

School Standards and Organisation Bill -
Response from Wrexham Lifelong Learning Department

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

The Bill is useful in strengthening the power of local authorities to intervene in schools causing concern, with an initial warning notice being issued to the governing body of the school to increase accountability upon the school to improve. This would then be followed by local authority intervention if the governing body has failed to comply with the warning notice or remains to have significant shortcomings in relation to the specified Grounds in the Bill. The Bill provides increased accountability upon schools to improve and stronger powers for local authorities to challenge and intervene by issuing early warning notices to give authorities the ‘teeth’ to deal with schools that are consistently failing to comply with recommendations.

The Bill is also useful in making it easier and less time-consuming for local authorities to organise their schools locally, as well placing Welsh in Education Strategic Plans on a statutory basis.

However, any guidance produced should be subject to consultation to enable local authorities to contribute to ensure that local issues are fed into the process and reflected in the guidance.

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

Yes.

3. What are your views on each of the main parts of the Bill—

Part 1 – Introduction (section 1)

Part 2 – Standards (sections 2-37) (see pages 9-17, 92-99 of the Explanatory Memorandum)

Part 3 – School Organisation (sections 38-84) (see pages 17-21, 99-106 of the Explanatory Memorandum)

Part 4 – Welsh in Education Strategic Plans (sections 85-88) (see pages 21-25, 106-107 of the Explanatory Memorandum)

Part 5 – Miscellaneous School Functions (sections 89 – 97) (see pages 25-31, 107-109 of the Explanatory Memorandum)

Part 6 – General (sections 98-102) (see pages 109-110 of the Explanatory Memorandum)

Part 1 clearly sets out the Bill and the various sections covered, which provides an overview of the key elements of the Bill.

Part 2 sets out the powers of the local authorities to intervene in schools causing concern, through warning notices and further intervention subject to failure to improve. The various Grounds are helpful in clearly identifying when intervention can occur. However, there appears to be a lack of information requiring the previous proposals to introduce a requirement to produce School Development Plans, or the previous intention that local authorities would request schools to re-visit their plans should they determine the plans to be insufficiently robust. We considered this element to be unclear in the previous consultation and as such, should any requirement be put in place, it would need to be

appropriately resourced given the diminishing resources at local authority level and increased levels of financial delegation to schools.

It is important that any guidance produced should be subject to consultation to enable local authorities to contribute and ensure that local issues are fed into the process and reflected in the guidance, rather than a prescriptive approach.

Part 3 is useful in setting out clearer arrangements for school organisation and we would welcome the publication of a clear single source of guidance in order to make it easier and less time-consuming for local authorities to organise their schools locally. Specific information has been included surrounding the Local Determination Panels, such as membership, procedures and intervention powers, although there is a need for clearer guidance surrounding Terms of Reference, appointments, membership, remit, decision making powers and accountability of this Panel.

Part 4 is useful in setting out the requirements for Welsh in Education Strategic Plans to be published which contain proposals on how local authorities will carry out their education functions to improve the planning of the provision of education through the medium of Welsh and improve the standards of Welsh medium education and of the teaching of Welsh. The Bill also sets out the details for reviewing and consulting on the plan.

Part 5, s.89 sets out that a local authority must provide breakfasts on each school day for pupils at a primary school maintained by the authority if the governing body of the school has asked the authority in writing for breakfasts to be provided, and 90 days have passed beginning with the day following the day on which the request was received. Clarity was originally sought regarding the withdrawal of free breakfasts in schools and notice periods required. The Bill is useful in setting out the procedures for not providing free breakfasts, with stipulations for written requests to the local authority from governors wishing to withdraw, or written notification to governors from local authorities outlining why it may be unreasonable to provide the breakfasts and so are not going to provide or are going to stop providing. The clause for a '90 days period' does not allow for flexibility and Wrexham would welcome a change to the clause to allow the governing body and Local Authority to agree a mutually acceptable implementation date.

Part 5, s.92 sets out the power to charge for school meals and is a welcomed amendment enabling the Authority and governing bodies to decide whether or not to enact the power dependant on local circumstances. However, introducing a cap on the amount that can be charged to pupils, at the 'cost of producing that meal' may place an unreasonable additional bureaucratic burden on the provider to calculate the cost of each meal.

Wrexham welcomed the section of the Bill which requires local authorities to continue to provide counselling services, but raised concerns that authorities would have to provide counselling services independently of Local Authorities and schools. The Bill sets out that in securing provision of an independent counselling service, a local authority must have regard to the principle that the service is to be independent of the governing body or other proprietor of a school at which a person to whom the service is provided is receiving education, and the management of a school at which a person to whom the service is provided is receiving education. A local authority must secure that an independent counselling service is provided on the site of each school maintained by the authority that provides secondary education, or may secure the provision of an independent counselling service at other locations.

Although the Bill includes the duty for the governing body of a school to hold meetings with parents following a petition by parents, the Bill clearly repeals the duty to hold parents' meetings (a repeal of Section 33 of the Education Act 2002).

Part 6 provides further clarification regarding definitions and the powers of Welsh Ministers to make orders or regulations under the Act.

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

Our concern would be in relation to provisions that may lead to expectations regarding increased collaborative activity, particularly in relation to special educational needs provision on a regional basis whilst legal responsibilities and accountabilities remain at individual local authority level.

Powers to make subordinate legislation

5. What are your views on powers in the Bill for Welsh Ministers to make subordinate legislation (i.e. statutory instruments, including regulations, orders and directions)?

In answering this question, you may wish to consider Part 1, Section 5 of the Explanatory Memorandum, which contains a table summarising the powers delegated to Welsh Ministers in the Bill to make orders and regulations, etc.

I would refer you to the previous comments about the need to ensure genuine consultation with local authorities regarding the production of statutory guidance documentation and the production of orders and directions.

Financial Implications

6. What are your views on the financial implications of the Bill?

In answering this question you may wish to consider Part 2 of the Explanatory Memorandum (the Regulatory Impact Assessment), which estimates the costs and benefits of implementation of the Bill.

Part 2: School Improvement

Additional costs are identified and it is welcomed that these development costs are to be funded by Welsh Government through the School Effectiveness Grant.

Part 3: School Organisation

Whilst the reform may offer efficiencies from a more streamlined process, increased expenditure is identified for Local Authorities. Authorities will require additional funding to support the implementation of this reform.

Part 4: Welsh in Education Strategic Plans

Authorities will require additional funding to fund the identified additional costs of this legislation.

Part 5: Miscellaneous School Functions

School-based counselling

The Bill proposes transferring the relevant funding into the RSG by allocating the existing level of budget provision at the point of transfer. This is welcomed as it will support the current schemes at their existing levels. Phasing (up to 3 years) to transfer to allocation by RSG formula basis is considered reasonable. The statement that once transferred to RSG 'allocations would rise in line with expenditure' is unclear (i) how Welsh Government intends to collate the information on actual

expenditure (without added bureaucracy) and (ii) the benefits of collating this information (when Local Authorities will have the flexibility to spend the funds according to local need when it is transferred to the RSG).

Free Breakfast

A formula to transfer specific demand-led grants to RSG will result in winners and losers across local authorities in Wales and the transfer may mean insufficient funding to fund current schemes in some Authorities. Funding for future enrolment into the scheme is a concern as all funding will be allocated by formula, especially considering there are set-up costs for implementing new schemes. This may mean insufficient funding to some Authorities for current and future schemes which may result with some current schemes having to end in order to allow a new school on board (with decision based on cost per unit).

Flexible Charging for School Meals

Given the intention to cap the price charged to pupils at the cost of producing that meal, any discounts offered or promotional offers will be an additional cost to the provider. There will need to be guidance provided on the method of calculating 'cost of producing that meal' to ensure all providers are calculating the cost in the same manner.

Other comments

7. Are there any other comments you wish to make about specific sections of the Bill?

No.