

CURRICULUM AND ASSESSMENT (WALES) BILL –STAGE 2 GOVERNMENT AMENDMENTS

This table provides information about the amendments tabled in the name of Kirsty Williams MS on 16 December 2020. Further amendments for consideration at Stage 2 will be tabled by the **Minister for Education** in due course.

NO.	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
1	Section 3, page 2, line 12, leave out ‘elements are mandatory’ and insert ‘are mandatory elements’.	Adran 3, tudalen 2, llinell 12, hepgorer ‘elfennau a ganlyn yn fandadol’ a mewnosoder ‘canlynol yn elfennau mandadol’.	<p>Purpose: a minor stylistic change to make it clearer that the “mandatory elements” referred to in the Bill are the elements listed in section 3(2).</p> <p>Effect: No substantive effect.</p>
2	<p>Section 3, page 2, after line 16, insert—</p> <p>() But English is not to be treated as a mandatory element, for the purposes of this Act, for a curriculum within subsection (4).</p> <p>() A curriculum is within this subsection if it is—</p> <p>(a) a curriculum for registered pupils at a school who have not completed the school year in which the majority of the pupils in their class attain the age</p>	<p>Adran 3, tudalen 2, ar ôl llinell 16, mewnosoder—</p> <p>() Ond nid yw Saesneg i’w thrin fel elfen fandadol, at ddibenion y Ddeddf hon, ar gyfer cwricwlwm o fewn is-adran (4).</p> <p>() Mae cwricwlwm o fewn yr is-adran hon os yw’n—</p> <p>(a) cwricwlwm i ddisgyblion cofrestredig mewn ysgol nad ydynt wedi cwblhau’r flwyddyn ysgol y mae’r rhan fwyaf o’r disgyblion yn eu dosbarth yn</p>	<p>Purpose: to provide that English is not to be treated as a mandatory element in a curriculum for school pupils in a class in which the majority of pupils have not reached the age of seven, for children in funded non-maintained nursery education and for pupils who have not reached the age of seven who are educated in a pupil referral unit or are receiving education otherwise that at a school.</p> <p>Effect: English will no longer be treated as a mandatory element of the curriculum for those children.</p>

	<p>of 7;</p> <p>(b) a curriculum for funded non-maintained nursery education;</p> <p>(c) a curriculum for education provided under section 19A of the Education Act 1996 (c. 56) (exceptional provision of education at pupil referral units or elsewhere: Wales) for pupils or children who have not attained the age of 7.’.</p>	<p>cyrraedd 7 oed ynddi;</p> <p>(b) cwricwlwm ar gyfer addysg feithrin a gyllidir ond nas cynhelir;</p> <p>(c) cwricwlwm ar gyfer addysg a ddarperir o dan adran 19A o Ddeddf Addysg 1996 (p. 56) (darpariaeth eithriadol o addysg mewn unedau cyfeirio disgyblion neu mewn mannau eraill: Cymru) i ddisgyblion neu blant nad ydynt wedi cyrraedd 7 oed.’.</p>	
3	<p>Section 3, page 2, line 19, leave out ‘the elements listed in subsection (2) (but this is subject to sections 26 and 27)’ and insert ‘be interpreted in accordance with this section’.</p>	<p>Adran 3, tudalen 2, llinell 19, hepgorer ‘yn gyfeiriadau at yr elfennau a restrir yn is-adran (2) (ond mae hyn yn ddarostyngedig i adrannau 26 a 27)’ a mewnosoder ‘i’w dehongli yn unol â’r adran hon’.</p>	<p>Purpose: to remove the cross-references to sections 26 and 27, in order to reflect the fact that those sections are to be removed by amendments 2 and 3, and to make a minor stylistic change.</p> <p>Effect: to remove those cross-references.</p>

4	Page 8, line 33, leave out section 26.	Tudalen 8, llinell 36, hepgorer adran 26.	<p>Purpose: to remove the power of a head teacher and governing body of a school to make a determination that English is not to be treated as a mandatory element of the curriculum for pupils who have not yet completed the school year in which in which the majority of their class reach the age of seven.</p> <p>Effect: to remove the section that confers this power.</p>
5	Page 9, line 16, leave out section 27.	Tudalen 9, llinell 17, hepgorer adran 27.	<p>Purpose: to remove the power of a provider of funded non-maintained nursery education to make a determination that English is not to be treated as a mandatory element of the curriculum for children for whom that education is provided.</p> <p>Effect: to remove the section that confers this power.</p>
6	Section 58, page 26, line 6, leave out 'may' and insert 'must'.	Adran 58, tudalen 26, llinell 6, hepgorer 'Caiff rheoliadau' a mewnosoder 'Rhaid i reoliadau'.	<p>Purpose: To amend the wording of section 58 from "may" to "must".</p> <p>Effect: To place the Welsh Ministers under a duty to make provision in regulations on</p>

			assessment arrangements.
7	<p>Page 29, after line 8, insert a new section—</p> <p><i>“Mental health and emotional well-being</i></p> <p>[] Duty to have regard to mental health and emotional well-being of children and young persons</p> <p>(1) A person within subsection (2) must, in exercising any function conferred by or under this Act, have regard to the mental health and emotional well-being of children and young persons likely to be affected by the exercise of the function.</p> <p>(2) The persons are—</p> <p>(a) the head teacher of a maintained school or a maintained nursery school;</p> <p>(b) the governing body of a maintained school or a maintained nursery</p>	<p>Tudalen 29, ar ôl llinell 8, mewnosoder adran newydd—</p> <p><i>‘Iechyd meddwl a lles emosiynol</i></p> <p>[] Dyletswydd i roi sylw i iechyd meddwl a lles emosiynol plant a phobl ifanc</p> <p>(1) Rhaid i berson o fewn is-adran (2), wrth arfer unrhyw swyddogaeth a roddir gan neu o dan y Ddeddf hon, roi sylw i iechyd meddwl a lles emosiynol plant a phobl ifanc y mae arfer y swyddogaeth yn debygol o effeithio arnynt.</p> <p>(2) Y personau yw—</p> <p>(a) pennaeth ysgol a gynhelir neu ysgol feithrin a gynhelir;</p> <p>(b) corff llywodraethu ysgol a gynhelir neu ysgol feithrin a gynhelir;</p> <p>(c) darparwr addysg feithrin a gyllidir ond nas</p>	<p>Purpose: To add a new section to Part 6 of the Bill placing a duty on listed persons in relation to the mental health and wellbeing of pupils.</p> <p>Effect: Those persons listed in the provision will be required to have regard to the mental health and wellbeing of pupils in exercising functions conferred on them by or under the Act.</p>

	<p>school;</p> <p>(c) a provider of funded non-maintained nursery education;</p> <p>(d) the teacher in charge of a pupil referral unit;</p> <p>(e) the management committee for a pupil referral unit;</p> <p>(f) a person who provides teaching and learning for a child otherwise than at a maintained school, maintained nursery school or pupil referral unit by virtue of arrangements made under section 19A of the Education Act 1996 (c. 56);</p> <p>(g) a local authority in Wales."</p>	<p>cynhelir;</p> <p>(d) yr athro neu'r athrawes sydd â chyfrifoldeb am uned cyfeirio disgyblion;</p> <p>(e) y pwyllgor rheoli ar gyfer uned cyfeirio disgyblion;</p> <p>(f) person sy'n darparu addysgu a dysgu ar gyfer plentyn ac eithrio mewn ysgol a gynhelir, ysgol feithrin a gynhelir neu uned cyfeirio disgyblion yn rhinwedd trefniadau a wneir o dan adran 19A o Ddeddf Addysg 1996 (p. 56);</p> <p>(g) awdurdod lleol yng Nghymru.'.</p>	
8	<p>Page 30, after line 21, insert a new section—</p> <p><i>Welsh language</i></p> <p>[] Welsh Ministers' duty to</p>	<p>Tudalen 30, ar ôl llinell 20, mewnosoder adran newydd—</p> <p><i>Y Gymraeg</i></p> <p>[] Dyletswydd Gweinidogion Cymru</p>	<p>Purpose: to place a duty on the Welsh Ministers to promote access to and the availability of courses of study available through the medium of Welsh. This is intended</p>

	<p>promote access etc. to Welsh medium courses of study</p> <p>(1) The Welsh Ministers must promote access to, and the availability of, courses of study taught through the medium of the Welsh language for children to whom this Act applies.</p> <p>(2) In this section, “course of study” means a course of education or training that—</p> <p>(a) leads to a form of qualification or set of forms of qualification approved under Part 4 of the Qualifications Wales Act 2015 (anaw 5) or designated under Part 5 of that Act, or</p> <p>(b) is designated by the Welsh Ministers under section 34(8) of that Act.’.</p>	<p>i hybu mynediad etc. at gyrsiau astudio cyfrwng Cymraeg</p> <p>(1) Rhaid i Weinidogion Cymru hybu mynediad at gyrsiau astudio a addysgir drwy gyfrwng y Gymraeg, ac argaeledd y cyrsiau hynny, ar gyfer plant y mae’r Ddeddf hon yn gymwys iddynt.</p> <p>(2) Yn yr adran hon, ystyr “cwrw astudio” yw cwrw addysg neu hyfforddiant—</p> <p>(a) sy’n arwain at ffurf ar gymhwyster neu set o ffurfiau ar gymhwyster a gymeradwyir o dan Ran 4 o Ddeddf Cymwysterau Cymru 2015 (dccc 5) neu a ddynodir o dan Ran 5 o’r Ddeddf honno, neu</p> <p>(b) a ddynodir gan Weinidogion Cymru o dan adran 34(8) o’r Ddeddf honno.’.</p>	<p>to replace the current duty on local authorities, when devising local curricula for 14 to 16 year old pupils, to promote access to and the availability of courses of study through the medium of Welsh – a duty that will cease to apply when the new curriculum framework replaces the local curricula for 14 to 16 year olds.</p> <p>Effect: to place a duty on the Welsh Ministers to promote access to and the availability of courses of study available through the medium of Welsh for children to whom the Bill will apply.</p>
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9	Section 71, page 33, line 5, leave out ‘or 33’ and insert ‘, 33 or 50’	Adran 71, tudalen 33, llinell 5, hepgorer ‘neu 33’ a mewnosoder ‘, 33 neu 50’	<p>Purpose: This amendment adds regulations made under section 50 [Power to make provision for further exceptions] to the list of provisions included in section 71.</p> <p>Effect: Regulations made under section 50 will be subject to the draft affirmative procedure.</p>
10	<p>Section 71, page 33, line 5, after ‘33’, insert—</p> <p>‘, or</p> <p style="padding-left: 40px;">() regulations under section 70 that amend or repeal any enactment contained in primary legislation.’.</p>	<p>Adran 71, tudalen 33, llinell 5, ar ôl ‘33’, mewnosoder—</p> <p>‘, neu</p> <p style="padding-left: 40px;">() rheoliadau o dan adran 70 sy’n diwygio neu’n diddymu unrhyw ddeddfiad sydd wedi ei gynnwys mewn deddfwriaeth sylfaenol.’.</p>	<p>Purpose: This amendment adds regulations made under section 70 that amend or repeal primary legislation to the list of provisions included in section 71.</p> <p>Effect: Regulations made under section 70(1) that amend or repeal primary legislation will be subject to the draft affirmative procedure.</p> <p>[Regulations made under section 70(1) that amend secondary legislation will remain subject to the negative procedure by virtue of not being listed in section 71.]</p>
11	<p>Section 71, page 33, after line 9 insert—</p> <p>‘(4) In subsection (2), “primary</p>	<p>Adran 71, tudalen 33, ar ôl llinell 9, mewnosoder—</p> <p>‘(4) Yn is-adran (2), ystyr</p>	<p>The amendment adds a new subsection to section 71 to define what is meant by “primary</p>

	<p>legislation” means—</p> <p>(a) an Act of Senedd Cymru;</p> <p>(b) an Assembly Measure;</p> <p>(c) an Act of Parliament.’</p>	<p>“deddfwriaeth sylfaenol” yw—</p> <p>(a) Deddf gan Senedd Cymru;</p> <p>(b) Mesur Cynulliad;</p> <p>(c) Deddf gan Senedd y Deyrnas Unedig.’.</p>	<p>legislation” for the purposes of this Bill.</p>
12	<p>Section 72, page 33, leave out line 13.</p>	<p>Adran 72, tudalen 33, hepgorer llinell 13.</p>	<p>This amendment removes the RSE Code from the list of codes subject to the negative procedures set out in section 72.</p>
13	<p>Page 33, after line 33, insert a new section—</p> <p>“[] The RSE Code: procedure</p> <p>(1) Before issuing or revising the RSE Code, the Welsh Ministers must—</p> <p>(a) consult the persons they think appropriate (if any), and</p> <p>(b) lay before Senedd Cymru a draft of the proposed Code (or, in the case of revisions, of the proposed revised</p>	<p>Tudalen 33, ar ôl llinell 35, mewnosoder adran newydd—</p> <p>‘ [] Y Cod ACRh: y weithdrefn</p> <p>(1) Cyn dyroddi neu ddiwygio’r Cod ACRh, rhaid i Weinidogion Cymru—</p> <p>(a) ymgynghori â’r personau y maent yn meddwl eu bod yn briodol (os oes rhai), a</p> <p>(b) gosod gerbron Senedd Cymru ddrafft o’r Cod arfaethedig (neu, yn achos diwygiadau, o’r Cod</p>	<p>Purpose: This amendment inserts a new section relating to the procedure for issuing and revising the RSE Code.</p> <p>Effect: Before issuing or revising the RSE Code the Welsh Ministers will be required to consult appropriate persons and to lay the draft Code (or draft revised Code) before the Senedd. The Welsh Ministers will not be able to issue the Code (or revised Code) unless the draft has been approved by a resolution of the Senedd – i.e. the draft Code (or draft revised Code)</p>

	<p>Code).</p> <p>(2) The Welsh Ministers must not issue the RSE Code (or the revised RSE Code) unless a draft of the proposed Code (or of the proposed revised Code)—</p> <p>(a) has been laid before the Senedd under subsection (1)(b), and</p> <p>(b) has been approved by a resolution of the Senedd.</p> <p>(3) If the Senedd resolves to approve a draft laid before it under subsection (1)(b), the Welsh Ministers must issue the RSE Code (or the revised RSE Code) in the form of the draft.</p> <p>(4) Where the Welsh Ministers consult any persons about the RSE Code before this section comes into force, that consultation is to be treated as fulfilling the duty in subsection (1)(a).</p>	<p>diwygiedig arfaethedig).</p> <p>(2) Ni chaiff Gweinidogion Cymru ddyroddi'r Cod ACRh (neu'r Cod ACRh diwygiedig) oni bai bod drafft o'r Cod arfaethedig (neu'r Cod diwygiedig arfaethedig)—</p> <p>(a) wedi ei osod gerbron y Senedd o dan is-adran (1)(b), a</p> <p>(b) wedi ei gymeradwyo drwy benderfyniad gan y Senedd.</p> <p>(3) Os yw'r Senedd yn penderfynu cymeradwyo drafft a osodwyd ger ei bron o dan is-adran (1)(b), rhaid i Weinidogion Cymru ddyroddi'r Cod ACRh (neu'r Cod ACRh diwygiedig) ar ffurf y drafft hwnnw.</p> <p>(4) Pan fo Gweinidogion Cymru yn ymgynghori ag unrhyw bersonau ynghylch y Cod ACRh cyn i'r adran hon ddod i rym, mae'r ymgynghoriad hwnnw i'w drin fel pe bai'n cyflawni'r ddyletswydd yn is-</p>	<p>will be subject to the draft affirmative procedure.</p>
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		adran (1)(a).’.	
14	Section 78, page 37, Table 1, line 19, column 2, leave out ‘section 25(5)’ and insert ‘sections 25(5) and [<i>section to be inserted by Amendment 8</i>].’.	Adran 78, tudalen 37, Tabl 1, llinell 29, colofn 2, hepgorer ‘adran 25(5)’ a mewnosoder ‘adrannau 25(5) a [<i>yr adran sy’n cael ei mewnosod gan Welliant 8</i>].’.	<p>Purpose: to update the Index of defined expressions in section 78 to reflect the fact that “course of study” will be defined in two sections if amendment 8 is passed.</p> <p>Effect: to update the Index in section 78 accordingly.</p>
15	Schedule 1, page 41, line 7, leave out ‘does accord with’ and insert ‘must have been designed having regard to’.	Atodlen 1, tudalen 41, llinell 8, hepgorer ‘sydd yn cyd-fynd â’r’ a mewnosoder ‘y mae rhaid ei bod wedi ei chynllunio gan roi sylw i’r’.	<p>Purpose: This amendment changes the requirement under Part 1 of Schedule 1 with respect to the provision of non-denominational RVE by voluntary aided schools with a religious character.</p> <p>Effect: Requires voluntary aided schools with a religious character to provide for the teaching and learning of non-denominational RVE that “has regard to” the agreed syllabus (rather than RVE that “accords with” the RVE syllabus) when designing their curriculum.</p>
16	Schedule 1, page 42, line 6, leave out ‘that accords with’ and insert ‘designed having regard to’.	Atodlen 1, tudalen 42, llinell 6, hepgorer ‘sy’n cyd-fynd â’r’ a mewnosoder ‘sydd wedi ei chynllunio	Purpose: This amendment replaces wording in Part 2 of Schedule 1 with respect to the provision of

		gan roi sylw i'r'.	<p>non-denominational RVE by voluntary aided schools with a religious character.</p> <p>Effect: This change is consequential upon the change made to Part 1 of Schedule 1. That change requires voluntary aided schools with a religious character to provide for the teaching and learning of non-denominational RVE that “has regard to” the agreed syllabus (rather than RVE that “accords with” the RVE syllabus) when implementing their curriculum. The parenthetical reference to this changed requirement needs to be altered to reflect the change.</p>
17	Schedule 1, page 42, line 9, leave out ‘that accords with’ and insert ‘designed having regard to’.	Atodlen 1, tudalen 42, llinell 9, hepgorer ‘sy’n cyd-fynd â’r’ a mewnosoder ‘sydd wedi ei chynllunio gan roi sylw i’r’.	<p>Purpose: This amendment replaces wording under Part 2 of Schedule 1 with respect to the provision of non-denominational RVE by voluntary aided schools with a religious character.</p> <p>Effect: This change is consequential upon the change made to Part 1 of Schedule 1. That</p>

			<p>change requires voluntary aided schools with a religious character to provide for the teaching and learning of non-denominational RVE that “has regard to” the agreed syllabus (rather than RVE that “accords with” the RVE syllabus) implementing their curriculum. The parenthetical reference to this changed requirement needs to be altered to reflect the change.</p>
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