

**Welsh Government  
School Standards and Organisation (Wales) Bill  
January 2012**

1. The NASUWT welcomes the opportunity to comment on the proposal to introduce a School Standards and Organisation (Wales) Bill.
2. The NASUWT is the largest teachers' union in Wales and the UK representing teachers and school leaders.

**GENERAL COMMENTS**

3. In the Ministerial foreword, reference is made to the desire to make sure schools deliver high quality education that is world class as this is fundamental to securing the future prosperity of Wales and to giving our young people the very best chance in life.
4. The NASUWT maintains that all schools would share such a desire, and would strive to give their pupils the very best chance in life, and is therefore disappointed by the comments contained in the foreword that denigrate the efforts of schools and local authorities.
5. The NASUWT maintains that the suggestion that 'world class provision in many of our schools sits alongside poor practice in neighbouring schools and too many local authorities are judged adequate or having serious weaknesses' demonstrates a lack of awareness of the complexities associated with the provision of education.

6. Indeed, the Ministerial reference to ‘world class provision’ has been based solely on the results of the Programme for International Student Assessment (PISA).
7. The NASUWT has condemned previously the misuse of the PISA data by the Minister and has explained the inappropriateness of distorting the data to provide a pretext for change in the booklet ‘*The use of international benchmarking data in Wales*’ (copy attached as Annex A).
8. The NASUWT notes with alarm the emphasis placed by the Minister on ‘sharpening accountability of schools by bringing together, updating and, where necessary, tightening standards and management’.
9. This approach suggests a system of accountability that is punitive and focuses on exposing weakness rather than recognising that an effective accountability system should be based on principles of support, guidance, development and assistance.
10. The NASUWT suggests that the Minister should reflect on evidence gathered by the Evidence for Policy and Practice Information and Co-ordinating Centre (EPPI-Centre) for a study<sup>1</sup> of accountability and the use of education indicators in high-performing education systems that suggests that a supportive and developmental approach to accountability is compatible with high performance.
11. The study cites Finland as an example and notes that inspectors take on a more advisory role, where the concentration is on helping schools to improve the curriculum, and teaching and learning, rather than evaluating school performance in terms of learner outcomes.

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<sup>1</sup> The EPPI reference is: Husbands, C; Shreeve, A; and Jones, NR (2008), ‘Accountability and children’s outcomes in high-performing education systems: Analytical maps of approaches to measuring children’s education, health, and well-being outcomes in high-performing educational systems’ in *Research Evidence in Education Library*; EPPI-Centre, Social Science Research Unit, Institute of Education, University of London.

12. Teachers are trusted as professionals and the relationship between inspectors and schools is more equitable, with schools and inspectors working together to secure improvements to education.
13. The NASUWT regrets that in Wales the approach to accountability is based on the 'stick rather than the carrot'.
14. The NASUWT notes that in the summary contained in the White Paper it is suggested that the Welsh Government needs to focus on building capacity within the system itself if excellence in all schools is to be achieved.
15. Regrettably, having identified this need, it appears from the proposals contained in the White Paper that the Welsh Government believes that this capacity can be built through dictate and the redistribution of resources rather than through dialogue and increased investment.
16. Quite apart from the £604 per pupil funding gap that exists between schools in England and Wales, the per pupil funding gap between the highest and lowest per pupil spend by authorities in Wales stands at £885.
17. The NASUWT maintains that it is absurd to expect that excellence can be achieved in all schools when such funding disparities exist.
18. The NASUWT urges the Welsh Government to take the opportunity provided by the introduction of this first Education Bill to establish a fairer funding system to provide equality of opportunity for all pupils.
19. The NASUWT reminds the Welsh Government of the challenge that was made to the National Assembly for Wales (NAFW), following its formation in 1999, through the presentation of a report entitled *Funding the Education Service in Wales to provide Equality of Opportunity for all Pupils* (a part copy of the document is attached as Annex B but a complete hard copy is available on request) to the then Minister for pre-16 Education and Children, Rosemary Butler AM.

20. The report carried the support of NASUWT Cymru, Governors Wales, ATL, North East Wales Education Forum, NUT Cymru/Wales, the Parent-Teacher Association of Wales and UCAC.

21. The NASUWT suggests that the following extract from the foreword to the report (not included at annex B) puts the proposals contained in this White Paper into perspective and provides a clear demonstration of the opportunities that have been missed by successive administrations at the NAFW:

*'It is the Government's prerogative to decide on the national education priorities and policies: the Local Education Authorities and schools deliver the service in partnership. However, as this report indicated, if it is the wish of the Government to improve quality and standards in education, the service must initially be appropriately funded to deliver those determined policies and priorities. Only when this is done can high ideals of improved standards, quality and opportunity for all be achieved.'*

*It is the fundamental wish of the co-signatories of this report that the findings, contained herein be taken seriously by the members of the Assembly, and that they will, when translated into policy and reality, ensure the development of a Welsh Education Service the whole nation can be proud of.'*

22. Returning to the Ministerial foreword, the Minister claims that he has been honest where he has seen failings in the way our education services have been working and suggests that the variation in performance across the education system is far too great and that far too much resource does not reach the front line.

23. The NASUWT suggests that the Minister has taken a ‘Nelsonistic’ approach to the variation in funding across the education system and is misguided in his analysis of the front line.
24. The NASUWT accepts that a focus on raising standards should be central to the overall philosophy of all those involved in seeking to secure a world class education system.
25. Indeed, the NASUWT reminds the Welsh Government that it was against this background that the ‘National Agreement: *Raising Standards and Tackling Workload*’ (the National Agreement), to which the Welsh Assembly Government was a signatory, was brokered in 2003.
26. Following, the establishment of the National Agreement, provision was made in the School Teachers’ Pay and Conditions Document (STPCD) to introduce contractual changes that would provide teachers with the time and conditions to facilitate the effective discharge of their duties and responsibilities, free of unnecessary bureaucracy, undue pressure, excessive workload and exploitation.
27. The failure in Wales to put in place strategies to monitor compliance with the contractual changes has remained a matter of regret to the NASUWT and has led to the ‘Standing up for Standards’ campaign and the national instruction to members to take industrial action short of strike action to secure compliance.
28. The NASUWT believes that the proposal to introduce a School Standards and Organisation (Wales) Bill provides the Welsh Government with the opportunity to make provision to ensure that teachers are provided with the contractual entitlements, resources and security that will enable them to effectively contribute to maintaining and raising standards in schools across Wales.

29. The NASUWT trusts that the opportunity provided by the introduction of this Bill to join the NASUWT in ‘Standing up for Standards’ will not be missed.

### **SPECIFIC COMMENTS**

30. The NASUWT offers the observations and comments that follow in relation to the questions posed on the consultation response form.

#### **Section 1**

<b>1. Do you agree with the proposals for intervention in schools causing concern?</b>		
Agree with most	Agree/Disagree with some	Disagree with most
		<b>Disagree with most</b>

<b>2. If you disagreed, please tell us about it below.</b>	
Issue	Your concerns
The rationale for proposing change	<p>The NASUWT has some difficulty in reconciling the claim that the purpose of this section of the Bill is to make it easier for local authorities to understand when it would be appropriate for them to use their powers of intervention with the clarity of the provision described at Chapter 4 of Part 1 of the School Standards and Framework Act 1998 (SSFA).</p> <p>The NASUWT maintains that current legislation provides sufficient powers of intervention in schools causing concern, and that this proposal has less to do with clarity and more to do with the implementation of government dictate.</p>
The changes proposed	The NASUWT notes the references to the national

	<p>banding outcome for schools, the reliance on data to make judgements on school performance and the link to data analysis, target setting and performance management and maintains that this confirms the view that the Welsh Government is seeking to place the school workforce under permanent scrutiny with pupil outcome driving the agenda through the introduction, by virtue of this Bill, of an accountability system that is punitive in nature.</p> <p>The NASUWT sides with the EPPI study, referred to previously, that a supportive and developmental approach to accountability is compatible with high performance.</p>
The anticipated outcomes	<p>The NASUWT is alarmed at the suggestion that this provision will lead to an increase in interventions in schools causing concern.</p> <p>The NASUWT believes that this will alter significantly the relationship between local authorities and schools under their control.</p> <p>Further, given the move to consortia arrangements, the NASUWT questions how such interventions will occur as a consortium would have no legal basis for intervention.</p>

## Section 2

<b>3. Do you agree with the proposals for school improvement guidance?</b>		
Agree with most	Agree/Disagree with some	Disagree with most
		<b>Disagree with most</b>

<b>4. If you disagreed, please tell us about it below.</b>	
Issue	Your concerns
The rationale for proposing change	<p>The NASUWT takes issue with the suggestion that best practice does not spread quickly and that there is a reluctance to embrace change in order to raise standards.</p> <p>However, the NASUWT welcomes the commitment to drawing together and signposting the most relevant examples of effective practice to schools and practitioners.</p> <p>The NASUWT would expect schools and practitioners to have open and easy access, via hard copy publications and a dedicated section on the Welsh Government website, to such information.</p> <p>The NASUWT would have grave concerns if such information required teachers and headteachers to trawl through local authority, consortia or Estyn websites.</p> <p>Further, the NASUWT maintains that access to</p>

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	<p>effective continuing professional development (CPD) and time to adopt and adapt such practice must be made available to all practitioners.</p> <p>The NASUWT questions seriously whether the Minister should have powers to insist that schools adopt a particular approach to pedagogy.</p> <p>The NASUWT maintains that the school inspection system provides sufficient power of intervention where a need for improvement is identified and submits that this proposal portends a centralist approach to education and pedagogy across Wales.</p>
The changes proposed	<p>Although the NASUWT believes that the Welsh Government has a responsibility to ensure that schools operate within the context of the School Teacher Pay and Conditions Document (STPCD), and welcomed the powers on compliance introduced in January 2010, by virtue of the <i>Staffing of Maintained Schools (Wales) (Amendment) Regulations 2009</i> that enable the provisions of the <i>Apprenticeships, Skills, Children and Learning Act 2009</i> to be applied by Ministers in Wales (copy of the Minister's letter issued to governing bodies, December 2009 can be found at Annex C), the suggestion that Ministers should have the power to determine the teaching techniques and approaches to be used in schools is firmly rejected as it demeans and undermines the status, standing and confidence of the teaching profession.</p> <p>The NASUWT accepts that the Welsh Government has both a duty and a responsibility to determine, in consultation with the teaching profession, the</p>

	curriculum that is taught, but regimenting pedagogic practice is a step too far.
The anticipated outcomes	The NASUWT rejects the assertion that issuing statutory guidance on leading-edge practices will improve the effectiveness of some schools in need of additional support as guidance alone will be of little use unless sufficient funds are made available to provide access to professional development where such leading-edge practice can be observed and the time for teachers to be able to adopt and adapt such practice to the realities of their working environments.

### Section 3

<b>5. Do you agree with the proposals for changes to the way schools are organised?</b>		
Agree with most	Agree/Disagree with some	Disagree with most
		<b>Disagree with most</b>

<b>6. If you disagreed, please tell us about it below.</b>	
Issue	Your concerns
The rationale for proposing change	The NASUWT maintains that the current arrangements for making changes to school reorganisation, as recorded, provide a structure that is democratic, affords sufficient time for schools, governing bodies, local communities and other interested parties to consider carefully any such proposals and to formulate detailed responses, and

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	<p>allows sufficient time for the proper consideration of proposals and objections by those charged with making decisions.</p> <p>The response to the consultation on Objections to statutory proposals for school reorganisation, submitted by the NASUWT in November 2010, placed the blame for delays in the decision making process firmly at the door of the Welsh Government rather than during the preceding process (copy of the NASUWT's response can be found at Annex D). The NASUWT position has not changed.</p> <p>Further, the NASUWT asserts that the rationale for the changes proposed has more to do with political expediency than a concern to allow local authorities to implement change more expeditiously.</p> <p>The NASUWT submits that the Welsh Government is attempting to distance itself from decisions that, inevitably, will be politically sensitive.</p>
The changes proposed	<p>a. The NASUWT finds merit in the proposal to include the reduction in the physical capacity of a mainstream school in the list of significant alterations.</p> <p>However, the proposals around simplifying the provisions in relation to removing the need to consult on school transfers of less than one mile without the need to publish proposals is not accepted because it simply dismisses the notion of objections.</p> <p>Further, the NASUWT views with suspicion the reference in the explanation that the current requirement to provide details of the size and</p>

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	<p>condition of school buildings and the use of school playing fields in published proposals somehow argues for transfers of less than one mile to be implemented without publishing proposals.</p> <p>b. The NASUWT acknowledges the intention to largely replicate what is currently required in terms of information to be included in the published proposals and the manner of their publication. However, the failure to identify the information that will no longer be included in the published proposals is viewed with concern.</p> <p>c. The NASUWT is appalled that objections raised by a staff of a school named in statutory notices are not afforded the same status as objections raised by a school council.</p> <p>Likewise, the NASUWT is appalled that the specific category of recognised trade unions has not been included in the list of objectors.</p> <p>Further, the NASUWT is opposed to any provision that would afford greater rights and differing weights to some objectors than others.</p> <p>The NASUWT maintains that the current system should continue to apply.</p> <p>d. The NASUWT welcomes this proposal in the interests of transparency and openness but questions whether the one month limitation provides sufficient time for the objections to be considered carefully by the proposer (please refer to Annex D).</p>
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	<p>e. The NASUWT agrees with the intention for the Welsh Ministers to consider all proposals concerning the removal of sixth forms or the addition of sixth forms, including the closure of sixth-form-only schools.</p> <p>Further, the NASUWT welcomes the acceptance, albeit belatedly, by the Welsh Government that local authorities can establish sixth-form-only schools.</p> <p>f. The NASUWT reserves judgement on this proposal pending disclosure of the proposals for the composition of such panels.</p> <p>The NASUWT notes with concern that the language in the consultation document moves, at this point, from 'proposer' to 'promoter' as this presents 'marketspeak'.</p> <p>g. The NASUWT maintains that the threshold for appeal through application for judicial review is far too onerous and deliberately intended to dissuade interested parties from appealing.</p> <p>h. The NASUWT reserves judgement on this proposal pending disclosure of the details prescribed in the statutory Code.</p> <p>i. The NASUWT understands the educational and financial imperatives behind this proposal but maintains that sufficient safeguards would need to be built in to the process to ensure that any such proposals are equality-impact assessed and</p>
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	<p>assessed against community interest.</p> <p>Further, the NASUWT questions the suggestion that the requirement for consultation would be waived since the NASUWT maintains that school closure may not be the only option in every circumstance.</p> <p>j. Without prejudice to the reserved judgement of the proposals to establish local decision-making panels, the NASUWT is in broad agreement with this proposal.</p> <p>k. The NASUWT notes that this proposal would provide bodies under an obligation to implement reorganisation proposals with the power to modify or to abandon the proposals during a three year period without recourse to the Welsh Ministers, but only with ‘good reason’.</p> <p>The NASUWT maintains that the Welsh Government would need to be the arbiter of ‘good reason’ and that this argues for the retention of the current arrangements.</p> <p>l. The NASUWT agrees that the current prohibition of alterations to the religious character of a school, including the acquisition or removal of a religious character, should remain.</p> <p>m. The NASUWT agrees that the existing legislation in relation to the proposed closure of a foundation or voluntary school by its governing body by serving two years’ notice should remain.</p>
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	<p>n. The NASUWT could only accept the proposal to replace the existing legislative process regarding proposals to change the category of schools with a process in line with other types of school organisation proposals if resolution over the concerns expressed previously was reached.</p> <p>The NASUWT welcomes the retention of the existing prohibition on a change to the foundation category.</p> <p>o. The NASUWT acknowledges that existing legislation relating to special schools will be retained.</p> <p>The NASUWT has previously cast doubt on providing powers to Welsh Ministers to enforce or to bring forward proposals for the rationalisation of school places (a copy of the NASUWT response to the Minister in relation to these powers can be found at Annex E) but acknowledges the provisions referred to here.</p> <p>p. The NASUWT welcomes the provision of statutory guidance subject to consultation on the guidance.</p> <p>q. The NASUWT agrees that the closure of schools in rural areas should be on the same basis as closures elsewhere but maintains that the current arrangements for consultation and objection to school reorganisation proposals should be retained.</p>
The anticipated outcomes	The NASUWT anticipates that the proposals, if implemented, will disenfranchise objectors, create a democratic deficit, lead to ill-informed and overhasty judgements and allow the Welsh Ministers to abnegate their responsibilities.

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## Section 4

<b>7. Do you agree with the proposals for placing Welsh in Education Strategic Plans on a statutory basis?</b>		
Agree with most	Agree/Disagree with some	Disagree with most
<b>Agree with most, in principle</b>		

<b>8. If you disagreed, please tell us about it below.</b>	
Issue	Your concerns
The rationale for proposing change	The NASUWT notes the rationale for the changes proposed.
The changes proposed	The NASUWT agrees, in principle, with the changes proposed at a, b, c, d, e and f but cautions that the establishment by local authorities of Welsh in Education Strategic Plans (WESPs) must be impact assessed against equality of access and opportunity to education provision, constraints on funding, the delivery of English-medium provision, community language needs and demographic and geographical relevance.
The anticipated outcomes	The NASUWT recognises that the anticipated outcomes will go some way to re-establishing Welsh as a community language in various parts of Wales.

## Section 5.1

<b>9. Do you agree with the proposals for annual parents' meetings?</b>		
Agree with most	Agree/Disagree with some	Disagree with most
<b>Agree with most</b>		

<b>10. If you disagreed, please tell us about it below.</b>	
Issue	Your concerns
The rationale for proposing change	The NASUWT accepts that annual parents' meetings are not well attended and that there is a need for change.
The changes proposed	<p>a. The NASUWT has mixed views over the proposal to pass the initiative to call for a meeting between parents and governors to parents by way of a petition rather than continuing with the present provision to hold an annual parents' evening.</p> <p>The NASUWT maintains that any such proposal should be qualified by a provision that requires governors to hold a parents' meeting in specified circumstances, for example, where closure is proposed or where it proposed to change school session times, and that any such meetings should be held well in advance of proposed implementation dates.</p>
The anticipated outcomes	The NASUWT is concerned that the proposal could lead to the implementation of change without appropriate accountability.

## Section 5.2

<b>11. Do you agree with the proposals for post-16 learners with special educational needs in schools?</b>		
Agree with most	Agree/Disagree with some	Disagree with most
	<b>Agree/Disagree with some</b>	

<b>12. If you disagreed, please tell us about it below.</b>	
Issue	Your concerns

The rationale for proposing change	The NASUWT is concerned that the rationale for proposing the change is to allow Welsh Ministers to abnegate their responsibility for the funding of post-16 special educational needs (SEN) provision.
The changes proposed	<p>a./b. Although the arguments about accountability have merit, the NASUWT has grave concerns about placing the responsibility on local authorities for funding SEN provision for pupils over compulsory school age given the cost involved.</p> <p>The NASUWT maintains that this will lead to a diminution in the provision available to an extremely vulnerable group of young people.</p> <p>The NASUWT cautions against this proposal unless clear funding streams are identified and accessible on the basis of need rather than affordability.</p>
The anticipated outcomes	The NASUWT anticipates that this proposal could lead to pupils over compulsory school age being disadvantaged and parents and carers having to fund provision.

### Section 5.3

<b>13. Do you agree with the proposals in relation to free school breakfasts?</b>		
Agree with most	Agree/Disagree with some	Disagree with most
<b>Agree with most, in principle</b>		

<b>14. If you disagreed, please tell us about it below.</b>	
Issue	Your concerns
The rationale for proposing change	The NASUWT notes the rationale for reducing the bureaucracy associated with the provision.

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The changes proposed	<p>a./b./c./d./e. The NASUWT agrees, in principle, with the proposals set out in these paragraphs but maintains that funding for the primary school free breakfast initiative in the Revenue Support Grant (RSG) must be clearly identified through hypothecation.</p> <p>f. The NASUWT has concerns about the proposal to give the Welsh Ministers the power to transfer responsibility for providing free breakfasts to a governing body instead of the local authority and reserves judgement on this proposal pending details of the funding arrangements that would apply.</p>
The anticipated outcomes	The NASUWT maintains that the ability of primary schools to provide free breakfast clubs will be dependent on their ability to access dedicated funding within the RSG.

## Section 5.4

<b>15. Do you agree with the proposals in relation to schools-based counselling?</b>		
Agree with most	Agree/Disagree with some	Disagree with most
<b>Agree with most, in principle</b>		

<b>16. If you disagreed, please tell us about it below.</b>	
Issue	Your concerns
The rationale for proposing change	The NASUWT recognises the value of the school-based counselling initiative and the rationale for reducing the bureaucracy associated with the

	administration of this provision.
The changes proposed	<p>a./b. The NASUWT agrees, in principle, with the proposals to place a duty to make reasonable provision for such counselling services and to provide powers to the Welsh Ministers to issue related guidance but maintains that funding for school-based counselling services in the RSG must be clearly identified through hypothecation.</p> <p>c. The NASUWT notes that the data required is currently being gathered under the terms and conditions of the specific grant and trust that the data required under the duty, as proposed, will lead to an increase in bureaucracy.</p>
The anticipated outcomes	The NASUWT maintains that the ability of local authorities to provide school-based counselling services will be dependent on their ability to access dedicated funding within the RSG.

## Section 5.5

<b>17. Do you agree with the proposals to allow for flexible charging for school meals?</b>		
Agree with most	Agree/Disagree with some	Disagree with most
	<b>Agree/Disagree with some</b>	

<b>18. If you disagreed, please tell us about it below.</b>	
Issue	Your concerns
The rationale for proposing change	The NASUWT believes that the rationale offered for the introduction of a flexible pricing policy for school meals to assist families is well intentioned but misguided.

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	<p>The NASUWT maintains that destigmatising access to free school meals provides a more appropriate way forward to help families in need.</p> <p>In any event, any such proposal would need to be equality-impact assessed and subject to clear and unequivocal guidance to guard against unintended consequences.</p>
The changes proposed	<p>a. The NASUWT is concerned that the proposal to allow local authorities and governing bodies to charge different persons different prices for the same quantity of milk, meals and other refreshments is both misguided and misconceived and could lead to litigation.</p> <p>b. The NASUWT agrees with the proposal to ensure that milk, meals and other refreshments are charged at cost.</p>
The anticipated outcomes	<p>The NASUWT sympathises with the anticipation that the proposed change would help families who find it difficult to afford school meals but believes that flexible charging is thwart with difficulties.</p>

**Question 19:** We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Please enter here:

Further to the issues and concerns raised in the General Comments at paragraphs 3 to 29 above, the NASUWT maintains that provision should be made in the new School Standards and Organisation (Wales) Bill for:

- i. the establishment of an all-Wales school funding formula based on the needs of the curriculum rather than pupil numbers that would provide schools with the funding to employ sufficient teachers and support staff to enable the effective delivery of the curriculum;
- ii. the remit given to Estyn to include a requirement to monitor compliance with the contractual provisions and entitlements enshrined in the STPCD and report on the same;
- iii. the School Workload Advisory Panel (SWAP) to be established on a statutory basis to enable all new Welsh Government education policies and initiatives to be evaluated for impact on workload and working hours;
- iv. all local authorities to be required, on a statutory basis, to establish local social partnerships (LSPs) with the recognised school workforce trade unions to ensure and enforce compliance with the contractual provisions and entitlements enshrined in the STPCD;
- v. the establishment of an all-Wales workforce strategy and an all-Wales workforce adjustment fund to enable the realisation of transformation to be undertaken without recourse to compulsory redundancy;
- vi. the enhancement of the powers of local authorities in their employer role to enable the redeployment of school-based staff in specified and prescribed circumstances, such as redundancy, reorganisation, federation and transformation.



Chris Keates

**General Secretary**

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For further information on the Union's response, contact Rex Phillips, Wales  
Organiser.

NASUWT Cymru  
Greenwood Close  
Cardiff Gate Business Park  
Cardiff  
CF23 8RD  
029 2054 6080  
[www.nasuwt.org.uk](http://www.nasuwt.org.uk)  
[nasuwt@mail.nasuwt.org.uk](mailto:nasuwt@mail.nasuwt.org.uk)

# ANNEX A

## benchmarking data in Wales

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**NASUWT CYMRU**

**Undeb yr Athrawon The Teachers' Union**

### INTRODUCTION

Inaccurate reporting has claimed that the Programme for International Student Assessment

(PISA) has shown that the education system in Wales is 'slipping further behind' other

countries in key subjects, including English, mathematics and science. These reports have

centred on a PISA survey reporting that out of 67 countries taking part in tests, Wales ranked

38th for reading, 40th for maths and 30th for science.

The publication of the PISA results prompted the Education Minister, Leighton Andrews, to

claim: *"These results are disappointing. They show an unacceptable fall in our overall*

*performance – everyone involved in the education sector in Wales should be alarmed."*

Using the PISA results as a pretext, the Welsh Government has proposed a series of extensive

reforms to the education system in Wales, including the introduction of national reading tests,

the 'grading' of individual schools and a requirement that teachers should have annual tests

of their literacy and numeracy skills.

The NASUWT is clear that to use PISA in this way is flawed and misrepresents the education

system in Wales.

### **The PISA test**

PISA is an international comparative study of student assessment run by the Organisation

for Economic Co-operation and Development (OECD). The tests have been carried out in threeyear

cycles. In 2009, 75 countries/states participated in the tests. After analysis, a report

was published in December 2010.

The test is designed for 15-year-olds and includes a mixture of multiple choice and shortanswer

questions, as well as longer open-ended questions. The aims of the tests are to assess

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the English, scientific and mathematical skills of students, with a methodology that is designed to measure how these skills and competencies apply to real life. The survey also included a questionnaire for students about their backgrounds and attitudes to learning, and headteachers also complete a questionnaire. PISA is a sample survey. Not all students in a country sit the tests. In Wales, only 132 out of a total of 1,817 schools and 3270 pupils out of a total of 450,817 participated in the survey.

### **The limitations of the PISA test**

The results are not meant to be viewed in a league-table format at all. The OECD has stated on a number of occasions that the ranking that countries have been given does not mean that the statistical data that is published as a result should allow for treatment as a quasi-league table. The OECD is clear that the statistical margin of error in the sample results means that the data cannot be viewed in a league-table format and that results could easily be located higher or lower within the nominal rankings.

3

The OECD has stressed that the position of an education system in the rankings of average performance is not a reliable indicator of the relative strengths of that system and has warned against over-simplistic interpretations of PISA of the nature made recently by the Welsh Government.

PISA tests are a sample and are of too small a size on which either to praise or criticise an entire education system. PISA is designed to be no more than one of a number of indicators of performance that countries may use.

PISA tests are distributed by the countries themselves. Although governments are meant to choose a broad range of schools, and rigorous checks are meant to be applied, anecdotal evidence suggests that this may not be the case. Furthermore, the tests are available for use, and there is a danger that schools participating could teach according to the tests.

PISA tests are a very narrow measure of three subjects only. At only two-hours long it is not possible that the tests could measure genuine applicability of skills or subject knowledge in English, science and mathematics.

The tests in mathematics and science have been particularly criticised because they are relatively short and lack comprehensiveness. It may also be the case that some countries have

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performed well because they practise didactic forms of teaching more suited to the nature of these tests. Moreover, PISA excludes the vast majority of subjects from the national curriculum. There is some doubt over the extent to which PISA assesses like with like. For example, the education system in Wales may be more inclusive than in some countries and there are significantly higher proportions of young people outside the formal education system who are therefore excluded from the PISA findings for these countries. Other international tests do not give the same results. There are many other international tests, including Trends International in Mathematics and Science Study (TIMSS) and Progress in International Reading Literacy Study (PIRLS). The results in these tests have given very different rankings to the PISA test. For example, in PISA England was crudely ranked at 23rd in Mathematics but in the TIMSS survey it was placed much higher at 7th place. Test results for Wales from TIMSS were included within the England results. Some commentators have suggested a picture of decline or achievement over time by making comparisons between the PISA test in 2009 and previous PISA tests. In reality, the tests are not longitudinal, measuring neither the same cohorts, nor the same schools. Furthermore, countries have joined the tests over time and, therefore, comparisons are not statistically valid. In the case of Wales, therefore, it is not accurate to report that schools moved down the league tables, as each of the three-year cycle of tests do not measure like with like.

#### **What the Welsh Government can learn from the PISA report**

It is apparent from closer analysis of the report that Wales' PISA results actually hold up well in comparison with most other OECD countries. Many commentators believe that the differences in the outcomes of different countries in the PISA rankings are so insignificant that they cannot be used as a reliable guide to the relative performance of pupils in Wales. What is clear, however, is that there are a number of messages

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from the PISA survey about education as a whole that the Welsh Government can draw upon for the future.

Systems with high levels of school autonomy, combined with effective systems of

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accountability, do well. Many countries have used this as a pretext to change school systems to develop a system in which autonomy is defined as moving schools from local authority control. However, the OECD promotes a system of 'lateral' autonomy, which is neither topdown nor structural but which is instead concerned with teachers working with teachers and schools working with schools so that staff and institutions are accountable collectively for the learning outcomes of pupils. It is about professional autonomy rather than institutional autonomy. Any moves to fracture the education system, to pit school against school and to break the idea of collective accountability being shared between professionals and schools should be resisted. High levels of teacher morale impact positively on performance. Cuts to education funding, the freezing of teachers' salaries and the development of more punitive school accountability systems are likely to have negative consequences in this respect and thereby undermine the capacity of the system to secure continuing school improvement. Education systems perform well when governments and teacher unions are working collaboratively for a shared common interest. The PISA report noted that collaboration between teacher unions and government has been critical to the success of Finland and other high-performing countries, including England, in recent years. The OECD found that school climate and pupil/teacher relationships are important and suggested that pupils in Wales are more positive about their experiences within schools than in many other countries. Any attempts to change this through root and branch reforms of the type proposed could undermine the quality of relationships within school communities.

#### **The NASUWT's view**

The NASUWT emphasises the importance of ensuring that all young people in Wales receive an education that gives them the best opportunities to achieve their potential and succeed in life.

It is quite right to use the rich data from PISA to evaluate education systems. There are important lessons to be learned from other countries and evaluation is important. However, the data must be used appropriately to inform, not distorted to provide a pretext to justify

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any change. Therefore, the Union should welcome in principle the aims of the Welsh

Government to learn from other countries and ensure that the education system is world class.

However, the NASUWT has made it clear that the way in which the Welsh Government has

interpreted the outcomes of PISA is seriously flawed and is leading to poorly thought out

lurches in policy that will damage rather than enhance the quality of educational provision

in Wales.

The NASUWT will seek to work with the Welsh Government to ensure that recognition of the

broader view of international benchmarking is taken and that a genuine understanding of

such work is developed that allows for constructive measures to be developed for the future.

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### **NASUWT**

#### **The Teachers' Union**

Hillscourt Education Centre, Rose Hill,  
Rednal, Birmingham B45 8RS.

Tel: 0121 453 6150

Fax: 0121 457 6208

E-mail: [nasuwt@mail.nasuwt.org.uk](mailto:nasuwt@mail.nasuwt.org.uk)

Website: [www.nasuwt.org.uk](http://www.nasuwt.org.uk)

***The largest teachers' union in Wales and the UK*** 11/06001

### **NASUWT**

#### **Undeb yr Athrawon**

Hillscourt Education Centre, Rose Hill,  
Rednal, Birmingham B45 8RS.

Ffôn: 0121 453 6150

Ffacs: 0121 457 6208

E-bost: [nasuwt@mail.nasuwt.org.uk](mailto:nasuwt@mail.nasuwt.org.uk)

Gwefan: [www.nasuwt.org.uk](http://www.nasuwt.org.uk)

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perthynol disgyblion yng Nghymru. Yr hyn sy'n glir, fodd bynnag, yw bod nifer o negeseuon

o'r arolwg PISA am addysg yn gyffredinol y gall Llywodraeth Cymru gymryd sylw ohonyn nhw

ar gyfer y dyfodol.

Mae systemau â lefelau uchel o ymreolaeth ysgol, wedi'u cyfuno â systemau effeithlon o

atebolrwydd, yn gwneud yn dda. Mae nifer o wledydd wedi defnyddio hyn fel esgus i newid

systemau ysgolion i ddatblygu system lle mae ymreolaeth yn cael ei ddiffinio fel symud

ysgolion o reolaeth awdurdodau lleol. Fodd bynnag, mae'r OECD yn hybu system o ymreolaeth

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'ochrol' nad sydd o'r pen i'r gwaelod na'n strwythurol ond sydd yn lle hynny'n ymwneud ag athrawon yn gweithio gydag athrawon ac ysgolion yn gweithio gydag ysgolion fel bod staff a sefydliadau gyda'i gilydd yn atebol am ddeilliannau dysgu disgyblion. Mae'n ymwneud ag ymreolaeth broffesiynol yn hytrach nag ymreolaeth sefydliadol. Dylid osgoi unrhyw symud tuag at ddarnio'r system addysg, gosod ysgol yn erbyn ysgol a chwalu'r syniad o atebolrwydd cyfunol yn cael ei rannu rhwng pobl broffesiynol ac ysgolion. Mae lefelau uchel o forâl yn effeithio'n gadarnhaol ar berfformiad. Mae toriadau yn arian addysg, rhewi cyflogau athrawon a datblygu systemau atebolrwydd ysgol fwy cosbol yn debygol o gael canlyniadau negyddol oherwydd hyn ac felly'n tanseilio gallu'r system i sicrhau gwelliant parhaus i'r ysgol. Mae systemau addysg yn perfformio'n dda pan fydd llywodraethau ac undebau athrawon yn gweithio gyda'i gilydd er budd cyffredin ar y cyd. Nododd yr adroddiad PISA fod cydweithredu rhwng undebau athrawon a llywodraeth wedi bod yn gritigol i lwyddiant y Ffindir a gwledydd eraill sy'n perfformio'n dda, gan gynnwys Lloegr, yn y blynyddoedd diweddar. Nododd yr OECD fod hinsawdd ysgol a pherthnasoedd disgybl/athro'n bwysig ac awgrymodd fod disgyblion yng Nghymru'n fwy positif am eu profiadau mewn ysgolion nag mewn gwledydd eraill. Gallai unrhyw gais i newid hyn drwy ddiwygiadau gwraidd a changen o'r math a gynigiwyd, danseilio ansawdd perthnasoedd rhwng cymunedau ysgolion.

### **Barn NASUWT**

Mae NASUWT yn pwysleisio pwysigrwydd sicrhau bod yr holl bobl ifanc yng Nghymru'n cael addysg sy'n rhoi'r cyfleoedd gorau iddyn nhw gyflawni eu potensial a llwyddo yn eu bywydau. Mae'n hollol iawn defnyddio'r data cyfoethog o PISA i werthuso systemau addysg. Mae gwersi pwysig i'w dysgu oddi wrth wledydd eraill ac mae gwerthuso'n bwysig. Fodd bynnag, rhaid defnyddio'r data'n briodol i hysbysu, a pheidio â'i wyrdroi i roi esgus i gyfiawnhau unrhyw newid. Felly, dylai'r Undeb groesawu mewn egwyddor nodau Llywodraeth Cymru i ddysgu o wledydd eraill a sicrhau bod y system addysg o safon fyd-eang. Fodd bynnag, mae NASUWT wedi'i gwneud hi'n glir bod y modd y mae Llywodraeth Cymru wedi dehongli deilliannau PISA, yn ddiffygiol iawn ac mae'n arwain at wendidau mewn polisi

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nad sydd wedi'u hystyried yn ofalus ac a fydd yn niweidio yn hytrach na gwella darpariaeth addysg yng Nghymru. Bydd NASUWT yn ceisio gweithio gyda Llywodraeth Cymru i sicrhau ei bod yn cydnabod y farn ehangach o feincnodi rhyngwladol a'i bod yn datblygu dealltwriaeth ddilys o'r gwaith hwn sy'n caniatáu datblygu mesurau adeiladol ar gyfer y dyfodol.

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Mae'r OECD wedi pwysleisio nad yw sefyllfa system addysg yn nhrefn restrol perfformiad cyfartalog yn ddangosydd dibynadwy o gryfderau perthynol y system honno ac mae wedi rhybuddio yn erbyn dehongliadau gor-symbl o PISA o'r math a wnaed yn ddiweddar gan Lywodraeth Cymru. Sampl yw profion PISA ac maen nhw'n rhy fach o ran maint lle gellir canmol neu feirniadu system addysg lawn. Lluniwyd PISA i fod yn ddim mwy na un o nifer o ddangosyddion perfformiad y gallai gwledydd ei ddefnyddio. Dosberthir profion PISA gan y gwledydd eu hunain. Er mai'r bwriad yw i lywodraethau ddewis ystod eang o ysgolion ac y dylid cymhwyso gwiriadau manwl, mae tystiolaeth storiol yn awgrymu nad yw hyn yn wir. Hefyd, mae'r profion ar gael i'w defnyddio ac mae perygl y gallai ysgolion sy'n cymryd rhan addysgu yn unol â'r profion. Mae profion PISA'n fesur hynod o gul o dri phwnc yn unig. Mewn dwy awr, nid yw'n bosibl y gall y profion fesur cymhwysedd sgiliau go iawn na gwybodaeth am bwnc mewn Saesneg, gwyddoniaeth a mathemateg. Beirniadwyd y profion mewn mathemateg a gwyddoniaeth yn benodol oherwydd eu bod yn gymharol fyr a bod diffyg ehangder. Mae'n bosibl bod rhai gwledydd hefyd wedi perfformio'n dda oherwydd eu bod yn ymarfer ffurfiau addysg didactig sy'n fwy addas i natur y profion hyn. Hefyd, mae PISA'n eithrio'r mwyafrif llethol o bynciau o'r cwricwlwm cenedlaethol. Mae rhywfaint o amheuaeth i ba raddau y mae PISA'n asesu tebyg wrth debyg. Er enghraifft, mae'n bosibl bod y system addysg yng Nghymru'n fwy cynhwysol na rhai gwledydd a bod cyfrannau sylweddol uwch o bobl ifanc y tu allan i'r system addysg ffurfiol sydd felly'n cael eu heithrio o ddarganfyddiadau PISA yn y gwledydd hynny. Nid yw profion rhyngwladol eraill yn rhoi'r un canlyniadau. Mae nifer o brofion rhyngwladol

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eraill, gan gynnwys Trends - Astudiaeth Ryngwladol mewn Mathemateg a Gwyddoniaeth (TIMSS) ac Astudiaeth Cynnydd Mewn Llythrennedd Darllen Rhyngwladol (PIRLS). Mae canlyniadau'r profion hyn wedi rhoi trefn restrol wahanol iawn i'r prawf PISA. Er enghraifft, yn PISA roedd Lloegr wedi'i rhoi yn 23 yn y drefn restrol mewn Mathemateg ond yn yr arolwg TIMSS, roedd yn llawer uwch yn rhif 7. Roedd canlyniadau profion Cymru o TIMSS wedi'u cynnwys o fewn canlyniadau Lloegr. Mae rhai sylwebyddion wedi awgrymu darlun o ddirywiad neu gyrhaeddiad dros amser drwy wneud cymariaethau rhwng y prawf PISA yn 2009 a phroffion PISA blaenorol. Mewn gwirionedd, nid yw'r profion yn hydredol, heb fesur yr un criwiau na'r un ysgolion. Hefyd, mae gwledydd wedi ymuno â'r profion dros amser, ac felly, nid yw'r cymariaethau'n ystadegol ddilys. Yn achos Cymru, felly, nid yw'n gywir adrodd bod ysgolion wedi symud i lawr y tablau cynghrair gan nad yw pob un o'r cylch profion tair blynedd yn mesur tebyg gyda thebyg.

#### **Yr hyn y gall Llywodraeth Cymru ei ddysgu o'r adroddiad PISA**

Mae'n amlwg o ddadansoddiad manylach o'r adroddiad bod canlyniadau PISA Cymru'n edrych yn dda o gymharu â mwyafrif gwledydd eraill yr OECD. Cred nifer o sylwebyddion fod y gwahaniaethau yn neilliannau gwahanol wledydd yn nhrefn restru PISA mor anarwyddocaol fel na ellir eu defnyddio fel arweiniad dibynadwy i berfformiad

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#### **CYFLWYNIAD**

Mae adroddiad anghywir wedi honni bod y Rhaglen ar gyfer Asesu Disgyblion Rhyngwladol (PISA) wedi dangos bod y system addysg yng Nghymru'n 'llithro ymhellach y tu ôl' i wledydd eraill mewn pynciau allweddol gan gynnwys Saesneg, mathemateg a gwyddoniaeth. Mae'r adroddiadau hyn wedi canolbwyntio ar arolwg PISA oedd yn dweud bod Cymru'n rhif 38 yn y rhestr am ddarllen, 40 am fathemateg a 30 am wyddoniaeth o'r 67 gwlad oedd yn cymryd rhan mewn profion. Roedd cyhoeddi canlyniadau PISA'n ysgogi'r Gweinidog Addysg, Leighton Andrews, i ddweud: *"Mae'r canlyniadau hyn yn siomedig. Maen nhw'n dangos dirywiad annerbyniol yn ein perfformiad cyffredinol – dylai pawb sy'n ymwneud â'r sector addysg ddychryn."*

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Gan ddefnyddio canlyniadau PISA fel esgus, mae Llywodraeth Cymru wedi cynnig cyfres o ddiwygiadau helaeth i'r system addysg yng Nghymru, gan gynnwys cyflwyno profion darllen cenedlaethol, 'graddio' ysgolion unigol a dweud y dylai athrawon gael profion blynyddol o'u sgiliau llythrennedd a rhifedd.

Mae NASUWT yn glir bod diffygion wrth ddefnyddio PISA fel hyn a'i fod yn camliwio'r system addysg yng Nghymru.

### **Prawf PISA**

Mae PISA'n astudiaeth gymharol ryngwladol o asesu myfyriwr a gynhelir gan Y Sefydliad ar gyfer Cydweithrediad a Datblygiad Economaidd (OECD). Cynhaliwyd y profion mewn cylchoedd tair blynedd. Yn 2009, roedd 75 gwlad/talaith yn cymryd rhan yn y profion. Ar ôl eu dadansoddi, cyhoeddwyd adroddiad ym mis Rhagfyr 2010.

Lluniwyd y prawf ar gyfer plant 15 oed ac mae'n cynnwys cymysgedd o gwestiynau aml-ddewis ac atebion byr ynghyd â chwestiynau penagored. Nodau'r profion yw asesu sgiliau Saesneg, gwyddonol a mathemategol disgyblion gyda methodoleg sydd wedi'i llunio i fesur sut mae'r sgiliau a'r galluedd hyn yn cymhwyso i fywyd go iawn.

Roedd yr arolwg hefyd yn cynnwys holiadur i'r disgyblion am eu cefndir a'u hagweddau at ddysgu, ac roedd penaethiaid hefyd yn cwblhau'r holiadur.

Arolwg sampl yw PISA. Nid yw pob disgybl mewn gwlad yn sefyll y profion.

Yng Nghymru,

132 yn unig o gyfanswm o 1,817 ysgol a 3,270 disgybl o gyfanswm o 450,817 oedd yn

cymryd rhan yn yr arolwg.

### **Cyfyngiadau'r prawf PISA**

Nid y bwriad yw edrych ar y canlyniadau mewn fformat tabl cynghrair o gwbl. Mae'r OECD wedi nodi nifer o weithiau nad yw'r drefn restrol a gafodd gwledydd yn golygu

y dylai'r data ystadegol a gyhoeddir o ganlyniad, ganiatáu triniaeth fel tabl lled-gynghreiriol.

Mae'r OECD yn glir bod lled y gwall ystadegol yng nghanlyniadau'r sampl yn golygu na ellir

edrych ar y data mewn fformat tabl-cynghrair ac y gellir gosod y canlyniadau'n hawdd yn

uwch neu'n is o fewn y drefn restrol nominal.

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**Y defnydd o ddata meincnodi  
rhyngwladol yng Nghymru**

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**Undeb yr Athrawon The Teachers' Union**

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# ANNEX B

## FUNDING THE EDUCATION SERVICE IN WALES TO PROVIDE EQUALITY OF OPPORTUNITY FOR ALL PUPILS A CHALLENGE TO THE NATIONAL ASSEMBLY FOR WALES

### Introduction

The White Paper, 'Building Excellent Schools Together', held the promise that the Welsh Office would aspire to '*Fairness for the Future*' in respect of school funding. The need to develop a funding system in Wales that does not discriminate unfairly between schools or pupils was recognised. This report presents an analysis of the current situation and proposes strategies for meeting that objective.

### The Current Situation

The unfair discrimination which is inherent in the funding of the education service in Wales manifests itself through:

- the underfunding of the education service in Wales as compared to England, Scotland and Northern Ireland;
- the lack of transparency of funding at all levels;
- the disparities of funding which exist between the twenty-two Welsh unitary authorities.

### **National Education Spending Comparisons**

Despite the Government's commitment to invest an extra £844 million in education and training in Wales over the next three years, the education service in Wales will continue to remain underfunded in comparison to other areas of the United Kingdom. Indeed, the £844 million committed to Wales represents just 4.4% of the Government's extra £19 billion investment in education over the next three years.

CIPFA Education Statistics reveal that, from 1994-95 onwards, the General Schools Budget (GSB) has ranged from 95% to 98% of the total net expenditure on education in Wales compared to an average of 85% for all authorities in England and Wales over the same period. However, the statistics also show that the overall percentage

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spend on education in Wales has not kept pace with spending in England. Notwithstanding a recent upward trend, this has resulted in a decline in spending per pupil in Wales (Appendix 1).

Audit Commission data, covering the period 1993-94 onwards, illustrates the extent of the decline. In 1993-94, spending per pupil in Wales compared to that in England was £54 greater in the primary sector, and £60 greater in the secondary sector. By 1996-97 the situation had been reversed, with spending per pupil in England outstripping that of Wales by £71 in the primary sector, and £121 in the secondary sector. An overall shortfall of some £43 million (Appendix 2).

The most recent comparisons available with Scotland and Northern Ireland relate to 1995-96 (Regional Trends, 1998) and present an even less favourable picture. These indicate that spending per pupil in Wales was £220 short of the Northern Ireland figure, and £650 lower than that for Scotland - revealing overall shortfalls of £103.8 million and £306.7 million, respectively (Appendix 3).

### **Lack of Transparency**

The 1993 School Teachers' Review Body (STRB) report described the education service funding regime as a 'fog' which few teachers and governors can penetrate.

The Government publishes its spending patterns for local authority services - the Total Standard Spending assessment (TSS), and schools are given individual budgets. These are clear and fixed amounts. However, the 'fog' surrounds the way in which these amounts are determined and distributed at both national and local level.

At Government and local authority level, the use of historic spending patterns, needs equalisation factors, capping regimes/spending guidelines, and the freedom given to local authorities to determine the allocation of resources all contribute to a lack of transparency within the system.

The Welsh Office, having received the Welsh Block, is free to allocate the total resources available to Wales between all the programmes within the Welsh Block, including the Welsh TSS.

The Welsh TSS is not broken down into service blocks but is allocated to each authority as an overall Standard Spending Assessment (SSA). The local authorities are allowed to 'top-up' the SSA with funds raised from council taxpayers. However, the degree to which they can do this is limited by a cap/spending guideline which is based on historic spending patterns rather than **need**. Each Welsh authority is left to determine the levels of spending for its various services, including the education budget.

Having received its budget, the Local Education Authority (LEA) then decides on the amount to be retained centrally and the amount to be distributed to schools. The schools receive their allocation by way of a formula which has been agreed with the Welsh Office. The formulas used vary considerably between authorities. This not only adds to the lack of transparency but allows for further inequalities to creep into the system.

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The system suffers from anomalies and inequalities, and, consequently, discriminates unfairly between schools and pupils.

The potential for a lack of transparency exists at all stages of the budgetary process:

- local authority SSAs are decided by historic factors rather than need;
- local authority education budgets are determined according to local priorities in relation to other local authority services;
- school budgets are subject to locally determined formula approved by the Welsh Office;
- decisions on school staffing levels are necessarily taken by governors and headteachers.

The National Assembly has an opportunity to put in place a funding methodology which will overcome these problems.

### **Welsh Unitary Authority Funding Disparities**

1997-98 WLGA information relating to school funding per pupil in Wales provides an indication of the disparities which exist between the twenty-two unitary authorities.

In the secondary sector, the amount schools received per pupil varied between £1,969 and £2,384. In the primary sector, amounts ranged from £1,345 to £1,866. In special schools and units the difference was even more startling: from a low of £5,065 to a high of £13,096.

In simple terms, a 1000-place secondary school in one area of Wales may well have received £415,000 more in its budget than a school of similar size and character in another part of Wales. The variation in funding for a 250-place primary school could have been as much as £130,250. The £8,031 pupil-funding differential which existed in the special sector needs no multiple (Appendix 4).

These variations in school funding per pupil in Wales are mirrored in the variations in local authority funding per pupil. In a parliamentary response in November 1998, it was revealed that the difference in funding per pupil between the highest and the lowest authorities in Wales was as much as £874 (Appendix 5).

On grounds of equity and financial fairness, there must be a case for providing a fairer method of distributing funds to schools in Wales, as well as establishing a more realistic means of assessing the overall spending needs of the education service in Wales.

### **Assessing Education Spending Needs in Wales**

If Government policies are to be delivered in Wales, and if LEAs and schools are to achieve the 'Standards' objective, the education service in Wales must be resourced appropriately.

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The shortfalls which exist between overall spending per pupil in Wales as compared to Scotland and Northern Ireland provide a clear indication that the education service in Wales has not achieved the status it should command in terms of special funding arrangements. Indeed, the fact that spending per pupil in Wales has fallen behind that of England since 1994-95 highlights the lowly funding status of the Welsh education service. The situation has, to some extent, been exacerbated by the inability of schools and authorities in Wales to access funding which has been available in England through the Standards Fund (Appendix 6).

If the education service is to progress as the National Assembly, local authorities, parents and teachers would wish, then resourcing which merely allows the service 'to tread water' is neither a desirable nor worthy proposition. Present budgeting arrangements are basically of a maintenance nature and will never serve as the necessary strategy for improvement. As a first step, a system of *zero-based budgeting* must be established to either replace or complement the historical and developmental approaches that have been employed in the past (Appendix 7).

It is envisaged that such a process would be based on a determination of the overall needs of the education service at local, regional and national level, and an evaluation of the most appropriate means of providing for those needs. Essential to the successful development of this process would be:

- the establishment of approved national staffing models for various types and sizes of schools in Wales;
- the funding of schools by actual salary cost, recognising the implications on salary discretion;
- the calculation of common age-weighted pupil units (AWPUs) for each age group;
- a commitment to fund fully teachers' pay awards recommended by the School Teachers' Review Body (STRB);
- the provision of adequate support staff and systems;
- a review of the funding and strategic management of central service provision;
- the development of a standardised approach to the funding of special educational needs provision;
- a recognition of the need for forward planning in terms of capital financing;
- the costing and monitoring of new initiatives.

### **Establishing a National Minimum Staffing Model for Schools in Wales**

If the National Assembly is to subscribe to the fundamental principle of 'equality of opportunity for all', then schools in Wales will need to be staffed at a level which will allow for the delivery of the National Curriculum.

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The current system of formula funding does not ensure that schools are provided with the necessary resources to employ sufficient teachers to deliver the Government's prescribed National Curriculum. The recent moves by the Welsh Office to increase the delegation of funds to schools, under the guise of 'Fair Funding', has done nothing to overcome this problem. It should also be noted that many of the proposals contained in the Green and Technical Papers 'The BEST for Teaching and Learning', if adopted, will only become achievable if these issues are addressed. Similarly, the commitment to reduce class sizes for 5, 6 and 7 year olds cannot be achieved without some form of standardisation of staffing levels (Appendix 8).

The national staffing models for Welsh-medium and English-medium primary and secondary schools, which follow, present an illustration of how a far more stable funding base for schools in Wales could be achieved. They provide examples of how minimum staffing requirements for schools could be determined. Local authorities would, of course, be able to enhance the funding to take account of local factors.

The models are based on a single-form entry primary school (age range 5 -11) and a five-form entry secondary school (age range 11-16). The subject time allocations are taken from proposals arising out of the 'Dearing Report' in 1994. It is recognised that the subject time allocation may need to be amended in light of the National Curriculum review currently being undertaken by Awdurdod Cymwysterau, Cwricwlwm ac Asesu Cymru (ACCAC).

**The flexibility of the basic models is such that it can be adapted to fit any size of school, or to meet the changes in the curriculum or other conditions. The intention of the models is to demonstrate the factors which need to be taken into consideration in arriving at a national model.**

It is recognised that further developmental work may be needed to produce a model that will meet the requirements of all Schools in Wales. Such work would need to address issues arising out of the ETAG Report, particularly in relation to post 16 funding; and the sparsity or small schools factor.

The problems associated with the staffing of small rural schools - in terms of both teaching and support staff - are of significant importance in Wales. Among the factors which impact on the funding of small rural schools, and which require further research and analysis are:

- dis-economies of scale;
- curriculum and age related complexities;
- disproportionate overhead costs at local authority and school level;
- disproportionate travel time and transport costs for both pupils and staff.

### **Primary Staffing Models**

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The models below are based on one-form entry Welsh and English Medium primary schools. There are 210 pupils on roll comprising 30 pupils in each of seven year groups with an age range of 5-11 i.e. National Curriculum Years 0 – 6. The curriculum is expressed as a notional 40 period week. In practice, this may be expressed in terms of hours. The models have been constructed in order to provide for a different balance of teaching time at Key Stage 1 (KS 1) and Key Stage 2 (KS 2).

Key:	Column A	% of the timetable allocated to the subject per class
	Column B	Number of periods per class
	Column C	Hence the number of teacher periods required at the appropriate Key Stage
	Column D	Column C with a class contact ratio of 95%
	Column E	Column C with a class contact ratio of 85%
	Column F	Column C with a class contact ratio of 70%
	Column G	Curriculum staffing derived from Column D
	Column H	Curriculum staffing derived from Column E
	Column I	Curriculum staffing derived from Column F

### Welsh Medium Primary School

Subject	A	B	C	D	E	F	G	H	I
English/Welsh	24.0	9.60	28.80	30.32	33.88	41.14	0.76	0.85	1.03
Maths	17.0	6.80	20.40	21.47	24.00	29.14	0.54	0.60	0.73
Science	7.0	2.80	8.40	8.84	9.88	12.00	0.22	0.25	0.30
Technology	5.0	2.00	6.00	6.32	7.06	8.57	0.16	0.18	0.21
History	3.0	1.20	3.60	3.79	4.24	5.14	0.09	0.11	0.13
Geography	3.0	1.20	3.60	3.79	4.24	5.14	0.09	0.11	0.13
Art	5.0	2.00	6.00	6.32	7.06	8.57	0.16	0.18	0.21
Music	5.0	2.00	6.00	6.32	7.06	8.57	0.16	0.18	0.21
RE	5.0	2.00	6.00	6.32	7.06	8.57	0.16	0.18	0.21
PE	5.0	2.00	6.00	6.32	7.06	8.57	0.16	0.18	0.21
Other	21.0	8.40	25.20	26.53	29.65	36.00	0.66	0.74	0.90
Key Stage 1 Sub Total							3.16	3.53	4.29
English	20.0	8.00	32.00	33.68	37.65	45.71	0.84	0.94	1.14
Maths	15.0	6.00	24.00	25.26	28.24	34.29	0.63	0.71	0.86
Science	8.5	3.40	13.60	14.32	16.00	19.43	0.36	0.40	0.49
Welsh	20.0	8.00	32.00	33.68	37.65	45.71	0.84	0.94	1.14
Technology	5.0	2.00	8.00	8.42	9.41	11.43	0.21	0.24	0.29
History	5.0	2.00	8.00	8.42	9.41	11.43	0.21	0.24	0.29
Geography	5.0	2.00	8.00	8.42	9.41	11.43	0.21	0.24	0.29
Art	5.0	2.00	8.00	8.42	9.41	11.43	0.21	0.24	0.29
Music	5.0	2.00	8.00	8.42	9.41	11.43	0.21	0.24	0.29
RE	4.0	1.60	6.40	6.74	7.53	9.14	0.17	0.19	0.23
PE	5.0	2.00	8.00	8.42	9.41	11.43	0.21	0.24	0.29
Other	2.5	1.00	4.00	4.21	4.71	5.71	0.11	0.12	0.14
Key Stage 2 Sub Total							4.21	4.71	5.71
Class Support							1.00	1.00	1.00
Headteacher							1.00	1.00	1.00
Total	100.0	40	280.00						
Total Rounded Staffing Level							9	10	12
Pupil Teacher Ratio (National Average for primary schools- 22.7)							22.4	20.5	17.5

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## English Medium Primary School

Subject	A	B	C	D	E	F	G	H	I
English	24.0	9.60	28.80	30.32	33.88	41.14	0.76	0.85	1.03
Maths	17.0	6.80	20.40	21.47	24.00	29.14	0.54	0.60	0.73
Science	7.0	2.80	8.40	8.84	9.88	12.00	0.22	0.25	0.30
Welsh	7.0	2.80	8.40	8.84	9.88	12.00	0.22	0.25	0.30
Technology	5.0	2.00	6.00	6.32	7.06	8.57	0.16	0.18	0.21
History	3.0	1.20	3.60	3.79	4.24	5.14	0.09	0.11	0.13
Geography	3.0	1.20	3.60	3.79	4.24	5.14	0.09	0.11	0.13
Art	5.0	2.00	6.00	6.32	7.06	8.57	0.16	0.18	0.21
Music	5.0	2.00	6.00	6.32	7.06	8.57	0.16	0.18	0.21
RE	5.0	2.00	6.00	6.32	7.06	8.57	0.16	0.18	0.21
PE	5.0	2.00	6.00	6.32	7.06	8.57	0.16	0.18	0.21
Other	14.0	5.60	16.80	17.68	19.76	24.00	0.44	0.49	0.60
Key Stage 1 Sub Total							3.16	3.53	4.29
English	20.0	8.00	32.00	33.68	37.65	45.71	0.84	0.94	1.14
Maths	15.0	6.00	24.00	25.26	28.24	34.29	0.63	0.71	0.86
Science	8.5	3.40	13.60	14.32	16.00	19.43	0.36	0.40	0.49
Welsh	6.5	2.60	10.40	10.95	12.24	14.86	0.27	0.31	0.37
Technology	5.0	2.00	8.00	8.42	9.41	11.43	0.21	0.24	0.29
History	5.0	2.00	8.00	8.42	9.41	11.43	0.21	0.24	0.29
Geography	5.0	2.00	8.00	8.42	9.41	11.43	0.21	0.24	0.29
Art	5.0	2.00	8.00	8.42	9.41	11.43	0.21	0.24	0.29
Music	5.0	2.00	8.00	8.42	9.41	11.43	0.21	0.24	0.29
RE	4.0	1.60	6.40	6.74	7.53	9.14	0.17	0.19	0.23
PE	5.0	2.00	8.00	8.42	9.41	11.43	0.21	0.24	0.29
Other	16.0	6.40	25.60	26.95	30.12	36.57	0.67	0.75	0.91
Key Stage 2 Sub Total							4.21	4.71	5.71
Class Support							1.00	1.00	1.00
Headteacher							1.00	1.00	1.00
Total	100.0	40	280.00						
Total Rounded Staffing Level							9	10	12
Pupil Teacher Ratio (National Average for primary schools- 22.7)							22.4	20.5	17.5

Given that many small primary schools in Wales have no option but to organise classes on mixed age groupings, and the Government's commitment to reduce KS 1 class sizes to below 30, it may well prove necessary to devise a supplementary model to determine the number of classes required to take account of the class size limits. This figure could then be used as the multiple to determine the number of teacher periods required in column C of the primary staffing models.

The WLGA is currently working on a model for determining the number of teachers and nursery assistants required in primary schools. The model seeks to take account of class size limits. The number of teachers is determined by the number of pupils at KS 1 and KS 2 (Appendix 8a).

If, as is suggested above, the WLGA model (Appendix 8a) was to be used to determine the number of classes required at KS 1 and KS 2, rather than the number of teachers, then a primary school with twenty-five pupils at KS 1 and thirty four pupils at KS 2 - would require one class at KS 1 and one class at KS 2. The table that follows demonstrates the effect on the staffing model for an equivalent Welsh Medium Primary School.

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**Welsh Medium Primary School with twenty-five pupils at KS 1 and thirty-four pupils at KS 2**

Subject	A	B	C	D	E	F	G	H	I
English	24.0	9.60	9.60	10.11	11.29	13.71	0.25	0.28	0.34
Maths	17.0	6.80	6.80	7.16	8.00	9.71	0.18	0.20	0.24
Science	7.0	2.80	2.80	2.95	3.29	4.00	0.07	0.08	0.10
Welsh	7.0	2.80	2.80	2.95	3.29	4.00	0.07	0.08	0.10
Technology	5.0	2.00	2.00	2.11	2.35	2.86	0.05	0.06	0.07
History	3.0	1.20	1.20	1.26	1.41	1.71	0.03	0.04	0.04
Geography	3.0	1.20	1.20	1.26	1.41	1.71	0.03	0.04	0.04
Art	5.0	2.00	2.00	2.11	2.35	2.86	0.05	0.06	0.07
Music	5.0	2.00	2.00	2.11	2.35	2.86	0.05	0.06	0.07
RE	5.0	2.00	2.00	2.11	2.35	2.86	0.05	0.06	0.07
PE	5.0	2.00	2.00	2.11	2.35	2.86	0.05	0.06	0.07
Other	14.0	5.60	5.60	5.89	6.59	8.00	0.15	0.16	0.20
Key Stage 1 Sub Total							1.05	1.18	1.43
English	20.0	8.00	8.00	8.42	9.41	11.43	0.21	0.24	0.29
Maths	15.0	6.00	6.00	6.32	7.06	8.57	0.16	0.18	0.21
Science	8.5	3.40	3.40	3.58	4.00	4.86	0.09	0.10	0.12
Welsh	6.5	2.60	2.60	2.74	3.06	3.71	0.07	0.08	0.09
Technology	5.0	2.00	2.00	2.11	2.35	2.86	0.05	0.06	0.07
History	5.0	2.00	2.00	2.11	2.35	2.86	0.05	0.06	0.07
Geography	5.0	2.00	2.00	2.11	2.35	2.86	0.05	0.06	0.07
Art	5.0	2.00	2.00	2.11	2.35	2.86	0.05	0.06	0.07
Music	5.0	2.00	2.00	2.11	2.35	2.86	0.05	0.06	0.07
RE	4.0	1.60	1.60	1.68	1.88	2.29	0.04	0.05	0.06
PE	5.0	2.00	2.00	2.11	2.35	2.86	0.05	0.06	0.07
Other	16.0	6.40	6.40	6.74	7.53	9.14	0.17	0.19	0.23
Key Stage 2 Sub Total							1.05	1.18	1.43
Class Support							1.00	1.00	1.00
Headteacher							1.00	1.00	1.00
Total	100.0	40	80.00						
Total Rounded Staffing Level							4	4	5
Pupil Teacher Ratio (National Average for primary schools- 22.7)							14.4	13.4	12.0

## **Secondary Staffing Models**

The model below is for a five form-entry secondary school catering for Years 7 – 11. Two versions, Welsh Medium and English Medium, are provided. The model has been split into a curriculum for Key Stage 3 and Key Stage 4 in order to reflect the different requirements of the National Curriculum for these Key Stages. It is capable of adoption for varying form entry sizes by adjusting Column 'D'. Subjects are weighted (Column 'C') to reflect teaching group sizes with the standard class of 30 pupils being weighted 1.0.

Key:	Column A	% of the timetable allocated to the subject per class at Key Stage 3 and Key
		Stage 4
week	Column B	Number of periods per subject per class on a notional 25 period
	Column C	Subject weighting to recognise varying size of teaching group
	Column D	Form entry
	Column E	Hence the number of teacher periods per subject
	Column F	Column E with a class contact ratio of 80%
	Column G	Column E with a class contact ratio of 75%
	Column H	Column E with a class contact ratio of 70%
	Column I	Curriculum staffing derived from Column F
	Column J	Curriculum staffing derived from Column G
	Column K	Curriculum staffing derived from Column H

Note 'Technology' includes both design technology and information technology.  
'Other' includes all non-core subjects. At Key Stage 4, the bulk of 'other' time will be spent undertaking GCSE or vocational courses taught in option blocks together with the requirements on schools to offer appropriate sex education and drugs education programmes.  
A subject weighting of 2.0 has been used to reflect this.

## Welsh Medium Secondary School

Subject	A	B	C	D	E	F	G	H	I	J	K
English	10.0	2.50	1.0	5	37.50	46.88	50.00	53.57	1.88	2.00	2.14
Maths	10.0	2.50	1.0	5	37.50	46.88	50.00	53.57	1.88	2.00	2.14
Science	10.0	2.50	1.5	5	56.25	70.31	75.00	80.36	2.81	3.00	3.21
Welsh	10.0	2.50	1.0	5	37.50	46.88	50.00	53.57	1.88	2.00	2.14
Technology	9.0	2.25	1.5	5	50.63	63.28	67.50	72.32	2.53	2.70	2.89
History	6.0	1.50	1.0	5	22.50	28.13	30.00	32.14	1.13	1.20	1.29
Geography	6.0	1.50	1.0	5	22.50	28.13	30.00	32.14	1.13	1.20	1.29
Art	5.0	1.25	1.0	5	18.75	23.44	25.00	26.79	0.94	1.00	1.07
Music	5.0	1.25	1.0	5	18.75	23.44	25.00	26.79	0.94	1.00	1.07
PE	5.0	1.25	1.5	5	28.13	35.16	37.50	40.18	1.41	1.50	1.61
RE	4.0	1.00	1.0	5	15.00	18.75	20.00	21.43	0.75	0.80	0.86
Foreign Lang	7.0	1.75	1.0	5	26.25	32.81	35.00	37.50	1.31	1.40	1.50
Other	13.0	3.25	1.0	5	48.75	60.94	65.00	69.64	2.44	2.60	2.79
Key Stage 3 Sub Total									21.00	22.40	24.00
English	12.5	3.13	1.5	5	46.88	58.59	62.50	66.96	2.34	2.50	2.68
Maths	12.5	3.13	1.0	5	31.25	39.06	41.67	44.64	1.56	1.67	1.79
Science	10.0	2.50	1.5	5	37.50	46.88	50.00	53.57	1.88	2.00	2.14
Welsh	12.5	3.13	1.5	5	46.88	58.59	62.50	66.96	2.34	2.50	2.68
PE	5.0	1.25	1.5	5	18.75	23.44	25.00	26.79	0.94	1.00	1.07
RE	5.0	1.25	1.0	5	12.50	15.63	16.67	17.86	0.63	0.67	0.71
Other	42.5	10.63	2.0	5	212.50	265.63	283.33	303.57	10.63	11.33	12.14
Key Stage 4 Sub Total									20.32	21.44	23.21
Class Support									1.00	1.00	1.00
Deputy Head(s) (2, less their contribution to the above curriculum at contact ratio of .5)									1.00	1.00	1.00
Headteacher									1.00	1.00	1.00
TOTAL ROUNDED STAFFING LEVEL									44	47	50
PUPIL TEACHER RATIO (National Average 1994 Secondary Schools: 16.4)									16.92	16.01	15.40

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## English Medium Secondary School

Subject	A	B	C	D	E	F	G	H	I	J	K
English	10.0	2.50	1.0	5	37.50	46.88	50.00	53.57	1.88	2.00	2.14
Maths	10.0	2.50	1.0	5	37.50	46.88	50.00	53.57	1.88	2.00	2.14
Science	10.0	2.50	1.5	5	56.25	70.31	75.00	80.36	2.81	3.00	3.21
Welsh	6.0	1.50	1.0	5	22.50	28.13	30.00	32.14	1.13	1.20	1.29
Technology	9.0	2.25	1.5	5	50.63	63.28	67.50	72.32	2.53	2.70	2.89
History	6.0	1.50	1.0	5	22.50	28.13	30.00	32.14	1.13	1.20	1.29
Geography	6.0	1.50	1.0	5	22.50	28.13	30.00	32.14	1.13	1.20	1.29
Art	5.0	1.25	1.0	5	18.75	23.44	25.00	26.79	0.94	1.00	1.07
Music	5.0	1.25	1.0	5	18.75	23.44	25.00	26.79	0.94	1.00	1.07
PE	5.0	1.25	1.5	5	28.13	35.16	37.50	40.18	1.41	1.50	1.61
RE	4.0	1.00	1.0	5	15.00	18.75	20.00	21.43	0.75	0.80	0.86
Foreign Lang	7.0	1.75	1.0	5	26.25	32.81	35.00	37.50	1.31	1.40	1.50
Other	17.0	4.25	1.0	5	63.75	79.69	85.00	91.07	3.19	3.40	3.64
Key Stage 3 Sub Total									21.00	22.40	24.00
English	12.5	3.13	1.0	5	31.25	39.06	41.67	44.64	1.56	1.67	1.79
Maths	12.5	3.13	1.0	5	31.25	39.06	41.67	44.64	1.56	1.67	1.79
Welsh	5.0	1.25	1.0	5	12.50	15.63	16.67	17.86	0.63	0.67	0.71
Science	10.0	2.50	1.5	5	37.50	46.88	50.00	53.57	1.88	2.00	2.14
PE	5.0	1.25	1.5	5	18.75	23.44	25.00	26.79	0.94	1.00	1.07
RE	5.0	1.25	1.0	5	12.50	15.63	16.67	17.86	0.63	0.67	0.71
Other	50.0	12.50	2.0	5	250.00	312.50	333.33	357.14	12.50	13.33	14.29
Key Stage 4 Sub Total									19.69	21.00	22.50
Class Support									1.00	1.00	1.00
Deputy Head(s) (2, less their contribution to the above curriculum at contact ratio of .5)									1.00	1.00	1.00
Headteacher									1.00	1.00	1.00
TOTAL ROUNDED STAFFING LEVEL									44	46	50
PUPIL TEACHER RATIO (National Average 1994 Secondary Schools: 16.4)									17.16	16.163	15.15

The models illustrate the number of teachers required for a school with a given number of pupils and a given curriculum, but with varying proportions of teacher contact time.

Additional models would have to be developed to identify the cost associated with other areas of provision such as support staff, materials and equipment, premises and other funding needs such as sparsity and rurality, social deprivation, special needs, and post 16 provision. This would result in a national model for baseline provision for primary and secondary schools in Wales. Similar models would be required for special schools and nursery schools.

### **Funding of Schools by Actual Salary Costs**

At present, the vast majority of schools receive money for teaching staff costs on the basis of average salaries, but have to meet actual salary costs. This system has resulted in a considerable number of schools experiencing staffing difficulties whilst others have built up substantial reserves.

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The inequities that follow from average salary funding distributed on a pupil led basis have meant that some schools, by virtue of good luck rather than good management, are better placed to deliver the National Curriculum. The essential principle of the National Curriculum - that it provides equality of educational opportunity to every child - is undermined comprehensively by allocating the resources to deliver it in this way.

If the National Assembly was to move to the promotion of a system of funding schools on the basis of actual costs then there would be a need for a greater acknowledgement of school staffing costs. An average/actual salary adjustment model, based on a sectorised approach - nursery, primary, secondary and special, should reflect and would need to address five key funding elements:

- headteacher salaries;
- deputy headteacher salaries;
- number of teacher allowances;
- weightings for actual salaries relating to the number of teachers determined by approved national staffing models;
- weightings for actual salaries relating to the number of support staff determined by an approved model.

Funding for school staffing budgets would be based on these elements. However, LEAs could regard these as base levels which could be added to, and governing bodies could retain the facility to offer additionalities from within the school's budget allocation.

Transitional arrangements to absorb any shift in *winners and losers* would be necessary within the first few years of moving to actual salary funding.

**Consideration should be given to the introduction of a three-year funding cycle which would assist both policy makers and providers in the strategic management and delivery of high quality education and the drive to raise standards.**

### **Calculation of Common Age Weighted Pupil Units (AWPUs) for each Age Group**

The common AWPUs would relate to those areas of the budget which can be appropriately linked to pupil numbers. This could include funding areas such as:

- the pupil-led elements of long and short term relief teachers;
- mid-day supervisors;
- repairs and maintenance;
- grounds maintenance;

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- teaching materials;
- furniture;
- library books;
- games and school activities.

If minimum staffing levels are determined through approved national staffing models, and schools are funded on the basis of actual salary cost, then teaching staff budget allocations cannot be included in the calculation of common AWPUs. Indeed, all actual in/actual out formula funding would have to be removed from such calculations.

The costs associated with support staff - identified through the development of approved national models - could be linked to common AWPUs. Additionally, the AWPUs could be enhanced to take account of pupils requiring additional provision relating to factors such as special educational needs (SEN), pupils who have neither English nor Welsh as a first language, income support, and post 16 provision. Costings in these areas could be based on average salary calculations.

### **School Teachers' Review Body (STRB) reporting and the funding of Teachers' Pay Awards**

The failure of the Government to fund fully successive pay awards for teachers has had a disastrous effect on the resourcing of the education service and on school staffing levels. Even the schools that have been *winner*s under LMS have seen their school-held balances dwindle over recent years. Reductions in teaching posts have resulted in restricted access to the curriculum.

The timing of the STRB report - post local authority budget settlements - adds to the problems. A more sensible approach would be for the STRB to report before the settlement process.

There is a need for the National Assembly to press for a change in the timing of the STRB report.

### **Provision of Support Systems and Staff**

There can be no doubt that schools benefit from the provision of suitably trained and qualified support staff at all levels - both teaching and non-teaching. However, at present, there is very little guidance on minimum requirements for the provision of support staff. A school's ability to employ such staff is subject to the vagaries of the LMS system and the ability of the unitary authorities to fund central provision.

There is a need to establish a model to determine baseline provision for secretarial, special needs support teachers, teacher assistants, technicians, and other support staff in schools in Wales. The model could be developed as an enhancement to the common AWPUs or in conjunction with the approved national staffing models.

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Issues such as social deprivation, sparsity, and special needs would have to be taken into account in devising such a model. This would be necessary to identify the funding requirements, at school, unitary authority and/or an all-Wales level, of alternative strategies such as the provision of compensatory teaching resources above certain thresholds, social and community provision, parental and multi-agency support programmes.

### **Review of the Funding and Strategic Management of Central Service Provision**

If the National Assembly is to continue with the system of financial delegation to schools and is to extend it, in line with the '*Fair Funding*' proposals, to cover services previously provided centrally by the authorities, then it will be vital to ensure that the funds delegated to schools are sufficient to allow for the purchase of quality services. Similarly, it will be vital to ensure that the money to be delegated is zero-budgeted - needs linked rather than perpetuating historic inequities - and earmarked in the Education SSA for Wales, as is current for England.

It is recognised that the limited size of some of the twenty-two Welsh unitary authorities provides a strong argument, particularly in relation to 'economies of scale', for a two or three tier approach to the provision of central services. In any event, it is essential that the support services provided are of a high quality. Following local government reorganisation (LGR) many of the Welsh unitary authorities found it impossible to continue to provide quality services, while others set up service level agreements (SLAs) but found difficulty in sustaining value for money. This has led to an inequality of access to support services throughout Wales, and has had a negative impact on the ability of schools to raise standards.

The advent of the National Assembly provides an opportunity to review central service provision. The review should consider which services are better provided for on a unitary authority basis, a regional basis and an all-Wales basis.

It may well be that services such as:

- SEN;
- pupils who have neither English nor Welsh as a first language;
- Music; and,
- Outdoor Education;

would be more suited to a regional or an all-Wales approach. Whereas, other services such as:

- Athrawon Bro;
- personnel management;
- payroll;
- health and safety;

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- legal; and,
- technical and administrative support;

require more local accountability.

### **Standardisation of Funding for SEN Provision**

It is recognised that under *The BEST Programme* much work has already been undertaken within the area of SEN provision. The 75% increase - from £1.3 to £2.3 million - in the funding available for SEN priorities under the Grants for Education Support and Training (GEST) programme for 1999/2000 referred to in the Welsh Office document '*Shaping the Future for Special Education - An Action Programme for Wales*' is welcomed. However, the sufficiency of this extra funding is as questionable as the means of accessing it through the GEST programme and distributing it through formula funding. The WLGA's *1998 Expenditure Sub-Group Report* identified a need for additional resources of £5.4 million for statemented pupils and £3.4 million for other special needs for 1999/2000 (Appendix 9): accessing funding through the GEST programme depends on the success or otherwise of the bid put forward.

If SEN provision is to be fair and equitable throughout Wales, the starting point has to be through the development and implementation of all-Wales Descriptors relating to the SEN Code of Practice, and the introduction of a funding methodology which identifies resource requirements on the basis of need and allows for their distribution on the same basis.

Whilst the proposals contained in the Welsh Office consultation paper '*Fair Funding: Improving Delegation to Schools*' present an acceptable means of identifying which funds should be delegated to schools, and which should be retained centrally (Appendix 10), the argument relating to 'economies of scale', rehearsed in the previous section, has particular relevance to SEN provision. Consequently, the National Assembly should give consideration to establishing a regional, if not an all-Wales approach to the provision of SEN support services.

### **Capital Financing**

Successive OHMCI Annual Reports have highlighted the poor state of school buildings in Wales. The 1998 report is no exception. The report lists leaking roofs, inadequate toilet facilities, poor external decoration and over-crowded classrooms amongst the deficiencies found, and comments that such shortcomings have an adverse influence on the quality of teaching and learning (Appendix 11).

The WLGA has identified the total level of capital and revenue resources needed to bring schools in Wales to a reasonable state of repair as amounting to more than £320 million - with at least an additional £32 million required for 1999/2000 to start to address the maintenance and repairs backlog (Appendix 12).

Given the poor quality of the '*school stock*', and the backlog of repairs and maintenance which will be passed on to schools under the '*Fair Funding*' proposals,

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it may be appropriate for the National Assembly, in co-operation with the unitary authorities, to undertake a school buildings' audit in order to ensure that capital funding can be targeted at areas of greatest need.

### **Costing and Monitoring New Initiatives**

If schools and teachers are to cope with the Government's agenda for change, there must be an acceptance that initiatives such as:

- the literacy and numeracy strategies;
- exclusion targets;
- citizenship;
- drugs education; and,
- inclusivity;

need to be properly planned and adequately resourced.

All too often in the past, funds have been provided to pilot or 'pump prime' such initiatives in a few schools against an expectation of their subsequent implementation in all schools without additional funding. Restricting funding in this way places unnecessary pressure on school budgets and on teachers.

There is a need for the National Assembly to establish a system to ensure that such initiatives are thoroughly assessed in terms of the cost, the impact on teachers' time and on teacher supply before their implementation. The national staffing models presented in this document would provide such a vehicle, since allowances can be made to the subject time allocations.

### **Conclusions**

There can be no doubt that the education service in Wales is deserving of more favourable treatment in terms of funding. Geographic and demographic factors, sparsity, the considerable areas of social deprivation, cultural and linguistic dimensions, the demands of a bilingual education system, the strong local education authority base, the lack of support for the grant maintained system, and parental commitment to locally available post 16 provision provide key indicators to justify higher spending per pupil in Wales.

However, the problems associated with the current system are not only restricted to a lack of resources. The methodology used to both assess and distribute those resources is in urgent need of a radical review. The current system is littered with inequalities and anomalies.

The challenge facing the National Assembly will be to devise a process which will ensure that the education service in Wales is adequately funded according to need, on the basis of fairness and transparency, and that pupils in Wales are provided with equality of opportunity. The development of approved national staffing models for

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baseline provision for nursery, primary, secondary and special schools will be fundamental to that process.

The purpose of this report is to provide the National Assembly for Wales with a starting point for meeting the challenge.

# ANNEX C

**Jane Hutt AC/AM**

Y Gweinidog dros Blant, Addysg, Dysgu Gydol Oes a Sgiliau  
Minister for Children, Education, Lifelong Learning and Skills

TO: - Chairs of Governing Bodies -  
maintained schools in Wales.

1 December 2009

Dear Chair

## **The Staffing of Maintained Schools (Wales) (Amendment) Regulations 2009 and the Apprenticeships, Skills, Children and Learning Act.**

Following my announcement in April this year about Welsh Assembly Government proposals to amend the current staffing regulations in Wales I would like to inform you that amended regulations came into force on 2 November 2009. These can be found at:

[http://www.opsi.gov.uk/legislation/wales/wsi2009/wsi\\_20092708\\_en\\_1](http://www.opsi.gov.uk/legislation/wales/wsi2009/wsi_20092708_en_1)

The regulations have been amended in order to bring them up to date and reflect what is new relating to teachers' conditions of employment since the regulations were first made.

The purpose of the regulations is to:

- strengthen the aspects of the National Agreement on *Raising Standards and Tackling Workload* that relate to head teachers' work/life balance and
- impose a new duty on governing bodies to manage their staff (i.e. Head Teachers) in accordance with their conditions of employment.

In addition to these regulations, the Apprenticeships, Skills, Children and Learning Act 2009 (ASCL Act) has given the Welsh Assembly Government the power from January 2010 to ensure that schools and their governing bodies comply with the provisions of the School Teachers' Pay and Conditions Document (STPCD) and also with arrangements for performance management and induction of teachers. As you will be aware, the duties of schools, local authorities and governing bodies with regard to compliance are made explicit within the STPCD.

The power to set out teachers' pay and conditions is not devolved to the Welsh Ministers. However, the ASCL Act creates powers for the Welsh Ministers to serve warning notices on local authorities in Wales where there is evidence of non-compliance.

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I believe that non-compliance, should there be any, is more likely to result from misunderstanding rather than a deliberate decision and some schools may need additional support in order to be fully compliant. Issues are best resolved at a local level and I certainly would only want to use the new powers where it becomes reasonable and proportionate to do so, after all other efforts have failed. It will be important for robust and consistent arrangements to be in place at local, regional and national level throughout Wales.

Governing bodies have a particularly important role in securing compliance and ensuring that all staff at the school benefit fully from their legal entitlements. Governing bodies need to be clear what their duties and responsibilities are in these matters including their role in identifying and resolving issues of non-compliance in their schools. I would, therefore, like to take this opportunity to remind you of the new statutory duties of governing bodies, as outlined in The Staffing of Maintained Schools (Wales) (Amendment) Regulations 2009, in relation to the head teacher's duties and entitlements: -

(1) The governing body must ensure that the head teacher at the school

(a) complies with the duties imposed upon the head teacher;  
and

(b) benefits from any entitlement conferred upon the head Teacher by any order under section 122 of the 2002 Act (teachers' pay and conditions).

(2) In discharging its duty under paragraph (1)(a), the governing body must have regard to the desirability of the head teacher being able to achieve a satisfactory balance between the time spent discharging the professional duties of a head teacher and the time spent by the head teacher pursuing personal interests outside work.

In practice, this means that governing bodies must ensure that the head teacher complies with and benefits from the provisions of the STPCD and that regard is given to the head teacher achieving a satisfactory work/life balance.

It would be helpful if you would bring this to the attention of your governing body and review what arrangements you have in place to ensure these statutory duties are being met. Further advice and guidance on the duties referred to above can be obtained through the governor support services provided by your local authority.

CC: - Jane Morris, Director, Governors Wales  
Local Authority Governor support officers  
Local Authority Directors of Education  
Diocesan Directors of Education

# ANNEX D

**Welsh Assembly Government  
Consultation on Objections to statutory proposals for school  
organisation  
November 2010**

31. The NASUWT welcomes the opportunity to comment on the potential changes to the time available for objections to published statutory proposals that involve changes to schools, new schools or school closure.
32. The NASUWT is the largest teachers' union in Wales and the UK representing teachers and school leaders.

## **GENERAL COMMENTS**

33. The NASUWT notes that the Minister for Children, Education and Lifelong Learning asserts that there is a need to reduce the length of time required by the statutory process when changes to schools are proposed because of the uncertainty for pupils, parents and local authorities caused by the current timetable set in legislation. The NASUWT does not agree.
34. The Minister's view appears to be based on the assumption that once school organisation changes are proposed, parents, local authorities and governing bodies normally prefer the issues to be resolved as soon as possible so that there is greater certainty for pupils and schools. The NASUWT questions this assumption as experience demonstrates that

such concerns are more likely to occur due to delays following the submission of proposals to the Welsh Ministers than at the formative stages of the statutory process.

35. The NASUWT submits, therefore, that if a limit is needed, then it should be placed on the time that the Welsh Ministers have to consider and determine school organisation proposals, following an objection to a published statutory notice, in order to meet the objective of providing greater certainty for pupils, parents and staff.

36. The NASUWT is against curtailing the time available for the submission of objections to a published statutory notice as this may limit the ability of groups or bodies that wish to submit such objections and compromise the democratic process.

37. In addition, the NASUWT questions the premise that as the arguments and objections will have been rehearsed previously as a part of the informal and/or statutory consultation process, less time will be required by interested parties and local authorities, following the publication of a statutory notice, for the submissions to the Welsh Ministers. Experience shows that at an informal stage people feel that it is less imperative to engage knowing a statutory process will follow.

38. The NASUWT is therefore opposed to any attempts to curtail the period of statutory objection on such a premise.

## **SPECIFIC COMMENTS**

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39. The NASUWT offers the comments that follow in relation to the questions posed on the consultation pro forma:

**Question 1:** *Do you agree that it would be better if changes to schools were decided more quickly, once statutory notices have been published in the newspaper and at the school? If you do not agree, please say why.*

The NASUWT believes that this question is both misconceived and misleading.

The NASUWT does not accept that the changes to the statutory process, as proposed, would ensure that decisions are made more quickly.

The NASUWT submits that the objective behind the question will only be realised if time limits are placed on the deliberations of the Welsh Ministers.

**Question 2:** *Do you think that 1 calendar month is enough time for objectors to let local authorities and others know that they oppose the change? If you do not think that this is enough time, please make an alternative suggestion, with brief reasons.*

The NASUWT rejects the view that one calendar month provides sufficient time for objectors to respond to a published statutory notice. The NASUWT submits that the status quo should be maintained. There is no evidence or rationale offered to demonstrate the need for change.

The NASUWT believes that the proposal to reduce the period of objection ignores the fact that the formulation of such objections can often be a very complex process requiring the collection, collation and analysis of huge volumes of information before a presentable and coherent argument can be

decided upon and agreed through the appropriate democratic structures of the respondent bodies, including the NASUWT, prior to their submission.

Further, experience demonstrates that objectors are often campaign/action groups comprising volunteers who, in the main, attempt to ensure that they are both representative of, and democratically accountable to the parents and local communities served by the schools involved. The NASUWT believes that such groups would be disadvantaged, and possibly disenfranchised from the process, by curtailing the time allowed for objections.

In addition, the NASUWT questions the premise that as the arguments and objections will have been rehearsed previously, as a part of the informal and/or statutory consultation process, less time will be required for objections from interested parties following the publication of a statutory notice.

Whereas it is recognised that there may be circumstances where less time would be required by objectors in such circumstances, the NASUWT maintains that it would be foolhardy and irresponsible to curtail the period of statutory objection on such a premise.

**Question 3:** *Do you think that 2 weeks is enough time for local authorities to refer the objections on to the Welsh Ministers, together with their comments on the objections? If you do not think that this is enough time, please make an alternative suggestion, with brief reasons.*

The NASUWT rejects the view that two weeks provides sufficient time for local authorities to refer and comment on objections to the Welsh Ministers.

The NASUWT recognises that there will be some instances where a two week time frame could be met but does not believe this provides a sound or reasonable basis for altering the current arrangements. Local authorities also

have democratic accountability and two weeks is insufficient to ensure that their democratic processes are completed.

The NASUWT believes the suggestion that local authorities will require less time to refer and comment on objections, following the publication of a statutory notice, because responses will have been submitted previously as a part of the informal and/or statutory consultation process, to be ill-considered and misguided.

The NASUWT opposes the change.

**Question 4:** *Do you agree that if the objection period is reduced to 1 calendar month, proposals should not be published during school holidays? If you do not agree, please let us know why.*

Regardless of the time frame involved, the NASUWT maintains that proposals that involve changes to schools, whether at the stage of informal consultation, statutory consultation or statutory notice, should not be published during school holidays or, indeed, on a date that causes the period for response or objection to be mainly in school holidays. This leaves the process open to abuse and excludes relevant parties from engaging in the consultation.

**Question 5:** *If a proposal were to be published in term time, do you agree that the objection period should include at least 15 school days? (this would be approximately 75% of the objection period). If you do not agree, please let us know why.*

The NASUWT maintains that the objection period should remain at two months and should not include or extend into school holidays.

**Question 6:** *We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:*

For the avoidance of any confusion the 'General Comments' made above are repeated below:

- The NASUWT notes that the Minister for Children, Education and Lifelong Learning asserts that there is a need to reduce the length of time required by the statutory process when changes to schools are proposed because of the uncertainty for pupils, parents and local authorities caused by the current timetable set in legislation. The NASUWT does not agree.
- The Minister's view appears to be based on the assumption that once school organisation changes are proposed, parents, local authorities and governing bodies normally prefer the issues to be resolved as soon as possible so that there is greater certainty for pupils and schools. The NASUWT questions this assumption as experience demonstrates that such concerns are more likely to occur due to delays following the submission of proposals to the Welsh Ministers than at the formative stages of the statutory process.
- The NASUWT submits, therefore, that if a limit is needed, then it should be placed on the time that the Welsh Ministers have to consider and determine school organisation proposals, following an objection to a published statutory notice, in order to meet the objective of providing greater certainty for pupils, parents and staff.

- The NASUWT is against curtailing the time available for the submission of objections to a published statutory notice as this may limit the ability of groups or bodies that wish to submit such objections and compromise the democratic process.
- In addition, the NASUWT questions the premise that as the arguments and objections will have been rehearsed previously as a part of the informal and/or statutory consultation process, less time will be required by interested parties and local authorities, following the publication of a statutory notice, for the submissions to the Welsh Ministers. Experience shows that at an informal stage people feel that it is less imperative to engage knowing a statutory process will follow.
- The NASUWT is therefore opposed to any attempts to curtail the period of statutory objection on such a premise.



Chris Keates

**General Secretary**

For further information on the Union's response, contact Rex Phillips, Wales Organiser.

NASUWT Cymru  
Greenwood Close  
Cardiff Gate Business Park  
Cardiff  
CF23 8RD

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029 2054 6080

[www.nasuwt.org.uk](http://www.nasuwt.org.uk)

[nasuwt@mail.nasuwt.org.uk](mailto:nasuwt@mail.nasuwt.org.uk)

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# ANNEX E

19<sup>th</sup> October 2010

Leighton Andrews AM  
Minister for Children, Education & Lifelong Learning  
Cardiff Bay  
Cardiff  
CF99 1NA

Dear Leighton,

Thank you for your letter of 5 October 2010 inviting views on the areas of education in which legislation is being considered through the introduction of an Education Assembly Measure.

I must state from the outset that given some of your recent Ministerial Statements and the short time scale for this response, it seems that views are being sought as an afterthought rather than an attempt to enter into constructive and meaningful dialogue.

Nonetheless, I offer the views and comments on the proposals that follow on behalf of the NASUWT.

## **School Governance**

The NASUWT has, for some time, been advocating a revision of school governance arrangement. In particular, but not exclusively, in relation to the ability of governors to hear disciplinary and/or capability cases objectively and fairly.

Consequently, the NASUWT would expect the Measure to be specific about the need for appropriate training and proven capability in this area of

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governance and to make provision for the removal of governors where the actions of governors have subsequently failed to meet the tests of fairness and objectivity.

The NASUWT believes that it is important to point out, at this formative stage, that training as an initiative on its own may not lead to any improvement in the capability of governors.

On a related issue, in the recent discussions on the establishment of an all-Wales model disciplinary procedure, it became clear that sections of *The Staffing of Maintained Schools (Wales) Regulations 2006* were in need of revision.

By way of example, paragraph 7(3) (Conduct and discipline and capability of staff) is open to interpretation. This was evidenced during the discussions by the differing views that were expressed on the application of this provision. Also, paragraph 17(9) (Dismissal of staff) provides an entitlement for headteachers to attend, for the purpose of giving advice, hearings of the staff disciplinary committee and the staff disciplinary appeal committee. The NASUWT submits that allowing headteachers to give advice in such circumstances is an affront to the rules of natural justice, as the advice given will inevitably be partial.

The NASUWT has raised previously concerns over the amendment made to *The Government of Maintained Schools (Wales) Regulations 2005* by virtue of *The School Councils (Wales) Regulations 2005* that made provision to allow associated pupil governors to be able to take part in discussions relating to areas such as staff appointments, staff pay, staff discipline, performance management, grievances submitted by staff or dismissal. As constructed, section 44A.-(1) (Exclusion of associate pupil governors from meetings) states that associate pupil governors 'may' be excluded from such discussion.

The NASUWT submits that the word 'may' needs to be replaced with 'must' to prevent the involvement of pupils in such discussions.

In citing these examples, the NASUWT suggests that the Measure should be seen as an opportunity to review and correct any such discrepancies in the current Regulations that apply to, or impact on the role of governors and school governance.

## **Collaboration**

The NASUWT has consistently opposed any suggestion of the need for legislation that would provide the Welsh Assembly Government with powers to enforce collaboration.

The NASUWT notes that the Measure, as proposed, would impose a duty on school governing bodies and the governing bodies of further education institutions to consider collaboration when exercising appropriate functions in the interests of efficiency and effectiveness and to enter into collaborative arrangements if savings can be made.

The NASUWT is concerned that the proposal fails to recognise that the vast majority of schools remain in the control of local authorities and are, therefore, democratically accountable, whereas, on the incorporation of the further education institutions, a democratic deficit was created in terms of the management and governance.

The NASUWT submits that enforced collaboration could lead to post-14 education provision being engulfed by further education institutions, resulting in further erosion of the democratic accountability that is essential to the provision of state education.

In addition, the NASUWT cautions against the introduction of legislation on financial assumption or cost saving. The NASUWT questions the suggestion that further collaborative arrangements on such things as back-room costs, sharing assets, data inputting and so on, will release funding for learning. Indeed, the NASUWT maintains that such collaborative arrangements could lead to increased costs and a diminution in the quality of the service provided.

## **Preventing schools changing category to become foundation schools**

The NASUWT has been consistent and resolute in opposing the creation of foundation schools and, therefore, welcomes this proposal.

## **Repeal of section 347 of the Education Act 1996**

The NASUWT would need to be convinced about the merits of, and rationale behind this proposal.

The NASUWT is concerned that allowing local authorities to make decisions on the placement of pupils with a statement of special educational needs (SEN) in unapproved independent schools without recourse to the Welsh Ministers could inadvertently lead to a reduction in the quality of provision and/or an increase in the numbers of SEN tribunals.

To date, the experiences of the NASUWT dealing with schools in the independent sector that cater for pupils with special educational needs argues for a strengthening, rather than any relaxation in regulation.

I trust that these comments will both assist and guide you in your deliberations on this matter.

Yours sincerely,

Rex Phillips  
NASUWT Wales Organiser