

# **Association of Teachers and Lecturers (Cymru)**

## ***School Standards and Organisation (Wales) Bill***

### **Evidence to the Children and Young People Committee**

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Dr Philip Dixon

Director, ATL Cymru

Tel: 02920 465 000

Email: [pdixon@atl.org.uk](mailto:pdixon@atl.org.uk)



Thank you for inviting Association of Teachers and Lecturers Cymru to present evidence regarding the School Standards and Organisation (Wales) Bill. ATL Cymru represents over 6,500 education professionals in colleges and schools across the whole of Wales. It draws its membership from teachers and lecturers, leaders and support staff in maintained and independent schools, and Further Education Colleges. As well as campaigning vigorously to protect and enhance members' pay and conditions ATL also believes that the education profession has a key role in developing education strategy and policy.

The Bill demonstrates the determination of Welsh Ministers to clarify and augment their authority over the organisation of the education structure nationally. At the outset we wish to note that the effectiveness of the Bill will only be realised if local authorities provide the resources required under the direction of Welsh Ministers. The capacity of support provided by local authorities must be determined and resolved in order for the Bill to meet its purpose in raising performance in the education system.

We have pleasure in responding to the committee's consultation and for ease we have taken the Consultation Questions of the Committee as the framework for our response. We have cross-referenced our response to the structure of the Bill

**1. Is there a need for a Bill to make provision about school standards and school organisation. Please explain your answer.**

1.1. The need to bring together disparate legislation is not contentious. The Bill should provide ease and clarity to the reader and be readily accessible.

1.2. The speed of intervention can be crucial. Members report instances where a school in special measures could have been prevented from this, with speedier intervention.

1.3. In regard to **school reorganisation** we share concerns about surplus places and the resultant costs to system. We are also concerned that there is evidence that very small schools are not pedagogically effective. Estyn in its report *Small Primary Schools in Wales* (2006) said:

*1.3.1. The most striking issue is that, in small schools, it can be more difficult for teachers to match work to pupils' needs because pupils in each class may be of widely different ages and stages of development. This is particularly the case in the smallest schools (with up to 30 pupils), where there is 28% of unsatisfactory work compared with 8% of unsatisfactory work in schools with over 210 pupils. It further concluded that a disadvantage of small schools was the greater difficulty in providing pupils with an appropriate curriculum and a wide programme of extra-curricular activities.*

<http://www.estyn.gov.uk/english/docViewer/174092.1/small-primary-schools-in-wales-2006/?navmap=30,119,165>

1.4. Far more contentious to our minds is the questions as to the current position of the Welsh Education System. The Bill clearly presupposes that Wales needs to move from 'fair' to 'good'. This reflects the Minister's clear judgement voiced in February 2011 during his *Teaching Makes a Difference* speech: '*The Challenge, Ours is not a good system aiming to be great. Ours is a fair system aiming to become good.*'

<http://wales.gov.uk/topics/educationandskills/allsectorpolicies/ourevents/teachingmakesadifference/?lang=en>

If Committee accepts the need for the Bill then they are endorsing that judgment. ATL reluctantly accepts that our present education

system is suboptimal, shown by PISA and other data, and that improvements are needed. The Government's assessment seems to be that at this phase the education system would benefit from a central approach to deliver standardised education nationally. Reports from McKinsey and others are used explicitly or implicitly to endorse this approach. It is important to note that the next stage on the journey, from good to excellent, will require another approach which 'decentralises' power. The McKinsey report, 'How the world's most improved school systems keep getting better' (2010) highlighted in its Executive summary that *'systems further along the journey sustain improvement by balancing school autonomy with consistent teaching practice'*.

[http://www.mckinsey.com/Client\\_Service/Social\\_Sector/Latest\\_thinking/Worlds\\_most\\_improved\\_schools](http://www.mckinsey.com/Client_Service/Social_Sector/Latest_thinking/Worlds_most_improved_schools)

- 1.5. In recognition of the aims of the Bill we have two further points:
- i) once improvement occurs how will this move to greater autonomy be enabled
  - ii) the present deficiencies of the Welsh education system are not a fault of the profession but a manifested result of chronic underfunding of education over the last decade.

**2. Do you think the Bill, as drafted, delivers the stated objectives as set out in the Explanatory Memorandum? Please explain your answer.**

2.1. ATL believes that the Bill, as drafted, delivers the stated objectives as set out in the Explanatory Memorandum. For instance, at 1.1 it 'will sharpen the accountability of schools' by bringing together, updating and tightening standards and management. The Bill will reform the statutory process for school organisation so that decisions are taken at the local level wherever possible. Mainstreaming several grant funded programmes will improve the streamlining of current processes and local authorities will be accountable for planning Welsh-medium provision by the placing of Welsh in Education Strategic Plans on a statutory basis.

2.2. We believe that the provisions relating to the 'Changing the way Governing Bodies hold their Annual Parents Meetings', if they are intended to provide a means of ensuring that such meetings

are more flexibly offered in order to meet the needs of parents needs amending.

- 2.3. We have concerns that the provision that local authorities and schools will have in relation to being given greater flexibility over the pricing of school meals may be counter-productive.

### **3. What are your views on each of the main parts of the Bill?**

- 3.1. **Part 1 - Introduction.** We believe that this is clear.

- 3.2. **Part 2 - Standards.** We highlight some issues for clarification below

- 3.2.1. **Grounds for intervention.** We believe these are clearly stated in the main and clarify and tighten existing legislation. However,

3.2.1.1. **Ground 1.** It is right that schools must maintain standards, however performance data can genuinely be skewed due to a cohort and misrepresent standards in a school. The statement '*the standards previously attained*' should not be taken literally to require automatic intervention in a school. Intervention should only take place following suitable interrogation of data taking into consideration, statistical variation and anomalies which may be due to cohort. This should be acknowledged and noted.

3.2.1.2. **Ground 2.** We believe it essential that the Bill should contain provisions for the process by which an assessment that 'a breakdown in the way the school is managed or governed' is to be made, for the avoidance of doubt.

3.2.1.3. **Ground 3.** This is too generic. The behaviour of parents should not be a detriment to pupils, this statement would benefit from clarification of the criteria relating to parents' behaviour that would be considered a requirement for intervention.

3.2.1.4. While the Bill at numerous instances gives powers for Local Authorities to require specific action by schools in its care (for instance at 5.2 (a) a school may required to enter

into a contract) it is not clear on the face of the Bill as to the budget from which such action is to be funded. If it is from the school budget this needs to be made explicit.

We are very pleased to welcome the provisions for the Welsh Government to intervene in local authorities (sections 21 -28). The ethos of the Bill is a restorative approach to address what many judge to have been systemic under-performance in local authorities, especially in regard to their lack of challenge and support. Alongside chronic underfunding by the Welsh Government, we believe that failures on the part of local authorities have been the major contribution to the under-performance of the Welsh Education System. Ground 3 in this part of the Bill requires clarification. The subjective description of '*an adequate standard*' to define the requirement for intervention is unsuitable. To ensure transparency and clear objectivity it will be necessary for the criteria to be expanded upon.

We are not unwilling to accept the Explanatory Memorandum's note that authorities should 'consider' banding when deciding on appropriate intervention. We believe this opens up opportunities for a rational and sensible discussion about what the banding data does – and does not reveal about a school's standing and progress. Our members are currently reporting that while banding data is being used by used local authorities to monitor and challenge schools, the provision and quality of support is still very disparate.

### **3.3. Part 3 – School Organisation**

3.3.1. We welcome the publication of a **School Organisation Code**, duly prepared after full and proper consultation. The move to explain and simplify procedures relating to school organisation is supported. We think the effective use of resources is addressed reasonably well for there to be a sustainable solution to full curricular access for all pupils. We ask that Welsh Ministers and their civil servants afford objectivity to those schools that may apply an alternative solution and not over-prescribe the School Organisation Code.

- 3.3.2. Foundation Schools.** We welcome the clause in the Bill that prohibits the establishment of any new foundation schools in Wales (40 (2)). However, the rationale behind this prohibition needs to be taken to its logical conclusion, and we would urge the insertion of a clause that requires all current Foundation Schools to be returned to the status of community school, voluntary aided school, or voluntary controlled school. Given the prohibition noted above we are puzzled, in the absence of further information, why there is then a provision in 45(5) for a local authority to 'make proposals for a community special school to become a *foundation* special school' (our emphasis)
- 3.3.3. Voluntary Schools.** The Bill at present at 41(2) contains a clause that states that: 'Any person may make proposals to establish a new voluntary school'. We believe the committee should recommend that this clause be revised either to prohibit the creation of any further voluntary schools, or to limit their creation to the current Diocesan authorities. We would also want this clause to be reworded to prohibit explicitly any attempt to set up so-called 'Free Schools' as seen in England.
- 3.3.4. Categories of Objectors,** et al. We are content with the categorisation outlined in the Bill. All too often school reorganisation proposals have been thwarted or seriously delayed by objectors with motives other than those concerned with children's education. The quality of education must be the paramount and overriding concern of any reorganisation.
- 3.3.5. Rationalisation of School Places.** We accept that there is an oversupply of school places in Wales. This means that funding is not best used and that children's education suffers as a result. We welcome measures that will speed up decision making in this area. We believe the provisions relating to schools with fewer than ten pupils are sensible.
- 3.3.6. Local Determination Panels.** The Bill makes reference in several places to *Local Determination Panels*, and outlines them in Schedule 3. We believe strongly that the Bill should include clear provisions on: how these panels will be set up; who is and is not eligible to sit on them; the limits of their jurisdiction; and, crucially, their method of selection.

3.4. **Part 4 – Welsh in Strategic Plans.** In principle we welcome the Welsh Ministers’ strategy to raise standards in Welsh (second language), and acknowledge the policy to increase significantly the number of pupils in Welsh-medium (or bilingual) schools. In order to achieve this there requires an additional investment in the training of Welsh-medium teachers (in Maths and Science particularly). In the experience of our membership this remains an area for development.

3.5. **Part 5 – Miscellaneous School Functions.** We have some comments to make:

3.5.1.**Breakfasts.** While we accept that the provision of breakfasts in every school may not be possible we would urge that schools are not able to rescind previous decisions to provide breakfasts.

3.5.2.**Counselling.** ATL Cymru reiterates the requirement for adequate funding to ensure that all children in Wales have access to counselling. The duty of funding is necessary to ensure that counselling services do not struggle to meet demand. Previously this has resulted in some establishments resorting to using student counsellors. The Bill describes reasonable provisions; it does not place a duty as requested to adequately fund, not just for actual counselling, but also for the management of appointments and referrals all of which currently falls on the schools.

3.5.3.**Parents Meetings.** We would suggest that the committee support the inclusion of a descending scale of percentage of parents requesting a meeting to activate the rule to convene a meeting. A smaller school would warrant a greater percentage response from parents to set such a meeting in motion.

3.6. General. Not contentious.

#### **4. What are the potential barriers to implementing the provisions of the Bill (if any) and does the Bill take account of them?**

4.1. We believe that insensitive handling of the data surrounding the banding awarded to schools could be one of the biggest obstacles to the Bill achieving its desired aim. Very few schools are wholly bad and a nuanced approach will be needed to ensure that

support and challenge is given by local authorities as appropriate and is particular to that school. Generic prescriptions will not be sufficient and could be counter-productive. The Bill or at least its explanatory guidance needs to be explicit about the *limits* inherent in the banding judgements because of statistical constraints.

4.2. The Bill concentrates power into the hands of the Welsh Government on the understanding that this is necessary to move the Welsh Education System from fair to good. The Explanatory Memorandum is explicit in this regard. We believe that the biggest barrier to the implementation of the Bill's intention lies not with schools or local authorities, who will find themselves the subject of statutory direction, but with the capacity of the Welsh Government, in particular the Department of Education and Skills, to deliver. It is far from clear that the Department has universally the relevant expertise or personnel to deliver.

4.3. We are also concerned that the Bill does not stifle and extinguish that creativity and autonomy that the education system will need to manifest if it is to move from good to excellent. We already have a number of excellent schools in Wales and the implementation of the Bill must not diminish those in any way.

4.4. While we have never argued that the decade long chronic underfunding of our education system is the only reason for its relatively sub-optimal performance, nevertheless we remain convinced that full, sustained and adequate funding is an essential prerequisite for improved performance.

**5. Powers to make subordinate legislation.** We see nothing objectionable in the Bill's provision nor in the Explanatory Memorandum's analysis

## **6. Financial Implications.**

We have no reason to doubt the financial exposition provided. The Government's confession of ignorance at 8.4 of the Explanatory Memorandum might suggest that some rapid research may need to be done to assess costs more accurately.