

School Standards and Organisation (Wales) Bill

Children and Young People
Committee
31st May 2012



WLGA • CLILC

INTRODUCTION

1. The Welsh Local Government Association (WLGA) represents the 22 local authorities in Wales, and the three national park authorities, the three fire and rescue authorities, and four police authorities are associate members.
2. It seeks to provide representation to local authorities within an emerging policy framework that satisfies the key priorities of our members and delivers a broad range of services that add value to Welsh Local Government and the communities they serve.
3. The WLGA and the Association of Directors of Education in Wales (ADEW) welcome the opportunity to provide evidence to the National Assembly for Wales, Children and Young People Committee on the *School Standards and Organisation (Wales) Bill* (the Bill). The Bill outlines an extensive legislative programme which consolidates existing legislation as well as giving additional powers to both local authorities and Welsh Ministers. The Welsh Government has stated that the aim of the Bill is to make the legislative framework for education in Wales simpler and more understandable for both professionals and the public and this aspiration is welcomed by local government.
4. One of the main intentions of the Bill is to provide a legislative framework for school improvement activity in Wales. The WLGA and ADEW are committed to improving the performance of schools across Wales and are committed to achieving this via the four local authority education consortia. In line with commitments made in the Compact between local government and the Welsh Government, the four joint school improvement services will be operational by September 2012.
5. The Bill gives Welsh Ministers powers to publish statutory guidance and regulation covering a number of key areas of education policy, including intervention, improvement and school organisation. Although the Bill and associated explanatory memorandum give a broad outline of what may be contained in guidance, in many cases it is during the drafting of these pieces of guidance where the detail, and implications of the proposed legislative changes will become apparent. The WLGA and ADEW have made it clear that both associations are keen to work with the Welsh Government on the content of guidance to ensure that they best serve their intended purpose.

6. This evidence is structured to address the main sections of the Bill in the order that they appear in the legislation.

Intervention

7. The current legislation regarding schools causing concern has been in existence since 1998 and has been amended on numerous occasions. The Bill re-states existing powers, with some amendments, and proposes that the Welsh Ministers be able to issue statutory guidance for local authorities covering procedures for addressing schools causing concern. The Bill will allow Welsh Ministers to issue direction to local authorities if it is deemed that they are not acting according to the guidance. The purpose of the Bill, and the associated guidance, is to provide clarity to local authorities about their powers and when it is appropriate to use those powers.
8. The grounds for intervention as stated in **Chapter 1** section 2 provide clarity for local authorities regarding the circumstances in which they can intervene in a school, and the amendments to the legislation which will allow local authorities to intervene in schools where the governing body fail to comply with a duty or due to its unreasonable action, are welcomed by local authorities. Section 5 also provides local authorities with a new power to direct governing bodies to make arrangements to enter into a contract for the provision of advisory services or to collaborate with another body to improve school performance. These sections of the Bill make the powers of local authorities clearer, for both the authorities and schools, and provide a statutory framework which supports local authorities to fulfil their duties regarding schools causing concern.
9. The remainder of Chapter 1 of the Bill outlines the powers of Welsh Ministers to intervene in schools causing concern. These sections broadly re-state existing powers, although there are some additional powers for Ministers which mirror local authority powers in relation to directions to governing bodies to obtain advice or collaboration. It is the view of local government that these sections of the Bill provide a clear outline of the powers of Welsh Ministers and the circumstances in which those powers can be used.
10. Consolidating existing legislation outlined in Chapter 1 of the Bill is welcomed by local government as it provides a clear framework for intervention in schools and will enable

local authorities to support schools causing concern in an appropriate and timely manner.

11. **Chapter 2** of the Bill makes provision for Welsh Ministers to intervene in local authorities in relation to the education function of that authority. This chapter provides local authorities with clarity regarding the circumstances in which a Welsh Minister may intervene in the education function of a local authority. It is useful that existing powers have been consolidated into a single piece of legislation.
12. Broadly, these Chapters of the Bill are welcomed by the WLGA and ADEW. These proposals respond to a number of issues that have been raised by local government regarding their powers of intervention and will potentially strengthen their ability to work with schools that are causing concern. Re-stating the current legislation with regards to intervention in schools will be helpful to local authorities and will enable them to make good use of the powers that they have to support schools.
13. It is also the intention of the Welsh Government to issue guidance in relation to school intervention. The explanatory memorandum to the Bill indicates that the guidance will include expectations in relation to the use of performance data by local authorities. There is support in local government for the issuing of guidance if it provides a simple outline the powers available to local authorities and the procedures they are required to follow regarding intervention. It is essential that the guidance is not overly prescriptive so as to stifle innovative approaches to school improvement at local authority and regional level. The WLGA and ADEW are pleased to see contained in the legislation the opportunity to deviate from the guidance should they feel it appropriate to do so via the publishing of a policy statement to that effect.

School Improvement

14. **Chapter 3** of the Bill provides Welsh Ministers with the power to issue statutory guidance regarding school improvement to head teachers, governing bodies and local authorities. Local authorities are currently working closely with the Welsh Government and other bodies such as Estyn, to develop strategies for school improvement and part of this work will see the formation of four joint school improvement services by September 2012. Local authorities in Wales acknowledge that there are concerns about the performance of the education system and are committed to improvement via the work of the joint school improvement services.

15. At a national level the results from PISA testing, and evidence of the widening of the gap in performance between England and Wales show that the pace of improvement in Wales needs to be quicker. At a local level the evidence, for example from Estyn reports, indicate that although there is a variation in standards between schools and local authorities, there is a considerable amount of good practice, and sector leading practice, in Wales. The focus of improvement work should be to build upon this best practice.
16. The WLGA and ADEW both welcome the issuing of guidance for school improvement. It is essential that any guidance is based on sound evidence and be flexible enough to allow for the variation in circumstances across Wales. The explanatory memorandum states that the guidance could be as detailed as to specify teaching tools and techniques and will prescribe the approaches to school improvement that a local authority should take. The WLGA and ADEW are of the opinion that guidance should provide a framework for improvement with the flexibility to account for local circumstance and existing good practice. There is a concern amongst education professionals that statutory guidance could not keep pace with educational developments and trends. Therefore the guidance should be flexible enough to allow existing good practice to continue, particularly in relation to the use of data, and for local authorities to continue to develop systems in line with local need.
17. The WLGA and ADEW support requirement in the Bill for the Welsh Government to consult on the guidance before it is issued, and are keen to work with the Welsh Government to ensure that the guidance is fit for purpose. Both associations also support the flexibility built into the legislation to allow local authorities to deviate from the guidance if they consider that they have good reason to do so. This alleviates some of the concern regarding the guidance being unable to keep pace with innovative approaches to school improvement.

School Organisation

18. **Chapter 3** of the Bill outlines the proposed changes to legislation concerning school organisation. This chapter of the Bill responds positively to many concerns that have been voiced by local authorities regarding the current system of school organisation. The aim the Bill is to simplify and shorten the process of school organisation and this principle is supported by the WLGA and ADEW. There is also widespread support in local government for ensuring that the responsibility for planning and provision of

school places rests with the local authority and that in the vast majority of cases decisions regarding school organisation should be made at a local level.

19. In relation to some of the detailed proposals in the Bill concerning school organisation, local government welcomes the consolidation of existing guidance for school organisation into one school organisation code and also the publishing of guidance regarding consultation. Clear guidance in both these areas will make the process easier to administer at a local level and also simpler to understand for stakeholders involved in the process, including parents and members of the public.
20. Legislative changes outlined in section 50 which deal with objections to school organisation proposals are particularly welcomed. It is the view of the WLGA and ADEW that the proposed changes, which will mean that the majority of decisions will be made a local level, will ensure that the school organisation process can be dealt more effectively and expediently to the benefit of schools and learners. The formation of local decision making panels to determine proposals when there are specified objections is preferable to automatic referral to Welsh Ministers or to creating a schools adjudicator which is the model in England. The option of having lay members on local decision panels is also welcomed by WLGA.
21. There is also support in local government for the provision in the Bill to allow a shorter process for the closure of schools with fewer than 10 pupils on the roll. This will allow local authorities to make sensible decisions regarding the viability of very small schools.

Regional Provision for Special Educational Needs

22. **Chapter 4** of the Bill gives Welsh ministers the power to direct local authorities to consider whether special educational needs (SEN) in their area would be better delivered on a regional basis. This is a re-stating, with a slight amendment, of powers in the Education Act 2002 which allowed the National Assembly to direct local authorities to consider regional provision of special educational needs.
23. Local authorities across Wales are currently implementing plans for regional school improvement services which will be operational from September 2012. As part of this work local authorities are considering whether any other education services would be better delivered either regionally or nationally or whether the service should remain at a local level.

24. There are already examples of regional provision for special educational needs, such as sensory impairment services in the south east, however, careful consideration would need to be given to a more widespread regional approach to SEN provision.

Welsh in Education Strategic Plans

25. **Part 4** of the Bill proposes that all local authorities will be required to prepare and submit a Welsh in Education Strategic Plan (WESP), to the Welsh Government. The main purpose of the plan is to demonstrate that local authorities are able to meet the local need for Welsh-medium places in schools and to allow local authorities to demonstrate how they are progressing against the targets in the Welsh Medium Education Strategy. The Welsh Government will also have the power through this legislation to make regulation in relation to the plans.
26. The WLGA and ADEW fully support the principles and aims of the Welsh Medium Education Strategy and local authorities have demonstrated this commitment via school organisation plans and 21st Century School proposals. Planning for Welsh-medium education should, however be seen as part of wider local authority plans for education.

Reducing Bureaucracy

27. The remaining chapters of the Bill are concerned with the reduction of bureaucracy in the education system in Wales, and this principle is supported by the WLGA and ADEW.
28. The WLGA and ADEW support the proposal in **section 89** of the Bill to provide a statutory footing the provision of free school breakfasts prior to the transfer of funding into the Revenue Support Grant (RSG) and also support the amendments which will simplify the process for governing bodies who wish to participate in the scheme. There has traditionally been an excellent take up of free school breakfasts in primary schools, with 71% of primaries involved in the scheme across Wales. Local authorities will continue to support the aims of the scheme.
29. Proposals in **sections 93 and 94** relating to school based counselling are also supported by the WLGA and ADEW. The school based counselling initiative has been

successfully implemented in secondary schools since 2008 and will continue to be supported by local authorities.

30. With regards to **sections 95 and 96** of the Bill the amendments to legislation concerning parents meetings with school governing bodies are welcomed. These amendments will allow for a more sensible, needs based approach to parental meetings.
31. In addition there are no objections to proposals regarding flexible charging for school meals. These changes will allow local authorities to support families with multiple children attending school and could assist with improving the take up of school meals prior to the commencement of the nutritional standards for primary and secondary schools.

Conclusion

32. This wide ranging Bill covers a number of key policy areas for education, children and young people. The Bill reflects the Minister for Education's priorities as outlined in his 20 actions and addresses many of the issues raised in *The Front Line Resources Review* and the subsequent *Thomas Review*. The WLGA and ADEW support the principles of the Bill to reduce the bureaucratic burden on local authorities and to simplify and consolidate existing pieces of legislation. Local government is keen to work with the Welsh Government regarding the content of the numerous pieces of statutory guidance documents which are proposed in the Bill.

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