

No.	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
		mewnosoder 'data'.	and 107.
109	Section 9, page 8, leave out line 25.	Adran 9, tudalen 8, hepgorer llinell 28.	Consequential to amendment 139.
110	<p>Section 10, page 9, after line 31, insert—</p> <p>() Where a governing body of an institution in the further education sector has agreed to a request under section [section to be inserted by amendment 128](2) to become responsible for maintaining an individual development plan for a young person, or where the Welsh Ministers have determined under section [section to be inserted by amendment 128](4) that the governing body should maintain the plan, the governing body must maintain the plan unless the circumstances in paragraph (b) or (d) of subsection (2) apply.'</p>	<p>Adran 10, tudalen 9, ar ôl llinell 32, mewnosoder—</p> <p>() Pan fo corff llywodraethu sefydliad yn y sector addysg bellach wedi cytuno i gais o dan adran [yr adran sy'n cael ei mewnosod gan welliant 128](2) i ddod yn gyfrifol am gynnal cynllun datblygu unigol ar gyfer person ifanc, neu pan fo Gweinidogion Cymru wedi penderfynu o dan adran [yr adran sy'n cael ei mewnosod gan welliant 128](4) y dylai'r corff llywodraethu gynnal y cynllun, rhaid i'r corff llywodraethu gynnal y cynllun oni bai bod yr amgylchiadau ym mharagraff (b) neu (d) o is-adran (2) yn gymwys.'</p>	<p>The purpose of this amendment is to insert a new subsection into section 10 to place an additional duty on a governing body of an institution in the further education sector to maintain an individual development plan ("IDP").</p> <p>This amendment is linked to amendment 128.</p> <p>The effect of this amendment is to place a duty (subject to the circumstances in section 10(2)(b) or (d) not applying) on the governing body of an institution in the further education sector to maintain an IDP in relation to a young person who is one of its students where (a) it has agreed to a local authority request that it become responsible for maintaining the IDP or (b) the Welsh Ministers have determined that it should maintain the IDP.</p>
111	Section 10, page 9, line 37, leave out 'If a governing body prepares an individual development plan for a child or young person, it	Adran 10, tudalen 9, llinell 38, hepgorer 'Os yw corff llywodraethu yn llunio cynllun datblygu unigol ar	The purpose of this amendment is to substitute the wording in the amendment for the current

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	<p>must—</p> <p style="text-align: center;">(a) decide’</p> <p>and insert ‘A governing body that prepares or maintains an individual development plan for a child or young person must—</p> <p style="text-align: center;">(a) consider’.</p>	<p>gyfer plentyn neu berson ifanc, rhaid iddo—</p> <p style="text-align: center;">(a) penderfynu’</p> <p>a mewnosoder ‘Rhaid i gorff llywodraethu sy’n llunio neu’n cynnal cynllun datblygu unigol ar gyfer plentyn neu berson ifanc—</p> <p style="text-align: center;">(a) ystyried’.</p>	<p>wording in section 10(5), which only refers to a governing body preparing an IDP.</p> <p>The effect of this amendment is that the duty on a governing body to consider whether additional learning provision should be provided in Welsh applies not only when it is preparing an IDP, but also when it is maintaining it.</p>
112	Section 11, page 10, leave out line 34.	Adran 11, tudalen 10, hepgorer llinell 37.	Consequential to amendment 139.
113	<p>Section 12, page 11, line 33, leave out ‘If the local authority prepares an individual development plan for a child or young person, it must—</p> <p style="text-align: center;">(a) decide’</p> <p>and insert ‘A local authority that prepares or maintains an individual development plan for a child or young person, or reconsiders a plan under section 25, must—</p> <p style="text-align: center;">(a) consider’.</p>	<p>Adran 12, tudalen 11, llinell 36, hepgorer ‘Os yw’r awdurdod lleol yn llunio cynllun datblygu unigol ar gyfer plentyn neu berson ifanc, rhaid iddo—</p> <p style="text-align: center;">(a) penderfynu’</p> <p>a mewnosoder ‘Rhaid i awdurdod lleol sy’n llunio neu’n cynnal cynllun datblygu unigol ar gyfer plentyn neu berson ifanc, neu sy’n ailystyried cynllun o dan adran 25—</p> <p style="text-align: center;">(a) ystyried’.</p>	<p>The purpose of this amendment is to substitute the wording in the amendment for the current wording in section 12(5), which only refers to the local authority preparing an IDP.</p> <p>The effect of this amendment is that the duty on a local authority to consider whether additional learning provision should be provided in Welsh applies not only when a local authority is preparing an IDP, but also when it is maintaining or reconsidering one.</p>

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114	Section 12, page 12, line 4, leave out 'the' at the first place where it appears and insert 'a'.	Adran 12, tudalen 12, llinell 5, hepgorer 'yr'.	<p>The purpose of this amendment is to replace a reference to "the" local authority in subsection (6) with a reference to "a" local authority.</p> <p>The effect of this amendment is that the duty on a local authority to include a description of other provision in an IDP (which, subject to subsection (8), applies if the reasonable needs of the person for additional learning provision cannot be met unless the authority also secures the other provision) will apply not only when a local authority is preparing an IDP, but also when it is maintaining or re-considering an IDP (where the person is not a looked after child - for looked after children see section 17(5)).</p>
115	Section 12, page 12, line 17, after '(2)(b)', insert 'or (4)'.	Adran 12, tudalen 12, llinell 18, ar ôl '(2)(b)', mewnosoder 'neu (4)'.	<p>The purpose of this amendment is to insert a cross-reference to subsection (4) in subsection (9) of section 12 so that whenever the duty in subsection (6) applies, a local authority cannot direct a maintained school to maintain the IDP.</p> <p>The effect of this amendment is to extend the prohibition on a local</p>

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			authority directing the governing body of a maintained school to maintain the plan (in relation to cases where an IDP must contain other provision), so that it applies not just at the time of a local authority's decision that the pupil has additional learning needs ("ALN"), but also when the local authority is maintaining the plan for the pupil.
116	<p>Section 17, page 15, line 9, leave out 'If the local authority prepares an individual development plan for a child, it must—</p> <p style="text-align: center;">(a) decide'</p> <p>and insert 'A local authority that prepares or maintains an individual development plan for a child it looks after must—</p> <p style="text-align: center;">(a) consider'.</p>	<p>Adran 17, tudalen 15, llinell 10, hepgorer 'Os yw'r awdurdod lleol yn llunio cynllun datblygu unigol ar gyfer plentyn, rhaid iddo—</p> <p style="text-align: center;">(a) penderfynu'</p> <p>a mewnosoder 'Rhaid i awdurdod lleol sy'n llunio neu'n cynnal cynllun datblygu unigol ar gyfer plentyn y mae'n gofalu amdano—</p> <p style="text-align: center;">(a) ystyried'.</p>	<p>The purpose of this amendment is to substitute the current wording of subsection (4) of section 17 (duties to prepare and maintain plans for looked after children), which only refers to the local authority preparing an IDP.</p> <p>The effect of this amendment is that the duty on a local authority to consider whether additional learning provision should be provided in Welsh for a child it looks after applies not only when a local authority is preparing an IDP for a child it looks after, but also when it is maintaining an IDP for such a child.</p>
117	Section 21, page 18, leave out lines 25 to 35 and insert—	Adran 21, tudalen 18, hepgorer llinellau 25 hyd at 38 a mewnosoder—	The purpose of this amendment is to replace part of subsection (1) and subsections (2) and (3) of

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	<p>'before the end of each review period.</p> <p>() The first review period is a period of 12 months starting with the date on which a copy of the plan is given under section 20.</p> <p>() Each subsequent review period is a period of 12 months starting with—</p> <p>(a) the date during the preceding review period on which a copy of a revised plan is given under subsection (8) in relation to that review period, or</p> <p>(b) where the plan has not been revised in the preceding review period—</p> <p>(i) the date during that preceding review period on which notice of a decision is given under subsection (7) in relation to that review period, or</p> <p>(ii) the date during that preceding review period on which notice of a decision is given under section 25(4) in relation to that review period.</p> <p>() But where none of the documents referred to in subsection [<i>the second sub-section to be inserted by this</i></p>	<p>'cyn diwedd pob cyfnod adolygu.</p> <p>() Mae'r cyfnod adolygu cyntaf yn gyfnod o 12 mis sy'n dechrau â'r dyddiad y rhoddir copi o'r cynllun o dan adran 20.</p> <p>() Mae pob cyfnod adolygu dilynol yn gyfnod o 12 mis sy'n dechrau—</p> <p>(a) â'r dyddiad yn ystod y cyfnod adolygu blaenorol y rhoddir copi o gynllun diwygiedig o dan is-adran (8) mewn perthynas â'r cyfnod adolygu hwnnw, neu</p> <p>(b) pan na fo'r cynllun wedi ei ddiwygio yn y cyfnod adolygu blaenorol—</p> <p>(i) â'r dyddiad yn ystod y cyfnod adolygu blaenorol hwnnw y rhoddir hysbysiad o benderfyniad o dan is-adran (7) mewn perthynas â'r cyfnod adolygu hwnnw, neu</p> <p>(ii) â'r dyddiad yn ystod y cyfnod adolygu blaenorol hwnnw y rhoddir hysbysiad o benderfyniad o dan adran 25(4) mewn perthynas â'r cyfnod adolygu hwnnw.</p> <p>() Ond pan na fo'r un o'r dogfennau y cyfeirir atynt yn is-adran [<i>yr ail is-adran sy'n cael</i></p>	<p>section 21 with new provisions on the periods within which an IDP (other than one for a looked after child) must be reviewed by the body maintaining it. The effect of this amendment, is that the body maintaining an IDP must review it before the end of each review period. The first review period is the 12 months from when a copy of the IDP is given under section 20 (new subsection (2)).</p> <p>Subsequently it must be reviewed within 12 months of the giving of</p> <p>(a) a copy of the revised IDP in relation to the previous review period, or</p> <p>(b) if no revision was made in that period, the written notification to that effect for that period (new subsection (3)).</p> <p>But where neither document is given during the previous review period, the review period starts after the end of the previous one (i.e. at the end of the 12 months) (new subsection (4)).</p> <p>New subsection (5) deals with the situation where documents must be given to more than one person</p>

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	<p><i>amendment</i>[(a) and (b) has been given during the preceding review period, the subsequent review period is a period of 12 months starting with the first day after the end of that preceding review period.</p> <p>() Where a copy of a plan, revised plan or notice of decision is required to be given to more than one person, the reference in subsections [<i>the first subsection to be inserted by this amendment</i>] and [<i>the second subsection to be inserted by this amendment</i>] to the date on which it is given is a reference to the date on which the plan, revised plan or notice of decision is first given.</p> <p>() The duty in subsection (1) to review a plan before the end of a review period is treated as met if, before the end of that period—</p> <p>(a) the plan is reconsidered by a local authority under section 25,</p> <p>(b) the Education Tribunal for Wales orders a governing body or a local authority to revise the plan, or</p> <p>(c) in the case of a plan maintained by the governing body of a maintained school, the Education Tribunal for Wales</p>	<p><i>ei mewnosod gan y gwelliant hwn</i>](a) a (b) wedi ei rhoi yn ystod y cyfnod adolygu blaenorol, mae'r cyfnod adolygu dilynol yn gyfnod o 12 mis sy'n dechrau â'r diwrnod cyntaf ar ôl diwedd y cyfnod adolygu blaenorol hwnnw.</p> <p>() Pan fo'n ofynnol rhoi copi o gynllun, cynllun diwygiedig neu hysbysiad o benderfyniad i fwy nag un person, mae'r cyfeiriad yn is-adrannau [<i>yr is-adran gyntaf sy'n cael ei mewnosod gan y gwelliant hwn</i>] a [<i>yr ail is-adran sy'n cael ei mewnosod gan y gwelliant hwn</i>] at y dyddiad y'i rhoddir yn gyfeiriad at y dyddiad y rhoddir y cynllun, y cynllun diwygiedig neu'r hysbysiad o benderfyniad gyntaf.</p> <p>() Mae'r ddyletswydd yn is-adran (1) i adolygu cynllun cyn diwedd cyfnod adolygu yn cael ei thrin fel pe bai wedi ei chyflawni os, cyn diwedd y cyfnod hwnnw—</p> <p>(a) caiff y cynllun ei ailystyried gan awdurdod lleol o dan adran 25;</p> <p>(b) yw Tribiwnlys Addysg Cymru yn gorchymyn i gorff llywodraethu neu awdurdod lleol ddiwygio'r cynllun, neu</p> <p>(c) yn achos cynllun a gynhelir gan gorff llywodraethu ysgol a gynhelir, yw Tribiwnlys Addysg</p>	<p>and are given on different dates.</p> <p>The revision or notification of no revision which triggers a new review period could be the result of a review by the maintaining body or another body, for example, following a local authority reconsideration under section 25 of a plan maintained by a school (see also amendments m and n). New subsection (6) deals with circumstances where the plan might be reviewed by a body other than the one which is maintaining it: in the circumstances listed, the duty on the body maintaining the plan is treated as met.</p> <p>The overall effect is that there should never be more than 12 months between a review or equivalent consideration of an IDP (whether by the body maintaining the plan, the local authority in the case of reconsiderations of school maintained plans, or the Tribunal).</p>

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	orders a local authority to review the plan.’.	Cymru yn gorchymyn i awdurdod lleol adolygu'r cynllun.’.	
118	Section 21, page 19, line 13, leave out ‘under this section’ and insert ‘(required or authorised by or under this Part)’.	Adran 21, tudalen 19, llinell 13, hepgorer ‘o dan yr adran hon’ a mewnosoder ‘(sy’n ofynnol neu sydd wedi ei awdurdodi gan neu o dan y Rhan hon)’.	<p>The purpose of this amendment is to change part of the wording in subsection (7), which contains the duty to notify decisions not to revise plans following a review.</p> <p>The effect of this amendment is that the requirement in subsection (7) to notify a decision not to revise a plan following a review, applies in respect of any review under the new system (e.g. it covers a review ordered by the Tribunal under section 64(1)(g)) and not just one under section 21.</p>
119	Section 21, page 19, line 18, after ‘plan’, insert ‘(as required or authorised by or under this Part)’.	Adran 21, tudalen 19, llinell 18, ar ôl ‘unigol’, mewnosoder ‘(fel sy’n ofynnol neu sydd wedi ei awdurdodi gan neu o dan y Rhan hon)’.	<p>The purpose of this amendment is to insert wording into subsection (8), which contains the duty to give a copy of revised IDPs. The effect of this amendment is to clarify that whenever an IDP is revised as required or authorised under the new system (and not just following a review under section 21), the duty in subsection (8) applies (to give a copy of the revised plan to the child, their parent, or young person).</p>

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			This amendment is linked to amendments 124, 147 and 148.
120	<p>Section 22, page 19, leave out lines 28 to 31 and insert—</p> <p>‘before the end of each review period.</p> <p>() The first review period is a period of 12 months starting with the date on which a copy of the plan is first given under section 20.</p> <p>() Each subsequent review period is a period of 12 months starting with—</p> <p>(a) the date during the preceding review period on which a copy of a revised plan is first given under subsection (6) in relation to that review period, or</p> <p>(b) where the plan has not been revised in the preceding review period the date during that period on which notice of a decision is first given under subsection (5) in relation to that period.</p> <p>() But where neither document referred to in subsection [<i>the second sub-section to be inserted by this amendment</i>](a) and (b) has been given during the preceding review period, the</p>	<p>Adran 22, tudalen 19, hepgorer llinellau 28 hyd at 31 a mewnosoder—</p> <p>‘cyn diwedd pob cyfnod adolygu.</p> <p>() Mae'r cyfnod adolygu cyntaf yn gyfnod o 12 mis sy'n dechrau â'r dyddiad y rhoddir copi o'r cynllun gyntaf o dan adran 20.</p> <p>() Mae pob cyfnod adolygu dilynol yn gyfnod o 12 mis sy'n dechrau—</p> <p>(a) â'r dyddiad yn ystod y cyfnod adolygu blaenorol y rhoddir copi o gynllun diwygiedig gyntaf o dan is-adran (6) mewn perthynas â'r cyfnod adolygu hwnnw, neu</p> <p>(b) pan na fo'r cynllun wedi ei ddiwygio yn y cyfnod adolygu blaenorol, â'r dyddiad yn ystod y cyfnod hwnnw y rhoddir hysbysiad o benderfyniad gyntaf o dan is-adran (5) mewn perthynas â'r cyfnod hwnnw.</p> <p>() Ond pan na fo'r naill ddogfen na'r llall o'r dogfennau y cyfeirir atynt yn is-adran [<i>yr ail is-adran sy'n cael ei mewnosod gan y gwelliant hwn</i>](a) a (b) wedi ei rhoi yn ystod y cyfnod adolygu blaenorol, mae'r cyfnod adolygu dilynol yn gyfnod o 12</p>	<p>The purpose of this amendment is to replace part of section 22(1) with new provisions on the periods within which an IDP for a looked after child must be reviewed by the local authority maintaining it.</p> <p>The effect of this amendment is that a local authority must review an IDP for a child it looks after before the end of each review period. The first review period is the 12 months from when a copy of the IDP is first given under section 20 (new subsection (2)).</p> <p>Subsequently, the IDP must be reviewed within 12 months of the giving of</p> <p>(a) a copy of the revised IDP in relation to the previous review period, or</p> <p>(b) if no revision was made in that period, the written notification to that effect for that period (new</p>

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	<p>subsequent review period is a period of 12 months starting with the first day after the end of that preceding review period.</p> <p>() The duty in subsection (1) to review a plan before the end of a review period is treated as met if, before the end of that period, the Education Tribunal for Wales orders the local authority to revise the plan.’.</p>	<p>mis sy’n dechrau â’r diwrnod cyntaf ar ôl diwedd y cyfnod adolygu blaenorol hwnnw.</p> <p>() Mae’r ddyletswydd yn is-adran (1) i adolygu cynllun cyn diwedd cyfnod adolygu yn cael ei thrin fel pe bai wedi ei chyflawni os yw Tribiwnlys Addysg Cymru, cyn diwedd y cyfnod hwnnw, yn gorchymyn i’r awdurdod lleol ddiwygio’r cynllun.’.</p>	<p>subsection (3)).</p> <p>But where neither document is given during the previous review period, the review period starts after the end of the previous one (i.e. at the end of the 12 months) (new subsection (4)).</p> <p>If the Tribunal orders the local authority to revise a plan, the local authority’s duty to review it before the end of the review period is treated as met (new subsection (5)).</p> <p>The overall effect is that there should never be more than 12 months between a review or revision (ordered by the Tribunal) of an IDP for a looked after child.</p>
121	<p>Section 22, page 20, line 4, leave out ‘under this section’ and insert ‘(required or authorised by or under this Part or by or under section 83 of the Social Services and Well-being (Wales) Act 2014 (anaw 4))’.</p>	<p>Adran 22, tudalen 20, llinell 4, hepgorer ‘o dan yr adran hon’ a mewnosoder ‘(sy’n ofynnol neu sydd wedi ei awdurdodi gan neu o dan y Rhan hon neu gan neu o dan adran 83 o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 (dccc 4))’.</p>	<p>The purpose of this amendment is to change part of the wording in subsection (5), which contains the duty to notify decisions not to revise an IDP for a looked after child following a review.</p> <p>The effect of this amendment is that the requirement in subsection (5) to notify a decision not to revise a looked after child’s IDP following a review, applies in respect of any review under the</p>

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			new system or required or authorised by or under section 83 of the Social Services and Well-being (Wales) Act 2014.
122	Section 22, page 20, line 9, leave out '(whether under this section or under section 83(4) of the Social Services and Well-being (Wales) Act 2014 (anaw 4), or under regulations made under section 83(5) of that Act)' and insert '(as required or authorised by or under this Part or by or under section 83 of the Social Services and Well-being (Wales) Act 2014 (anaw 4))'.	Adran 22, tudalen 20, llinell 9, hepgorer '(pa un ai o dan yr adran hon neu o dan adran 83(4) o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 (dccc 4), neu o dan reoliadau a wneir o dan adran 83(5) o'r Ddeddf honno)' a mewnosoder '(fel sy'n ofynnol neu sydd wedi ei awdurdodi gan neu o dan y Rhan hon neu gan neu o dan adran 83 o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 (dccc 4))'	The purpose of this amendment is to change wording in subsection (6) which contains the duty to give a copy of a looked after child's revised IDP. The effect of this amendment is that whenever an IDP for a looked after child is revised under the new system or as required or authorised by or under section 83 of the Social Services and Well-being (Wales) Act 2014, the duty in subsection (6) applies (to give a copy of the revised IDP to the looked after child, their parent and their independent reviewing officer).
123	Section 25, page 21, after line 14, insert— '() The local authority must give a copy of a notification under subsection (4) to the governing body.'	Adran 25, tudalen 21, ar ôl llinell 15, mewnosoder— '() Rhaid i'r awdurdod lleol roi copi o hysbysiad o dan is-adran (4) i'r corff llywodraethu.'	The purpose of this amendment is to insert a new subsection into section 25 requiring a local authority to give to the governing body of a maintained school a copy of any notification (under subsection (4)) that it is not revising an IDP maintained by the school for one if its pupils, following its reconsideration of the

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			<p>plan.</p> <p>The effect of this amendment is to place such a duty on the local authority.</p>
124	<p>Section 25, page 21, leave out lines 22 to 23 and insert—</p> <p>‘(for provision about others to whom a copy must be given, see section 21(8)).’.</p>	<p>Adran 25, tudalen 21, hepgorer llinellau 23 hyd at 24 a mewnosoder—</p> <p>‘(am ddarpariaeth ynghylch eraill y mae rhaid rhoi copi iddynt, gweler adran 21(8)).’.</p>	<p>The purpose of this amendment is</p> <ul style="list-style-type: none"> (a) to remove the requirement in section 25(6) on a local authority to give a copy of a revised plan to the child, their parent, or young person, and (b) to insert the words in brackets to indicate to the reader of the legislation the requirement elsewhere in the Bill to give a copy of the revised plan. <p>This amendment is linked to amendment 119.</p> <p>The effect of the amendment (together with amendment 119) is that a local authority that has revised an IDP having reconsidered it under section 25 or having been ordered to revise it by the Education Tribunal, must still give a copy of the revised plan to the child, their parent, or young person – but this requirement is in section 21(8)</p>

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			(together with section 12(10)(b) of the Bill) is that where a person with an IDP has ceased to be looked after, a local authority that is then responsible for maintaining the IDP, must continue to secure any other provision described in the IDP.
128	<p>Page 28, after line 10, insert a new section—</p> <p>‘[] Request to transfer plan to governing body of further education institution</p> <p>(1) This section applies where a local authority maintains an individual development plan for a young person who is enrolled as a student at an institution in the further education sector in Wales.</p> <p>(2) The local authority may request the governing body of the institution to become responsible for maintaining the plan.</p> <p>(3) If the governing body fails to agree to the request within a prescribed period, the local authority may refer the matter to the Welsh Ministers.</p> <p>(4) The Welsh Ministers must determine whether the governing body of the</p>	<p>Tudalen 28, ar ôl llinell 10, mewnosoder adran newydd—</p> <p>‘[] Cais i drosglwyddo cynllun i gorff llywodraethu sefydliad addysg bellach</p> <p>(1) Mae'r adran hon yn gymwys pan fo awdurdod lleol yn cynnal cynllun datblygu unigol ar gyfer person ifanc sydd wedi ymrestru'n fyfyrwr mewn sefydliad yn y sector addysg bellach yng Nghymru.</p> <p>(2) Caiff yr awdurdod lleol ofyn i gorff llywodraethu'r sefydliad ddod yn gyfrifol am gynnal y cynllun.</p> <p>(3) Os yw'r corff llywodraethu yn methu â chytuno i'r cais o fewn cyfnod rhagnodedig, caiff yr awdurdod lleol atgyfeirio'r mater at Weinidogion Cymru.</p> <p>(4) Rhaid i Weinidogion Cymru benderfynu a ddylai corff llywodraethu'r sefydliad addysg bellach gynnal y cynllun.’.</p>	<p>The purpose of this amendment is to insert a new section into the Bill;</p> <p>a) to permit a local authority to request that the governing body of a further education institution becomes responsible for maintaining an IDP for a young person, where that young person is enrolled at the institution and the local authority currently maintains an IDP for him or her; and</p> <p>b) if the governing body does not agree with the request within a prescribed period, to permit the local authority to refer the matter to the Welsh Ministers for them to</p>

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	<p>further education institution should maintain the plan.’.</p>		<p>decide whether the governing body should maintain the plan.</p> <p>The effect of this amendment, in conjunction with amendment 110, is that there will be a mechanism for transferring responsibility for IDPs from local authorities to the governing bodies of further education institutions. This will be by agreement, failing which the local authority can refer the matter to the Welsh Ministers for them to determine. The Welsh Ministers will also have a function of prescribing in regulations the period that must elapse after a request is made to a governing body to take over responsibility for the plan, before the matter (if not agreed) can be referred to the Welsh Ministers.</p>
129	<p>Section 34, page 28, line 12, leave out ‘the duty to maintain an individual development plan for a child or young person to be transferred’ and insert—</p> <p>‘, and in connection with—</p> <p>() the transfer under section 33 of a duty to maintain an individual</p>	<p>Adran 34, tudalen 28, llinell 12, hepgorer ‘i’r ddyletswydd i gynnal cynllun datblygu unigol ar gyfer plentyn neu berson ifanc gael ei throsglwyddo’ a mewnosoder—</p> <p>‘ar gyfer y canlynol ac mewn cysylltiad â hwy—</p> <p>() trosglwyddo o dan adran 33 ddyletswydd i gynnal cynllun</p>	<p>The purpose of this amendment is to insert text into section 34(1) so that the section 34 regulations may also include provision for and in connection with the matters listed in the inserted text (paragraph (c) of the inserted text then leads into the existing</p>

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	<p>development plan for a child or young person;</p> <p>() the making of a request under section [<i>section to be inserted by amendment 128</i>], a reference or determination under that section and the transfer of a duty to maintain an individual development plan for a young person following such a request or determination;</p> <p>() the transfer in prescribed circumstances of a duty to maintain an individual development plan for a child or young person'.</p>	<p>datblygu unigol ar gyfer plentyn neu berson ifanc;</p> <p>() gwneud cais o dan adran [<i>yr adran sy'n cael ei mewnosod gan welliant 128</i>], atgyfeiriad neu benderfyniad o dan yr adran honno a throsglwyddo dyletswydd i gynnal cynllun datblygu unigol ar gyfer person ifanc yn dilyn cais neu benderfyniad o'r fath;</p> <p>() trosglwyddo o dan amgylchiadau rhagnodedig ddyletswydd i gynnal cynllun datblygu unigol ar gyfer plentyn neu berson ifanc'.</p>	<p>paragraphs in subsection (1)).</p> <p>The effect of this amendment is that section 34 regulations may include provision:</p> <p>a) in connection with transfers under section 33 (of the duty to maintain IDPs);</p> <p>b) about local authority requests to governing bodies of further education institutions for them to take over responsibility for IDPs and about referrals to, and determinations by, the Welsh Ministers of the matter (see amendment w); and</p> <p>c) for transfers of IDPs in other circumstances (this is already provided for in section 34(1)), with the regulations prescribing the circumstances of any such transfer and they can also make provision in connection with any such transfer.</p> <p>Overall, the effect of this amendment is that the Welsh Ministers may make further</p>

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			provision in regulations related to the transfer of IDPs.
130	Section 34, page 28, line 22, leave out subsection (2).	Adran 34, tudalen 28, llinell 22, hepgorer is-adran (2).	Consequential to amendment 129.
131	Section 36, page 29, line 9, after '(a)', insert ', (2) and (3)'.	Adran 36, tudalen 29, llinell 13, ar ôl '562(1A)(a)', mewnosoder ', (2) a (3)'	<p>The purpose of this amendment is to ensure that the circumstances described in section 562(2) (boarders at a school by virtue of particular court orders) and 562(3) (orders under the Children Act 1989 and Social Services and Well-being (Wales) Act 2014 authorising the use of accommodation for restricting liberty) are not within the meaning of "being subject to a detention order" for the purposes of the Bill.</p> <p>The effect of this amendment is that the meaning of being subject to a detention order for the purpose of section 562(1) of the Education Act 1996 is aligned with its meaning for the purposes of the Bill.</p>
132	Section 37, page 30, after line 20, insert— '(7) If it will not be possible to meet the reasonable needs of the detained person for additional learning	Adran 37, tudalen 30, ar ôl llinell 22, mewnosoder— '(7) Os na fydd yn bosibl diwallu anghenion rhesymol y person sy'n cael ei gadw'n	The purpose of this amendment is to insert new subsections into section 37 (duty to prepare IDPs for detained persons).

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	<p>provision when he or she is released from detention unless the home authority also secures provision of the kind mentioned in subsection (<i>the second sub-section to be inserted by this amendment</i>), the authority must include a description of that other provision in the plan.</p> <p>(8) The kinds of provision are—</p> <p>(a) a place at a particular school or other institution;</p> <p>(b) board and lodging.</p> <p>(9) The duty in subsection (<i>the first sub-section to be inserted by this amendment</i>)—</p> <p>(a) does not apply to a place at a particular school or other institution that is not a maintained school in Wales if the person or body responsible for admissions to the school or other institution does not consent;</p> <p>(b) is subject to the duties in sections 49, 50(3) and 53.’.</p>	<p>gaeth am ddarpariaeth ddysgu ychwanegol pan gaiff ei ryddhau oni bai bod yr awdurdod cartref hefyd yn sicrhau darpariaeth o'r math a grybwyllir yn is-adran (<i>yr ail is-adran sy'n cael ei mewnosod gan y gwelliant hwn</i>), rhaid i'r awdurdod gynnwys disgrifiad o'r ddarpariaeth arall honno yn y cynllun.</p> <p>(8) Y mathau o ddarpariaeth yw—</p> <p>(a) lle mewn ysgol benodol neu sefydliad arall;</p> <p>(b) bwyd a llety.</p> <p>(9) O ran y ddyletswydd yn is-adran (<i>yr is-adran gyntaf sy'n cael ei mewnosod gan y gwelliant hwn</i>)—</p> <p>(a) nid yw'n gymwys i le mewn ysgol benodol neu sefydliad arall nad yw'n ysgol a gynhelir yng Nghymru os nad yw'r person neu'r corff sy'n gyfrifol am dderbyniadau i'r ysgol neu'r sefydliad arall yn cydsynio;</p> <p>(b) mae'n ddarostyngedig i'r dyletswyddau yn adrannau 49, 50(3) a 53.’.</p>	<p>The effect of this amendment is to require a home authority in preparing an IDP for a detained person, to describe particular types of provision (i.e. place at a particular school/institution; board and lodging) that s/he would require in order for his/her reasonable needs for additional learning provision to be met following his/her release (subject to the new subsection (9)).</p> <p>This brings the position of a detained person for whom an IDP is being prepared closer to that of a non-detained person for whom one is being prepared (see sections 12 and 17).</p> <p>This amendment is linked to amendment 143.</p>
133	Section 38, page 30, line 25, leave out 'the decision being made or the plan being maintained' and insert 'a decision under section	Adran 38, tudalen 30, llinell 27, hepgorer 'i'r penderfyniad gael ei wneud neu i'r cynllun gael ei gynnal' a mewnosoder 'i benderfyniad o dan adran	The purpose of this amendment is to substitute text in section 38(2)(a) so that it is the decision

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	37(2)(a) being made or to a plan being prepared’.	37(2)(a) gael ei wneud neu i gynllun gael ei lunio’.	<p>under section 37(1)(a) (whether the detained person has ALN) or a plan being prepared to which a young person may object rather than a decision under section 37(2)(b) (whether it will be necessary for an IDP to be maintained upon release) or a plan being maintained.</p> <p>The effect of this amendment is that the duty on the home authority in section 37(2) (to decide whether the detained person has ALN and decide whether it will be necessary for an IDP to be maintained for the person upon release) does not apply where a detained young person objects to the decision on ALN or an IDP being prepared.</p>
134	Section 38, page 30, line 31, leave out ‘that decision’ and insert ‘a decision under section 37(2)(a) or (b)’.	Adran 38, tudalen 30, llinell 33, hepgorer ‘y penderfyniad hwnnw’ a mewnosoder ‘benderfyniad o dan adran 37(2)(a) neu (b)’.	<p>The purpose of this amendment is to replace a reference in section 38(2)(b)(ii) to “that decision” with a reference to the statutory provision under which “that decision” is made (section 37(2)(a)) and also to refer to decisions made under section 37(2)(b).</p> <p>The effect of this amendment is that in cases where a home</p>

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			<p>authority has previously decided whether a detained person has ALN, the duty in section 37(2) (to take that decision, and if it is decided that the person has ALN, to decide whether it will be necessary for an IDP to be maintained for the person upon release) should apply again not only if there is new information which affects the ALN decision, but also if there is new information affecting a decision on whether an IDP will be necessary.</p>
135	<p>Section 39, page 31, line 4, leave out subsection (3).</p>	<p>Adran 39, tudalen 31, llinell 4, hepgorer is-adran (3).</p>	<p>Consequential to amendment 139.</p>
136	<p>Section 39, page 31, line 9, after 'apply', insert— 'where the detained person is a young person who does not consent to the individual development plan being kept. () Nor does the duty in subsection (4) apply'.</p>	<p>Adran 39, tudalen 31, llinell 10, ar ôl 'gymwys', mewnosoder— 'pan fo'r person sy'n cael ei gadw'n gaeth yn berson ifanc nad yw'n cydsynio i'r cynllun datblygu unigol gael ei gadw. () Nid yw'r ddyletswydd yn is-adran (4) yn gymwys ychwaith '.</p>	<p>The purpose of this amendment is to insert text which would switch-off the duty to keep an IDP for a detained person where he or she is a young person who does not consent to the plan being kept.</p> <p>The effect of this amendment is that if a detained young person does not consent to an IDP being kept for them, the duties to keep it and to arrange appropriate</p>

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			additional learning provision do not apply. This is broadly equivalent to the position in relation to non-detained young persons and their right not to consent to an IDP being maintained.
137	Section 40, page 32, line 2, after 'Part', insert ', with any provision described in the plan in accordance with section 17(5) or 37(<i>the first subsection to be inserted by amendment 132</i>) being treated as described in accordance with section 12(6)'.	Adran 40, tudalen 32, llinell 2, ar ôl 'hon', mewnosoder ', gydag unrhyw ddarpariaeth a ddisgrifir yn y cynllun yn unol ag adran 17(5) neu 37(<i>yr is-adran gyntaf sy'n cael ei mewnosod gan gwelliant 132</i>) yn cael ei thrin fel pe bai wedi ei disgrifio yn unol ag adran 12(6)'.	<p>The purpose of this amendment is to insert words into section 40(2) so that any provision described in an IDP in accordance with section 17(5) or amendment 132, is treated as described in accordance with section 12(6) in cases where a detained person has been released.</p> <p>The effect of this provision (together with section 12(10)(b) of the Bill) is that where an IDP was kept for a detained person and a local authority becomes responsible for maintaining it upon release, that local authority must secure any other provision described in the IDP.</p> <p>This amendment is linked to amendment 132.</p>
138	Section 40, page 32, line 7, after 'Part', insert ', with any provision described in the plan in accordance with section 12(6) or 37(<i>the first sub-</i>	Adran 40, tudalen 32, llinell 8, ar ôl 'hon', mewnosoder ', gydag unrhyw ddarpariaeth a ddisgrifir yn y cynllun yn unol ag adran 12(6) neu	The purpose of this amendment is to insert words into section 40(4) so that any provision described in

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	<p><i>section to be inserted by amendment 132) being treated as described in accordance with section 17(5)'. </i></p>	<p><i>37(yr is-adran gyntaf sy'n cael ei mewnosod gan gwelliant 132) yn cael ei thrin fel pe bai wedi ei disgrifio yn unol ag adran 17(5)'. </i></p>	<p>an IDP in accordance with section 12(6) or amendment aa is treated as described in accordance with section 17(5) in cases where a detained child is looked after by a local authority upon release.</p> <p>The effect of this provision (together with section 17(8)(b) of the Bill) is that where a detained child for whom an IDP was being kept is, upon release, looked after by a local authority, that authority must secure any other provision described in the IDP.</p> <p>This amendment is linked to amendment 132.</p>
139	<p>Page 32, after line 7, insert a new section—</p> <p>‘[] Certain provisions of Part 2 not to apply to children and young persons in detention</p> <p>(1) The duties imposed by the provisions in subsection (2) on the following bodies cease to apply in relation to a detained person from the beginning of that person’s detention—</p> <p>(a) the governing body of a maintained school;</p> <p>(b) the governing body of an</p>	<p>Tudalen 32, ar ôl llinell 8, mewnosoder adran newydd—</p> <p>‘[] Darpariaethau penodol Rhan 2 nad ydynt i fod yn gymwys i blant a phersonau ifanc sy’n cael eu cadw’n gaeth</p> <p>(1) Mae’r dyletswyddau a osodir gan y darpariaethau yn is-adran (2) ar y cyrff a ganlyn yn peidio â bod yn gymwys mewn perthynas â pherson sy’n cael ei gadw’n gaeth o ddechrau’r cyfnod o gadw’r person hwnnw yn gaeth—</p> <p>(a) corff llywodraethu ysgol a gynhelir;</p>	<p>The purpose of this amendment is to insert a section dealing with the application of duties in the Bill in relation to children and young people who are detained.</p> <p>The purpose of subsections (1) and (2) is to set out within one section the duties in the Bill on governing bodies and local authorities that are to cease to apply in relation to a detained person from the start of the detention (see section 36(1) for the definition of “detained person” – a child or young person subject</p>

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	<p>institution in the further education sector;</p> <p>(c) a local authority.</p> <p>(2) The provisions are—</p> <p>(a) section 9 (governing body’s duty to decide);</p> <p>(b) section 10 (governing body’s duty to prepare and maintain a plan);</p> <p>(c) section 11 (local authority’s duty to decide);</p> <p>(d) section 12 (local authority’s duty to prepare and maintain a plan);</p> <p>(e) section 24 (local authority’s duty to reconsider governing body’s decision);</p> <p>(f) section 28(2) (governing body’s duty to refer where child or young person registered or enrolled at more than one institution);</p> <p>(g) section 41(2) (governing body’s duty to take all reasonable steps to secure additional learning provision).</p> <p>(3) The duties imposed by the provisions in subsection (4) on the governing body of a maintained school or on the</p>	<p>(b) corff llywodraethu sefydliad yn y sector addysg bellach;</p> <p>(c) awdurdod lleol.</p> <p>(2) Y darpariaethau yw—</p> <p>(a) adran 9 (dyletswydd corff llywodraethu i benderfynu);</p> <p>(b) adran 10 (dyletswydd corff llywodraethu i lunio a chynnal cynllun);</p> <p>(c) adran 11 (dyletswydd awdurdod lleol i benderfynu);</p> <p>(d) adran 12 (dyletswydd awdurdod lleol i lunio a chynnal cynllun);</p> <p>(e) adran 24 (dyletswydd awdurdod lleol i ailystyried penderfyniad corff llywodraethu);</p> <p>(f) adran 28(2) (dyletswydd corff llywodraethu i atgyfeirio pan fo plentyn neu berson ifanc wedi ei gofrestru neu wedi ymrestru mewn mwy nag un sefydliad);</p> <p>(g) adran 41(2) (dyletswydd corff llywodraethu i gymryd pob cam rhesymol i sicrhau darpariaeth ddysgu ychwanegol).</p> <p>(3) Nid yw’r dyletswyddau a osodir gan y darpariaethau yn is-adran (4) ar gorff llywodraethu ysgol a gynhelir neu ar gorff</p>	<p>to a detention order who is detained in relevant accommodation in Wales or England).</p> <p>Amendments 105, 108, 111 and 125 and 135 are consequential to these subsections.</p> <p>The purpose of subsections (3) and (4) is to set out the duties in the Bill on governing bodies which are not to apply in relation to a child or young person who is (and whilst) detained in accommodation other than relevant youth accommodation in Wales or England.</p> <p>The purpose of subsections (5) to (7) is to apply section 562 of the Education Act 1996 for the purposes of the Bill as if</p> <p>(a) the amendments to it made by the Apprenticeships, Skills, Children and Learning Act 2009 were already fully in force in relation to Wales, and</p> <p>(b) its reference to relevant youth accommodation were to relevant youth accommodation in Wales</p>

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	<p>governing body of an institution in the further education sector do not apply in relation to a child or young person at any time while that child or young person is—</p> <p>(a) subject to a detention order (within the meaning given by section 562(1A)(a), (2) and (3) of the Education Act 1996), and</p> <p>(b) detained in accommodation other than relevant youth accommodation in Wales or England.</p> <p>(4) The provisions are—</p> <p>(a) section 9 (duty to decide);</p> <p>(b) section 10 (duty to prepare and maintain a plan);</p> <p>(c) section 15 (duty to refer a matter to a local authority that looks after a child);</p> <p>(d) section 28(2) (duty to refer where child or young person registered or enrolled at more than one institution);</p> <p>(e) section 41(2) (duty to take all reasonable steps to secure additional learning provision).</p> <p>(5) Subsection (6) applies until section 49 of the Apprenticeships, Skills, Children</p>	<p>llywodraethu sefydliad yn y sector addysg bellach yn gymwys mewn perthynas â phlentyn neu berson ifanc ar unrhyw adeg tra bo'r plentyn hwnnw neu'r person ifanc hwnnw—</p> <p>(a) yn ddarostyngedig i orchymyn cadw (o fewn yr ystyr a roddir i “detention order” gan adran 562(1A)(a), (2) a (3) o Ddeddf Addysg 1996), a</p> <p>(b) wedi ei gadw'n gaeth mewn llety ac eithrio llety ieuencid perthnasol yng Nghymru neu yn Lloegr.</p> <p>(4) Y darpariaethau yw—</p> <p>(a) adran 9 (dyletswydd i benderfynu);</p> <p>(b) adran 10 (dyletswydd i lunio a chynnal cynllun);</p> <p>(c) adran 15 (dyletswydd i atgyfeirio mater i awdurdod lleol sy'n gofalu am blentyn);</p> <p>(d) adran 28(2) (dyletswydd i atgyfeirio pan fo plentyn neu berson ifanc wedi ei gofrestru neu wedi ymrestru mewn mwy nag un sefydliad);</p> <p>(e) adran 41(2) (dyletswydd i gymryd pob cam rhesymol i sicrhau darpariaeth ddysgu ychwanegol).</p>	<p>or England.</p> <p>The effect of this amendment is that:</p> <p>(a) the local authority and governing body duties listed in subsection (2) cease to apply in relation to children and young people detained in relevant youth accommodation in Wales or England from the start of that detention,</p> <p>(b) the duties on home authorities in sections 37 – 40 of the Bill apply in relation to those detained persons (and are not switched off by section 562 of the Education Act as it is currently in force), and</p> <p>(c) duties in the Bill on governing bodies and local authorities do not apply in relation children and young people while they are detained otherwise than in relevant youth accommodation in Wales or England</p>

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	<p>and Learning Act 2009 (c. 22) (application of provisions to persons detained in relevant youth accommodation) comes fully into force in relation to Wales.</p> <p>(6) Section 562 of the Education Act 1996 (c. 56) is to have effect for the purpose of the powers and duties conferred or imposed by or under this Part on local authorities as though section 49 of the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22) were fully in force in relation to Wales.</p> <p>(7) For the purposes of this Part, the reference in subsection (1) of section 562 of the Education Act 1996 (c. 56) to relevant youth accommodation is to have effect as though it were a reference to relevant youth accommodation in Wales or England.’.</p>	<p>(5) Mae is-adran (6) yn gymwys hyd nes bod adran 49 o Ddeddf Prentisiaethau, Sgiliau, Plant a Dysgu 2009 (p. 22) (cymhwyso darpariaethau i bersonau sy'n cael eu cadw'n gaeth mewn llety ieuentid perthnasol) yn dod i rym yn llawn o ran Cymru.</p> <p>(6) Mae adran 562 o Ddeddf Addysg 1996 (p. 56) i gael effaith at ddiben y pwerau a'r dyletswyddau a roddir neu a osodir gan neu o dan y Rhan hon ar awdurdodau lleol fel pe bai adran 49 o Ddeddf Prentisiaethau, Sgiliau, Plant a Dysgu 2009 (p. 22) mewn grym yn llawn o ran Cymru.</p> <p>(7) At ddibenion y Rhan hon, mae'r cyfeiriad yn is-adran (1) o adran 562 o Ddeddf Addysg 1996 (p. 56) at lety ieuentid perthnasol i gael effaith fel pe bai'n gyfeiriad at lety ieuentid perthnasol yng Nghymru neu yn Lloegr.’.</p>	
140	<p>Section 56, page 39, after line 14, insert—</p> <p>‘() The duty in subsection (2) includes a duty to consider the sufficiency of additional learning provision in Welsh.’.</p>	<p>Adran 56, tudalen 39, ar ôl llinell 14, mewnosoder—</p> <p>‘() Mae'r ddyletswydd yn is-adran (2) yn cynnwys dyletswydd i ystyried digonolrwydd darpariaeth ddysgu ychwanegol yn Gymraeg.’.</p>	<p>The purpose of this amendment is to insert a new duty on local authorities to consider the sufficiency of additional learning provision in Welsh.</p> <p>The effect of this amendment is that when a local authority is considering the sufficiency of arrangements to meet ALN as part of its duty to review such</p>

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			<p>arrangements, it must consider the sufficiency of provision in Welsh.</p> <p>This amendment links to amendment 141.</p>
141	Section 56, page 39, leave out lines 16 to 17.	Adran 56, tudalen 39, hepgorer llinellau 16 hyd at 17.	<p>The purpose of this amendment is to remove a duty on local authorities to have regard to the desirability of ensuring provision in Welsh.</p> <p>The effect of this amendment is that a duty which has been replaced by the duty inserted by amendment 140.</p>
142	Section 65, page 45, line 1, leave out 'or the parent of a detained person who is a child' and insert 'and, in the case of a detained person who is a child, the detained person's parent,'.	Adran 65, tudalen 45, llinell 1, hepgorer 'neu riant person sy'n cael ei gadw'n gaeth sy'n blentyn' a mewnosoder 'ac, yn achos person sy'n cael ei gadw'n gaeth sy'n blentyn, rhiant y person sy'n cael ei gadw'n gaeth,'.	<p>The purpose of this amendment is to replace text in section 65(2), principally to change "or" to "and".</p> <p>The effect of this amendment is that the drafting of section 65(2) is consistent with the drafting of section 63(2).</p>
143	Section 65, page 45, after line 12, insert— () the provision included in an individual development plan under section 37(<i>the first subsection to be inserted by amendment 132</i>) or the fact that provision under that section is	Adran 65, tudalen 45, ar ôl llinell 13, mewnosoder— () y ddarpariaeth sydd wedi ei chynnwys mewn cynllun datblygu unigol o dan adran 37(<i>yr is-adran gyntaf sy'n cael ei mewnosod gan gwelliant 132</i>) neu'r ffaith nad yw darpariaeth o dan o dan yr adran	The purpose of this amendment is to insert into section 65 an additional matter against which an appeal can be made to the Education Tribunal by a detained person, or, if the detained person is a child, their parent.

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	not in the plan;’.	honno yn y cynllun;’.	<p>The effect of this amendment is that where a home authority prepares an IDP for a detained person (under section 37(5)), there is a right of appeal against any other provision which is included in the plan in accordance with amendment 132, or against the fact that no such provision is included. This is to correspond to the appeal right under section 63(2)(e) in relation to children and young persons who are not detained.</p> <p>This amendment is linked to amendment 132.</p>
144	<p>Section 65, page 45, after line 15, insert—</p> <p>‘(g) a refusal to make a decision under section 37(2) on the basis that section 38(2)(b) applies (no material change in needs and no new information that materially affects the decision).’.</p>	<p>Adran 65, tudalen 45, ar ôl llinell 16, mewnosoder—</p> <p>‘(g) gwrthodiad i wneud penderfyniad o dan adran 37(2) ar y sail bod adran 38(2)(b) yn gymwys (dim newid sylweddol mewn anghenion a dim gwybodaeth newydd sy’n effeithio’n sylweddol ar y penderfyniad).’</p>	<p>The purpose of this amendment is to insert into section 65 an additional matter against which an appeal can be made to the Education Tribunal by a detained person, or, if the detained person is a child, their parent.</p> <p>The effect of this amendment is that a detained person (and if a child, their parent) would have an appeal right against a home authority’s refusal to take a decision under section 37(2) (whether the person has ALN; whether a plan will be necessary)</p>

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			<p>on the basis that section 38(2)(b) applies, namely that the authority is satisfied that the person's needs have not changed materially since the time of the previous decision about whether the person had ALN, and that there is no new information materially affecting that decision (or, if amendment 134 is accepted, the decision on whether a plan is necessary). This would give detained persons an appeal right which is broadly equivalent to that under section 63(2)(l) for non-detained persons.</p>
145	<p>Page 47, after line 8, insert a new section—</p> <p>‘[] NHS Bodies: evidence and Tribunal recommendations</p> <p>(1) The Education Tribunal for Wales may, in relation to an appeal under this Part—</p> <p>(a) exercise its functions to require an NHS body to give evidence about the exercise of the body's functions;</p> <p>(b) make recommendations to an NHS body about the exercise of</p>	<p>Tudalen 47, ar ôl llinell 8, mewnosoder adran newydd—</p> <p>‘[] Cyrff y GIG: tystiolaeth ac argymhellion y Tribiwnlys</p> <p>(1) Caiff Tribiwnlys Addysg Cymru, mewn perthynas ag apêl o dan y Rhan hon—</p> <p>(a) arfer ei swyddogaethau i'w gwneud yn ofynnol i gorff GIG roi tystiolaeth ynghylch arfer swyddogaethau'r corff;</p> <p>(b) gwneud argymhellion i gorff GIG ynghylch arfer swyddogaethau'r</p>	<p>The purpose of this amendment is to insert a new section 69.</p> <p>The effect is to provide the Education Tribunal may exercise its functions to:</p> <p>a) require an NHS body to give evidence about the exercise of the body's functions (in relation to an appeal or disability claim made to Tribunal); and,</p> <p>b) make recommendations to an NHS body about the exercise of body's functions (in relation to an</p>

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	<p>the body's functions.</p> <p>(2) Nothing in subsection (1) affects the generality of the powers to make regulations in sections 67 and 68.</p> <p>(3) An NHS body to whom a recommendation has been made by the Tribunal must make a report to the Tribunal before the end of any prescribed period beginning with the date on which the recommendation is made.</p> <p>(4) The report under subsection (3) must state –</p> <p>(a) the action that the NHS body has taken or proposes to take in response to the recommendation, or</p> <p>(b) why the NHS body has not taken and does not propose to take any action in response to the recommendation.’.</p>	<p>corff.</p> <p>(2) Nid oes dim yn is-adran (1) yn effeithio ar gyffredinolrwydd y pwerau i wneud rheoliadau yn adrannau 67 a 68.</p> <p>(3) Rhaid i gorff GIG y gwnaed argymhelliad iddo gan y Tribiwnlys lunio adroddiad i'r Tribiwnlys cyn diwedd unrhyw gyfnod rhagnodedig sy'n dechrau â'r dyddiad y gwneir yr argymhelliad.</p> <p>(4) Rhaid i'r adroddiad o dan is-adran (3) ddatgan—</p> <p>(a) y camau y mae'r corff GIG wedi eu cymryd neu'n bwriadu eu cymryd mewn ymateb i'r argymhelliad, neu</p> <p>(b) pam nad yw'r corff GIG wedi cymryd unrhyw gamau a pham nad yw'n bwriadu cymryd unrhyw gamau mewn ymateb i'r argymhelliad.’.</p>	<p>appeal under this Bill or a disability discrimination claim).</p> <p>The amendment also requires the NHS body to which a recommendation has been made, to report to the Tribunal, within a period prescribed in regulations by the Welsh Ministers, on either:</p> <p>a) the actions it has taken or proposes to take in response to the recommendation; or</p> <p>b) if it has not and does not intend to take any action, why that is.</p>
146	<p>Section 69, page 47, after line 12, insert—</p> <p>‘ () The governing body or local authority concerned must make a report to the Tribunal stating whether and how it has complied with the order before the end of a period of 14 days beginning with the first day after end of the period</p>	<p>Adran 69, tudalen 47, ar ôl llinell 12, mewnosoder—</p> <p>‘ () Rhaid i'r corff llywodraethu neu'r awdurdod lleol o dan sylw lunio adroddiad i'r Tribiwnlys sy'n datgan a yw wedi cydymffurfio â'r gorchymyn a sut y mae wedi gwneud hynny, cyn diwedd cyfnod o 14 o ddiwrnodau sy'n dechrau</p>	<p>The purpose of this amendment is to insert a new subsection into section 69.</p> <p>The effect is to require the governing body of a further education institution or local authority to report, within 14 days</p>

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	prescribed under subsection (1).’.	â'r diwrnod cyntaf ar ôl diwedd y cyfnod a ragnodir o dan is-adran (1).’.	of the date by which it was required to comply with an order, to the Education Tribunal on whether and how it has complied. As a consequence, the Tribunal will be informed of whether and how its orders have been carried out.
147	Section 75, page 49, line 20, leave out ‘, 25(6)’.	Adran 75, tudalen 49, llinell 21, hepgorer ‘, 25(6)’.	Consequential to amendment 124.
148	Section 76, page 51, line 4, leave out ‘, 25(6)’.	Adran 76, tudalen 51, llinell 4, hepgorer ‘, 25(6)’.	Consequential to amendment 124.
149	<p>Page 53, after line 26, insert a new section—</p> <p style="text-align: center;"><i>‘Review of additional learning provision in Welsh</i></p> <p>[] Review of additional learning provision in Welsh</p> <p>(1) The Welsh Ministers must arrange—</p> <p style="padding-left: 20px;">(a) for reviews of the sufficiency of additional learning provision in Welsh;</p> <p style="padding-left: 20px;">(b) for reports on the outcome of the reviews to be produced and</p>	<p>Tudalen 53, ar ôl llinell 30, mewnosoder adran newydd—</p> <p style="text-align: center;"><i>‘Adolygu darpariaeth ddysgu ychwanegol yn Gymraeg</i></p> <p>[] Adolygu darpariaeth ddysgu ychwanegol yn Gymraeg</p> <p>(1) Rhaid i Weinidogion Cymru drefnu—</p> <p style="padding-left: 20px;">(a) ar gyfer adolygiadau o ddigonolrwydd darpariaeth ddysgu ychwanegol yn Gymraeg;</p> <p style="padding-left: 20px;">(b) i adroddiadau ar ganlyniad yr adolygiadau gael eu llunio a’u</p>	<p>The purpose of this amendment is to insert a new section 79 into the Bill.</p> <p>The effect is that the Welsh Ministers will be required to review and publish reports on the sufficiency of additional learning provision in Welsh. The first report must be published within five years of the commencement of any part of Part 2 of the Bill, and thereafter at five yearly intervals.</p> <p>This amendment links to amendment 150.</p>

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	<p>published.</p> <p>(2) Subsection (1) does not prevent reviews from also dealing with other matters.</p> <p>(3) The first report on the outcome of a review must be published before 1 September in the fifth year following the year in which any of the provisions of this Part are brought into force by order (whether for all or limited purposes).</p> <p>(4) The Welsh Ministers must publish subsequent reports before 1 September in every fifth year following the last year in which a report was required to be published.’</p>	<p>cyhoeddi.</p> <p>(2) Nid yw is-adran (1) yn atal adolygiadau rhag delio â materion eraill hefyd.</p> <p>(3) Rhaid cyhoeddi'r adroddiad cyntaf ar ganlyniad adolygiad cyn 1 Medi yn y bumed flwyddyn yn dilyn y flwyddyn y dygir unrhyw un neu ragor o ddarpariaethau'r Rhan hon i rym drwy orchymyn (pa un ai at bob diben neu at ddibenion cyfyngedig).</p> <p>(4) Rhaid i Weinidogion Cymru gyhoeddi adroddiadau dilynol cyn 1 Medi ym mhob pumed flwyddyn yn dilyn y flwyddyn ddiwethaf yr oedd yn ofynnol cyhoeddi adroddiad.’</p>	
150	<p>Page 53, after line 26, insert a new section—</p> <p>[] Power to amend duties to secure additional learning provision in Welsh</p> <p>(1) This section applies to the following provisions —</p> <p>section 10(6)(b);</p> <p>section 12(10)(c);</p> <p>section 17(8)(c);</p>	<p>Tudalen 53, ar ôl llinell 30, mewnosoder adran newydd—</p> <p>[] Pŵer i ddiwygio dyletswyddau i sicrhau darpariaeth ddysgu ychwanegol yn Gymraeg</p> <p>(1) Mae'r adran hon yn gymwys i'r darpariaethau a ganlyn—</p> <p>adran 10(6)(b);</p> <p>adran 12(10)(c);</p> <p>adran 17(8)(c);</p>	<p>The purpose of this amendment is to insert a new section 80 into the Bill. This is a regulation making power to amend the listed sections. (The listed sections provide a duty to take all reasonable steps to secure additional learning provision in Welsh).</p> <p>The effect is to provide the Welsh Ministers with a power to make regulations which:</p> <p>a) remove altogether the</p>

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	<p>section 18(5)(c); section 19(4); section 39(8)(b).</p> <p>(2) Regulations may omit the words “take all reasonable steps to” from a provision.</p> <p>(3) Regulations may provide that a provision has effect as if the words “take all reasonable steps to” were omitted—</p> <p>(a) for a prescribed purpose, (b) in relation to a prescribed body, or (c) for a prescribed purpose in relation to a prescribed body.</p> <p>(4) If the words “take all reasonable steps to” are omitted by regulations under subsection (2) from each provision to which this section applies, regulations may omit section [section to be inserted by amendment 149].’.</p>	<p>adran 18(5)(c); adran 19(4); adran 39(8)(b).</p> <p>(2) Caiff rheoliadau hepgor y geiriau “gymryd pob cam rhesymol i” o ddarpariaeth.</p> <p>(3) Caiff rheoliadau ddarparu bod darpariaeth yn cael effaith fel pe bai'r geiriau “gymryd pob cam rhesymol i” wedi eu hepgor—</p> <p>(a) at ddiben rhagnodedig, (b) mewn perthynas â chorff rhagnodedig, neu (c) at ddiben rhagnodedig mewn perthynas â chorff rhagnodedig.</p> <p>(4) Os yw'r geiriau “gymryd pob cam rhesymol i” wedi eu hepgor gan reoliadau o dan is- adran (2) o bob darpariaeth y mae'r adran hon yn gymwys iddi, caiff rheoliadau hepgor adran [yr adran sy'n cael ei mewnosod gan welliant 149].’.</p>	<p>words “take all reasonable steps” from those provisions of the Bill where they appear in relation to the securing of additional learning provision in Welsh</p> <p>or</p> <p>b) provide that in those same provisions, the words “take all reasonable steps” no longer apply relation to certain prescribed bodies or purposes, or for a prescribed purpose in relation to prescribed body.</p> <p>The amendment also provides the Welsh Ministers with the power to remove the provision introduced by amendment ar (reviews of sufficiency of Welsh language additional learning provision) if the words “take all reasonable steps” are removed from all relevant provisions in the Bill.</p> <p>This amendment enables the Welsh Ministers, through regulations, to remove from the various duties on governing bodies, local authorities and NHS bodies to “take all reasonable</p>

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			<p>steps” to secure additional learning provision in Welsh, so that the duties become absolute duties to secure additional learning provision in Welsh.</p> <p>This amendment links to amendment 149 because the outcome of the reviews will be a relevant consideration in the decision to exercise the regulation making power.</p>
151	<p>Section 85, page 56, line 25, after ‘76’, insert ‘or [section to be inserted by amendment 150]’.</p>	<p>Adran 85, tudalen 56, llinell 24, ar ôl ‘76’, mewnosoder ‘neu [yr adran sy’n cael ei mewnosod gan welliant 150]’.</p>	<p>The purpose of this amendment is to add to the list of regulations subject to affirmative procedure, regulations made under the provision introduced by amendment as.</p>