

Children & Young People Committee – School Standards and Organisation Bill response from Estyn – May 2012

General

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

It is Estyn's view that there is a need for a Bill to make provision about standards and school organisation. We believe that the Bill addresses many issues concerning standards and school organisation, especially with regard to spreading best practice, promoting more efficient ways of working and reducing the effect of child poverty.

We believe that where there are schools causing concern, local authorities need to be clear about their powers of intervention and those of the Welsh Ministers. New statutory guidance is likely to promote more effective intervention.

In principle, we are of the view that making more school improvement guidance statutory (for local authorities, governing bodies and head teachers) is more likely to promote best practice than issuing non-statutory guidance. However this puts the onus clearly on Central Government to provide the best possible guidance and to ensure that there is appropriate consultation to achieve consensus before publication.

We also believe that streamlining school organisation procedures is likely to reduce the period of uncertainty that pupils and parents currently experience in relation to reorganisation and provide a more robust framework for consultation at a local level.

The requirement on local authorities to produce a 'Welsh in education' strategic plan is welcomed. In our view, this is likely to improve the availability of Welsh medium education and ultimately improve standards and teaching in the sector as well as meeting parental demands and improving choice.

The proposal to remove the requirement for annual meetings between governors and parents is sensible as is the opportunity to enable parents to ask to engage with governors. Estyn also welcomes the proposals for school based counselling as set out in the Bill.

Flexible charging for school meals also seems a sensible way forward. We welcome the proposal to include guidance on equality in relation to flexible charging and the likelihood that flexible charging may help social inequality and support low income families. We also welcome the initiatives in relation to free school breakfasts, especially in relation to the contribution it makes to reducing child poverty.

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

Estyn's view is that the Bill delivers most of the stated objectives as set out in the Explanatory Memorandum. The memorandum explains the procedures to be followed by local authorities in ensuring that schools causing concern make rapid improvement. The focus in the memorandum is mainly on identifying and implementing practices proven to raise standards in similar schools. Where schools are underperforming, the quality of leadership is a crucial factor in most cases. We believe that the memorandum itself does not include explicit-enough reference to how poor leadership is to be addressed, although there is a stronger emphasis on this in the Bill.

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

Part 1 – introduction (section 1)

Estyn has no particular views about Part 1

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

To date, too few local authorities have used their powers to intervene. The proposed clarification of the position should greatly help local authorities to address the more challenging schools. It is important that the planned statutory guidance makes clear an expectation to use the full range of comparative data. Clarification of the relationship between data, self-evaluation, target setting and performance management is welcome.

Welsh Ministers would have the power to issue statutory guidance to schools and local authorities on schools causing concern which local authorities would be required to follow unless there were very good reasons to depart from it. This could encourage better use of local authorities' powers of intervention leading to more consistent, timely and effective practice and more rapid improvement of schools causing concern.

We agree that it is right that the proposals focus strongly on improving the dissemination and use of best practice. Our evidence shows that many schools achieve very well and these schools can provide useful models to others of what works best. Our new inspection arrangements identify where there is excellent practice and we provide descriptions of this practice in a new part of our website. The proposals here will complement what we are doing.

We also agree that there is need to provide guidance to local authorities, governing bodies and headteachers on school improvement. Making the guidance statutory gives it more force and it is right that those concerned are required to consider the guidance and provide reasons if they do not comply

with it. Also it is right that Welsh Ministers will be able to direct them to comply if the reasons are not valid.

The key matter in making these proposals effective will be the quality of the guidance and the detail in the requirements. In particular, it will need to be based on recognised and effective best practice and be flexible enough to allow any requirements to be matched to the particular needs and stage of development of a school. We agree that the proposals should allow schools with 'leading edge' practice to be able to continue to develop and innovate.

Part 3 – School Organisation (sections 38-84) (see pages 17-21, 96-106 of the Explanatory Memorandum)

The school organisation provisions in this Bill correctly address many of the current obstacles to efficient practice in school organisation. Agreeing a comprehensive code of practice should remove much of the inconsistency and unnecessary bureaucracy from all aspects of this work. Bringing all legislation into one framework will similarly improve the coherence of planning to maximise learning opportunities. In particular, clarifying the role of all parties in the procedures for objecting to proposals is important. It will transform the pace and impact of work to rationalise and improve the school estate in Wales.

The essential element in this transformation will be the impact of local determination panels (LDPs). There needs to be clearer regulation in relation to the make-up and work of the panels. This will help to create credibility in relation to the objectivity and consistency of their decision making.

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

We believe that the proposals to require local authorities to prepare and submit Welsh in Education Strategic Plans (WESPs) should provide effective support for the implementation of the Welsh Government's Welsh-medium Education Strategy. We also believe that the provision of regulations and statutory guidance, in particular on the duty to collaborate with local partners and other local authorities, should help to ensure a more consistent approach to school planning and the development of relevant local education policies.

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

Annual Parents' meetings

We agree that giving parents the right to call for a meeting with the governing body within given limitations is likely to improve parental engagement and reduce burdens on schools.

School-based counselling.

Estyn agrees that transferring the funding to the Revenue Support Grant would provide greater flexibility for local authorities. This would enable the service to be directed towards schools at an appropriate level to meet their needs.

We agree that this provision has to be protected by legislation. Counselling services need to be provided for young people aged 11-19.

The proposals will require LAs to provide a 'reasonable' level of counselling with 'some level of service' in every maintained secondary school. This can be open to interpretation. The level of service needs to be clearly defined. We therefore agree that Ministers need to have the power to issue statutory guidance on the interpretation and application of the new duties.

While we feel that the need for counselling within the secondary schools has now been recognised, needs within the primary sector are yet to be addressed. More and more primary schools are attempting to respond to pupils' needs by providing some form of counselling from within their own staff who are often not appropriately trained counsellors.

Free school breakfast initiative

We welcome the proposals as set out in the Bill. Inspection evidence tells us that where breakfast clubs exist they have a positive impact.

Last year we found that:

- 45% of schools inspected describe the initiative as popular - with around 30% or more of pupils attending;
- 16% recognise the good impact on pupils attitudes to eating healthily;
- 11% note the positive impact breakfast clubs have had on punctuality and attendance;

Other schools suggest that their breakfast club promotes a calm start to the day and can help to raise standards of Welsh language development in English- medium schools.

Flexible charging for school meals

We agree that these proposals should provide greater flexibility and help families who find it difficult to afford school meals, particularly where they have more than one child in school.

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

This section sets out the regulations and orders under the Bill to be made by

Statutory instrument and sets out the National Assembly for Wales's procedure in respect of these instruments. Estyn believes that the section clarifies and defines the purposes of the Bill and the explanations are valid and reasonable.

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

The re-organisation of school improvement at Consortia level would need to take full account of the guidance on school improvement and how best to ensure its delivery across its schools. The implications for Consortia work are wide ranging both in terms of capacity to deliver and ensuring consistency of provision.

Powers to make subordinate legislation

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.

Estyn believes that the powers delegated to Welsh Ministers to make orders and regulations are appropriate. The main duties allow Welsh Ministers to make subordinate legislation which should provide them with the means to respond swiftly to future needs. Estyn agrees that the details provided here are mainly technical and unlikely to be controversial.

Financial Implications

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.

Intervention in schools causing concern

It would seem that the potential for an increase in the issue of early warning notices would correspondingly reduce the requirement for more intensive and costlier interventions later on if problems reach crisis point.

As such, active application of local authority powers in line with statutory guidance on schools causing concern may lead to reduced intervention costs. Also the significant economic benefits associated with improving the educational attainment of children and young people in Wales, although difficult to quantify, are nonetheless salient to the proposal.

School Improvement

The cost projections are based on the publication and implementation of statutory guidance in relation to one school-improvement priority. The potential benefits directly associated with improvements to schools guidance are very difficult to estimate.

This option has the potential to reinforce what Estyn does to identify and disseminate sector-leading practice. Our evidence shows that many schools achieve very well and these schools can provide useful models to others about what works best.

School organisation

Estyn believes that there are clear benefits in terms of cost savings and efficiency in pursuing this option. A more streamlined procedure for the determination of all proposals should reduce the time taken to process proposals which, in some instances, should result in significant savings.

Welsh Education Strategic Plans

Estyn agrees that a making the WESPs statutory is likely to be the most effective and efficient course of action to pursue this policy. We believe that this could increase the likelihood of an improvement in planning for Welsh-medium education and improved linguistic continuity and practitioner development.

Annual Parents Meeting

The preferred option, which is to give a quorum of parents the right to request up to three meetings per year, is sensible in terms of the likelihood that these meetings would be more meaningful and relevant because they will be discussing issues which concern parents. The parents would also be able to determine the agenda and issues to be discussed at the meeting. This arrangement would therefore seem likely to be more cost-effective than the current arrangements are in making best use of people's time.

School-based counselling

It seems that the proposals would result in administrative cost savings to the Welsh Government relating to annual staff costs and also administrative cost savings to the local authority as some of the administration work would no longer be required.

Free breakfasts

The proposal asserts that transferring the funding underpinned by legislation would ensure that where demand exists, local authorities will provide or continue to provide free breakfasts unless it is unreasonable to do so. Estyn believes that this is a reasonable assumption.

Flexible Charging for School Meals Advantages

Estyn believes this option would provide the flexibility to be innovative in trialling approaches to increasing the take-up of school meals while also working more widely to improve the nutritional standards of school food and combat child poverty.

Other comments

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

Estyn has no other comments.