

Explanatory Memorandum to the Eastern High School (Change to School Sessions Times) Order 2015

This Explanatory Memorandum has been prepared by the Department for Education and Skills and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Eastern High School (Change to School Sessions Times) Order 2015.

Huw Lewis
Minister for Education and Skills

20 April 2015

1. Description

This Order dis-applies the requirements in regulation 4(2), (3) and (4) of the Changing of School Session Times (Wales) Regulations 2009 (“the Regulations”) to the governing body of Eastern High School. This will allow the governing body to make alterations to when the school sessions start and end, including when the school day starts and ends at any time in the school year without having to wait for the start of a school term or academic year or give a minimum period of notice. Article 3 specifies that the Order shall have effect until 31 August 2015.

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

None.

3. Legislative background

This Order is made under section 2 of Chapter 1 of the Education Act 2002. Those powers were conferred on the National Assembly for Wales and are now vested in the Welsh Ministers by virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006. The purpose of Chapter 1 of that Act is to facilitate the implementation of innovative projects which may (in the opinion of the Welsh Ministers) contribute to the raising of educational standards. Specifically, section 2 gives the Welsh Ministers on the application of one or more qualifying bodies, to exempt that applicant from particular provisions of education legislation, or to relax the requirements of, or to make modifications to, such provisions in order to further such innovative projects. Orders under section 2 have effect for the period specified in the Order, which cannot initially exceed three years.

The Order suspends regulation 4(2), (3) and (4) of the Regulations. Regulation 4(2) provides that if the governing body determine to implement the proposed change, it must, not less than six weeks before any change in those times is to take effect.

- (i) inform the local authority of the change and of when it is to take effect; and
- (ii) take such steps as are reasonable practicable to secure that the parents of all registered pupils at the school are so informed.

not less than three months before the change is to take effect.

Regulation 4(3) of the Regulations provides that where the change concerns:

- (a) the times at which the first school session is to begin or the second school session is to end or both, or
- (b) if there is only one school session, the time it is to begin or end (or both),

Regulation 4(4) of the Regulations provides that a change in the times of a school session must only be made so as to take effect –

- (a) where paragraph (3) applies, at the beginning of the school year; and
- (b) in all other cases, at the beginning of a school term.

The effect of the suspension of these provisions by the Order is, therefore to exempt the governing body of Eastern High School wait until the start of a school term or beginning of the academic year to change school session times including when the school day starts and ends and to exempt the governing body from having to give minimum period of notice set out in regulation 4(2) and (3) or the Regulations.

The Order is subject to the negative procedure.

4. Purpose & intended effect of the legislation

The Power to innovate (“the Power”) provides the Governing Bodies of schools or further education institutions, local authorities, and certain qualifying foundations with an opportunity to apply to the Welsh Ministers to lift regulatory requirements in education legislation for a time-limited period (by means of a Power to Innovate Order), so they can trial a specific innovative project that has the potential to raise educational standards. The Power is the result of concerns that innovative ideas can be unintentionally thwarted by detailed regulations and legislation. It is intended to facilitate the implementation of these ideas and to ensure that no opportunity is lost to trial innovative proposals that could raise standards.

The Governing Body of Eastern High School Cardiff has applied for exemption of regulation 4(2), (3) and (4) of the Regulations to allow the governing body to make alterations to the timing of school session times including the timing of the end of the school day without having to give three months notice and wait until the start of the academic year. The school wishes to reduce the lunch hour by 20 minutes and bring the end of the school day forward from 3.20 pm to 3.00 pm.

The school has experienced a period of instability following the merger of two former high schools. The governing body considers that a one hour lunch period is not conducive to effective learning and that a reduction in the lunch time period will result in learning beginning more promptly after the lunchtime period with pupils more ready to learn.

The governing body consider that the proposal will lead to an improvement in punctuality to lessons following the lunch break and a reduction in negative

event logs made during those lessons. They also anticipate a reduction in poor behaviour and bullying incidents during the lunchtime period which will result in improved health, safety and wellbeing of pupils. Taking these issues into account the governing body considers that the quality of learning will undoubtedly improve.

Given the urgency of the situation in terms of immediate health and safety concerns and the negative impact this is having on learning and the commensurate need to implement the changes at the earliest opportunity the governing body do not consider that they can give three months notice of the changes and wait until the 1 September 2015 to implement them.

The school proposes to monitor the impact of the changes on a week by week basis until the end of the academic year. This will include measuring levels of behaviour around the school, which will be recorded through reduced damage, reduced levels of aggressive or bullying behaviour and improvements in punctuality.

The headteacher has past experience of implementing this in three previous schools which saw huge benefits in this change and believes that the changes will result in school session times which are more conducive to effective learning in Eastern High School and an associated improvement in educational standards at the school.

5. Consultation

Section 4(2) of the Education Act 2002 places a legal obligation on applicants for a Power to Innovate Order to consult with the local authority and with other appropriate persons on their proposal. Under the existing Changing of School Session Times (Wales) Regulations 2009 the governing body is required to consult with the local authority, parents of pupils at the school and school staff on the proposed changes to school session times. The Welsh Government would therefore expect these persons to be consulted as a minimum. The governing body has confirmed in its application that:

- the local authority has been consulted and agrees with the proposal;
- all parents were informed by newsletter and text of an information evening to discuss the changes. 60 families (around 15% of parents) were represented at the meeting all of whom agreed with the changes;
- the Headteacher also wrote to all parents asking them for their opinions and providing them with an opportunity to reply if they wished to take advantage of supervision of their child to be looked after until 3.20 pm. Two parents sought confirmation that 40 minutes would be sufficient to feed all pupils which was confirmed. There has been no opposition.

In addition:

- all school staff were consulted, and all agree to the changes and there has been no opposition;

- all regional representatives from all the main unions have been consulted at a joint meeting and were in complete agreement;
- the Local Authority Director of Education has been consulted and agrees the change would benefit the school. The school does not have school buses so there are no transport issues;
- the headteacher of the neighbouring school has been consulted as the new finishing time may result in students from both schools meeting outside. The headteacher has no objections with the proposed changes and the school intends to increase duty to supervise at this time of the day; and
- the School Challenge Advisors agree to the move.

The Welsh Government is therefore content that the appropriate persons have been consulted.

No further Welsh Government consultation was undertaken on this Order. The governing body has undertaken all its statutory consultation requirements and further consultation on this Order was deemed unnecessary and would reduce the expected benefits of undertaking this action by extending the timetable unnecessarily.

6. Regulatory Impact Assessment (RIA)

A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, local government, charities or voluntary bodies the Welsh language, equality of opportunity and sustainable development.