

Welsh Language and Education (Wales) Bill Bill Summary

September 2024



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Welsh Parliament
Tŷ Hywel
Cardiff Bay
CF99 1SN

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Welsh Language and Education (Wales) Bill

Bill Summary

September 2024

Authors:

Osian Bowyer and Michael Dauncey

The Welsh Language and Education (Wales) Bill proposes changes to the way Welsh language education is planned and delivered, with an aim that all school pupils become independent Welsh language users by the time they reach the end of compulsory school age.

The Bill aims to support the Welsh Government's target of one million Welsh speakers by 2050 ("Cymraeg 2050"), which it places on a statutory footing. It seeks to strengthen the way Welsh language education – in both Welsh-medium and English-medium settings – is planned at a national, local and school level. It would also establish a means of describing and measuring individuals' Welsh language abilities.

This briefing summarises the provisions of the Bill, its background and what the Welsh Government hope to achieve. It is intended to support and inform the Senedd's scrutiny of the legislation.



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1. Introduction

The Welsh Language and Education (Wales) Bill was introduced to the Senedd on 15 July 2024.

The Welsh Government had made a commitment in its **Programme for Government** to “legislate to strengthen and increase our Welsh language education provision”. It was also a key feature of the **Co-operation Agreement** between the Welsh Government and Plaid Cymru between December 2021 and May 2024.

Introducing the Bill to the Senedd, Eluned Morgan MS thanked Cefin Campbell MS, who was the Plaid Cymru Designated Member during the period of the co-operation agreement, for “the close collaboration on the Bill.”

Setting out some of the details of the Bill, **Eluned Morgan MS noted the proposals** are “about giving every child in Wales a fair chance of becoming Welsh speakers”. The Bill would also set “firm expectations regarding Welsh language education across all schools, whatever the medium of education”.

The Bill’s **Explanatory Memorandum** (“the EM”) states that the key objective of the Bill is to contribute to the Cymraeg 2050 aim of one million Welsh speakers in Wales by 2050 by ensuring:

all pupils are independent Welsh language users, at least, by the time they reach the end of compulsory school age.

The Bill proposes to **strengthen legislation around planning of Welsh language education to** “improve the linguistic outcomes of our pupils” including through a **National Framework for Welsh Language Education and Learning Welsh**.

It would also establish a **standard method for describing Welsh language ability** based on the **Common European Framework of Reference for Languages (CEFR)**. The Bill designates **three categories of schools** based on their language and provides for respective **requirements to be set for the amount of Welsh language education provided by each category**.

The Bill also proposes to provide a **statutory basis for the target of a million Welsh speakers by 2050** and establish a **National Institute for Learning Welsh**. The new statutory body will be responsible for supporting people to learn Welsh throughout their lives.

The Welsh Government's case for why the Bill is necessary

The Welsh Government places the Bill firmly in the context of the **Cymraeg 2050 agenda**, under which there are two main targets:

- One million Welsh speakers by 2050; and
- an increase in the proportion of the population that speak Welsh daily and can speak more than just a few words of Welsh from 10% (in 2013 to 2015) to 20% by 2050.

As the **Commission for Welsh-speaking Communities has recently reported**, “education is the policy area with the greatest potential for creating new Welsh speakers” and “no other policy field has as much influence on the ability to acquire and use language”. The Commission also “came to the unanimous view” that “Welsh-medium provision in many Welsh-speaking communities is not intensive enough to sustain Welsh as a community language in the future” and urged that “huge steps forward will have to be taken”.

There is an increasing recognition that Welsh-medium schools will not be able to deliver the required numbers of Welsh speakers alone. This requires a transformation of the way Welsh is taught in English-medium schools. Cymraeg 2050 also includes an objective of transforming how Welsh is taught to all learners so that at least 70% of learners report by 2050 that they can speak Welsh by the time they leave school.

The **EM explains** that Cymraeg 2050 requires reviewing the legislation which underpins the Welsh language to “ensure it offers a strong foundation for promoting and facilitating the use of Welsh”. A combination of statutory and non-statutory mechanisms have already been used to further Welsh-medium education such as **Welsh in Education Strategic Plans** (WESPs), through which local authorities are tasked with planning their Welsh language education provision. However, as the Culture, Communications, Welsh Language, Sport and International Relations (**CCWLSIR**) **Committee reported in May 2023**, the WESPs framework and architecture needs strengthening and reforming if the education system is to make the necessary contribution to the Cymraeg 2050 agenda.

The **Welsh Government's response to the CCWLSIR Committee's report** said its proposals would provide a “firmer basis for the planning and delivery of Welsh in education both nationally [through the National Framework for Welsh Language Education and Learning Welsh] and locally [through the revised system of Welsh in Education Strategic Plans]”.

The **Welsh Government concludes in the EM:**

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

The Bill at a glance

The **Bill (as introduced)** has 55 sections, arranged into six parts, and has two schedules.

- **Part 1** – Promotion and facilitation of use of the Welsh language
- **Part 2** – Describing Welsh language ability
- **Part 3** – Welsh language education
- **Part 4** – Planning Welsh language education and learning
- **Part 5** – National Institute for Learning Welsh
- **Part 6** – General
- **Schedule 1** – Types of Welsh language user and common reference levels
- **Schedule 2** – National Institute for Learning Welsh

The **Explanatory Memorandum** includes a section on the purpose and intended effect of the Bill, details of consultation undertaken (most notably the publication of a **White Paper** in 2023) and a summary of powers to make subordinate legislation including the Senedd scrutiny procedures they will be subject to.

The **Statement of Policy Intent** provides further details on the subordinate legislation that must or may be made under the Bill, while the **Explanatory Notes** (included as Annex 1 of the EM) are provided to assist those reading the Bill and are to be read in conjunction with it. The EM also includes a **Regulatory Impact Assessment** (RIA) which provides a summary of estimated costs and benefits of the Bill.

Schedule 1 of the Bill includes Table 1, which reproduces the summary of the common reference levels contained in **Appendix 1 to the Common European Framework of Reference for Languages: Learning, Teaching, Assessment - Companion Volume (2020)**. However, it has been amended to reflect that it is a code for describing Welsh language ability.

There is also a power in section 5 of the Bill that enables the Welsh Ministers to amend the Table in Schedule 1 “in response to changes to the Common European Framework of Reference for Languages”.

2. Summary of the Bill's provisions and policy intentions

Part 1 – Promoting and facilitating of use of the Welsh language

Section 1 of the Bill places the **Cymraeg 2050 ambition** “to increase the number of Welsh speakers in Wales to one million by 2050” on a statutory footing. Up until now, the target has been a policy aspiration set out in the Welsh Government’s Welsh Language Strategy. The Bill would place a duty on the Welsh Ministers to include the target to increase the number of Welsh speakers in any future Welsh language strategy.

Currently, **section 78 of the Government of Wales Act 2006** (“GOWA”) places a requirement on the Welsh Ministers to adopt a strategy setting out how they propose to promote and facilitate the use of the Welsh language. **The Welsh Government believes that the Bill** “aligns with, and expands on, the section 78 provision to strengthen the accountability of Welsh Ministers in setting, and responding to, specific targets”. While the Welsh Government notes in the **EM that it is “fully committed”** to the target of a million Welsh speakers, a target set in a strategy could be “diluted or abolished” altogether. By placing the target on a statutory footing, it is hoped that it’ll remove the risk of it being “watered down”.

In addition, the Welsh Ministers will be required to set targets to increase the social use of Welsh and its use in the workplace, whilst also establishing targets to increase the provision of Welsh language education. There are existing requirements on the Welsh Ministers to publish a ‘plan’ annually (section 78(9) of GOWA) describing the steps the Welsh Government will take to contribute to meeting the targets it has set. The Welsh Government hope that this annual plan will provide those sectors covered by the Bill, including Welsh learning providers, schools and employers, with “clear guidance” on the “steps to be taken to realise those targets”.

Reporting on targets and calculating the number of Welsh speakers

Section 2 and 3 of the Bill place new duties on the Welsh Ministers to report at least once every five years with an “analysis of the situation of the Welsh language in Wales”, and set out the manner for calculating the number of Welsh speakers.

The Bill gives the Welsh Ministers powers to make regulations that specify the basis of data to be used to calculate the number of Welsh speakers. There are several

sources of data currently available and used, including the **Annual Population Survey (APS)**, **National Survey for Wales** and the **Census**. These data sources often provide very different and divergent results on Welsh language ability. The **Welsh Government and the Office for National Statistics (ONS) have been working together** to understand the reasons for the divergence that has been identified in reported Welsh language skills.

Up until now, the Census has been considered the authoritative source of data on the number of Welsh speakers in Wales, and, according to **Cymraeg 2050**, is the “basis for our aspiration of a million Welsh speakers”. However, it is unlikely that the Census will be conducted in the same way in future. The **ONS is considering** options for “using other sources of data and providing more timely statistical information”.

Regardless of how the data is collated, provisions in section 3(2) make it clear that calculating whether a person is a Welsh speaker will be on the basis of self-assessment or a self-assessment in the case of children under 16, an assessment by a parent or carer, or any other method that the Welsh Ministers may specify in regulations.

The Welsh Ministers will be required to **publish guidance on assessments** “for the purpose of assisting individuals to complete assessments, including a self-assessment of their Welsh language ability”.

Reviewing the Welsh language standards

Section 4 of the Bill also places a duty on the Welsh Ministers to review the **Welsh language standards**, specified under section 26 of the **Welsh Language (Wales) Measure 2011**, within 12 months of publishing the Code describing Welsh language ability. One of the **aims of the provisions in section 4, according to the Welsh Government**, is to “embed the common reference levels in the way in which organisations subject to the standards plan the Welsh language skills of their workforce”. In undertaking a review of the standards, the Welsh Ministers must consult the Welsh Language Commissioner.

The new requirement to review the standards doesn’t place any obligation on the Welsh Ministers to amend them however. Any decision to amend Welsh language standards regulations would be subject to further consultation according to the EM.

Ultimately, the **Welsh Government says** that the provision will help “ensure the legal infrastructure supporting the Welsh language is coherent” and that the new

provisions in the Bill and the standards “intertwine and are compatible with each other”.

Part 2 – Describing Welsh language ability

Types of Welsh language user and common reference levels

Part 2 of the Bill seeks to establish a new framework for describing Welsh language ability. It’s based on the **Council of Europe’s Common European Framework of Reference for Languages** (“the CEFR”) and seeks to provide a single standard method for describing Welsh language ability.

Table 1 of Schedule 1 of the Bill specifies three types of Welsh language user (Proficient, Independent and Basic) and common reference levels which describe their ability in Welsh based on six levels (A1 to C2). These are grouped as follows:

- Basic user (A1 and A2);
- Independent user (B1 and B2); and
- Proficient user (C1 and C2).

The **CEFR was developed as a tool for practitioners** in the field of foreign/second languages and sought to provide a “coherent and comprehensive basis for the elaboration of language syllabuses and curriculum guidelines”. It was also a tool to assist with designing teaching and learning materials and the assessment of foreign language proficiency.

The Welsh Government says that public bodies and stakeholders currently **use different methods to describe and measure Welsh language skills**, and that this makes it “difficult to embed a single consistent regime for the purpose of language planning”. The use of the CEFR framework, **according to the Welsh Government**, would provide a “platform to improve consistency in the way Welsh language ability is recorded in data collection exercises”. This, it says, will eventually enable better “workforce planning and measuring progress towards Cymraeg 2050 targets”.

The **Welsh Government also claims that the proposals would provide** “learners, parents, teachers, and employers with a common understanding of the language ability expected at each stage of the journey towards learning Welsh”. This would, it says, help “facilitate continuity planning” as primary pupils transition to secondary school and beyond compulsory education.

While some bodies, such as the National Centre for Learning Welsh, are already

using the CEFR framework, it will be less familiar to others. This may lead to **“short-term disruption for some”** according to the Welsh Government, as well as some costs for those who will need to update their procedures to align with the new framework.

Sections 6 and 7 of the Bill place a requirement on the Welsh Ministers to prepare and publish a Code which describes Welsh language ability based on the CEFR. This should **set out how the common reference levels should be used** and describe the “specific characteristics of each reference level”. The Welsh Government hopes that the Code will establish a “standard method” for describing Welsh language ability based on the CEFR.

The Bill also provides the Welsh Ministers with a power to amend, by regulations, the Table in Schedule 1 where appropriate. However, the powers are limited to making changes where it is in response to amendments to the CEFR by the Council of Europe.

Part 3 – Welsh language education

This part of the Bill deals with schools’ Welsh language provision and how this is delivered at a school level. Part 4 provides for a new system of planning Welsh language education and learning at a national and local level (discussed in the next section of this briefing).

Schools’ language categories

Section 9 of the Bill provides that each maintained school, excluding special schools, is designated one (or more) of the following three language categories:

- “Primarily Welsh Language”;
- “Dual Language”;
- “Primarily English Language, partly Welsh”.

For the purposes of the Bill, “Welsh language education” means either the teaching of Welsh as a subject, or teaching and learning through the medium of Welsh. A school’s language category only applies to pupils of compulsory school age and therefore does not apply to a school’s sixth form or nursery provision.

A school’s language category will determine the amount of Welsh language education provided in the school (section 10 of the Bill) and the school’s “Welsh language learning goal” (sections 11 to 12).

Categorising schools in Wales by language is not new, although this would be the first time they are statutory. Maintained schools have had language categories on a non-statutory basis since 2007. **Up until 2021**, primary schools fell into one of five categories and secondary schools into one of four categories, although one of these (“Bilingual”) had four sub-categories. There was an attempt to simplify the categories with new **non-statutory guidance issued in December 2021**.

The non-statutory guidance sets out three categories for both primary schools and secondary schools. These are broadly the same as those formalised in the Bill, albeit with different wording: 1, English-medium, 2, Dual language and 3, Welsh-medium. There is a further sub-category within Welsh-medium for secondary schools who deliver the highest level of Welsh-medium provision: 3P, Designated Welsh-medium. There are two transitional categories between categories 1 and 2, and categories 2 and 3, with schools encouraged to progress along the language continuum.

In the EM, the Welsh Government says the non-statutory system has “generated enthusiasm among local authorities” and argues it is “now time to put the categories on a stronger footing”. It notes that schools are not required to follow the non-statutory guidance and it is difficult to robustly monitor if the requirements of the categories are being met. The Welsh Government also highlights the importance within the Bill of describing school language categories by outputs as well as inputs. The input is the amount of Welsh language education a school must provide, which is determined by its category (stipulated by section 10), while the output is the Welsh language learning goals in place for each category (sections 11 to 12).

Section 21 of the Bill requires local authorities to maintain and publish a register, giving the language category of each school it maintains and details of any schools that are temporarily exempt from the requirement to provide the minimum amount of education (explained in later sections of this summary.) The EM says a number of local authorities already maintain such information and this should not result in a significantly higher workload than at present.

Amount of Welsh language education provision

Section 10 of the Bill requires the Welsh Ministers to specify, in regulations, the amount of Welsh language education that schools in each category must provide. This will be in the form of a percentage of school sessions for pupils of compulsory school age over a school year, and as a range including a minimum.

Primarily English Language, partly Welsh schools will need to provide Welsh language education for a minimum of 10% of school session time. As stated earlier, this means either the teaching of Welsh as a subject or teaching other subjects through the medium of Welsh. The **Welsh Government says the engagement it has undertaken and statistical work available** “suggests that a minimum of 10% is realistic and fair given the challenges that exist due to a shortage of workforce with sufficient Welsh language skills”.

The EM also notes that the current non-statutory guidance is that English-medium schools should provide 15% of their provision in Welsh. However, this includes both curricular and extracurricular time and imposing a statutory requirement in relation to extra-curricular provision is felt to be impractical due to difficulties in monitoring. The inference given, therefore, is that a minimum 10% of curricular time is a similar expectation to 15% of curricular and extracurricular time.

Section 13 requires the Welsh Ministers to consider at least every five years whether to exercise the power to make regulations to increase the minimum amount of Welsh language education that a Primarily English Language, partly Welsh school must provide. The 10% is therefore seen as a minimum requirement which may be increased over time, provided there is an **“adequate workforce, dedicated resources and effective support”**.

The Bill does not stipulate the minimum amount of Welsh language education for Dual Language and Primarily Welsh Language schools, although these will also be subject to a range set out in regulations. In the **primary sector**, the current non-statutory guidance stipulates at least 50% in Dual Language schools and at least 80% in Welsh-medium schools (learners are immersed in Welsh up to age 7/end of Year 2). In **secondary schools**, the current stipulation for Dual Language schools is at least 40% of pupils undertaking at least 40% in Welsh, while in Welsh-medium schools it is 60% of pupils undertaking at least 70% (all pupils undertaking at least 90% in Designated Welsh-medium schools). All these amounts include both curricular and extracurricular time.

Schools’ Welsh language learning goals

Section 11 of the Bill establishes “Welsh-language learning goals” for schools in each category. These are further described at **paragraph 3.119 of the EM**.

The goals essentially relate to the Welsh language ability level (levels set out in Part 2 of the Bill) that pupils reach in each category of school.

The Welsh language learning goals will be that pupils reach the following levels by the time they finish compulsory education (age 16/end of Year 11):

- **Primarily Welsh Language** schools: pupils to be **“proficient”** Welsh language users, i.e. reach the **C1 or C2** reference level.
- **Dual Language** schools: pupils to be **“independent”** Welsh language users, i.e. reach the **B1 or B2** reference level. The Welsh Ministers will be able to make **regulations upgrading the goal at a future date so that pupils are expected to reach B2 for oral interaction.** (The EM (para 3.75) notes that Cymraeg 2050 places a clear emphasis on oral communication and this is therefore the priority area for Welsh language development.)
- **Primarily English Language, partly Welsh** schools: pupils to be **“basic”** Welsh language users, i.e. are at the **A1 or A2** reference level. Schools’ Welsh language education delivery plans (required by section 14 of the Bill and discussed in the following section of this briefing) will be expected to facilitate continuous improvement. The EM says that the expectation over time will be that the vast majority of pupils will reach A2. The Welsh Ministers will be able to make **regulations upgrading the goal at a future date so that pupils are expected to become independent Welsh language users,** i.e. reach the B1 or B2 reference level, and **B2 for oral interaction.**

The EM states that the timescale for upgrading the Welsh language education goals in Dual Language and Primarily English Language, partly Welsh schools will be based on “appropriate progression being made in these categories” and on “factors such as resources or workforce capacity”. The goals in the two categories will not necessarily be upgraded at the same time.

Section 12 of the Bill uses the provision in the **Curriculum and Assessment (Wales) Act 2021** for the Welsh Ministers to make arrangements for assessment under the Curriculum for Wales, so that pupils make progress towards a school’s Welsh language learning goal. It also requires the Welsh Ministers to have regard to the Welsh language learning goals when keeping the Progression Code (issued under the 2021 Act) under review.

The Bill provides for Primarily English Language, partly Welsh schools to be granted temporary exemptions to the requirement to provide a minimum of 10% Welsh language education provision (sections 18 and 19 of the Bill).

Schools' Welsh language education delivery plans

Under section 14 of the Bill, school governing bodies must prepare a delivery plan known as a “Welsh language education delivery plan”. This will set out:

- the school's language category;
- the amount of Welsh language education provided at the time of preparing the plan;
- how the governing body will ensure that the school provides Welsh language education in accordance with its language category;
- how the school will promote late immersion education;
- the amount of Welsh language education the school intends to provide for the period of the delivery plan and how this will be maintained and increased when reasonably practicable;
- how, in pursuance of its Welsh language learning goal, the school will promote a Welsh language ethos and culture within the school; promote use of Welsh within the school; and facilitate continuous improvement in its Welsh language education;
- how the governing body will prepare for changing the school's language category, if it intends to do so.

The **EM explains that the aim behind delivery plans** is to “guide schools as they plan their Welsh language education at a practical level”. The Bill gives the Welsh Ministers the power to make regulations further detailing the form and content of such a plan. The EM adds that a template for delivery plans “would be useful” so schools “understand exactly what is expected of them”.

In preparing their delivery plans, the Bill requires school governing bodies to consult specified persons and have regard to the local authority's Welsh in Education Strategic Plan (WESP). The school will have to submit their proposed delivery plan to the local authority (at least nine months prior to the start of the plan) who may approve it with or without modifications agreed with the governing body, or reject it and direct the governing body to reconsider it. If rejecting a school's delivery plan, the local authority must give reasons and specify by when the governing body must submit a further draft.

Schools must publish their approved Welsh language education delivery plan. Each delivery plan lasts for three school years. Governing bodies must review their school's plan during this period and submit any amended plan for the local

authority's approval. In amending their delivery plan, a school may not downgrade its language category (section 17).

Exemptions to the minimum amount of Welsh language education

The Welsh Government recognises in the EM that providing at least 10% of education in Welsh will be a “challenge for some schools, for reasons that may be beyond their control”.

Section 18 of the Bill provides for a school, when preparing or amending its first Welsh language education delivery plan, to apply to the local authority for a temporary exemption to the requirement to provide the minimum amount (initially 10%) of Welsh language education. The school's delivery plan must set out the reasons why it is not reasonably practicable to deliver the minimum amount and how it plans to be able to do so in future and when (this must be within the three year period of the plan). Such a temporary exemption is granted by virtue of the local authority approving the school's Welsh language education delivery plan with those caveats included.

Where a school feels it still cannot meet the minimum provision requirement when preparing its second Welsh language education delivery plan, it may seek a further exemption (section 19 of the Bill). If so, the school's draft second delivery plan must set out why this is the case and an updated proposed course of action for addressing this. If the local authority is not satisfied with the explanation, it may instruct the school to reconsider its delivery plan, however its approval of the plan will effectively grant the exemption. The local authority will have to report to the Welsh Government why it approved the school's delivery plan and details of any support offered to the school's governing body.

The **EM explains that the rationale behind sections 18 and 19** is that “it may not be reasonably practicable for some schools to provide the minimum of 10% when that requirement comes into force”. It adds that it may be useful for the Welsh Government to issue guidance to local authorities and schools outlining valid reasons for approving an exemption request.

Special schools

As stated earlier, there is no duty on special schools to provide a specific amount of Welsh language provision, nor to designate themselves a language category. However, they may do so voluntarily and the Bill still requires them to prepare a “Welsh language education plan” setting out the amount of Welsh language

education provided by the school and how they will promote a Welsh language ethos and culture, and use of the language in the school (section 20).

Late immersion education in Welsh

Section 22 of the Bill requires local authorities to encourage demand for late immersion education in Welsh and participation in it. Local authorities must take all reasonable steps to provide late immersion education that meets the demand for it. They must also arrange for information and advice to be provided about the availability of late immersion education to children and parents, schools and other specified persons.

For the purposes of the Bill, “late immersion education” means intensive education in Welsh to children aged over 7 who attend or want to attend a Primarily Welsh Language or Dual Language school. Its purpose is to allow latecomers to access Welsh-medium education at stages beyond Year 2, up to which point children educated in Welsh are fully immersed in the language. It is therefore a key part of supporting learners converting to Welsh-medium education from English-medium education, for example attending a Welsh-medium or Dual Language secondary school, having attended an English-medium primary school.

Part 4 - Planning Welsh language education and learning

This part of the Bill aims to ensure there is a joined-up approach to planning Welsh language education and learning at the national level, the local authority level and the school level.

The Welsh Government says in the EM the policy proposals behind Part 4 are “critical to the success” of the policy proposals behind Part 3 on school language categorisation and delivery plans. The Welsh Government also wants to establish a “clear line of accountability” between national, local and school levels.

National Framework for Welsh Language Education and Learning Welsh

Section 23 of the Bill requires the Welsh Ministers to prepare a framework, setting out how the Welsh Government will implement its Welsh language strategy (which it is required to have under section 78 of GOWA) in relation to Welsh language education, lifelong learning of Welsh and acquisition of the language. This framework will be known as the “National Framework for Welsh Language Education and Learning Welsh”. As the **EM explains, this is in order to ensure arrangements for Welsh language education and lifelong learning** are “designed

in an integrated way in one comprehensive framework”.

The National Framework must set out the steps the Welsh Ministers will take to promote and facilitate the use of Welsh by:

- **increasing** the provision of Welsh language education in schools;
- **improving** the provision of Welsh language education in schools;
- **promoting** education in Primarily Welsh Language and Dual Language category schools and increasing the number of pupils attending these schools;
- ensuring that **training, professional development and support** is available for educational practitioners so the necessary workforce is in place to deliver on targets set by the Welsh Government;
- **facilitating progression** in teaching Welsh as a subject and education through the medium of Welsh between pre-school and compulsory schooling, and between school and post-16 education and training.

The National Framework must cover teaching and learning of Welsh at all ages: childcare and early years education; compulsory schooling; tertiary education; in the workplace and in the community.

The Welsh Government must use the National Framework to set targets for local authorities for implementing the framework in their own area and which reflect national targets and ambitions. Such targets and ambitions may include increasing the number of pupils receiving education in Primarily Welsh Language schools, increasing the number of such schools, and increasing the provision of Welsh language education provided in Dual Language and Primarily English Language, partly Welsh schools. Local authorities must take all reasonable steps to meet these targets.

In setting such targets, the National Framework must include an assessment of the Welsh language education provided at the time in schools in each local authority, an analysis of the amount of Welsh language education needed in order to meet any target set, and an assessment of the number of education practitioners needed in each local authority.

The National Framework may also set targets on the National Institute for Learning Welsh (established under Part 5 of the Bill and discussed in a later section of this briefing) to increase the number of people over compulsory school age learning Welsh and improving the ability of those who are learning Welsh.

The Welsh Ministers must consult persons specified in section 26 of the Bill when preparing or amending the National Framework. They must also include information about the National Framework in the annual report they publish under section 78 of GOWA regarding the Welsh language strategy. They must also set out in the annual plan regarding implementation of the strategy, also published under section 78 of GOWA, how they will implement the National Framework.

The National Framework will cover a period of 10 years and the Welsh Ministers must review it and the targets within it at least every 5 years, amending the framework as necessary (section 25).

Local Welsh in education strategic plans

Section 28 of the Bill requires local authorities to prepare a “local Welsh in education strategic plan” that sets out how they will promote and facilitate Welsh language education and use of Welsh in schools. Local authorities’ strategic plans must also set out how they will take all reasonable steps to meet targets set by the National Framework on Welsh Language Education and Learning Welsh.

The arrangements for local Welsh in education strategic plans under the Bill will reform the existing system of Welsh in Education Strategic Plans (WESPs) established under the **School Standards and Organisation (Wales) Act 2013** and associated regulations. In its **2023 White Paper**, the Welsh Government signalled a “shift in mindset” to one where “the Welsh Ministers would set the local authority’s strategic aim for planning Welsh in education. The function of the local authority will be to plan and implement”. The White Paper proposed changing the title of WESPs to Welsh in Education Implementation Plans (WEIPs) to reflect that shift in mindset. However, the Bill retains the WESP title, albeit with “local” included. The EM refers to them as “Local Strategic Plans”.

The **EM explains that the purpose for these provisions in the Bill** is to “ensure that there is alignment between the national vision set out in the [National] Framework and the Welsh language education planning work undertaken at a local authority level”. The Welsh Government wants “the Local Strategic Plans to respond to the National Framework targets” and “school delivery plans to respond to the targets of the Local Strategic Plans”.

Shortcomings of the current WESPs system

There has been considerable scrutiny and review of WESPs and the legislative framework underpinning them, including Senedd Committee inquiries in **2015** and

2023, which highlighted a lack of means for the Welsh Government to realise its ambitions for Welsh in education. It was not apparent what Welsh Ministers could do if local authorities' WESPs were not ambitious enough or local authorities were not delivering on the plans they had in place. There was also an **independent review of WESPs** in 2017 and **formation of an Independent Advisory Board**, which led to changes in 2019 including an expectation on local authorities to pursue targets in line with Cymraeg 2050. However, as the **White Paper outlined**:

Despite these reforms following the Board's recommendations, the Board concluded that the current legislative structure no longer supported Welsh in education planning by local authorities to the extent necessary to respond to the long-term national ambition for the Welsh language to reach one million speakers by 2050.

Content of Welsh in education strategic plans

The Bill provides that a local authority's strategic plan must set out how the authority will:

- improve provision of Welsh language education in its schools;
- improve the process of planning the provision of Welsh language education in its area;
- ensure it has sufficient education practitioners working in its area;
- promote and provide information about the Welsh language education provided in Primarily Welsh Language and Dual Language schools in its area;
- meet its duties under section 22 of the Bill regarding late immersion education;
- facilitate progression in Welsh language education between nursery and school education, and between schools and tertiary education.

Local authorities' strategic plans must also include information on the education practitioners in their area and, in the case of future plans, a report on progress made in relation to the previous plan.

Process of making and approving local strategic plans

In preparing their plans, local authorities must have regard to the National Framework for Welsh Language Education and Learning Welsh. They must also consult specified persons including all schools and colleges in their area, Estyn, the National Institute for Learning Welsh (established by this Bill) and the Welsh Language Commissioner.

Local authorities' plans will have effect for five years, although they must set out

action to be taken over 10 years. This reflects a recognition over recent years that the current three year duration of WESPs is too short to have a meaningful impact. During the **CCWLSIR Committee's 2023 inquiry**, there were different views about the pros and cons of a longer period, for example 10 years. Stakeholders felt this would enable more effective long-term planning but that more regular reporting and monitoring was needed to provide the necessary accountability. **The Welsh Government says the 5 year period with a 10 year overview** “strikes the right balance between allowing flexibility to operate over the medium to long term, but with accountability from the requirement to report on progress made at the end of each plan”.

Local authorities must submit a draft of their local strategic plans to the Welsh Ministers, along with a summary of responses to their consultation and the local authority's response to that consultation. The Welsh Ministers may approve the plan with or without modifications agreed with the local authority, or reject it and direct the local authority to reconsider it. If rejecting a local authority's plan, the Welsh Ministers must give reasons and specify by when the governing body must submit a further draft. This is a similar process to the one the Bill puts in place between schools and local authorities regarding approval of a school's Welsh language education delivery plan (discussed earlier).

Welsh Government directions to local authorities to amend their plan

Local authorities must keep their local strategic plans under review (section 32). If the Welsh Ministers consider that a local authority is unlikely to meet a target in the National Framework, they may direct the local authority to consider amending its plan. In such cases, the local authority must either submit an amended plan for the Welsh Ministers' consideration or give reasons for not amending its plan.

Section 33 gives the Welsh Ministers the power to make further provision in relation to local Welsh in education strategic plans through regulations.

Part 5 – National Institute for Learning Welsh

Section 36 of the Bill establishes a new statutory body called the National Institute for Learning Welsh to “facilitate and support people of all ages to learn Welsh”. **The EM states that currently**, there is:

no single body providing strategic leadership for lifelong Welsh language learning. Consequently, support for learning Welsh is split across multiple organisations and partnerships resulting in a lack of continuity across the education sector and different workplaces.

The Welsh Government believes that maintaining the current system would make the overall aim of implementing a single Welsh language skills continuum harder. In addition, as the National Centre for Learning Welsh works on five-yearly procurement cycles, the **Welsh Government doesn't think this provides it with the** "appropriate certainty and longevity for a body that supports Welsh language learning – particularly if that support is extended to the compulsory education sector".

In its **White Paper consultation**, the Welsh Government proposed to expand and redefine the remit of the National Centre for Learning Welsh to "become a specialist body that supports lifelong Welsh language learning, including supporting schools". However, the **summary of responses** to the consultation showed that opinion was divided on the principle of centralising specialist support. Only 37% of respondents to the consultation agreed with the proposal, whilst 39% disagreed. Reasons for and against the proposal can be found in the **Welsh Government's summary of responses**.

The new body would assume the functions of the existing National Centre for Learning Welsh, which supports Welsh language learning for those over compulsory education age (16+). It will also acquire new responsibilities, including:

- planning the development of the education workforce for the purpose of improving Welsh language teaching;
- co-ordinating and commissioning research on teaching or learning Welsh;
- giving advice to any person on teaching or learning Welsh; and
- promoting collaboration between Welsh language learning providers and schools in Wales.

The Bill also enables the Welsh Ministers, by regulations, to add additional functions on the Institute, but these functions must relate to supporting people to learn Welsh or facilitate their progress.

Facilitating and supporting lifelong Welsh language learning

Section 37 sets out the core objectives of the Institute, which is to support people of all ages to learn Welsh and facilitate their progression. The new body will seek to ensure that people are aware that "school is not the only opportunity to learn Welsh" or to develop their skills.

Section 37 places various duties on the Institute to meet the objectives. These include:

- providing strategic leadership and direction to Welsh language learning providers;
- providing, or facilitating the provision of, Welsh language learning materials;
- making arrangements to provide opportunities to learn Welsh and improve levels of ability in the language amongst the education workforce, in the workplace, and to people over compulsory school age;
- developing and maintaining a national curriculum for Welsh language learning for learners over compulsory school age.

While many of the Institute's functions focus on people over compulsory school age, the **EM notes that** "one of the consequences of exercising these functions will be to support lifelong Welsh language education and teaching". It is not intended for the Institute to have a role in "providing courses or activities directly to pupils 3-16 in schools". Nevertheless, it is anticipated that the provision planned and organised by the new body will "improve provision for children 3-16 and bring the provision into line with Welsh learning skill levels".

Provisions in this section also give the Institute powers to co-ordinate and commission research on teaching or learning Welsh, as well as give financial assistance to any Welsh language learning provider (that is persons that teach Welsh or offer provisions teaching Welsh for people over compulsory school age) to aid teaching or learning of Welsh.

There are also general powers for the Institute to "do anything else" to support and facilitate people to learn Welsh if it "considers it appropriate to meet a target set by the National Framework on Welsh Language Education and Learning Welsh under section 23(7)".

Promoting equality of opportunity, innovation and collaboration

Sections 39 to 42 of the Bill sets out some specific areas in which the Institute will be expected to act. This includes increasing participation and reducing gaps in attainment in Welsh language learning among under-represented groups aged 16 and over. The Bill expands on the definition of under-represented groups as:

groups of people that are under-represented in Welsh language education as a result of social, cultural, economic or organisational factors.

The **EM states that the duty:**

reflects the importance of a Welsh language learning sector that meets the needs of people over compulsory school age and with different interests, competencies, needs and aspirations.

The Bill also places a requirement on the Institute to promote “raising standards” for the learning of Welsh, and the EM states that it will be “ideally placed to drive innovation and continuous improvement across the Welsh learning sector”.

Finally, the Institute must also promote collaboration between those with responsibility for improving the Welsh language skills of learners. The EM explains that this may include funding collaborative projects and working with learning providers to “develop more opportunities for aligning provision”. A significant element is the proposal for the Institute to promote collaboration “between Welsh learning providers and schools (that are not Welsh learning providers)”, along with tertiary education providers and employers in Wales.

Through its collaboration with different sectors, **the Institute would be expected to identify gaps in Welsh language skills and:**

prepare interventions targeted at specific workplaces, sectors, or geographical areas to improve the ability of bodies and sectors to deliver Welsh language services.

The **summary of responses to the White Paper consultation** noted that respondents referred to the need for collaboration between different sectors, particularly in order to ensure that “increasing the workforce in one sector does not have a detrimental effect on the workforce of a related sector (e.g. early years workers moving to schools to become teaching assistants)”.

Strategic plan and annual report

As a statutory body, the new National Institute for Learning Welsh will be required, under sections 44 and 45, to publish a strategic plan every 3 years, and report annually on the exercise of its functions.

In preparing its strategic plan, the Institute would be required to consult with the Welsh Ministers, the Welsh Language Commissioner, the Commission for Tertiary Education and Research, the Coleg Cymraeg Cenedlaethol, Welsh language learning providers in receipt of funding from the Institute, and any other person or body they consider to be appropriate. The Welsh Government states in the EM that by ensuring broad input from these key stakeholders, that “all strategic plans will be interconnected with wider strategies”, facilitating greater alignment across

organisations in relation to learning Welsh.

The Welsh Ministers will also need to approve the strategic plan developed by the Institute, which the Welsh Government says will ensure that the “Institute’s vision and work plan is aligned with the wider vision of Welsh Ministers”.

Part 6 - General

Part 6 sets out some general provisions about the operation of the Bill and when provisions come into force.

Part 6 (with the exception of section 47 - Repeal of provisions in the *School Standards and Organisation (Wales) Act 2013*) and sections 1(1)(a) and 1(3) come into force when the Bill receives Royal Assent. Sections 1(4) and section 5 - Types of Welsh language user and common reference levels, come into force two months after Royal Assent.

Section 47 and all other provisions of the legislation will come into force on a day appointed by the Welsh Ministers in an order made by statutory instrument. Section 52 makes provisions in relation to the powers to make regulations under this Bill.

Section 46 requires local authorities and school governing bodies, in exercising their functions under Part 3 and 4 of the Bill, to have regard to guidance issued by the Welsh Ministers.

Section 47 amends Schedule 2 to the *School Standards and Organisation (Wales) Act 2013*. This means that the process for language medium alterations described in Schedule 2 to the 2013 Act no longer needs to be followed. Instead Part 3 of this Bill will now make provisions about changing the language medium of school teaching.

Section 48 adds Part 3 (Welsh language education) and Part 4 (Planning Welsh language education and learning) to the list of Education Acts set out in section 578 of the *Education Act 1996*. This enables effective co-ordination of education legislation, and the Explanatory Notes explain that the main effect on this occasion is it gives the Welsh Ministers powers to intervene if the governing body of a maintained school or local authority fail to comply with duties under the Bill, or exercise functions under the Bill in an unreasonable way.

Sections 50 and 51 make provisions in relation to the publication of documents and giving or sending notices, directions or other documents. It states that documents

must be in an electronic format, but also published in other formats.

Sections 49, 53 and 55 set out definitions for key terms in the Bill, consequential and transitional arrangements and a short title for the legislation.

Schedule 1 - Types of Welsh Language User and Common Reference Levels

The provisions in the Bill are supported by the CEFR framework included in Schedule 1. The Table provides a description of Welsh language ability, including type of Welsh language user and a common reference level (A1-C2).

This Table has been reproduced (in relation to the Welsh language) from the Common European Framework of Reference for Languages developed by the Council of Europe.

Schedule 2 - National Institute for Learning Welsh

Schedule 2 supports the provisions establishing the new National Institute for Learning Welsh in Part 5. It sets out the process for appointments and terms of the chief executive, chair, members of staff and non-executive members of the Institute.

It also imposes rules for meetings, committees and sub-committees and financial matters. Schedule 2 also confirms that the Institute is not to be regarded as a Crown body.

3. Powers to make subordinate legislation

The powers to make subordinate legislation under the Bill are listed in Table 5.1.1 in **Chapter 5 of the Explanatory Memorandum**. Table 5.1.2 lists powers to make directions, and issue codes and guidance.

Regulations

The Bill gives the Welsh Ministers **26 powers to make regulations and one power to make an order**.

- **16** of these are to be exercised under the Senedd's **draft affirmative**¹ procedure.
- **Eight** are to be exercised under the Senedd's **negative** procedure.
- One requires the draft affirmative procedure if amending primary legislation, otherwise it is subject to the negative procedure. This is the power to make provision that is incidental, supplementary or consequential provision or to make transitional, transitory or saving provision.
- Another one, the power to specify the planning period of the National Institute for Learning Welsh, requires the negative procedure when setting the first such period and subsequent three year periods and the draft affirmative procedure if changing the three year length of such periods.
- The power to make an order requires no Senedd procedure (this is the Commencement Order).

The Bill also provides for the use of an existing power to make regulations under the Curriculum and Assessment (Wales) Act 2021 regarding assessment arrangements.

Directions, codes and guidance

The Bill gives **10 powers or duties to issue directions, codes, guidance and rules**. None of these require any Senedd procedure.

- There are three powers for the Welsh Ministers to give directions. There are also two powers for local authorities to give directions to the governing body of a school where the local authority rejects the school's first Welsh language education delivery plan or an amended delivery plan. A further power to give a

1 Under the draft affirmative procedure, the statutory instrument cannot become law until the Senedd votes to approve it and it is then made law by the Welsh Ministers. Under the negative procedure, the statutory instrument automatically becomes law when it is made by the Welsh Ministers, but the Senedd can vote to annul it within 40 days of it being laid.

direction is included for the National Institute for Learning Welsh regarding the delegation of its functions to its committees.

- There is a duty on the Welsh Ministers to prepare and publish guidance to assist individuals on completing self-assessments of their Welsh language ability. There is also a power to issue guidance to local authorities and schools on their functions under the Bill.
- The Welsh Ministers will have a duty to prepare and publish a Code describing Welsh language ability, based on the Common European Framework of Reference for Languages.
- The National Institute for Learning Welsh will have a duty to make rules to regulate its own procedure.

4. Financial implications and consideration of other options

The **Regulatory Impact Assessment (RIA)** within the Explanatory Memorandum sets out the Welsh Government's estimated costs of the Bill and its consideration of other options.

The cost of the preferred option (the Bill) is **estimated at £103.2 million over a ten year period** (2025-26 to 2034-25). This is made up of £5.8 million of administrative costs in setting up several elements of the Bill, and £97.3 million of costs primarily to local authorities and schools in complying with their statutory duties under the Bill.

The £5.8 million of administrative costs include developing the Code to describe Welsh language ability, guidance and regulations, as well as developing the National Framework and setting up the National Institute for Learning Welsh. Other proposals within the Bill “build upon structures and practices already in existence”, such as the Cymraeg 2050 target, school language categories and WESPs.

The £97.3 million of compliance costs include schools preparing Welsh language education delivery plans, increasing their Welsh provision to meet Welsh language learning goals, and reforms to the current WESPs system.

The Welsh Government says there will be cost savings and benefits associated with the Bill but says “it is not possible to quantify these at this stage”.

Other options

In addition to the “preferred option” and doing nothing (the “business as usual” option), the RIA describes an “alternative option”. This was considered to determine whether a large proportion of the expected benefits of the preferred option could be delivered at a significantly lower cost.

The current business as usual situation was used as a baseline against which the impact of the other options was assessed for each part of the Bill. Details of this are provided in Table 1 (following paragraph 7.5) in the RIA. No figures are given for the cost of the alternative option other than a broad description of the financial impact as “high”, “medium” or “low”.

Cost scenarios

The **RIA sets out three scenarios** that the Welsh Government believe could materialise if the Bill becomes law:

- Scenario 1: Existing progress towards the goal that all pupils leaving statutory education by 2050 are able to speak Welsh independently with confidence is good. The Bill therefore simply supports this and ensures that good progress continues. The change brought about by the Bill is therefore minimal and costs are low.
- Scenario 2: Existing progress towards the same goal is not meeting expectations. The Bill therefore proves to be necessary to strengthen existing activities to better coordinate progress. The Bill will therefore make some changes and there will be some costs.
- Scenario 3: Progress is not on track and the Bill's provisions are substantially more ambitious than current practice. This means that there will be considerable changes required as a result of the Bill and therefore considerable costs.

The Welsh Government anticipates that scenario 2 is likely to occur and the estimated cost of the bill at £103 million over ten years presumably reflects this.

5. The Senedd's scrutiny

The Welsh Government issued a **written statement** upon the Bill's introduction to the Senedd on 15 July 2024 and an **oral statement** was given in Plenary on 16 July 2024.

There are four stages to the Senedd's scrutiny of Bills, which are explained in this **[Guide to the legislative process](#)**.

Stage 1

The Senedd's **Business Committee** has referred the Bill to the Children, Young People and Education (CYPE) Committee and set a deadline of 13 December 2024 for it to report on the general principles of the Bill (Stage 1 scrutiny).

The CYPE Committee is holding oral evidence sessions throughout September and October. It has also launched an **open call for evidence** on the Bill, which runs until 11 October 2024.

Further information on scrutiny at Stage 1 is available on the **[Bill webpage](#)**.

The Bill's provisions and financial implications will also be scrutinised by the **Legislation, Justice and Constitution Committee**, and **Finance Committee**, which will report from their own perspectives.

Stage 2 and beyond

Should the Bill proceed past its Stage 1 debate with Members of the Senedd supporting the general principles, it will be subject to amendment at Stage 2. These amendments will be considered by the CYPE Committee. The Business Committee's timetable for the Bill sets a deadline of 7 March 2025 for Stage 2 to be completed.

The Bill would then be subject to further amendment by all Members of the Senedd in Plenary (Stage 3) before a final vote on whether to pass the legislation (Stage 4).