic direction on the number of teachers needed to facilitate the growth in Welsh language education.
- 8.126 Finally, several white paper respondents noted that targets would ensure transparency and enable the Welsh Ministers to set targets that will support the achievement of national language policy. Some organisations were supportive of the Welsh Ministers becoming responsible for strategic planning to support the growth of Welsh language education at a national level. It was also noted that the targets set by the Welsh Ministers will need to take account of local circumstances, while acknowledging the ambition to reach a million Welsh speakers by 2050 and to create an education system where all children become independent Welsh speakers.

## **Local Welsh in Education Strategic Plans**

### **Background**

- 8.127 Section 84 of the School Standards and Organisation (Wales) Act 2013 places a statutory duty on local authorities to prepare their own WESP.
- 8.128 There has been considerable scrutiny of the development, implementation, and impact of WESPs since the first plans were approved in 2014, up to the approval of the latest WESPs in 2022.



8.129 This led to the Welsh Government commissioning an Independent Review of Welsh in Education Strategic Plans, which was published in August 2017<sup>25</sup>. The review highlighted the need to strengthen the planning procedure. An independent Advisory Board was later established to consider amendments to the WESP system between May 2018 and March 2019. The Board's priority was to advise on amendments to the secondary legislation under the 2013 Act, which led to revised regulations in 2019 that introduced several changes to the WESP system.

8.130 Despite recommending these reforms, the Board concluded that the current legislative structure no longer supported Welsh in education planning by local authorities to the extent necessary to respond to the long-term national ambition for the Welsh language to reach one million speakers by 2050<sup>26</sup>.

8.131 There is therefore a policy ambition to continue improving the way Welsh-medium education is planned and organised at a local level.

### **Option 1 – Business as Usual**

8.132 Section 84 of the School Standards and Organisation (Wales) Act 2013 places a statutory duty on each local authority to prepare a WESP, which includes its proposals on how it will carry out its education functions in order to:

- improve the planning of the delivery of Welsh-medium compulsory education in its area;
- improve Welsh-medium education and Welsh-medium teaching standards in its area;
- and report on progress made to meet the targets included in the previous plan or the previous revised plan.

8.133 The Act also places a duty on local authorities to publish the plan, and to take all reasonable steps to implement it and keep it under review. The Welsh Government has the legislative powers to approve, amend or reject a plan, which could lead to the Welsh Ministers preparing a plan of its own for a local authority.

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<sup>25</sup> [Review of Welsh in education strategic plans for 2017 to 2020: final report \(Welsh Government\)](#)

### **Option 1 – Costs**

- 8.134 There are no additional costs for continuing with BAU.
- 8.135 Local authorities identified in the data collection exercise for the RIA that they typically allocate officer time to prepare and submit WESPs, and to respond to feedback from the Welsh Government. Local authorities are also under a duty to publish their WESPs, and this is typically done on their own websites, and they may print copies on demand if required.

### **Option 1 – Benefits**

- 8.136 The original WESPs system has been in place since 2013 and has undergone several revisions in response to feedback from key stakeholders. The most significant change occurred in 2021 when the WESP cycle was extended from a three-year cycle to a ten-year cycle.
- 8.137 In a 2023 report prepared by a Senedd committee into the legislative framework that supports Welsh-medium education provision, stakeholders who provided evidence to the inquiry agreed that *the “WESP framework had improved significantly since it was first established in 2012. Improvements noted by witnesses include more realistic targets, clearer guidance and a 10-year cycle which reduces the planning burden on local authorities”<sup>27</sup>.*
- 8.138 The latest 10-year plans by local authorities were published in 2022 and are operational until 2032. Welsh Government analysis of these plans suggests that current WESP arrangements have provided local authorities across Wales a robust platform to plan and prepare across seven key outcomes relating to Welsh-medium provision over a period of 10 years.

### **Option 2 – Preferred Option – Reform the current system for preparing WESPs and create a direct link with the targets in the National Framework.**

- 8.139 The Bill seeks to reform local authority WESPs, shifting the focus towards plans that set out the steps the local authority intends to take to achieve targets set by the Welsh Ministers in the National Framework in terms of increasing Welsh language provision in their schools. This will include:
- Improving provision of Welsh language education in maintained schools in its area

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<sup>27</sup> [Report into the legislative framework that supports Welsh-medium education provision \(Welsh Parliament\)](#)

- Improving the process of planning the provision of Welsh language education in its area
- Ensuring it has sufficient education practitioners working in its area.

8.140 The Bill also makes it a requirement for local WESPs to detail the steps the local authority will take to:

- promote and provide information about the Welsh language education provided in schools in the “Primarily Welsh Language” category
- to meet its duties to promote and provide late immersion provision in its area
- to facilitate progression in learning Welsh between different stages of education
- information about the local authority’s education workforce.

8.141 Finally, a Local Authority will need to include, to the extent that regulations made by the Welsh Ministers so require, how it will exercise its education functions to promote and facilitate teaching Welsh and education and training through the medium of Welsh in relation to children of compulsory school age who are not pupils in maintained schools (as defined in the Bill). This would include, for example, children who are ‘Educated Other Than At School’ other than in a pupil referral unit.

## **Option 2 – Costs**

8.142 Transitional Welsh Government staff costs will be incurred in developing and consulting on local WESP regulations. Our assumption is that this will be an opportunity cost as it will involve existing Welsh Government staff. It is assumed that work will take place, and therefore the costs will fall, during the third year of the Bill (2027-28).

*Table 10 - Transitional Welsh Government staff costs incurred on the local Welsh in Education Strategic Plans in Part 4 of the Bill*

Stakeholder	Staff Grade	Annual Average Gross Cost	Monthly Average Gross Cost	Transition Period (Months)	FTE	Estimated Cost Over Transitional Period
Welsh Government	SEO (Policy)	£71,380	£5,948	12	0.5	£35,700
	Grade 7 (Policy)	£92,844	£7,737	12	0.2	£18,600
	Deputy Director (Policy)	£127,981	£10,665	12	0.1	£12,800
	Grade 7 (Legal)	£92,844	£7,737	3	0.8	£18,600
	Grade 7 (Legal – Quality Assurance)	£92,844	£7,737	1	0.5	£3,900
	Grade 6 (Legal)	£112,521	£9,377	1	0.1	£900
	SEO (Analyst)	£71,380	£5,948	12	0.3	£21,400
	Grade 7 (Analyst)	£92,844	£7,737	12	0.1	£9,300
<b>Total Cost - £121,100</b>						<b>(Additional Cost £0, Opportunity Cost £121,000)</b>

8.143 According to evidence collected for the RIA, there is considerable variation across local authorities in how resources to administer and support WESPs are organised. Local authority stakeholders did not feel the proposed reforms to WESPs would result in wholesale changes to the current system. Overall, our best estimate set out in Table 11 is that the Bill will require funding levels similar to 2024-25 to financially support local authorities to deliver local WESPs, from year 4 of the appraisal period. As future funding is not yet agreed, these costs are presented as additional costs of the Bill.

Table 11 – Recurrent costs incurred by Welsh Government to financially support local authorities to deliver local WESPs.

Stakeholder	Annual Average Gross Cost	Monthly Average Gross Cost	Recurrence	Years	Estimated Cost over Appraisal Period
Welsh Government (*Local Authorities)	£4,500,000	£375,000	Annual	Years 4-10	£31,500,000
<b>Total Cost - £31,500,000</b> <b>(Additional Cost £31,500,000, Opportunity Cost £0)</b>					

Note: \*While the direct costs would fall to LAs/schools (and this is categorised as a compliance cost), funding is expected to be provided by Welsh Government. For the purposes of this RIA, we therefore present the costs as a cost to Welsh Government.

8.144 However, local authorities noted that renewed emphasis on planning their teaching workforce as part of the National Framework targets is likely to require additional staff resource to analyse SWAC data. Quantifying the additional costs for local authorities is challenging. Local authorities' estimates varied widely, in part due to uncertainty over what the requirements would mean in practice at the time of data collection and in part due to variation in the linguistic make-up and size of each local authority. Our best estimate based on feedback from local authorities is presented as an estimated average per local authority, multiplied by the number of local authorities in Wales, acknowledging that costs may be higher for some local authorities and lower for others. Our assumption is a cost for each local authority of approximately £11,600 per annum based on additional staffing of 0.2 FTE at Soulbury Pay Scale 4, with this cost expected to be incurred from year 4 of the appraisal period (2028-29). The total cost to local authorities over the appraisal period is therefore estimated to be approximately £1,783,600.

Table 12 - Recurrent Costs incurred administering new WESP arrangements (e.g. workforce planning; "Primarily English Language, partly Welsh" schools; promoting Welsh-medium education)

Stakeholder	Staff Grade	Annual Average Gross Cost	Monthly Average Gross Cost	Recurrence	Years	FTE	Estimated Cost over Appraisal Period (per local authority)
Local Authority	Soulbury Pay Scale 4	£57,909	£4,826	Annual	Years 4-10	0.2	£81,100
<b>Total Cost (across all Local Authorities) - £1,783,600</b> <b>(Additional Cost £1,783,600, Opportunity Cost £0)</b>							

8.145 In terms of the new monitoring arrangements, the Bill gives Estyn the role of conducting a rapid review of a local authority's local WESP if a pattern of underachievement becomes evident. Our assumption, reflected in Table 13, is that Estyn would review one local WESP per year from year 4 of the appraisal period. This would include reviews conducted due to any underachievement as well as some inspections to develop

understanding of good practice and progress towards different WESP outcomes. This cost may increase if it becomes necessary to review additional local WESPs during the period. Based on feedback from Estyn, the recurrent annual cost for them to review one local WESP is estimated to be £23,500, with the cost incurred from 2028-29.

*Table 13 - Recurrent costs incurred by Estyn reviewing local WESPs*

Stakeholder	Staff Grade	Annual Average Gross Cost	Recurrence	Years	FTE	Estimated Cost Over Appraisal Period
Estyn	NA	£23,500	Annual	Years 4-10	NA	£164,500
						<b>Total Cost - £164,500</b> <b>(Additional Cost £164,500, Opportunity Cost £0)</b>

8.146 The potential costs of any regulations made in relation to the requirement for local authorities to set out how they will exercise their education functions to promote and facilitate Welsh language learning in relation to children who are not pupils in maintained schools, will be considered in a separate RIA which will be laid alongside those regulations.

## **Option 2 – Benefits**

8.147 This part of the Bill will improve clarity on requirements between the Welsh Ministers and local authorities. The Welsh Ministers will plan national progress in Welsh language education and learning Welsh at a strategic level through the National Framework, and local authorities will demonstrate how they are planning and working to make it a reality.

8.148 This part will also improve transparency in relation to setting targets, collecting data and agreeing on plans.

8.149 Furthermore, one of the recommendations made in a report published by the Senedd Culture, Communications, Welsh Language, Sport, and International Relations Committee was that the Welsh Government should work with key stakeholders to identify suitable measures that would improve existing arrangements for monitoring the progression of WESPs.

8.150 Some respondents to the white paper consultation noted that the proposed reforms to WESPs would provide a focus for both national and local planning and clearly highlight the desired pathway to achieving a million speakers by 2050.

8.151 In some local authorities, where the density of Welsh speakers is generally high and the Welsh language is an integral part of the social fabric of the area, the challenge is to protect these areas from language shift and to stabilise the density of speakers so that they remain Welsh-speaking communities. The evidence of the Commission for Welsh-speaking Communities in relation to areas of linguistic significance may

provide a basis for setting higher expectations in such areas. In other local authorities, where there is a lower density of Welsh speakers, the challenge may be to grow the number of Welsh speakers through the education system.

- 8.152 Some white paper consultation respondents agreed with the proposal, stating that some of the current plans were ‘not ambitious enough’ or ‘lacked vision’. Respondents said that independent reviews could ‘put pressure on local authorities’ to refine their plans and actions to make progress against the targets.
- 8.153 Furthermore, the Bill places a duty on local authorities to include information in the local WESP about its education workforce. This requires them to understand the current staffing situation in their schools and to understand the number of Welsh speakers that are needed to meet the local authority's plan to grow Welsh language education or move schools to a higher language category in their areas. It will also enable local authorities to feed information back to the Welsh Government and other stakeholders to develop or refine national policies and interventions to expand or develop the workforce.
- 8.154 If any increase in the number of practitioners with Welsh language skills is required, this will need to be based on analysis of the relevant data in the SWAC. Understanding the development needs of practitioners in terms of language skills within each local authority will facilitate collaboration with the National Institute for Learning Welsh and other stakeholders in ensuring appropriate and sufficient language training to meet the target.

## ***Part 5 - The National Institute for Learning Welsh***

### **Background**

- 8.155 *Cymraeg 2050* has set a long-term goal for us to achieve as a country. Creating new speakers who learn Welsh outside the home is key to the success of our strategy. Improving the linguistic outcomes of learners aged 3-16 is also at the core of Parts 2-4 of the Bill. It follows, therefore, that we need to ensure that suitable structures are put in place to support the implementation of the Bill.
- 8.156 As was set out in the white paper, to meet our targets in *Cymraeg 2050* we need to develop and improve the Welsh language learning offer and ensure that quality support and resources are available for practitioners and learners, whatever their age. There is a policy ambition to centralise support for Welsh language learning within a single visible organisation which specialises in the learning of Welsh at all stages of life. This includes supporting schools, young people, adults and workplaces on their language journey.

## **Option 1 – Business as Usual**

8.157 A range of organisations and partnerships currently support individuals on their journey along the Welsh language skills continuum, including:

- Mudiad Meithrin – which specialises in the provision of Welsh-medium early years education, including nursery groups
- Schools
- Education consortia and local authorities – which provide a range of professional learning opportunities for school practitioners to develop their Welsh language and teaching skills
- Coleg Cymraeg Cenedlaethol – which works with post-16 providers to provide training and study opportunities through the medium of Welsh
- National Centre for Learning Welsh (“the Centre”) – which provides Welsh language learning for young people and adults, including support for workplaces.

8.158 The Welsh Government is responsible for policy, strategy, and funding of Welsh language learning provision in the post-16 sector, including supporting the Centre through grant funding.

8.159 The Centre currently oversees the provision of Welsh language learning for people aged over 16 (known as Learn Welsh provision) on behalf of the Welsh Government. The Centre was established after a tendering process in 2015 to strategically lead on Learn Welsh provision at a national level. This was in response to one of the recommendations of the [Raising Our Sights report](#) (a review of Welsh for Adults) in 2015.

8.160 The Centre’s main functions are:

- to be a visible body that sets the national strategic direction for the Learn Welsh sector (for those over 16) and to operate alongside partners across Wales
- to provide leadership and strategic direction to all Learn Welsh providers
- to raise standards within the Learn Welsh sector (for those over 16) and to increase the numbers able to speak and use Welsh
- to develop a high quality, engaging and appropriate Welsh for Adults national curriculum and to produce resources suitable for learners and practitioners
- to procure a network of providers and determine funding allocations to providers based on funding agreements
- to run the Work Welsh (“Cymraeg Gwaith”) project, which provides Welsh language learning training in workplaces to increase Welsh language capacity and skills, thereby improving Welsh language services for consumers.



8.161 Since 2022, the Centre has also been offering targeted provision for young people aged 16-25 as well as expanding its support for the education workforce by offering tailored courses across all levels.

8.162 The Centre sets the curriculum and direction for Learn Welsh provision and creates resources to support the delivery of the curriculum. The Centre currently contracts with 11 regional providers who provide Learn Welsh courses, both online and face to face. All providers receive targets from the Centre, which also monitors their performance.

8.163 The focus of the Centre is on people aged over 16. There is currently no single body that provides strategic leadership and support for Welsh language learning across all ages.

### **Option 1 – Costs**

8.164 There are no additional costs for continuing with BAU.

8.165 The BAU costs, set out in Table 14, include Welsh Government staff costs. These staff costs encompass existing staff whose roles include the oversight and management of the grant for the National Centre for Learning Welsh.

8.166 The BAU costs also include the recurrent operational costs of the National Centre for Learning Welsh. These operational costs encompass:

- staff costs, including salary on-costs
- a management fee paid to the University of Wales Trinity St David for services, including payroll and pension support, IT infrastructure, office space, insurance cover, procurement and other professional services
- Board and governance costs
- other non-staff costs, including costs associated with the Centre's digital platform, marketing costs, office and IT equipment costs, and legal and audit fees.

8.167 The cost estimate for the recurrent operational costs is based on the grant provided to the Centre by the Welsh Government in 2024-25, the Centre's recent annual accounts, as well as running costs estimated by the Centre itself.

8.168 The BAU costs also include nine FTE posts which currently provide support and training to the education workforce. These are outside of the National Centre for Learning Welsh's current core staff. The equivalent of eight FTE posts are currently commissioned via the Centre's provider network and are funded through its programme costs. The intention is that these posts will either transfer to or be recruited by the National Institute for Learning Welsh when it becomes operational.

8.169 The remaining post is currently earmarked within the proposed staffing structure for the new National Professional Learning and Leadership Support Body, which is scheduled to be established by September 2025. This post (Design Lead: Welsh Language) will be recruited to the new Body once established to work with local authorities to deliver professional learning to support the teaching of Welsh in English-medium schools. Further consideration will be given to the potential transfer of this post to the National Institute for Learning Welsh in 2027 when the Institute becomes operational. In this RIA, we assume transfer of the post.

8.170 At this stage, we have included nine FTE posts for providing support and training to the workforce in the estimated costs for the Institute (Option 2). We have included the same number of posts in BAU cost estimates, on the assumption that (aside from potential recruitment costs) no additional resource outside the system will be required to fulfil the Institute's functions in relation to providing support and training to the education workforce.

*Table 14 - BAU Recurrent Costs*

<b>Cost</b>	<b>Annual Cost</b>	<b>Estimated Cost over Appraisal Period</b>
Welsh Government Staff Costs – EO (Policy) 0.25 FTE	£11,100	£111,300
Welsh Government Staff Costs – SEO (Policy) 0.6 FTE	£42,800	£428,300
Welsh Government Staff Costs – Grade 7 (Policy) 0.25 FTE	£23,200	£232,100
National Centre for Learning Welsh (NCLW): Staff costs	£1,437,600	£14,376,300
NCLW: University of Wales Trinity St David Management fee	£148,000	£1,480,000
NCLW: Digital platform	£265,000	£2,650,000
NCLW: Governance	£6,000	£60,000
NCLW: Other non-staff costs	£287,500	£2,874,800
Education Workforce: Staff costs	£560,000	£5,599,900
Education workforce: Non-staff	£275,200	£2,751,900
<b>Total</b>	<b>£3,056,500</b>	<b>£30,564,600</b>

8.171 The BAU costs are focused on the functions currently being undertaken by the National Centre, which are funded via the Centre's operational grant, rather than its funding allocations to providers. This is because funding allocations to providers are not a focus of Part 5 of the Bill. The only programme costs included in Table 14 are those pertaining to the

Education Workforce, as the intention is that these posts, which are currently programme funded, will become operational costs for the National Institute for Learning Welsh once it is established (see paragraph 8.168).

### **Option 1 – Benefits**

- 8.172 A key benefit is that continuing with BAU would involve no additional upfront reform costs.
- 8.173 Significant steps have been made since the Centre's inception in 2015 to professionalise and stabilise the Learn Welsh sector. Prior to that, the sector was subject to many structural changes, and cohesion between regions was lacking. Recent reviews by [Estyn](#) and a [Rapid Review Report](#) in 2021 refer to the significant improvements in the Learn Welsh sector since the Centre's inception, including the introduction of a specific national curriculum, the development of a system for workforce planning and qualifications to professionalise the sector, improved data systems and digital innovation.
- 8.174 [Estyn's 2021 review](#) of the Centre found that it had become an influential, national voice for the sector. The Review praised the Centre's leadership and its vision. It highlighted its success in creating a wide range of strategic partnerships and noted that it had increasingly become a focus for activities that are crucial to linguistic planning efforts. It also concluded that it contributed effectively to the aim of achieving a million speakers by 2050.
- 8.175 The [Rapid Review in 2021](#) concluded that the Centre has succeeded in reorganising, restructuring and leading national Learn Welsh provision, realising the vision of 'Raising our Sights'.

### **Option 2 – Preferred Option – Establish a new statutory body: the National Institute for Learning Welsh, which will facilitate and support people of all ages to learn Welsh and develop their Welsh language skills**

- 8.176 The Bill will establish a new statutory body, the National Institute for Learning Welsh, which will facilitate and support people of all ages to learn Welsh and develop their Welsh language skills.
- 8.177 The Institute will be a one-stop-shop for supporting all aspects of Welsh language learning, with functions including:
- providing strategic leadership and direction for Welsh language learning providers
  - the design and development of provision of Welsh language learning to learners aged 16 and over
  - development and maintain a national curriculum for Welsh language learning for learners aged 16 and over
  - the development of the Welsh language education workforce for the purpose of improving language transmission

- coordinating and commissioning research on learning Welsh
- collecting and publishing data for learners aged 16 and over.

8.178 The Bill also places a duty on the Institute to:

- promote innovation and continuous improvement in relation to learning the Welsh language
- promote equality of opportunity and encourage participation amongst under-represented groups
- promote coordination and collaboration in relation to learning Welsh.

## Option 2 – Costs

8.179 In establishing costs, we have assumed that the Institute will become operational on 1 August 2027, to coincide with the end of the Centre's current funding agreement with Welsh Government.

8.180 Transitional set up costs will be incurred in establishing the new body, ahead of it becoming operational in August 2027. These will include staff costs and Board and Governance costs during the transitional period as well as branding costs, ICT costs, digital platform costs (encompassing the Centre's current website and its data collection and learner registration systems) and legal and other professional costs leading to the establishment of the new body. There will also be additional Welsh Government transitional costs for staff who will be working on establishing the new body.

8.181 Transitional staffing costs include provision for five additional staff members to undertake administrative functions to be in place from January 2027. Also included is provision for a Chief Executive for the Institute from January 2027.

*Table 15 - Transitional costs incurred by Welsh Government over Years 1-3 in establishing the National Institute for Learning Welsh*

Costs	Years	Estimated Transitional Cost over Years 1-3
Welsh Government: Staff	Years 1-3	£430,800
NILW: Staff (including Chief Executive and new administrative posts)	Years 2-3	£583,700
Board and Governance	Years 1-3	£86,000
Branding	Years 2-3	£86,000
ICT	Years 2-3	£201,200
Legal and other professional costs	Years 2-3	£75,000
Digital Platform	Years 2-3	£265,000
<b>Total Transitional Cost over the Appraisal Period - £1,727,600</b>		

8.182 The Institute will fulfil the functions currently undertaken by the Centre, functions relating to the development of the Welsh language education

workforce and the commissioning of research and resources to support Welsh language learning. The recurrent costs set out at Table 16 below assume that staff from the Centre will transfer to work for the Institute. The costs are estimated based on:

- Current staffing costs of the Centre, including 24 staff members: five in senior management posts, four managers, six executive officers, four senior administrative officers and five administrative officers.
- Five additional staff members to undertake administrative functions associated with the new body, including a Finance Officer, a HR Officer, an IT Officer, a statistician and a Departmental Records Officer (DRO). The DRO will be a mandatory role and assumes the Institute will have Public Records Body status. Other work associated with being a Public Records Body will be incorporated within other staff roles in the organisation.
- An adjustment to the Centre's existing staff costs to account for an increase in pension liability should staff at the new body become eligible to join the Civil Service Pension Scheme.
- Nine FTE staff members to undertake functions relating to providing support and training to the education workforce. Our assumption is that the resource for providing support and training to the education workforce in the Institute will come from elsewhere in the system. As previously outlined under the BAU costs, eight FTE posts are currently funded through the Centre's programme costs, with the potential transfer of the remaining post from the new National Professional Learning and Leadership Support Body. We have included the same number of posts in BAU cost estimates (Option 1), on the assumption that no additional resource outside the system will be required to fulfil the Institute's functions in relation to providing support and training to the education workforce. The costs, however, include an adjustment to account for an increase in pension liability where staff transfer to the Institute.

8.183 Option 2 costs include Board and Governance costs. We have estimated annual costs based on one Chair for 60 days per annum; two Deputy Chairs for 36 days per annum; four Board members at 24 days per annum; as well as an estimated additional amount for travel and subsistence.

8.184 Recurrent non-staff costs include office rental and running costs, ICT, digital platform and Auditor General costs. It also includes an estimate for other non-staff operational costs, such as marketing, internal and external audit, staff training and conference and meeting costs. These other non-staff operational costs are estimated based on the current non-staff costs for the National Centre for Learning Welsh, with an uplift applied to reflect the increase in staff costs set out in Table 16 below.

Table 16 - Recurrent costs incurred by Welsh Government over the appraisal period in establishing the National Institute for Learning Welsh

Costs	Annual Cost (Year 3)	Annual Cost (Years 4-10)	Estimated Cost over Appraisal Period
Welsh Government: Staff	£77,200	£77,200	£617,400
NILW staff: transferred from National Centre	£958,400	£1,437,600	£11,021,800
NILW staff transferred from National Centre: pension adjustment	£59,200	£88,900	£681,300
NILW staff: new administrative staff	£255,300	£383,000	£2,936,100
NILW staff: supporting education workforce	£373,300	£560,000	£4,293,200
NILW staff supporting education workforce: pension adjustment	£17,500	£26,300	£201,400
Board and Governance	£48,000	£72,000	£552,100
Office rental and running	£135,900	£135,900	£1,087,500
ICT	£0*	£97,700**	£618,500
Digital platform	£265,500	£265,000	£2,120,000
Auditor General	£20,000	£20,000	£160,000
Other non-staff costs	£337,000	£505,500	£3,875,300
<b>National Institute for Learning Welsh Recurrent Costs over the Appraisal Period</b>			<b>£28,164,700</b>
<b>BAU Recurrent Costs Over the Appraisal Period***</b>			<b>£7,017,700</b>
<b>Total Recurrent Costs over the Appraisal Period****</b>			<b>£35,182,400</b>

Notes:

\* ICT capital and revenue costs for Year 3 are included in the transitional costs in Table 15 above as it is assumed that these will need to be in place prior to August 2027.

\*\* Y4 cost as costs are discounted across years 4-10

\*\*\* BAU costs will continue until the Institute becomes operational in August 2027

\*\*\*\* The total recurrent costs for the Bill factors in that BAU costs will continue until the Institute becomes operational in August 2027

8.185 Table 17 provides an overall estimate of the additional cost of Option 2 compared to continuing with BAU over the appraisal period.

Table 17 Total additional cost of Option 2 compared to continuing with BAU over the appraisal period

<b>Total costs over the appraisal period</b>	
Total transitional costs of Option 2	£1,727,600
Total recurrent costs of Option 2	£35,182,400
Total recurrent costs of BAU (Option 1)	£30,564,600
<b>Additional cost of Option 2 (Cost of Option 2 minus cost of BAU)</b>	<b>£6,345,400</b>

## **Option 2 – Benefits**

- 8.186 Establishing a new statutory body, the National Institute for Learning Welsh, will provide strategic leadership and support for lifelong Welsh language learning at a national level. The new body will be able to innovate and create local and national solutions. It will also have responsibility for ensuring that Welsh language learning and transmission is given due attention within the whole education system, including in the school sector.
- 8.187 Centralising strategic leadership and expertise for Welsh language learning within one body will be a means of ensuring that support for Welsh language learning happens in a more co-ordinated and collaborative manner, helping to avoid duplication of effort and resources. The Institute will recognise and build on the successful role the National Centre for Learning Welsh has played within the adult sector since it was established in 2015. In particular, it will address the recommendations in the recent review by [Estyn](#) and in the [Rapid Review in 2021](#), enabling the Institute to be a strategic influencer in the journey to realise the Welsh Government's *Cymraeg 2050* goals.
- 8.188 This provision will raise the profile of Welsh language learning and provide a mechanism where there is ownership centrally in relation to the framework for describing Welsh language ability, and to the provision of support to the education workforce and schools as they seek to increase their Welsh language education provision.
- 8.189 The creation of a new statutory body will provide a more stable basis for long-term planning and funding, and it will also avoid the need for re-tendering and the inherent instability which this creates. Providing solid financial foundations will give the Institute confidence and a platform to design long-term policies and interventions.

## ***Translation costs***

- 8.190 Transitional Welsh Government staff costs will be incurred on translation across the Bill. Our assumption is that this will be an opportunity cost as it will involve existing Welsh Government staff. The cost is difficult to estimate at this stage as the number and length of documents is currently unknown. The total cost in Table 18 is estimated based on 40,000 words for the Code to describe Welsh language ability; 25,000 words for the National Framework; and three sets of regulations at 6,000 words each along with three explanatory memorandums and regulatory impact assessments at 10,000 words each. While the precise timing of translation work is currently unknown, our assumption is that the cost will fall during years 1-3 of the appraisal period.

*Table 18 - Translation Costs across the Bill*

<b>Stakeholder</b>	<b>Years</b>
Welsh Government	Years 1-3
<p style="text-align: right;"><b>Total Cost - £47,300</b>  <b>(Additional Cost £0, Opportunity Cost £47,300)</b></p>	

## ***Overview of Bill Costs Across the 10 Year Appraisal Period***

8.191 Table 19 provides an overview of when Bill costs (transitional and recurrent) are expected to be incurred over the ten-year appraisal period. The table also includes costs associated with post implementation review.



Table 19 – Overview of Bill Costs Across the 10 Year Appraisal Period

		Description of Costs	2025-26	2026 - 27	2027 - 28	2028 - 29	2029 - 30	2030 - 31	2031 - 32	2032 - 33	2033 - 34	2034 - 35	Line Total
Bill Part 1	Welsh Government	Transitional Welsh Government staff costs incurred on Part 1 of the Bill	£0	£72,500	£32,600	£0	£0	£0	£0	£0	£0	£0	£105,000
Bill Part 2	Welsh Government	Transitional Welsh Government staff costs incurred on Part 2 of the Bill	£130,600	£133,700	£0	£0	£0	£0	£0	£0	£0	£0	£264,300
Bill Part 3	Welsh Government	Recurrent costs incurred by Welsh Government to financially support schools to continuously increase Welsh language provision and, where relevant, move to higher language category.	£0	£0	£4,370,000	£4,370,000	£4,370,000	£4,370,000	£4,370,000	£4,370,000	£4,370,000	£4,370,000	£34,960,000
	Welsh Government	Recurrent costs incurred by Welsh Government to financially support local authorities to provide late immersion education in Welsh.	£0	£0	£0	£3,000,000	£3,060,100	£3,119,600	£3,200,500	£3,291,100	£3,386,300	£3,490,600	£22,548,300
	Welsh Government	Transitional Welsh Government staff costs incurred on Part 3 of the Bill	£0	£330,700	£65,200	£0	£0	£0	£0	£0	£0	£0	£395,900
	Local Authorities	Recurrent costs incurred approving school Welsh language education delivery plans	£0	£0	£0	£0	£0	£509,600	£509,600	£509,600	£509,600	£509,600	£2,548,000

	<b>Schools</b>	Recurrent costs incurred preparing Welsh language education delivery plans	£0	£0	£0	£0	£6,812,400	£0	£0	£3,406,200	£0	£0	<b>£10,218,600</b>
<b>Bill Part 4</b>	<b>Welsh Government</b>	Recurrent Welsh Government staff costs incurred on the National Framework in Part 4 of the Bill	£0	£0	£216,000	£0	£0	£0	£0	£101,000	£0	£0	<b>£317,000</b>
	<b>Welsh Government</b>	Transitional Welsh Government staff costs for WESPs in Part 4 of the Bill	£0	£0	£121,100	£0	£0	£0	£0	£0	£0	£0	<b>£121,100</b>
	<b>Welsh Government</b>	Recurrent costs incurred by Welsh Government to financially support local authorities to deliver local WESPs	£0	£0	£0	£4,500,000	£4,500,000	£4,500,000	£4,500,000	£4,500,000	£4,500,000	£4,500,000	<b>£31,500,000</b>
	<b>Local Authorities</b>	Recurrent costs incurred administering local WESPs arrangements (e.g. workforce planning, "Primarily English Language, partly Welsh" schools)	£0	£0	£0	£254,800	£254,800	£254,800	£254,800	£254,800	£254,800	£254,800	<b>£1,783,600</b>
	<b>Estyn</b>	Recurrent costs incurred by Estyn reviewing one local WESP per year	£0	£0	£0	£23,500	£23,500	£23,500	£23,500	£23,500	£23,500	£23,500	<b>£164,500</b>

Bill Part 5	Welsh Government	Transitional Costs of Establishing New National Institute for Learning Welsh	£139,300	£625,200	£963,100	£0	£0	£0	£0	£0	£0	£0	£1,727,600
	Welsh Government	Additional Costs of Running New National Institute for Learning Welsh	£0	£0	£395,200	£612,600	£609,300	£606,100	£603,000	£600,000	£597,200	£594,400	£4,617,800
Post Implementation Review		Costs attached to post implementation review	£100,000	£0	£100,000	£100,000	£100,000	£0	£0	£0	£100,000	£100,000	£600,000
Translation		Costs attached to translating documents, guidance and regulations arising from the Bill	£15,800	£15,800	£15,800	£0	£0	£0	£0	£0	£0	£0	£47,400
Total Cost Per Year			£385,600	£1,177,900	£6,279,000	£12,860,900	£19,730,100	£13,383,600	£13,461,400	£17,056,200	£13,741,400	£13,842,900	
Total Bill Cost over 10 Years			<p style="text-align: right;"><b>£111,919,000</b></p> <p style="text-align: right;"><b>(*Additional Cost £100,449,800 Opportunity Cost £11,469,200)</b></p> <p>*Many of these costs exist in current budgets to support Welsh language planning and the Welsh in education workforce plan. Our assumption is that these would need to continue across the lifespan of the Bill implementation period.</p>										

## 9. Impact Assessments

- 9.1 The Welsh Language and Education (Wales) Bill introduces a number of proposals that primarily relate to planning, resourcing and supporting the development of Welsh language teaching throughout Wales. The impact upon people therefore is largely secondary and over the long-term, through the teaching in schools following the proposed changes. That secondary impact however is expected to be largely positive as the Bill aims to ensure equality of access to the Welsh language, and to ensure that all children, no matter where they live in Wales and regardless of linguistic or any other background, have the opportunity to learn Welsh and become confident, independent speakers
- 9.2 Specific impact assessments were undertaken during development of the Bill. A summary of the impacts is outlined below, and the specific impact assessments will be published as appropriate. Specific assessments were undertaken to understand the effects of the Bill on the following areas:
- Children's Rights
  - Equality
  - Welsh Language
  - The Socio-Economic Duty
  - Rural Proofing
  - Justice System
- 9.3 In gathering evidence to support the Impact Assessments, officials have engaged with a range of policy, legal and research colleagues within the Government. The white paper consultation, and the engagement exercise commissioned by the Welsh Government drew responses from a range of stakeholders, some of whom, such as the Children and Young People's Commissioner for Wales were in a position to convey the views of children and young people. Many other respondents represented stakeholders, delivery partners and the teaching workforce.
- 9.4 The Government was also aware that the Children's Commissioner for Wales had expressed disappointment that there had not been any specific engagement with children regarding the white paper's proposals. The Government consequently engaged with children and young people through workshops held across Wales, undertaken on its behalf by Urdd Gobaith Cymru in February 2024. A qualitative survey was also conducted by Children in Wales' Young Wales team during its residential course in February 2024.

### ***Children's Rights***

#### **Positive Impact**

- 9.5 The Bill aims to affect changes that will ensure that more children and young people will have the opportunity to leave the education system

with Welsh language skills. This supports the rights of children to an education, their right to learn and use the language of their families and their right to relax, play and engage with a wide range of activities.

- 9.6 Increasing the Welsh language skills of learners may also lead to a wider range of opportunities for these individuals both in employment and in their daily lives. The employment benefits of additional language skills will empower children and young people when they leave the education system. This aligns with the tackling poverty agenda, supporting pathways out of poverty through education and skills. The increased Welsh language skills will offer more cultural and social opportunities for children and young people.
- 9.7 Whilst the primary impact of these proposals will be to improve education planning, leading to an increase in the provision of Welsh language education for all pupils over time, aspects of the Bill will also bring further, specific benefits.
- 9.8 The Welsh Government believes that the common reference levels for describing Welsh language ability would contribute to children and young people's understanding of the expected linguistic outcomes at each stage of the journey to learn Welsh. Likewise, employers will be better placed to understand a candidate's level of ability in the language by drawing on objective measurements, consistent with international best practice.
- 9.9 Categorising schools according to the amount of Welsh language education provided will ensure consistency and in the long term, equality of access to Welsh language teaching to all learners in Wales.
- 9.10 The National Framework and local WESPs will help planning for enhanced access and opportunities for learning Welsh to all learners.
- 9.11 Placing duties on local authorities to promote and provide information about Welsh-medium education will improve the understanding of the benefits of Welsh-medium education. This will have a particular impact upon people with less understanding and familiarity with the cultural-linguistic context in Wales, or that are not aware that children from families that do not speak Welsh can also attend Welsh-medium schools.
- 9.12 Promoting and providing late immersion provision would also widen access to the Welsh language for children and young people in Wales who wish to access Welsh-medium education at various entry points.
- 9.13 Provisions are also made to ensure that support is available to help all schools meet the challenges of increasing the amount and quality of Welsh language teaching, ultimately benefitting all learners in Wales.

### **Potential negative impact and mitigation**

- 9.14 As schools develop their Welsh language provision, and increase the learning offered through the medium of Welsh, there is likely to be an increase in demand for specialist education services or resources through the medium of Welsh. Left unaddressed, there is the potential for learners with additional learning needs to face challenges in accessing specialist education services.
- 9.15 The Government believes that the Additional Learning Needs Code which sets out requirements and guidance for schools to deliver one of its core principles of creating a bilingual system can mitigate the impact. The Welsh in Education Workforce Plan also sets out a number of actions that aim to develop capacity and expertise to support learners with additional learning needs, further mitigating any negative impact.
- 9.16 With demand for provision through the medium of Welsh likely to increase however, alongside more strategic and deliberate efforts to plan and increase the number of practitioners able to teach through the medium of Welsh, the proposals may make Welsh-medium ALN provision more cost effective.
- 9.17 The Welsh Government expects the proposals to involve a greater degree of change and reform over a longer timeframe within English-medium schools, and particularly schools moving from the lowest base toward providing the minimum required hours (10%). Comprehension and familiarity with the Welsh language is likely to be lowest amongst learners in these English-medium schools. Learners from a Black, Asian or minority ethnic background, those that qualify for free school meals and Gypsy, Roma and Traveller children are on average more likely to attend English-medium schools. Consequently, these learners are more likely on average, to experience the impact of any associated challenges, alongside the other learners in these schools.
- 9.18 These pupils may on average face challenges to fully engage and achieve if wider subject lessons are delivered through Welsh, or if an increase in Welsh (as a subject) lessons leads to a reduction in the teaching of other lessons. The Children in Wales' Young Wales Team consultation also drew responses that echoed concerns that the teaching of Welsh shouldn't overshadow or diminish the quality of teaching of key subjects such as Maths, Science and English.
- 9.19 The schools moving from the lowest base toward the minimum hours will be supported in a number of ways. The minimum hours will not be introduced immediately upon passing of the Bill, allowing for a period of preparation. The requirement in the Bill is aimed at making prescriptions about the amount of provision of Welsh language education in a school, (the subject and the language through which learners learn, rather than the specific subject alone). So for instance, learners might learn through

Welsh but be studying a different subject. Of course, in schools with lower use of Welsh, the 10% is likely to necessarily require learn Welsh as a subject. The school has the flexibility to decide.

- 9.20 It will be important for the National Institute for Learning Welsh (new statutory body established in the Bill) to build on the work of the National Centre for Learning Welsh, which has experience in engaging with people from non-Welsh speaking backgrounds, those who are new to Wales, and those who do not have English as a first language. The Centre has also developed and tailored courses and resources to support people from a range of backgrounds to access and learn Welsh, and has prepared a strategy to increase engagement with people of Black, Asian and minority ethnic background.
- 9.21 The Institute will need to build on its experience in developing courses and ensure it has sufficient capacity and expertise to influence and support lifelong learning. To this effect the Institute will have to build capacity and develop expertise in supporting the learning of Welsh in the schools sector.
- 9.22 More broadly however, the Welsh Government regards the Bill as an opportunity to expand access to learners that, on average, have not historically engaged with Welsh-medium education to the same extent as other learners. The proposals and their implementation also present a valuable opportunity for education planners to further develop their understanding of the views and possible barriers facing learners in these groups (and their parents).

### ***Equality Impact Assessment***

- 9.23 The proposed changes create opportunities to purposefully plan to ensure that the Welsh language is inclusive for all. This opportunity has been acknowledged by key stakeholders during the consultation and development phases of the Bill.

#### **Positive Impact**

- 9.24 Specifically, the common reference levels for describing Welsh language ability would contribute to children and young people's understanding of the expected linguistic outcomes at each stage of the journey to learn Welsh. Likewise, employers will be better placed to understand a candidate's level of ability in the language by drawing on objective measurements, consistent with international best practice. Consequently, this may also lessen the risk of employers drawing on subjective and potentially prejudicial or stereotyped judgements of a candidate's language abilities. Black Welsh people for example, are sometimes assumed to be unable to speak Welsh.
- 9.25 Categorising schools according to the amount of Welsh language education provided will ensure consistency and equality of access to

Welsh language teaching to all learners in in Wales. Categorisation will provide clarity to parents/guardians and learners in relation to the language provision in their school and the expected linguistic outcome for the learner.

- 9.26 The National Framework and local WESPs will improve Welsh in education planning. In turn, this will allow for more effective and responsive planning in relation to minority groups. The Welsh Government believes that education planners will have opportunities to develop over time, a better understanding of the support and learning requirements of all learners living within the local authorities.
- 9.27 Proposals to place duties on local authorities to include in their local WESP steps to promote Welsh-medium education will improve the understanding of the benefits of Welsh-medium education and clarify the expected linguistic outcomes of learners. The Welsh Government believes that the proposal will have a particular impact upon people with less understanding and familiarity with the cultural-linguistic context in Wales, or that are not aware that children from families that do not speak Welsh can also attend Welsh-medium schools. This could include people from Black, Asian or minority ethnic backgrounds; people with disabilities; people who share other protected characteristics; or people that have moved to Wales, all of whom may have a lower traditional engagement with Welsh medium education.
- 9.28 Late immersion provision will enable all children and young people to have access to a Welsh-medium education, and that the necessary support will be available to them if they choose to do so. This is particularly relevant to families that have moved to Wales and will further support and enable such families to engage with the communities in which they live whilst also ensuring that their children are able to access the same educational opportunities as all other learners in Wales.

### **Potential negative impact and mitigation**

- 9.29 Learners from a Black, Asian or minority ethnic background and Gypsy, Roma and Traveller children are on average more likely to attend schools that are likely to face a greater degree of change and reform over a longer timeframe. Consequently, these learners are more likely on average, to experience the impact of any associated challenges. These challenges and the mitigation in place are discussed under the Children's Rights heading, above.
- 9.30 The Welsh Government recognises the challenges relating to ALN provision through the medium of Welsh, and that this was an issue raised by respondents to the white paper consultation. This issue, and the mitigation is outlined under the Children's Rights heading above.
- 9.31 White paper consultation respondents noted the current lack of diversity within the education sector, and the need to take steps to attract more



individuals from minority groups to the profession. This was supported by the submission of the Children and Young People's Commissioner, who also noted that young people have often raised the lack of diversity, particularly in relation to teachers from a Black, Asian or minority ethnic background, and disabled representation within the profession.

- 9.32 The Welsh Government acknowledges a diverse profession will greatly support efforts to develop effective and responsive teaching and access to the Welsh language for all. Whilst the issue is not caused by the proposals, the Bill may exacerbate the existing situation if the workforce continues to be characterised by a lack of diversity. The Government also recognises that some schools may not have vacancies arising in the short term, and that diversifying the workforce can only take place over a longer time frame.
- 9.33 The Bill however places a duty on local authorities to plan their workforce on the basis of the local WESPs. The Welsh in Education Workforce Plan – the Welsh Government's 10 year plan for developing the Welsh language workforce in schools to realise the vision in *Cymraeg 2050* – also sets out a number of actions, including those to support the increase in the number of Welsh-medium teachers from ethnic minority in line with the 'Initial Teacher Education Black, Asian and Minority Ethnic Recruitment plan'. The Bill consequently enables the sector to plan for a more diverse workforce.

### ***Welsh Language***

- 9.34 These proposals will have a positive impact on the Welsh language by widening the access of children and young people to Welsh and Welsh language provision and by giving them opportunities to develop their Welsh language skills, and to become confident Welsh speakers, regardless of the language category of the school they attend, or in which community they live.
- 9.35 The *Cymraeg 2050* strategy states that the education system has a key role in realising the targets of creating one million Welsh speakers by 2050 and increasing the percentage of the population who speak Welsh every day, and who can speak more than a few words of Welsh to 20% by 2050. One of the strategy's goals is to 'create a statutory education system which increases the number of confident Welsh speakers'. These proposals seek to realise these targets by widening access to Welsh for pupils in Wales, wherever they live in Wales, and by ensuring that the Welsh language provision in all schools provides opportunities for pupils to develop their Welsh language skills and become confident Welsh speakers.
- 9.36 *Cymraeg 2050* notes that the English-medium sector has an important contribution to make to the aim of developing Welsh speakers. The strategy identifies the need to 'transform' how the Welsh language is taught in these schools. The Bill aims to increase the amount and

improve the quality of Welsh language teaching within all schools in Wales. Through the common reference levels for describing Welsh language ability it will also give all learners, the platform to continue their journey of learning Welsh throughout and beyond their formal education.

- 9.37 Providing a statutory basis for the target of one million Welsh speakers would set a strong foundation for local authorities to make ambitious decisions about Welsh language provision in order to increase the number of Welsh speakers in their area. The common reference levels for describing Welsh language ability will lay the foundation for the planning of lifelong Welsh language learning and contribute to the understanding of learners, teachers, parents and employers of the journey to learn Welsh and the linguistic outcomes expected at each stage of the journey.
- 9.38 The National Framework would set a strategic direction decided by the Welsh Ministers and a framework for the whole Welsh language learning and acquisition sector to reach the long-term goal of one million speakers and create a single system focused on learner outcomes.
- 9.39 Local WESPs will widen pupils' access across Wales to Welsh-medium education, whatever area of Wales they live in, and increase the number of pupils developing Welsh language skills. As part of this proposal, local authorities would work towards meeting the individual target(s) set for them by the Welsh Government in the National Framework. This will ensure that local authorities, through the education system, must maintain or improve the sustainability of their Welsh speaking communities.
- 9.40 Promoting Welsh-medium education and late immersion provision would widen access to the Welsh language for pupils in Wales over time, including pupils wishing to access Welsh-medium education at different access points.
- 9.41 The proposal for centralising specialist support provision would offer stability, consistency and long-term direction for the Welsh language learning sector.

### ***Socio-Economic Duty***

- 9.42 The Bill aims to improve access to Welsh-medium education to all learners in Wales, regardless of background. The Bill aims to provide consistency of provision across Wales, to all communities, and ensuring that the expected linguistic outcomes of learners are also consistent.
- 9.43 Improved Welsh language skills will allow access to more employment opportunities where the Welsh language is a desirable or necessary skill. This will allow all children benefitting from these proposals to access more pathways out of poverty through employment.

### **Potential negative impact and mitigation**

- 9.44 Learners that qualify for free school meals are on average, more likely to attend schools that face a greater degree of change and reform over a longer timeframe. Consequently, these learners are more likely on average, to experience the impact of any associated challenges. These challenges and the mitigation in place are discussed under the Children's Rights heading, above.
- 9.45 The Welsh Government regards the Bill as an opportunity to expand access to learners that qualify for free school meals who have not historically attended Welsh-medium education to the same extent as other learners. The Bill places a duty on all local authorities to include steps in their local WESP regarding promoting Welsh-medium education which aims to help address this historic lack of access.

### ***Rural Proofing***

- 9.46 The impact on people living in rural areas will be largely positive, as learners living in rural areas will have more opportunities to become independent and confident speakers of Welsh.
- 9.47 Welsh-speaking communities are often located within rural areas and contain a range of Welsh-medium spaces. Access to these communities and spaces can be challenging for people who do not speak Welsh. The linguistic balance of the communities, spaces and services can also be disrupted if residents and users must frequently switch to English. With more opportunities for more people to become confident, independent Welsh speakers, more people will also be able to access and engage with Welsh-medium spaces and Welsh-speaking communities.
- 9.48 Having the opportunity to learn Welsh will also assist children and families who have moved into primarily Welsh-speaking communities to engage with and become part of those Welsh-speaking communities.
- 9.49 With more and easier access to Welsh-medium provision, the need for learners to travel for Welsh-medium education will likely diminish. This will in turn reduce the financial pressures on families in relation to travel and fuel poverty.

### **Potential negative impact and mitigation**

- 9.50 Rural areas may face additional challenges in recruiting staff who can teach through the medium of Welsh. WESPs are each local authority's approved Welsh in Education Strategic Plans 2022 to 2032. The Welsh Government would expect WESPs to account for the challenges described in their long-term planning for the workforce. The Welsh in Education Workforce Plan sets out a number of actions to support the increase in the number of Welsh-medium teachers across Wales.

- 9.51 The Bill proposes to establish a centralised body for support: the National Institute for Learning Welsh. The Institute will provide support to schools and local authorities as they develop the provision of Welsh language teaching. The National Centre for Learning Welsh has extended the online Learn Welsh provision in recent years, particularly in response to the COVID pandemic. It will be important for the Institute to continue this work and be in a position to advise and support the development of online provision and resources to supplement teaching and reduce any short-term gaps.

## ***Justice***

- 9.52 The potential impacts on the justice system of the proposals have been considered. The Welsh Government are of the view that there are no impacts on the justice system in England and Wales. This assessment has been reached as the Bill is administrative in nature, it makes changes to the way in which education in Wales is planned in order to increase the amount of Welsh language provision delivered.

- 9.53 The Bill does not:

- create or amend a criminal offence
- create or amend a new civil sanction or fixed penalty
- create a civil order or injunction, breach of which may lead to further proceedings or criminal sanctions
- create or amend sentences or penalties
- create or amend court or tribunal procedure rules
- involve changes to applications to the courts or tribunals, including judicial review
- involve a new tribunal jurisdiction
- create an appeals mechanism
- require enforcement mechanisms for civil debts, civil sanctions or criminal penalties
- result in a change in the number of adult offenders being committed to custody or probation
- result in a change in the number of children and young people entering the criminal justice system, or the numbers of children and young people in custody
- result in a change in the length of custodial sentences

## ***Impact on the Workload of Education School Staff***

- 9.54 Overall, implementing the Bill is expected to lead to some additional work for leaders, school governors, some teachers and teaching assistants, and local authority officials.
- 9.55 The main workload impact identified is for schools in relation to the preparation and implementation of the school Welsh language education delivery plans. The scale and extent of the work required will depend on

(a) the current Welsh language provision within the school, (b) the current Welsh language skills capacity of the school workforce, and (c) the ambition that the school will set in its delivery plan in terms of increasing and/or improving Welsh language provision.

9.56 Additional workload will include:

- familiarisation with new regulations and guidance – leaders, school governors, some teachers and teaching assistants, and local authority officials
- development and consultation on a Welsh language education delivery plan – mainly leaders, school governors
- overseeing implementation of the delivery plan – mainly leaders, school governors
- familiarisation with new pedagogical approaches and/or any new curriculum/qualification requirements, as well as training and application in the classroom – mainly some teachers and teaching assistants
- ensuring there are sufficient staff in the school with the necessary Welsh language skills, overcoming potential recruitment and retention challenges – mainly leaders

9.57 The delivery plans will be a new requirement for schools, with preparation commencing in 2029/30 for implementation from September 2030. Under business as usual, similar planning may have been undertaken via the school development plan. Delivery plans will collect information in a more consistent way across schools to facilitate targeted support at national level.

9.58 In the longer term, by standardising approaches, the Bill seeks to make the planning processes more efficient and less time-consuming, potentially reducing workload. The National Institute for Learning Welsh and the Code to describe Welsh language ability are also expected to lead to efficiencies, through providing support and guidance, and through the development of new resources.

## 10. Affordability Assessment

- 10.1. While an RIA assesses social value and therefore includes cultural, social and environmental impacts alongside economic costs and benefits, an affordability assessment is a purely financial assessment. As such, only cash costs and cash-releasing benefits are included. Any environmental, social, cultural, and wider economic costs and benefits identified in an RIA would be removed from an affordability assessment.
- 10.2. The affordability assessment considers the same time period as the RIA appraisal period, namely 2025–26 to 2034–35.
- 10.3. The RIA identified a number of opportunity costs associated with the time spent by existing members of staff on activities related to the implementation of the Bill and the development of regulations. Since these opportunity costs do not represent an additional financial outlay to the organisations concerned, they have been removed from this affordability assessment. For example, the costs for schools to prepare Welsh language education delivery plans are considered to be opportunity costs and have therefore been excluded from this assessment.
- 10.4. The cash costs and cash-releasing benefits in this assessment have been adjusted to reflect anticipated inflation during the appraisal period. This adjustment has been made on the basis of the GDP deflator projections included in the Office for Budget Responsibility's (OBR) Economic and Fiscal Outlook<sup>28</sup> which was published in March 2025. The OBR's projections only extend to 2029-30 but the projections settle at 1.9% towards the end of the forecast period and so this value has been used for the remainder of our appraisal period. The Welsh Government will continue to monitor the impact of inflation on the financial costs of the Bill.
- 10.5. Unless otherwise stated, all costs have been rounded to the nearest £100. In some tables, there may be a small discrepancy between the sum of costs and totals due to this rounding.

### **Welsh Government**

- 10.6. Additional costs for Welsh Government are set out in Table 20.

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<sup>28</sup> [CP 1289 – Office for Budget Responsibility – Economic and fiscal outlook – March 2025](#)

- 10.7. Additional Welsh Government staff costs have been identified in relation to the establishment of the National Institute for Learning Welsh. These will be met from Welsh Government departmental budgets.
- 10.8. Additional costs of establishing and running the National Institute for Learning Welsh over the appraisal period will be met through reallocation of the existing grant to the National Centre for Learning Welsh and the budget to support Bill implementation.
- 10.9. An assumption is made that current levels of Welsh Government funding to support local authorities and schools will need to continue throughout the appraisal period to realise the ambitions of the Bill, with a small annual increase in funding for late immersion education. These costs are provided for through a number of existing grants within Welsh Government programme budgets. Nevertheless, as future funding is not yet agreed, these costs are represented in the RIA as additional costs of the Bill.
- 10.10. Costs to support late immersion education in Welsh for pupils will continue to be supported by the Cymraeg 2050 strand of the Local Authority Education Grant. Options to uplift the budget recurrently in future years will need to be explored as part of the future budget setting process.
- 10.11. It is recognised that there may be a need to identify additional funding for school staff costs or language immersion to support implementation of the Bill over its lifetime. This will be considered during implementation: for example, in National Framework reviews at quinquennial intervals.
- 10.12. RIAs will be laid alongside secondary legislation to identify and consider the estimated costs and affordability to the Welsh Government and external organisations.

### **Local Authorities**

- 10.13. Additional estimated local authority recurrent staff costs are set out in Table 21. These will be funded via the Local Authority Education Grant.

### **Estyn**

- 10.14. The costs of Estyn undertaking any rapid reviews of local authority WESPs will be met by Welsh Government Departmental objectives (Table 22).

### **Overall Summary**

- 10.15. The total additional costs of the Bill are included in Table 19. Based on the information outlined above, it is our assessment that the Bill will be affordable over the appraisal period.

Table 20 – Financial costs attributed to Welsh Government

Description of Costs	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33	2033-34	2034-35	Total Cost
Recurrent costs incurred by Welsh Government to financially support schools to continuously increase Welsh language provision and, where relevant, move to higher language category	£0	£0	£4,370,000	£4,370,000	£4,370,000	£4,370,000	£4,370,000	£4,370,000	£4,370,000	£4,370,000	<b>£34,960,000</b>
Recurrent costs incurred by Welsh Government to financially support local authorities to provide late Welsh language immersion provision	£0	£0	£0	£3,000,000	£3,060,100	£3,119,600	£3,200,500	£3,291,100	£3,386,300	£3,490,600	<b>£22,548,000</b>
Recurrent costs incurred by Welsh Government to financially support local authorities to deliver local WESPs	£0	£0	£0	£4,500,000	£4,500,000	£4,500,000	£4,500,000	£4,500,000	£4,500,000	£4,500,000	<b>£31,500,000</b>
Transitional Welsh Government staff costs incurred to establish the National Institute for Learning Welsh	£133,300	£164,200	£133,300	£0	£0	£0	£0	£0	£0	£0	<b>£430,800</b>
Other transitional costs incurred by Welsh Government to establish the National Institute for Learning Welsh	£6000	£461,000	£829,800	£0	£0	£0	£0	£0	£0	£0	<b>£1,296,800</b>
Recurrent costs incurred by Welsh Government to financially support the establishment and running of the National Institute for Learning Welsh	£0	£0	£395,200	£612,600	£609,300	£606,100	£603,000	£600,000	£597,200	£594,400	£4,617,800
Costs attached to post implementation review	£100,000	£0	£100,000	£100,000	£100,000	£0	£0	£0	£100,000	£100,000	<b>£600,000</b>
<b>Total cost</b>	<b>£239,900</b>	<b>£625,200</b>	<b>£5,828,300</b>	<b>£12,582,600</b>	<b>£12,639,400</b>	<b>£12,595,700</b>	<b>£12,673,500</b>	<b>£12,761,100</b>	<b>£12,953,500</b>	<b>£13,055,000</b>	<b>£95,953,600</b>
<b>Total cost adjusted for inflation</b>	<b>£254,800</b>	<b>£677,200</b>	<b>£6,438,800</b>	<b>£14,164,800</b>	<b>£14,499,100</b>	<b>£14,723,500</b>	<b>£15,096,000</b>	<b>£15,489,100</b>	<b>£16,021,300</b>	<b>£16,453,700</b>	<b>£113,818,300</b>



Table 21 - Financial Costs Attributed to Local Authorities

Description of Costs	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33	2033-34	2034-35	Total Cost
Recurrent costs incurred approving school Welsh language education delivery plans	£0	£0	£0	£0	£0	£509,600	£509,600	£509,600	£509,600	£509,600	£2,548,000
Recurrent costs incurred administering new local WESP arrangements	£0	£0	£0	£254,800	£254,800	£254,800	£254,800	£254,800	£254,800	£254,800	£1,783,600
<b>Total Cost</b>	<b>£0</b>	<b>£0</b>	<b>£0</b>	<b>£254,800</b>	<b>£254,800</b>	<b>£764,400</b>	<b>£764,400</b>	<b>£764,400</b>	<b>£764,400</b>	<b>£764,400</b>	<b>£4,331,600</b>
<b>Total cost adjusted for inflation</b>	<b>£0</b>	<b>£0</b>	<b>£0</b>	<b>£286,800</b>	<b>£292,300</b>	<b>£893,500</b>	<b>£910,500</b>	<b>£927,800</b>	<b>£945,400</b>	<b>£963,400</b>	<b>£5,219,800</b>

Table 22 - Financial costs attributed to Estyn

Description of Costs	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33	2033-34	2034-35	Total Cost
Recurrent costs incurred by Estyn reviewing one local WESP per year	£0	£0	£0	£23,500	£23,500	£23,500	£23,500	£23,500	£23,500	£23,500	£164,500
<b>Total cost adjusted for inflation</b>	<b>£0</b>	<b>£0</b>	<b>£0</b>	<b>£26,500</b>	<b>£27,000</b>	<b>£27,500</b>	<b>£28,000</b>	<b>£28,500</b>	<b>£29,100</b>	<b>£29,600</b>	<b>£196,200</b>

## 11. Post Implementation Review

- 11.1. The Welsh Language and Education (Wales) Bill is presented in the context of the significant challenge set by the *Cymraeg 2050* strategy, and the target of one million speakers. This will mean transformative changes to the infrastructure underpinning Welsh language policy, and specifically the role of education within this process.
- 11.2. The Bill also sets out steps to encourage long-term behaviour change so that Welsh language policy becomes embedded within the decision-making process at a local and national level.
- 11.3. To effectively account for this complexity and ensure that the post implementation review effectively monitors, reviews and evaluates the policy, an evaluability assessment will need to be completed soon after the Bill becomes law. This will help determine the nature and scope of the evaluation programme and the availability of relevant data to monitor progress.
- 11.4. This process will also serve as an opportunity to revisit the original Theory of Change designed for the Bill, account for any changes made to the policy during the legislative drafting process and ensure that intended outcomes and impacts of different policy interventions are clearly articulated and identified.
- 11.5. It is on this basis that evaluation for the Bill will be designed. A formative evaluation will be conducted within the initial few years of the Bill becoming law and will focus on whether policy changes are being implemented as intended and are resulting in improvements to the infrastructure underpinning Welsh language policy planning. This is particularly pertinent for certain elements of the Bill such as the National Framework and new process for categorising schools based on the amount of Welsh language education provided.
- 11.6. Summative evaluation will be conducted towards the end of the ten-year appraisal period (incorporating development of the first two National Frameworks and local WESPs) to determine whether the Bill has had the desired impact on the number of pupils leaving statutory education able to speak Welsh independently with confidence.
- 11.7. The summative evaluation will also serve as an opportunity to determine whether the Bill has resulted in the desired behaviour change with regard to Welsh language planning. Utilising behaviour change models such as COM-B may be useful during this process to understand whether the Capability, Opportunity and/or Motivation of

key stakeholders to engage in the desired behaviour has occurred as a result of the Bill<sup>29</sup>.

- 11.8. Effective implementation of the Bill will depend on understanding the barriers to specific groups (as identified in the impact assessments) and any unintended consequences of the Bill. Furthermore, there is a need to determine the positive intended outcomes of the Bill on access to Welsh language provision for all children in Wales. This will be factored into both summative and formative evaluations.
- 11.9. Finally, an economic evaluation will be completed to identify any differences between actual costs of the Bill and the costs forecasted in the RIA.

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<sup>29</sup> [Behaviour change: guides for national and local government and partners \(GOV.UK\)](#)

## **Annex 1**

### **Explanatory Notes**

# **WELSH LANGUAGE AND EDUCATION (WALES) BILL**

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## **EXPLANATORY NOTES**

### **INTRODUCTION**

1. These Explanatory Notes are for the Welsh Language and Education (Wales) Bill which was introduced into Senedd Cymru on 15 July 2024. They have been prepared by the Welsh Government's Education, Culture and Welsh Language Group in order to assist the reader of the Bill. The Explanatory Notes should be read in conjunction with the Bill but are not part of it. Where a provision of the Bill does not seem to require any explanation or comment, none is given.

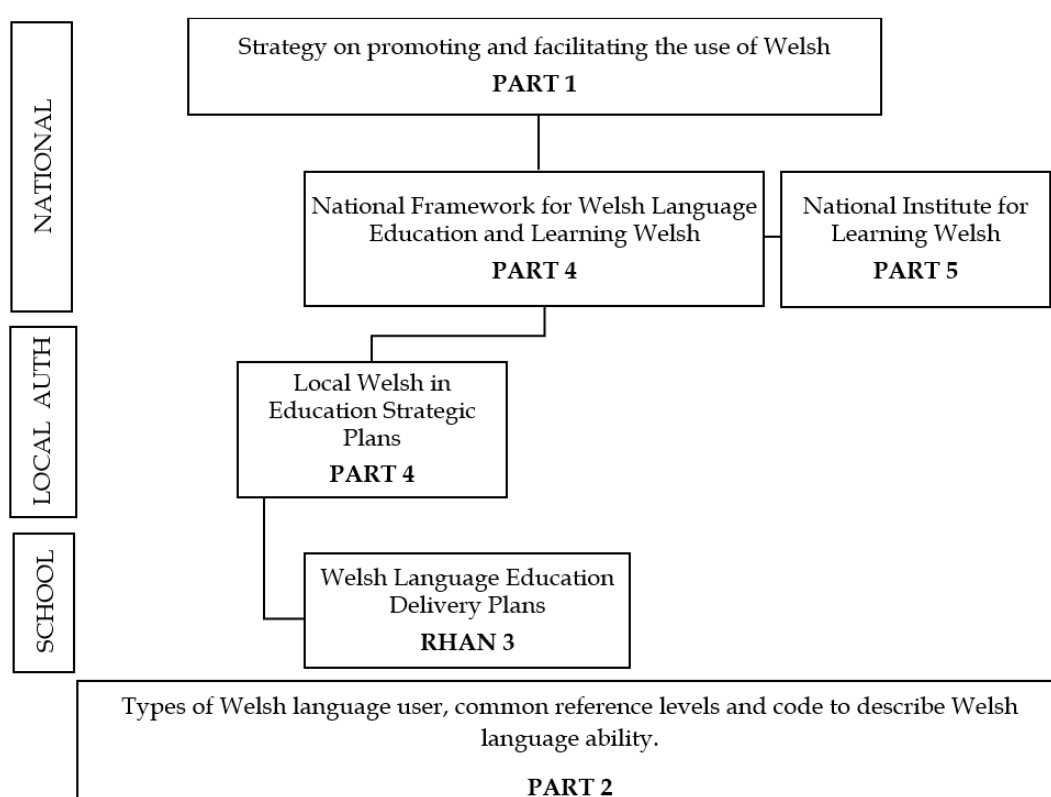
### **SUMMARY AND BACKGROUND**

2. The Welsh Government has set a goal of a million Welsh speakers in Wales by 2050. The main objective of this Bill is to contribute towards that goal by ensuring that all pupils leave compulsory education as independent Welsh language users, at least. In particular, the objective is for all pupils to develop oral skills equivalent to level B2 of the Common European Framework of Reference for Languages.
3. In summary, the Bill will:
  - a) provide a statutory basis for the target of a million Welsh speakers by 2050, by requiring the Welsh language strategy to include a target of at least a million Welsh speakers by 2050, as well as other targets relating to the use of Welsh, including within the workplace and socially;
  - b) establish a standard approach to describing Welsh language ability based on the common reference levels of the Common European Framework of Reference for Languages;
  - c) provide for the designation of 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;

*These notes refer to the Welsh Language and Education (Wales) Bill which was amended following Stage 2 proceedings on 13 and 19 February 2025*

- d) link the linguistic planning undertaken 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 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);
- e) establish a National Institute for Learning Welsh as a statutory body, responsible for supporting people (of all ages) to learn Welsh.

4. The diagram below shows how different parts of the Bill interact to achieve the main aim of promoting and facilitating the use of Welsh at national, local authority and school level:



5. This (broadly speaking) is the linguistic planning structure, and the accountability for the steps to be taken accordingly, introduced by the Bill. The main duties imposed on Welsh Ministers, local authorities and schools are hereby set out by: -

*National Framework for Welsh Education and Learning Welsh*

- a) Welsh Ministers are required to take all reasonable steps to implement their National Framework for Welsh Language Education and Learning Welsh (section 26), and must report on the National Framework annually (section 29).

*Local authorities' local Welsh in education strategic plans*

*These notes refer to the Welsh Language and Education (Wales) Bill which was amended following Stage 2 proceedings on 13 and 19 February 2025*

- b) A local authority must take all reasonable steps to achieve the targets set out in the National Framework (section 26), and its local Welsh in education strategic plans must be approved by the Welsh Ministers (section 32). Each local authority must also take all reasonable steps to implement its local Welsh in education strategic plans (section 33).

*School Welsh language education delivery plans*

- c) Each school's delivery plan must have regard to the local strategic plan of the local authority that maintains the school, and be approved by that local authority (sections 14 and 15). A school's governing body must ensure that the school provides the amount of Welsh language education specified for the school's language category (section 10(4)) and take all reasonable steps (section 15(9)) to implement the proposals on improving Welsh language education contained in its delivery plan (see section 14(e), (f), (g) and (h)).

*Inspection*

- d) His Majesty's Chief Inspector of Education and Training in Wales will have the function of inspecting the provision of Welsh language education in schools, and the way in which local authorities carry out their functions in relation to Welsh language education (under the Education Acts 1997 and the Education Act 2005 – see commentary on section 50 for further details).

*Powers of intervention*

- e) If a school's governing body or local authority fail to comply with a duty under the Bill, or if they act unreasonably in fulfilling a function under the Bill, the Welsh Ministers and local authorities may exercise powers of intervention under the School Standards and Organisation (Wales) Act 2013 (see commentary on section 50 for further details).

- 6. The Bill consists of 57 sections and two Schedules.

## **COMMENTARY ON SECTIONS**

### **Part 1 – Promotion and Facilitation of Use of the Welsh Language**

#### **Section 1 – Welsh language strategy targets: at least a million Welsh speakers and increase in use**

- 7. The effect of section 1(1)(a) is that the Welsh Ministers' strategy on promoting and facilitating the use of Welsh, under section 78 of the Government of Wales Act 2006 ("Welsh language strategy"), must include the target of at least one million Welsh speakers by 2050. This provides that any target set in the strategy may not be less than one million, and reflects the current target found in "Cymraeg 2050: A million Welsh speakers", published in 2017, and provides a statutory basis for the target.
- 8. Under section 78 of the Government of Wales Act 2006 the Welsh Ministers must adopt a Welsh language strategy setting out their proposals for promoting and facilitating the use of Welsh. They must publish the strategy and lay it before the Senedd. At the end of each financial year the Welsh

Ministers must publish a report on how the proposals in the strategy were implemented and set out how effective the implementation of the proposals in the strategy has been in promoting and facilitating the use of Welsh. A copy of the report must be laid before the Senedd. They must also publish a plan before the start of each financial year setting out how they are going to implement the proposals in the strategy during that year.

9. Section 1 also provides for other elements that the strategy must include. The strategy must set targets to increase the use of Welsh in the workplace and socially; to increase the number of pupils of compulsory school age receiving education in “Primarily Welsh Language” category schools; to increase the number of “Primarily Welsh Language” category schools; to increase the amount of Welsh language education provided in “Dual Language” and “Primarily English language, partly Welsh” category schools; and to increase the number of people learning Welsh (section 1(1)(b) to (d)). The target of a million Welsh speakers is crucial to the overall aim of this Bill, which is to increase the number of people who speak and use Welsh, and the further targets set at national, local authority or school level – whether those targets are for workplaces, socially or for the Welsh language education and learning sector. The strategy’s targets are also intended to set a context and direction for the Welsh Ministers, local authorities, the National Institute for Learning Welsh and for schools as they actively plan for promoting and facilitating the use of Welsh. Coherent action at many levels will be needed in order to realise the overall aim of the Bill. For example, the education related targets specified in the strategy, in accordance with section 1(1)(c), form the basis of the content and targets set out in the Welsh Ministers’ National Framework on Welsh Education and Learning Welsh (see Part 4).
10. Section 1(2) specifies that the Welsh Ministers may, by regulations, amend the targets required to be set by the strategy set in section 1(1)(c) which relate to increasing the number of pupils of compulsory school age receiving education in “Primarily Welsh Language” category schools; increasing the number of “Primarily Welsh Language” category schools; and increasing the amount of Welsh language education provided in “Dual Language” and “Primarily English language, partly Welsh” category schools.
11. Section 1(1)(e) and (f) place a requirement on the Welsh Ministers to include in the strategy information regarding the steps they will take to encourage passing on the Welsh language and set criteria for the journey towards realising the target of a million Welsh speakers and the other targets relating to the use and acquisition of the language.
12. The Welsh Ministers are required to consider the targets as they set out their proposals for promoting and facilitating the Welsh language in the strategy (section 1(3)). Section 1(4) requires them to explain annually (in the plan published under section 78(9) of the Government of Wales Act 2006) what they will do to achieve the targets referred to in section 1(1)(a) and (b). In addition, they are required, in accordance with section 29, to include information in the annual report (under section 78(8) of the Government of Wales Act 2006) about

how the National Framework has been implemented, and information in the plan (under section 78(9) of the Government of Wales Act 2006) about how they will implement the National Framework. The National Framework sets out how the Welsh Ministers will implement the strategy's proposals.

13. Section 1(5) amends section 78 of the Government of Wales Act 2006 as a result of these provisions, and adds the Welsh Language Commissioner as statutory consultee where the Welsh Ministers consult on a new Welsh language strategy or make amendments to that strategy.

## **Section 2 - Reporting on targets in the Welsh language strategy**

14. This section formalises the accountability role of the Senedd in relation to the target of a million speakers and the other targets in the Welsh language strategy to ensure that steps are taken to enable the targets to be realised. This section aligns with the provision in section 78 of the Government of Wales Act 2006 for the Welsh Ministers to report annually on how their proposals have been implemented in the Welsh language strategy.
15. At least once every 5 years the report under section 78(8) of the Government of Wales Act 2006 must include an analysis of the Welsh language situation, which includes the elements listed in section 2(1)(a) to (e). The analysis is also required to assess the likelihood of Welsh language strategy targets being achieved, with reference to the criteria set to measure progress against the targets (section 1(1)(f)).
16. Following such analysis, and if the Welsh Ministers conclude that a target is unlikely to be achieved, section 2(2) to (4) places a duty on the Welsh Ministers to lay before Senedd Cymru a statement explaining the reasons for that, and set out the further steps they will take to achieve the target.

## **Section 3 - Calculating the number of Welsh speakers**

17. This section makes provision in relation to how to calculate the number of Welsh speakers for the purposes of sections 1 and 2.
18. Under section 3(1) regulations by the Welsh Ministers must state the sources of data to be used to calculate the number of Welsh speakers, and any relevant data derived from a census conducted in accordance with the Census Act 1920 must be considered. Section 3(2) states that a self-assessment (that is, a person's own assessment of their ability in Welsh) is the basis of a decision on whether a person is a Welsh speaker for persons aged 17 and over. For children under the age of 17 this will be decided either on the basis of a self-assessment, or an assessment by a parent or carer. The Welsh Ministers may also, by regulations, specify a different method of deciding whether a child under the age of 17 is a Welsh speaker for the purposes of section 1 and 2, and specify whether that method is to be used in addition to, or instead of, the self-assessment or assessment by a parent or carer.



19. Section 3(4) to (6) makes provision in relation to the preparation and publication of guidance on self-assessments. These will assist individuals to complete assessments, including a self-assessment of their ability in Welsh, and should also be taken into account when collecting data on the number of Welsh speakers. The Welsh Ministers are required to consider the Code under section 6 when preparing the guidance.

#### **Section 4 - Reviewing the Welsh language standards**

20. Part 4 of the Welsh Language (Wales) Measure 2011 contains provision in relation to standards relating to the Welsh language and about the enforcement of those standards. Regulations under the Measure specify the standards imposed on particular bodies through compliance notices issued by the Welsh Language Commissioner.
21. This section requires the Welsh Ministers to review some of the standards in light of the provisions of the Bill, and sets out some arrangements for that review.
22. In accordance with section 4(1) the review must consider whether certain standards need to be amended to facilitate meeting a target in the Welsh language strategy or (in the case of some of those standards) to reflect provisions found in Part 2 of the Bill (describing Welsh language ability).
23. Under section 4(2), the Welsh Ministers must consult the Welsh Language Commissioner as part of the review. They must complete the review within 12 months after they publish a Code to describe Welsh language ability and the use of the common reference levels in relation to the Welsh language under section 7.

### **Part 2 - Describing Welsh Language Ability and Schedule 1 - Types of Welsh Language User and Common Reference Levels**

#### **Section 5 - Types of Welsh language user and common reference levels**

24. This section and Schedule 1 establish a standard method for describing Welsh language ability in all contexts.
25. Section 5(1) introduces Schedule 1, which includes a reproduced Table of the "Common European Framework of Reference for Languages". The Table makes provision for:
  - a) describing three types of Welsh language user;
  - b) setting levels (referred to as "common reference levels") for the types of Welsh language user, and
  - c) describing the general characteristics of those levels.
26. The three types of Welsh language user are "basic Welsh language user", "independent Welsh language user", and "proficient Welsh language user". The Table in Schedule 1 describes their ability in Welsh based on six levels (A1-C2). These are known as "common reference levels", and are grouped as follows:
  - a) basic user (A1 and A2),

- b) independent user (B1 and B2), and
  - c) proficient user (C1 and C2).
27. The Table in Schedule 1 has been reproduced (in relation to the Welsh language) from *Council of Europe (2020), Common European Framework of Reference for Languages: Learning, teaching, assessment – Companion volume*, Council of Europe Publishing, Strasbourg, available at [www.coe.int/lang-cefr](http://www.coe.int/lang-cefr) (ISBN 978-92-871-8621-8). The English language version is published with permission from the Council of Europe, and the Welsh language version by arrangement with the Council of Europe, under the sole responsibility of Senedd Cymru.
28. In accordance with section 5(2) and (3), the Welsh Ministers have the power, by regulations, to amend the Table in Schedule 1. However, they may not use this power unless necessary in response to any changes made to the Common European Framework of Reference for Languages by the Council of Europe.

### **Section 6 - Code to describe Welsh language ability**

29. This section places a duty on the Welsh Ministers to produce a Code that will explain how to use the common reference levels in the Table in Schedule 1, and describe the characteristics of those levels in more detail. The Code will assist the use of the standard method established by section 5 and the Table for describing a user's Welsh language ability, based on the Common European Framework of Reference for Languages. It is intended that developing a lifelong standard method for all contexts, that anyone can refer to and use, will lead to improving the quality of data collected about the numbers of Welsh speakers, whether as part of the census or otherwise as well as facilitating coherent language planning.
30. Section 6(2) explains what the Welsh Ministers are required to include in the Code but under section 6(3) it can also include anything else related to describing Welsh language ability.

### **Section 7 - Publishing and reviewing the Code**

31. This section makes provision for publishing, reviewing and amending the Code. See also section 52 for specific provision in relation to the duty to publish. In addition, the Welsh Ministers are required to consult before publishing the Code or revised Code.

## **Part 3 – Welsh language education**

### **Introduction**

### **Section 8 – Overview and interpretation**

32. This section provides an overview of this Part which makes provision for what schools and local authorities are required to do in relation to the planning of Welsh language education provision.
33. Section 8(2) defines terms that are necessary to understand before considering the remainder of Part 3, namely “Welsh language education”, “Welsh language nursery education” and “school”. The definition of the term “maintained

school”, found in section 51 (where other terms are defined for the purposes of this Part), applies when considering the term “school”.

## **School language categories**

### **Section 9 - School language categories**

34. This section establishes a system to categorise all schools (except community special schools) according to the school's Welsh-language education provision. There are three language categories for schools in Wales:
  - (i) Primarily Welsh Language,
  - (ii) Dual Language, and
  - (iii) Primarily English Language, partly Welsh.
35. Section 9(1) states that the language category designated to a school determines the amount of Welsh language education that must be provided in the school (in accordance with section 10) and the school's Welsh language learning goal (in accordance with section 11).
36. The different categories shall include schools providing the amount of Welsh language education in accordance with the range specified for the category in section 10(2).
37. The "Primarily Welsh Language" category will include schools where education is primarily through the medium of Welsh (for example a school where all provision other than the English mandatory element of the Curriculum under section 3 of the Curriculum and Assessment Act (Wales) 2021 takes place through the medium of Welsh).
38. The "Dual Language" category will include schools that teach through the medium of both languages. This is in contrast to schools with two different linguistic streams (which will be able to have two categories in accordance with section 9(3)).
39. The category "Primarily English Language, partly Welsh" will include schools where education is primarily through the medium of English, but a minimum provision of Welsh language education will be required.
40. In accordance with section 9(3), a school may have more than one language category. An example might be a primary school with two different linguistic streams.
41. Section 9(3) also gives the Welsh Ministers power to make regulations in relation to schools with more than one language category.
42. A language category is not designated for community special schools but see section 20 for a specific provision for community special schools, which includes the option of designating a language category. A definition of "community special school" can be found in section 51(2).

## **Section 10 - Amount of provision of Welsh language education for each language category**

43. Section 10(1) imposes a duty on the Welsh Ministers to make regulations to determine the amount of Welsh language education for each language category (section 9(2)), and section 10(2) details how that amount should be determined.
44. Section 10(2) states that the amount of Welsh language education is to be determined as a percentage of the education and training provided over a school year and is limited to school sessions, for pupils of compulsory school age only. This means that activities beyond "school sessions" do not count towards the amount of Welsh language education provided, and that schools may meet the amount specified in a way that allows the school to respond to its own circumstances. The terms "school sessions", "school year" and "compulsory school age", as used in this section, have the meaning set out in section 51.
45. Section 10(2)(b) provides that the amount of Welsh language education specified is to be expressed in the form of a range of percentages for each language category.
46. In accordance with section 10(3), the minimum range of Welsh language education for the category "Primarily English Language, partly Welsh" may not be less than 10% of all the education and training during school sessions over a school year. The Bill allows for the provision to be averaged over a school year, giving schools flexibility in how the minimum is met.
47. Section 10(4) requires the governing body of a school to ensure that the school provides an amount of Welsh language education in accordance with the range for the language category designated for the school for each school year.

## **Section 11 - Welsh language learning goals for each language category**

48. Section 11(1) to (3) establishes the Welsh language learning goals, based on the common reference levels (found in the Table in Schedule 1), for the different categories of schools. The learning goals are as follows:

<b>Language category</b>	<b>Welsh language learning goal</b>
Primarily Welsh Language	That pupils are proficient users, at least, by the end of compulsory education (common reference level C1 or C2). The Table in Schedule 1 describes the general characteristics of a proficient user.
Dual Language	That pupils are independent users, at least, by the end of compulsory education (common reference level B1 or B2). The Table in Schedule 1 describes the

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	general characteristics of an independent user.
	By a date specified by the Welsh Ministers by regulations, that pupils reach at least the B2 common reference level for oral interaction by the end of compulsory education.
Primarily English Language, partly Welsh	<p>By a date specified by the Welsh Ministers by regulations, that pupils are basic users, at least, by the end of compulsory education.</p> <p>The Table in Schedule 1 describes the general characteristics of a basic user.</p> <p>In terms of the common reference levels encompassing a basic user, a school's delivery plan under section 14(1)(f)(iii) will be expected to facilitate continuous improvement. Thereby, the expectation over time is that the vast majority of pupils will reach the A2 common reference level, at least, by the end of compulsory education.</p> <p>After that date,</p> <ol style="list-style-type: none"> <li>i. that pupils are independent users, at least, by the end of compulsory education (common reference level B1 or B2). The Table in Schedule 1 describes the general characteristics of an independent user.</li> <li>ii. by a date specified by the Welsh Ministers by regulations, that pupils reach the B2 common reference level, at least, for oral interaction by the end of compulsory education.</li> </ol>

49. The purpose of the Welsh language learning goals is that they are fixed and overarching ones that will serve as a backdrop to the planning of Welsh language education provision in schools. A combination of lessons to teach

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Welsh and Welsh medium lessons during school sessions will be essential to realise the Welsh language learning goal for the different categories of schools.

50. Regulations will specify dates for upgrading the learning goals for schools in the "Dual Language" category and in the "Primarily English Language, partly Welsh" category.
51. The learning goals in section 11 specify certain aims for schools based on their language category. These goals are that the pupils reach a specific common reference level by the time they cease to be of compulsory school age. Section 11(4) sets out how the Welsh language learning goals are to be interpreted in the context of primary schools. The primary school must assume that their pupils will remain in a school of the same category when they receive their secondary education..
52. Section 11(5) defines the term "B2 common reference level for oral interaction".

## **Section 12 - Assessing progress towards meeting Welsh language learning goals**

53. Section 56 of the Curriculum and Assessment (Wales) Act 2021 places a duty on the Welsh Ministers to make provision in regulations about progress assessment arrangements in relation to a school curriculum. This includes assessing children's progress, next steps and what is needed to make further progress. This section ensures that there is a legislative link between the Bill and the 2021 Act. The Welsh Ministers may, in the regulations under section 56 of the 2021 Act, make arrangements to assess pupils' progress towards achieving the Welsh language learning goals. `
54. The regulations about arrangements to assess pupils' progress towards achieving those Welsh language learning goals may include, among other matters, the matters set out in section 12(2)(a) and (b) and therefore make use of the standard method of describing Welsh language ability for which the Bill makes provision.
55. Section 12(2)(c) allows for different assessment arrangements to be made for schools that are exempt from the requirement to provide the minimum amount of Welsh language education (see sections 18 and 19).
56. Under section 7 of the 2021 Act Welsh Ministers must prepare a 'Progression Code' setting out how a curriculum is to make provision for progress by all pupils. The Progression Code states that a successful curriculum, supported by effective teaching and learning, enables pupils to make appropriate progress. Section 12(3) amends the 2021 Act for the purpose of ensuring that the Welsh Ministers, in preparing the Progression Code, must have regard to the Welsh language learning goals set by section 11 of the Bill. This duty also applies as the Welsh Ministers keep the Progression Code under review.

## **Section 13 - Regulations on school language categories**

57. This section gives the Welsh Ministers power to make regulations that make further provision in relation to school language categories. It also enables Welsh Ministers to make regulations to amend section 9 (school language categories) and section 10(3) (minimum range of Welsh language education provision for category “Primarily English Language, partly Welsh”). This power may be used to increase, over time, the minimum provision of Welsh language education in a “Primarily English Language, partly Welsh” category school from 10% to a higher percentage as factors such as workforce availability change, for example.
58. If the Welsh Ministers, by regulations, add a language category to section 9, they must also amend section 11 so that the category has a Welsh language learning goal.
59. The Welsh Ministers are not required to make regulations under this section. However, section 13(5) imposes a duty on them to consider exercising the power to increase the minimum amount of Welsh language education once every 5 years.

### **Welsh language education delivery plans**

#### **Section 14 - School Welsh language education delivery plan**

60. Section 14(1) requires a school’s governing body to prepare a plan in relation to the Welsh language (“Welsh language education delivery plan”), and section 14(1)(a) to (h) details what must be included in such a plan. The purpose is to require schools to plan for the provision of Welsh language education, both in the short term and in the future, and to follow the direction set by the Welsh Ministers and the relevant local authority (see Part 4).
61. Section 14(5) exempts community special schools from the requirements of this section (but see section 20 for the requirement for them to have a community special school Welsh language education plan).
62. In accordance with section 14(1)(a) to (c), a delivery plan must identify a language category for a school, identify the school’s current Welsh language education provision (i.e. amount), and explain how the governing body will ensure that the school provides the amount of Welsh language education in accordance with the requirements of its language category.
63. In addition to what must be stated in accordance with section 14(1)(c) (how a school will provide the amount of education provision that is compulsory), in accordance with section 14(1)(e) a delivery plan must set out the governing body’s proposals for the exact amount of education the school intends to provide within the category range during the plan period, and how it will maintain that and increase that amount when reasonably practicable.
64. In accordance with section 14(1)(d) a delivery plan must set out how the school will promote late immersion education for pupils in accordance with section 23(3).

65. Section 14(1)(f) requires the delivery plan to set out information regarding the school's provision of Welsh language nursery education for pupils under compulsory school age, and the governing body's proposals for maintaining that amount of Welsh language nursery education, and increasing the amount where this is reasonably practicable.
66. The purpose of the proposals set out in section 14(1)(g) is to ensure that each school takes steps so that its learning goal can be achieved. This includes proposals on how to promote Welsh language ethos and culture within the school and promote the use of the Welsh language. This could, for example, include organising activities beyond school sessions that foster a sense of pride and ownership of the Welsh language amongst pupils and the school community. It also includes proposals on how to facilitate continuous improvement in the school's Welsh language education that would lead to progress along the common reference levels. This applies to schools of all language categories but it is anticipated that increases will be more relevant for "Primarily English Language, partly Welsh" and "Dual Language" schools as they work towards increasing their Welsh language provision to achieve the school's learning goal.
67. If a school's governing body proposes to increase the school's provision of Welsh language education to change from a "Primarily English Language, partly Welsh" category to a "Dual Language" category, for example, the delivery plan will have to, in accordance with section 14(1)(h), set out the steps the school will take to achieve that. See also section 17 for specific requirements about amending a school's Welsh language education delivery plan for the purpose of changing its language category.
68. Under section 30 (Part 4) a local authority must prepare a Welsh in education local strategic plan. Section 14(2) requires a school's governing body to have regard to its local authority's local Welsh in education strategic plan when preparing a delivery plan or a revised delivery plan. It also details the persons that a school's governing body must consult when preparing a plan or revised plan. This is to ensure that stakeholders have the opportunity to contribute to decisions made about the Welsh language education provided by a school, and in particular for the local authority to have its say on the adequacy of the delivery plan to meet the provisions of the local Welsh in education strategic plan (Part 4). The local authority will have to consider the plan to decide whether to approve it under section 15, and the consultation is an early opportunity to ensure that a school's delivery plan is suitable.
69. Section 14(3) states that delivery plans have effect for a period of three school years. The Welsh Ministers will state, by regulations, for which school year the period of the first delivery plan begins. The period of subsequent delivery plans will begin immediately after the previous delivery plan comes to an end.
70. Section 14(4) gives the Welsh Ministers power to make regulations for the purpose of changing the length of time for which delivery plans have effect, and to make specific provision in relation to the form and content of a delivery plan.



## **Section 15 - Approval of Welsh language education delivery plans**

71. Section 15(1) to (3) sets out arrangements and makes provision for what a governing body is required to do when submitting delivery plans. Section 14 details what a school delivery plan must include.
72. Section 15(1) requires a school's governing body to submit to the local authority a draft of the delivery plan it has prepared in accordance with section 14. The governing body will have already consulted with the local authority in preparing a plan in accordance with section 14(2).
73. Section 15(3) states that, in submitting its draft, the governing body is required to include a summary of any responses to its plan received during the consultation period.
74. Section 15(4) to (6) sets out the steps the local authority may take in relation to the delivery plan that has been submitted to it under section 15(1). It may approve the plan, with or without modifications, or reject it. The purpose of this provision is to ensure that a local authority is able to influence Welsh language education within its area, and can achieve the targets placed on it by the Welsh Ministers in the National Framework on Welsh Language Education and Learning Welsh. If a local authority rejects a delivery plan, it must give a direction to a governing body to reconsider the plan and set out the reasons for the decision and state by when the governing body must submit a further draft of the plan to the local authority.
75. Section 15(4) to (6) also applies to a delivery plan that is resubmitted. This means that a delivery plan may need to be resubmitted more than once if a local authority continues to consider that a delivery plan is not sufficient.
76. Section 15 has been prepared with the intention that a local authority and a school's governing body will agree on the content of the school's Welsh language education delivery plans. Therefore local authorities, under this section, are not able to prepare a delivery plan on behalf of a school. It should be noted that, as public bodies, local authorities and school governing bodies must behave reasonably. Should there be a delay in agreeing a delivery plan, or if a school governing body or local authority is believed to have acted unreasonably, local authorities or the Welsh Ministers may (as deemed appropriate) consider exercising their intervention powers under Part 2 of the School Standards and Organisation (Wales) Act 2013 (see also section 48).
77. Under section 15(8) an approved school delivery plan must be published. This includes publishing it on the school's website if that school has a website. See section 52 for specific duties regarding the publication of documents.
78. Section 15(9) requires a school's governing body to take all reasonable steps to implement the proposals under section 14(1)(e) to (h) that are in the delivery plan approved by a local authority.

## **Section 16 - Review and amendment of Welsh language education delivery plan**

79. Section 16(1) requires a school's governing body to review a delivery plan at least once before the end of the period for which a delivery plan takes effect.
80. Taking this into account, section 16(2) allows a school's governing body to amend a delivery plan during the period that the plan has effect. Under section 16(3) to (4) a school's governing body must have regard to the local authority's local Welsh in education strategic plan (see section 30) when reviewing or amending the delivery plan, and submit a revised draft to the local authority. Section 16(5) places a duty on a governing body to provide a summary of the amendments proposed and the reasons for them.
81. Section 16(6) to (7) sets out the steps that the local authority may take in relation to the revised delivery plan that has been submitted to it under section 16(3). It may approve the plan, with or without modifications, or reject it.
82. If a local authority rejects a revised delivery plan it must give a direction to a governing body to reconsider the plan. The local authority must set out the reasons for the decision and specify by when the governing body must submit a further draft of the delivery plan to the local authority.
83. If a governing body must submit a further draft of a delivery plan, that plan must be submitted in accordance with section 16(5) to (7). A revised delivery plan may need to be resubmitted more than once.
84. In accordance with section 16(9), a school delivery plan that has been amended and approved by the local authority must be published. This includes publishing it on the school's website if that school has a website. See section 50 for specific duties regarding the publication of documents. A school's governing body is also required to take all reasonable steps to implement the proposals under section 14(1)(e) to (h) in the revised delivery plan that a local authority has approved.

## **Section 17 - Amending Welsh language education delivery plan to change school language category**

85. Section 17 applies where an amendment to a school's Welsh language education delivery plan is proposed for the purpose of changing the school's language category during the period that the plan has effect. It provides that a "Primarily Welsh Language" category school may not amend a delivery plan that would change the school's language category to "Dual Language", and a "Dual Language" school may not change its language category to "Primarily English Language, partly Welsh". This supports the principles set out in the requirements of section 14(1)(e) to (h) that proposals should be drawn up to increase the school's Welsh language provision where reasonably practicable, and facilitate continued improvement in the school's Welsh language education.

86. If a delivery plan is amended for the purpose of changing a language category, section 16 applies in doing so. The requirement to consult the persons listed in section 14(2)(b) also applies.

**Section 18 - Minimum amount of Welsh language education: temporary exemption**

87. Section 18 makes provision for exempting schools from the requirement to provide the minimum amount of Welsh language education required of a “Primarily English Language, partly Welsh” category school. Section 18(2) sets out what a draft delivery plan must include if a school seeks a temporary exemption.
88. It is possible for a school's governing body to obtain an exemption if, in preparing its first delivery plan, it considers that it is not reasonably practicable for the school to provide the minimum amount of Welsh language education for a “Primarily English Language, partly Welsh” category school. Similarly, if a governing body concludes that it is not reasonably practicable for a school to provide the minimum amount of Welsh language education for a “Primarily English Language, partly Welsh” category school after the start of its first delivery plan period, it may propose amending the plan (under section 17) to reflect this and seek an exemption.
89. In such cases a delivery plan must include additional elements if the school seeks an exemption. Section 18(2)(d) specifically states that a school's governing body must identify the support it needs in order to meet the minimum amount of Welsh language education. A school is not expected to work without support and guidance to provide the minimum amount of Welsh language education. The local authority itself will be subject to the provisions of its local Welsh in education strategic plan, and therefore in order to meet these provisions the local authority will need to support schools to increase their Welsh language education so that they meet the minimum amount of Welsh language education.
90. As provided in section 15, the local authority is responsible for approving delivery plans. As such, the local authority will decide – by approving the plan – if the school is exempt from the requirement to provide the minimum amount of Welsh language education. For example, if the local authority considers that there are no reasonably practicable barriers preventing a school from providing the minimum amount of Welsh language education, and that there is alternative capacity to provide the minimum, it may be appropriate for the local authority to give the school a direction to reconsider the delivery plan. In addition, approval will only result in an exemption if it sets out the matters identified in section 15(2).
91. Where the local authority approves the scheme, the governing body is exempt from the requirement to provide the minimum amount of Welsh language education required, and the school will be considered a “Primarily English Language, partly Welsh” category school although it does not provide the minimum amount that would be required other than as a result of the

exemption. The exemption will have effect until the end of the period of the first delivery plan. During that time a school's governing body is required to take all reasonable steps to implement its proposals as set out in the delivery plan to ensure that the school will be able to provide the minimum amount in accordance with those proposals.

## **Section 19 - Minimum amount of Welsh language education: further exemption**

92. Section 19 makes provision for a further exemption (up to an additional three-year period) for a school that was given an exemption in relation to their first delivery plan. A second exemption is a possibility if the governing body remains of the view that it is not reasonably practicable for the school to provide the minimum amount of Welsh language education. A further exemption is only possible at the beginning of the period of the second delivery plan (and not during the period of the second delivery plan).
93. Section 19(2) requires the second delivery plan to include additional elements if the governing body seeks a second exemption under this section. This includes the reasons why the proposals in the first delivery plan to ensure the minimum provision were not implemented, or why those proposals did not succeed. A governing body must also set out the support it needs to meet the minimum amount of Welsh language education before the end of the additional three-year period.
94. The second exemption has the same effect as the first exemption, except that there is no absolute exemption until the end of the three-year period (as in section 18(3)(a)). Instead, the exemption from providing the minimum amount of Welsh language education applies until the date specified in the delivery plan. For example, if a school's second delivery plan proposes that it will provide the minimum amount of Welsh language education by the end of the second year of that plan, the exemption will not apply for the third year of the plan. In addition, section 19(3)(d) requires a local authority to provide information to the Welsh Ministers detailing the reasons why the delivery plan leading to a second exemption was approved along with information about any support the local authority (or anyone else) has offered to a school's governing body that has been granted a second exemption. This will enable Welsh Ministers to monitor the use of second exemptions by each local authority, and ensure that appropriate support is available.

## **Special Schools**

### **Section 20 - Community special schools: plans and language category designation**

95. This section requires the governing body of a community special school to prepare a community special school Welsh language education plan. "Community special school" has the same meaning as given in the School Standards and Framework Act 1998 (see section 49(4)).
96. Section 20(1)(a) to (c) details what must be included in a community special school Welsh language education plan, and section 20(2) provides the Welsh

Ministers with the power to make further provision, by regulations, about such a plan.

97. Section 20(3) means that a language category will not be routinely designated to a community special school. However, the governing body of a community special school may choose to have a language category for its school on a voluntary basis if it wishes ("a voluntary designation"). In accordance with section 20(4) the Welsh Ministers must make regulations for this purpose.

## **Maintained Nursery Schools**

### **Section 21 - Welsh language nursery education delivery plans**

98. This section requires the governing body of a maintained nursery school to prepare a Welsh language nursery education delivery plan. The term "maintained nursery school" is defined in section 51.
99. Section 21(1)(a) to (c) details what must be included in a Welsh language nursery education delivery plan, and section 21(3) provides the Welsh Ministers the power to make further provision, in regulations, about such a plan.

## **Register**

### **Section 22 - Register of school language categories**

100. Under section 22(1) a local authority must maintain and publish a register of school language categories in its area (see also section 52 for a specific provision relating to the publication of documents). The register must also include a record of all schools that have been given an exemption from the requirement to provide the minimum amount of Welsh language education, and the proposed language category of any new schools for which proposals are made. In accordance with section 22(3) the Welsh Ministers are given the power to make regulations to make further provision about the matters to be included in the register together with its form and publication arrangements.
101. Section 22(2) amends section 41 of the School Standards and Organisation (Wales) Act 2013 to refer to section 22(2) of the Welsh Language and Education (Wales) Act 2025.

## **Late immersion education**

### **Section 23 - Late immersion education in Welsh**

102. Section 23(2) sets out what a local authority is required to do in order to raise and ensure awareness about late immersion education (defined in section 23(1)) on an ongoing basis so that parents or guardians can make informed decisions about a child's education at any points of entry. Duties include encouraging an increase in the demand for late immersion education, and increased participation in it. Section 23(2) also places a duty on local authorities to make arrangements to provide information and advice to the persons listed in section 23(2)(b)(i) to (v) regarding late immersion education, and taking all reasonable steps to provide late immersion education that meets the demand for it (section 23(2)(c)).

103. Where a local authority notifies a school's governing body of the availability of late immersion education, section 23(3) requires a school's governing body to take all reasonable steps to ensure that information about the provision of late immersion education, and how to access it, is known to the school's pupils and their parents.

## **Part 4 – Planning Welsh Language Education and Learning Welsh National Framework**

### **Section 24 - National Framework for Welsh Language Education and Learning Welsh**

104. This section places a duty on the Welsh Ministers to prepare a National Framework for Welsh Language Education and Learning Welsh which covers the education provided to pupils of compulsory education age and also lifelong Welsh language learning.
105. The Welsh Ministers must adopt a strategy on promoting and facilitating the use of the Welsh language under section 78 of the Government of Wales Act 2006, and the strategy must include the targets set out in section 1(1). The National Framework is required to set out how the Welsh Ministers will implement the Welsh language strategy over the medium term in the context of Welsh language education, Welsh language provision in tertiary education and in the context of acquiring and learning the Welsh language .
106. The purpose of the National Framework is to create a link between the national targets (in the strategy) and the targets at local authority level in relation to the Welsh language in education, together with the targets that can be set on the National Institute for Learning Welsh.
107. Section 24(3) to (6) contains requirements as to what Welsh Ministers must set out and include in a National Framework. This includes:
- a) setting out the steps they will take to promote and facilitate the use of the Welsh language, including in relation to increasing and improving Welsh language education provision in schools;
  - b) setting out the steps they will take to provide opportunities for people of all ages to learn Welsh throughout their life and to maintain and improve their Welsh language ability and usage: in childcare to those under compulsory school age, during different stages of their education careers and in the workplace and in the community;
  - c) setting targets on local authorities to reflect any national target set out in the Welsh language strategy as a result of section 1(1)(c) (these targets are the basis for what must be included by local authorities in the local Welsh in education strategic plans (see section 30));
  - d) assessments and analysis in terms of the current provision of Welsh language education in each local authority area, what is needed in terms of Welsh language education to meet any target set, and in terms of the number of education practitioners in each local authority to achieve the targets set on local authorities in the National Framework.

*These notes refer to the Welsh Language and Education (Wales) Bill which was amended following Stage 2 proceedings on 13 and 19 February 2025*

108. The steps set out in section 24(3) are intended to be taken alongside action at county level by local authorities and at a local level in schools. The table below elaborates on the specific requirements in relation to Welsh language education in schools, and their interconnection with other provisions:

<b>The National Framework must set out the steps to be taken to:</b>	<b>Further explanation</b>
Increase the provision of Welsh language education provided	<p>These are the steps that Welsh Ministers will take to ensure that schools increase the Welsh language education they offer where reasonably practicable.</p> <p><u>Interconnection</u> Although these are steps to be taken at a national level, this requirement aligns with the requirement at a local level for schools to set out in their delivery plans how they will ensure an increase in Welsh language education where reasonably practicable (see section 14(1)(e)(ii) of the Bill).</p>
Improve the provision of Welsh language education	<p>These are the steps that Welsh Ministers will take at a national level to support schools to improve their Welsh language education.</p> <p><u>Interconnection</u> This requirement aligns with the requirement:</p> <ul style="list-style-type: none"> <li>(i) at a local authority level: for a local Welsh in education strategic plan to set out the steps a local authority will take to improve the provision of Welsh language education (see section 30(3)(a)(i));</li> <li>(ii) at a school level: for schools to set out in their delivery plans how they will facilitate continuous improvement in Welsh language education (see section 14(1)(g)(iii)).</li> </ul>
Promote education in “Primarily Welsh Language” category schools, and increase the number of pupils attending those categories	<p>Pupils are more likely to develop higher linguistic outcomes the more Welsh language education they receive. Therefore, to ensure that pupils have the best possible chance of becoming independent Welsh users, and open new opportunities for them, there is a role for Welsh Ministers in the promotion of education in “Primarily Welsh Language” category schools.</p> <p><u>Interconnection</u></p>

	<p>This requirement aligns with the requirement at local authority level to set out the steps it will take to promote and provide information about the Welsh language education provided in “Primarily Welsh Language” category schools in its area (see section 30(3)(b)).</p> <p>It also aligns with the duty on local authorities in relation to late immersion education in Welsh in section 23 of the Bill.</p>
Ensure that training, professional development and support is available for education practitioners in Wales	<p>These are the steps that Welsh Ministers will take to ensure that schools have the capacity to increase or improve their Welsh language education as expected.</p> <p>As the National Framework will set targets per local authority to increase or improve Welsh language education in their area, Welsh Ministers must take a leadership role in ensuring that these targets are achievable. The capacity of education practitioners must be planned at a national level to ensure that there is an adequate workforce to achieve the targets of the National Framework.</p> <p><u>Interconnection</u></p> <p>This requirement aligns with the requirement at a local authority level to set out the steps it will take to ensure that its arrangements for the workforce of education practitioners working in its area are adequate (see section 30(3)(a)(iii)).</p>
Facilitate progression in teaching Welsh and in education through the medium of Welsh in various contexts	<p>These are the steps that Welsh Ministers will take to encourage pupils to follow a Welsh language education pathway consistent with the previous provision they received. That way, pupils will be encouraged to make continued progress in their Welsh language skills. For example, this could be through continuing in a school in the same language category when moving from primary education to secondary education, or moving to a school in a higher language category and taking advantage of the local authority's late immersion education to do so.</p> <p><u>Interconnection</u></p> <p>This requirement aligns with the requirement at a local authority level to set out the steps it will take to facilitate progression in teaching Welsh and Welsh-medium education between –</p>



	<p>(i) nursery education and education for pupils of compulsory school age (see section 30(3)(d)(i)),</p> <p>(ii) maintained primary schools and maintained secondary schools (see section 30(3)(d)(ii)), and</p> <p>(iii) education for pupils of compulsory school age and tertiary education. (see section 30(3)(d)(iii)).</p> <p>It also aligns with the duty on local authorities in relation to late immersion education in Welsh in section 23 of the Bill.</p>
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109. In addition to the targets set by the National Framework under section 24(5), section 24(7) enables the Framework to set further targets on local authorities for the purpose of implementing the Framework.
110. The Welsh Ministers also have the power, in accordance with section 24(8), to set 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.
111. In addition, section 24(9) allows flexibility in making provisions in the National Framework. As one example the National Framework could set different targets, in accordance with section 24(5), for different local authorities.
112. Section 24(10) enables Welsh Ministers, by regulations, to amend sections 24(3) to (8) in relation to the content of the National Framework.

## **Section 25 - National Framework: further provision on the education workforce**

113. Section 25(1) requires the National Framework to set out the steps the Welsh Ministers will take in relation to education practitioners in Wales – specifically to ensure that training, professional development and support is available.
114. The Framework must also include an assessment of the number of education practitioners needed in each local authority in order to meet targets, and the specific steps the Welsh Ministers will take, based on that assessment, to ensure that the number of education practitioners meets the need.

## **Section 26 - Implementing the National Framework**

115. Section 26(1) requires the Welsh Ministers to take all reasonable steps to implement the National Framework.
116. All local authorities are required, in accordance with section 26(2), to take all reasonable steps to achieve the targets set on them by the National Framework, and to provide to the Welsh Ministers any information they need in order to

set the targets and complete the assessments and analyses referred to in sections 24(6) and 25(2)(a), and sections 24(5) or 24(7).

### **Section 27 - National Framework: further provision about content, review and amendment**

117. Under this section, when preparing or amending the National Framework, the Welsh Ministers must set out the steps they intend to take as a result of sections 24(3) and (4) and section 25 for periods of 10 years. The section also details the process of reviewing and amending the National Framework.
118. The National Framework must be reviewed and amended every 5 years to update those steps. The Welsh Ministers must also review the National Framework targets.
119. Section 27(4) and (5) give Welsh Ministers the power to amend the National Framework from time to time, or to prepare a new one, setting out which sections of the Bill apply in doing so. Section 27(7) states that section 27(6) applies to a new National Framework as it applies to the first National Framework.

### **Section 28 – Consultation and publication of the National Framework**

120. This section includes requirements for Welsh Ministers to consult in preparing or amending the National Framework, and a requirement to publish the Framework. It must also be laid before Senedd Cymru. The first National Framework must be laid before Senedd Cymru before 31 July 2028.

### **Section 29 - Reporting on the National Framework**

121. This section places a duty on the Welsh Ministers to include information on the implementation of the National Framework in the annual report and in the annual plan on the strategy on promoting and facilitating the use of Welsh published by the Welsh Ministers annually under section 78(8) and (9) of the Government of Wales Act 2006.

## **Local plans**

### **Section 30 – Local Welsh in education strategic plans**

122. This section makes provision for a change in the system of Welsh in education strategic plans prepared by local authorities. The Welsh in Education strategic plans (WESP) regime was introduced by the School Standards and Organisation (Wales) Act 2013. This Bill introduces local Welsh in education strategic plans and omits the provisions under the 2013 Act (see section 36). Through the provisions of this Bill local authorities' strategic plans will have to respond to targets set on them in the National Framework for Welsh Language Education and Learning Welsh, and for school delivery plans to have regard to the targets of their local authorities' strategic plans. The targets set on local authorities in the National Framework must reflect national targets set in the Welsh language strategy (section 1(1)). The purpose of coordinating the targets is to ensure that targets enable working towards the same goal.

123. In accordance with section 30 each local authority is required to prepare a local Welsh in education strategic plan that includes the matters set out in section 30(1) to (4).
124. Section 30(1)(a) places a duty on a local authority to detail in its plan how it will promote and facilitate, in its area, Welsh language education and the use of Welsh in schools. That may include, but is not limited to, Cymraeg Campus and Siarter Iaith activities already planned in schools. A plan must also, in accordance with section 30(1)(b), set out how the local authority will take all reasonable steps to meet the targets set on it in the National Framework (section 26(2)(a)).
125. Section 30(2) requires local authorities to set out in their local Welsh in education strategic plan, to the extent required by regulations made by the Welsh Ministers, how they will exercise their education functions to promote and facilitate teaching Welsh and education and training through the medium of Welsh to children of compulsory school age who are not pupils in schools. This will include children receiving education other than at school.
126. Section 30(3)(a) to (d) details the type of steps that a local authority is required to include in a plan. Section 30(3)(a) states that a local authority's plan must set out the steps it intends to take to exercise its education functions to improve the provision of Welsh language education and the planning of Welsh language education provision within its area. A definition of "Welsh language education" for the purpose of Part 4 is given in section 37.
127. Section 30(3)(b) places a duty on a local authority to detail in its plan how it will promote and provide information about Welsh language education in "Primarily Welsh Language" schools (as defined in Part 3). The plan could refer here to the type of information needed about the Welsh language education of "Primarily Welsh Language" to improve public understanding, and where that information will be made available to the public. In terms of promotion, the strategic plan could explain what the local authority will do to draw public attention to opportunities within the local authority area to access "Primarily Welsh Language" schools.
128. Section 30(3)(c) sets a requirement for a local authority to set out in its plan the steps it will take to promote and provide information about late immersion education provision in its area. Section 23 makes further provision about late immersion education.
129. In accordance with section 30(3)(d)(i) to (iii), a local authority is required to set out in its plan the steps it will take to facilitate progression for learners who are learning Welsh and learners who are learning through the medium of Welsh from one stage of their education to the next. Those periods are detailed in subparagraph (i) between 'nursery education' and 'education for pupils of compulsory school age', in subparagraph (ii) between 'maintained primary schools and maintained secondary schools', and in subparagraph (iii) between 'education for pupils of compulsory school age' and 'tertiary education'.

Section 37 gives a definition of "nursery education" which encompasses full-time or part-time education provided to children under compulsory school age in a school or other location outside the school premises. Section 51 gives a definition of "tertiary education" which encompasses sixth form provision in schools. An authority might include in its plan, for example, the steps it intends to take to make it possible or easier for a learner to continue learning Welsh or through the medium of Welsh before, and after, compulsory school age.

130. Section 30(4)(a) imposes a duty on a local authority to include information in its plan about the learning practitioners workforce in the local authority area, in accordance with the definition of "education practitioner" in section 37.
131. In accordance with section 30(4)(b) the local authority is required to include in its plan a report outlining the progress made during the life of the previous plan.
132. Section 30(5) sets out the persons who must be consulted by a local authority when preparing a plan, with a view to ensuring that Welsh language education is planned in a coherent and co-ordinated manner across the local authority and to facilitating that process. In addition, the fact that strategic plans are subject to the approval of Welsh Ministers, in accordance with section 32, should ensure that the vision of the strategic plan is aligned with the National Framework.

### **Section 31 - Period of local Welsh in education strategic plans**

133. This section details the period of time for which a strategic plan has effect. It is a 5 year plan but local authorities must set out the steps they intend to take regarding section 30(3) matters over a 10-year period. This is to enable local authorities to set out their long-term intentions, recognising that some changes to school provision can take a decade to come to fruition.
134. Welsh Ministers, through regulations, will determine by when a local authority must first prepare a plan. The intention is that all local authorities operate to the same timetable with the 5-year period commencing simultaneously for all local authorities, regardless of whether a local authority has had to resubmit a plan.

### **Section 32 - Approval of local Welsh in education strategic plans**

135. This section relates to the approval process for local Welsh in education strategic plans, including the steps local authorities must take in submitting their draft plan to the Welsh Ministers and also to the steps Welsh Ministers must take in reaching a decision about approving or rejecting a draft plan.
136. Section 32(2) states that the local authority is required, when submitting its draft plan, to include a summary of responses it has received during the consultation period.
137. Section 32(3) and (4) outlines the options the Welsh Ministers have in relation to a draft plan after receiving it. There are three options namely:

*These notes refer to the Welsh Language and Education (Wales) Bill which was amended following Stage 2 proceedings on 13 and 19 February 2025*

- (a) to approve the draft plan as submitted,
- (b) to approve a modified draft plan (where the local authority would need to agree any changes with the Welsh Ministers), and
- (c) to reject the plan and direct the local authority to reconsider the draft plan (which may involve reconsideration of elements of the draft plan or the plan as a whole).

- 138. In accordance with section 32(4), if the Welsh Ministers decide to reject a draft plan, they must provide the local authority with reasons for that decision and direct it to reconsider its plan. In addition, they must set out a date by which a local authority must resubmit its draft plan.
- 139. Section 32(5) confirms that section 32(3) to (4) also applies to a further draft plan (e.g. a plan that is resubmitted). This means that a local authority may need to resubmit a plan more than once if Welsh Ministers continue to consider that a draft plan does not meet what is required.
- 140. Similar to the process for approving schools' Welsh language education delivery plans, section 32 has been drawn up with the intention that all local authorities and Welsh Ministers will agree on the content of the local Welsh in education strategic plans. It is not therefore possible for Welsh Ministers, under this section, to insist on the specific content of any local strategic plan. But in this regard, public bodies must behave reasonably. And where there is a delay in agreeing a local strategic plan, Welsh Ministers may consider, if a local authority acts unreasonably, whether to exercise their powers of intervention under Part 2 of the School Standards and Organisation (Wales) Act 2013 (see also section 50).

### **Section 33- Publication and implementation of local Welsh in education strategic plans**

- 141. This section makes provision in relation to when a local authority should publish a local Welsh in education strategic plan after it has been approved by the Welsh Ministers, as well as the persons to whom local authorities are expected to send a copy. Section 52 makes specific provision for the publication of documents, and section 53 makes specific provision relating to sending a document.
- 142. Section 33(2) places a duty on a local authority to take all reasonable steps to implement its strategic plan.

### **Section 34 - Review and amendment of local Welsh in education strategic plans**

- 143. This section makes provision for the review and amendment of local Welsh in education strategic plans.
- 144. Section 34(1) requires a local authority to keep its plan under constant review for the purpose of considering if it needs to be amended e.g if there is a risk that the local authority's plan is not going to lead to meeting its targets, or that

circumstances beyond the local authority's control affect its ability to achieve the targets.

145. Section 34(3) makes provision about the circumstances in which the Welsh Ministers may instruct a local authority to consider reviewing its plan, with section 34(4) to (6) setting out what a local authority is required to do when considering amending or deciding not to amend its scheme.
146. Section 34(4) specifically introduces a process if a local authority decides not to amend its plan following the Welsh Ministers' direction for it to consider amending its scheme. In this situation, a local authority would have to give Welsh Ministers reasons for not amending its plan. If Welsh Ministers do not accept the local authority's reasons, Welsh Ministers may give a new direction. Depending on the circumstances, they may also consider using their powers under Part 2 of the School Standards and Organisation (Wales) Act 2013 (which allows Welsh Ministers to intervene in education functions in certain circumstances). The Welsh Ministers might also wish to 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 performs its education functions. The functions of a local authority in this Part are functions of education (section 50).

### **Section 35 - Regulations**

147. This section gives the Welsh Ministers power to make regulations that make further provision about local Welsh in education strategic plans. Section 35(1)(a) to (f) sets out that which regulations may provide for, but is not limited to that. This power is intended to enable the Welsh Ministers to detail the matters outlined in section 30 of the Bill, for example, in relation to the form and content of a plan. This may include making regulations detailing Welsh Ministers' wider expectations on local authorities to outline in their plans how programmes, policies and their wider statutory duties have been considered in pursuit of the targets set on them, e.g. Childcare Sufficiency Assessments, Early Years Programmes, School capital programmes, Learner Travel arrangements, amongst others. Regulations may also detail the timetable for the receipt, consideration and approval of a draft plan, as well as arrangements for reporting on the implementation of the scheme, for example, through annual review reports.
148. Power is also conferred on the Welsh Ministers, by regulations, to enable two or more local authorities to produce a joint plan, and to apply any provision in this Part with modifications to that effect.

### **Section 36 – Amendments to the School Standards and Organisation (Wales) Act 2013**

149. This section omits Part 4, (sections 84 to 87) and also section 1(13) and (14) of the School Standards and Organisation (Wales) Act 2013 which relate to the preparation of a Welsh language in education strategic plan.

### **Section 37 – Interpretation**

150. This section interprets the terms in Part 4.

## **Part 5 - National Institute for Learning Welsh and Schedule 2 - National Institute for Learning Welsh**

### **Section 38 - National Institute for Learning Welsh**

151. This section provides for the establishment of the National Institute for Learning Welsh. The Learning Welsh Institute will be a corporate body with its own legal personality with specific powers and duties in relation to facilitating and supporting the learning of Welsh.
152. Schedule 2 is introduced by this section, which confirms that the Learning Welsh Institute is not a Crown body and makes provision in relation to members, staff, procedures and financial matters. The Schedule also makes minor amendments and consequential provisions to primary legislation.
153. Members of the Learning Welsh Institute are the chair and between six and ten non-executive members, appointed by the Welsh Ministers. The chief executive is an executive member and the chief executive and non-executive members may appoint up to two members of staff to be executive members. The Welsh Ministers may, by regulations, change the number of non-executive and executive members appointed, but the number of non-executive members must always exceed the number of executive members.
154. The first chief executive is appointed by the Welsh Ministers, with non-executive members appointing the successors. The chief executive is a member of staff at the Learning Welsh Institute, and in that capacity, is also an accounting officer. However, paragraphs 15(2) to (3) of Schedule 2 allow another member of staff to be an accounting officer where the chief executive is unable to fulfil the responsibilities as an accounting officer (e.g. due to a period of long-term ill health), or where there is no chief executive, and during the period until a chief executive is appointed.
155. Schedule 2 also contains provisions about the committees and sub-committees of the Learning Welsh Institute, audit and accounts, procedures, register of interests and supplementary powers.

### **Section 39 - Facilitating and supporting lifelong Welsh language learning**

156. This section sets the objective of the Learning Welsh Institute. The main role of the Learning Welsh Institute is to support people to learn Welsh, and facilitate their progression, so that more people learn the language and improve their skills. This is intended to help achieve the objectives of Cymraeg 2050, which are to increase the number of Welsh speakers and increase the use of the language. Duties are imposed on the Learning Welsh Institute in section 39(2) to meet this objective.
157. Section 39(3) gives the Learning Welsh Institute power in relation to the co-ordination and commissioning of research on teaching or learning Welsh, and gives it powers to advise any person on teaching or learning Welsh and to provide financial support to any person in relation to teaching or learning

Welsh. It also allows the Learning Welsh Institute to do anything else related to supporting people to learn Welsh, and facilitating their progress, if it considers it appropriate to achieve targets set in the National Framework on Welsh Language Education and Learning Welsh under section 24(7).

158. The Welsh language learning provision designed and developed for those over compulsory school age under section 39(2)(f) must include a variety of matters as set out in section 39(4)(a) to (c), for example by providing a variety of courses, activities and resources at different learning levels, and in different locations. This may include providing various levels of Welsh courses in person as well as online. This is intended to make appropriate provision readily available to all who are already learning, or wish to learn Welsh, in order to facilitate learners' progression through the different levels of learning Welsh. The Learning Welsh Institute is required to base the learning levels on the common reference levels contained in the Schedule 1 table, and on the Code to describe ability in Welsh published by the Welsh Ministers (see section 6).

#### **Section 40 - Additional functions**

159. This section gives the Welsh Ministers power to make regulations to confer additional functions on the Learning Welsh Institute associated with supporting people to learn Welsh or facilitating their progress. The powers give the Welsh Ministers the flexibility to adjust the body's functions when necessary.

#### **Section 41 - Promoting equality of opportunity**

160. This section requires the Learning Welsh Institute, in the exercise of its functions, to promote increased participation by persons over compulsory school age who are under-represented in Welsh language learning, and to promote the completion of Welsh language learning programmes. A definition of "under-represented groups" can be found in section 41(2).
161. A duty is also placed on the Learning Welsh Institute to promote the reduction of gaps in attainment in Welsh language learning between different groups of persons where those differences are due to social, cultural, economic or organisational factors.

#### **Section 42 - Promoting innovation and continuous improvement**

162. This section requires the Learning Welsh Institute, in the exercise of its functions, to promote innovation and continuous improvement in relation to learning Welsh, and to raise standards in learning Welsh. The section also specifies matters (section 42(2)(a) to (c)) which the Learning Welsh Institute must have regard to in the exercise of its functions in accordance with section 42(1).

#### **Section 43 - Promoting collaboration in relation to learning Welsh**

163. This section requires the Learning Welsh Institute, in the exercise of its functions, to promote collaboration between Welsh language learning providers, as well as between Welsh language learning providers and maintained schools and maintained nursery schools in Wales, other tertiary education providers in Wales, and employers in Wales.



#### **Section 44 - Promoting co-ordination in relation to learning Welsh**

164. This section requires the Learning Welsh Institute, in the exercise of its functions, to promote co-ordination in the provision of Welsh language learning in Wales to those over compulsory school age, and to share best practice in relation to teaching methods and the transmission of Welsh to those over compulsory school age.

#### **Section 45 - Application of Welsh language standards**

165. Section 45 brings the Learning Welsh Institute under the Welsh Language Standards regime. It does so by adding the Learning Welsh Institute to Schedule 6 to the Welsh Language (Wales) Measure 2011, and to the list of bodies subject to the Welsh Language Standards (No. 6) Regulations 2017. This will enable the Welsh Language Commissioner to issue a compliance notice to the Learning Welsh Institute setting out the specific standards that will apply to it.

#### **Section 46 - Strategic plan**

166. This section places a duty on the Learning Welsh Institute to prepare a strategic plan for each planning period. A definition of the “planning period” can be found in section 46(8). The strategic plan must set out how the Learning Welsh Institute intends to exercise its functions in accordance with sections 41 to 44 and achieve its objective.
167. Section 46(3), (4) and (6) sets out the arrangements that the Learning Welsh Institute must follow in preparing, submitting and publishing the strategic plan.
168. In accordance with section 46(5), the Welsh Ministers have the power to approve a plan subject to modifications, but those modifications must also be agreed by the Learning Welsh Institute.
169. The Institute may review its plan and submit an amended plan to the Welsh Ministers for approval.

#### **Section 47 - Annual report**

170. This section requires the Learning Welsh Institute to prepare and publish an annual report on the exercise of its functions during that year, and send it to the Welsh Ministers. In accordance with section 47(2), the Welsh Ministers are required to lay the report before Senedd Cymru.

### **Part 6 – General**

#### **Section 48 - Directions and guidance**

171. This section makes provision for directions given under Parts 3 and 4 of this Bill. It also requires a local authority and a school's governing body, in exercising functions under the Bill, to have regard to any guidance issued by the Welsh Ministers. A definition of “local authority” can be found in section 51(1).

## **Section 49 - Repeal of provisions in the School Standards and Organisation (Wales) Act 2013**

172. This section amends Schedule 2 to the School Standards and Organisation (Wales) Act 2013 by removing paragraphs and cross headings relating to the language medium of school teaching, and sets out certain consequential alterations. This means that the language medium alterations described in Schedule 2 (“Regulated Alterations”) to the 2013 Act are not a “Regulated Alteration” for the purpose of that Act. Consequently there is no need to follow the process in Part 3 of the 2013 Act. Instead, it is Part 3 of this Bill which now makes provision about changing the language medium of school teaching.

## **Section 50 - Education Acts**

173. This section adds Part 3 (Welsh Education) and Part 4 (Planning Welsh Language Education and Learning) of the Bill to the list of Education Acts set out in section 578 of the Education Act 1996. This is a way of co-ordinating legislation involving education and its main effect here is that the Welsh Ministers have powers to intervene if the governing body of a maintained school or local authority fail to comply with duties under the Bill, or exercises functions under the Bill in an unreasonable way. These powers are contained in Part 2 of the School Standards and Organisation (Wales) Act 2013 and (more generally) they enable the Welsh Ministers to intervene, where appropriate, in relation to the conduct of maintained schools and the way in which the local authority exercises its education functions.

## **Section 51 – Interpretation**

174. This section defines some of the key terms used in the Bill. In addition, this section provides that definitions in the provisions of the Education Act 1996 apply when the defined term is used in section 1(1)(c) and Parts 3 and 4 of this Bill. But if one of those terms is given another meaning by this Bill, it is that other meaning rather than the definition in the Education Act 1996 that applies for the purposes of the Bill. This applies to the definitions of “school” and “maintained school” contained in subsection (3).

## **Section 52 – Publication**

175. This section makes provision in relation to how a document must be published in accordance with a duty under this Bill. The document must be in an electronic format. A person is also required to publish the document in another manner they consider appropriate so that those who are unable or are unlikely to be able to access the document electronically can access it.

## **Section 53 - Sending documents**

176. This section makes provision in relation to the giving or sending of a notice, direction or document, and explains how a person may do so in accordance with a duty under this Bill. Permitted means of communication include a person handing the document over, leaving it at the person's usual place of residence, and sending it by post or email. A person may use more than one method of communication if they wish. If a person gives or sends a notice, direction or document via email section 53(2) sets conditions for that.

**Section 54 – Regulations under this Act**

177. This section makes provision in relation to the power conferred on the Welsh Ministers to make regulations, and section 54(2) and (3) detail that power. Section 54(4) and (5) sets out the legislative procedures that apply to regulations under the Bill. Regulations under the sections set out in 54(4) are subject to the affirmative procedure. Under section 54(5) any other statutory instrument containing regulations under the Act is subject to the negative procedure.

**Section 55 – Consequential and transitional provision etc.**

178. This section gives the Welsh Ministers power to make miscellaneous provision. This may be a supplementary provision, an incidental provision or a consequential provision, or a transitional provision, a transitory provision or a saving provision. This includes amending, repealing or revoking any primary or subordinate legislation (including any provision in this Bill).

**Section 56 - Coming into force**

179. Section 56(1) provides which sections come into force on the day after the day the Act receives Royal Assent, while section 56(2) provides which sections come into force two months after the Act receives Royal Assent. This section provides that Part 5 and Schedule 2 in respect of the National Institute for Learning Welsh come into force on 1 August 2027. Other sections, including section 49 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 in exercise of their power to make an order.

**Section 57 - Short title**

180. The short title of the Act is the Welsh Language and Education (Wales) Act 2025.

## Annex 2

### Index of Standing Order requirements

Table A2.1

Standing order		Section	pages/ paragraphs
26.6(i)	Statement the provisions of the Bill would be within the legislative competence of the Senedd	Member's declaration	Page 1
26.6(ii)	Set out the policy objectives of the Bill	Chapter 3 - Purpose and intended effect of the legislation	Paragraph 1.1, pg 3 <ul style="list-style-type: none"> <li>• Part 1 – paragraphs 3.65-3.69, pg 18-19</li> <li>• Part 2 – paragraphs 3.87 – 3.95, pg 23 - 24</li> <li>• Part 3 – paragraphs 3.116 – 3.164, pg 28-39</li> <li>• Part 4 – paragraphs 3.183 – 3.201, pg 43-49</li> <li>• Part 5 – paragraphs 3.225 – 3.260, pg 53-62</li> </ul>

Standing order		Section	pages/ paragraphs
26.6(iii)	Set out whether alternative ways of achieving the policy objectives were considered and, if so, why the approach taken in the Bill was adopted	Part 2 – Regulatory Impact Assessment	Paragraphs 7.1-7.5 and Table 1, pg 117-123
26.6(iv)	Set out the consultation, if any, which was undertaken on: (a) the policy objectives of the Bill and the ways of meeting them;  (b) the detail of the Bill, and  (c) a draft Bill, either in full or in part (and if in part, which parts)	Chapter 4 – Consultation	Paragraphs 4.1- 4.97, pg 65-82
26.6(v)	Set out a summary of the outcome of that consultation, including how and why any draft Bill has been amended	Chapter 4 – Consultation	Paragraphs 4.58 – 4.97, pg 75-82
26.6(vi)	If the bill, or part of the Bill, was not previously published as a draft, state the reasons for that decision	Chapter 4 – Consultation	Paragraphs 4.98, pg 82-83
26.6(vii)	Summarise objectively what each of the provisions of the Bill is intended to do (to the extent that it requires explanation or comment) and give other information necessary to explain the effect of the Bill	Annex 1 – Explanatory Notes	Pg 187-218

Standing order		Section	pages/ paragraphs
26.6(viii)	<p>Set out the best estimates of:</p> <ul style="list-style-type: none"> <li>(a) the gross administrative, compliance and other costs to which the provisions of the Bill would give rise;</li> <li>(b) the administrative savings arising from the Bill;</li> <li>(c) net administrative costs of the Bill's provisions;</li> <li>(d) the timescales over which such costs and savings would be expected to arise; and</li> <li>(e) on whom the costs would fall</li> </ul>	Part 2 – Regulatory Impact Assessment	Paragraphs 8.1 - 8.191 and Table 19 pg 124 - 170
26.6(ix)	Any environmental and social benefits and dis-benefits arising from the Bill that cannot be quantified financially	Part 2 – Regulatory Impact Assessment	Paragraphs 8.1 -8.191 and paragraphs 9.1 - 9.51 pages 124 - 179
26.6(x)	<p>Where the Bill contains any provision conferring power to make subordinate legislation, set out, in relation to each such provision:</p> <ul style="list-style-type: none"> <li>(a) the person upon whom, or the body upon which, the power is conferred and the form in which the power is to be exercised;</li> <li>(b) why it is considered appropriate to delegate the power; and</li> </ul>	Chapter 5 - Power to make subordinate legislation	Pg 84 -112

Standing order		Section	pages/ paragraphs
	(c) the Senedd procedure (if any) to which the subordinate legislation made or to be made in the exercise of the power is to be subject, and why it was considered appropriate to make it subject to that procedure (and not to make it subject to any other procedure);		
26.6(xi)	Where the Bill contains any provision charging expenditure on the Welsh Consolidated Fund, incorporate a report of the Auditor General setting out his or her views on whether the charge is appropriate	The requirement of Standing Order 26.6(xi) does not apply to this Bill	Paragraph 6.2, pg 113
26.6(xii)	Set out the potential impact (if any) on the justice system in England and Wales of the provisions of the Bill (a “justice impact assessment”), in accordance with section 110A of the Act.	Part 2 – Regulatory Impact Assessment	Paragraph 9.52 – 9.53, pg 179
26.6B	Where provisions of the Bill are derived from existing primary legislation, whether for the purposes of amendment or consolidation, the Explanatory Memorandum must be accompanied by a table of derivations that explain clearly how the Bill relates to the existing legal framework.	Annex 3 –Table of Derivations	Pg 223-224
26.6C	Where the Bill proposes to significantly amend existing primary legislation, the Explanatory Memorandum must be accompanied by a schedule setting out the wording of existing legislation amended by the Bill, and setting out clearly how that wording is amended by the Bill.	Annex 4 – Schedule of Amendments	Pg 225-251

## Annex 3

### Table of Derivations

The table below is intended to provide information on the derivation of the provisions of the Welsh Language (Wales) Bill. The table does not provide definitive or exhaustive guidance, and should be read in conjunction with the Bill and with the explanatory notes to the Bill. While care has been taken to ensure that the document is as accurate as reasonably practicable, it does not purport to be, and should not be relied on as, authoritative.

SECTION/ PARAGRAPH	CORRESPONDING REFERENCE IN EXISTING LEGISLATION	SUBSTANTIVE CHANGE
1 - 29	New	
30 - 36	Sections 84 – 87 of the School Standards and Organisation (Wales) Act 2013	The local Welsh in Education Strategic Plans in the Bill replace the plans in the 2013 Act to improve the provision and planning of Welsh language education in schools of all language categories. That is, the new plans will place an emphasis on improving Welsh language education provision in “Primarily English language, partly Welsh” schools, “Dual Language” schools, and “Primarily Welsh Language” schools alike. The Bill also makes provision that the plan must set out the steps a local authority must take to ensure that it has sufficient education practitioners working in its area. The aim of the plans is to meet targets placed on local authorities by the Welsh Ministers. The



		name of the Plans will be changed to Local Welsh in education Strategic Plans.
37 - 57	New	
Schedule 1	New	
Schedule 2	New	

Please note: this document has been prepared solely to assist people in understanding the Welsh Language and Education (Wales) Bill. It should not be relied upon for any other purpose.

## **Annex 4**

### **Schedule of amendments**

#### **AMENDMENTS TO BE MADE BY THE WELSH LANGUAGE AND EDUCATION (WALES) BILL**

This document is intended to show how the provisions of the legislation listed below, as they applied in relation to Wales on 10 June would look as amended by the Welsh Language and Education (Wales) Bill (if enacted as amended at Stage 2):

- Government of Wales Act 2006
- Curriculum and Assessment (Wales) Act 2021
- School Standards and Organisation (Wales) Act 2013
- Welsh Language (Wales) Measure 2011

Material to be deleted by the Welsh Language and Education (Wales) Bill is in strikethrough, e.g. ~~omitted material looks like this~~. Material to be added by the Welsh Language and Education (Wales) Bill is underlined, e.g. added material looks like this. References to the relevant amending provisions of the Bill are provided in the right hand column on each page.

A number of related provisions from the Act, although not being amended, are included to aid understanding of the proposed amendments.

#### **Warning**

This text has been prepared by officials of the Education, Culture and Welsh Language Group of the Welsh Government. Although efforts have been taken to ensure that it is accurate, it should not be relied on as a definitive text of the Act or the Bill.

It has been produced solely to help people understand the effect of the Welsh Language and Education (Wales) Bill. It is not intended for use in any other context.

**Government of Wales Act 2006**

*Amending  
section of  
the Welsh  
Language  
and  
Education  
(Wales) Bill*

**78 The Welsh language**

- (1) The Welsh Ministers must adopt a strategy (~~“the Welsh language strategy”~~) to be known as “the Welsh language strategy” or “strategaeth y Gymraeg” setting out how they propose to promote and facilitate the use of the Welsh language.

(1A) See Part 1 of the Welsh Language and Education Act (Wales) 2025 (asc[ ])(referred to in Welsh as Deddf y Gymraeg ac Addysg (Cymru) 2025 (dsc[ ])) for further provision relating to the Welsh language strategy;

(2). . . . .

(3). . . . .

(4) The Welsh Ministers—

(a) must keep under review ... the Welsh language strategy ..., and

(b) from time to time adopt a new strategy or revise it.

(5) Before adopting or revising a strategy ..., the Welsh Ministers must ~~consult such~~ consult the Welsh Language Commissioner and such other persons as they consider appropriate.

(6)The Welsh Ministers must publish the Welsh language strategy ... when they first adopt it and—

(a) if they adopt a new strategy ... they must publish it, and

(b) if they revise the Welsh language strategy ... (rather than adopting a new strategy ...) they must publish

Section  
1(5)(a)

Section  
1(5)(b)

Section  
1(5)(c)
- 226

Please note: this document has been prepared solely to assist people in understanding the Welsh Language and Education (Wales) Bill. It should not be relied upon for any other purpose.

either the revisions or the strategy or scheme as revised (as they consider appropriate).

(7) If the Welsh Ministers publish a strategy ..., or revisions, under subsection (6) they must lay a copy of the strategy or scheme, or revisions, before the Senedd.

(8) After each financial year the Welsh Ministers must publish a report of how the proposals set out in the Welsh language strategy were implemented in that financial year and how effective their implementation has been in promoting and facilitating the use of the Welsh language and must lay a copy of the report before the Senedd.

(9) For each financial year, the Welsh Ministers must publish a plan setting out how they will implement the proposals set out in the Welsh language strategy during that year.

(10) The plan must be published as soon as reasonably practicable before the commencement of the financial year to which it relates.

(11) In subsection (5), the reference to “Welsh Language Commissioner” means the commissioner appointed under section 2 of the Welsh Language (Wales) Measure 2011 (nawm 1) (referred to in Welsh as Mesur y Gymraeg (Cymru) 2011 (mccc 1)).

*Section  
1(5)(d)*

## **148 Welsh public records**

(1) The following are Welsh public records—

(a) administrative and departmental records belonging to Her Majesty which are records of the Welsh ... Government,

(b) administrative and departmental records of the Auditor General,

(ba) administrative and departmental records belonging to Her Majesty which are records of or held by the Welsh Revenue Authority;

(c) administrative and departmental records belonging to Her Majesty which are records of or held in any government department which is wholly or mainly concerned with Welsh affairs,

(d) administrative and departmental records belonging to Her Majesty which are records of any office, commission or other body or establishment under Her Majesty's Government which is wholly or mainly concerned with Welsh affairs in a field or fields in which the Welsh Ministers have functions, or the First Minister or the Counsel General has functions,

(e) administrative and departmental records of the bodies and establishments specified in subsection (2) (but not records of health service hospitals in Wales which are of the descriptions excepted from being public records for the purposes of the Public Records Act 1958 (c. 51) in the case of health service hospitals in England), and

(f) any other description of records (other than records of the Senedd or the Senedd Commission or records of any court or tribunal or held in any department of the Senior Courts) which is specified by order made by the Secretary of State.

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(2) The bodies and establishments referred to in subsection (1)(e) are—

- (a) the Care Council for Wales,
- (aa) the Commission for Tertiary Education and Research,
- (aa) the Citizen Voice Body for Health and Social Care, Wales,
- (b) . . . . .
- (c) the Curriculum and Assessment Authority for Wales,
- (d) Family Practitioner Committees for localities in Wales,
- (e) the Further Education Funding Council for Wales,
- (f) the General Teaching Council for Wales,
- (g) health service hospitals, within the meaning of the National Health Service (Wales) Act 2006, in Wales,
- (h) the Higher Education Funding Council for Wales<sup>30</sup>,
- (i) the Local Government Boundary Commission for Wales,
- (j) the National Council for Education and Training for Wales,
- (k) National Health Service Authorities for districts or localities in Wales, or for areas in or consisting of Wales, including National Health Service trusts all of

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<sup>30</sup> This paragraph is omitted by Schedule 4, paragraph 20(2)(b) to the Tertiary Education and Research (Wales) Act 2022, the change has not been made to the or [legislation.gov.uk](http://legislation.gov.uk) website.

Please note: this document has been prepared solely to assist people in understanding the Welsh Language and Education (Wales) Bill. It should not be relied upon for any other purpose.

whose hospitals, establishments and facilities are situated in Wales,

*Schedule 2,  
paragraph  
21*

(kza) the National Institute for Learning Welsh,

(ka) the Natural Resources Body for Wales,

(l) the Qualifications, Curriculum and Assessment Authority for Wales,

(la) Qualifications Wales,

(m) the Wales Centre for Health, and

(n) the Welsh Board of Health.

(3) An order under subsection (1)(f) may be made in relation to a description of records—

(a) which (immediately before the order is made) are public records for the purposes of the Public Records Act 1958, or

(b) which (at that time) are not public records for those purposes.

(4) No order under subsection (1)(f) may be made—

(a) in relation to records within paragraph (a) of subsection (3), unless the Secretary of State has consulted the Welsh Ministers, and

(b) in relation to records within paragraph (b) of that subsection, without the agreement of the Welsh Ministers.

(5) A statutory instrument containing an order under subsection (1)(f) is subject to annulment in pursuance of a resolution of either House of Parliament.

(6) In this section “records” includes—

(a) written records, and

(b) records conveying information by any other means.

## **Curriculum and Assessment (Wales) Act 2021**

*Amending  
section of  
the Welsh  
Language  
and  
Education  
(Wales) Bill*

### **7 The Progression Code**

(1) The Welsh Ministers must issue a code (the “Progression Code”) that sets out the way in which a curriculum is to make provision for progression by pupils and children.

(1A) In preparing the Progression Code under subsection (1), and keeping it under review under subsection (4), the Welsh Ministers must have regard to the Welsh language learning goals set by section 11 of the Welsh Language and Education (Wales) Act 2025 (asc [ ]).

*Section  
12(3)*

(2) A curriculum does not make provision for appropriate progression unless it accords with the Progression Code.

(3) Teaching and learning does not make provision for appropriate progression unless it accords with the Progression Code.

(4) The Welsh Ministers—

(a) must keep the Progression Code under review, and

(b) may revise it.

(5) For further provision about the Progression Code, see section 76.



Please note: this document has been prepared solely to assist people in understanding the Welsh Language and Education (Wales) Bill. It should not be relied upon for any other purpose.

## **School Standards and Organisation (Wales) Act 2013**

*Amending  
section of  
the Welsh  
Language  
and  
Education  
(Wales) Bill*

### **1 Overview of this Act**

(1) This Act has 6 Parts.

(2) Part 2 is divided into 3 Chapters containing provisions concerned with maintaining and improving standards—

(a) in maintained schools, and

(b) in the exercise of education functions by local authorities.

(3) Chapter 1 of Part 2 (including Schedule 1 )—

(a) sets out the grounds for intervention by local authorities and the Welsh Ministers in the conduct of maintained schools that are causing concern, and

(b) a range of intervention powers to enable local authorities and the Welsh Ministers to deal with the causes of concern.

(4) Chapter 2—

(a) sets out the grounds for intervention by the Welsh Ministers in the exercise of education functions by local authorities that are causing concern, and

(b) provides a range of intervention powers to enable the Welsh Ministers to deal with the causes of concern.

(5) Chapter 3 makes provision for the Welsh Ministers to give guidance to the governing bodies of maintained schools, the head teachers of such schools and local authorities on how functions should be exercised with a view to improving the standard of education provided in maintained schools.

Please note: this document has been prepared solely to assist people in understanding the Welsh Language and Education (Wales) Bill. It should not be relied upon for any other purpose.

(6) Part 3 is divided into 6 Chapters containing provision about the organisation of maintained schools.

(7) Chapter 1 of Part 3 provides for a School Organisation Code about the exercise of functions under Part 3.

(8) Chapter 2 (including Schedules 2 to 4) makes provision requiring the establishment, alteration and discontinuance of maintained schools in accordance with a specified process.

(9) Chapter 3 provides for the rationalisation of school places if the Welsh Ministers are of the opinion that there is excessive or insufficient provision for primary or secondary education in maintained schools.

(10) Chapter 4 provides for the making of regional provision for [special educational] [additional learning]<sup>31</sup> needs.

(11) Chapter 5 provides for powers for the Welsh Ministers to re-structure sixth form education.

(12) Chapter 6 provides for miscellaneous and supplemental matters relating to school organisation.

~~(13) Part 4 makes provision for Welsh in education strategic plans, which are to be—~~

*Section  
36(3)*

~~(a) prepared by local authorities,~~

~~(b) by the Welsh Ministers, and~~

~~(c) published and implemented by local authorities  
(sections 84, 85 and 87).~~

~~(14) Part 4 also provides a power exercisable by regulations for the Welsh Ministers to require local authorities to carry out an assessment of the demand among parents for Welsh medium education for their children (section 86).~~

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<sup>31</sup> The two wordings in square brackets represent the phased roll out commencement arrangements of the Additional Learning Needs and Education Tribunal (Wales) Act 2018

Please note: this document has been prepared solely to assist people in understanding the Welsh Language and Education (Wales) Bill. It should not be relied upon for any other purpose.

(15) Part 5 makes provision about miscellaneous functions relating to maintained schools, including provision—

(a) requiring local authorities to provide breakfasts for pupils at maintained primary schools at the request of the governing bodies of those schools (sections 88 to 90);

(b) amending the existing powers of local authorities and governing bodies to charge for school meals, so that—

(i) a related requirement to charge every person the same price for the same quantity of the same item is removed, and

(ii) a new requirement that the price charged for an item does not exceed the cost of providing that item is imposed (section 91);

(c) requiring local authorities to secure reasonable provision for a service providing counselling in respect of health, emotional and social needs for specified school pupils and other children (section 92);

(d) requiring governing bodies of maintained schools to hold a meeting if requested to do so by parents in a petition (section 94) and repealing an existing duty to hold an annual parents' meeting (section 95);

(e) repealing the Welsh Ministers' duty to issue a code of practice for securing effective relationships between local authorities and maintained schools (section 96).

(16) Part 6—

(a) introduces Schedule 5, which makes minor and consequential amendments to other legislation arising from the provisions of this Act;

(b) contains definitions that apply for the purposes of this Act generally and an index of definitions that apply to a number of provisions, but not the whole Act (section 98);

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(c) contains other provisions which apply generally for the purposes of this Act.

#### **41 Proposals to establish mainstream schools**

(1) A local authority may make proposals to establish—

- (a) a new community school, or
- (b) a new maintained nursery school.

(2) Any person may make proposals to establish a new voluntary school.

(3) See section 22(1) of the Welsh Language and Education Act 2025 (asc [ ]) for provision about a register of the proposed language category of schools for which proposals have been made under this section.

*Section  
22(2)*

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## **PART 4**

*Section 36(2)*

### **WELSH IN EDUCATION STRATEGIC PLANS**

#### **84 Preparation of Welsh in education strategic plans**

~~(1) A Welsh in education strategic plan is a plan which contains—~~

~~(a) a local authority's proposals on how it will carry out its education functions to—~~

~~(i) improve the planning of the provision of education through the medium of Welsh (“Welsh medium education”) in its area;~~

~~(ii) improve the standards of Welsh medium education and of the teaching of Welsh in its area;~~

~~(b) the local authority's targets for improving the planning of the provision of Welsh medium education in its area and for improving the standards of that education and of the teaching of Welsh in its area;~~

~~(c) a report on the progress made to meet the targets contained in the previous plan or previous revised plan.~~

~~(2) A local authority must prepare a Welsh in education strategic plan for its area.~~

~~(3) A local authority must keep its plan under review, and if necessary, revise it.~~

~~(4) In preparing a Welsh in education strategic plan or revised plan, a local authority must consult—~~

~~(a) its neighbouring local authorities;~~

~~(b) the head teacher of each school maintained by it;~~

~~(c) the governing body of each school maintained by it;~~

~~(d) each institution within the further education sector in its area;~~

~~(e) in relation to any foundation or voluntary school in its area—~~

~~(i) the person who appoints the foundation governors, and~~

~~(ii) if the school has a religious character, the appropriate religious body;~~

~~(f) other prescribed persons.~~

~~(5) If a local authority carries out an assessment of the demand for Welsh medium education in accordance with regulations under section 86, it must~~

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~~take the results of that assessment into account when it next prepares or revises its Welsh in education strategic plan.~~

### **~~85 Approval, publication and implementation of Welsh in education strategic plans~~**

~~(1) A local authority which has prepared a Welsh in education strategic plan must submit it to the Welsh Ministers for their approval.~~

~~(2) The Welsh Ministers may—~~

~~(a) approve the plan as submitted,~~

~~(b) approve the plan with modifications, or~~

~~(c) reject the plan and prepare another plan which is to be treated as the authority's approved plan.~~

~~(3) If a local authority wishes to amend its plan, it must submit a revised plan to the Welsh Ministers.~~

~~(4) The Welsh Ministers may approve the revised plan, with or without modifications.~~

~~(5) The Welsh Ministers must consult a local authority before—~~

~~(a) they modify its plan under subsection (2)(b),~~

~~(b) they prepare another plan to replace the authority's plan under subsection (2)(c), or~~

~~(c) they modify its revised plan under subsection (4).~~

~~(6) A local authority must publish its approved Welsh in education strategic plan (or revised plan).~~

~~(7) A local authority must take all reasonable steps to implement its approved Welsh in education strategic plan (or revised plan).~~

### **~~86 Assessing demand for Welsh medium education~~**

~~(1) The Welsh Ministers may require a local authority, in accordance with regulations, to carry out an assessment of the demand among parents in its area for Welsh medium education for their children.~~

~~(2) Regulations under subsection (1) may (among other things) make provision about when and how to make an assessment.~~

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## **~~87 Regulations and guidance~~**

~~(1) The Welsh Ministers may make regulations about Welsh in education strategic plans.~~

~~(2) The regulations may make further provision about the following matters (among other things)—~~

- ~~(a) the form and content of a plan;~~
- ~~(b) the timing and duration of a plan;~~
- ~~(c) keeping a plan under review and its revision;~~
- ~~(d) consultation during the preparation and revision of a plan;~~
- ~~(e) the submission of a plan for approval;~~
- ~~(f) when and how to publish a plan.~~

~~(3) The regulations may make provision enabling the preparation of a joint plan by two or more local authorities, and any such regulations may modify any provision of this Part in its application to joint plans.~~

~~(4) A local authority must, in the exercise of its functions under this Part, have regard to any guidance issued by the Welsh Ministers.~~

## ***SCHEDULE 2 REGULATED ALTERATIONS***

### **PART 1 ALL MAINTAINED SCHOOLS**

1 Paragraphs 2 and 3 describe regulated alterations in relation to community, foundation, voluntary schools, community special schools, and maintained nursery schools.

#### *Site transfers*

2 The transfer of a school to a new site or sites unless a main entrance of the school on its new site or sites would be within 1.609344 kilometres (one mile) of a main entrance of the school on its current site or sites.

#### *Mixed sex and single-sex schools*

3(1) An alteration to a school so that—

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(a) a school which admitted pupils of one sex only admits pupils of both sexes, or

(b) a school which admitted pupils of both sexes admits pupils of one sex only.

(2) For the purposes of this paragraph a school is to be treated as admitting pupils of one sex only if the admission of pupils of the other sex—

(a) is limited to pupils over compulsory school age; and

(b) does not exceed 25% of the number of pupils in the age group in question normally at the school.

## **PART 2**

## *Section 49(2)(a)*

### **ALL MAINTAINED SCHOOLS OTHER THAN MAINTAINED NURSERY SCHOOLS**

4 Paragraphs 5 to 8 and 6 describe regulated alterations in relation to community, foundation and voluntary schools, and community special schools.

#### *Age range*

5(1) The alteration by a year or more of the lowest age of pupils for whom education is normally provided at the school.

(2) The alteration by a year or more of the highest age of pupils for whom education is normally provided at a school where the school, both before and after the alteration, provides education suitable to the requirements of pupils of compulsory school age and does not provide full time education suitable to the requirements of pupils over compulsory school age.

#### *Sixth form provision*

6(1) The introduction of the provision of full-time education suitable to the requirements of pupils over compulsory school age at a school which provides



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full time education suitable to the requirements of pupils of compulsory school age.

(2) The ending of the provision of full time education suitable to the requirements of pupils over compulsory school age at a school which is to continue to provide full time education suitable to the requirements of pupils of compulsory school age.

~~Language medium — primary Education~~ ————— ~~Section 49(2)(b)~~

~~7(1) This paragraph applies to—~~

~~(a) primary schools,~~

~~(b) special schools but only in relation to the provision of primary education to pupils at the schools, and~~

~~(c) middle schools but only in relation to the provision of primary education to pupils at the schools.~~

~~(2) An alteration comes within this paragraph if the teaching of a class of pupils in [an age group] [a relevant year group] (or groups) at a school falls within a description in an entry in column 1 of table 1 below, and it is proposed to alter the teaching of the corresponding class of pupils in that [age group (or those age groups)] [relevant year group (or those relevant year groups)]<sup>32</sup> so that it falls within the description in the corresponding entry in column 2.~~

~~(3) In this paragraph—~~

~~(a) [“age group” means—~~

~~(i) a year group of the foundation phase (within the meaning given by section 102 of the Education Act 2002), or~~

~~(ii) a year group of the second key stage (within the meaning given by section 103 of the Education Act 2002);]~~

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<sup>32</sup> The two wordings in square brackets represent the phased roll out commencement arrangements of the Curriculum and Assessment (Wales) Act 2021

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~~{ “relevant year group” means a year group in which the majority of the pupils have not yet completed the school year in which they attain the age of 11); }~~<sup>33</sup>

~~(b) a reference to the teaching of a class of pupils does not include a school assembly or other school activities usually conducted with large groups of pupils.~~

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<sup>33</sup> The two wordings in square brackets represent the phased roll out commencement arrangements of the Curriculum and Assessment (Wales) Act 2021

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TABLE 1

1	2
At least 20% but no more than 80% of the teaching is conducted through the medium of English	An increase or a decrease of more than 20% in the teaching which is conducted through the medium of Welsh
At least 20% but no more than 80% of the teaching is conducted through the medium of Welsh	An increase or a decrease of more than 20% in the teaching which is conducted through the medium of English
More than 80% of the teaching is conducted through the medium of English, and some teaching is conducted through the medium of Welsh	An increase of more than 10% in the teaching which is conducted through the medium of Welsh
More than 80% of the teaching is conducted through the medium of Welsh, and some teaching is conducted through the medium of English	An increase of more than 10% in the teaching which is conducted through the medium of English
No teaching is conducted through the medium of Welsh	More than 10% of teaching is conducted through the medium of Welsh
No teaching is conducted through the medium of English	More than 10% of teaching is conducted through the medium of English
Some teaching is conducted through the medium of English	No teaching is conducted through the medium of English
Some teaching is conducted through the medium of Welsh	No teaching is conducted through the medium of Welsh

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~~Language medium – secondary education~~————

Section 49(2)(c)

~~8(1) This paragraph applies to—~~

- ~~(a) secondary schools,~~
- ~~(b) special schools but only in relation to the provision of secondary education to pupils at the schools, and~~
- ~~(c) middle schools but only in relation to the provision of secondary education to pupils at the schools.~~

~~(2) An alteration comes within this paragraph if the teaching of pupils in a year group at a school falls within a description in an entry in column 1 of table 2 below, and it is proposed to alter the teaching of pupils in that year group so that it falls within the description in the corresponding entry in column 2.~~

~~(3) In this paragraph a “relevant subject” is any subject other than English and Welsh which is taught at the school to pupils in the year group concerned.~~

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TABLE 2

1	2
Five or more relevant subjects are taught (wholly or mainly) through the medium of Welsh to any pupils	A decrease by four or more of the relevant subjects taught (wholly or mainly) through the medium of Welsh to any pupils
Five or more relevant subjects are taught (wholly or mainly) through the medium of English to any pupils	A decrease by four or more of the relevant subjects taught (wholly or mainly) through the medium of English to any pupils
Every relevant subject is taught (wholly or mainly) through the medium of Welsh to all pupils	Three or more relevant subjects are taught (wholly or mainly) through the medium of English to any pupils
Every relevant subject is taught (wholly or mainly) through the medium of English to all pupils	Three or more relevant subjects are taught (wholly or mainly) through the medium of Welsh to any pupils
One or more relevant subject is taught (wholly or mainly) through the medium of Welsh to any pupils	No relevant subject is taught (wholly or mainly) through the medium of Welsh to any pupils
One or more relevant subject is taught (wholly or mainly) through the medium of English to any pupils	No relevant subject is taught (wholly or mainly) through the medium of English to any pupils

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### **PART 3**

## **COMMUNITY, FOUNDATION AND VOLUNTARY SCHOOLS**

9 Paragraphs 10 to 17 describe regulated alterations in relation to community, foundation and voluntary schools.

### *Alterations to premises*

10(1) An enlargement of the premises of the school which would increase the capacity of the school by at least 25% or 200 pupils as compared with the school's capacity on the appropriate date.

(2) In determining an increase in capacity for the purpose of sub-paragraph (1), all enlargements that have taken place since the appropriate date are to be taken into account together with the proposed enlargement.

(3) The “appropriate date” is the latest of—

(a) the date falling five years before the date on which it is planned to implement the proposals to make the enlargement;

(b) the date when the school first admitted pupils;

(c) the date (or latest date) of implementation of proposals to make an alteration to the school consisting of an enlargement of its premises which proposals were published under—

(i) section 48, 59, 68 or 72, or

(ii) section 28 of the School Standards and Framework Act 1998 or paragraph 5 of Schedule 7 to that Act.

(4) References in this paragraph to an enlargement do not include a temporary enlargement.

11(1) An enlargement of the premises of the school which would increase the capacity of the school if the date on which it is planned to implement the proposals to make the enlargement falls within the period described in sub-paragraph (2).

(2) The period is five years beginning with the date (or latest date) of implementation of proposals falling within paragraph 13 (reducing a school's capacity).

(3) “Enlargement” does not include a temporary enlargement.

12 The making permanent of a temporary enlargement which at the time of its making would have fallen within paragraph 10 (but for the fact that it was temporary).

13 An alteration of the premises of the school which would reduce the capacity of the school, where the proposed capacity would be lower than the highest number of registered pupils at the school at any time during the two years before the date on which the proposer formed the intention to make the proposed alteration.

14 For the purposes of paragraphs 10 to 13—

(a) references to the capacity of a school are to the number of pupils the school can accommodate as determined in accordance with guidance given by the Welsh Ministers, and

(b) a “temporary enlargement” is an enlargement of a school's premises which it is anticipated, at the time of its making, will be in place for fewer than three years.

*[Special educational] [Additional learning] <sup>34</sup>needs*

15(1) The establishment or discontinuance of provision which is recognised by the local authority as reserved for children with **[special educational]** **[additional learning]** needs.

(2) Where there is provision which is recognised by the local authority as reserved for children with **[special educational]** **[additional learning]** needs, a change in the type of such provision.

Admission arrangements

16 The introduction of admission arrangements to which section 101(1) of the School Standards and Framework Act 1998 (pupil banding) applies.

*Boarding provision*

17(1) The introduction or ending of provision for boarding accommodation.

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<sup>34</sup> The two wordings in square brackets represent the phased roll out commencement arrangements of the Additional Learning Needs and Education Tribunal (Wales) Act 2018

(2) The alteration of provision for boarding accommodation so that the number of pupils for whom such provision is made is increased or decreased by 50 pupils or more or by 50% or more.

## **PART 4**

### **SPECIAL SCHOOLS**

18 Paragraphs 19 to 21 describe regulated alterations in relation to community special schools.

#### *Increase in pupils*

19(1) Except where the school is established in a hospital, an increase in the number of pupils for whom the school makes provision which, when taken with all previous increases since the appropriate date, would increase the number of pupils at least by 10% or by the relevant number as compared with the number of pupils on the appropriate date.

(2) In this paragraph—

the “appropriate date” (“*dyddiad priodol*”) is the latest of—

- (a) 19 January 2012;
- (b) the date when the school first admitted pupils;
- (c) the date (or latest date) of implementation of proposals to make an alteration to the school to increase the number of pupils for whom the school makes provision which proposals were published under—
  - (i) section 48, 59, 68 or 72, or
  - (ii) section 31 of the School Standards and Framework Act 1998 or paragraph 5 of Schedule 7 to that Act; and

“relevant number” (“*y nifer perthnasol*”) in relation to the number of pupils at a school, is—

- (a) where the school provides boarding accommodation only, 5, and
- (b) in any other case, 20.

#### *Boarding provision*

20 The alteration of the provision of boarding accommodation so that the number of pupils for whom such provision is made is increased or decreased by 5 pupils or more.



*[Special educational] [Additional learning]<sup>35</sup> needs provision*

21A change in the type of [special educational] [additional learning] needs for which the school is organised to make provision.

## **PART 5**

*Section 49(2)(d)*

### **MAINTAINED NURSERY SCHOOLS**

22 Paragraphs 23 to 25 and 24 describe regulated alterations in relation to maintained nursery schools.

#### *Teaching space*

23 (1) An enlargement of the teaching space, other than a temporary enlargement, by 50% or more.

(2) The making permanent of a temporary enlargement of the teaching space by 50% or more.

(3) In this paragraph—

“teaching space” (“*man addysgu*”) means any area used wholly or mainly for the provision of nursery education excluding—

(a) any area used wholly or mainly for the education of pupils whose educational needs are being [assessed under section 323 of the Education Act 1996 and pupils with statements of special educational needs maintained under section 324 of that Act] [determined under Part 2 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 and pupils with individual development plans maintained under that Act]<sup>36</sup>;

(b) any area constructed, adapted or equipped so as to be unsuitable for general teaching purposes;

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<sup>35</sup> The two wordings in square brackets represent the phased roll out commencement arrangements of the Additional Learning Needs and Education Tribunal (Wales) Act 2018

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(c) any area constructed, adapted or equipped primarily for the storage of apparatus, equipment or materials used in teaching;

(d) any part of an area which is required for the movement of pupils through that area and which is used wholly or mainly for that purpose;

a “temporary enlargement” (“ehangu dros dro”) is an enlargement of the teaching space which it is anticipated, at the time of its making, will be in place for fewer than three years.

**[Special educational] [Additional learning]<sup>37</sup> needs**

24(1) The establishment or discontinuance of provision which is recognised by the local authority as reserved for children with [special educational] [additional learning] needs.

(2) Where there is provision which is recognised by the local authority as reserved for children with [special educational] [additional learning] needs, a change in the type of such provision.

~~Language medium~~

Section 49(2)(e)

~~25(1) In the case of a school at which a group of pupils is taught wholly or mainly through the medium of Welsh, an alteration to the school so that all pupils would be taught wholly or mainly through the medium of English.~~

~~(2) In the case of a school at which a group of pupils is taught wholly or mainly through the medium of English, an alteration to the school so that all pupils would be taught wholly or mainly through the medium of Welsh.~~

## **PART 6**

### **SUPPLEMENTARY**

#### *Power to amend*

26(1) The Welsh Ministers may by order amend any provision of this Schedule.

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<sup>37</sup> The two wordings in square brackets represent the phased roll out commencement arrangements of the Additional Learning Needs and Education Tribunal (Wales) Act 2018

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(2) An order under sub-paragraph (1) may make consequential amendments to any provision of Part 3 of this Act.

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## Welsh Language (Wales) Measure 2011

*Amending  
section of  
the Welsh  
Language  
and  
Education  
(Wales) Bill*

*Section  
45(1)*

### Schedule 6 PUBLIC BODIES ETC: STANDARDS

Column 1 Person/Category	Column 2 Potentially applicable standards
<b>GENERAL</b>	
National Institute for Health and Clinical Excellence ( <i>"Sefydliad Cenedlaethol dros Iechyd a Rhagoriaeth Glinigol"</i> )	Service delivery standards Policy making standards Operational Standards Record keeping standards
<u>The National Institute for Learning Welsh (<i>"Yr Athrofa Cymraeg Genedlaethol"</i>)</u>	<u>Service delivery standards</u> <u>Policy making standards</u> <u>Operational Standards</u> <u>Record keeping standards</u>