



# Mesur Addysg (Cymru) 2011

2011 mccc 7

Nodiadau Esboniadol

# Education (Wales) Measure 2011

2011 nawm 7

Explanatory Notes

£5.75

# MESUR ADDYSG (CYMRU) 2011

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## NODIADAU ESBONIADOL

### CYFLWYNIAD

1. Mae'r Nodiadau Esboniadol hyn ar gyfer Mesur Addysg (Cymru) 2011 a basiwyd gan Gynulliad Cenedlaethol Cymru ar 29 Mawrth 2011 ac a gymeradwywyd gan Ei Mawrhydi yn y Cyfrin Gyngor ar 10 Mai 2011
2. Lluniwyd hwy gan Adran Plant, Addysg, Dysgu Gydol Oes a Sgiliau Llywodraeth Cynulliad Cymru er mwyn cynorthwyo'r sawl sy'n darllen y Mesur. Nid ydynt yn rhan o'r Mesur ac nid ydynt wedi eu cymeradwyo gan Gynulliad Cenedlaethol Cymru.
3. Dylid darllen y Nodiadau Esboniadol ar y cyd â'r Mesur. Nid ydynt, ac ni fwriedir iddynt fod, yn ddisgrifiad cynhwysfawr o'r Mesur. Felly, pan fo adran, neu ran o adran, yn hunanamlwg, ni ddarperir esboniad na sylw pellach.
4. Mae'r Mesur yn gwneud darpariaeth ar gyfer:
  - ysgogi cydlafurio rhwng awdurdodau lleol, cyrff llywodraethu ysgolion a gynhelir a Sefydliadau Addysg Bellach ("SAB");
  - rhoi pŵer i awdurdodau lleol sefydlu ffederasiwn o ysgolion;
  - hyfforddi llywodraethwyr ysgolion a gwella gwasanaeth clericio cyrff llywodraethu;
  - atal ysgolion yn y dyfodol rhag newid categori i fod yn ysgolion sefydledig, ac atal ysgolion sefydledig newydd rhag cael eu sefydlu.
5. Mewn perthynas â phwerau sy'n gwneud cydlafurio yn ofynnol rhwng awdurdodau lleol, cyrff llywodraethu ysgolion a chyrff llywodraethu SAB, mae gan Gynulliad Cenedlaethol Cymru ("y Cynulliad") y cymhwysedd o dan Faterion 5.2B, 5.2C, 5.12 a 5.13, a gynhwysir ym Maes 6 o Ran 1 o Atodlen 5 i Ddeddf Llywodraeth Cymru 2006. Mewn perthynas â llywodraethu ysgolion, mae'r cymhwysedd o dan Fater 5.2A. Mewn perthynas â'r darpariaethau sy'n atal ysgolion a gynhelir rhag newid categori i fod yn ysgolion sefydledig, ac atal creu ysgolion sefydledig newydd, mae gan y Cynulliad y cymhwysedd i wneud Mesur a fyddai'n caniatáu darpariaethau am y categori 'ysgolion sefydledig' o dan faterion 5.1 a 5.2.

# EDUCATION (WALES) MEASURE 2011

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## EXPLANATORY NOTES

### INTRODUCTION

1. These Explanatory Notes relate to the Education (Wales) Measure 2011 as passed by the National Assembly for Wales on 29 March 2011 and approved by Her Majesty in Council on 10 May 2011.
2. The Welsh Assembly Government's Department for Children, Education, Lifelong Learning and Skills has prepared them in order to assist the reader of the Measure. They do not form part of the Measure and have not been endorsed by the National Assembly for Wales.
3. The Explanatory Notes should be read in conjunction with the Measure. They are not, and are not meant to be, a comprehensive description of the Measure. So where a section or part of a section is self-explanatory, no further explanation or comment is provided.
4. The Measure makes provision about:
  - collaboration between local authorities, governing bodies of maintained schools and Further Education Institutions ("FEIs");
  - giving local authorities a power to establish a federation of schools;
  - the training of school governors and improvements to the clerking of governing bodies;
  - preventing schools in the future from changing category so as to become foundation schools and to prevent new foundation schools being established.
5. In respect of powers to require collaboration between local authorities, school governing bodies and governing bodies of FEIs, the National Assembly for Wales ("the Assembly") has the competence under Matters 5.2B, 5.2C, 5.12 and 5.13 contained in Field 6 of Part 1 of Schedule 5 to the Government of Wales Act 2006. For school governance, competence is under Matter 5.2A. In respect of the provisions preventing maintained schools changing category to become foundation schools and preventing the establishment of new foundation schools, the Assembly has the competence to make a Measure that would allow provisions around the category of 'foundation schools' under matters 5.1 and 5.2.

## **SYLWEBAETH AR ADRANNAU**

### **Rhan 1: Cydlafurio gan gyrff addysg**

#### **Adran 1 - Cyrff addysg**

6. Rhan 1 o'r Mesur yn rhoi swyddogaethau i gyrff addysg mewn cysylltiad â threfniadau i gydlafurio. Yn yr adran hon diffinnir cyrff addysg fel awdurdod lleol, corff llywodraethu ysgol a gynhelir, corfforaeth addysg bellach, a sefydliad addysg bellach a ddynodwyd o dan adran 28(4) o Ddeddf Addysg Bellach ac Uwch 1992.

#### **Adran 2 - Amcan y cydlafurio**

7. Mae'r adran hon yn pennu amcan Rhan 1 o'r Mesur, sef sicrhau y defnyddir adnoddau cyhoeddus yn effeithiol ac effeithlon mewn perthynas ag addysg a hyfforddiant hyd at 19 oed ("amcan y cydlafurio").

#### **Adran 3 - Dyletswydd corff addysg i gydlafurio**

8. Mae is-adran (1) yn gosod dyletswydd ar gorff addysg i ystyried o bryd i'w gilydd, wrth arfer ei swyddogaethau eraill, a fyddai arfer ei bwerau cydlafurio yn hyrwyddo amcan y cydlafurio. Yr hyn a gynhwysir yn swyddogaethau eraill awdurdod lleol yw ei swyddogaethau addysg yn unig (gweler y diffiniad o "swyddogaethau" yn adran 8). Os yw'n ystyried y byddai cydlafurio'n cyflawni'r amcan, rhaid i'r corff addysg geisio arfer ei bwerau cydlafurio (is-adran (2)).
9. Mae is-adran (3) yn cyfyngu'r ddyletswydd o ystyried cydlafurio, a osodir ar sefydliadau addysg bellach, i'r ddarpariaeth o addysg i rai hyd at 19 oed.

#### **Adran 4 - Ystyr "pwerau cydlafurio"**

10. Mae adran 4 yn diffinio ystyr y "pwerau cydlafurio" a roddir i gyrff addysg. Yn achos pob corff addysg y pwerau yn adran 5 yw'r rhain ac yn achos awdurdodau lleol, mae'r rhain yn cynnwys hefyd bwerau mewn deddfwriaeth arall.

#### **Adran 5 - Pwerau i gydlafurio**

11. Mae'r adran hon yn rhoi pwerau eang i gyrff addysg i'w galluogi i gydlafurio, at y diben o gyflawni, neu hwyluso cyflawni, eu dyletswyddau o dan adran 3 o'r Mesur, adran 33K o Ddeddf Dysgu a Medrau 2000 ac adran 116J o Ddeddf Addysg 2002, neu ddyletswydd corff addysg arall o dan y darpariaethau hynny. Mae adran 33K o Ddeddf Dysgu a Medrau 2000 ac adran 116J o Ddeddf Addysg 2002 yn gosod dyletswyddau mewn perthynas â chyflenwi'r cwricwlwm lleol.
12. Mae adran 5 yn caniatáu i gorff addysg gydlafurio â chorff addysg arall i hwyluso cyflawni dyletswyddau'r corff addysg arall hwnnw, pa un a fyddai hynny'n hwyluso cyflawni ei ddyletswyddau'i hunan ai peidio.
13. Mae'r pwerau cydlafurio'n cynnwys pwerau i ddirprwyo swyddogaethau ac i drefnu i gyd-bwyllgorau gyflawni eu swyddogaethau.
14. Er bod y Mesur yn rhoi'r un pwerau i bob math o gorff addysg a gwmpesir gan y Mesur, nid yw'n galluogi nac yn gorfodi cyrff eraill i gydlafurio gyda chorff addysg. Mae'n bosibl, fodd bynnag, y caiff cyrff o'r fath wneud hynny o dan eu pwerau presennol.

## **COMMENTARY ON SECTIONS**

### **Part 1: Collaboration by education bodies**

#### **Section 1 – Education bodies**

6. Part 1 of the Measure confers functions on education bodies in connection with arrangements to collaborate. This section defines as education bodies, a local authority, the governing body of a maintained school, a further education corporation, and a further education institution which is designated under section 28(4) of the Further and Higher Education Act 1992.

#### **Section 2 - The collaboration objective**

7. This section sets out the objective of Part 1 of the Measure, which is to secure the effective and efficient use of public resources in relation to education and training up to the age of 19 (“the collaboration objective”).

#### **Section 3 - Duty of education body to collaborate**

8. Subsection (1) places a duty on an education body to consider from time to time, when exercising its other functions, whether the exercise of its powers of collaboration would further the collaboration objective. A local authority’s other functions consist only of its education functions (see the definition of “functions” in section 8). If it considers that collaborating would further the objective, the education body must seek to exercise its powers of collaboration (subsection (2)).
9. Subsection (3) limits the duty to consider collaboration imposed on further education institutions to the provision of education for those up to 19.

#### **Section 4 - Meaning of ‘powers of collaboration’**

10. Section 4 defines the meaning of ‘powers of collaboration’. For all education bodies these are the powers in section 5 and for local authorities these also include powers in other legislation.

#### **Section 5 - Powers to collaborate**

11. This section confers on education bodies broad powers to enable them to collaborate for the purpose of discharging or facilitating the discharge of their duties under section 3 of the Measure, section 33K of the Learning and Skills Act 2000, section 116J of the Education Act 2002, or the duty of another education body under those provisions. Section 33K of the Learning and Skills Act 2000 and section 116J of the Education Act 2002 impose duties to collaborate in connection with the delivery of the local curriculum.
12. Section 5 allows an education body to collaborate with another education body to facilitate the discharge of that other education body’s duties, whether or not that would facilitate the discharge of its own duties.
13. The powers to collaborate include powers to delegate functions and to arrange for joint committees to carry out their functions.
14. Whilst the Measure confers the same powers on all types of education body covered by the Measure, it does not empower or compel other bodies to collaborate with an

15. Mae is-adran (3) yn darparu na fydd y pwerau newydd hyn yn effeithio ar bwerau unrhyw gorff addysg mewn unrhyw ddeddfwriaeth arall, ac y cyfyngir ar y pwerau newydd hyn gan unrhyw reoliadau a wneir o dan adran 6.

### **Adran 6 – Rheoliadau ynghylch y pŵer i gydlafurio**

16. Mae is-adran (1) yn darparu pŵer i Weinidogion Cymru wneud darpariaeth bellach drwy gyfrwng rheoliadau ynghylch y pŵer i gydlafurio. Gallai rheoliadau o dan yr is-adran hon bennu, er enghraifft, pa swyddogaethau na chaiff corff addysg eu dirprwyo i gorff arall neu gyd-bwyllgor.
17. Mae is-adran (2) yn darparu y caiff rheoliadau wneud darpariaeth benodol ynglŷn â chyfansoddiad a gweithdrefn cyd-bwyllgorau o'r cyrff addysg sy'n cydlafurio, a materion cysylltiedig eraill.
18. Mae is-adrannau (3) a (4) yn darparu y caiff rheoliadau addasu unrhyw ddeddfwriaeth mewn perthynas â swyddogaethau'r cyrff addysg sy'n cydlafurio, pan fo'r swyddogaethau hynny wedi eu dirprwyo, neu mewn perthynas â'r cyrff sydd i gyflawni'r swyddogaethau hynny, o ran y modd y cymhwysir y ddeddfwriaeth i'r swyddogaethau neu'r cyrff hynny. Hwyrach y bydd angen addasu'r ddeddfwriaeth i adlewyrchu'r ffaith mai corff arall neu gyd-bwyllgor fydd yn cyflawni swyddogaeth benodol mewn gwirionedd (yn lle, neu'n ogystal â'r corff addysg y rhoddwyd y swyddogaeth iddo).

### **Adran 7 – Canllawiau**

19. Mae adran 7 yn caniatáu i Weinidogion Cymru ddyroddi canllawiau am gydlafurio y bydd rhaid i gyrff addysg roi sylw iddynt.

### **Adran 8 – Dehongli'r Rhan hon**

20. Mae'r adran hon yn diffinio'r termau a ddefnyddir yn Rhan 1 o'r Mesur.

### **Adran 9 – Mân ddiwygiadau a diwygiadau canlyniadol**

21. Mae adran 9 yn diddymu, i'r graddau y maent yn gymwys o ran Cymru, adran 26 o Ddeddf Addysg 2002 ac adran 166 o Ddeddf Addysg ac Arolygiadau 2006. Roedd yr adrannau hynny'n darparu ar gyfer gwneud rheoliadau i ganiatáu cydlafurio rhwng ysgolion, cydlafurio rhwng cyrff addysg bellach, a rhwng ysgolion a chyrff addysg bellach. Disodlwyd yr adrannau hynny bellach, o ran Cymru, gan ddarpariaethau Rhan 1 o'r Mesur, sy'n gosod dyletswyddau mewn perthynas â chydweithio. Mae adran 9 yn gwneud diwygiadau canlyniadol eraill yn ogystal.

## **Rhan 2: Llywodraethu Ysgolion**

### **Pennod 1: Ffedereiddio ysgolion a gynhelir**

22. Mae'r Bennod hon yn disodli, o ran Cymru, adrannau 25 a 26 o Ddeddf Addysg 2002, gan wneud darpariaeth newydd ar gyfer ffedereiddio ysgolion a gynhelir. Mae ffedereiddio'n caniatáu ar gyfer ffurfio grŵp ar y cyd, o ddwy neu ragor o ysgolion o dan un corff llywodraethu.

education body. However, such bodies may be able to do so under their existing powers.

15. Subsection (3) provides that these new powers do not affect any education body's powers in any other legislation and that they are limited by any provision which may be made in regulations under section 6.

### **Section 6 - Regulations about the power to collaborate**

16. Subsection (1) provides a power for the Welsh Ministers to make further provision by way of regulations about the power to collaborate. Regulations under this subsection could, for example, set out the functions that an education body cannot delegate to another body or to a joint committee.
17. Subsection (2) provides that regulations may make particular provision about the constitution and procedure of joint committees of the collaborating education bodies, and other connected matters.
18. Subsections (3) and (4) provide that regulations may modify any legislation relating to the functions of the collaborating education bodies, where those functions are delegated, or relating to the bodies by whom those functions are to be discharged, in its application to those functions or bodies. Legislation may need to be modified in order to reflect the fact that another body or a joint committee may in fact be carrying out a particular function (in the place of, or as well as the education body on whom the function is conferred).

### **Section 7 - Guidance**

19. Section 7 allows the Welsh Ministers to issue guidance about collaboration to which education bodies must have regard.

### **Section 8 - Interpretation of this Part**

20. This section defines terms used in Part 1 of the Measure.

### **Section 9 - Minor and consequential amendments**

21. Section 9 repeals, in so far as they apply in relation to Wales, section 26 of the Education Act 2002 and section 166 of the Education and Inspections Act 2006. Those sections made provision for regulations to be made allowing for collaboration between schools and for collaboration between further education bodies and between schools and further education bodies. The sections are now replaced, for Wales, by the provisions of Part 1 of the Measure, which impose duties in relation to collaboration. Section 9 also makes other consequential amendments.

## **Part 2: School Governance**

### **Chapter 1: Federation of maintained schools**

22. This Chapter replaces for Wales sections 25 and 26 of the Education Act 2002, making new provision for federating maintained schools. Federation allows for two or more schools to group together under a single governing body.

### **Adran 10 - Ffedereiddio ysgolion gan gyrff llywodraethu**

23. Mae'r adran hon yn rhoi pŵer i gyrff llywodraethu ysgolion a gynhelir ddarparu y caiff dwy neu ragor o ysgolion ffedereiddio, neu ffederasiwn presennol ffedereiddio ag un neu ragor o ysgolion, neu ddau neu ragor o ffederasiynau presennol ffedereiddio, o dan un corff llywodraethu. Mae'n darparu ymhellach mai penderfyniad sydd i'w wneud gan y corff llywodraethu dan sylw yw ffedereiddio o dan yr adran hon, unwaith y bydd wedi cydymffurfio ag amodau a gweithdrefnau penodol a bennir mewn rheoliadau.

### **Adran 11 - Cynigion gan awdurdodau lleol i ffedereiddio ysgolion**

24. Mae is-adran (1) yn darparu pŵer i awdurdodau lleol yng Nghymru, i gynnig y caiff dwy neu ragor o ysgolion a gynhelir ffedereiddio, ffederasiwn presennol ffedereiddio ag un neu ragor o ysgolion, neu ddau neu ragor o ffederasiynau presennol ffedereiddio, o dan un corff llywodraethu.
25. Mae is-adran (2) yn darparu bod rhaid i awdurdod lleol, sy'n gwneud cynigion i ffedereiddio ysgolion neu ffederasiynau o dan yr adran hon, gyhoeddi'r cynigion hynny. Mae is-adran (3) yn darparu bod awdurdod lleol i ymgynghori â chyrrff penodol ynglŷn â'r cynigion cyhoeddiedig.
26. Nid yw'r gofynion hyn i gyhoeddi ac ymgynghori yn gymwys i gynnig i ffedereiddio ysgolion bach. Diffinnir ysgol fach gan orchymyn a wneir o dan adran 15 o'r Mesur. Pan fo cynnig o'r fath, mae is-adran (5) yn ei gwneud yn ofynnol i awdurdod lleol ymgynghori â neb ond cyrrff llywodraethu'r ysgolion bach sydd i'w ffedereiddio.
27. Mae is-adran (7) yn darparu bod rhaid i awdurdod lleol benderfynu unrhyw gynigion i ffedereiddio ysgolion. Bydd y weithdrefn ar gyfer penderfynu cynigion yn cael ei phennu mewn rheoliadau. Caiff yr awdurdod lleol gadarnhau'r cynigion (naill ai gydag addasiadau neu hebddynt, neu'n ddarostyngedig i ddigwyddiad penodol) neu caiff eu tynnu'n ôl.
28. Mae is-adran (8) yn caniatáu i awdurdodau lleol ystyried ffedereiddio gydag ysgolion a gynhelir gan awdurdod lleol arall, ar yr amod y ceir caniatâd yr awdurdod lleol arall.
29. Mae is-adran (9) yn gwneud yn ofynnol cael caniatâd personau penodol, cyn y caiff awdurdod lleol gynnig ffederasiwn sy'n cynnwys ysgol sefydledig neu ysgol wirfoddol. Y personau hynny, yn achos ysgol Gatholig Rufeinig neu ysgol yr Eglwys yng Nghymru yw'r awdurdod esgobaethol, ac yn achos ysgolion sefydledig neu wirfoddol eraill, y personau sy'n penodi'r llywodraethwyr sefydledig.
30. Mae is-adran (10) yn darparu y caiff rheoliadau bennu gofynion mewn perthynas â chynigion i ffedereiddio. Gallai'r rheini gynnwys, er enghraifft, ei gwneud yn ofynnol cael caniatâd personau penodol cyn y caiff awdurdod wneud, cyhoeddi neu gadarnhau'r cynigion. Caiff rheoliadau a wneir o dan yr is-adran hon wneud darpariaeth wahanol ar gyfer ffederasiwn sy'n cynnwys ysgol fach.



### **Section 10 - Federation of schools by governing bodies**

23. This section gives governing bodies of maintained schools a power to provide that two or more schools federate, or that an existing federation federates with one or more schools, or that two or more existing federations federate under a single governing body. It further provides that the decision to federate under this section rests with the governing body concerned once they have complied with certain conditions and procedures set out in regulations.

### **Section 11 - Proposals by local authorities to federate schools**

24. Subsection (1) provides local authorities in Wales with the power to propose that two or more maintained schools may federate, that an existing federation federates with one or more schools, or that two or more existing federations may federate, under a single governing body.
25. Subsection (2) provides that if a local authority makes proposals to federate schools or federations under this section, it must publish those proposals. Subsection (3) provides that a local authority is to consult with certain bodies about the published proposals.
26. These requirements to publish and consult do not apply to a proposal to federate small schools. A small school is defined by an order made under section 15 of the Measure. Where there is such a proposal, sub-section (5) requires a local authority to consult only with the governing bodies of the small schools to be federated.
27. Subsection (7) provides that a local authority must determine any proposals to federate schools. Regulations will set out the procedure for determining proposals. The local authority may confirm the proposals (with or without modification or subject to the occurrence of an event) or withdraw them.
28. Subsection (8) allows local authorities to consider federating with schools maintained by another local authority providing they obtain the consent of the other local authority.
29. Subsection (9) requires the consent of certain persons before a local authority may propose a federation that include a foundation or voluntary school. Those persons are, in the case of a Roman Catholic or Church in Wales school, the diocesan authority, and for other foundation or voluntary schools, the persons who appoint the foundation governors.
30. Subsection (10) provides that regulations may specify requirements in relation to proposals to federate. These could include, for example, requiring the consent of certain persons to be obtained before an authority can make, publish or confirm proposals. Regulations made under this sub-section may make different provision for a federation involving a small school.

### **Adran 12 – Gweithredu cynigion o dan adran 11**

31. Mae'r adran hon yn gwneud darpariaeth ynghylch gweithredu cynigion i ffedereiddio.
32. Mae is-adrannau (2) a (3) yn pennu'r rhai y mae'n ofynnol eu bod yn gweithredu'r cynigion. Y rhain yw'r awdurdod lleol neu'r corff llywodraethu, i'r graddau y mae'r cynigion yn darparu ar gyfer hynny, ac unrhyw berson arall a bennir mewn rheoliadau.
33. Pan fo awdurdod lleol wedi cadarnhau cynigion, rhaid eu gweithredu fel y'u cadarnhawyd (is-adran (4)). Fodd bynnag, ceir addasu cynigion a gadarnhawyd ar gais personau a bennir mewn rheoliadau (is-adran (5))
34. O dan is-adran (6), caiff awdurdod lleol benderfynu peidio â gweithredu cynnig a gadarnhawyd os byddai gwneud hynny'n afresymol o anodd, neu os yw'r amgylchiadau wedi newid i'r fath raddau nad yw'n briodol gwneud hynny mwyach. Caiff rheoliadau wneud yn ofynnol bod yr awdurdod lleol yn ymgynghori â phersonau rhagnodedig cyn penderfynu felly (is-adran (7)).

### **Adran 13 – Corff llywodraethu sengl ar gyfer ffederasiynau**

35. Grŵp o ysgolion sydd ag un corff llywodraethu yw ffederasiwn. Bydd yr ysgolion o fewn ffederasiwn yn parhau i gael eu trin fel ysgolion unigol (ac felly, wrth arfer ei ddyletsyddau, rhaid i'r corff llywodraethu wneud hynny mewn perthynas â phob ysgol o fewn y ffederasiwn yn unigol ). Fodd bynnag, ceir pennu'r amgylchiadau mewn rheoliadau pan ganiateir trin ffederasiwn fel pe bai'n ysgol sengl.

### **Adran 14 – Rheoliadau mewn perthynas â ffederasiynau**

36. Mae'r adran hon yn darparu y caiff rheoliadau wneud darpariaeth bellach mewn perthynas â ffederasiynau, gan gynnwys mewn perthynas â'u diddymu, a throsglwyddo eiddo, hawliau a rhwymedigaethau.

### **Adran 15 – Dull adnabod at ddibenion y Bennod hon ysgolion bach a gynhelir yng Nghymru**

37. Mae'r adran hon yn rhoi pŵer i Weinidogion Cymru wneud gorchymyn sy'n diffinio "ysgol fach a gynhelir" yn ôl y nifer o ddisgyblion mewn ysgol. Y niferoedd o ddisgyblion fyddai'r niferoedd a bennid ar ddyddiad penodol mewn blwyddyn ysgol. Unwaith y diffinnir ysgol fach a gynhelir, bydd modd i Weinidogion Cymru gyfarwyddo ysgolion o'r fath i ffedereiddio.

### **Adran 16 – Ffedereiddio ysgolion sy'n peri pryder drwy gyfarwyddyd gan Weinidogion Cymru**

38. Mae'r adran hon yn yn caniatáu i Weinidogion Cymru gyfarwyddo ysgolion sy'n peri pryder i ffedereiddio. Mae'n gwneud hyn drwy fewnosod adran 18B newydd ym Mhennod 4 o Ran 1 o Ddeddf Safonau a Fframwaith Ysgolion 1998 (ymyrryd mewn ysgolion yng Nghymru sy'n peri pryder).
39. Mae'r adran 18B(1) a (2) newydd yn esbonio beth a olygir wrth 'ysgol sy'n peri pryder' at ddibenion y pŵer hwn i ymyrryd. Mae'n cynnwys - ysgol sy'n destun mesurau arbennig; ysgol sydd angen gwelliant sylweddol; ysgol lle y mae safonau

## **Section 12 – Implementation of proposals under section 11**

31. This section makes provision about the implementation of proposals to federate.
32. Subsections (2) and (3) set out who is required to implement the proposals. These are the local authority or the governing body in so far as the proposals provide for this, and any other person set out in regulations.
33. Where a local authority has confirmed proposals they must be implemented as confirmed (subsection (4)). However, confirmed proposals may be modified at the request of persons specified in regulations (subsection (5)).
34. Under subsection (6) a local authority can determine not to implement a confirmed proposal if it would be unreasonably difficult to do so or if circumstances have changed so much that it is no longer appropriate to do so. Regulations may require the local authority to consult prescribed persons before making that determination (subsection (7)).

## **Section 13 – Single governing body for federations**

35. A federation is a group of schools with one governing body. Schools within a federation will continue to be treated as individual schools (so that in exercising its duties the governing body must do so in relation to each school within a federation individually). However regulations can set out the circumstances when the schools within a federation can be treated as a single school.

## **Section 14 – Regulations in relation to federations**

36. This section provides that regulations may make further provision in relation to federations, including in relation to their dissolution and the transfer of property, rights and liabilities.

## **Section 15 – Identification of small maintained schools in Wales for the purposes of this Chapter**

37. This section provides a power for the Welsh Ministers to make an order defining a “small maintained school” by the numbers of pupils in a school. The numbers of pupils would be those specified on a given date in a school year. Once a small maintained school is defined, the Welsh Ministers will be able to use their powers in section 16 to direct the federation of such schools.

## **Section 16 - Federation of schools causing concern by direction of the Welsh Ministers**

38. This section allows the Welsh Ministers to direct the federation of schools causing concern. It does this by inserting a new section 18B into Chapter 4 of Part 1 of the School Standards and Framework Act 1998 (intervention in schools in Wales causing concern).
39. The new section 18B(1) and (2) explains what is meant by a school causing concern for the purposes of this power of intervention. It includes - a school in special measures; a school requiring significant improvement; a school at which pupils’ standards of performance of the pupils are unacceptably low; a school where there has been a serious breakdown of management or governance which is prejudicing or

perfformiad y disgyblion yn annerbyniol o isel; ysgol lle y cafwyd methiant difrifol ym maes rheoli neu lywodraethu sy'n niweidio neu'n debyg o niweidio safonau perfformiad; ysgol lle y mae diogelwch y disgyblion neu'r staff o dan fygythiad; ac ysgol sy'n methu â chydymffurfio â gorchymyn ynghylch tâl ac amodau athrawon.

40. Mae is-adran (3) o'r adran 18B newydd yn caniatáu i Weinidogion Cymru gyfarwyddo awdurdod lleol neu gorff llywodraethu, ac mae is-adran (4) yn nodi'r gwahanol fathau o drefniadau y cânt gyfarwyddo yn eu cylch. Mae'r rhain yn cynnwys ffedereiddio ysgol sy'n peri pryder ag un neu fwy o ysgolion eraill neu â ffederasiwn sy'n bodoli eisoes, a chyfarwyddo ysgol sy'n peri pryder i ymadael â ffederasiwn.
41. Mae is-adran (5) o'r adran 18B newydd yn ei gwneud yn ofynnol i Weinidogion Cymru ymgynghori â chyrff penodol cyn gwneud cyfarwyddyd ac mae is-adrannau (6) a (7) yn gwneud darpariaeth mewn cysylltiad â gwneud, amrywio a dirymu cyfarwyddiadau, gan gynnwys darpariaeth bod cyfarwyddiadau o'r fath yn orfodadwy drwy orchymyn mandadol yr Uchel Lys.
42. Mae adran 16 o'r Mesur arfaethedig hefyd yn diwygio adran 14(3) o Ddeddf Safonau a Fframwaith Ysgolion 1998 fel na chaiff awdurdod lleol arfer ei bwerau ymyrryd mewn perthynas ag ysgol sy'n peri pryder os yw Gweinidogion Cymru yn arfer eu pŵer ymyrryd yn yr adran 18B newydd.

#### **Adran 17 - Canllawiau a roddir gan Weinidogion Cymru**

43. Mae'r adran hon yn darparu pŵer i Weinidogion Cymru ddyroddi canllawiau ar ffedereiddio y bydd rhaid i awdurdodau lleol a chyrff llywodraethu ysgol a gynhelir yng Nghymru roi sylw iddynt, wrth arfer eu swyddogaethau o dan Bennod 1 o Ran 2 o'r Mesur.

#### **Adran 18 - Ffederasiynau: darpariaethau atodol**

44. Mae'r adran hon yn caniatáu gwneud rheoliadau sy'n addasu Pennod 4 o Ran 1 o Ddeddf Safonau a Fframwaith Ysgolion 1998 (ymyrryd mewn ysgolion sy'n peri pryder) ac adrannau 49 - 51 ac Atodlen 15 i'r Ddeddf honno (dirprwyo ariannol) o ran y modd y'u cymhwysir i ffedereiddio ysgolion. Gallai rheoliadau o dan yr adran hon ddarparu, er enghraifft, pan geir amodau penodol sy'n ysgogi pwerau ymyrryd mewn un ysgol o fewn ffederasiwn ond nid mewn ysgolion eraill, y gellid, er gwaethaf hynny, arfer y pwerau ymyrryd hynny mewn perthynas â'r corff llywodraethu. Mae adran 18 yn caniatáu hefyd gwneud rheoliadau i addasu deddfwriaeth sy'n ymwneud â gwahanol gategorïau o ysgolion. Bydd rheoliadau o'r fath yn egluro sut y cymhwysir y ddeddfwriaeth honno i ysgolion sydd o fewn yr un ffederasiwn ond yn perthyn i wahanol gategorïau.

#### **Adran 19 - Mân ddiwygiadau a diwygiadau canlyniadol i Ddeddf Addysg 2002**

45. Mae'r adran hon yn gwneud diwygiadau canlyniadol i adrannau 19 ac 20 o Ddeddf Addysg 2002, fel bod y darpariaethau hynny'n cyfeirio at ffederasiynau o dan y Mesur. Mae'n cyfyngu'r modd y mae adrannau 24, 25 a 29 o Ddeddf Addysg 2002 yn gymwys i Loegr am eu bod wedi eu disodli, yn achos Cymru, gan y ddarpariaeth a wnaed gan y Bennod hon. Mae'r adran hon hefyd yn diwygio paragraff 5 o Atodlen 1 i Ddeddf Addysg 2002 i'w gwneud yn glir, os bydd ysgol mewn

likely to prejudice standards of performance; a school where the safety of pupils or staff is threatened; and a school which is failing to comply with a teachers' pay and conditions order.

40. Subsection (3) of the new section 18B allows the Welsh Ministers to direct a local authority or a governing body, and subsection (4) sets out the different types of arrangements they may direct. These include federating a school causing concern with another one or more schools or with an existing federation, and directing a school causing concern to leave a federation.
41. Subsection (5) of the new section 18B requires the Welsh Ministers to consult certain bodies before making a direction and subsections (6) and (7) make provision in connection with making, varying and revoking directions, including that directions are enforceable by a mandatory order of the High Court.
42. Section 16 of the proposed Measure also amends section 14(3) of the School Standards and Framework Act 1998 so that a local authority may not exercise its powers of intervention in relation to a school causing concern if the Welsh Ministers are exercising their power of intervention in the new section 18B.

### **Section 17 – Guidance given by Welsh Ministers**

43. This section provides a power for the Welsh Ministers to issue guidance on federation to which to which local authorities, and a governing bodies of a maintained school in Wales must have regard to in exercising their functions under Chapter 1 of Part 2 of the Measure.

### **Section 18 – Federations: supplementary provisions**

44. This section allows regulations to be made which modify Chapter 4 of Part 1 of the School Standards and Framework Act 1998 (intervention in schools causing concern), and sections 49 – 51 and Schedule 15 to that Act (financial delegation) in their application to school federation. Regulations under this section could, for example, provide that where certain conditions that trigger powers of intervention exist in relation to one school within a federation, but not to others, those powers of intervention can nevertheless be exercised in relation to the governing body. Section 18 also allows for regulations to modify legislation relating to different categories of schools. Such regulations will make it clear how that legislation applies in relation to schools within a federation which belong to different categories.

### **Section 19 – Minor and consequential amendments to the Education Act 2002**

45. This section makes consequential amendments to sections 19 and 20 of the Education Act 2002, so that those provisions refer to federations under the Measure. It limits the application of sections 24, 25 and 39 of the Education Act 2002 to England because they have been replaced, for Wales, by provision made by this Chapter. It also amends paragraph 5 of Schedule 1 to the Education Act 2002 to make it clear that if a school in a federation closes and there is more than one school remaining in the federation, the governing body of the federation does not automatically dissolve.

ffederasiwn yn cau a bod mwy nag un ysgol ar ôl yn y ffederasiwn, ni fydd corff llywodraethu'r ffederasiwn yn cael ei ddiddymu'n awtomatig.

#### **Adran 20 – Mân ddiwygiadau a diwygiadau canlyniadol i Ddeddf Addysg 2005**

46. Mae'r adran hon yn gwneud mân ddiwygiad a diwygiad canlyniadol i Ddeddf Addysg 2005 fel ei bod yn cyfeirio at ffederasiynau o dan y Mesur hwn.

#### **Adran 21 – Dehongli'r Bennod hon**

47. Mae is-adran (1) yn diffinio termau a ddefnyddir ym Mhennod 1 o Ran 2 o'r Mesur. Mae is-adran (2) yn darparu ar gyfer dehongli termau a ddefnyddir mewn unrhyw ddeddfiad mewn perthynas ag ysgol ffederal, gan bennu, er enghraifft, fod cyfeiriad mewn deddfwriaeth at gorff llywodraethu ysgol a gynhelir yn cael effaith, mewn perthynas â ffederasiwn, fel pe bai'n gyfeiriad at gorff llywodraethu ffederasiwn.

#### **Pennod 2: Hyfforddiant i lywodraethwyr a chlercod a darparu clercod**

##### **Adran 22 – Gwybodaeth a hyfforddiant i lywodraethwyr ysgolion a gynhelir**

48. Mae is-adrannau (1) a (2) yn gosod dyletswydd ar awdurdodau lleol i ddarparu gwybodaeth i lywodraethwyr ysgolion a gynhelir yng Nghymru, er mwyn galluogi'r llywodraethwyr i gyflawni eu swyddogaethau.

49. Mae is-adrannau (3) a (4) yn darparu y caiff rheoliadau wneud yn ofynnol bod awdurdod lleol yn sicrhau (yn ddi-dâl) y ddarpariaeth o hyfforddiant a ragnodir ar gyfer llywodraethwyr ysgolion.

50. Mae is-adran (6) yn darparu bod rhaid i awdurdod lleol ddarparu hyfforddiant i lywodraethwyr i'w galluogi i gyflawni eu swyddogaethau.

##### **Adran 23 – Dyletswydd awdurdodau lleol i ddarparu clercod i gyrff llywodraethu ysgolion a gynhelir**

51. Mae rheoliadau o dan adran 23 o Ddeddf Addysg 2002 yn darparu ar gyfer penodi clerc i gorff llywodraethu. O dan adran 22 o'r Mesur hwn, rhaid i awdurdod lleol roi gwybod i'r corff sy'n penodi'r clerc y caiff ofyn i'r awdurdod lleol ddarparu person i weithredu fel y clerc. Caiff rheoliadau wneud yn ofynnol, pan wneir cais o'r fath gan gorff o'r fath, bod yr awdurdod lleol yn darparu clerc, a darperir ar gyfer talu am ddarparu'r gwasanaeth hwnnw.

##### **Adran 24 – Hyfforddiant i glercod cyrff llywodraethu ysgolion a gynhelir**

52. Caiff rheoliadau o dan yr adran hon osod dyletswydd ar y corff sy'n penodi clerc i gorff lywodraethu (yn unol â rheoliadau o dan adran 23 o Ddeddf Addysg 2002). Y ddyletswydd y ceir ei gosod yw sicrhau bod y person a benodir yn glerc wedi cwblhau hyfforddiant hyd at safon a bennir yn y rheoliadau. Mae is-adran (3) yn darparu y caiff rheoliadau wneud darpariaeth bellach mewn perthynas â hyfforddi clercod.

##### **Adran 25 – Dyletswydd awdurdodau lleol i sicrhau bod hyfforddiant ar gael i glercod**

53. Mae'r adran hon yn gosod dyletswydd ar awdurdod lleol i sicrhau'r hyfforddiant yr ystyria'n briodol ar gyfer clercod i gyrff llywodraethu.

## **Section 20 – Minor and consequential amendments to the Education Act 2005**

46. This section makes a minor and consequential amendment to the Education Act 2005 so that it refers to federations under this Measure.

## **Section 21 – Interpretation of this Chapter**

47. Subsection (1) defines terms used in Chapter 1 of Part 2 of the Measure. Subsection (2) provides for the interpretation of terms used in any enactment in relation to a federated school, so that, for example, a reference in legislation to a governing body of a maintained school has effect, in relation to a federation, as though it were a reference to the governing body of a federation.

## **Chapter 2: Training for governors and clerks and provision of clerks**

### **Section 22 – Information and training for governors of maintained schools**

48. Subsections (1) and (2) place a duty on local authorities to provide information to governors of maintained schools in Wales to enable the governors to carry out their functions.
49. Subsections (3) and (4) provide that regulations may require a local authority to secure (free of charge) the provision of prescribed training to school governors.
50. Subsection (6) provides that a local authority must provide training to governors to enable them to carry out their functions.

### **Section 23 – Duty of local authorities to provide clerks to the governing bodies of maintained schools**

51. Regulations under section 23 of the Education Act 2002 provide for the appointment of a clerk to a governing body. Under this section a local authority must inform the body which appoints the clerk that it may ask the local authority to provide a person to act as the clerk. If the body makes such a request, regulations may require the local authority to provide a clerk and for a payment to be made for the provision of the service.

### **Section 24 – Training for clerks to the governing bodies of maintained schools**

52. Regulations under this section can impose a duty on the body that appoints a clerk to a governing body (in accordance with regulations under section 23 of the Education Act 2002). The duty that can be imposed is to ensure that the person appointed as a clerk has completed training to a standard set out in the regulations. Subsection (3) provides that regulations may make further provision in relation to the training of clerks.

### **Section 25 – Duty of local authorities to secure availability of training for Clerks**

53. This section imposes a duty on a local authority to secure the training it sees necessary for clerks to governing bodies.

### **Rhan 3: Ysgolion Sefydledig** **Ysgolion sefydledig**

#### **Adran 26 – Gwahardd sefydlu ysgolion sefydledig newydd**

54. Mae Pennod 2 o Ran 2 o Ddeddf Safonau a Fframwaith Ysgolion 1998 (“Deddf 1998”) yn gwneud darpariaeth ynglŷn â sefydlu, newid a dirwyn i ben ysgolion a gynhelir yng Nghymru. Mae adran 28 o Ddeddf 1998 ac Atodlen 6 i’r Ddeddf honno yn gwneud darpariaeth ynghylch cynigion ar gyfer sefydlu a newid ysgolion cymunedol, sefydledig a gwirfoddol ac ysgolion meithrin a gynhelir, ac ynghylch gweithredu’r cynigion hynny. Mae’r adran hon yn diwygio adran 28 o Ddeddf 1998 ac Atodlen 6 i’r Ddeddf honno, drwy ddiddymu gallu awdurdodau leol neu hyrwyddwyr eraill i sefydlu ysgol sefydledig newydd yng Nghymru. Mae’r adran hon hefyd yn diddymu gallu Gweinidogion Cymru i gynnig sefydlu ysgol sefydledig ar gyfer disgyblion dros 16 mlwydd oed.

#### **Adran 27 – Gwahardd newid categori i ysgol sefydledig**

55. Yn Atodlen 8 i Ddeddf 1998 gwneir darpariaeth sy’n galluogi ysgolion yng Nghymru i newid eu categori. Mae adran 26 o’r Mesur hwn yn diwygio Atodlen 8 i Ddeddf 1998, gan ddiddymu gallu awdurdod lleol neu gorff llywodraethu i gynnig bod ysgol yn newid ei chategori er mwyn dod yn ysgol sefydledig. Ni fydd hyn yn rhwystro ysgol sy’n ysgol sefydledig ar hyn o bryd rhag newid ei chategori er mwyn bod mewn categori gwahanol.

#### **Adran 28 – Arbedion: cynigion i sefydlu ysgolion sefydledig newydd**

56. Mae adran 28 yn cynnwys darpariaethau arbed. Nid yw’r diwygiadau a wneir gan adran 25 yn effeithio ar unrhyw gynnig i sefydlu ysgol sefydledig newydd, a gyhoeddwyd cyn bod adran 25 wedi dod i rym ac nad yw wedi ei weithredu. Bydd cynnig o’r fath, felly, yn parhau i gael ei drin o dan adran 28 o Ddeddf 1998 ac Atodlen 6 i’r Ddeddf honno, fel pe na bai’r diwygiadau a wnaed gan adran 25 wedi dod i rym.

#### **Adran 29 – Arbedion: cynigion i newid categori i ysgol sefydledig**

57. Mae adran 29 yn cynnwys darpariaethau arbed. Nid yw’r diwygiadau a wneir gan adran 26 yn effeithio ar unrhyw gynnig ar gyfer newid categori ysgol i gategori arall a gyhoeddwyd cyn bod adran 26 wedi dod i rym ac nad yw wedi ei weithredu. Bydd cynnig o’r fath, felly, yn parhau i gael ei drin o dan Atodlen 8 i Ddeddf 1998, fel pe na bai’r diwygiadau a wnaed gan adran 26 wedi dod i rym.

#### **Adran 30 – Pwerau atodol**

58. Mae’r adran hon yn caniatáu i Weinidogion Cymru, drwy orchymyn, wneud darpariaeth yr ystyriant yn angenrheidiol neu’n hwylus er mwyn rhoi effaith lawn i adrannau 25 i 28. Caiff gorchymyn a wneir gan Weinidogion Cymru o dan y pŵer hwn, ymhlith pethau eraill, ddiwygio neu ddirymu is-ddeddfwriaeth.

### **Rhan 4: Cyffredinol**

#### **Adran 31 – Dehongli’n gyffredinol**

59. Mae is-adran (1) yn diffinio termau a ddefnyddir yn y Mesur. Mae is-adran (2) yn darparu bod rhaid darllen y Mesur yn unol â Deddf Addysg 1996. Golyga hynny fod rhaid darllen y diffiniadau yn y Ddeddf honno fel pe baent yn ymestyn ar draws i’r



### **Part 3: Foundation Schools**

#### **Foundation schools**

#### **Section 26 - Prohibition of establishment of new foundation schools**

54. Chapter 2 of Part 2 of the School Standards and Framework Act 1998 (“the 1998 Act”) makes provision about the establishment, alteration and discontinuance of maintained schools in Wales. Section 28 of, and Schedule 6 to, the 1998 Act make provision about proposals for the establishment and alteration of community, foundation, voluntary schools and maintained nursery schools, and the implementation of those proposals. This section amends section 28 of, and Schedule 6 to, the 1998 Act by removing the ability of local authorities or other promoters to propose the establishment of a new foundation school in Wales. This section also amends section 113A of the Learning and Skills Act 2000 to remove the ability of the Welsh Ministers to propose the establishment of a foundation school for pupils over the age of 16.

#### **Section 27 - Prohibition of change of category to foundation school**

55. Schedule 8 to the 1998 Act makes provision enabling schools in Wales to change categories. This section amends Schedule 8 to the 1998 Act so as to remove the ability of a local authority or a governing body to propose that a school change its category so as to become a foundation school. This will not prevent a school which is currently a foundation school changing category so as to become a different category.

#### **Section 28 - Savings: proposals to establish new foundation schools**

56. Section 28 contains saving provisions. The amendments made by section 25 do not affect any proposal for the establishment of a new foundation school published prior to section 25 coming into force, and which has not been implemented. The proposal will therefore continue to be dealt with under section 28 of, and Schedule 6 to, the 1998 Act as though the amendments made by section 25 had not come into force.

#### **Section 29 - Savings: proposals to change category to foundation schools**

57. Section 29 contains saving provisions. The amendments made by section 26 do not affect any proposal for a school to change from one category to another published prior to section 26 coming into force, and which has not been implemented. Such a proposal will be dealt with under Schedule 8 to the 1998 Act as though the amendments made by section 25 had not come into force.

#### **Section 30 - Supplementary powers**

58. This section allows the Welsh Ministers to make provision by order which they consider necessary or expedient to give full effect to sections 25 to 28. An order made by the Welsh Ministers under this power may, among other things, amend or revoke subordinate legislation.

### **Part 4: General**

#### **Section 31 - General interpretation**

59. Subsection (1) defines terms used in the Measure. Subsection (2) provides that the Measure is to be read as one with the Education Act 1996. This means that the definitions in that Act are to be read across into this Measure, and the general provisions in that Act apply to the Measure. For example the “education functions”

Mesur hwn, a bod darpariaethau cyffredinol y Ddeddf honno yn gymwys i'r Mesur. Er enghraifft, rhestrir "educational functions" awdurdod lleol yn Atodlen 36A i Ddeddf Addysg 1996, ac y mae'r diffiniad hwnnw, felly, yn gymwys i'r term hwnnw ac i "swyddogaethau addysgol" pan ddefnyddir hwy yn y Mesur hwn. Mae'r diffiniadau a bennir yn y Mesur yn drech nag unrhyw rai a ddefnyddir yn Neddf Addysg 1996 os oes gwahaniaeth ystyr (is-adran (3)).

### **Adran 32 – Gorchmynion a rheoliadau**

60. Mae'r adran hon yn darparu ar gyfer gwneud gorchmynion a rheoliadau o dan y Mesur drwy offeryn statudol, ac yn pennu gweithdrefnau'r Cynulliad mewn perthynas â'r offerynnau hynny.

### **Adran 33 – Cychwyn**

61. Mae'r adran hon yn gwneud darpariaeth ynglŷn â chychwyn. Daw adrannau 25 i 33 i rym ddau fis wedi i'r Mesur gael ei gymeradwyo gan Ei Mawrhydi yn y Cyfrin Gyngor. Deuir â darpariaethau eraill y Mesur i rym drwy orchymyn a wneir gan Weinidogion Cymru .

### **Adran 34 – Enw byr a chynnwys y Mesur yn y Deddfau Addysg**

62. Mae is-adran (1) yn darparu mai enw'r Mesur hwn yw Mesur Addysg (Cymru) 2011. Bydd y Mesur hwn yn cael ei gynnwys yn y restr o Ddeddfau Addysg a gynhwysir yn adran 578 o Ddeddf Addysg 1996 (is-adran (2)). Bydd unrhyw gyfeiriad mewn deddfwriaeth at "y Deddfau Addysg" neu "the Education Acts" yn cynnwys cyfeiriad at y Mesur hwn.

### **COFNOD O'R TRAFODION YNG NGHYNULLIAD CENEDLAETHOL CYMRU**

63. Mae'r tabl a ganlyn yn gosod y dyddiadau ar gyfer pob cymal o hynt y Mesur drwy Gynulliad Cenedlaethol Cymru. Gellir canfod Cofnod o'r Trafodion a gwybodaeth bellach ynghylch hynt y Mesur hwn ar wefan Cynulliad Cenedlaethol Cymru ar:

[http://www.cynulliadcymru.org/bus-home/bus-legislation/bus-leg-measures/proposed\\_education\\_wales\\_measure\\_2011.htm](http://www.cynulliadcymru.org/bus-home/bus-legislation/bus-leg-measures/proposed_education_wales_measure_2011.htm)

<b>Cymal</b>	<b>Dyddiad</b>
Ei gyflwyno	6 Rhagfyr 2010
Cymal 1 - Dadl	12 Ionawr 2011, 19 Ionawr 2011 (Sesiwn Breifat)
Cymal 2 - Y Pwyllgor Craffu - ystyried y diwygiadau	1 Chwefror 2011
Stage 3 - Dadl yn y Cyfarfod Llawn - ystyried y diwygiadau	2 Mawrth 2011
Stage 4 - Cymeradwywyd gan y Cynulliad	29 Mawrth 2011
Cymeradwyaeth Frenhinol yn y Cyfrin Gyngor	10 Mai 2011

of a local authority are set out in Schedule 36A to the Education Act 1996, and that definition therefore applies to the term when used in this Measure. The definitions set out in the Measure take precedence over any used in the Education Act 1996 if there is a difference in meaning (subsection (3)).

### **Section 32 - Orders and regulations**

60. This section provides for orders and regulations under the Measure to be made by statutory instrument and sets out the Assembly procedures in respect of these instruments.

### **Section 33 – Commencement**

61. This section makes provision about commencement. Sections 25 to 33 come into force two months after the Measure is approved by Her Majesty in Council. The other provisions of the Measure will be brought into force by order made by the Welsh Ministers.

### **Section 34 - Short title and inclusion of Measure within the Education Acts**

62. Subsection (1) provides that the title of this Measure is the Education (Wales) Measure 2011. This Measure is to be included in the list of Education Acts set out in section 578 of the Education Act 1996 (subsection (2)). Any reference in legislation to “the Education Acts” will include a reference to this Measure.

### **RECORD OF PROCEEDINGS IN NATIONAL ASSEMBLY FOR WALES**

63. The following table sets out the dates for each stage of the Measure’s passage through the National Assembly for Wales. The Record of Proceedings and further information on the passage of this Measure can be found on the National Assembly for Wales’ website at:

[http://www.assemblywales.org/bus-home/bus-legislation/bus-leg-measures/proposed\\_education\\_wales\\_measure\\_2011.htm](http://www.assemblywales.org/bus-home/bus-legislation/bus-leg-measures/proposed_education_wales_measure_2011.htm)

<b>Stage</b>	<b>Date</b>
Introduced	6 December 2010
Stage 1 - Debate	12 January 2011, 19 January 2011 (Private Session)
Stage 2 Scrutiny Committee - consideration of amendments	1 February 2011
Stage 3 Plenary - consideration of amendments	2 March 2011
Stage 4 Approved by the Assembly	29 March 2011
Royal Approval in Privy Council	10 May 2011