

Y Pwyllgor Plant, Pobl Ifanc ac Addysg

Lleoliad:

Ystafell Bwyllgora 1 – y Senedd

Dyddiad:

Dydd Mercher, 5 Tachwedd 2014

Amser:

09.15

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



I gael rhagor o wybodaeth, cysylltwch â:

Marc Wyn Jones

Clerc y Pwyllgor

029 2089 8505

PwyllgorPPI@cymru.gov.uk

Agenda

Cyfarfod preifat cyn y prif gyfarfod – 09.15 – 09.30

1 Cyflwyniad, ymddiheuriadau a dirprwyon

2 Y Bil Addysg Uwch (Cymru) – Cyfnod 2: Trafod y gwelliannau (09.30 – 12.00) (Tudalennau 1 – 22)

Papurau: Rhestr o Welliannau wedi'u Didoli
Grwpio Gwelliannau

Yn unol â Rheol Sefydlog 26.21, bydd y Pwyllgor yn gwaredu'r gwelliannau i'r Bil Addysg Uwch (Cymru) yn y drefn y mae'r adrannau a'r atodlenni y maent yn cyfeirio atynt yn codi yn y Bil.

3 Papurau i'w nodi

Y Bil Addysg a Chynhwysiant Ariannol (Cymru) – Llythyr gan Bethan Jenkins yn dilyn y

cyfarfod ar 9 Hydref (Tudalennau 23 – 24)

CYPE(4)-26-14 – papur i'w nodi 1

Y Bil Addysg a Chynhwysiant Ariannol (Cymru) – Llythyr gan y Gweinidog Addysg a Sgiliau yn dilyn y cyfarfod ar 1 Hydref (Tudalennau 25 – 27)

CYPE(4)-26-14 – papur i'w nodi 2

Y Bil Addysg Uwch (Cymru) – Llythyr gan y Gweinidog Addysg a Sgiliau – Rheoliadau Drafft (Tudalennau 28 – 59)

CYPE(4)-26-14 – papur i'w nodi 3

Cyllideb ddrafft Llywodraeth Cymru ar gyfer 2015–16 – Llythyr gan y Pwyllgor Iechyd a Gofal Cymdeithasol at y Gweinidog Iechyd a Gwasanaethau Cymdeithasol

(Tudalennau 60 – 73)

CYPE(4)-26-14 – papur i'w nodi 4

Cyllideb ddrafft Llywodraeth Cymru ar gyfer 2015–16 – Llythyr at y Gweinidog Cymunedau a Threchu Tlodi (Tudalennau 74 – 78)

CYPE(4)-26-14 – papur i'w nodi 5

Cyllideb ddrafft Llywodraeth Cymru ar gyfer 2015–16 – Llythyr at y Gweinidog Addysg a Sgiliau a'r Dirprwy Weinidog Sgiliau a Thechnoleg (Tudalennau 79 – 83)

CYPE(4)-26-14 – papur i'w nodi 6

4 Cynnig o dan Reol Sefydlog 17.42 i benderfynu gwahardd y cyhoedd o'r cyfarfod ar gyfer y canlynol:

Eitem 5 a 6

5 Y Bil Addysg a Chynhwysiant Ariannol (Cymru) – Trafod yr adroddiad drafft (12.00 – 12.30)

CYPE(4)-26-14 – papur preifat 7

6 Ymchwiliad i Wasanaethau Iechyd Meddwl Plant a'r Glasoed – Trafod yr adroddiad drafft (12.30 – 12.45) (Tudalennau 84 – 134)

CYPE(4)-26-14 – papur preifat 8 – Adroddiad drafft

CYPE(4)-26-14 – papur preifat 9 – Llythyr gan y Gweinidog Iechyd a Gwasanaethau Cymdeithasol



RHESTR O WELLIANNAU WEDI'U DIDOLI MARSHALLED LIST OF AMENDMENTS

Bil Addysg Uwch (Cymru) Higher Education (Wales) Bill

Mae'r gwelliannau â * ar eu pwys yn rhai newydd neu'n rhai sydd wedi'u haddasu.
Amendments marked * are new or have been altered.

Caiff y Bil ei ystyried yn y drefn a ganlyn –
The Bill will be considered in the following order –

Section Nos. English	Rhifau adrannau Cymraeg
Sections 1- 57	Adrannau 1-57
Schedule	Atodlen

Huw Lewis

4

Section 1, page 1, line 14, after 'limit', insert 'or other requirement included'.

Adran 1, tudalen 1, llinell 15, ar ôl 'ffioedd' yn y lle cyntaf y mae'n ymddangos, mewnosoder 'neu â gofyniad arall sydd wedi ei gynnwys'.

Huw Lewis

1

Section 1, page 2, line 5, leave out 'provision about certain supplementary functions of HEFCW,' and insert 'supplementary provision about functions of HEFCW, including provision'.

Adran 1, tudalen 2, llinell 6, hepgorer 'ynghylch swyddogaethau atodol penodol CCAUC,' a mewnosoder 'atodol ynghylch swyddogaethau CCAUC, gan gynnwys darpariaeth'.

Suzy Davies 26

Section 4, page 3, line 14, leave out 'any maximum period prescribed for the purposes of this section' and insert 'two years'.

Adran 4, tudalen 3, llinell 14, hepgorer 'nag unrhyw gyfnod hwyaf a ragnodir at ddibenion yr adran hon' a mewnosoder 'na dwy flynedd'.

Suzy Davies 27

Section 4, page 3, after line 17, insert—

- (4) The Welsh Ministers may, by regulations, amend the period specified in subsection (2).
- (5) Before making regulations under subsection (4), the Welsh Ministers must consult HEFCW and the governing bodies of institutions that already have fee and access plans that have been approved.'

Adran 4, tudalen 3, ar ôl llinell 17, mewnosoder—

- (4) Caiff Gweinidogion Cymru, drwy reoliadau, ddiwygio'r cyfnod a bennir yn is-adran (2).
- (5) Cyn gwneud rheoliadau o dan is-adran (4), rhaid i Weinidogion Cymru ymgynghori â CCAUC a chyrrff llywodraethu sefydliadau sydd eisoes â chynlluniau ffioedd a mynediad sydd wedi'u cymeradwyo.'

Simon Thomas 43

Section 6, page 4, after line 35, insert—

- () to take measures to attract and retain students who are able and wish to study or undertake research through the medium of the Welsh language (or to secure the taking of such measures);'

Adran 6, tudalen 4, ar ôl llinell 37, mewnosoder—

- () cymryd camau i ddenu a chadw myfyrwyr sy'n gallu ac yn dymuno astudio neu ymgymryd â gwaith ymchwil drwy gyfrwng y Gymraeg (neu sicrhau bod camau o'r fath yn cael eu cymryd);'

Suzy Davies 54

Section 6, page 5, after line 3, insert—

- () Where provision prescribed under subsection (3)(b) has been made on the basis of financial provision made by the Welsh Ministers, the Welsh Ministers must, before changing that financial provision —
 - (a) consult that governing body on the proposal to change to that financial provision, and
 - (b) provide reasonable notice of that proposal.'

Adran 6, tudalen 5, ar ôl llinell 3, mewnosoder—

- () Pan fo darpariaeth a ragnodir o dan isadran (3)(b) wedi'i gwneud ar sail darpariaeth ariannol a wneir gan Weinidogion Cymru, rhaid i Weinidogion Cymru, cyn newid y ddarpariaeth ariannol honno—

- (a) ymgynghori â'r corff llywodraethu hwnnw ynghylch y cynnig i newid i'r ddarpariaeth ariannol honno, a
- (b) rhoi rhybudd rhesymol ynghylch y cynnig hwnnw.'.

Simon Thomas

44

Section 6, page 5, after line 16, insert—

- '(c) for expenditure by a regulated institution from any sums derived other than from fees from qualifying persons on qualifying courses.'

Adran 6, tudalen 5, ar ôl llinell 16, mewnosoder —

- '(c) ar gyfer gwariant gan sefydliad rheoleiddiedig o unrhyw symiau sy'n deillio o ffynonellau ac eithrio ffioedd gan bersonau cymhwysol sydd ar gyrsiau cymhwysol.'

Huw Lewis

5

Section 6, page 5, line 20, leave out 'provisions' at the first place where it appears and insert 'requirements'.

Adran 6, tudalen 5, llinell 20, hepgorer 'ddarpariaethau' a mewnosoder 'ofynion'.

Huw Lewis

6

Section 6, page 5, line 21, after 'section', insert 'which require the governing body of the institution to do (or not to do) specified things'.

Adran 6, tudalen 5, llinell 22, ar ôl 'hon', mewnosoder 'sy'n ei gwneud yn ofynnol i gorff llywodraethu sefydliad wneud (neu beidio â gwneud) pethau penodedig'.

Bethan Jenkins

25

To insert a new section—

'() Promotion of financial literacy

A fee and access plan must include measures which an institution proposes to take to promote the financial literacy of its students.'

I fewnosod adran newydd—

'() Hyrwyddo llythrennedd ariannol

Rhaid i gynllun ffioedd a mynediad gynnwys mesurau y mae sefydliad yn cynnig eu cymryd i hyrwyddo llythrennedd ariannol ei fyfyrwyr.'

Simon Thomas

45

Section 7, page 5, after line 29, insert—

‘() HEFCW may not approve a plan unless it is satisfied that it complies with the requirements prescribed under section 6.’.

Adran 7, tudalen 5, ar ôl llinell 30, mewnosoder—

‘() Ni chaiff CCAUC gymeradwyo cynllun oni bai ei fod wedi ei fodloni ei fod yn cydymffurfio â’r gofynion a ragnodir o dan adran 6.’.

Huw Lewis

7

Section 9, page 6, line 14, leave out ‘provide for an approved plan to be varied’ and insert ‘make provision permitting the governing body of a regulated institution to vary the institution’s approved plan’.

Adran 9, tudalen 6, llinell 17, hepgorer ‘ddarparu i gynllun a gymeradwywyd gael ei amrywio’ a mewnosoder ‘wneud darpariaeth sy’n caniatáu i gorff llywodraethu sefydliad rheoleiddiedig amrywio cynllun y sefydliad a gymeradwywyd’.

Huw Lewis

8

Section 9, page 6, after line 15, insert—

‘(3) The regulations may make provision about the making and determination of applications for approval of a variation.’.

Adran 9, tudalen 6, ar ôl llinell 19, mewnosoder—

‘(3) Caiff y rheoliadau wneud darpariaeth ynghylch gwneud ceisiadau am gymeradwyaeth i amrywiad a phenderfynu ar y ceisiadau hynny.’.

Huw Lewis

9

Page 8, line 2, leave out section 13 and insert—

‘() **Directions in respect of failure to comply with general requirements of approved plan**

- (1) This section applies if HEFCW are satisfied that the governing body of a regulated institution has failed, or is likely to fail, to comply with a general requirement of the institution’s approved plan.
- (2) HEFCW may direct the governing body to take (or not to take) specified steps for the purpose of dealing with or preventing the failure to comply.
- (3) But HEFCW may not give a direction under this section if they are satisfied that the governing body has taken all reasonable steps to comply with the requirement in question.
- (4) For procedural provision about directions under this section, see sections 40 to 43.’.

Tudalen 8, llinell 2, hepgorer adran 13 a mewnosoder –

‘() Cyfarwyddydau mewn cysylltiad â methiant i gydymffurfio â gofynion cyffredinol cynllun a gymeradwywyd

- (1) Mae’r adran hon yn gymwys os yw CCAUC wedi ei fodloni bod corff llywodraethu sefydliad rheoleiddiedig wedi methu, neu’n debygol o fethu, â chydymffurfio â gofyniad cyffredinol yng nghynllun y sefydliad a gymeradwywyd.
- (2) Caiff CCAUC gyfarwyddo’r corff llywodraethu i gymryd (neu i beidio â chymryd) camau penodedig at y diben o ymdrin â’r methiant i gydymffurfio neu atal methiant o’r fath.
- (3) Ond ni chaiff CCAUC roi cyfarwyddyd o dan yr adran hon os yw wedi ei fodloni bod y corff llywodraethu wedi cymryd pob cam rhesymol i gydymffurfio â’r gofyniad o dan sylw.
- (4) Am y ddarpariaeth weithdrefnol ynghylch cyfarwyddydau o dan yr adran hon, gweler adrannau 40 i 43.’

Simon Thomas

46

Section 13, page 8, after line 22, insert –

- ‘(4) The governing body of a regulated institution is not to be regarded for any purpose in this Act, or for any purpose in any regulations made under this Act, as having failed to comply with any of the general provisions of the institution’s approved plan, if the governing body shows that it has taken all reasonable steps to comply with that provision.’.

Adran 13, tudalen 8, ar ôl llinell 25, mewnosoder –

- ‘(4) Nid yw corff llywodraethu sefydliad rheoleiddiedig i’w ystyried at unrhyw ddiben yn y Ddeddf hon, neu at unrhyw ddiben mewn unrhyw reoliadau a wneir o dan y Ddeddf hon, fel pe bai wedi methu â chydymffurfio ag unrhyw rai o ddarpariaethau cyffredinol cynllun cymeradwy'r sefydliad, os bydd y corff llywodraethu yn dangos ei fod wedi cymryd pob cam rhesymol i gydymffurfio â’r ddarpariaeth honno.’.

Huw Lewis

10

Section 15, page 9, line 5, leave out ‘provisions’ and insert ‘requirements’.

Adran 15, tudalen 9, llinell 5, hepgorer ‘darpariaethau’ a mewnosoder ‘gofynion’.

Aled Roberts

39

Section 17, page 9, line 24, leave out ‘in Wales’.

Adran 17, tudalen 9, llinell 25, hepgorer ‘yng Nghymru’.

Aled Roberts 40

Section 17, page 9, line 28, leave out subsection (2).

Adran 17, tudalen 9, llinell 29, hepgorer is-adran (2).

Simon Thomas 47

Section 17, page 9, after line 30, insert—

‘() Arrangements for assessment under subsection (1) may only be made by HEFCW with the Quality Assurance Agency for Higher Education or another charitable or not for profit organisation that undertakes similar work.’

Adran 17, tudalen 9, ar ôl llinell 31, mewnosoder—

‘() Ni chaniateir i drefniadau ar gyfer asesu o dan is-adran (1) ond gael eu gwneud gan CCAUC gyda’r Asiantaeth Sicrhau Ansawdd ar gyfer Addysg Uwch neu sefydliad elusennol neu ddielw arall sy’n ymgymryd â gwaith tebyg.’

Simon Thomas 48

Section 24, page 12, after line 37, insert—

‘() Before issuing or approving guidance under this section (or any revised guidance), HEFCW must consult—

- (a) the governing body of each regulated institution, and
- (b) any other persons they think appropriate.’

Adran 24, tudalen 12, ar ôl llinell 37, mewnosoder—

‘() Cyn dyroddi neu gymeradwyo canllawiau o dan yr adran hon (neu unrhyw ganllawiau diwygiedig), rhaid i CCAUC ymgynghori â’r canlynol—

- (a) corff llywodraethu pob sefydliad rheoleiddiedig, a
- (b) unrhyw bersonau eraill sy’n briodol yn ei farn ef.’

Simon Thomas 49

Section 25, page 13, line 5, after ‘appropriate’, insert ‘other than the function of undertaking quality assessment functions’.

Adran 25, tudalen 13, llinell 5, ar ôl ‘ef’, mewnosoder ‘ac eithrio’r swyddogaeth o ymgymryd â swyddogaethau asesu ansawdd’.

Simon Thomas 50

Section 25, page 13, line 8, leave out ‘, or to have shown capacity in,’ and insert ‘teaching or undertaking research as part of’.

Adran 25, tudalen 13, llinell 9, hepgorer ‘ddarparu addysg uwch neu eu bod wedi dangos galluedd o ran darparu’ a mewnosoder ‘addysgu neu ymgymryd â gwaith ymchwil fel rhan o’r gwaith o ddarparu’.

Simon Thomas

51

Section 27, page 13, line 32, leave out 'relating to the organisation and management of the financial affairs of regulated institutions (referred to in this Act as "the Code")' and insert –
'(referred to in this Act as "the Code") which –

- (a) relates to the organisation and management of the financial affairs of regulated institutions;
- (b) must only include provisions which are necessary to enable the governing body of a regulated institution to demonstrate –
 - (i) that it is exercising appropriate control and management of the financial affairs of a regulated institution; and
 - (ii) that it is safeguarding the financial viability of a regulated institution'.

Adran 27, tudalen 13, llinell 35, hepgorer 'sy'n ymwneud â threfnu a rheoli materion ariannol sefydliadau rheoleiddiedig (y cyfeirir ato yn y Ddeddf hon fel "y Cod")' a mewnosoder –
'(y cyfeirir ato yn y Ddeddf hon fel "y Cod") –

- (a) sy'n ymwneud â threfnu a rheoli materion ariannol sefydliadau rheoleiddiedig;
- (b) y mae'n rhaid iddo ond gynnwys darpariaethau sy'n angenrheidiol i alluogi corff llywodraethu sefydliad rheoleiddiedig i ddangos –
 - (i) ei fod yn trefnu ac yn rheoli materion ariannol sefydliad rheoleiddiedig yn briodol; a
 - (ii) ei fod yn diogelu hyfywedd ariannol sefydliad rheoleiddiedig'.

Simon Thomas

52

Section 28, page 14, line 26, after 'appropriate', insert 'and allow those persons a period of at least 12 weeks to submit comments on the proposed draft Code'.

Adran 28, tudalen 14, llinell 27, ar ôl 'ef', mewnosoder 'a rhoi cyfnod o 12 wythnos o leiaf i'r personau hynny i gyflwyno sylwadau ar y Cod drafft arfaethedig'.

Simon Thomas

57

Section 28, page 15, leave out line 1 and insert –

- '() the draft Code may not be published unless that draft has been laid before, and approved by resolution of, the National Assembly for Wales;'

Adran 28, tudalen 15, hepgorer llinellau 1 hyd at 2 a mewnosoder-

- '() ni chaniateir cyhoeddi'r Cod drafft oni bai bod y drafft hwnnw wedi'i osod gerbron Cynulliad Cenedlaethol Cymru, a'i gymeradwyo ganddo drwy benderfyniad;'

Suzy Davies

28

Section 28, page 15, line 1, leave out –

‘the approved draft before the National Assembly for Wales;

(b) HEFCW must publish the Code in the terms of the approved draft.’

and insert –

‘a copy of the draft before the National Assembly for Wales.

- (7) If, before the end of the 40 day period, the National Assembly resolves not to approve the draft of the Code, HEFCW must not publish it in the form of that draft.
- (8) If no such resolution is made before the end of that period, HEFCW must issue the Code (or revised Code) in the form of the draft.
- (9) The 40 day period –
 - (a) begins on the day on which the draft is laid before the National Assembly, and
 - (b) does not include any time during which the National Assembly is dissolved or is in recess for more than four days.
- (10) Subsection (7) does not prevent a new draft of proposed Code or proposed revised Code from being laid before the National Assembly.’.

Adran 28, tudalen 15, llinell 1, hepgorer –

‘y drafft a gymeradwywyd gerbron Cynulliad Cenedlaethol Cymru;

(b) rhaid i CCAUC gyhoeddi’r Cod yn nhelerau’r drafft a gymeradwywyd.’

a mewnosoder –

‘copi o’r drafft gerbron Cynulliad Cenedlaethol Cymru.

- (7) Os, cyn diwedd y cyfnod o 40 niwrnod, bydd y Cynulliad Cenedlaethol yn penderfynu peidio â chymeradwyo’r drafft o’r Cod, ni chaniateir i CCAUC ei gyhoeddi ar ffurf y drafft hwnnw.
- (8) Os na wneir penderfyniad o’r fath cyn diwedd y cyfnod hwnnw, rhaid i CCAUC ddyroddi’r Cod (neu’r Cod diwygiedig) ar ffurf y drafft.
- (9) O ran y cyfnod o 40 niwrnod –
 - (a) bydd yn dechrau ar y diwrnod y gosodir y drafft gerbron y Cynulliad Cenedlaethol, a
 - (b) nid yw’n cynnwys unrhyw bryd y mae’r Cynulliad Cenedlaethol wedi ei ddiddymu neu wedi cymryd saib am fwy na phedwar diwrnod.
- (10) Nid yw is-adran (7) yn atal drafft newydd o God arfaethedig neu God diwygiedig arfaethedig rhag cael ei osod gerbron y Cynulliad Cenedlaethol.’.

Simon Thomas 58

Section 28, page 15, line 2, leave out 'approved draft' and insert 'draft approved by the National Assembly for Wales'.

Adran 28, tudalen 15, llinell 3, ar ôl 'gymeradwywyd', mewnosoder 'gan Gynulliad Cenedlaethol Cymru'.

Simon Thomas 59

Section 29, page 15, leave out line 30 and insert –

'(a) the draft Code may not be published unless that draft has been laid before, and approved by resolution of, the National Assembly for Wales;'

Adran 29, tudalen 15, hepgorer llinellau 34 hyd at 35 a mewnosoder –

'(a) ni chaniateir cyhoeddi'r Cod drafft oni bai bod y drafft hwnnw wedi'i osod gerbron Cynulliad Cenedlaethol Cymru, a'i gymeradwyo ganddo drwy benderfyniad;'

Suzy Davies 29

Section 29, page 15, line 30, leave out –

'the approved draft before the National Assembly for Wales;

(b) HEFCW must publish the Code in the terms of the approved draft.'

and insert –

'a copy of the draft before the National Assembly for Wales.

- (9) If, before the end of the 40 day period, the National Assembly resolves not to approve the draft of the Code, HEFCW must not publish it in the form of that draft.
- (10) If no such resolution is made before the end of that period, HEFCW must issue the Code (or revised Code) in the form of the draft.
- (11) The 40 day period –
- (a) begins on the day on which the draft is laid before the National Assembly, and
 - (b) does not include any time during which the National Assembly is dissolved or is in recess for more than four days.
- (12) Subsection (9) does not prevent a new draft of proposed Code or proposed revised Code from being laid before the National Assembly.'

Adran 29, tudalen 15, line 34, hepgorer –

'y drafft a gymeradwywyd gerbron Cynulliad Cenedlaethol Cymru;

(b) rhaid i CCAUC gyhoeddi'r Cod yn nhelerau'r drafft a gymeradwywyd.'

a mewnosoder –

'copi o'r drafft gerbron Cynulliad Cenedlaethol Cymru.

- (9) Os, cyn diwedd y cyfnod o 40 niwrnod, bydd y Cynulliad Cenedlaethol yn penderfynu

peidio â chymeradwyo'r drafft o'r Cod, ni chaniateir i CCAUC ei gyhoeddi ar ffurf y drafft hwnnw.

- (10) Os na wneir penderfyniad o'r fath cyn diwedd y cyfnod hwnnw, rhaid i CCAUC ddyroddi'r Cod (neu'r Cod diwygiedig) ar ffurf y drafft.
- (11) O ran y cyfnod o 40 niwrnod –
- (a) bydd yn dechrau ar y diwrnod y gosodir y drafft gerbron y Cynulliad Cenedlaethol, a
 - (b) nid yw'n cynnwys unrhyw bryd y mae'r Cynulliad Cenedlaethol wedi ei ddiddymu neu wedi cymryd saib am fwy na phedwar diwrnod
- (12) Nid yw is-adran (9) yn atal drafft newydd o God arfaethedig neu God diwygiedig arfaethedig rhag cael ei osod gerbron y Cynulliad Cenedlaethol.'.

Simon Thomas

60

Section 29, page 15, line 31, leave out 'approved draft' and insert 'draft approved by the National Assembly for Wales'.

Adran 29, tudalen 15, llinell 36, ar ôl 'gymeradwywyd', mewnosoder 'gan Gynulliad Cenedlaethol Cymru'.

Suzy Davies

30

Section 29, page 15, line 32, leave out '(8)' and insert '(12)'.

Adran 29, tudalen 15, llinell 37, hepgorer '(8)' a mewnosoder '(12)'.

Huw Lewis

11

Nid oes angen diwygio'r fersiwn Saesneg. There is no need to amend the English version.

Adran 32, tudalen 16, llinell 12, hepgorer 'â' yn yr ail le y mae'n ymddangos a mewnosoder 'â'r'.

Huw Lewis

12

Section 36, page 18, line 12, leave out 'the general provisions' and insert 'a general requirement'.

Adran 36, tudalen 18, llinell 14, hepgorer 'darpariaethau cyffredinol cynllun' a mewnosoder 'gofyniad cyffredinol yng nghynllun'.

Huw Lewis

13

Section 36, page 18, line 17, leave out 'the general provisions' and insert 'a general requirement'.

Adran 36, tudalen 18, llinell 20, hepgorer 'darpariaethau cyffredinol' a mewnosoder 'gofyniad cyffredinol mewn'.

Huw Lewis 14

Section 36, page 18, line 18, leave out 'those provisions' and insert 'the requirement'.

Adran 36, tudalen 18, llinell 22, hepgorer 'darpariaethau hynny' a mewnosoder 'gofyniad'.

Suzy Davies 55

Section 36, page 18, line 27, leave out 'to give or withdraw notice under this section' and insert 'one or more of the conditions in section 36(3) has been met'.

Adran 36, tudalen 18, llinell 31, hepgorer 'pa un ai i roi hysbysiad o dan yr adran hon neu ei dynnu'n ôl' a mewnosoder 'a oes un neu ragor o'r amodau yn adran 36(3) wedi'i fodloni'.

Suzy Davies 56

Section 36, page 18, after line 28, insert—

'() matters to be taken into account by HEFCW in deciding whether to withdraw a notice given in accordance with section 36(1);'

Adran 36, tudalen 18, ar ôl llinell 32, mewnosoder—

'() materion i'w hystyried gan CCAUC wrth benderfynu pa un ai i dynnu hysbysiad a roddwyd yn unol ag adran 36(1) yn ôl;'

Huw Lewis 15

Section 38, page 19, line 21, leave out 'provisions' and insert 'requirements'.

Adran 38, tudalen 19, llinell 24, hepgorer 'darpariaethau' a mewnosoder 'gofynion'.

Huw Lewis 16

Section 38, page 19, line 22, after 'plan', insert '(or with any of them) or has failed to comply with a direction under section [section to be inserted by amendment 9]'

Adran 38, tudalen 19, llinell 25, ar ôl 'gymeradwywyd', mewnosoder '(neu ag unrhyw un neu ragor ohonynt) neu wedi methu â chydymffurfio â chyfarwyddyd o dan adran [adran i'w mewnosod gan welliant 9]'

Huw Lewis 17

Section 38, page 19, after line 26, insert—

'() A governing body is not to be treated for the purposes of subsection (2)(b) as having failed to comply with a general requirement of an approved plan if HEFCW are satisfied that the governing body has taken all reasonable steps to comply with the requirement.'

Adran 38, tudalen 19, ar ôl llinell 29, mewnosoder—

'() Nid yw corff llywodraethu i'w drin at ddibenion is-adran (2)(b) fel be bai wedi methu â chydymffurfio â gofyniad cyffredinol mewn cynllun a gymeradwywyd os yw CCAUC wedi ei fodloni bod y corff llywodraethu wedi cymryd pob cam rhesymol i gydymffurfio â'r gofyniad.'

Huw Lewis

18

Section 40, page 20, after line 9, insert—

- ‘(c) a direction under section [section to be inserted by amendment 9] (directions in respect of failure to comply with general requirements of approved plan),’.

Adran 40, tudalen 20, ar ôl llinell 9, mewnosoder—

- ‘(c) cyfarwyddyd o dan adran [adran i'w mewnosod gan welliant 9] (cyfarwyddydau mewn cysylltiad â methiant i gydymffurfio â gofynion cyffredinol cynllun a gymeradwywyd),’.

Aled Roberts

41

Section 45, page 22, after line 2, insert—

- ‘(c) must be limited to failures by a regulated institution of its obligations under this Act —
- (i) which HEFCW reasonably considers to be serious, and
 - (ii) where HEFCW reasonably considers that a direction is necessary to ensure compliance with such obligations;
- (d) must not require expenditure by a regulated institution other than from any sums derived from fees from qualifying students undertaking qualifying courses.’.

Adran 45, tudalen 22, ar ôl llinell 2, mewnosoder—

- ‘(c) rhaid iddo fod wedi'i gyfyngu i fethiannau gan sefydliad rheoleiddiedig o ran ei oblygiadau o dan y Ddeddf hon—
- (i) y mae CCAUC yn barnu'n rhesymol eu bod yn ddifrifol, a
 - (ii) pan fo CCAUC yn barnu'n rhesymol bod cyfarwyddyd yn angenrheidiol er mwyn sicrhau cydymffurfedd â goblygiadau o'r fath;
- (d) ni chaniateir iddo ei gwneud yn ofynnol i sefydliad rheoleiddiedig fynd i wariant ac eithrio gwariant o unrhyw symiau sy'n deillio o ffioedd gan fyfyrwyr cymhwysol sy'n ymgymryd â chyrtsiau cymhwysol.’.

Huw Lewis

2

To insert a new section—

‘() Compatibility with charity law and governing documents of institutions

- (1) Nothing in this Act confers power on HEFCW to require the governing body of an institution to do anything that is incompatible with—
- (a) any legal obligation or legal restriction that applies to the governing body by virtue of the institution being a charity, or
 - (b) the governing documents of the institution.
- (2) For the purposes of subsection (1)(b), the governing documents of an institution are—
- (a) in the case of an institution established by Royal charter —

- (i) the institution's charter, and
 - (ii) any instrument relating to the conduct of the institution the making or amendment of which requires the approval of the Privy Council;
- (b) in the case of an institution conducted by a higher education corporation, the corporation's instrument of government and the institution's articles of government;
- (c) in the case of an institution conducted by a further education corporation, the corporation's instrument of government and articles of government;
- (d) in the case of an institution designated under section 129 of the Education Reform Act 1988 or section 28 of the Further and Higher Education Act 1992, the institution's instrument of government and articles of government;
- (e) in the case of an institution not falling within paragraphs (a) to (d) that is conducted by a company, the company's memorandum and articles of association.'

I fewnosod adran newydd –

'(1) Cydnawsedd â chyfraith elusennau a dogfennau llywodraethu sefydliadau

- (1) Nid oes dim byd yn y Ddeddf hon yn rhoi pŵer i CCAUC i'w gwneud yn ofynnol i gorff llywodraethu sefydliad wneud unrhyw beth sy'n anghydnaws –
- (a) ag unrhyw rwymedigaeth gyfreithiol neu gyfyngiad cyfreithiol sy'n gymwys i'r corff llywodraethu yn rhinwedd bod y sefydliad yn elusen, neu
 - (b) â dogfennau llywodraethu'r sefydliad.
- (2) At ddibenion is-adran (1)(b), dogfennau llywodraethu sefydliad yw –
- (a) yn achos sefydliad a sefydlwyd drwy siarter Frenhinol –
 - (i) siarter y sefydliad, a
 - (ii) unrhyw offeryn sy'n ymwneud â rhedeg y sefydliad, y mae'n ofynnol cael cymeradwyaeth y Cyfrin Gyngor er mwyn gwneud neu ddiwygio'r offeryn hwnnw;
 - (b) yn achos sefydliad sy'n cael ei redeg gan gorfforaeth addysg uwch, offeryn llywodraethu'r gorfforaeth ac erthyglau llywodraethu'r sefydliad;
 - (c) yn achos sefydliad sy'n cael ei redeg gan gorfforaeth addysg bellach, offeryn llywodraethu'r gorfforaeth a'i herthyglau llywodraethu;
 - (d) yn achos sefydliad a ddynodwyd o dan adran 129 o Ddeddf Diwygio Addysg 1988 neu adran 28 o Ddeddf Addysg Bellach ac Uwch 1992, offeryn llywodraethu'r sefydliad a'i erthyglau llywodraethu;
 - (e) yn achos sefydliad nad yw'n dod o fewn paragraffau (a) i (d) sy'n cael ei redeg gan gwmni, memorandwm y cwmni a'i erthyglau cymdeithasu.'

Huw Lewis

3

To insert a new section –

‘() Duty to take into account importance of protecting academic freedom

In exercising functions by virtue of this Act, HEFCW must take into account the importance of protecting academic freedom including, in particular, the freedom of institutions –

- (a) to determine the contents of particular courses and the manner in which they are taught, supervised or assessed,
- (b) to determine the criteria for the admission of students and to apply those criteria in particular cases, and
- (c) to determine the criteria for the selection and appointment of academic staff and to apply those criteria in particular cases.’.

I fewnosod adran newydd –

‘() Dyletswydd i ystyried pwysigrwydd diogelu rhyddid academiaidd

Wrth arfer swyddogaethau yn rhinwedd y Ddeddf hon, rhaid i CCAUC ystyried pwysigrwydd diogelu rhyddid academiaidd gan gynnwys, yn benodol, rhyddid sefydliadau –

- (a) i benderfynu ar gynnwys cyrsiau penodol a’r dull o’u haddysgu, eu goruchwyllo neu eu hasesu,
- (b) i benderfynu ar y meini prawf ar gyfer derbyn myfyrwyr ac i gymhwyso’r meini prawf hynny mewn achosion penodol, ac
- (c) i benderfynu ar y meini prawf ar gyfer dethol a phenodi staff academiaidd ac i gymhwyso’r meini prawf hynny mewn achosion penodol.’.

Suzy Davies

31

Section 47, page 22, after line 25, insert –

- ‘(7) The Welsh Ministers must, within 14 days of receiving a report from HEFCW under subsection (1), lay that report before the National Assembly for Wales.’.

Adran 47, tudalen 22, ar ôl llinell 26, mewnosoder –

- ‘(7) Rhaid i Weinidogion Cymru, o fewn 14 niwrnod i gael adroddiad gan CCAUC o dan is-adran (1), osod yr adroddiad hwnnw gerbron Cynulliad Cenedlaethol Cymru.’.

Huw Lewis

19

Section 48, page 22, after line 28, insert –

- ‘() compliance with section 10(1) by institutions within section 10(2) generally or by a particular institution;’.

Adran 48, tudalen 22, ar ôl llinell 29, mewnosoder –

‘() cydymffurfedd ag adran 10(1) gan sefydliadau o fewn adran 10(2) yn gyffredinol neu gan sefydliad penodol;’.

Huw Lewis 20

Section 48, page 22, line 29, leave out ‘provisions’ and insert ‘general requirements’.

Adran 48, tudalen 22, llinell 30, hepgorer ‘darpariaethau’ a mewnosoder ‘gofynion cyffredinol’.

Huw Lewis 21

Section 48, page 22, line 30, leave out ‘provisions’ and insert ‘general requirements’.

Adran 48, tudalen 22, llinell 31, hepgorer ‘darpariaethau’ a mewnosoder ‘gofynion cyffredinol’.

Huw Lewis 22

Section 49, page 23, after line 24, insert –

‘(b) section [*section to be inserted by amendment 9*] (directions in respect of failure to comply with general requirements of approved plan);’.

Adran 49, tudalen 23, ar ôl llinell 26, mewnosoder –

‘(b) adran [*adran i’w mewnosod gan welliant 9*] (cyfarwyddydau mewn cysylltiad â methiant i gydymffurfio â gofynion cyffredinol cynllun a gymeradwywyd);’.

Suzy Davies 32

Section 52, page 24, after line 34, insert –

‘() the first regulations to be made under section 2(4);’.

Adran 52, tudalen 24, ar ôl llinell 35, mewnosoder –

‘() the first regulations to be made under section 2(4);’.

Suzy Davies 33

Section 52, page 24, after line 34, insert –

‘() regulations under section 3(4);’.

Adran 52, tudalen 24, ar ôl llinell 35, mewnosoder –

‘() rheoliadau o dan adran 3(4);’.

Suzy Davies 34

Section 52, page 24, after line 34, insert –

‘() regulations under section 4(4);’.

Adran 52, tudalen 24, ar ôl llinell 35, mewnosoder –

‘() rheoliadau o dan adran 4(4);’.

Suzy Davies

35

Section 52, page 24, after line 34, insert –

‘() the first regulations to be made under subsections (2), (3) and (5) of section 5;’.

Adran 52, tudalen 24, ar ôl llinell 35, mewnosoder –

‘() y rheoliadau cyntaf sydd i’w gwneud o dan is-adrannau (2), (3) a (5) o adran 5;’.

Suzy Davies

36

Section 52, page 24, after line 34, insert –

‘() regulations under section 6(1);’.

Adran 52, tudalen 24, ar ôl llinell 35, mewnosoder –

‘() rheoliadau o dan adran 6(1);’.

Suzy Davies

37

Section 52, page 24, after line 34, insert –

‘() regulations under section 7(3);’.

Adran 52, tudalen 24, ar ôl llinell 35, mewnosoder –

‘() rheoliadau o dan adran 7(3);’.

Huw Lewis

23

Section 52, page 24, leave out line 35.

Adran 52, tudalen 24, hepgorer llinell 36.

Suzy Davies

38

Section 52, page 25, line 5, after ‘Act’, insert ‘, or an order under section 56(2) that contains provisions within section 56(3)(b),’.

Adran 52, tudalen 25, llinell 5, ar ôl ‘hon’, mewnosoder ‘, neu orchymyn o dan adran 56(2) sy’n cynnwys darpariaethau o fewn adran 56(3)(b),’.

Aled Roberts

42

To insert a new section –

‘() **Limitation on powers and functions of Welsh Ministers and HEFCW**

- (1) The Welsh Ministers shall not exercise any powers or functions in this Act, or in regulations made under this Act, in respect of activities carried on by any particular institution or institutions.

- (2) Nothing in this Act, or any regulations made under this Act, shall enable the Welsh Ministers or HEFCW to require the governing body of a regulated institution:
- (a) to apply any sums derived other than from fees payable by qualifying persons undertaking qualifying courses;
 - (b) to do anything which would limit an institution's academic freedom, including in particular, the freedom of institutions –
 - (i) to determine the contents of particular courses of study or programmes of research and the manner in which they are taught, supervised or assessed;
 - (ii) to determine the criteria for the admission of students and to apply those criteria in particular cases;
 - (iii) to determine the criteria for the selection and appointment of academic staff and to apply those criteria in particular cases.
- (3) In exercising functions under this Act, or in any regulations made under this Act, the Welsh Ministers and HEFCW shall have regard to the desirability of –
- (a) not discouraging any regulated institution from maintaining or developing its funding from other sources;
 - (b) maintaining an appropriate balance as between institutions which are of a denominational character and other institutions;
 - (c) maintaining any distinctive characteristics of any institution within the higher education sector.
- (4) For the purposes of subsection (3) above an institution is an institution of a denominational character if it appears to HEFCW that either –
- (a) at least one quarter of the members of the governing body of the institution are persons appointed to represent the interests of a religion or religious denomination;
 - (b) any of the property held for the purposes of the institution is held upon trusts which provide that, in the event of the discontinuance of the institution, the property concerned shall be held for, or sold and the proceeds of sale applied for, the benefit of a religion or religious denomination, or
 - (c) any of the property held for the purposes of the institution is held on trust for or in connection with –
 - (i) the provision of education, or
 - (ii) the conduct of an educational institution,in accordance with the tenets of a religion or religious denomination.'.

I fewnosod adran newydd –

'(1) Cyfyngu pwerau a swyddogaethau Gweinidogion Cymru a CCAUC

- (1) Ni chaniateir i Weinidogion Cymru arfer unrhyw bwerau na swyddogaethau yn y Ddeddf hon, neu mewn rheoliadau a wneir o dan y Ddeddf hon, mewn perthynas â gweithgareddau sy'n cael eu cynnal gan unrhyw sefydliad neu sefydliadau penodol.
- (2) Ni fydd unrhyw beth yn y Ddeddf hon, neu unrhyw reoliadau a wneir o dan y Ddeddf

hon, yn galluogi Gweinidogion Cymru neu CCAUC i'w gwneud yn ofynnol i gorff llywodraethu sefydliad rheoleiddiedig wneud fel a ganlyn:

- (a) cymhwyso unrhyw symiau sy'n deillio o ffynonellau ac eithrio ffioedd sy'n daladwy gan bersonau cymhwysol sy'n ymgymryd â chysiau cymhwysol;
- (b) gwneud unrhyw beth a fyddai'n cyfyngu ar ryddid academiaidd sefydliad, gan gynnwys yn benodol, rhyddid sefydliadau –
 - (i) i benderfynu ar gynnwys cyrsiau neu raglenni ymchwil penodol a'r dull o'u haddysgu, eu goruchwylio neu eu hasesu;
 - (ii) i benderfynu ar y meini prawf ar gyfer derbyn myfyrwyr ac i gymhwyso'r meini prawf hynny mewn achosion penodol;
 - (iii) i benderfynu ar y meini prawf ar gyfer dethol a phenodi staff academiaidd ac i gymhwyso'r meini prawf hynny mewn achosion penodol.
- (3) Wrth arfer swyddogaethau o dan y Ddeddf hon, neu unrhyw reoliadau a wneir o dan y Ddeddf hon, rhaid i Weinidogion Cymru a CCAUC roi sylw i ddymunoldeb –
 - (a) peidio ag annog unrhyw sefydliad rheoleiddiedig i beidio â chynnal neu ddatblygu ei gyllid o ffynonellau eraill;
 - (b) cynnal cydbwysedd priodol rhwng sefydliadau o natur enwadol a sefydliadau eraill;
 - (c) cynnal unrhyw nodweddion arbennig sydd gan unrhyw sefydliad yn y sector addysg uwch.
- (4) At ddibenion is-adran (3) uchod mae sefydliad yn sefydliad o natur enwadol os bydd CCAUC o'r farn bod naill ai –
 - (a) o leiaf chwarter o aelodau corff llywodraethu'r sefydliad yn bersonau sydd wedi'u penodi i gynrychioli buddiannau crefydd neu enwad crefyddol;
 - (b) unrhyw eiddo a ddelir at ddibenion y sefydliad yn cael ei ddal ar ymddiriedolaethau sy'n darparu, os bydd y sefydliad yn cael ei ddirwyn i ben, y caiff yr eiddo o dan sylw ei ddal, neu ei werthu ac y caiff yr enillion o'r gwerthiant eu defnyddio, er lles crefydd neu enwad crefyddol, neu
 - (c) unrhyw eiddo a ddelir at ddibenion y sefydliad yn cael ei ddal ar ymddiriedolaeth er mwyn neu mewn perthynas â –
 - (i) darparu addysg, neu
 - (ii) rhedeg sefydliad addysgol,yn unol â daliadau crefydd neu enwad crefyddol.'.

Simon Thomas

53

To insert a new section –

'() Status of information, advice and guidance

- (1) Nothing in this Act, or any regulations made under this Act, shall require the governing body of a regulated institution –
 - (a) to comply with information, advice or guidance which is specified as applicable to

every regulated institution (or to every class or description of regulated institution specified in the information, advice or guidance) unless –

- (i) it is in writing;
 - (ii) it is clearly specified as mandatory to be taken into account by virtue of this Act;
 - (iii) there has been prior consultation with the governing body of every regulated institution about the information, advice or guidance; and
 - (iv) the governing body of a regulated institution considers that it is appropriate to comply with the information, advice or guidance in all the circumstances;
- (b) to comply with information, advice or guidance which is specified as applicable to a particular regulated institution unless –
- (i) it is in writing;
 - (ii) it is clearly specified as mandatory to be taken into account by virtue of this Act; and
 - (iii) the governing body of the regulated institution considers that it is appropriate to comply with the information, advice or guidance in all the circumstances.’.

I fewnosod adran newydd –

‘() **Statws gwybodaeth, cyngor a chanllawiau**

- (1) Ni fydd unrhyw beth yn y Ddeddf hon, neu unrhyw reoliadau a wneir o dan y Ddeddf hon, yn ei gwneud yn ofynnol i gorff llywodraethu sefydliad rheoleiddiedig wneud fel a ganlyn –
- (a) cydymffurfio â gwybodaeth, cyngor neu ganllawiau y nodir eu bod yn gymwys i bob sefydliad rheoleiddiedig (neu i bob dosbarth neu ddisgrifiad o sefydliad rheoleiddiedig a nodir yn y wybodaeth, y cyngor neu’r canllawiau) oni bai –
 - (i) bod y wybodaeth, y cyngor neu’r canllawiau yn ysgrifenedig;
 - (ii) ei fod wedi’i nodi’n glir ei bod yn orfodol rhoi ystyriaeth i’r wybodaeth, y cyngor neu’r canllawiau drwy rinwedd y Ddeddf hon;
 - (iii) bod ymgynghoiad wedi’i gynnal ymlaen llaw â chorff llywodraethu pob sefydliad rheoleiddiedig ynghylch y wybodaeth, y cyngor neu’r canllawiau; a
 - (iv) bod corff llywodraethu sefydliad rheoleiddiedig o’r farn ei bod yn briodol cydymffurfio â’r wybodaeth, y cyngor neu’r canllawiau o dan yr holl amgylchiadau;
 - (b) cydymffurfio â gwybodaeth, cyngor neu ganllawiau y nodir eu bod yn gymwys i sefydliad rheoleiddiedig penodol oni bai –
 - (i) bod y wybodaeth, y cyngor neu’r canllawiau yn ysgrifenedig;
 - (ii) ei fod wedi’i nodi’n glir ei bod yn orfodol rhoi ystyriaeth i’r wybodaeth, y cyngor neu’r canllawiau drwy rinwedd y Ddeddf hon;

- (iii) bod corff llywodraethu sefydliad rheoleiddiedig o'r farn ei bod yn briodol cydymffurfio â'r wybodaeth, y cyngor neu'r canllawiau o dan yr holl amgylchiadau.'

Huw Lewis

24

Section 54, page 26, line 10, leave out 'provisions' ("*darpariaethau*" and insert 'requirements' ("*gofynion*".

Adran 54, tudalen 26, llinell 4, hepgorer 'darpariaethau cyffredinol' ("general provisions' a mewnosoder 'gofynion cyffredinol' ("*general requirements*".



GRWPIO GWELLIANNAU GROUPINGS OF AMENDMENTS

Bil Addysg Uwch (Cymru)
Higher Education (Wales) Bill

Cyfnod 2 ar 5 Tachwedd 2014
Stage 2 on 5 November 2014

Mae'r ddogfen hon yn nodi ym mha drefn y caiff y gwelliannau eu trafod ac unrhyw wybodaeth berthnasol yn ymwneud â'r gweithdrefnau sy'n berthnasol i bob grŵp. Nid yw'r rhestr hon yn disodli'r rhestr o welliannau wedi'u didoli, sy'n nodi'r gwelliannau yn y drefn y cânt eu gwaredu. Dylai'r rhestr hon gael ei darllen ar y cyd â'r rhestr o welliannau wedi'u didoli.

This document provides the order in which amendments will be debated and any relevant procedural information relevant to each group. This list does not replace the marshalled list, which sets out the amendments in the order in which they will be disposed of. This list should be read in conjunction with the marshalled list.

1 - General requirements of plans

4, 5, 6, 9, 10, 12, 13, 14, 15, 16, 18, 20, 21, 22, 23, 24.

2 - Institutional autonomy and academic freedom

1, 2, 3.

3 - Content of fee and access plans

26, 27, 43, 54, 25, 45.

4 - Institutional safeguards

44, 46, 55, 56, 17, 41, 42, 53.

5 - Variations to approved plans

7, 8.

6 - Quality assessment

39, 40, 47, 48, 49, 50.

7 - Financial management code

51, 52, 57, 28, 58, 59, 29, 60, 30.

8 - Correction of Welsh text

11.

9 - Reporting requirements

31, 19.

10 - Statutory Instruments: Assembly procedure

32, 33, 34, 35, 36, 37, 38.



BETHAN JENKINS AC / AM

Aelod Cynulliad Plaid Cymru - Gorllewin De Cymru
Plaid Cymru Assembly Member - South Wales West

75 Briton Ferry Road
Melincryddan
Neath
SA11 1AR
Tel; 01639 643549

Ann Jones AM
Chair of Children and Young People Committee
National Assembly for Wales:
Cardiff Bay,
Cardiff,
CF99 1NA

14 October 2014

REF: BJPR-AJAMCCYPC-FEIB-14102014

Dear Ann,

Re; FINANCIAL EDUCATION AND INCLUSION BILL

I just wanted to write to amplify two points raised in Committee on 9 October.

Firstly, as regards section 12, Members asked whether the Bill might include a duty on local authorities to go wider than simply using their website as signposting to residents. The suggestion was made that local authorities might use "apps" and other digital media to signpost residents to useful information. I am very open to amending the Bill at Stage Two to widen its scope in this way. I am also keen to hear any suggestions from Committee Members on this point.

Secondly, the Committee was keen to hear any alternative suggestions around involving FE colleges etc instead of the current provision set out in section 13. I would say that I am still keen to see section 13 remain in the Bill for the reasons I gave in Committee. However, I have written to the Student Loans Company to explore additional options here. Again, I would be keen to hear the Committee's suggestions.

Otherwise, I hope I dealt with the Committee's questions in the session and in my letter of 1 October.

I look forward to the outcome to the Committee's consideration of all the evidence it has received, including the written responses to its consultation, and the next steps in the legislative process.

Kind Regards,

Bethan Jenkins AM South Wales West

Aelod Cynulliad Plaid Cymru - Gorllewin De Cymru
Plaid Cymru Assembly Member - South Wales West

Huw Lewis AC / AM
Y Gweinidog Addysg a Sgiliau
Minister for Education and Skills



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: LF/HL/1006/14

Ann Jones AC
Cadeirydd
Y Pwyllgor Plant, Pobl Ifanc ac Addysg
Cynulliad Cenedlaethol Cymru

16 Hydref 2014

Annwyl Ann,

**Y PWYLLGOR PLANT, POBL IFANC AC ADDYSG - GWAITH CRAFFU CAM 1 AR FIL
ADDYSG A CHYNHWYSIANT ARIANNOL (CYMRU)**

Ar ôl bod yng nghyfarfod y Pwyllgor Plant, Pobl Ifanc ac Addysg ar 1 Hydref, cytunais i roi rhagor o wybodaeth i'r aelodau am y canlynol:

Y ddarpariaeth Hyfforddiant Cychwynnol Athrawon (HCA) a rhaglenni cymorth sydd ar gael ar gyfer y Fframwaith Llythrennedd a Rhifedd Cenedlaethol a'r rhaglen astudio Mathemateg;

Lefelau'r cyllid a neilltuwyd ar gyfer HCA a datblygiad proffesiynol parhaus sy'n cymryd i ystyriaeth y safonau gwell yn y Fframwaith Llythrennedd a Rhifedd a'r TGAU rhifedd;

Yr amserlen ar gyfer gwerthuso'r Fframwaith Llythrennedd a Rhifedd.

Hoffwn atgoffa'r Pwyllgor fod mwyafrif helaeth yr athrawon y mae angen eu targedu eisoes yn rhan o'r gweithlu. Er enghraifft, yn 2014/15 roedd 1,600 o fyfyrwyr wedi'u derbyn ar gyfer HCA, ac roedd bron i 38,000 o athrawon cofrestredig erbyn mis Mawrth 2014. Yn amlwg bydd cyfran uwch o'r cymorth yn cael ei neilltuo ar gyfer datblygiad proffesiynol parhaus.

Serch hynny, yr ateb i'r cwestiwn yn ymwneud â HCA yw bod gan ddarparwyr HCA yr hyblygrwydd i ddylunio a darparu eu cyrsiau o dan y fframwaith statudol presennol ar gyfer darparu HCA yng Nghymru, gan gynnwys safonau ar gyfer Statws Athro Cymwysedig (SAC) a'r gofynion ar gyfer darparu cyrsiau HCA, a hynny gan gymryd i ystyriaeth gofynion y cwricwlwm yng Nghymru, fframweithiau polisi cysylltiedig a datblygiadau polisi diweddar wrth iddynt ddod i'r amlwg gan gynnwys cynnwys yn ymwneud â'r fframweithiau llythrennedd a rhifedd cenedlaethol.

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff

Tudalen y pecyn 25

Wedi'i argraffu ar bapur wedi'i ailgylchu (100%)

English Enquiry Line 0845 010 3300
Llinell Ymholiadau Cymraeg 0845 010 4400
Correspondence.Huw.Lewis@Wales.gsi.gov.uk
Printed on 100% recycled paper

Caiff darpariaeth HCA prif ffrwd ei ddarparu drwy'r prifysgolion sydd wedi'u hachredu i ddarparu cyrsiau HCA. O dan strwythur cyllido addysg uwch, caiff yr adnoddau sydd eu hangen i gefnogi cyrsiau HCA eu hariannu drwy ffioedd dysgu a'r grant ffioedd dysgu. Yn anffodus, ni allaf nodi'r union gostau yn sgil effaith y Fframwaith Llythrennedd a Rhifedd a'r TGAU ar ddarpariaeth HCA.

Fodd bynnag, mae'r darparwyr HCA eu hunain wedi hysbysu Llywodraeth Cymru na fyddai llawer o le, os o gwbl, ar gyfer unrhyw beth penodol ar ein cymwysterau newydd o ystyried y ffaith mai ychydig bach o amser a gaiff athrawon dan hyfforddiant yn y dosbarth.

Mae yna ffrydiau cyllido mwy penodol ar gyfer darparu datblygiad proffesiynol parhaus mewn perthynas â llythrennedd a rhifedd, sef:

Enw	Diben	Swm
Y rhaglen grantiau addysg - e.e. Grant Effeithiolrwydd Ysgolion	Cyflawni blaenoriaethau addysg cenedlaethol h.y. llythrennedd, rhifedd a lleihau effaith tlodi ar gyrhaeddiad. Mae consortia rhanbarthol yn defnyddio'r grant hwn i gefnogi'r broses gyflawni - ni ellir ei rannu'n benodol yn ôl datblygiad proffesiynol parhaus.	£37 miliwn yn 2013/14 (gan gynnwys cyllid cyfatebol gan yr Awdurdodau Lleol).
Y Rhaglen Gymorth Genedlaethol ar gyfer llythrennedd a rhifedd	I ategu capasiti a gallu consortia addysg rhanbarthol i ddarparu'r Fframwaith Llythrennedd a Rhifedd Cenedlaethol, a sgiliau llythrennedd a rhifedd, yn y tymor hir.	Tua £14.4 miliwn dros 4 blynedd. £4.8 miliwn yw'r gyllideb ar gyfer 2014-15.
Cymorth gyda'r broses o weithredu'r Fframwaith Llythrennedd a Rhifedd Cenedlaethol	Adnoddau a deunyddiau hyfforddi i helpu'r consortia a'r ysgolion i weithredu'r Fframwaith Llythrennedd a Rhifedd Cenedlaethol.	£400,000 - cost un tro.
Rhaglen Gymorth TGAU	Gweithio gyda'r consortia i sicrhau bod ysgolion yn harod ar gyfer y TGAU newydd mewn Saesneg, Cymraeg, Mathemateg a Mathemateg - Rhifedd, sy'n dechrau ym mis Medi 2015.	Hyd at £3 miliwn y flwyddyn am ddwy flynedd.
Grant y Cyfnod Sylfaen	Caiff rhan o'r grant hwn ei neilltuo i hyfforddi ymarferwyr y Cyfnod Sylfaen ar flaenoriaethau allweddol.	Tua £2 filiwn yn 2014-15.

Cynigiais ddarparu amserlen ar gyfer gwerthuso'r broses o weithredu'r Fframwaith Llythrennedd a Rhifedd. Darperir amserlen isod. Fe welwch o'r amserlen bod y gwaith maes yn dal i fynd rhagddo, ac felly nid oes modd i mi ragweld y canfyddiadau nac awgrymu beth fydd y canlyniadau.

Carreg filltir yn ôl blwyddyn ariannol	Dyddiad
<i>Blwyddyn 2</i>	
Cynhyrchu dulliau gwerthuso ar gyfer ymgynghori â rhanddeiliaid	31/07/2014
Cwblhau'r gwaith maes	31/12/2014
Llunio adroddiad blwyddyn 2	27/02/2015
<i>Blwyddyn 3</i>	
Cynhyrchu dulliau gwerthuso ar gyfer ymgynghori â rhanddeiliaid	31/07/2015
Cwblhau'r gwaith maes	30/09/2015
Llunio adroddiad blwyddyn 2	30/11/2015
<i>Blwyddyn 4</i>	
Cwblhau'r gwaith o ddadansoddi'r gwaith maes	31/05/2016
Llunio'r adroddiad terfynol	30/06/2016

Rwy'n gobeithio bod yr wybodaeth hon yn ddefnyddiol ac yn egluro'r sefyllfa ar y materion dan sylw i'r Pwyllgor.

Yn gywir,



Huw Lewis AC / AM
Y Gweinidog Addysg a Sgiliau
Minister for Education and Skills

Eitem 3.3

Huw Léwis AC / AM
Y Gweinidog Addysg a Sgiliau
Minister for Education and Skills



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref LF/HL/1047/14

Ann Jones AC
Cadeirydd
Y Pwyllgor Plant, Pobl Ifanc ac
Addysg
Cynulliad Cenedlaethol Cymru

16 Hydref 2014

Annwyl Ann,

Y Bil Addysg Uwch (Cymru) – Rheoliadau Drafft

Yn ystod fy nghyfarfod â'r Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol addewais i'r Pwyllgor y byddwn yn sicrhau bod y rheoliadau drafft sy'n ofynnol ar gyfer rhoi ar waith y system reoleiddio newydd ar gael yn ystod Cyfnod 2. Maent bellach ar gael ac wedi'u hatodi.

Credaf y bydd y rheoliadau drafft a'r Datganiad o Fwriad y Polisi a gyflwynais wrth gyflwyno'r Bil, gyda'i gilydd, yn cynorthwyo Aelodau'r Pwyllgor gyda'u gwaith craffu pellach ar y Bil. Hoffwn hefyd eich sicrhau y bydd fy swyddogion yn parhau i weithio'n agos gyda Chyngor Cyllido Addysg Uwch Cymru a'r prif randdeiliaid ac y byddant yn parhau i wneud hynny wrth i'r gwaith o graffu ar y Bil fynd yn ei flaen.

Gobeithio y bydd yr wybodaeth hon yn cynorthwyo Aelodau'r Pwyllgor i ddeall yn well fwriad y polisi. Bydd manylion terfynol y rheoliadau yn dibynnu wrth reswm ar ganlyniadau craffu'r Cynulliad a'r ymgynghori.

Rwyf hefyd yn anfon copi o'r llythyr hwn at David Melding AC, Cadeirydd y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol.

Yn gywir

Huw Lewis AC / AM
Y Gweinidog Addysg a Sgiliau
Minister for Education and Skills

2015 No. (W.)

EDUCATION, WALES

**The Higher Education (Fee and
Access Plans) (Review, Notices and
Directions) (Wales) Regulations
2015**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in respect of the issue and review of those notices and directions specified in section 40(1) of the Higher Education (Wales) Act 2015.

Regulation 3 prescribes the time and manner in which representations may be made in respect of proposed notices and directions. Regulation 4 sets out when notices and directions shall be treated as having been given.

Regulation 5 sets out the information that must be given with notices and directions.

Regulation 6 prescribes the grounds on which an application for a review of a notice or direction may be made. Regulation 7 sets out the procedure that a governing body must follow in order to apply for a review of a notice or direction.

Regulation 8 sets out the procedure to be followed by the person, or panel of persons, appointed by the Welsh Ministers to review notices and directions. Regulation 9 prescribes the post review procedure.

2015 No. (W.)

EDUCATION, WALES

**The Higher Education (Fee and
Access Plans) (Review, Notices and
Directions) (Wales) Regulations
2015**

Made ***

Laid before the National Assembly for Wales

Coming into force ***

The Welsh Ministers, in exercise of the powers conferred by sections 41(2)(d), 42(c) and 43(3) of the Higher Education (Wales) Act 2015⁽¹⁾, make the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Higher Education (Fee and Access Plans) (Review, Notices and Directions) (Wales) Regulations 2015.

(2) These Regulations come into force on [] and apply in relation to Wales.

Interpretation

2. In these Regulations—

“review panel” [Welsh translation to be included] means the person, or panel of persons, appointed by the Welsh Ministers under section 43(2) of the 2015 Act;

“the 2015 Act” “*Deddf 2015*” means the Higher Education (Wales) Act 2015.

(1) [Reference to be included].

Representations in respect of proposed notices and directions: warning notices

3. For the purposes of section 41(2)(d) of the 2015 Act, representations must be made to HEFCW in writing before the end of 40 days beginning with the date of the warning notice.

Treatment of notices and directions

4. A notice or direction specified in section 40(1) of the 2015 Act is to be treated as having been given on the day that the first of the following events occur—

- (a) the governing body notifies HEFCW in writing that it accepts the notice or direction;
- (b) the time limit to apply for a review of the notice or direction under section 43 of the 2015 Act has expired and the governing body has not applied for a review;
- (c) a review of the notice or direction under section 43 of the 2015 Act has concluded and HEFCW has notified the governing body in writing that the notice or direction stands.

Information to be given with notices and directions

5. A statement issued in accordance with section 42 of the 2015 Act must include the following information—

- (a) the date of issue of the notice or direction;
- (b) when the notice or direction is to be treated as having been given;
- (c) the grounds in regulation 6 on which an application for a review may be made;
- (d) the procedure in regulation 7 that a governing body must follow in order to apply for a review;
- (e) the name and address of the review panel to whom an application for a review must be made.

Grounds for review of notices and directions

6. An application to review a notice or direction under section 43 of the 2015 Act may be made on one or more of the following grounds—

- (a) the governing body presents a material factor for consideration to which, for good reason, it had not previously drawn HEFCW's attention;
- (b) the governing body considers that HEFCW disregarded a material factor which it should have considered;

- (c) the governing body considers that the notice or direction is disproportionate in view of all the relevant facts which were considered by HEFCW.

Procedure to apply for a review of a notice or direction

7. An application for a review of the notice or direction must—

- (a) be made to the review panel in writing before the end of 40 days beginning with the date of issue of the notice or direction;
- (b) specify the grounds for review;
- (c) include the following—
 - (i) a copy of the notice or direction to be reviewed;
 - (ii) a copy of the statement issued in accordance with section 42 of the 2015 Act;
 - (iii) information in support of the application.

Review procedure

8.—(1) This regulation applies where an application for a review has been made.

(2) The review panel must give HEFCW—

- (a) details of the notice or direction to be reviewed;
- (b) details of the grounds on which the application for review has been made;
- (c) a copy of the information provided by the governing body in support of the application for review.

(3) The review panel may make a written request for further information from either HEFCW or the governing body for the purposes of the review. Any request for further information made by the panel must be sent to HEFCW and the governing body at the same time.

(4) HEFCW or the governing body must provide any further information requested by the review panel before the end of 28 days beginning with the date of the request.

(5) The review panel must—

- (a) provide a copy of any further information received from HEFCW to the governing body, and any further information received from the governing body to HEFCW;
- (b) take account of any information submitted by HEFCW or the governing body;

- (c) prepare a written report of the review and its findings;
- (d) send a dated copy of its report to HEFCW and the governing body at the same time.

Post review procedure

9.—(1) Following a review under section 43 of the 2015 Act, HEFCW must take account of the review panel’s report and reconsider its decision to issue the notice or direction.

(2) Before the end of 40 days beginning with the date of the review panel’s report, HEFCW must notify the governing body in writing whether the notice or direction stands or not, and provide reasons for that decision.

Name

Title of Minister, one of the Welsh Ministers

Date

2015 No. (W.)

EDUCATION, WALES

**The Higher Education (Fee and
Access Plans) (Wales) Regulations
2015**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision about fee and access plans as defined in section 2(2) of the Higher Education (Wales) Act 2015.

Fee and access plans may be submitted to the Higher Education Funding Council for Wales (HEFCW) for approval by institutions which meet the criteria set out in section 2(3) of that Act. Approval of a fee and access plan by HEFCW leads to the automatic designation of an institution's courses for the purposes of statutory student support. The Welsh Ministers provide student support under regulations made by them by virtue of section 22 of the Teaching and Higher Education Act 1998.

Regulation 3 provides that an application for a fee and access plan must include information relating to an institution's financial viability, the organisation and management of its financial affairs and the quality of the education provided by, or on behalf of, the institution.

Regulation 4 prescribes that the maximum period during which a fee plan is to have effect is two years.

Regulations 5 to 7 prescribe the provisions relating to the promotion of equality of opportunity and the promotion of higher education that a fee and access plan must include.

Regulation 8 specifies the matters that HEFCW must take into account when deciding whether, or not, to approve a fee and access plan.

Regulation 9 requires publication of an approved plan.

Regulation 10 provides for the variation of an approved plan.

2015 No. (W.)

EDUCATION, WALES

**The Higher Education (Fee and
Access Plans) (Wales) Regulations
2015**

Made ***

Laid before the National Assembly for Wales

Coming into force ***

The Welsh Ministers, in exercise of the powers conferred by sections 2(4), 4(2), 6(1), 7(3), 8(1) and 9(1) of the Higher Education (Wales) Act 2015(1), make the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Higher Education (Fee and Access Plans) (Wales) Regulations 2015.

(2) These regulations come into force on ... and apply in relation to Wales.

Interpretation

2. In these Regulations “the 2015 Act” (“Deddf 2015”) means the Higher Education (Wales) Act 2015.

Applications for approval of a fee and access plan

3. An application by an institution for approval of a fee and access plan must include information that—

- (a) demonstrates the financial viability of the institution;
- (b) specifies the arrangements for the organisation and management of the institution’s financial affairs;

(1) [reference to be included]

- (c) demonstrates that the quality of education provided by, or on behalf of, the institution is adequate.

Period to which the plan relates

4. For the purposes of section 4(2) of the 2015 Act the maximum period in respect of which a fee and access plan is to have effect is prescribed as two years.

Provisions to be included in fee and access plans

5. Regulations 6 and 7 prescribe for the purposes of section 6(1) of the 2015 Act the provisions relating to the promotion of equality of opportunity and the promotion of higher education that a fee and access plan must include.

6. A fee and access plan must—

- (a) set out the objectives of the institution, determined by the governing body, relating to the promotion of equality of opportunity and the promotion of higher education;
- (b) specify the proportion of fees payable by qualifying persons undertaking qualifying courses that the governing body will spend on the objectives in paragraph (a).

7. A fee and access plan must include provisions requiring the governing body of an institution—

- (a) to take, or to secure the taking of, measures to attract applications from prospective students who are members of under-represented groups;
- (b) to take, or to secure the taking of, measures to retain students who are members of under-represented groups;
- (c) to provide, or to secure the provision of, financial assistance to students;
- (d) to make available to students or prospective students information about financial assistance available to students from any source, or to secure that such information is made available;
- (e) to inform any prospective student, before the student commits to undertaking a course, of the aggregate amount of fees that the institution will charge for the completion of the course, or to secure that any prospective student is so informed;
- (f) to monitor—
 - (i) compliance with the provisions of the plan; and
 - (ii) progress in achieving the objectives set out in the plan.

Matters to be taken into account by HEFCW

8. In making any determination in respect of approval or rejection of a fee and access plan HEFCW(1) must take into account—

- (a) the safeguarding of fair access to higher education;
- (b) the provisions included in the fee and access plan relating to the promotion of equality of opportunity and the promotion of higher education;
- (c) the fees payable by qualifying persons undertaking qualifying courses(2);
- (d) the proportion of fees payable by qualifying persons undertaking qualifying courses that the governing body will spend on the promotion of equality of opportunity and the promotion of higher education;
- (e) the information required by regulation 3.

Publication of approved fee and access plan

9. Where HEFCW has approved a fee and access plan, the governing body must publish it in a manner which makes it conveniently accessible to students and prospective students.

Variations of fee and access plans

10.—(1) A governing body may apply to HEFCW for approval of a variation to the approved plan whilst the approved plan is in force.

(2) A variation to an approved plan may take effect only if approved in writing by HEFCW.

(3) In making any determination in respect of approval or rejection of a variation to the approved plan HEFCW must take into account the matters set out in regulation 8(a) to (d).

(4) Where HEFCW have approved a variation to an approved plan the governing body must comply with regulation 9 as if in that regulation the words “fee and access plan” were substituted by “variation”.

Name

Minister for Education and Skills, one of the Welsh Ministers

Date

(1) Higher Education Funding Council for Wales.

(2) “Qualifying course” and “qualifying person” are prescribed for the purposes of section 5(2) and (5)(b) of the 2015 Act by the Higher Education (Qualifying Courses and Persons) (Wales) Regulations 2015 (S.I.2015/xxx (W.xxx)).

2015 No. (W.)

EDUCATION, WALES

**The Higher Education (Qualifying
Courses and Persons) (Wales)
Regulations 2015**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the qualifying courses and qualifying persons for the purposes of section 5 of the Higher Education (Wales) Act 2015 (“the 2015 Act”).

Section 5(2)(b) of the 2015 Act enables the Welsh Ministers to prescribe qualifying courses, and section 5(5) enables them to prescribe certain persons as qualifying persons.

The qualifying courses prescribed by regulation 3 are those courses which are capable of being designated under regulation 5(1) of the Education (Student Support) (Wales) Regulations 2013 where the first academic year of the course begins on or after 1 September 2012. There is an exception for “end-on courses” where the original course began before 1 September 2012.

The qualifying persons prescribed by regulation 4 are those persons who, on the first day of the relevant academic year, fall within the Schedule, save for those persons who are not eligible for support under the Education (Student Support) (Wales) Regulations 2013 by reason of certain paragraphs of regulation 4 of those Regulations, or who already have an honours degree from a UK institution.

There is an exception for those students who transfer to a qualifying course from a course which began before 1 September 2012. There are exceptions in respect of a previous honours degree for persons undertaking courses of initial teacher training, who have obtained the honours degree only as part of a single course they are currently undertaking or where the course leads to a qualification as a social worker, medical doctor, dentist, veterinary surgeon or architect.

2015 No. (W.)

EDUCATION, WALES

**The Higher Education (Qualifying
Courses and Persons) (Wales)
Regulations 2015**

Made ***

Laid before the National Assembly for Wales

Coming into force ***

The Welsh Ministers in exercise of the powers conferred on them by sections 5(2)(b) and 5(5) of the Higher Education (Wales) Act 2015(1) make the following Regulations.

Title, commencement and application

1.—(1) The title of these Regulations is the Higher Education (Qualifying Courses and Persons) (Wales) Regulations 2015 and they come into force on xxxxxx.

(2) These Regulations apply in relation to Wales.

Interpretation

2.—(1) In these Regulations—

“the 2013 Regulations” (“*Rheoliadau 2013*”) means the Education (Student Support) (Wales) Regulations 2013(2);

“the 2015 Act” (“*y Ddeddf*”) means the Higher Education (Wales) Act 2015;

“academic year” (“*blwyddyn academaidd*”) means the period of twelve months beginning on 1 January, 1 April, 1 July or 1 September of the calendar year in which the academic year of the course in question begins according to whether that academic year begins on or after 1 January

(1) Anaw xx

(2) S.I. 2013/3177 (W.316) amended by S.I. 2014/1712 (W.172).

and before 1 April, on or after 1 April and before 1 July, on or after 1 July and before 1 August or on or after 1 August and on or before 31 December, respectively;

“course for the initial training of teachers” (“*cwrs ar gyfer hyfforddiant cychwynmol athrawon*”) includes such a course leading to a first degree;

“course of higher education” (“*cwrs addysg uwch*”) means a course falling within paragraph 1 of Schedule 6 to the Education Reform Act 1988;

“end-on course” (“*cwrs penben*”) has the meaning given in regulation 2(1) of the 2013 Regulations;

“equivalent or lower qualification” (“*cymhwyster cyfwerth neu is*”) means a qualification determined by the Welsh Ministers in accordance with paragraph (2) to be an equivalent or lower qualification;

“preceding course” (“*cwrs blaenorol*”) means a course mentioned in paragraph 2 or 3 of Schedule 2 to the 2013 Regulations or a course for a foundation degree or a course for the initial training of teachers which (disregarding any intervening vacation) a person ceases to attend immediately before beginning to attend an end-on course;

“qualified teacher” (“*athro cymwysedig neu athrawes gymwysedig*”) has the meaning given in section 132(1) of the Education Act 2002; and

“single course” (“*cwrs sengl*”) means a course to which regulation 5(6) of the 2013 Regulations applies and which falls within the description of a course in that regulation.

(2) The Welsh Ministers may determine that a qualification is an equivalent or lower qualification if—

- (a) the person holds a higher education qualification from an institution in the United Kingdom; and
- (b) the qualification referred to in sub-paragraph (a) is of an academic level which is equivalent to or higher than a qualification to which the current course leads.

Prescribed description of a qualifying course

3.—(1) Subject to paragraphs (2) and (3) a qualifying course for the purpose of section 5(2)(b) of the Act is—

- (a) a course of higher education capable of being designated under regulation 5 of the 2013 Regulations provided by an institution in Wales, or

- (b) a course of higher education capable of being designated under regulation 5 of the 2013 Regulations and which is provided on behalf of an institution in Wales by another institution.

(2) A course is not a qualifying course if the last academic year of the course began before 1 September 2012.

(3) A course is not a qualifying course if —

- (a) it is an end on course; and
- (b) the preceding course was not a qualifying course by reason of paragraph (2).

Prescribed description of a qualifying person

4.—(1) A qualifying person who is prescribed for the purposes of section 5(5) of the Act is a person who falls within the Schedule on the first day of an academic year, other than—

- (a) a person who is not eligible for support under the 2013 Regulations by reason of regulation 4(3)(c), (d), (e) or (f) of those Regulations; or
- (b) a person mentioned in paragraphs (2), (3), (6) or (7).

(2) Subject to the exceptions in paragraphs (4), (5) (6) and (7), a person is not a qualifying person if—

- (a) the person holds a higher education qualification; and
- (b) the qualifying course leads to a qualification which is an equivalent or lower qualification.

(3) A person is not a qualifying person if—

- (a) the person ceases a course (“the first course”) which is not a qualifying course;
- (b) disregarding any intervening vacation, the person immediately attends another course which is a qualifying course; and
- (c) the first course was not a qualifying course by reason of regulation 3(2).

(4) Paragraph (2) does not apply where—

- (a) the qualifying course is a course for the initial training of teachers;
- (b) the duration of the course does not exceed two years (the duration of a part-time course being expressed as its full-time equivalent); and
- (c) the qualifying person is not a qualified teacher.

(5) Paragraph (2) does not apply in respect of any part of a single course where—

- (a) the single course leads to an honours degree being conferred on the qualifying person from an institution in the United Kingdom before

the final degree or equivalent qualification;
and

(b) the only honours degree held by the
qualifying person was received as part of that
single course.

(6) Paragraph (2) does not apply where the
qualifying course is a foundation degree.

(7) Paragraph (2) does not apply where the
qualifying course leads to qualification as a social
worker, medical doctor, dentist, veterinary surgeon or
architect.

(8) Where an event occurs in the course of an
academic year and as a result a person falls within the
Schedule in the course of an academic year, that
person is not a qualifying person in respect of the
academic year in which the relevant event occurred or
any previous academic year.

Name

Title of Minister, one of the Welsh Ministers

Date

SCHEDULE

1.—(1) For the purposes of this Schedule —

“Directive 2004/38” (“*Cyfarwyddeb 2004/38*”) means Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the rights of citizens of the Union and their family members to move and reside freely in the territory of the Member States⁽¹⁾;

“EEA frontier self-employed person” (“*person hunangyflogedig ffin yr AEE*”) means an EEA national who—

- (a) is a self-employed person in the United Kingdom; and
- (b) resides in Switzerland or the territory of an EEA State⁽²⁾ other than the United Kingdom and returns to the national’s residence in Switzerland or that EEA State daily or at least once a week;

“EEA frontier worker” (“*gweithiwr ffin yr AEE*”) means an EEA national who—

- (a) is a worker in the United Kingdom; and
- resides in Switzerland or the territory of an EEA State other than the United Kingdom and returns to the national’s residence in Switzerland or that EEA State daily or at least once a week;

“EEA migrant worker” (“*gweithiwr mudol o’r AEE*”) means an EEA national who is a worker, other than an EEA frontier worker, in the United Kingdom;

“EEA national” (“*gwladolyn o’r AEE*”) means a national of an EEA State other than the United Kingdom;

“EEA self-employed person” (“*person hunangyflogedig o’r AEE*”) means an EEA national who is a self-employed person, other than an EEA frontier self-employed person, in the United Kingdom;

“employed person” (“*person cyflogedig*”) means an employed person with the meaning of Annex 1 to the Swiss Agreement;

“employment” (“*cyflogaeth*”) means full-time or part-time employment;

“EU national” (“*gwladolyn o’r UE*”) means a national of a Member State of the European Union;

(1) OJ L158, 30.04.2004, pp.77-123.

(2) “EEA State” is defined in the Interpretation Act 1978 (c.30).

“European Economic Area” (“*Ardal Economaidd Ewropeaidd*”) means the area comprised by the EEA States;

“European Union” (“*yr Undeb Ewropeaidd*”) means the territory comprised by the Member States of the European Union as constituted from time to time;

“family member” (“*aelod o deulu*”) means—

- (a) in relation to an EEA frontier worker, an EEA migrant worker, an EEA frontier self-employed person or an EEA self-employed person—
 - (i) that person’s spouse or civil partner;
 - (ii) direct descendants of the person or of the person’s spouse or civil partner who are—
 - (aa) under the age of 21; or
 - (bb) dependants of the person or the person’s spouse or civil partner; or
 - (iii) dependent direct relatives in the ascending line of the person or the person’s spouse or civil partner;
- (b) in relation to a Swiss employed person, a Swiss frontier employed person, a Swiss frontier self-employed person or a Swiss self-employed person—
 - (i) the person’s spouse or civil partner; or
 - (ii) the person’s child or the child of the person’s spouse or civil partner;
- (c) in relation to an EU national who falls within Article 7(1)(c) of Directive 2004/38—
 - (i) the national’s spouse or civil partner; or
 - (ii) direct descendants of the national or the national’s spouse or civil partner who are—
 - (aa) under the age of 21; or
 - (bb) dependants of the national or the national’s spouse or civil partner;
- (d) in relation to an EU national who falls within Article 7(1)(b) of Directive 2004/38—
 - (i) the national’s spouse or civil partner;
 - (ii) direct descendants of the national or the national’s spouse or civil partner who are—
 - (aa) under the age of 21; or
 - (bb) dependants of the national or the national’s spouse or civil partner; or

- (iii) dependent direct relatives in the national's ascending line or of the national's spouse or civil partner;
- (e) in relation to a United Kingdom national, for the purposes of paragraph 9—
 - (i) the national's spouse or civil partner; or
 - (ii) direct descendants of the national or the national's spouse or civil partner who are—
 - (aa) under the age of 21; or
 - (bb) dependants of the national or the national's spouse or civil partner;

“the Islands” (*“yr Ynysoedd”*) means the Channel Islands and the Isle of Man;

“overseas territories” (*“tiriogaethau tramor”*) means Anguilla; Aruba; Bermuda; British Antarctic Territory; British Indian Ocean Territory; British Virgin Islands; Cayman Islands; Falkland Islands; Faroe Islands; French Polynesia; French Southern and Antarctic Territories; Mayotte; Greenland; Montserrat; Netherlands Antilles (Bonaire, Curacao, Saba, Sint Eustatius and Sint Maarten); Pitcairn, Henderson, Ducie and Oeno Islands; South Georgia and the South Sandwich Islands; St-Barthélemy; St Helena and Dependencies (Ascension Island and Tristan de Cunha); St Pierre et Miquelon; the Territory of New Caledonia and Dependencies; Turks and Caicos Islands and Wallis and Futuna;

“person with leave to enter or remain” (*“person sydd â chaniatâd i ddod i mewn neu i aros”*) means a person (“P”)—

- (a) who has—
 - (i) applied for refugee status but has as a result of that application been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that, although P is considered not to qualify for recognition as a refugee, it is thought right to allow P to enter or remain in the United Kingdom on the grounds of humanitarian protection or discretionary leave; or
 - (ii) not applied for refugee status but has been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that it is thought right to allow P to enter or remain in the United Kingdom on the grounds of discretionary leave;
- (b) who has been granted leave to enter or to remain accordingly;

- (c) whose period of leave to enter or remain has not expired or has been renewed and the period for which it was renewed has not expired or in respect of whose leave to enter or remain an appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002)(1); and
- (d) who has been ordinarily resident in the United Kingdom and Islands throughout the period since P was granted leave to enter or remain;

“refugee” (*“ffoadur”*) means a person who is recognised by Her Majesty’s government as a refugee within the meaning of the United Nations Convention relating to the Status of Refugees done at Geneva on 28 July 1951(2) as extended by the Protocol thereto which entered into force on 4th October 1967(3);

“right of permanent residence” (*“hawl i breswyllo’n barhaol”*) means a right arising under Directive 2004/38 to reside in the United Kingdom permanently without restriction;

“self-employed person” (*“person hunangyflogedig”*) means—

- (a) in relation to an EEA national, a person who is self-employed within the meaning of Article 7 of Directive 2004/38 or the EEA Agreement, as the case may be; or
- (b) in relation to a Swiss national, a person who is a self-employed person within the meaning of Annex 1 to the Swiss Agreement;

“settled” (*“wedi setlo”*) has the meaning given by section 33(2A) of the Immigration Act 1971(4);

“Swiss Agreement” (*“Cytundeb y Swistir”*) means the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the Free Movement of Persons signed at Luxembourg on 21 June 1999(5) and which came into force on 1 June 2002;

“Swiss employed person” (*“person cyflogedig Swisaidd”*) means a Swiss national who is an

(1) Section 104 was amended by the Asylum and Immigration (Treatment of Claimants etc) Act 2004 (c.19), Schedules 2 and 4; by the Immigration, Asylum and Nationality Act 2006 (c.13), and by the Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 (S.I. 2010/21), Schedule 1.

(2) Cmnd. 9171.

(3) Cmnd. 3906, (out of print; photocopies are available, free of charge, from the Student Support Division, Department for Business, Innovation and Skills, Mowden Hall, Staindrop Road, Darlington DL3 9BG).

(4) section 33(2A) was inserted by paragraph 7 of Schedule 4 to the British Nationality Act 1981 (c.61).

(5) Cm. 4904 and OJ No. L114, 30.04.02, p.6.

employed person, other than a Swiss frontier employed person, in the United Kingdom;

“Swiss frontier employed person” (“*person cyflogedig ffin y Swistir*”) means a Swiss national who—

- (a) is an employed person in the United Kingdom; and
- (b) resides in Switzerland or in the territory of an EEA State other than the United Kingdom and returns to the national’s residence in Switzerland or that EEA State daily or at least once a week;

“Swiss frontier self-employed person” (“*person hunangyflogedig ffin y Swistir*”) means a Swiss national who—

- (a) is a self-employed person in the United Kingdom; and
- (b) resides in Switzerland or in the territory of an EEA State other than the United Kingdom and returns to the national’s residence in Switzerland or that EEA State daily or at least once a week;

“Swiss self-employed person” (“*person hunangyflogedig Swisaidd*”) means a Swiss national who is a self-employed person, other than a Swiss frontier self-employed person, in the United Kingdom;

“Turkish worker” (“*gweithiwr Twrcaidd*”) means a Turkish national who—

- (a) is ordinarily resident in the United Kingdom; and
- (b) is, or has been lawfully employed in the United Kingdom; and

“worker” (“*gweithiwr*”) means a worker within the meaning of Article 7 of Directive 2004/38 or the EEA Agreement as the case may be.

(2) For the purposes of this Schedule, “parent” (“*rhiant*”) includes a guardian, any other person having parental responsibility for a child and any person having care of a child and “child” (“*plentyn*”) is to be construed accordingly.

(3) For the purposes of this Schedule, a person (“P” in this definition) is to be treated as ordinarily resident in the United Kingdom, the United Kingdom and Islands, in the territory comprising the European Economic Area and Switzerland, in the territory comprising the European Economic Area, Switzerland and the overseas territories, or in the territory comprising the European Economic Area, Switzerland, Turkey and the overseas territories if P would have been so resident but for the fact that—

- (a) P;

- (b) P's spouse or civil partner;
- (c) P's parent; or
- (d) in the case of dependent direct relative in the ascending line, P's child or child's spouse or civil partner,

is or was temporarily employed outside the area in question.

(4) For the purposes of sub-paragraph (3), temporary employment includes—

- (a) in the case of members of the regular naval, military or air forces of the Crown, any period which they serve outside the United Kingdom as members of such forces;
- (b) in the case of members of the regular armed forces of an EEA State or Switzerland, any period which they serve outside the territory comprising the European Economic Area and Switzerland as members of such forces; and
- (c) in the case of members of the regular armed forces of Turkey, any period which they serve outside the territory comprising the European Economic Area, Switzerland and Turkey as members of such forces.

(5) For the purposes of this Schedule an area which—

- (a) was previously not part of the European Union or the European Economic Area; but
- (b) at any time before or after these Regulations come into force has become part of one or the other or both of these areas,

is to be considered to have always been a part of the European Economic Area.

(6) For the purposes of this Schedule a person who is ordinarily resident in Wales, England, Scotland, Northern Ireland or the Islands having moved from one of those areas for the purpose of undertaking—

- (a) the present course; or
- (b) a course which, disregarding any intervening vacation, the person undertook immediately before undertaking the present course,

is to be considered to be ordinarily resident in the place from which the person moved.

Persons who are settled in the United Kingdom

2.—(1) A person who on the first day of the first academic year of the course—

- (a) is settled in the United Kingdom other than by reason of having acquired the right of permanent residence;
- (b) is ordinarily resident in the United Kingdom;

- (c) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course; and
- (d) subject to sub-paragraph (2), whose residence in the United Kingdom and Islands has not during any part of the period referred to in paragraph (c) been wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (d) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the United Kingdom and Islands in accordance with paragraph 1(3).

Persons who are settled in the United Kingdom

3. A person who—

- (a) is settled in the United Kingdom by virtue of having acquired the right of permanent residence on the first day of an academic year of the course;
- (b) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course;
- (c) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course; and
- (d) in a case where the residence referred to in sub-paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising the European Economic Area, Switzerland and the overseas territories immediately before the period of residence referred to in sub-paragraph (c).

Refugees and their family members

4.—(1) A person who—

- (a) is a refugee;
- (b) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since the person was recognised as a refugee; and
- (c) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.

(2) A person who—

- (a) is the spouse or civil partner of a refugee;
- (b) was the spouse or civil partner of the refugee on the date on which the refugee made an application for asylum;

- (c) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since the refugee was given leave to remain in the United Kingdom; and
 - (d) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.
- (3) A person who—
- (a) is the child of a refugee or the child of the spouse or civil partner of a refugee;
 - (b) on the date on which the refugee applied for asylum, was the child of the refugee or the child of a person who was the spouse or civil partner of the refugee on that date;
 - (c) was under 18 on the date on which the refugee applied for asylum;
 - (d) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since the refugee was given leave to remain in the United Kingdom; and
 - (e) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.

Persons with leave to enter or remain and their family members

- 5.—(1) A person—
- (a) with leave to enter or remain; and
 - (b) who is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.
- (2) A person who—
- (a) is the spouse or civil partner of a person with leave to enter or remain;
 - (b) was the spouse or civil partner of the person with leave to enter or remain on the date on which that person made—
 - (i) the application for asylum; or
 - (ii) the application for discretionary leave, where no application for asylum was made; and
 - (c) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.
- (3) A person—
- (a) who is the child of a person with leave to enter or remain or the child of the spouse or civil partner of a person with leave to enter or remain;

- (b) who, on the date on which the person with leave to enter or remain made—
 - (i) the application for asylum; or
 - (ii) the application for discretionary leave, where no application for asylum was made,

was the child of that person or the child of a person who was the spouse or civil partner of the person with leave to enter or remain on that date;

- (c) who was under 18 on the date on which the person with leave to enter or remain made—
 - (i) the application for asylum; or
 - (ii) the application for discretionary leave, where no application for asylum was made; and
- (d) who is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.

Workers, employed persons, self-employed persons and their family members

6.—(1) A person who—

- (a) is—
 - (i) an EEA migrant worker or an EEA self-employed person;
 - (ii) a Swiss employed person or a Swiss self-employed person;
 - (iii) a family member of a person mentioned in sub-paragraph (i) or (ii);
 - (iv) an EEA frontier worker or an EEA frontier self-employed person;
 - (v) a Swiss frontier employed person or a Swiss frontier self-employed person; or
 - (vi) a family member of a person mentioned in sub-paragraph (iv) or (v);
- (b) subject to sub-paragraph (2), is ordinarily resident in the United Kingdom on the first day of the first academic year of the course; and
- (c) has been ordinarily resident in the territory comprising the European Economic Area, Switzerland and the overseas territories throughout the three-year period preceding the first day of the first academic year of the course.

(2) Paragraph (b) of sub-paragraph (1) does not apply where the person falls within paragraph (a)(iv), (v) or (vi) of that sub-paragraph.

Workers, employed persons, self-employed persons and their family members

7. A person who —

- (a) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course;
- (b) has been ordinarily resident in the territory comprising the European Economic Area, Switzerland and the overseas territories throughout the three-year period preceding the first day of the first academic year of the course; and
- (c) is entitled to support by virtue of Article 10 of Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011 on the freedom of movement for workers within the Union⁽¹⁾, as extended by the EEA Agreement.

Persons who are settled in the United Kingdom and have exercised a right of residence elsewhere

8.—(1) A person who —

- (a) is settled in the United Kingdom;
- (b) left the United Kingdom and exercised a right of residence after having been settled in the United Kingdom;
- (c) is ordinarily resident in the United Kingdom on the day on which the first term of the first academic year actually begins;
- (d) has been ordinarily resident in the territory comprising the European Economic Area, Switzerland and the overseas territories throughout the three-year period preceding the first day of the first academic year of the course; and
- (e) in a case where the ordinary residence referred to in paragraph (d) was wholly or mainly for the purposes of receiving full-time education, was ordinarily resident in the territory comprising the European Economic Area and Switzerland immediately before the period of ordinary residence referred to in paragraph (d).

(2) For the purposes of this paragraph, a person (“A” in this sub-paragraph) has exercised a right of residence:

- (a) where A is a United Kingdom national, a family member of a United Kingdom national for the purposes of Article 7 of Directive

(1) OJ No L141, 27.05.2011, p1.

2004/38 (or corresponding purposes under the EEA Agreement or Swiss Agreement) or a person who has a right of permanent residence, A has exercised a right under Article 7 of Directive 2004/38 or any equivalent right under the EEA Agreement or Swiss Agreement in a state other than the United Kingdom; or

- (b) where A is settled in the United Kingdom and has a right of permanent residence, A goes to the state within the territory comprising the European Economic Area and Switzerland of which A is a national or of which the person in relation to whom A is a family member is a national.

EU nationals

9.—(1) A person who —

- (a) is either—
 - (i) an EU national on the first day of an academic year of the course; or
 - (ii) a family member of a such a person;
- (b) is undertaking the course in the United Kingdom;
- (c) subject to sub-paragraph (2), has been ordinarily resident in the territory comprising the European Economic Area, Switzerland and the overseas territories throughout the three-year period preceding the first day of the first academic year of the course; and
- (d) subject to sub-paragraph (3), whose ordinary residence in the relevant territory has not during any part of the period referred to in paragraph (c) been wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (c) of sub-paragraph (1) does not apply to a family member of an EU national where that EU national—

- (a) is—
 - (i) a United Kingdom national who has exercised a right to reside in the territory of another Member State under Article 7(1) of Directive 2004/38; or
 - (ii) not a United Kingdom national; and
- (b) has been ordinarily resident in the territory comprising the European Economic Area, Switzerland and the overseas territories throughout the three-year period preceding the first day of the first academic year of the course.

(3) Paragraph (d) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily

resident in the relevant territory in accordance with paragraph 1(3).

EU nationals

10.—(1) A person who —

- (a) is an EU national other than a United Kingdom national on the first day of the first academic year of the course;
- (b) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course;
- (c) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period immediately preceding the first day of the first academic year of the course; and
- (d) in a case where the ordinary residence referred to in paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising the European Economic Area, Switzerland and the overseas territories immediately prior to the period of ordinary residence referred to in paragraph (c).

(2) Where a state accedes to the European Union after the first day of the first academic year of the course and a person is a national of that state, the requirement in paragraph (a) of sub-paragraph (1) to be an EU national other than a United Kingdom national on the first day of the first academic year of the course is treated as being satisfied.

Children of Swiss nationals

11.— A person who —

- (a) is the child of a Swiss national who is entitled to support in the United Kingdom by virtue of Article 3(6) of Annex 1 to the Swiss Agreement;
- (b) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course;
- (c) has been ordinarily resident in the territory comprising the European Economic Area, Switzerland and the overseas territories throughout the three-year period preceding the first day of the first academic year of the course; and
- (d) in a case where the ordinary residence referred to in sub-paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising the European Economic

Area and Switzerland immediately before the period of ordinary residence referred to in sub-paragraph (c).

Children of Turkish workers

12.— A person who —

- (a) is the child of a Turkish worker;
- (b) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course; and
- (c) has been ordinarily resident in the territory comprising the European Economic Area, Switzerland, Turkey and the overseas territories throughout the three-year period preceding the first day of the first academic year of the course.

2015 No. (W.)

EDUCATION, WALES

**The Higher Education (Amounts)
(Wales) Regulations 2015**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the maximum amount which an institution with an approved fee and access plan in force will be able to charge by way of tuition fees for full-time undergraduate courses.

Regulation 3 prescribes the maximum amount which will apply. Regulations 4, 5 and 6 prescribe lower maximum amounts in respect of certain courses.

Regulation 7 provides that where a course is a franchised course that fees are to be treated as payable to the institution on whose behalf the course is provided, and that the total fees that a student pays must not exceed the amount prescribed by these regulations.

2015 No. (W.)

EDUCATION, WALES

**The Higher Education (Amounts)
(Wales) Regulations 2015**

Laid before the National Assembly for Wales

Made ***

Coming into force ***

These Regulations are made by the Welsh Ministers in exercise of the powers conferred on them by sections 5(3),5(9) and 52(2) of the Higher Education (Wales) Act 2015(1).

Title, commencement, application

1.—(1) The title of these Regulations is the Higher Education (Amounts) (Wales) Regulations 2015 and they come into force on xxxx.

(2) These Regulations apply in relation to Wales.

(3) In these Regulations “the 2015 Act” (“*Deddf 2015*”) means the Higher Education (Wales) Act 2015.

Interpretation

2. In these Regulations—

“the 2015 Act” (“*Deddf 2015*”) means the Higher Education (Wales) Act 2015;

“overseas institution” (“*sefydliad tramor*”) means an institution other than one in Wales, England, Scotland, Northern Ireland, the Channel Islands or the Isle of Man;

“sandwich course” (“*cwrs rhyngosad*”) has the meaning given in regulation 2(1) of the Education (Student Support) (Wales) Regulations 2013(2).

(1) Anaw xx
(2) S.I. 2013/3177 (W.316) as amended by S.I. 2014/1712 (W.172).

Prescribed maximum amount

3. Subject to regulations 4, 5 and 6 the prescribed maximum amount for the purposes of section 5(3) of the 2015 Act is £9,000.

Prescribed maximum amount for the final academic years of courses and academic years of courses of initial training of teachers

4.— For the purposes of section 5(3) of the 2015 Act the maximum amount is prescribed as £4,500 in respect of:

- (a) the final academic year of a course where that academic year is normally required to be completed after less than 15 weeks' attendance;
- (b) a course of initial training of teachers⁽¹⁾ (including such a course leading to a first degree), an academic year during which any periods of full time study are in aggregate less than 10 weeks.

Prescribed maximum amount for sandwich courses

5.— For the purposes of section 5(3) of the 2015 Act the maximum amount is prescribed as £1,800 in respect of an academic year of a sandwich course:

- (a) during which any periods of full time study are in aggregate less than 10 weeks; or
- (b) if in respect of that academic year and any previous academic years of the course the aggregate of any one or more periods of attendance which are not periods of full time study at the institution (disregarding intervening vacations) exceeds 30 weeks.

Prescribed maximum amount for study and work placements overseas

6.— For the purpose of section 5(3) of the 2015 Act the maximum amount is prescribed as £1,350 in respect of an academic year of a course provided in conjunction with an overseas institution:

- (a) during which any periods of full time study at the institution in the United Kingdom are in aggregate less than 10 weeks; or
- (b) if in respect of that academic year and any previous academic years of the course the aggregate of any one or more periods of attendance which are not periods of full time study at the institution in the United Kingdom

(1) 'Initial training of teachers' is training or education with the object of fitting persons, who are not teachers, to be teachers.

(disregarding intervening vacations) exceeds 30 weeks.

Fees payable to other persons

7. For the purpose of section 5(9) of the 2015 Act the circumstances in which fees are to be treated as being paid to a regulated institution under section 5(2)(a) of the 2015 Act are where the fees are payable to a person in respect of a qualifying course provided on behalf of a regulated institution by that person.

Minister for Education and Skills

Eitem 3.4

Y Pwyllgor Iechyd a Gofal Cymdeithasol
Health and Social Care Committee

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



Mark Drakeford AM

Minister for Health and Social Services

Vaughan Gething AM

Deputy Minister for Health

24 October 2014

Dear Ministers,

Welsh Government draft budget 2015–16

Thank you for attending the Health and Social Care (HSC) Committee's meeting on 16 October 2014 to discuss the Welsh Government's Draft Budget for 2015–16. During the meeting Members covered a number of themes of relevance to the Committee's remit, and touched on some health and social care matters also of relevance to the Children, Young People and Education (CYPE) Committee.

The purpose of this letter is to highlight the key issues the HSC Committee has identified during the course of its scrutiny. These are attached at Annex A. As with previous years, the issues raised have been labelled in accordance with the four principles of good financial scrutiny: affordability, prioritisation, value for money, and budget process.

This letter will be shared with the Finance Committee to aid its overarching scrutiny of the Draft Budget. The HSC Committee would welcome receipt of the further information requested in Annex A as soon as possible in order to inform the final debate on the Welsh Government's Draft Budget 2015–16.

The letter will also be shared with the CYPE Committee which, for the purpose of drawing on your time effectively, asked the HSC Committee to lead on matters in relation to health and social services (see letter attached at Annex

Bae Caerdydd
Cardiff Bay
CF99 1NA

Ffôn/Tel: 029 2089 8403

Tudalen y pecyn 60

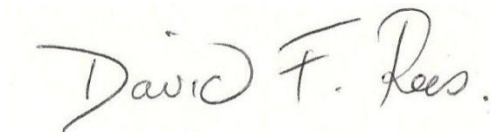
Trydard/Twitter: www.gov.wales / www.hsc.wales.nhs.uk / HSCCommittee@wales.gov.uk

Trydar/Twitter: [@iechyd_senedd](https://twitter.com/iechyd_senedd) / [@seneddhealth](https://twitter.com/seneddhealth)

Croesewir gohebiaeth yn y Gymraeg a'r Saesneg/We welcome correspondence in both English and Welsh

B). As time did not allow Members to raise the questions posed in the letter at Annex B, the HSC Committee would be grateful to receive a written response to these questions from you.

Yours sincerely,

A handwritten signature in black ink that reads "David F. Rees." The signature is written in a cursive style with a clear, legible font.

David Rees AM

Chair of the Health and Social Care Committee

Cc:

Jocelyn Davies AM, Chair of the Finance Committee

Ann Jones AM, Chair of the Children, Young People and Education Committee

ANNEX A: Welsh Government Draft Budget 2015–16 – key issues identified by the Health and Social Care Committee

1. Additional revenue allocation for NHS services in 2015–16

(Principle: prioritisation)

The largest change in the Welsh Government Draft Budget 2015–16, is due to an additional allocation of £225 million in line with Welsh Government’s priority to support the NHS in Wales. Overall, the Draft Budget 2015–16 includes additional revenue funding of £273 million (4.8%) in the NHS Delivery Revenue SPA for 2015–16 compared to 2014–15.¹ This change does not reflect the announcement of £200 million funding which is planned to be allocated to the NHS in 2014–15 via the next Supplementary Budget.²

The Committee recognises the conclusion of the recently published Nuffield Trust report that, in a context of rising costs, increasing demand, an ageing population, and a growth in the number of people experiencing chronic conditions, an innovative response and additional funding is needed for the NHS to continue to deliver high quality and safe services.³ The Committee also acknowledges that the additional revenue allocation for 2015–16 reflects the estimates outlined by the Auditor General for Wales in his work on NHS finances in recent years.⁴ The £200 million additional funding announced for 2014–15 also links closely with the latest estimate of a £198 million funding gap in the current year. The Committee welcomes the additional funding allocated for the 2014–15 and 2015–16 financial years.

The Committee is conscious of the emphasis in the Nuffield Trust report on the importance of improvements in efficiency, productivity and service delivery to secure the long term future of the NHS in Wales. The Committee shares this view, and that of the Auditor General for Wales, who has noted that NHS Wales will “struggle to make progress without transformational change”.⁵ As such, the Committee would welcome further information from

¹ Welsh Government, [Draft Budget 2015-2016 Priorities for Wales](#), September 2014

² National Assembly for Wales, [Record of Plenary Proceedings](#), 30 September 2014

³ Nuffield Trust, [A decade of austerity in Wales? The funding pressures facing the NHS in Wales to 2025/26](#), June 2014

⁴ Auditor General for Wales, [NHS Wales: Overview of Financial and Service Performance 2013-14](#), 13 October 2014

⁵ Ibid, [Welsh NHS breaks even in 2013-14 with mixed performance against service targets](#), 13 October 2014

the Welsh Government on how it will monitor and ensure that the additional revenue funding for the 2014–15 and 2015–16 financial years delivers meaningful reform to services and positive outcomes for patients, rather than being used by health boards to address end of year deficits resulting from unchanged models of care.

2. Resource allocation formula (Townsend) and distribution of additional funding

(Principle: budget process/value for money)

The Committee was told that around £200 million of the £225 million additional revenue funding for 2015–16 will be allocated predominantly via the revised Townsend formula, with reference to information in the medium term financial plans. The Minister noted that the allocations will be made as “late in the cycle” as possible in order that decisions may be informed by the most up to date population trends and needs–based data.⁶ This will be concluded before formal allocation letters are sent out in January 2015.⁷

The Committee acknowledges the importance of using a transparent, evidence–based formula to ensure a sustainable method of allocating funding to health boards in the future. The Committee would welcome further detail on the distribution of this additional funding once made, to include information about how the integrated medium term plans of health boards have influenced decisions.

3. The reduction in local government funding and its impact

(Principle: prioritisation/affordability)

The Draft Budget for 2015–16 outlines a reduction of £154 million (3.5%) in the Funding Support for Local Government Action. The narrative document accompanying the Draft Budget notes that an additional £10 million has been allocated to local government in recognition of pressures that social services will face as a consequence of the overall budget reduction. It also states that funding of £67.5 million would be maintained within the *Health and Social*

⁶ National Assembly for Wales, [Draft Record of Proceedings \[para 16\]](#), 16 October 2014

⁷ Ibid, [HSC\(4\)-24-14 Paper 5 - Written evidence from the Minister for Health and Social Services and Deputy Minister for Health](#), 16 October 2014

Services MEG “to support policy transformation that underpins the delivery of social care in Wales”.⁸

The Welsh Government’s Strategic Integrated Impact Assessment which accompanies the Draft Budget documentation highlights that:

- social care services are facing real increases in demand;
- the numbers of looked after children and those on the child protection register are growing;
- the number of older people with complex care needs are growing; and,
- the number of people registered with local authorities as having a learning disability is increasing.⁹

The Committee is concerned, therefore, that the significant reduction to the local government allocation for 2015–16 will have a negative impact on the delivery of social services. The Committee is also concerned that reduction could impact on the provision of the local government services which support both improved physical and mental health and recovery from medical procedures. Furthermore, given the important links between health and social care services, the Committee is concerned that the considerable reductions proposed to the local government allocation could place pressure on the long term sustainability of health services as well as social care.

4. Intermediate Care Fund

(Principle: prioritisation/value for money)

One of the stated priorities of the Welsh Government is to ensure greater integration of health and social services. The integration agenda has been encouraged by the creation of the Intermediate Care Fund (“the Fund”), among other things.

The Final Budget for 2014–15 included £35 million revenue funding within the local government allocation and £15 million capital in the housing and regeneration budget to create the Fund. Its stated aim was to build effective

⁸ Welsh Government, [Draft Budget 2015-2016 Priorities for Wales](#), September 2014, p42

⁹ Ibid, [Draft Budget 2015-16: Strategic Integrated Impact Assessment](#), 30 September 2014

joint-working across the health, social services, housing, third and independent sectors that would:

“support people to maintain their independence and remain in their own home [...] avoid unnecessary hospital admissions, inappropriate admissions to residential care, as well as preventing delayed discharges from hospital”.¹⁰

In accordance with the Minister’s previously stated intention, the allocation was made for one year only and no provision for the Fund is made in the Draft Budget for 2015–16.

The Committee welcomes information provided by the Minister that, in the absence of the Fund in the next financial year, and given the savings realised by its use, some health boards and local authorities are planning to allocate money from elsewhere to continue the work the Fund instigated. The Minister also explained that he will consider whether part of the unallocated £25 million additional revenue funding for NHS services for 2015–16 could potentially be used to finance services proven to be successful by the Fund in 2014–15.¹¹

Although the Committee acknowledges that the Welsh Government cannot fund every initiative in the current economic climate, it is concerned that good work enabled by the existence of the Fund is not lost in the absence of this specified allocation. The prioritisation of innovative, integrated and money-saving initiatives of this kind is, in the Committee’s view, one of the main ways that the Welsh Government can deliver the reform that is required to maintain sustainable health and social services. In the short term, the Committee would welcome further information from the Minister on how he will monitor and ensure that the positive steps made as a consequence of the Fund’s existence will be maintained once its funding stops at the end of 2014–15. In the longer term, the Committee would welcome an update on whether (and, if so, how) the unallocated £25 million is used to deliver intermediate care services.

¹⁰ Welsh Government written statement, [Intermediate Care Fund](#), 20 May 2014

¹¹ National Assembly for Wales, [Draft Record of Proceedings \[paras 88-90\]](#), 16 October 2014

5. Preventative spending

(Principle: prioritisation/value for money)

The Minister estimates that £105 million, 2% of the total Health and Social Services revenue budget, is focused on preventing problems and easing future demand on services. In requesting information on allocations for preventative services, the Committee acknowledges that prevention runs through many strands of health and social services spend.

The Deputy Minister told the Committee that a range of cross-sector and cross-departmental initiatives are in place, including the Healthy Ageing Programme and exercise referral schemes. He also referred to the importance of the immunisation programme as part of the preventative agenda. The Deputy Minister went on to say that there is recognition that the preventative agenda requires dialogue across departments and partner organisations.¹²

The Committee welcomes the Deputy Minister's assurance that work in this field is moving in the right direction. Nevertheless, the Committee notes his comment that the pace of change remains a challenge. Furthermore, the Committee is concerned that reductions to the local government budget could reduce the overall spend on preventative services as local authority services are often preventative in nature. In order to safeguard the future sustainability of the health and social care systems, the Committee expects the Welsh Government to redouble its efforts in this area and to focus on the transformation that is needed within service design to move from a reactive to a proactive approach.

6. Capital

(Principle: affordability)

In 2015–16 the total capital allocations for the NHS Delivery SPA will decrease by £65.5 million, a reduction of 23% compared with the latest figures for 2014–15. The Minister's paper to the Committee highlights that this is as a result of non-recurrent funding provided in 2014–15 not being carried forward to 2015–16.¹³

¹² National Assembly for Wales, [Draft Record of Proceedings \[paras 120-122\]](#), 16 October 2014

¹³ National Assembly for Wales, [HSC\(4\)-24-14 Paper 5 - Written evidence from the Minister for Health and Social Services and Deputy Minister for Health](#), 16 October 2014

In order to respond to the reduction in the capital budget, the Minister explained to the Committee that a prioritisation exercise will take place for capital projects. He noted that all future bids for capital funding are likely to be required to demonstrate their ability to deliver revenue savings and service change before being approved.¹⁴ The Minister sought to assure the Committee that the capital funding needs of the service reconfiguration plans in Wales remain affordable and that there has been no change in relation to the availability of central funds for the Gwent Specialist and Critical Care Centre (SCCC).¹⁵ The Minister went on to express his disappointment that the Welsh Government is not in a position this year or next to increase discretionary capital funding. Related to this, he noted that if any capital underspend emerges during 2015–16 he will consider allocating the funding directly to Health Boards for the purpose of equipment replacement.¹⁶

The Minister's paper to the Committee refers to the pursuit of innovative funding mechanisms by relevant health organisations, the most advanced of which is Velindre NHS Trust's initiative to fund a new specialist cancer centre. He also noted that discussions are underway to explore the viability of using innovative models to fund developments to the primary care estate, and that a number of individual health boards are now coming forward with ideas.¹⁷

The Committee is concerned by the overall reduction in capital funding and would welcome further information about how the new capital prioritisation exercise will work in practice. The Committee welcomes the exploration of innovative funding mechanisms and will take a keen interest in the future policy and legislative developments that will be necessary to underpin these financial models.

7. Mental health services and the ring fence

(Principle: prioritisation/budget process)

Most funding for mental health services is included within the ring-fenced mental health allocations for health boards. Included within this is the funding

¹⁴ Ibid, [Draft Record of Proceedings \[para 105\]](#), 16 October 2014

¹⁵ Ibid, [Draft Record of Proceedings \[paras 108-110\]](#), 16 October 2014

¹⁶ Ibid, [Draft Record of Proceedings \[para 115\]](#), 16 October 2014

¹⁷ Ibid, [HSC\(4\)-24-14 Paper 5 - Written evidence from the Minister for Health and Social Services and Deputy Minister for Health](#), 16 October 2014

for Child and Adolescent Mental Health Services (CAMHS), although spending on CAMHS is not separately ring-fenced.

In light of previous references to the limitations of monitoring compliance with the mental health ring-fenced allocations, the Committee welcomes the Welsh Government's commissioned review of the ring fence mechanism and looks forward to its conclusion in 2015. The Committee notes that the Minister does not wish to pre-empt the conclusions of the review but that he questions the feasibility of introducing a ring-fence within a ring-fence. The Committee welcomes the Minister's focus on delivering good outcomes for patients as opposed to remaining wedded to any particular funding model. Furthermore, the Committee welcomes the Minister's assurances that his focus on CAMHS will be "unremitting" and that services will be held to account for their performance.¹⁸ The Committee hopes that this information will help inform the Children, Young People and Education Committee's current inquiry into CAMHS.

The Committee would welcome further detail about the allocation of funds to mental health as information appears to have been presented in a different format in this year's Draft Budget documentation. Furthermore, the Committee would welcome clarification of whether the ring-fenced allocation for mental health services has grown with inflation since its inception.

8. Legislation

(Principle: affordability/value for money)

The Welsh Government's legislative programme in the field of health and social care has been ambitious during the Fourth Assembly. The Food Hygiene Rating (Wales) Act 2013, the Human Transplantation (Wales) Act 2013, and the Social Services and Well-being (Wales) Act 2014 all have significant pieces of subordinate legislation flowing from them that require funding. In addition, funding is allocated for provisions contained in the NHS Redress (Wales) Measure 2008 and Mental Health (Wales) Measure 2010. The Minister's paper notes that proposals for legislation in the fields of public health and the regulation and inspection of social services will incur expenditure during the 2015-16 financial year, but that work is on-going to assess their potential financial impact in subsequent years. The Committee will take a keen interest

¹⁸ National Assembly for Wales, [Draft Record of Proceedings \[para 51\]](#), 16 October 2014

in the financial aspects of both Bills if introduced and referred for consideration, as anticipated, during 2015.

In relation to the Social Services and Well-being (Wales) Act 2014, the Minister's paper states that further work on assessing the costs and benefits of its implementation will be undertaken as relevant subordinate legislation is developed. It goes on to state:

“The outcomes of this work should be viewed against the broader background of a system developed to be revenue-neutral through shifting the focus and burden of cost towards supporting well-being, earlier intervention and citizen voice and away from late-stage, high intensity, intrusive and high cost interventions”.¹⁹

The paper also notes that the Welsh Government will provide three years of transitional funding – to include £3 million in 2015–16 – to local government and its partners to assist them in meeting the costs of moving to the new way of working introduced by the Act. The Committee has committed to considering the regulations emanating from the Act and will keep a close eye on the likely impact of the regulations on the capacity of local authorities to deliver services, particularly in light of the budget reductions discussed in section 3 of this annex.

9. Moving services from hospitals to the community

(Principle: affordability/value for money)

The Minister told the Committee that moving services out of secondary care and into community and primary care is a “key strategic objective” for the Welsh Government. The Minister noted that he is considering whether the unallocated £25 million additional revenue funding for NHS services for 2015–16 can be used to deliver further progress in relation to this strategic aim, notwithstanding the other demands that may be placed on this currently unallocated sum.²⁰

The Minister recognised primary care services received less in the 2015–16 financial year as a proportion of the total budget than in previous years, but

¹⁹ National Assembly for Wales, [HSC\(4\)-24-14 Paper 5 - Written evidence from the Minister for Health and Social Services and Deputy Minister for Health](#), 16 October 2014

²⁰ Ibid, [Draft Record of Proceedings \[para 45\]](#), 16 October 2014

noted that in cash terms they have received more money than in previous years because more money has been allocated to health and social services than in the past. He also acknowledged that shifting services from secondary to primary care is not an easy task, noting that the impetus for this to happen has to come not only from health boards seeking to push services from hospitals into the community, but also from primary care seeking to take these services on.²¹

Given the emphasis placed by the Welsh Government on the importance of moving services from hospitals to the community for the sustainability of services, the Committee calls on the Ministers to work with health boards to ensure that the shift in policy is reflected by the necessary shift in budgets.

10. Efficiencies

(Principle: affordability/value for money)

In its written evidence to the Finance Committee, the Welsh NHS Confederation warns:

“While the efficiency savings made by the NHS are significant, the annual achievement has been gradually diminishing year on year, a reflection that ‘doing more of the same’ will not deliver the level of cost reductions required to contend with the anticipated increased demands and costs of running NHS services going forward”.²²

The Auditor General for Wales’ recent report *NHS Wales: Overview of Financial and Service Performance 2013–14* noted:

“...there is scope to build on the progress to date that the Nuffield Trust identifies and further improve efficiency but our own analysis suggests that the more optimistic projections on acute-sector efficiency would be very difficult to achieve without radical changes”.²³

The Minister accepted the Welsh NHS Confederation’s assertion that, year on year, making savings becomes more difficult as the easier issues have been tackled. Nevertheless, he believed that NHS Wales’ overall performance in

²¹ National Assembly for Wales, [Draft Record of Proceedings \[paras 143-145\]](#), 16 October 2014

²² Ibid, [FIN\(4\) – 15-16WGDB13 Written evidence from the Welsh NHS Confederation](#), September 2014

²³ Auditor General for Wales, [NHS Wales: Overview of Financial and Service Performance 2013-14](#), October 2014

delivering savings of the necessary volume has been “remarkable”. The Minister noted that, in the last financial year, NHS Wales made £185 million of efficiency savings, which is only £3 million less than it achieved in the previous financial year.²⁴ He warned, however, that not every part of the system can be expected to find savings in the same way as other parts of the system, citing the Welsh Ambulance Service as an example. In this case, the Minister explained that extra capital funding has been made available to assist its attempts to realise savings by improving efficiency, for example, by modernising its vehicle fleet.²⁵

The Committee acknowledges the hard work that has been undertaken by NHS Wales to achieve efficiencies in recent years. It remains clear, however, that to achieve the savings the Nuffield Trust states are necessary to sustain services in Wales, significant changes to services are needed.

11. Litigation and the risk pool

The Welsh Government’s accounts for 2013–14 include provisions that recognise an obligation to pay for certain costs in future years. Note 18 shows that £593.8 million of the £605 million in Welsh Government provisions related to the NHS Welsh Risk Pool, which mainly relates to claims for medical or employer negligence. This has risen significantly from £521 million in 2012–13.

During evidence, officials explained that, under relevant audit rules, provisions need to be made in the Welsh Risk Pool, not just for the current year, but prospectively. They noted that the actual impact within any individual financial year for the Welsh risk pool is approximately £70 million, which is covered within existing budgets. They noted that the larger sum relates to a prospective period of approximately a decade.²⁶

The Committee looks forward to receiving further analysis relating to the quantity and level of in-year settlements made against the risk pool in recent years, as requested during the meeting.

²⁴ National Assembly for Wales, [Draft Record of Proceedings \[para 150\]](#), 16 October 2014

²⁵ Ibid, [Draft Record of Proceedings \[paras 151-152\]](#), 16 October 2014

²⁶ Ibid, [Draft Record of Proceedings \[paras 132-133\]](#), 16 October 2014

ANNEX B – Letter from the Chair of the Children, Young People and Education Committee

Cynulliad
Cenedlaethol
Cymru
National
Assembly for
Wales

Y Pwyllgor Plant, Pobl Ifanc ac Addysg Children, Young People and Education Committee



David Rees AM
Chair of the Health and Social Care
Committee
National Assembly for Wales

Bae Caerdydd / Cardiff Bay
Caerdydd / Cardiff
CF99 1NA

15 October 2014

Dear David

Welsh Government Draft Budget 2014–15

The Children, Young People and Education Committee wrote to the Minister for Health and Social Services on 14 August to seek information on the budget allocations within his portfolio. The Minister replied on 2 October.

The Committee agreed in its meeting on 9 October that I should write to you to draw your Committee's attention to a number of issues relating to the Minister's response, in advance of your scrutiny session with the Minister. The Committee will, of course, be writing to the Minister separately to seek further information on these issues, but I would be grateful if you could, if possible, raise some of these issues with the Minister.

- **Additional £10M for Social Services:** what mechanism has the Welsh Government put in place to ensure that an appropriate proportion is spent on children;
- **Transfer of £4.6M for the Integrated Family Support Services into the RSG:** what safeguards have been put in place to ensure local authorities make a continued investment in this new programme over time;

- **£3M for Social Services Act implementation:** what mechanism has the Welsh Government put in place to ensure the appropriate proportion is spent on the legislation as it affects children and young people;
- **Funding arrangements for LHBs:** given that funding arrangements are at the discretion of the LHB and have no age related hypothecation:
 - How does the Welsh Government assess the impact of LHB spending decisions on children's health and well-being;
 - What assessment has the Welsh Government undertaken of the potential impact on children's health arising from the LHB Resource Review.

The Committee will also be writing to the Minister on a number of issues.

Yours Sincerely



Ann Jones AC / AM
Cadeirydd / Chair

Item 35 Pwyllgor Plant, Pobl Ifanc ac Addysg Children, Young People and Education Committee

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



Bae Caerdydd / Cardiff Bay
Caerdydd / Cardiff
CF99 1NA

Lesley Griffiths AM
Y Gweinidog Cymunedau a Threchu
Tlodi

29 Hydref 2014

Annwyl Weinidog,

Cyllideb ddrafft Llywodraeth Cymru ar gyfer 2015–16

Diolch am ddod i gyfarfod y Pwyllgor Plant, Pobl Ifanc ac Addysg ar 23 Hydref 2014 i drafod cyllideb ddrafft Llywodraeth Cymru ar gyfer 2015–16.

Diben y llythyr hwn yw tynnu sylw at y materion allweddol y mae'r Pwyllgor wedi eu nodi yn ystod ei waith craffu.

Caiff y llythyr hwn ei rannu â'r Pwyllgor Cyllid i'w helpu gyda'i waith craffu cyffredinol ar y gyllideb ddrafft. Byddai'r Pwyllgor yn croesawu cael y wybodaeth bellach y mae'n gofyn amdani yn y llythyr hwn cyn gynted â phosibl er mwyn llywio'r ddadl derfynol ar gyllideb ddrafft Llywodraeth Cymru ar gyfer 2015–16.

Prosesau asesu effaith

1. Mae'r Pwyllgor yn nodi nad oes asesiad o'r effaith ar hawliau plant (CRIA) wedi ei gynnal ar gyfer y gyllideb ddrafft hon. Mae Llywodraeth Cymru wedi cyfeirio at ei [Asesiad Effaith Strategol Integredig](#) ar gyfer cyllideb ddrafft 2015–16 gan ddweud ei bod yn ystyried cydraddoldeb, mynd i'r afael â thlodi ac anfantais

Croesewir gohebiaeth yn y Gymraeg a'r Saesneg / We welcome correspondence in both English and Welsh
Y Pwyllgor Plant, Pobl Ifanc ac Addysg / Children, Young People and Education Committee
Gwasanaeth y Pwyllgorau / Committee Service
Ffôn / Tel : 029 2089 8429
Ebost / Email : CYPCommittee@wales.gov.uk

economaidd–gymdeithasol, hawliau plant a'r iaith Gymraeg, ar y cyd. O ran y gofyniad i roi "sylw dyledus" i hawliau plant, mae eich papur yn nodi:

“The process of having due regard can range from thinking about the impact of decisions on children in the course of day-to-day work activity, through to the formal application of a structured impact assessment tool accompanied by a record of the outcome results”.

2. O ystyried na chafodd asesiad o'r effaith ar hawliau plant (CRIA) ei baratoi, hoffai'r Pwyllgor gael eich sicrwydd fod hawliau plant wedi cael ystyriaeth briodol fel rhan o'r broses o bennu'r gyllideb. **Mae'r Pwyllgor yn gofyn am esboniad manwl o'r penderfyniadau sy'n ymwneud â phlant a phobl ifanc sydd wedi newid o ganlyniad i'ch proses asesu effaith.**

Dechrau'n Deg

3. Mae'r Pwyllgor yn nodi bod y gyllideb ddrafft ar gyfer 2015–16 yn dangos cynnydd o £4.8 miliwn mewn refeniw o gyllideb 2014–15 (o £72.1 miliwn i £76.9 miliwn) a gostyngiad o £1.1 miliwn mewn cyfalaf o gyllideb 2014–15 (o £8 miliwn i £6.9 miliwn).

4. Cyhoeddwyd gwerthusiad cenedlaethol o Dechrau'n Deg ym mis Rhagfyr 2013. Roedd ei ganfyddiadau'n cynnwys y canlynol:

- nid oedd gwahaniaeth ystadegol sylweddol rhwng ardaloedd Dechrau'n Deg ac ardaloedd eraill o ran sgiliau gwybyddol ac ieithyddol plant, eu datblygiad cymdeithasol ac emosiynol a'u hannibyniaeth / hunanreoliad;
- nid oedd gwahaniaeth rhwng rhieni mewn ardaloedd Dechrau'n Deg a rhieni yn yr ardaloedd cymharol o ran mesuriadau hunanhyder, iechyd meddwl neu amgylchedd y cartref;
- nid oedd gwahaniaeth ystadegol rhwng Dechrau'n Deg a'r ardaloedd cymharol gyfatebol ar gyfraddau imiwneiddio; ac
- nid yw plant mewn ardaloedd Dechrau'n Deg yn fwy tebygol o gael eu cyfeirio at weithwyr proffesiynol na phlant mewn ardaloedd cymharol.

5. Mae'r Pwyllgor yn nodi eich barn ei bod yn anodd asesu effaith lawn polisi cymdeithasol, yn enwedig lle mae nifer fawr o unigolion yn cymryd rhan yn y rhaglenni. Serch hynny, mae adroddiad gwerthuso Llywodraeth Cymru ei hun yn amlinellu nifer o feysydd allweddol sy'n destun pryder.

6. Ymhellach, mae'n amlwg nad yw Llywodraeth Cymru yn gwybod faint o blant sydd wedi elwa o bob un o bedair elfen y rhaglen. Mae eich papur yn nodi:

“Officials investigated the feasibility of collecting information which would show how many children had benefitted from all four elements of the programme. It was concluded that this information could not be collected without a significant extra burden on local authorities with little benefit in terms of added insight into the successful operation of the programme.”

7. Mae'r Pwyllgor yn pryderu nad yw Llywodraeth Cymru yn gallu asesu effeithiolrwydd y rhaglen hon nac a yw'n rhoi gwerth am arian.

Dechrau'n Deg – niferoedd y rhai sy'n cymryd rhan

8. Mewn ymateb i gwestiwn yn ymwneud â nifer y plant mewn ardal Dechrau'n Deg nad ydynt yn manteisio ar Dechrau'n Deg, dywedodd y swyddog a ddaeth gyda chi na chafodd y wybodaeth honno ei chasglu.

9. Unwaith eto, rydym yn pryderu am y diffyg data a'r wybodaeth sydd ar gael sy'n ymwneud â Dechrau'n Deg. Mae diffyg gwybodaeth yn yr achos hwn yn golygu nad yw'n bosibl barnu effeithiolrwydd y rhaglenni wrth gyrraedd pob aelod o'r gymuned sy'n gymwys. Mae hefyd yn ei gwneud hi'n anodd cymharu ac asesu cyrhaeddiad y rhaglenni mewn gwahanol ardaloedd.

10. Mae'r Pwyllgor yn gofyn am y wybodaeth ddiweddaraf am y prosesau sydd gennych ar waith i werthuso effaith Dechrau'n Deg, gan gynnwys unrhyw gynlluniau sydd gennych i fynd i'r afael â'r diffyg presennol o ddata mewn rhai ardaloedd.

Rhaglenni cyfalaf Dechrau'n Deg

11. Mae eich papur yn nodi:

“There are currently more than 70 ‘live’ capital projects and more will come on line when the additional capital funds are confirmed. Within the next six months almost 90% of the ‘live’ capital projects are due for completion, and the remaining projects will be completed in 2015–16”

12. Mae'r Pwyllgor yn cydnabod y gall fod angen darparu neu adnewyddu adeiladau er mwyn sicrhau bod Dechrau'n Deg yn cael ei gyflwyno'n effeithiol, yn enwedig mewn rhai cymunedau lle mae diffyg cyfleusterau. Fodd bynnag, mae'r Pwyllgor yn pryderu y gall fod achosion lle nad yw prosiectau cyfalaf yn angenrheidiol a bod modd defnyddio cyfleusterau sydd ar gael eisoes. Mae'r

Pwyllgor yn pryderu ynghylch cadernid asesiadau Llywodraeth Cymru yn hyn o beth. **Mae'r Pwyllgor yn gofyn am ragor o wybodaeth am y broses asesu ar gyfer prosiectau o'r fath.**

Teuluoedd yn Gyntaf

13. Mae'r Pwyllgor yn nodi bod Llywodraeth Cymru wedi lleihau'r dyraniad cyllideb ar gyfer y rhaglen hon o £46.9 miliwn yng nghyllideb 2014–15 i £43.7 miliwn yn y gyllideb ddrafft ar gyfer 2015–16.

14. Mae'r Pwyllgor hefyd yn nodi bod y gwerthusiad o strategaeth tlodi plant Llywodraeth Cymru yn dangos nad yw maint y rhaglennu presennol yn ddigon i gyflawni maint y newidiadau sydd eu hangen. Mae'r Pwyllgor yn cydnabod mai un o'r ffyrdd y mae modd rhoi newid ar waith ar raddfa fawr yw drwy gyllid ychwanegol. Fodd bynnag, nid oes cyllid o'r fath ar gael. Felly, **mae'r Pwyllgor yn gofyn am ragor o wybodaeth am sut y byddwch yn ymdrin â'r her hon yn wahanol, o ystyried y diffyg cyllid ychwanegol.**

15. Nododd y Pwyllgor hefyd fod gwerthusiad cenedlaethol 2014 yn dangos mai dim ond 53% o achosion 'Tîm o Amgylch y Teulu' a ddaeth i ben yn ystod naw mis cyntaf 2013 a oedd yn llwyddiannus o ran y canlyniad a gynlluniwyd ar eu cyfer. **Mae'r Pwyllgor yn gofyn am ragor o wybodaeth am y camau yr ydych yn eu cymryd i fynd i'r afael â'r meysydd o bryder a nodwyd yn y gwerthusiad.**

Strategaeth tlodi plant

16. Dyraniad y gyllideb ddrafft ar gyfer 'polisi tlodi plant' ar gyfer 2015–16 yw £140,000, sydd heb ei newid mewn termau arian parod ers 2014–15.

17. Canfu gwerthusiad terfynol Llywodraeth Cymru o'i Strategaeth Tlodi Plant (Gorffennaf 2014) y gellid gwneud rhagor i gysylltu strategaethau twf economaidd ag amcanion tlodi; nad oes tystiolaeth gref fod graddfa'r rhaglenni yn ddigon i weithredu maint y newid sy'n angenrheidiol (fel y soniwyd ym mharagraff 14, uchod); a bod y dyletswyddau a osodir ar awdurdodau lleol a chyrrff cyhoeddus eraill wedi cael effaith gyfyngedig o ran rhaglenni newydd neu wrth ddyrannu adnoddau ychwanegol i gyflawni amcanion tlodi plant.

18. **Mae'r Pwyllgor yn gofyn am ragor o wybodaeth am sut y byddwch yn ymdrin â'r her hon yn wahanol, o ystyried y diffyg cyllid ychwanegol.**

Grant Cyflawni Plant a Theuluoedd

19. Mae'r Pwyllgor yn nodi y cyhoeddwyd y rhai sy'n cael y Grant Cyflawni Plant a Theuluoedd ym mis Gorffennaf 2014, gyda nifer o sefydliadau yn cael gwybod na fyddent yn cael arian mwyach, gan gynnwys Chwarae Cymru a'r Ddraig Ffyni.

20. Mae'r Pwyllgor yn nodi bod cyllid o £50,000 wedi ei ddyrannu i Chwarae Cymru ers hynny. **Mae'r Pwyllgor yn gofyn am ragor o wybodaeth am natur y dyfarniad grant a'r hyn y mae'n fwriad ei gyflawni drwy ei ddefnyddio. Byddai'r Pwyllgor hefyd yn croesawu eglurhad ynghylch y broses ar gyfer dyfarnu'r Grant Cyflawni Plant a Theuluoedd, o ystyried yr oedd cyfraniad pellach yn ofynnol ar ôl i'r Grant gael ei ddyfarnu.**

21. Mae'r Pwyllgor yn nodi bod Plant yng Nghymru wedi cael £1,874,527 i sefydlu canolfan ragoriaeth ar gyfer hawliau plant. Bydd ei waith yn cynnwys sicrhau bod llais y plentyn yn cael ei glywed mewn penderfyniadau sy'n effeithio arnynt, codi ymwybyddiaeth, sefydlu a hyrwyddo arfer gorau a rhoi cyngor ar sail tystiolaeth ynghylch materion sy'n ymwneud â hawliau plant.

22. **Mae'r Pwyllgor yn gofyn am ragor o wybodaeth am y camau yr ydych yn eu cymryd i sicrhau bod y nifer sy'n cymryd rhan yn cynyddu, yn wyneb rhoi'r gorau i ariannu'r Ddraig Ffyni.**

Yn gywir



Ann Jones AC / AM
Cadeirydd / Chair

Y Pwyllgor Plant, Pobl Ifanc ac Addysg Children, Young People and Education Committee

Cynulliad
Ceredigion
Item 3.6

National
Assembly for
Wales



Huw Lewis AM
Y Gweinidog Addysg a Sgiliau
Julie James AM
Y Dirprwy Weinidog Sgiliau a
Technoleg

Bae Caerdydd / Cardiff Bay
Caerdydd / Cardiff
CF99 1NA

29 Hydref 2014

Annwyl Weinidogion

Cyllideb Ddrafft Llywodraeth Cymru ar gyfer 2015–16

Diolch am ddod i gyfarfod y Pwyllgor Plant, Pobl Ifanc ac Addysg ar 23 Hydref 2014 i drafod Cyllideb Ddrafft Llywodraeth Cymru ar gyfer 2015–16.

Diben y llythyr hwn yw tynnu sylw at y materion allweddol a nododd y Pwyllgor yn ystod ei waith craffu.

Caiff y llythyr hwn ei rannu â'r Pwyllgor Cyllid, i'w helpu gyda'i waith craffu cyffredinol ar y Gyllideb Ddrafft. Byddai'r Pwyllgor yn croesawu cael y wybodaeth bellach y gofynnwyd amdani yn y llythyr hwn cyn gynted ag y bo modd, er mwyn llywio'r ddadl derfynol ar Gyllideb Ddrafft Llywodraeth Cymru 2015–16.

Blaenoriaethu a'r Grant Amddifadedd Disgyblion

1. Nododd y Pwyllgor y "blaenoriaethu clir", i dorri'r cysylltiad rhwng tan-gyrhaeddiad a thlodi, a bod rhan sylweddol o ddyraniad eich cyllideb yn cael ei ddefnyddio i fynd i'r afael â'r mater hwn. **Mae'r Pwyllgor yn gofyn am ragor o wybodaeth am unrhyw asesiad yr ydych wedi'i wneud ar effaith eich penderfyniad i flaenoriaethu'r Grant Amddifadedd Disgyblion ar eich dwy brif flaenoriaeth arall.**

Croesewir gohebiaeth yn y Gymraeg a'r Saesneg / We welcome correspondence in both English and Welsh
Y Pwyllgor Plant, Pobl Ifanc ac Addysg / Children, Young People and Education Committee
Gwasanaeth y Pwyllgorau / Committee Service
Ffôn / Tel : 029 2089 8429
Epost / Email : CYPCommittee@wales.gov.uk

2. Mae'r Pwyllgor yn nodi bod y dyraniad ar gyfer y Grant Amddifadedd Disgyblion yn 2015–16 wedi'i gynyddu i £82,046,000. O ganlyniad, bydd y swm a gaiff pob ysgol ar gyfer pob disgybl sy'n gymwys i gael prydau ysgol am ddim yn cynyddu o £918 i £1,050. Bydd y swm hwn fesul disgybl yn cynyddu ymhellach i £1,150 yn 2016–17.

3. Mae eich papur yn nodi, o gyfanswm y swm a ddyrannwyd ar gyfer y Grant Amddifadedd Disgyblion, mae £3,800,000 wedi'i ddyrannu i ymestyn y rhaglen i blant dan 5 mlwydd oed. **Byddai'r Pwyllgor yn croesawu cael rhagor o wybodaeth am bwy fydd yn gymwys i gael y ddarpariaeth hon e.e. disgyblion dosbarthiadau derbyn, disgyblion dosbarthiadau meithrin, neu blant mewn lleoliadau Blynnyddoedd Cynnar eraill, a'r sail ar gyfer cyfrifo'r costau o £3,800,000.**

4. Yn ystod ein sesiwn graffu, ailadroddwyd eich ymrwymiad i 'adfachu' arian Grant Amddifadedd Disgyblion sydd wedi cael ei ddefnyddio'n amhriodol. Mae'r Pwyllgor yn nodi bod adroddiad drafft ar y gwerthusiad o sut y mae'r rhaglen Grant Amddifadedd Disgyblion yn cael ei dehongli a'i rhoi ar waith, yn ogystal â'i heffaith ar berfformiad disgyblion ac arferion ysgolion, wedi'i gyhoeddi ar 22 Hydref. **Mae'r Pwyllgor yn gofyn am esboniad, maes o law, ar y broses ar gyfer adennill arian Grant Amddifadedd Disgyblion ac am y wybodaeth ddiweddaraf o ran a ydych yn tybio ei bod yn angenrheidiol ei adennill ai peidio.**

Arian diogelu o 1% ar gyfer ysgolion

5. Mae'r Pwyllgor yn nodi'r esboniad a roddwyd yn y dogfennau sy'n cyd-fynd â'r gyllideb o ran sut y mae'r Ymrwymiad hwn yn y Rhaglen Lywodraethu yn cael ei gyflawni. Mae'r Pwyllgor hefyd yn croesawu eich ymrwymiad i lunio a chyhoeddi dadansoddiad o'r gwahanol elfennau cyllido sy'n rhan o'r 1%.

6. Yn eich papur, rydych yn dweud:

"Mae'n ofynnol i Awdurdodau Lleol, drwy'r ffurflenni monitro, roi tystiolaeth bod eu gwariant a gyllidebwyd ar ysgolion yn cynyddu yn unol â'r elfen cyllid Llywodraeth Leol o'r arian diogelu o 1% (net o grantiau penodol, ac yn caniatáu ar gyfer addasiadau yn nifer y disgyblion). Mae'r data monitro a gafwyd gan Awdurdodau Lleol hyd at 2014–15 yn dangos bod pob Awdurdod Lleol naill ai wedi cyflawni neu wedi rhagori ar yr ymrwymiad o 1%."

7. Nodwn fod y wybodaeth am y gyllideb ddrafft ar gyfer 2015–16 yn dangos cynnydd o 0.83% (£72.0 miliwn) yn yr arian sydd wedi'i gynnwys yn y Grant Cynnal Refeniw llywodraeth leol rhwng 2010–11 a 2015–16 at y diben hwn. **Mae'r**

Pwyllgor yn gofyn am eglurhad gennych am y gwaith yr ydych yn ei wneud gydag awdurdodau lleol fel eu bod yn parhau i gyflawni'r ymrwymiad o 1%, a sut y byddwch yn sicrhau na fydd yr ymrwymiad o 1% yn cael ei danseilio gan ostyngiadau i gefnogaeth "anuniongyrchol" arall ar gyfer ysgolion (hy drwy gyflwyno taliadau am wasanaethau, fel nofio, a oedd gynt yn ddi-dâl).

'Cynnig i Ddisgyblion'

8. Nododd y Pwyllgor eich cyhoeddiad o ran "cynnig i ddisgyblion" yn ystod ein cyfarfod, sy'n cynnwys rhaglenni a gynigir gan sefydliadau (fel Cyngor Celfyddydau Cymru) gydag arian cyfatebol gan Lywodraeth Cymru. Fodd bynnag, ni allai'r Pwyllgor ddod o hyd i unrhyw gyfeiriad at y "cynnig i ddisgyblion" yn eich papur, na dim cyfeiriad at sut y caiff ei ariannu. **Mae'r Pwyllgor yn gofyn am y wybodaeth ddiweddaraf am y "cynnig i ddisgyblion", gan gynnwys gwybodaeth am y cyllid sydd ar gael i raglenni neu brosiectau sy'n gysylltiedig ag ef.**

Rhesymoli grantiau i un 'Grant Gwella Addysg'

9. Mae nifer o symudiadau o fewn Camau'r gyllideb adnoddau, sydd, fel y mae eich papur yn egluro, o ganlyniad i Grant Gwella Addysg newydd sy'n cael ei sefydlu. Mae hyn yn dilyn yr ad-drefnu nifer o grantiau awdurdodau lleol. Mae'r Grant Gwella Addysg wedi'i gynnwys mewn llinell wariant newydd yn y gyllideb o fewn y Cam Safonau Addysg.

10. Mae'r Pwyllgor yn nodi eich barn y bydd y 'system grant symlach newydd,' yn 'arwain at fwy o hyblygrwydd a gwell canlyniadau i ddysgwyr yn y pen draw. Fodd bynnag, mae'r Pwyllgor yn pryderu, er bod y nifer o grantiau wedi gostwng, nid yw nifer yr amcanion y cawsant eu cynllunio i'w cyflawni wedi lleihau. Mae'r Pwyllgor o'r farn bod yna risg bosibl na fydd rhai o amcanion y grantiau gwreiddiol hynny yn cael ystyriaeth briodol fel rhan o'r dull gweithredu newydd. **Mae'r Pwyllgor yn gofyn am ragor o wybodaeth gan y Gweinidog ynghylch sut y bydd yn sicrhau na fydd amcanion allweddol y grantiau blaenorol yn cael eu "colli" yn y system newydd.**

11. Mae'r Pwyllgor hefyd yn nodi eich sylwadau sy'n ymwneud â newidiadau a wnaed yn ystod y flwyddyn i gyllideb 2014-15, gan gynnwys gostyngiadau i nifer o grantiau. **Mae'r Pwyllgor yn gofyn am y wybodaeth ddiweddaraf am y mater hwn, gan gynnwys gwybodaeth am: pa grantiau yr effeithir arnynt a faint o effaith a fydd; sut y gallai'r newidiadau hyn effeithio ar yr arian diogelu o 1% ar gyfer ysgolion; a sut y caiff y gostyngiadau hyn eu hadlewyrchu yng nghyllideb ddrafft 2015-16.**

Digon o adnoddau i ddarparu Cymwys am Oes

12. Mae'r Pwyllgor yn nodi eich sylwadau, o ran y cyllid sydd ar gael i ddarparu Cymwys am Oes, "Bydd yr elfen bresennol o wariant yn gorfod llunio'r adnodd a ddefnyddiwn er mwyn gweithredu'r cynllun". **Byddai'r Pwyllgor yn croesawu cael rhagor o wybodaeth fanwl am sut rydych yn rhagweld y bydd Cymwys am Oes yn cael ei ddarparu, yn seiliedig ar y cyllid sydd ar gael a pha brosesau sydd ar waith gennych i asesu gwerth am arian.**

13. Mae'r Pwyllgor yn gofyn am wybodaeth bellach ar y cyllid sydd ar gael ar gyfer yr hyn a elwir gennych yn "ailfodelu Hyfforddiant Cychwynnol Athrawon yn gyfan gwbl".

14. Mae'r Pwyllgor yn nodi eich sylwadau fod y cyllid o £1 filiwn a ddyrannwyd yn y gyllideb ar gyfer rhoi adolygiad Donaldson ar waith yn "arian had ar gyfer cychwyn cyntaf y broses". Mae Donaldson, yn eich barn chi, yn debygol o argymhell newidiadau mawr i'r cwricwlwm, ac mae'r Pwyllgor yn pryderu y bydd gweithredu newidiadau o'r fath yn gostus. Mae'r Pwyllgor yn nodi nad oes unrhyw gyllideb ddangosol ar gyfer 2016-17 o ganlyniad i Adolygiad Gwariant Cynhwysfawr cyn hynny. **Mae'r Pwyllgor yn gofyn am wybodaeth bellach gennych ynglŷn â sut rydych yn bwriadu talu costau gweithredu adolygiad Donaldson.**

Addysg ôl-16

15. Byddai'r Pwyllgor yn croesawu rhagor o wybodaeth am y canlynol:

- dadansoddiad o linell wariant yn y gyllideb Grant Dysgu Llywodraeth Cymru;
- y wybodaeth ddiweddaraf am y cynllun Lwfans Cynhaliaeth Addysg; ac
- a oes arian ar gael i liniaru'r effaith ar addysg rhan-amser /19+.

Bil Anghenion Dysgu Ychwanegol (Cymru)

16. Mae'r Pwyllgor yn nodi bod paragraffau 78-79 o'ch papur yn dweud y bydd unrhyw gostau sy'n gysylltiedig â'r ddeddfwriaeth yn cael eu talu o adnoddau presennol. Mae'r Bil hwn yn ddarn sylweddol o ddeddfwriaeth Llywodraeth Cymru a'i fwriad yw sicrhau bod y fframwaith Addysg Anghenion Arbennig yn cael ei ddiwygio. **Mae'r Pwyllgor yn gofyn am ragor o wybodaeth am y modd y dylanwadwyd ar gynnwys y Bil gan y cyllid sydd ar gael, a pha gynigion, os o gwbl, yn y Papur Gwyn nad ydynt wedi'u gweithredu oherwydd diffyg cyllid.**

Materion eraill

17. Ni chafodd y Pwyllgor gyfle i ofyn cwestiynau ar ddau faes pryder penodol oherwydd diffyg amser. Byddai'r Pwyllgor yn ddiolchgar pe bai modd i chi ddarparu ymatebion ysgrifenedig i'r materion a ganlyn:

Ysgolion yr unfed ganrif ar hugain

- Eglurhad o beth y mae'r £43 miliwn yn y llinell wariant y gyllideb 'Cymorth Cyffredinol' ar ei gyfer;
- Y broses ar gyfer adolygu achosion busnes ar gyfer prosiectau, yn ôl fel y bydd sefyllfaoedd ariannol awdurdodau lleol yn newid;
- Sut y gellir gwneud y gorau o effaith y rhaglen drwy ddefnyddio ysgolion o'r fath at ddibenion cymunedol, yn enwedig yng nghyd-destun pwysau sylweddol ar adnoddau awdurdodau lleol.

Materion trawsbynciol / asesiadau effaith

- P'un ai a oes asesiad effaith ar yr iaith Gymraeg wedi'i gynnal, yn benodol mewn perthynas ag Addysg a Sgiliau;
- Eglurhad o sut rydych wedi rhoi 'sylw dyledus' i hawliau plant yn ystod y broses o bennu'r gyllideb ddrafft, o ystyried nad oes Asesiad o'r Effaith ar Hawliau Plant wedi cael ei gyhoeddi.

Yn gywir



Ann Jones AC / AM
Cadeirydd / Chair

Eitem 6

Mae cyfyngiadau ar y ddogfen hon

Mae cyfyngiadau ar y ddogfen hon