OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2016 Rhif 836 (Cy. 210)

ADDYSG, CYMRU

Gorchymyn y Cwricwlwm Cenedlaethol (Deilliannau Dymunol, Rhaglenni Addysg a Threfniadau Asesu Sylfaenol a Diwedd Cyfnod ar gyfer y Cyfnod Sylfaen) (Cymru) (Diwygio) 2016

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Gorchymyn)

O dan adran 108(2) o Ddeddf Addysg 2002 caiff Gweinidogion Cymru bennu, drwy Orchymyn, y meysydd dysgu ar gyfer y cyfnod sylfaen a'r deilliannau dymunol, y rhaglenni astudio a'r trefniadau asesu y maent yn ystyried eu bod yn briodol mewn perthynas â phob un o'r meysydd dysgu hynny.

Mae Rhan 3 o Orchymyn y Cwricwlwm Cenedlaethol (Deilliannau Dymunol, Rhaglenni Addysg a Threfniadau Asesu Sylfaenol a Diwedd Cyfnod ar gyfer y Cyfnod Sylfaen) (Cymru) 2015 ("Gorchymyn 2015") yn nodi'r trefniadau asesu y mae rhaid i addysgwr eu gweithredu mewn perthynas â phob disgybl ym mlwyddyn derbyn y cyfnod sylfaen. Mae Rhan 4 o Orchymyn 2015 yn nodi'r trefniadau asesu y mae rhaid i addysgwr eu gweithredu mewn perthynas â phob disgybl ym mlwyddyn olaf y cyfnod sylfaen. Mae Gorchymyn 2015 yn darparu bod rhaid i'r trefniadau asesu sylfaenol a diwedd cyfnod gael eu gweithredu yn unol â Llawlyfr Proffil y Cyfnod Sylfaen.

2016 No. 836 (W. 210)

EDUCATION, WALES

The National Curriculum (Desirable Outcomes, Educational Programmes and Baseline and End of Phase Assessment Arrangements for the Foundation Phase) (Wales) (Amendment) Order 2016

EXPLANATORY NOTE

(This note is not part of the Order)

Under section 108(2) of the Education Act 2002 the Welsh Ministers may specify, by Order, the areas of learning for the foundation phase and in relation to each of those areas of learning such desirable outcomes, programmes of study and assessment arrangements as they consider appropriate.

Part 3 of the National Curriculum (Desirable Outcomes, Educational Programmes and Baseline and End of Phase Assessment Arrangements for the Foundation Phase) (Wales) Order 2015 ("the 2015 Order") sets out the assessment arrangements that must be carried out by a practitioner in relation to each pupil in the reception year of the foundation phase. Part 4 of the 2015 Order sets out the assessment arrangements that must be carried out by a practitioner in relation to each pupil in the last year of the foundation phase. The 2015 Order provides that the baseline and end of phase assessment arrangements must be carried out in accordance with the Foundation Phase Profile handbook.

Mae erthygl 7 o Orchymyn 2015 yn darparu bod rhaid i'r asesiad sylfaenol gael ei gynnal o fewn 6 wythnos i'r tro cyntaf y bydd plentyn yn mynychu dosbarth derbyn fel disgybl mewn ysgol a gynhelir neu cyn gynted ag y bo'n rhesymol ymarferol wedi hynny os na ellir ei gynnal yn y cyfnod hwnnw am resymau eithriadol. Mae Gorchymyn 2015 yn diffinio dosbarth derbyn fel dosbarth lle y darperir addysg sy'n addas i blant 5 oed ac unrhyw blentyn o dan neu dros yr oedran hwnnw y mae'n hwylus i'w haddysgu gyda phlant 5 oed.

Mae'r Gorchymyn hwn yn diwygio'r diffiniad o "llawlyfr proffil" yn erthygl 3 o Orchymyn 2015 er mwyn rhoi effaith gyfreithiol i'r fersiwn newydd o'r "llawlyfr proffil". Mae'r "llawlyfr proffil" wedi ei ddiweddaru ac fe'i cyhoeddwyd gan Weinidogion Cymru ym mis Mehefin 2016.

Mae erthygl 3 o Orchymyn 2015 hefyd wedi ei diwygio er mwyn hepgor y diffiniad o ddosbarth derbyn a mewnosod diffiniad newydd sef "blwyddyn asesiad sylfaenol" a "sgiliau'r proffil cryno". Mae'r diffiniad o "lefel cyrhaeddiad" hefyd wedi ei ddiwygio i gynnwys lefel newydd sef "uwchlaw deilliant 6". Mae'r flwyddyn asesiad sylfaenol wedi ei diffinio i olygu'r flwyddyn ysgol pan fo'r disgybl yn cyrraedd 5 oed. Mae erthygl 7 o Orchymyn 2015 wedi ei diwygio fel bod rhaid i'r asesiad sylfaenol gael ei gynnal o fewn 6 wythnos i'r tro cyntaf y bydd y plentyn yn mynd i'r flwyddyn asesiad sylfaenol neu cyn gynted ag y bo'n rhesymol ymarferol wedi hynny os na ellir ei gynnal yn y cyfnod hwnnw am resymau eithriadol. Felly, effaith y diwygiad yw mai'r cynharaf y caiff disgybl fod yn ddarostyngedig i asesiad sylfaenol yw 4 oed (erthygl 2(a), (b) a (d)).

Mae'r Gorchymyn hwn hefyd yn mewnosod paragraff newydd (4) yn erthyglau 5 (asesiad sylfaenol) ac 8 (asesu diwedd cyfnod) er mwyn ei gwneud yn glir mai dim ond 1 asesiad sylfaenol a diwedd cyfnod sy'n ofynnol ar gyfer pob disgybl (erthygl 2(c) ac (e)).

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Gorchymyn hwn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Gorchymyn hwn.

Article 7 of the 2015 Order provides that the baseline assessment must be carried out within 6 weeks of a child first attending as a pupil in a reception class in a maintained school or as soon as reasonably practicable after that if for exceptional reasons it cannot be carried out in that period. The 2015 Order defines reception class as a class where education is provided suitable to 5 year olds and any child under or over that age who it is expedient to educate with 5 year olds.

This Order amends the definition of "profile handbook" in article 3 of the 2015 Order so as to give legal effect to the new version of the "profile handbook". The "profile handbook" has been updated and was published by the Welsh Ministers in June 2016.

Article 3 of the 2015 Order has also been amended so as to omit the definition of reception class and insert a new definition of "baseline assessment year" and "compact profile skills". The definition of "level of attainment" is also amended to include a new level of "above outcome 6". The baseline assessment year is defined to mean the school year where the pupil attains the age of 5. Article 7 of the 2015 Order is amended so that the baseline assessment must be carried out within 6 weeks of a child first entering the baseline assessment year or as soon as reasonably practicable after that if for exceptional reasons it cannot be carried out in that period. Therefore, the effect of the amendment is that the earliest a pupil may be subject to a baseline assessment is at age 4 (article 2(a), (b) and (d)).

This Order also inserts a new paragraph (4) into articles 5 (baseline assessment) and 8 (end of phase assessment) in order to make it clear that only 1 baseline and end of phase assessment is required for each pupil (article 2(c) and (e)).

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

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2016 Rhif 836 (Cy. 210)

ADDYSG, CYMRU

Gorchymyn y Cwricwlwm Cenedlaethol (Deilliannau Dymunol, Rhaglenni Addysg a Threfniadau Asesu Sylfaenol a Diwedd Cyfnod ar gyfer y Cyfnod Sylfaen) (Cymru) (Diwygio) 2016

Gwnaed *5 Awst 2016*

Gosodwyd gerbron Cynulliad Cenedlaethol Cymru *10 Awst 2016*

Yn dod i rym *1 Medi 2016*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir iddynt gan adrannau 108(2)(b)(iii) a 210 o Ddeddf Addysg 2002(**1**), yn gwneud y Gorchymyn a ganlyn:

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn y Cwricwlwm Cenedlaethol (Deilliannau Dymunol, Rhaglenni Addysg a Threfniadau Asesu Sylfaenol a Diwedd Cyfnod ar gyfer y Cyfnod Sylfaen) (Cymru) (Diwygio) 2016 a daw i rym ar 1 Medi 2016.

(2) Mae'r Gorchymyn hwn yn gymwys o ran Cymru.

(**1**) 2002 p. 32. Diwygiwyd is-adran (2) o adran 108 gan adran 21(1) a (7)(a) o Fesur Addysg (Cymru) 2009 (mccc 5). Diwygiwyd is-adran (3) o adran 108 gan adran 21(1) a (7)(b) o Fesur Addysg (Cymru) 2009. Mewnosodwyd cyfeiriadau at "the Welsh Ministers" ("*Gweinidogion Cymru*") yn adrannau 108 a 210 gan adran 47 o Fesur Dysgu a Sgiliau (Cymru) 2009 (mccc 1), a pharagraffau 11 a 15 o'r Atodlen iddo.

WELSH STATUTORY INSTRUMENTS

2016 No. 836 (W. 210)

EDUCATION, WALES

The National Curriculum (Desirable Outcomes, Educational Programmes and Baseline and End of Phase Assessment Arrangements for the Foundation Phase) (Wales) (Amendment) Order 2016

Made *5 August 2016*

Laid before the National Assembly for Wales *10 August 2016*

Coming into force *1 September 2016*

The Welsh Minsters, in exercise of the powers conferred upon them by sections 108(2)(b)(iii) and 210 of the Education Act 2002(**1**), make the following Order:

Title, commencement and application

1.—(1) The title of this Order is the National Curriculum (Desirable Outcomes, Educational Programmes and Baseline and End of Phase Assessment Arrangements for the Foundation Phase) (Wales) (Amendment) Order 2016 and it comes into force on 1 September 2016.

(2) This Order applies in relation to Wales.

(**1**) 2002 c. 32. Subsection (2) of section 108 was amended by section 21(1) and (7)(a) of the Education (Wales) Measure 2009 (nawm 5). Subsection (3) of section 108 was amended by section 21(1) and (7)(b) of the Education (Wales) Measure 2009. References to the Welsh Ministers in section 108 and 210 were inserted by section 47 of, and paragraphs 11 and 15 of the Schedule to the Learning and Skills (Wales) Measure 2009 (nawm 1).

Diwygio

2. Mae Gorchymyn y Cwricwlwm Cenedlaethol (Deilliannau Dymunol, Rhaglenni Addysg a Threfniadau Asesu Sylfaenol a Diwedd Cyfnod ar gyfer y Cyfnod Sylfaen) (Cymru) 2015(**1**) wedi ei ddiwygio fel a ganlyn—

(a) yn erthygl 3—

(i) yn lle'r diffiniad o "sgiliau cryno a llawn" rhodder—

"ystyr "sgiliau'r proffil cryno" ("*compact profile skills*") yw'r sgiliau hynny a nodir yn y tablau ar dudalennau'r llawlyfr proffil sydd â'r pennawd "(proffil cryno)" mewn perthynas â phob un o'r meysydd dysgu.";

(ii) hepgorer y diffiniad o "sgiliau llawn yn unig";

(iii) yn y diffiniad o "lefel cyrhaeddiad" ar ôl paragraff (j) mewnosoder—

"(k) uwchlaw deilliant 6;";

(iv) yn y diffiniad o "llawlyfr proffil" yn lle "Awst 2015" rhodder "Mehefin 2016(**2**)";

(v) hepgorer y diffiniad o "dosbarth derbyn"; a

(vi) mewnosoder yn y lle priodol—

"ystyr "blwyddyn asesiad sylfaenol" ("*baseline assessment year*") yw'r flwyddyn ysgol y mae'r disgybl yn cyrraedd 5 oed ynddi;";

(b) yn erthygl 5—

(i) ym mharagraff (1) yn lle "mewn dosbarth derbyn" rhodder "yn y flwyddyn asesiad sylfaenol";

(ii) ym mharagraff (2) yn lle "â'r sgiliau cryno a llawn" rhodder "â sgiliau'r proffil cryno";

(iii) ar ôl paragraff (3) mewnosoder—

"(4) Nid yw paragraff (1) yn gymwys i ddisgybl os oes asesiad o'r fath eisoes wedi ei gynnal mewn perthynas â'r disgybl mewn ysgol arall.";

(c) yn lle paragraff (a) yn erthygl 7 rhodder—

"(a) o fewn 6 wythnos i'r tro cyntaf y bydd y disgybl yn mynd i'r flwyddyn asesiad sylfaenol; neu"; ac

(**1**) O.S. 2015/1596 (Cy. 195).
(**2**) Rhif ISBN 9781473467880.

Amendment

2. The National Curriculum (Desirable Outcomes, Educational Programmes and Baseline and End of Phase Assessment Arrangements for the Foundation Phase) (Wales) Order 2015(**1**) is amended as follows—

(a) in article 3—

(i) for the definition of "compact and full skills" substitute—

""compact profile skills" ("*sgiliau'r proffil cryno*") means those skills set out in the tables in the pages of the profile handbook headed "(compact profile)" in relation to each of the areas of learning;";

(ii) omit the definition of "full only skills";

(iii) in the definition of "level of attainment" after paragraph (j) insert—

"(k) above outcome 6;";

(iv) in the definition of "profile handbook" for "August 2015" substitute "June 2016(**2**)";

(v) omit the definition of "reception class"; and

(vi) insert in the appropriate place—

""baseline assessment year" ("*blwyddyn asesiad sylfaenol*") means the school year in which the pupil attains the age of 5;";

(b) in article 5—

(i) in paragraph (1) for "a reception class" substitute "the baseline assessment year";

(ii) in paragraph (2) for "and full" substitute "profile";

(iii) after paragraph (3) insert—

"(4) Paragraph (1) does not apply to a pupil if such an assessment has already been carried out in relation to the pupil at another school.";

(c) for paragraph (a) in article 7 substitute—

"(a) within 6 weeks of when the pupil first enters the baseline assessment year; or" ; and

(**1**) S.I. 2015/1596 (W. 195).
(**2**) ISBN number 9781473467873.

(d) yn erthygl 8 ar ôl paragraff (3) mewnosoder—

"(4) Nid yw paragraff (1) yn gymwys i ddisgybl os oes asesiad o'r fath eisoes wedi ei gynnal mewn perthynas â'r disgybl mewn ysgol arall."

(d) in article 8 after paragraph (3) insert—

"(4) Paragraph (1) does not apply to a pupil if such an assessment has already been carried out in relation to the pupil at another school."

Kirsty Williams

Ysgrifennydd y Cabinet dros Addysg, un o Weinidogion Cymru

5 Awst 2016

Cabinet Secretary for Education, one of the Welsh Ministers

5 August 2016

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