



Promoting and developing high quality school governance

School Standards and Organisation (Wales) Bill

Governors Wales promotes the effective governance of schools in Wales and provides support to individual governors, local governors associations, fora and other groupings. Governors Wales is committed to the promotion and effective management of quality provision in schools in Wales.

There are approximately 23,000 school governors in Wales. They give their time, skills and expertise in a voluntary capacity, to help their schools provide children with the best possible education.

Governors Wales recognises that governing bodies are accountable for the strategic direction of their school and for the quality of education provided.

Governors Wales' role, therefore is to support governors by:

- Encouraging effective and efficient governance of schools;
- Providing advice and guidance to governors and governing bodies;
- Identifying their training needs;
- Promoting their entitlement to training;
- Identifying and disseminating best practice;
- Raising the profile and status;
- Helping governors to focus on the consequences of their work for children;
- Representing the views, concerns and aspirations of governors and governing bodies to policy makers.

Governors Wales welcomes the opportunity to comment on the School Standard and Organisation (Wales) Bill and offers the following comments:

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

1.1 Governors Wales welcomes the School Standards and Organisation (Wales) Bill to assist in improving overall school standards and to reduce bureaucracy. The Bill will streamline, simplify and reform statutory existing processes and this is welcomed.

1.2 We are mindful, however, that full consultation and dialogue needs to take place on some of the specific proposals when further details are available. We hope to liaise closely with the relevant stakeholders as the Bill goes through the different legislative stages and would welcome input on the statutory guidance.

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 The Bill appears to replicate the stated objectives as highlighted in the Explanatory Memorandum. Whilst the memorandum is detailed, Governors Wales awaits further consultation on the specific proposals.

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

a. Part 1 – Introduction (section 1)

3.1 Governors Wales has no particular comments to offer other than the introduction sets the scene and provides a good overview of the overall content.

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

3.2 Governors Wales believes that it is essential that schools/ governing bodies receive relevant, timely, support and guidance to improve any shortcomings before any formal intervention and warning notices are instigated. The governing body must always be kept informed of any significant concerns and should be fully involved in the resolution process.

3.3 We agree that bringing all powers of intervention together is a sensible way forward. At present, it is a confusing and complex process. Greater clarity on the intervention powers of LAs for schools causing concern via detailed and up to date statutory guidance will be beneficial. This will also promote consistency of approach across Wales.

3.4 We are mindful that there does not appear to be any appeal mechanism in place for the body which is receiving any intervention. We feel that this needs to be addressed in the interests of natural justice.

3.5 We note that the guidance will place an expectation on schools to use of and analyse comparative data at both national and local levels. This must be clearly linked, however, to school self-evaluation, performance management and target setting. We are also mindful of the range of learning and engagement activities that occur within schools to improve the learning and well-being of children and young people. These should also be taken into account.

3.6 We recognise that collaboration cannot be avoided and should be encouraged to raise overall standards of performance. Whilst we note the new power enabling a Local Authority to require schools to collaborate, true collaboration must be based on true and honest partnership for it to work effectively, likewise with federations.

School Improvement Guidance

- 3.7 Governors Wales welcomes the statutory School Improvement Guidance to raise school standards, share best practice and promote consistency across schools in Wales. Whilst we endorse the guidance we hope that it will not be too prescriptive and will not inhibit teachers' own creativity and innovation. The guidance will also need to be flexible to cater for future needs.
- 3.8 Publishing best practice material via the Learning Wales website and other sites will also help to share and promote good practice. Examples of best practice will need to clearly identify the school context.

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

- 3.9 The introduction of a statutory Code on school organisation is welcomed to ensure all parties are aware of and understand the process that should be followed. This will allow for a common and consistent approach throughout Wales. It also makes sense to place all legislation relating to school organisation proposals in one legislative framework. Governors Wales hopes that the code will be consulted on with stakeholders in due course.
- 3.10 We are mindful however, of the differing views regarding the Local Determination Panel (LDP) but overall Governors Wales agrees that this seems a sensible approach. Although, Schedule 3 of the Bill sets out the disqualification provisions for members of the LDP, we stress the importance of the independence and impartiality of the panel members. It would be worth considering that the make-up of the LDP could derive from the regional consortia.

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

- 3.11 The introduction of Welsh Medium Strategic Plans will assist local authorities to improve planning for sufficient Welsh-medium places. This should form part of LAs wider planning policies. The WESPs will complement existing legislation.

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

Annual Parents Meetings

- 3.12 Governors Wales supports the removal of the requirement to hold the annual parents meeting but recognises the importance of governing bodies continuing to demonstrate to stakeholders their accountability through publishing information on the conduct and performance of the school via the annual report, as well as continuing to look at ways of developing effective ways of communicating with parents. Much good practice already exists.

- 3.13 Although we commend the new proposals for parents to call a limited number of meetings with the governing body and recognise the positive benefits that this could bring, i.e., improving parental engagement and collaboration, we urge that the statutory guidance is very specific on the situations which could not be discussed at such meetings without compromising the role of the governing body.
- 3.14 Governors Wales is therefore, not necessarily in agreement with the requirement to let parents request a meeting with the governing body via a petition {Section 95}. It is assumed that this may happen when particular issues may have arisen in the school. It would be best practice for the governing body to meet with the parents anyway if there were any emerging issues of concern, ensuring good and positive communication with stakeholders, rather than await a petition! Governing bodies also need to be mindful of confidentiality issues when discussing certain circumstances with the parents. They may not be in a position to answer questions posed by the group of parents who have requested the meeting, which may inevitably result in some further concern. We suggest, therefore, that a right of refusal by the governing body should be included where the position of the governing body could clearly be compromised. This decision would have been discussed and verified with the Local Authority.
- 3.15 Section 95 of the Bill indicates that the parents of 10% of registered pupils or 10 (primary) or 30 (secondary) registered pupils whichever is the lower can request a meeting/s. We suggest that reference is made in the Bill and any proposed guidance to the definition of ‘parent’¹ in relation to this section.

School based counselling/Free School breakfasts

- 3.17 Governors Wales agrees on the proposal to transfer grant funding for school based counselling and free school breakfasts for primary schools to the Revenue Support Grant. Both initiatives undoubtedly bring positive benefits to enhance pupils’ wellbeing.

Flexible charging for school meals

- 3.18 The proposal to introduce flexible charging for school meals is commended and will benefit many families. There is however, a potential concern about the potential bureaucracy of administering this scheme. Clear guidance will be essential.

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

- 3.19 This section appears to be clearly defined.

¹ Circular Guidance No:12/2007 “Parents” and “Parental Responsibility”
<http://wales.gov.uk/publications/circular/2007/1552456/?lang=en>

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 This is not a barrier as such but with the emergence of regional improvement services within Consortia, reference will need to be included to this, in addition, to any implications arising from education consortia, particularly in relation to school improvement within statutory guidance.

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.

- 5.1 Section 5 sets out clearly the provisions for subordinate legislation to be made so no further comment to add, other than to urge consultation on the key aspects of the Bill.

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.

- 6.1 Governors Wales notes the cost implications as set out in relation to the preferred options. Some will clearly bring cost savings whilst others are unknown. Ultimately, schools should have the necessary support and resourcing in place to deliver education efficiently and effectively in order to raise standards for all learners. Any savings that are made from school organisation and early intervention should be ploughed directly back into schools.

Other comments

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

- 7.1 We are mindful the Code of Practice for LA/School Relations will be repealed. Whilst, the content in certain sections is outdated and will be replaced in new statutory guidance (i.e. intervention), a few sections remain relevant, examples include: relationships between key players, exchanging information and consultation, appointment of LA governors etc. We hope this information will be integrated elsewhere.