

# Children and Young People Committee School Standards and Organisation (Wales) Bill SSO23 – Response from Children in Wales



Children in Wales  
Plant yng Nghymru

## Children and Young People Committee: Consultation on the School Standards and Organisation (Wales) Bill

Children in Wales is the national umbrella organisation in Wales, bringing organisations and individuals from all disciplines and sectors together. Its role is to make the United Nations Convention on the Rights of the Child a reality in Wales. Children in Wales also fights for sustainable quality services for all children and young people, and special attention for children in need, as well as ensuring children and young people have a voice in issues that affect them.

Children in Wales has around 200 organisations in membership, including the major voluntary children's agencies, professional associations, local authorities and health bodies, as well as many smaller community groups. Children in Wales facilitates a variety of forums and networks across Wales and works in partnership with the National Children's Bureau in England and Children in Scotland, and internationally is active in Eurochild and the International Forum for Child welfare.

We welcome the opportunity to respond to the Children and Young People's Committee's call for evidence on the general principles of the **School Standards and Organisation (Wales) Bill** and we have set forth our response broadly in line with the considerations namely

- i. The need for a Bill to make provision about school standards and school organisation;*
- ii. Whether the Bill achieves its stated purposes;*
- iii. The key provisions set out in the Bill and whether they are appropriate to deliver the stated purposes;*
- iv. Potential barriers to the implementation of the key provisions and whether the Bill takes account of them;*
- v. Whether there are any unintended consequences arising from the Bill.*

Children in Wales, along with our partner agencies as part of the End Child Poverty Network Cymru (ECPN) submitted two response to the Welsh Government's **School Standards and Organisation (Wales) Bill White Paper consultation** in January 2012. Although a number of the issues raised in

our responses have been given further consideration, we would like to draw the Committee's attention to a number of issues that we believe need additional attention.

### **General Observations**

Children in Wales believes that there is a need for a School Standards and Organisation Bill to improve school standards and enhance school organisation. We welcome the commitment to issue statutory guidance for school improvement to ensure that the most effective practice presently being adopted by some schools in Wales becomes standard practice.

### **Children's Rights duties**

Whilst we acknowledge that the duty placed on Welsh Government through the **Rights of Children and Young Persons (Wales) Measure 2011** to have due regard to the United Nations Convention on the Rights of a Child (UNCRC) in respect of new policies and legislation did not come into force until 1 May 2012, we are nevertheless concerned that there is no reference in either the Bill or the Explanatory Memorandum to the new duties. The Welsh Governments '**Getting it Right Action Plan**' in response to the UN Committee's recommendations following the 2008 UNCRC Reporting Round is also absent in any commentary.

The National Assembly for Wales adopted the Convention as the underpinning basis for its policies concerning children and young people aged 0-25 in January 2004 and became a commitment of Welsh Ministers after the Government of Wales Act 2006. In addition to the UNCRC containing a number of specific Articles in respect of Education, Articles in relation to best interest of the child, non-discrimination and Participation are also applicable in the context of this Bill. In respect of participation as an example, the Welsh Government have developed the Pupil Voice website and issued guidance in respect of ensuring that structures are in place in schools to enable pupils to engage through School Councils and in Governing Bodies.

### **Child Poverty duties**

The Bill and Explanatory Memorandum make no reference to the **Children and Families (Wales) Measure 2010** and the duties placed on local delivery partners in respect of '*reduce(ing) inequalities in educational attainment between children*'. The Child Poverty Strategy (Wales) 2011 is referenced in the Explanatory Memorandum but not in terms of tackling child poverty being one of the key priority objectives and overarching drivers for the Bill

## **The key provisions set out in the Bill and their appropriateness to deliver the stated purposes**

### **School Improvement**

We welcome the Welsh Government's desire and commitment to seek to ensure that the most effective practice presently being adopted by some schools in Wales becomes standard practice and look forward to the outcomes from the work of the Welsh Government School Standards Unit in respect of the 3rd key objective of the School Effectiveness Framework. It is essential that the variability which currently exists in relation to outcomes for learners is prioritised and fully addressed, particularly where settings are comparable. We therefore welcome the emphasis in the Bill on school improvement as a way to drive up standards, ensure improved delivery and disseminate the most effective practice in Wales.

There is a recognised and evidenced-based link between child poverty and education attainment. The section on school improvement should therefore give specific attention to the role that schools can play in helping to address many of the challenges children from low-income families face and provide improved direction on how schools can make the most effective use of the School's Effectiveness Grant and Pupil Deprivation Grant by utilising examples of effective practice.

### **Parental engagement & proposals for annual parents' meetings**

Children in Wales recognises the importance of strengthening parental engagement at all levels in schools and the commitment by Welsh Government to enhance this is welcomed. We welcome the commitment to strengthen parental engagement in schools and support moves that would allow parents to call meetings with governors. We also welcome requirements placed on governors to send a letter to each parent notifying them that a meeting has been requested by parents and the date of the meeting. We also welcome that the new arrangements have to be publicised in school prospectuses and that it should be made clear that parents can request up to three meetings.

Particular care should be taken to ensure that parents who are least likely to become involved in their child's education, have literacy challenges or have struggled to engage to date are **adequately included** and this should be made clearer in the Explanatory Memorandum. Sufficient steps should be taken by schools to remind new parents of their entitlement to arrange to meet Governors and the process for doing so. This could be through school notice boards, website, parent's evenings, letters home, school's handbook, induction for new parents etc. Information should be clear and concise, taking into account the literacy levels of parents, parents whose first language is not English

and those who may have additional needs due to a disability. Schools should take additional steps to ensure that parents who are least likely to become involved in their child's education are adequately informed.

### **Free school breakfasts**

We welcome the Welsh Government's Programme for Government commitment to continue free breakfasts under the 'Tackling Poverty' agenda and the inclusion of Free School Breakfasts in the Bill. We welcome that the Bill recognises that *'local authorities may decide not to continue with these programmes; reduce activity; or, in the case of breakfasts not allow any additional schools to become involved.'* (Explanatory Notes p 29). This we would wish to avoid and suggest that strong measures are put in place to ensure that decisions at a local level do not curtail breakfast provision.

The Bill cites that 71% of schools have free breakfast provision. Therefore, 29% of schools still have no free breakfast service after more than 6 years – this challenges the perception that the service is 'well established'. Furthermore, the Welsh Government states that there will possibly be a continued decrease in uptake (Paragraph 3.108). The Bill does not give direction on how the Welsh Government will seek to increase uptake of the scheme, safeguard this universal services as the existing grant moves into RSG or what arrangements will be in place to monitor the take up of free breakfasts especially amongst families from low income backgrounds. Further clarification is still required as to when a LA can decide that it is 'unreasonable' to continue to deliver a free breakfast service, and how 'low demand' will be defined.

The Explanatory notes states that, *'There is the possibility that in certain circumstances the local authority could decline a school's request to participate in the scheme. However, in these circumstances the local authority would need to demonstrate that it would be unreasonable to make this provision available for reasons which might include for example, no or low demand, the cost of provision being disproportionately high for numbers involved, or inability to recruit staff.'*(p56 7.74). In this respect we are especially concerned for many rural schools which may face higher costs of delivery and have lower pupil numbers.

Section 89 (4d) states that breakfasts are to be provided *'before or at the start of each school day'*. We would like to see more flexibility for schools in terms of the time when free breakfasts can be provided. Many children arrive at school late and hungry which has implications for their learning.

We do not wish to see hungry children who could benefit from a nutritious breakfast being denied such provision due to lateness which in many circumstances they themselves could not avoid.

### **Schools-based counselling**

We welcome the Welsh Government's commitment in the Bill to continue providing counselling in schools and to also extend the service further. We are particularly encouraged to learn that the service will also *'include persons who attend out of school provision, or are home educated or attend an independent school'* as well as students who attend Further Education establishments. Good progress has been made in terms of developing and enhancing the School-Based Counselling Service throughout secondary schools across Wales, and this is reflected in the positive independent evaluation which was released earlier this year. It is essential that this provision is safeguarded.

We will continue to seek assurances that the move from a ring fenced grant to RSG will not threaten the quality and level of service currently being provided and believe that this should be carefully monitored over time and subject to independent evaluation. This has to be made absolutely clear to ensure that the progress which has been made to date is not lost and that the school based counselling service can flourish and develop further. This is also essential in respect of the increasing mental health concerns amongst young people becoming more visible.

Further clarification is also required around defining "a reasonable level of counselling service". We would be concerned if this was determined locally as different interpretations may well be applied, leading to a postcode lottery service

### **Flexible charging for school meals**

Children in Wales has supported Welsh Government moves to enhance the school meals experience for children and young people with a commitment to improve the quality and placing a greater emphasis on healthy eating and nutrition, and the introduction of the Healthy Eating Measure. Concerns over the increasing cost of school meals especially for low income families who do not qualify for free school meals provision have however remained and we recognise that this Bill goes some way to recognising this.

We very much welcome the additional safeguards put in place to prevent schools and local authorities from charging more than the cost of providing milk, meals or other refreshments to pupils as outlined in the Explanatory Memorandum.

We would particularly welcome clarification over a number of key points -

The 'limited period' and 'offer period' option put forward when the discount could be made available for new pupils at a school requires further thought. We would be more in favour of lasting and sustainable solution to low take up of school meals and would be concerned over the cost implications for families wishing their child to continue taking school meals after this 'limited period' came to an end (one month, one year, two years...?). We would not like to see this as a short term temporary initiative determined by resources rather than a well evidenced and informed, desire to increase access and address take up levels especially amongst low income families.

How will the discount level for a second child be determined? We would welcome consideration being given to a national benchmark figure being put forward to ensure some level of consistency across Wales. For a large family on low income and not meeting the criteria for Free School Meal provision, this initiative would be very welcome. However, if a discount level is not sufficient enough to enable families to afford school meals as is often the case, the impact on uptake levels will be minimal. In addition, many families currently struggling will not qualify for a discount if they do not receive the maximum working tax credit as is being suggested.

We are also concerned that the *'flexible charging will be entirely optional'*. With this degree of flexibility, we may see no change from arrangements at present.

The Explanatory Notes also recognises that subsidised meals could be an area of contention where pupils from more affluent backgrounds will be seen as paying a higher cost for identical products than the pupils who qualify for the flexible arrangement in place. This is acknowledged on p87 8.147 - *'There is a risk that charging different pupils different amounts for the same or similar meals might be perceived as unfair by parents whose children pay full price for meals, and give rise to complaints.'* Children in Wales, along with our partners as part of the ECPN Cymru, have continuously raised concerns over the perceived stigma in relation to free school meals for pupils and some existing access arrangements. It is of uttermost importance that pupils who receive discounted meals are not stigmatised. We support the use of cashless systems in schools and would welcome if the Welsh Government adopted it as one of the 'innovative' ways of paying for meals (*cited in 8.148*).

Children in Wales

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