

# ELL(2) 09-04 (p3)

2004

Name/ working title of SI	Purpose/effect	Anticipated Procedure/ Projected month legislation to be made	Standing Order/ LEADING DIV.
<p>ELL-01-04</p> <p>Education (Inspection and Reporting on the Provision of Youth Support Services) (Wales) Regulations 2004</p>	<p>To set out how Youth Support Services must respond to a report by Estyn by preparing an Action Plan within a specified number of days . The Committee was consulted on the original development of the Directions and Guidance which were subsequently discussed in Plenary. This order is the last piece of legislation as the powers have been passed for the inspections to take place from September 2004. It is therefore intended to use the Accelerated Procedure for this Order.</p>	<p>March 2004 Approved Coming into force 01.08.04</p> <p>Accelerated procedure</p>	<p>SO 22</p> <p>YPT</p>
<p>ELL-02-04</p> <p>The Schools Having a Religious Character (Wales) Order 2003</p>	<p>School Standards and Framework Act 1998 covers the duty to provide religious education and collective worship in community, foundation and voluntary schools. Where a foundation or voluntary school has a religious character different requirements apply in terms of religious education, staffing, collective worship and admission arrangements to those applying to community schools and to foundation and voluntary schools without a religious character. Schools with a religious character are identified by virtue of their inclusion in an order. The Designation of Schools Having a Religious Character Order was made in 1999. This Order adds to the original list schools omitted in error from the original order and new schools with a religious character. Once the Assembly becomes aware that a school has a religious character, it has a statutory obligation to make an Order defining the religious character of that school</p>	<p>July 2004</p> <p>Standard procedure</p>	<p>SO 22</p> <p>SMD</p>

ELL-02-04 (cont)			
ELL-04-04 Education (School Inspection) (Amendment ) (Wales) Regulations 2004	<p>To amend the specified periods in which an inspection report must be completed following an inspection and the period within which an action plan must be prepared - currently prescribed in the Education (School Inspection)(Wales) Regulations 1998 - to provide a single time scale whether inspection reports and action plans are required in one language or in English and Welsh.</p> <p>The change will mean that inspection reports must be produced within 35 working days from the completion of an inspection in every case (compared to existing provisions which prescribe five weeks or, where it is necessary to provide a translation into Welsh or English seven weeks), and action plans must be published within 45 working days, (compared to existing provisions which prescribe 40 working days or where it is necessary to provide a Welsh or English translation 45 working days).</p>	<p>March 2004 Approved</p> <p>Coming into force 01.09.04</p> <p>Accelerated Procedure</p> <p>(OCG were consulted as to whether ELL-04-04 and ELL-12-04 should be one regulation. They agreed they should be two regulations. This reg. deals only with schools. ELL-12-04 deals with all post 16 education. The reason for the differing time scales is due to school inspections covering a smaller area than the inspection of all post 16 education).</p>	<p>SO 22</p> <p>SPD</p>
ELL-06-04 The School Organisation Proposals by the National Council for Education and Training for Wales Regulations 2004	<p>Regulations which, in conjunction with the Learning and Skills Act 2000, as amended, will enable ELWa to propose establishment, alteration or closure of VI form provision in Wales, where ELWa believe this will lead to an improvement in educational achievement, increase participation and/ or expand available provision. It is projected that the regulations should be made in June to come into force in August, upon the commencement of the relevant provisions of the Learning Skills Act 2000, as amended.</p>	<p>June 2004</p> <p>Standard Procedure</p>	<p>SO 22</p> <p>LLD</p>
ELL-07-04 Education (School Information) (Wales) Regulations 2004	<p>To enable Schools to publish national Information in their school prospectuses. Amendment required following discontinuation of the publication of the School Performance Tables</p>	<p>July 2004</p> <p>Accelerated Procedure</p>	<p>SO 22</p> <p>SPD</p>
ELL-08-04 Education (School Governors' Reports) (Wales) Regulations 2004	<p>To enable Schools to publish national Information in their School Governors Annual Reports. Amendment required following the discontinuation of the publication of the School Performance Tables.</p>	<p>July 2004</p> <p>Accelerated Procedure</p>	<p>SO 22</p> <p>SPD</p>

<p>ELL-10-04</p> <p>Education (individual Pupil Information) (Prescribed Persons) (Wales) Regulations 2004</p>	<p>Amendments to the scope of data (the prescribed information) that can be shared and prescribed persons who may require said data.</p> <p>Amendments are needed to account for changes in the scope of data collected at individual pupil level and the manner in which the data is collected (i.e. moves towards electronic rather than paper collections). The Regulation will ensure that those with legitimate interests may have access to, and make appropriate use of individual pupil data.</p>	<p>Standard Procedure Approved</p> <p>Regs came into force 5/03/04</p>	<p>SO 22</p> <p>HE</p>
<p>ELL-12-04</p> <p>Education (Inspection of Education and Training) (Amendment) (Wales) Regulations 2004</p>	<p>To introduce a 6 year inspection cycle as part of the new Common Inspection Framework and amend the period in which an inspection report must be completed following an inspection and the period within which an action plan must be prepared.</p> <ol style="list-style-type: none"> <li>1. To amend The Inspection of Education and Training (Wales) Regulations 2001 to introduce a six year inspection cycle from September 2004, compared to the existing 5 year cycle, with regard to the extended functions of the chief Inspector of Education and Training in Wales provided for under section 75 of the Learning and Skills Act 2000. The change is required to align with the new Common Inspection Framework being introduced by Estyn from September 2004 on which there has been full consultation.</li> <li>2. To amend the specified periods for the issue of inspection reports and preparation of action plans prescribed in the 2001 Regulations to provide a single time scale whether inspection reports and action plans are required in one language or in English and Welsh. The change will mean that inspection reports must be produced within 70 working days from the completion of an inspection in every case (compared to existing provisions which prescribe 55 working days or, where it is necessary to provide a translation into Welsh or English 65 working days), and action plans must be published within 50 working days in every case from the date a copy of the inspection report is received by the body concerned</li> </ol>	<p>March 2004 Approved</p> <p>Coming into force 01.09.04</p> <p>Accelerated Procedure</p> <p>(OCG were consulted as to whether ELL-04-04 and ELL-12-04 should be one regulation. They agreed they should be two regulations. This reg. deals with all post 16 education. ELL-04-04 deals only with schools. The reason for the differing time scales is due to school inspections covering a smaller area than the inspection of all post 16 education).</p> <p>OCG recommended that the regulation should be an accelerated procedure as it was deemed to be non controversial.</p>	<p>SO 22</p> <p>SPD</p>

ELL-12-04 (cont.) Education (Inspection of Education and Training) (Amendment) (Wales) Regulations 2004	(compared to existing provisions of 40 working days, or where it is necessary to provide a Welsh or English translation 50 working days)		
ELL-13-04 The Education(School Teachers' Qualifications) (Wales) Regulations 2004	Will replace sections of current regulations relating to qualifications, consolidate amendments made since 1999 and make some updates to take account of changes in legislation and practice.	Accelerated Procedure June 2004	SO 22 TLD
ELL-14-04 The Education (Specified Work and Registration (Wales) 2004	Will specify work that may be carried out in schools by qualified teachers and persons who satisfy specific requirements. Will also provide for qualified teachers carrying out specified work to be registered with General Teaching Council for Wales	Standard Procedure June 2004	SO 22 TLD
ELL-15-04 The General Teaching Council for Wales (Functions ) (Amendment) Regulations 2004	Will amend the existing Regulations so that a teacher who has failed induction is eligible for registration with the Council during the time limit for lodging an appeal and whilst awaiting the outcome of the appeal.  Will also make other minor amendments to the existing Regulations.	Accelerated Procedure June 2004	SO 22 TLD
ELL-16-04 The School Teachers (Consequential Amendments) Regulations 2004	Will make miscellaneous consequential changes to other legislation to take account of the changes to be made to teachers' qualifications, the work that may be carried in schools out by teachers and others, and General Teaching Council for Wales regulations.	Accelerated Procedure June 2004	SO 22 TLD
ELL-17-04 Education (School Lunches) (Prescribed Credits) (Amendment) (Wales) Order 2004	Clarifies the prescribed requirements for LEAs to provide school Lunches (whether free or paid for) for nursery children in terms of the definition of full-time attendance. Children in maintained nursery schools are, under existing regulations, only entitled to a school lunch (whether paid for or free) provided they are full time. However, the existing regulations do not specify what is meant by full time and this has led to confusion over entitlement. The new Order will clarify that children must attend both morning and afternoon sessions and be present over the lunch period on the days they normally attend in order to be entitled to a school lunch.	July 2004  Standard Procedure	SO22  SMD

<p>ELL-18-04</p> <p>The School Budget Shares (Wales) Regulations</p> <p>2004</p>	<p>An initial consultation on the replacement of the Financing of Maintained Schools Regulations 1999 with three separate sets of regulations was carried out over a 10-week period between March and June 2003. The first set of replacement regulations (The LEA Budget, Schools Budget and Individual Schools Budget (Wales) Regulations came into force in December 2003.</p> <p>The Schools Budget Shares (Wales) Regulations 2004 will replace Part 3 and schedule 3 of the existing Financing of Maintained Schools Regulations 1999 and will cover the rules for allocating the Schools Budget to individual schools. As is the case with the existing regulations, the new regulations will not set an overarching funding formula. They set out the requirements that LEAs must take into account when setting their local funding formulae as well as outlining additional factors and criteria which LEAs may take into account in their formulae. In order to give authorities sufficient time to consult their schools and their schools forum on proposed changes to the funding formula the new regulations will come into force in September and will effect financial years starting on or after 1 April 2005.</p>	<p>September 2004,</p> <p>Standard Procedure</p>	<p>SO22</p> <p>SMD</p>
<p>ELL-18-04 (cont.)</p> <p>The School Budget Shares (Wales) Regulations</p> <p>2004</p>	<p>Consultation on the draft regulations ended 14 May 2004</p>		

<p>ELL-19-04</p> <p>The Education (LEA schemes for Financing Schools (Wales) Regulations 2004</p>	<p>The Education (LEA Financial Schemes)(Wales) Regulations 2004 will replace Part 4 and schedule 5 of the existing Financing of Maintained Schools Regulations 1999 and will define the items which have to be covered in the authority's scheme for financing schools.</p> <p>The scheme sets out the financial relationship between the Authority and the maintained schools that it funds and contains requirements relating to financial management and associated issues, binding on both the Authority and on schools.</p> <p>Consultation on the draft regulations ended on 14 May</p>	<p>September 2004,</p> <p>Standard Procedure</p>	<p>SO22</p> <p>SMD</p>
<p>ELL-20-04</p> <p>Education (LEA/School Partnership) (Wales) Regulations 2004</p>	<p>Section 197 of the Education Act 2002 provides that the Assembly may make regulations requiring LEAs to put in place a partnership agreement with each of their maintained schools.</p> <p>The regulations will specify issues such as the categories of school to which the agreements will apply, what the agreements should cover , their duration etc</p>	<p>Jan 2005</p> <p>Standard procedure</p>	<p>SO22</p> <p>SMD</p>
<p>ELL-21-04</p> <p>Education (Revised School Governance (Wales) Regulations 2004</p>	<p>Relating to sections 19 (Constitution, Membership &amp; procedures of Governing Body Meetings), 20 (Instruments of Government), 21 (Terms of Reference), 23 (Appointment &amp; Dismissal of Clerks to GBs), 33 (Annual Parents Meetings) and 34 (New Schools) of the Education Act 2002. The purpose of the regulations is to put legislation in place to enable governing bodies to carry out their role and functions effectively. These regulations will replace existing regulations,</p>	<p>October 2004</p> <p>Standard procedure</p>	<p>SO22</p> <p>SMD</p>
<p>ELL-22-04</p> <p>Education (Health Standards) (Wales) Regulations 2004</p>	<p>Re-enacts the health standards provisions of the Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999. They will maintain the requirement on employers of teachers and certain other staff at maintained schools and certain further education establishments to satisfy themselves as to the health and physical and mental capacities of such staff. There will be a proposed relaxation of the restriction on individuals who have retired from teaching on health grounds to undertake non-teaching activities as a teaching assistant .</p>	<p>Accelerated Procedure</p> <p>September 2004</p>	<p>SO 22</p> <p>TLD</p>
<p>ELL-23-04</p> <p>The General Teaching Council for Wales (Functions) (Amendment) Regulations</p>	<p>Amendment will cover action to be taken by GTCW in determining suitability of a person to be a teacher</p> <p>(These regulations should travel with Amendment to GTCW Additional Functions Order)</p>	<p>2005</p> <p>Standard Procedure.</p>	<p>SO 22</p> <p>TLD</p>

ELL-24-04  The General Teaching Council for Wales (Additional Functions) (Amendment) Order 2004	Amendment will add to categories of people ineligible for registration with the GTCW because the Council is not satisfied as to their suitability to be a teacher  (This Order should travel with Amendment to GTCW Functions Amendment Regulations)	2005 Standard Procedure.	SO22  TLD
ELL-25-04  The Education (Determination of Admission numbers) Regulations 2004	Arising from section 47 of the Education Act 2002, Regulations to replace current arrangements for setting and altering standard admission numbers so school admission numbers are related more closely to the capacity of the school and can be amended without statutory procedures.	June 2005  Standard procedure	SO22  SMD
ELL-26-04  The Education (Determination of Admission Arrangements) (Amendment) Regulations 2004	Arising from Schedule 4 of the Education Act 2002, Regulations to allow governing bodies who are admission authorities to consult on admission arrangements every other year rather than annually if the arrangements are unchanged. In addition, bodies entitled to be consulted about admission arrangements will have the right to object to the determined arrangements whether or not they were consulted.	June 2005  Standard procedure	SO22  SMD
ELL-27-04  The Education (Objections to Admission Arrangements) (Amendment) Regulations 2004	Regulations made under S90 of the School Standards and Framework Act 1998 to give parents the right to object in specified circumstances to proposed admission numbers which do not reflect the physical capacity of a school. Currently any change in a standard admission number requires the publication of statutory proposals to which anyone may object; S47 of the Education Act 2002 will remove this requirement to publish but the regulations will mean the retention of rights for parents to be consulted on and object to restricted admission numbers.	June 2005  Standard procedure	SO22  SMD
ELL-28-04  The Education (Variation of Admission Arrangements) Regulations 2004	Regulations to be made under S89 (8) of the School Standards and Framework Act 1998 to prescribe circumstances in which an admission authority may vary the admission arrangements which they have determined for a particular school year.	June 2005  Standard procedure	SO22  SMD
ELL-29-04  The Education (Admission Appeal Arrangements) Regulations 2004	Section 50 of the Education Act 2002 provides for arrangements for school admission appeals to be set out in Regulations rather than the SSFA Act 1998. These Regulations will re-enact existing arrangements: no changes of substance are planned.	March 2005  Standard procedure	SO22  SMD

<p>ELL-30-04</p> <p>New School (Admissions) Regulations 2004</p>	<p>Regulations to be made under section 72 of the School Standards and Framework Act 1998 will revise provision for the determination of the initial admission arrangements and applications for admission to new schools to incorporate changes in the Education Act 2002. Such changes include the extension of consultation on admission arrangements to include community and voluntary controlled schools and the use of admission numbers in place of standard numbers. They will revoke the New School (Admissions) (Wales) Regulations 1999.</p>	<p>June 2005</p> <p>Standard procedure</p>	<p>SO22</p> <p>SMD</p>
<p>ELL 32-04</p> <p>The Education (Assisted Places) (Amendment) (Wales) Regulations 2004</p>	<p>The Education (Schools) Act 1997, provides for the progressive phasing out of the Assisted Places Scheme (APS). In addition it imposes a duty on the National Assembly to continue to remit the whole or part of the tuition fees and other incidental expenses which parents are required to meet in connection with their child's participation in the APS.</p> <p>The Assisted Places Regulations are made annually and provide for an agreed percentage uplift in the tables used to calculate the amount that parents of children continuing to hold an APS place have to contribute to tuition fees during the school year 2004/2005 having regard to their relevant income.</p>	<p>June/July (tbc by LMU but coming into force 01/10/04)</p> <p>Accelerated Procedure</p>	<p>SO22</p> <p>PSD</p>
<p>ELL 33-04</p> <p>The Education (Assisted Places) (Incidental Expenses) (Amendment) (Wales) Regulations 2004</p>	<p>The Incidental Expenses Regulations are made annually and provide for increases to the tables used to calculate parents eligibility to receive uniform grant and travel grant available under the scheme.</p> <p>The level of percentage increase will be determined by the Minister for Education and Lifelong Learning following consultation with the independent schools sector.</p>	<p>June/July (tbc by LMU but coming into force 01/10/04)</p> <p>Accelerated Procedure</p>	<p>SO22</p> <p>PSD</p>
<p>ELL 34-04</p> <p>The Listed Bodies (Wales) Order 2004</p>	<p>The Listed Bodies (Wales) Order is updated every two years and is an administrative requirement under the Education Reform Act 1998. It provides the list of institutions that are not recognised bodies within s.214(2)(a) or (b) of the Education Reform Act 1988 but which either—</p> <p>(a) provides any course which is in preparation for a degree to be granted by such a recognised body and is approved by or on behalf of that body; or</p> <p>(b) is a constituent college, school, hall or other institution of a university which is such a recognised body</p>	<p>October 2004</p> <p>Standard</p>	<p>HE</p>



<p>ELL-35-04</p> <p>The Education Act 2002 (Commencement Order No.5) (Wales) Order 2004</p>	<p>The proposed Instrument commences provisions which would:</p> <ul style="list-style-type: none"> <li>● amend the Learning and Skills Act 2000 to enable the National Council for Education and Training for Wales to propose the establishment, alteration or closure of maintained school sixth forms. Any proposal must be submitted to the Assembly which will make regulations setting out the procedures;</li> <li>● re-enact provisions in the School Standards and Framework Act 1998 relating to the government of maintained schools; training and support for governors; and who is responsible for setting the dates of school terms, holidays and the times of school sessions;</li> <li>● amend the 1998 Act to permit the inspection of nursery education to be carried out by registered nursery inspectors, as now, or by employees of Her Majesty's Chief Inspector of Education and Training in Wales; give the Chief Inspector more control over who is placed on the register; and provide for appeals against decisions on registration;</li> <li>● require local education authorities and governing bodies of maintained schools to have regard to any Assembly guidance about consultation with pupils in taking decisions affecting them; and</li> <li>● make minor and consequential amendments</li> </ul>	<p>Accelerated Procedure</p> <p>August 2004</p>	<p>SO24</p> <p>HE/CSU3</p>
<p>ELL-36-04</p> <p>The Education Act 2002 (Transitional Provisions and Consequential Amendments) (Wales) Regulations 2004</p>	<p>The effect of the Instrument would be to modify certain provisions in the Education Act 2002 relating to the government of maintained schools; functions to be covered by the Code of Practice on effective relationships between local education authorities and schools; standard numbers for admission to maintained schools; and inspection of nursery education, as reflected in the proposed Education Act 2002 (Commencement No 5 ) (Wales) Order 2004 and would amend the Education (Inspection of Nursery Education) (Wales) Regulations 1999 ("the 1999 regulations"), so that:</p> <ul style="list-style-type: none"> <li>● from 1 September 2004 and until the definition of "maintained school" comes into force in Wales, references</li> </ul>	<p>Accelerated Procedure</p> <p>August 2004</p>	<p>SO24</p> <p>HE/CSU3</p>

	<p>in sections 21 and 30 (general responsibility for the conduct of a school and governors' reports and other information) are to have effect as if they were references to a maintained school as defined in the School Standards and Framework Act 1998 ("the 1998 Act")</p> <ul style="list-style-type: none"> <li>• section 30 (Governors' reports and other information) is added to the list of functions to be covered in the Code of Practice on effective relationships between LEAs and schools;</li> </ul>		
ELL – 36-04 (cont.)	<ul style="list-style-type: none"> <li>• from 1 August 2004 until the day on which the repeal of Schedule 23 to the 1998 Act (determination of standard numbers for admission to a school) comes into force, references to proposals in paragraph 2 of that Schedule are to have effect as though they were references to proposals under any enactment, including proposals relating to school sixth forms by the National Council for Education and Training for Wales under section 72; and</li> <li>• consequential to the coming into force on 1 September 2004 of Schedule 14 to the Education Act 2002 (Inspection of Nursery Education), the 1999 regulations are amended so as to refer to inspections by members of the Inspectorate as well as by registered nursery inspectors.</li> </ul>		
<p>ELL 37-04</p> <p>The General Teaching Council for Wales (Functions) (Amendment) (No.2 ) Regulations 2004</p>	<p>The Regulations will enable the General Teaching Council for Wales to monitor all newly qualified teachers who are working as short term supply teachers, and make other small amendments of a technical nature.</p>	<p>December 2004</p> <p>Standard</p>	<p>TLD2</p>
<p>ELL 38-04</p> <p>The General Teaching Council or Wales (Additional Functions) (Amendment)(Wales)(Order) 2004</p> <p>(travelling with ELL37-04)</p>	<p>The Order will enable the General Teaching Council for Wales to monitor all newly qualified teachers who are working as short term supply teachers, and make other small amendments of a technical nature</p>	<p>December 2004</p> <p>Standard</p>	<p>TLD2</p>

<p>ELL-39-04</p> <p>The Education (Information About Individual Pupils) (Amendment) (Wales) Regulations 2004</p>	<p>Regulations covering the Pupil Level Annual School Census (PLASC)</p> <p>Amendment to the Schedule, adding a Part 3 to allow for additional data items to inform the NC-ELWa's Post-16 funding formula. These data item to be collected for post-16 pupils only.</p> <p>Extension of the Regulations to cover maintained Nursery schools and to enable Pupil Referral Units to participate in PLASC on a voluntary basis</p>	<p>September 2004</p> <p>Accelerated Procedure</p>	<p>SO22</p> <p>HE3-CSU2</p>
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## 2005

Name/ working title of SI	Purpose/effect	Anticipated Procedure/ Projected month legislation to be made	Standing Order
<p>ELL-01-05</p> <p>Education (Schools Councils) (Wales) Regulations 2004</p>	<p>To establish and regulate the running of Schools Councils (Section 21) Education Act 2002. We are currently considering responses to the consultation on regulations and guidance for school councils prior to decisions on the content of the regulations.</p>	<p>January 2005</p> <p>Standard procedure</p>	<p>SO22</p> <p>SMD</p>
<p>ELL-02-05</p> <p>Education (Federation and Collaboration of Governing Bodies) (Wales) Regulations 2004</p>	<p>Relating to sections 24-26 of the Education Act 2002. The purpose is to allow governing bodies to federate as a single governing body; and to facilitate collaboration between schools by allowing governing bodies to work together to jointly discharge any of their functions.</p>	<p>April 2005</p> <p>Standard procedure</p>	<p>SO22</p> <p>SMD</p>
<p>ELL-03-05</p> <p>Education (Interim Executive Boards) (Wales) Regulations 2004</p>	<p>Sections 57-59 of the Education Act 2002 provide LEAs and the Assembly with new powers to appoint a specially constituted governing body (Interim Executive Board) in a school in place of the existing governors in certain circumstances. The regulations will prescribe the powers and duties of the Interim Executive Board and also of a shadow governing body in the period of transition from the Interim Executive Board back to a normally constituted governing body.</p>	<p>April 2005</p> <p>Standard Procedure</p>	<p>SO 22</p> <p>SMD</p>
<p>ELL-04-05</p> <p>Education (Control of School Premises) (Wales) Regulations 2004</p>	<p>Relating to section 31 of the Education Act 2002. These regulations will cover the control and occupation and use of school premises by governing bodies during and outside school hours. They will replace existing provisions which are in primary legislation.</p>	<p>April 2005</p> <p>Standard procedure</p>	<p>SO22</p> <p>SMD</p>

ELL-05-05 Education (Staffing of Maintained Schools) (Wales) Regulations 2004	Relating to sections 35-37 of the Education Act 2002. These regulations will cover the appointment, discipline, suspension and dismissal of head teachers, deputy head teachers, teaching and non teaching staff by school governing bodies. They will replace existing provisions which are in primary legislation.	April 2005 Standard procedure	SO22 SMD
ELL-06-05 Education (School Companies) (Wales) Regulations 2004	Relating to sections 11-12 of the Education Act 2002. These regulations will allow a governing body of a school to form a company, or participate in forming companies in order to purchase and provide services or facilities for that school and other participating schools.	April 2005 Standard procedure	SO22 SMD
ELL-07-05 Education (National Professional Qualification for Headship) (Wales) Regulations 2005	To introduce a mandatory requirement for first-time headteachers in Wales to hold the National Professional Qualification for Headship (NPQH) from September 1, 2005.	September 2005 Standard Procedure	SO 22 TLD