

**The Children and Young People Committee  
Consultation on the School Standards and Organisation  
(Wales) Bill  
June 2012**

1. The NASUWT welcomes the opportunity to submit written evidence to the Children and Young People Committee on the general principles off the School Standards and Organisation (Wales) Bill (the Bill).
2. The NASUWT is the largest teachers' union in Wales and the UK representing teachers and school leaders.

**GENERAL COMMENTS**

3. The NASUWT notes the framework in which the Committee has agreed to work and will address the specific matters under consideration by asking the Committee to reflect on the response submitted to the consultation on the White Paper in January (copy attached as Appendix A).
4. The NASUWT remains of the view that the Bill presents a missed opportunity as the issues relating to school standards and organisation that need to be address as a matter of urgency in Wales are those stated in response to Question 19 on the consultation response form.

## SPECIFIC COMMENTS

5. The NASUWT offers the comments and observation that follow in relation to the consultation questions.

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

The NASUWT recognises that the proposal to introduce a Bill to make provision about school standards and school organisation has merit. However, the NASUWT maintains that, as drafted, the Bill focuses on school organisation rather than standards.

By way of explanation, the NASUWT refers the Committee to paragraphs 3 to 29 and to the response to Question 19 contained in the response to the White Paper (Appendix A)

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

The NASUWT acknowledges that the Bill, as drafted, addresses the stated objectives as set out in the Explanatory Memorandum but questions the rationale provided for the stated objectives.

By way of explanation, the NASUWT refers the Committee to paragraphs 3 to 29 of the response to the White Paper (Appendix A).

*Question 3 - What are your views on each of the main parts of the Bill—*

*Part 1 – Introduction (section 1)*

The NASUWT acknowledges that Part 1 provides an adequate introduction to the provisions of the Bill, as drafted.

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

The NASUWT refers the Committee to Sections 1 and 2 of the response to the White Paper (Appendix A).

The NASUWT remains of the view that the provisions of the Bill will exacerbate the culture of scrutiny and surveillance that that is currently being visited on schools in Wales.

The NASUWT maintains that a supportive and developmental approach to accountability and intervention is more compatible with high performance.

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

The NASUWT refers the Committee to Section 3 of the response to the White Paper (Appendix A).

The NASUWT acknowledges the inclusion of bodies that might represent the interest of staff in the category of objectors, albeit that they are listed as category 3 objectors.

However, the NASUWT's concerns about the creation of a democratic deficit within the school reorganisation process remains.

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

The NASUWT refers the Committee to Section 4 of the response to the White Paper (Appendix A).

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

The NASUWT refers the Committee to Sections 5.1, 5.2, 5.3, 5.4 and 5.5 of the response to the White Paper (Appendix A).

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

The NASUWT acknowledges that Part 6 provides general information relating to the Bill.

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

The NASUWT maintains that the provisions of the Bill are predicated on the assumption that the standards can be raised by an over-reliance on data and organisational change rather than addressing the fundamental issue of under-investment in the education system.

The Bill fails to make provision to ensure that teachers are provided with the contractual entitlements, resources and security of tenure that will enable them to effectively contribute to maintaining and raising standards in schools across Wales.

Further, the provision of the Bill relating to statutory school improvement guidance must be underpinned by an acknowledgement of the need to provide sufficient funding to allow access to effective continuing professional development (CPD).

*Question 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.*

The NASUWT notes, with some concern, that paragraph 5.2 indicates that consultation on the content of the subordinate legislation will be at the discretion of the Welsh Government and that the exact nature of the consultation will be decided after the proposals have been finalised.

*Question 6 - What are your views on the financial implications of the Bill?*

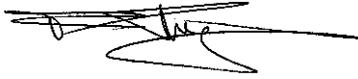
*In answering this question you may wish to consider Part 2 of the Explanatory Memorandum (the Regulatory Impact Assessment), which estimates the costs and benefits of implementation of the Bill.*

After attempting to navigate through the Regulatory Impact Assessment and the cost benefit analysis contained therein, the NASUWT believes that it is prudent to remind the Committee of the £273 million shortfall in funding provided to schools in Wales when compared to schools in England as the cost benefits do not appear to come close to this level of under-investment.

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

The NASUWT is concerned about the reference to the use of school banding data, in Section 3.23 of the Explanatory Memorandum, to inform the need for intervention as the process is fundamentally flawed. The banding system judges schools against improvement rather than set criteria. Consequently, the banding system prevents schools where good results are sustained from being able to break into the top band because they cannot demonstrate improvement and schools in the bottom bands will receive some additional cash. However, if improvement is then realised, the funding stops because the school moves into a higher band.

The NASUWT maintains that targeting resources on such a short-term basis will do little to raise standards in the longer term.



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**NASUWT**

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Yr undeb athrawon fwyaf yng Nghymru a'r DU***