



Background Pack
Statutory Consultation Period
Ysgol y Faenol
2018

Order	Document
1	School Organisation Code 006-2013
2	School Standards and Organisation (Wales) Act 2013
3	Faith in Education
4	Excellent Primary Education for Children in Gwynedd
5	Statistic Pack 2017-18
6	Language and Community Impact Assessment Report
7	Equality Impact Assessment Report
8	Cabinet Report and Decision Notice January 2017



Llywodraeth Cymru
Welsh Government

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School Organisation Code



Statutory Code

Statutory Code document no: 006/2013

Date of issue: July 2013

School Organisation Code

Audience	Local authorities; governing bodies of maintained schools; diocesan authorities; and Estyn.
Overview	<p>The School Standards and Organisation (Wales) Act 2013 requires that the Welsh Ministers issue a School Organisation Code.</p> <p>The Code imposes requirements in accordance with which relevant bodies (the Welsh Ministers, local authorities, governing bodies and other promoters) must act. It also includes practical guidance to which relevant bodies must have due regard and sets out the policy context, general principles and factors that should be taken into account by those bringing forward proposals to reconfigure school provision and by those responsible for determining proposals.</p>
Action required	See above.
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Additional copies	This document can be accessed from the Welsh Government's website at www.wales@gov.uk
Related documents	School Standards and Organisation (Wales) Act 2013; <i>Defining schools according to Welsh medium provision (2007)</i> ; <i>Measuring the capacity of schools in Wales</i> Welsh Government Circular No: 021/2011 (2011).

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Summary

This Code on School Organisation ('the Code') is made under Sections 38 and 39 of the School Standards and Organisation (Wales) Act 2013 ('the 2013 Act').

Section 38 requires the Welsh Ministers to issue a Code that may impose requirements and include guidelines in respect of school organisation on the following (known collectively in this Code as "relevant bodies"):

- the Welsh Ministers;
- local authorities;
- the governing bodies of maintained schools¹; and
- the promoters of proposals to establish voluntary schools.

The Code comes in to force on 1 October 2013 and will apply in respect of all school organisation proposals published by way of statutory notice on or after that day. Proposals published before 1 October 2013 will be determined in accordance with the arrangements made under the School Standards and Framework Act 1998 and the Code does not apply to them.

The Code contains the following elements:

1. It imposes requirements in accordance with which relevant bodies (or persons exercising a function for the purpose of the discharge, by a local authority or the governing body of a maintained school, of functions in Part 2 (changes which require proposals)) must act. Failure by a relevant body to comply with the requirements set out in this Code may result in a complaint to the Welsh Ministers or to the Public Services Ombudsman for Wales. Where mandatory requirements are imposed by the Code or by the 2013 Act or another statute or statutory instrument, it is stated that the relevant bodies **must** comply with the particular provision. Where practices are prohibited, it is stated that the relevant bodies **must not** use this practice.
2. It includes statutory guidance to which relevant bodies **must** have regard and sets out the policy context, general principles and factors that should be taken into account by those bringing forward proposals to reconfigure school provision and by those responsible for determining proposals. Where guidance is given by the Code, it is stated that relevant bodies **should** follow this guidance unless they can demonstrate that they are justified in not doing so.
3. It provides a description of the statutory requirements set out in the 2013 Act.

¹ The categories of maintained schools in Wales are community, voluntary controlled, voluntary aided, foundation and community special.

The Code builds on good practice which already exists amongst local authorities and others, but does not aim to give exhaustive guidance on all aspects of school organisation. Local authorities and others will need to ensure that in carrying out their school organisation functions they act at all times in ways which are reasonable and founded on the interests of learners.

This Code supersedes any guidance to be found in Welsh Government Guidance Circular No: 021/2009 school organisation proposals, National Assembly for Wales Circular 9/99: Organisation of School Places, and National Assembly for Wales Circular No: 48/2004 Guidance Accompanying the School Organisation Proposals by the National Council for Education and Training for Wales Regulations 2004.

The Code is primarily designed for the use of the relevant bodies but all those with an interest in school organisation matters may also find it useful.

1. Development and consideration of proposals

1.1 Key background principles and policies

The planning and development of effective school organisation proposals is crucial to the Welsh Government's goal of transforming education in Wales and providing better educational outcomes.

Relevant bodies **should** ensure that proposals comply with and support national policies and overarching aims, in particular the Welsh Government's commitment to increase school effectiveness, and narrow inequalities in achievement between advantaged and disadvantaged areas, groups and individuals.

Amongst the overarching principles and policies which **should** be taken into account by relevant bodies in developing school organisation proposals are the following:

- United Nations Convention on the Rights of the Child;
- A living language: a language for living – Welsh Language Strategy 2012-17;
- Welsh- medium Education Strategy;
- One Wales: One planet, a new sustainable development scheme for Wales May 2009 or any successor strategy;
- Child Poverty Strategy for Wales (issued February 2011 Information document number 95/2011), or any successor strategy;
- Faith in Education.

In addition, when developing school organisation proposals, the local plans to which relevant bodies **should** have regard include the following:

- Local plans for economic or housing development;
- Welsh in Education Strategic Plans (made under part 4 of the 2013 Act);
- Children and Young People's Plans (or successor plans);
- 21st Century Schools – Capital Investment Programme and the relevant wave of investment.

Finally, relevant bodies **should** have regard to the following Welsh Government guidance on related matters:

- Learner Travel Operational Guidance - April 2009;
- Measuring the capacity of schools in Wales, Circular No: 021/2011.

1.2 Factors to be taken into account in preparing, publishing, approving or determining school organisation proposals

The following paragraphs set out the factors which **should** be taken into account by relevant bodies when exercising their functions of preparing and publishing school organisation proposals, or approving/determining them. Paragraphs 1.3 to 1.6 are applicable in the case of all proposals.

1.3 Quality and standards in education

Relevant bodies **should** place the interests of learners above all others. With reference to the key questions of the Office of Her Majesty's Chief Inspector of Education and Training in Wales (Estyn), they **should** give paramount importance to the likely impact of the proposals on the quality of:

- outcomes (standards and wellbeing);
- provision (learning experiences, teaching, care support and guidance, and learning environment);and
- leadership and management (leadership, improving quality, partnership working and resource management)

at the school or schools which are the subject of the proposals and at any other school or educational institution which is likely to be affected. Relevant bodies **should** pay particular attention to the impact of the proposals on vulnerable groups, including children with Special Educational Needs (SEN).²

Relevant bodies **should** also consider the ability of the school or schools which are the subject of the proposals to deliver the full curriculum at the foundation phase and each key stage of education. This consideration **should** include the quality of curriculum delivery and the extent to which the structure or size of the school is impacting on this.³

Where proposals involve the transfer of learners to alternative provision there **should** normally be evidence⁴ that the alternative would deliver outcomes and offer provision at least equivalent to that which is currently available to those learners (including learners with SEN). Proposers **should** ensure that the disruption to learners is minimised.

In assessing the impact of proposals on quality and standards in education and how effectively the curriculum is being delivered, relevant bodies **should** consider any relevant advice from Estyn, refer to the most recent Estyn reports or other evidence derived from performance monitoring, and take into consideration any other generally available information available on a school's effectiveness.

² The term Special Educational Needs (SEN) may in future be replaced by Additional Needs (AN).

³ Primary legislation sets out the statutory aims of the school curriculum in Wales at section 99 of the Education Act 2002.

⁴ Advice from Estyn might reasonably be judged as evidence in relation to alternative provision which is brand new.

1.4 Need for places and the impact on accessibility of schools

Local authorities **must** ensure that there are sufficient schools providing primary and secondary education for their area. Schools are regarded as sufficient if they are sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education⁵. In order to fulfil these duties, local authorities **must** ensure that they plan thoroughly and engage fully with relevant partners, including the appropriate religious bodies⁶ for schools serving their area which have a designated religious character.

In the light of the above, relevant bodies **should** have regard to the following factors:

Where a school closure⁷, reduction in capacity or age range contraction is proposed:

- whether alternative school-based provision will have sufficient capacity and provide accommodation of at least equivalent quality, for existing and projected pupil numbers;

*In considering proposals relevant bodies **should** have regard to the relevant Building Regulations and associated Building Bulletins, and to the ‘Welsh Government’s circular on ‘Measuring the capacity of schools in Wales’ (Circular No: 021/2011). In addition, the Education (School Premises) Regulations 1999 set out the standards for school premises, including minimum areas of team game playing fields to which schools **must** have access. Statutory proposals **should** ensure that these standards are met.*

- with reference to the nature of the schools subject to proposals, whether the alternative school-based provision is sufficient to meet existing and projected demand for schools of the same:
 - a. language category as set out in “Defining schools according to Welsh medium provision” Welsh Assembly Government Information document No: 023/2007 (Information document No 023/2007); and
 - b. (if relevant) designated religious character;

*Proposals **should** ensure that the balance of school provision reflects the balance of demand. This means that where school provision is being reduced or removed, alternative school provision of the same nature (language category or, if relevant, religious character), wherever possible, **should** remain available and accessible to pupils in the local area.*

⁵ Section 14 of the Education Act 1996.

⁶ An appropriate religious body is, in the case of a Church in Wales or Roman Catholic school, the appropriate diocesan authority, or in the case of other schools, the body representing the religion and religious denomination stated in relation to the school in an order made under section 69(3) of the School Standards and Framework Act 1998.

⁷ Any reference to ‘school closure’ included in this document means the discontinuance of a maintained school as set out in section 40 of the 2013 Act

However in some areas it may not be compatible with the cost effective provision of education to continue to maintain access to schools of the same nature.

*In all cases, existing pupils at a school where provision is being reduced or removed **must** be able to continue receiving an education that provides at least equivalent standards and opportunities for progression in their current language medium. Specific transition arrangements may be necessary in order to achieve this.*

*Where proposals affect schools where Welsh is a medium of instruction (for subjects other than Welsh) for some or all of the time, local authorities **should** carry out a Welsh Language Impact Assessment.*

- the nature of journeys to alternative provision and resulting journey times for pupils, including SEN pupils; in particular whether primary school pupils will have one-way journeys in excess of 45 minutes or secondary school pupils one way journeys of over an hour;

*Arrangements for accessing the alternative provision **should** encourage sustainable transport; and they **should** address the possible effect of any transport difficulties on pupils' engagement with and attendance at school. Likely walking or cycling routes for safety and accessibility **should** be assessed prior to bringing forward proposals.⁸*

Where a new school, increase in capacity or age range expansion is proposed;

- that there is evidence of current or future need/demand in the area for additional places, with reference to the school or proposed school's language category, designated religious character, and the gender intake (i.e. co-educational/single sex);

*The demand for additional provision of any type in an area **should** be assessed and evidenced (In the case of Welsh medium provision this would include an assessment of the demand for Welsh Medium education conducted in accordance with any regulations made under section 86 of the 2013 Act).*

- whether proposals will improve access for disabled pupils in accordance with requirements under the Equality Act 2010.

⁸ Paragraphs 1.46 – 1.48 of the Welsh Government Learner Travel Operational Guidance - April 2009.

1.5 Resourcing of education and other financial implications

It is important that funding for education is cost effective. Relevant bodies **should** take into account the following factors in relation to the resourcing of education:

- Whether proposals will ensure a fairer and more equitable distribution of funding between mainstream schools within the local authority's area.

*Whilst some variation in the per capita funding provided to schools is to be expected, inefficient patterns of school organisation can result in uneven and unfair funding patterns where some schools receive a disproportionate share of funding at the expense of pupils attending other schools in the area. Proposals **should not** exacerbate such funding differences. Rather, wherever possible, they **should** contribute towards establishing a more equitable pattern of school funding.*

- what effect proposals will have on surplus provision in the area;

Some spare places are necessary to enable schools to cope with fluctuations in numbers of pupils, but excessive numbers of unused places that could be removed mean that resources are tied up unproductively.

*Where there are more than 10% surplus places in an area, local authorities **should** review their provision and **should** make proposals for school reorganisation if this will improve the effectiveness and efficiency of provision. This is especially important where individual schools, have "significant" levels of surplus places. A significant level of surplus provision is defined as 25% or more of a school's capacity (as defined in Circular 21/2011) and at least 30 unfilled places.*

*It **should not** normally be necessary to provide additional places at schools when there are others of the same type with surplus places within reasonable distance. However, proposals to increase the number of places in response to demand for a particular type of provision, e.g. Welsh medium, may still be appropriate; particularly if effective provision of school places is planned for the local authority area.*

- whether proposals form part of the local authority's 21st Century Schools Investment Programme and contributes to the delivery of sustainable schools for the 21st Century and to the better strategic management of the school estate through the removal of maintenance backlogs and school buildings which are in efficient or in poor condition.

Relevant bodies **should** also take into account the following factors in relation to finance:

- the recurrent costs of proposals over a period of at least 3 years and whether the necessary recurrent funding is available;

- additional transport costs incurred as a result of proposals;

*Proposers **should** take into account the requirement on local authorities to provide free transport provision under the Learner Travel (Wales) Measure and **should** seek the advice of Regional Transport Consortia in relation to the impact the proposal might have on associated transport costs and their affordability.*

- the capital costs of proposals and whether the necessary capital funding is available;
- the scale of any projected net savings (taking into account school revenue, transport and capital costs);

*In relation to proposals where substantial upfront capital investment is required (for example to support a substantial remodelling, refurbishment or a new build project), the costs and savings of the proposals **should** be calculated over the lifespan of the relevant building, and compared against the costs and savings associated with the maintenance of the status quo. Where a local authority's business case submission for funding under the 21st Century Schools Programme has been approved by the Welsh Government in line with the HM Treasury 5 case business model, this would provide sufficient evidence of the proposal's cost effectiveness in terms of capital expenditure;*

- whether, without the proposals, the schools affected would face budget deficits;
- whether any savings in recurrent costs will be retained in the local authority's local schools' budget; and
- whether the proceeds of sales (capital receipts) of redundant sites are to be made available to meet the costs of the proposal or contribute to the costs of future proposals which will promote effective management of school places.

*In general, local authorities **should** look to recycle assets from any surplus school buildings and sites in their ownership into the overall improvement of their schools estate rather than allocate those proceeds to projects outside the education portfolio, although these decisions ultimately rest with local authorities.*

1.6 Other general factors

Relevant bodies **should** take into account the following general factors:

- what impact proposals will have on educational attainment among children from economically deprived backgrounds;

- any equality issues, including those identified through equality impact assessments; and
- whether the school or schools involved are subject to any trust or charitable interests which might be affected by the proposals, for example in relation to the use or disposal of land.

*Proposals which affect charities **must** be consistent with charity law or the stated purpose of the charitable trust.⁹ Advice **should** be sought from the Charities Commission or the Welsh Ministers (as the Principal Regulator of governing bodies which are charities) where there is any uncertainty.*

1.7 Specific factors in the consideration of school closures

There is no presumption in favour or against the closure of any type of school. The prime purpose of schools is the provision of education and any case for closure **should** be robust and in the best interests of educational provision in the area. Nevertheless, in some areas, a school may also be the main focal point for community activity, and its closure could have implications beyond the issue of the provision of education. This may be a particular feature in rural areas if school buildings are used as a place to provide services to the local community.

The case prepared by those bringing forward proposals **should** show that the impact of closure on the community has been assessed through the production of a **Community Impact Assessment**, and how any community facilities currently provided by the school could be maintained.

When considering whether a closure is appropriate, special attention **should** be given to the following:

- whether the establishment of multi-site schools might be considered as a means of retaining buildings, or the reasons for not pursuing this option;
- whether alternatives to closure, such as clustering, collaboration or federation with other schools, might be considered (taking account of the scope for use of ICT links between school sites) or the reasons for not pursuing these as an alternative;
- whether the possibilities of making fuller use of the existing buildings as a community or an educational resource could be explored;

(Local authorities **should** consider whether it would be feasible and economical to co-locate local services within the school to offset the costs of maintaining the school);

⁹ All foundation and voluntary school governing bodies are charities under section 23 of the Schools Standards and Framework Act 1998 and community school sites may also be subject to charitable interests.

- the overall effect of a closure on the local community (including the loss of school based facilities which are used by the local community), particularly in rural areas or those receiving funding as part of regeneration activity; and
- how parents' and pupils' engagement with the alternative school and any facilities it may offer could be supported (e.g. how pupils; particularly any less advantaged pupils) will be helped to participate in after school activities).

Although under the 2013 Act the requirement to consult does not apply to proposals to discontinue small schools with fewer than 10 pupils at the preceding January census point¹⁰ local authorities and governing bodies bringing forward such proposals **must** still take into account the factors set out in this Code.

1.8 Specific factors to be taken into account for proposals to add or remove nursery classes

Relevant bodies **should** take into account the following specific factors:

- the standard of nursery education and the sufficiency of accommodation and facilities offered, both in the classroom and outdoors, and the viability of any school that wishes to add nursery places;
- whether there is a need for additional nursery places in the area;
- the levels of demand for certain types of nursery education e.g. Welsh medium or provision with a religious character;
- the effect of the proposals on other institutions, including private and third sector providers; and
- the extent to which proposals will integrate early years education with childcare services or are consistent with an integrated approach.

1.9 Specific factors to be taken into account for proposals to reorganise secondary schools or to add or remove sixth forms

Relevant bodies **should** take into account the following specific factors:

- whether proposals will lead to an improvement in the educational or training achievements of persons who are above compulsory school age but below the age of 19;
- whether proposals will contribute to an appropriate range of relevant courses and qualifications and high quality, employer informed, vocational learning routes targeted at pupils of all abilities, whilst maintaining GCSE, AS/A level and other established courses, as required under the Learning and Skills (Wales) Measure 2009 for 14-19 year old learners;

¹⁰ Section 56 of the 2013 Act defines a 'small school', for the purposes of deciding whether consultation is required, as a school with fewer than 10 registered pupils on the third Tuesday in January immediately preceding the date on which the proposals are made.

- whether proposals are likely to lead to increased participation in learning by pupils beyond compulsory school age, taking into account transport issues and costs to the learner and others, the affordability of such costs, and the likelihood of learners being willing to travel;
- the extent to which proposals contribute to the 14-19 agenda taking account of the views of local 14-19 networks and learning partnerships;
- the effect of proposals on 11-16 provision in schools;
- how proposals would affect the viability of institutions already providing good-quality post-16 provision, including school sixth forms, Further Education Institutions and private training organisations;
- how proposals might affect the sustainability or enhancement of Welsh medium provision in the local 14-19 network and wider area and promote access to availability of Welsh medium courses in post-16 education;
- the extent to which proposals will provide additional learner benefits compared with the status quo and other tenable options for post-16 organisation; and
- how proposals might affect the discretionary transport provision a local authority may provide to learners¹¹ above compulsory school age.

1.10 Specific factors to be taken into account for proposals to increase provision in voluntary schools or establish a new voluntary school

Relevant bodies **should** take into account whether:

- the local authority has confirmed that it will meet its liability;
- the governing body of a voluntary aided school will be able to meet its financial responsibilities for repairs and capital work; and
- the proposed land tenure arrangements give the school sufficient security of occupation of the site.

Where land tenure arrangements are not settled those determining proposals might indicate that they are minded to approve the proposals subject to satisfactory resolution of those issues. Such a decision could be appropriate where the promoters are unwilling to incur legal expenses to resolve the tenure issue until they know that there is a strong likelihood that the proposals will be approved.

¹¹ Section 6 of the Learner Travel (Wales) Measure 2008 gives a local authority the power to provide discretionary transport where they think fit to facilitate the travel of learners. Paragraphs 2.1 – 2.8 of the Welsh Government Learner Travel Operational Guidance – April 2009 provides further guidance on this provision.

1.11 Specific factors in the consideration of proposals for the change of language medium

Relevant bodies **should** take into account the following specific factor:

- the extent to which existing provision by the local authority of education in the medium of English and/or Welsh exceeds or falls short of demand or projected demand from parents for that type of provision, and the contribution the proposal would make to remedying that situation.

1.12 Specific factors in the consideration of proposals for the change of school category

Relevant bodies **should** take into account the following specific factors:

- all categories of school - community, foundation, voluntary controlled or voluntary aided - are of equal status;
- all permissible proposals to change the category of a school will be considered on their individual merits¹²; and
- whether, any benefits can be identified.

*Changing category has the potential to cause disruption to the running of the school and/or place added burdens on the governing body and/or add complexity to school reorganisation or admissions. Therefore, there **should** be a presumption against changes where benefits cannot be identified.*

- Whether any trust deed relating to the school allows for the change of category proposed. If there is any doubt, or if a variation in the trust deed is clearly necessary, proposers **should** make early contact with the Charity Commission.

1.13 Additional factors to be taken into account in preparing, publishing, approving or determining proposals for the reorganisation of SEN provision

Policies and principles

The principles and plans set out elsewhere in this Code **should** be taken into account in the consideration of proposals for the reorganisation of maintained special schools and specialist resource bases in mainstream schools.

Relevant bodies **should** consider how proposals fit with the local authority's plans for promoting inclusion (i.e. providing for a higher proportion of pupils with SEN to attend

¹² Schools are not permitted to change their category to foundation and schools with a religious character may not become community schools.

mainstream settings) wherever that is appropriate in meeting a child or young person's individual needs, and with its overall strategy for ensuring adequate provision for the full range of SEN.

Relevant bodies **should** have regard to the factors set out below in relation to proposals affecting special schools and specialist resource bases in mainstream schools.

Standards of provision

In addition to the usual considerations in relation to standards of provision, relevant bodies **should** consider:

- whether proposals will improve standards of accommodation for pupils with SEN, including building accessibility;
- how proposals will address any health, safety and welfare issues;
- how proposals, where appropriate, will support increased inclusion; and
- the impact of proposals on other SEN provision within the immediate and wider local authority area including out of county where appropriate.

Need for places and the impact on accessibility of schools

In addition to the considerations listed in 1.4, relevant bodies **should** consider:

- whether there is a need for a particular type of SEN provision within the area;
- whether there is surplus SEN provision within the area;
- whether SEN provision would be more effective or efficient if regional provision were made; and
- the impact of proposals on the transportation of learners with SEN.

Other factors

Relevant bodies **should** consider:

- how changes to SEN provision in schools are likely to impact on all other services provided in an area for pupils with disabilities and/or SEN.

1.14 Factors to be taken into account in approving/determining school organisation proposals

When approving or determining proposals, relevant bodies:

- **must** consider whether there are any other related proposals;

- **must** ensure that the statutory consultation has been conducted in accordance with this Code (the requirement to consult does not apply to proposals to discontinue a school which is a small school);
- **must** ensure that the proposal has been published in accordance with this Code and the notice contains all the required information;
- **must** consider the consultation document and consultation report;
- **must** consider the objections and the objection report and any responses to the notice supporting the proposals;
- **should** consider, in the case of a proposal to change the category of a school, whether, there are any benefits. If no benefits can be identified, such proposals **should not** be approved; and
- **must not** approve change of category proposals where a variation in the trust deed is necessary but has not yet taken place.

2. Changes which require proposals

Statutory procedures are usually necessary to make significant changes to schools. The procedures are designed to enable changes to be made where they are considered necessary, but in a way which protects the interests of learners and allows interested parties the opportunity to have their say in the process.

2.1 Elements of school reorganisation that require the publication of proposals

Proposals **must** be published for the following elements of school reorganisation:

1. the opening of a maintained school (including a special school);
2. the closing of a maintained school (including a special school); and
3. a change in a school's category so that it becomes a school of another category¹³.

Proposals to change the category of a school

Category of school	Can become	Proposer
Community school*	VA or VC	Governing Body (GB)
Voluntary Aided (VA) school*	Community or VC	GB
Voluntary Controlled (VC) school*	Community or VA	GB
Foundation school*	Community, VA or VC	GB

*Note that it is not possible for VA, VC or foundation schools with a designated religious character to become a community school through a change of category proposal. Similarly community schools cannot become VA or VC schools with a designated religious character. Community schools are not permitted to have a religious character and no alteration may be made to a maintained school that changes its designated religious character or causes it to acquire or lose a designated religious character.

2.2 Regulated alterations

In addition, proposals **must** be published for the following significant alterations (known as “regulated alterations”) to schools:

- the transfer of any school to a new site or sites unless a main entrance of the school on its new site or sites would be within 1.609344 kilometres

¹³ Except to foundation – the 2012 Act prohibits schools from changing their category to foundation.

(one mile) of any of a main entrance of the school on its current site or sites;

- changing a school (including a special school) from single-sex to mixed or vice-versa. (A school is treated as admitting pupils of one sex only if the admission of pupils of the other sex is limited to pupils over compulsory school age, and does not exceed 25% of the age group in question);
- a change in the age range of a school (including a special school) by a year or more (not including the introduction or discontinuation of part-time or full-time Further Education or changes to provision for pupils over compulsory school age who are repeating a course of education completed before they reached the end of compulsory school age);
- the introduction of, or ending of, sixth form provision at a school;
- the alteration of the medium of instruction of a class of pupils in an age group or groups (including nursery pupils) at a primary school (or primary education in relation to middle or special schools) which falls within the description in column 1 of the table below so that it falls within the description in the corresponding entry in column 2.

Column 1	Column 2
At least 20% but no more than 80% of the teaching is conducted through the medium of English.	An increase or decrease of more than 20% in the teaching which is conducted through the medium of Welsh.
At least 20% but no more than 80% of the teaching is conducted through the medium of Welsh.	An increase or decrease of more than 20% in the teaching which is conducted through the medium of English.
More than 80% of the teaching is conducted through the medium of English, and some teaching is conducted through the medium of Welsh.	An increase of more than 10% in the teaching which is conducted through the medium of Welsh.
More than 80% of the teaching is conducted through the medium of Welsh, and some teaching is conducted through the medium of English.	An increase of more than 10% in the teaching which is conducted through the medium of English.
No teaching is conducted through the medium of Welsh.	More than 10% of the teaching is conducted through the medium of Welsh.
No teaching is conducted through the medium of English.	More than 10% of the teaching is conducted through the medium of English.
Some teaching is conducted through the medium of English.	No teaching is conducted through the medium of English.
Some teaching is conducted through the medium of Welsh.	No teaching is conducted through the medium of Welsh.

- the alteration of the teaching of pupils in a year group at a secondary school (or secondary education in relation to middle or special schools) which falls within the description in column 1 of the table below so that it falls within the description in the corresponding entry in column 2.

Column 1	Column 2
Five or more relevant subjects are taught (wholly or mainly) through the medium of Welsh to any pupils.	A decrease by four or more in the number of the relevant subjects taught (wholly or mainly) through the medium of Welsh to any pupils.
Five or more relevant subjects are taught (wholly or mainly) through the medium of English to any pupils.	A decrease by four or more in the number of the relevant subjects taught (wholly or mainly) through the medium of English to any pupils.
Every relevant subject is taught (wholly or mainly) through the medium of Welsh to all pupils.	Three or more relevant subjects are taught (wholly or mainly) through the medium of English to any pupils.
Every relevant subject is taught (wholly or mainly) through the medium of English to all pupils.	Three or more relevant subjects are taught (wholly or mainly) through the medium of Welsh to any pupils.
One or more relevant subject is taught (wholly or mainly) through the medium of Welsh to any pupils.	No relevant subject is taught (wholly or mainly) through the medium of Welsh to any pupils.
One or more relevant subject is taught (wholly or mainly) through the medium of English to any pupils.	No relevant subject is taught (wholly or mainly) through the medium of English to any pupils.

(Relevant subjects are defined as any subjects apart from English and Welsh which are taught at a school).

- an enlargement of the premises of a school (excluding nursery and special schools), which would increase the capacity of the school by at least 25% or 200 pupils as compared with the school's capacity on the appropriate date. In determining an increase in capacity all enlargements that have taken place since the appropriate date are to be taken into account together with the proposed enlargement. The "appropriate date" is the latest date of:
 - the date falling five years before the date on which it is planned to implement the proposals to make the enlargement;
 - the date when the school first admitted pupils;
 - the date (or the latest date) when any previous statutory proposals that involved enlarging the premises of the school were implemented.

For the purposes of an enlargement of school premises "capacity" is to be determined in accordance with the formulae set out from time to time by the Welsh Ministers (currently Circular No: 21/2011);

- the making permanent of a temporary enlargement of the school where that temporary enlargement would have been a regulated alteration when undertaken but for the fact that it was temporary;
- the reduction in the physical capacity of a mainstream school, except where the proposed capacity will be greater than the highest number of pupils on roll at the school at any time in the previous two school years prior to the publication of the proposal. In this context, "capacity" is to be determined in accordance with the formulae set out from time to time by the Welsh Ministers (currently Welsh Government Circular No: 21/2011 Measuring the Capacity of Schools in Wales)¹⁴;
- the addition or removal of SEN provision or any change in the type of such provision. This is where the provision is in a mainstream school but the pupils who are admitted are in addition to admission number of the school. The provision **must** also be recognised by the local authority as reserved for pupils with SEN;
- the introduction or ending of banding arrangements for the admission of pupils into a mainstream school (under section 101 of the School Standards and Framework Act 1998 (the 1998 Act));
- the introduction or ending of boarding, or an increase or decrease in boarding provision in mainstream schools by 50 pupils or 50% of capacity, whichever is the greater;
- for special schools (except where the school is in a hospital) an increase in the number of pupils for whom the school makes provision which, when taken together with all such previous increases in the number of pupils, would increase the number of pupils by 10% or the relevant number of such pupils (whichever is the lesser). The relevant number is 5 where the school only makes boarding provision, and is 20 in other cases. Any previous increase in the number of pupils is taken from the appropriate date. The appropriate date is whichever is the latest date of the following:
 - 19 January 2013;
 - the date when the school first admitted pupils; and
 - the date (or the latest date) when any previous statutory proposals that involved enlarging the premises of the school were implemented.
- for a special school, the introduction or ending of boarding provision, or the alteration of boarding provision such that the number of pupils for whom provision is made is increased or decreased by 5 pupils;

¹⁴ The effect of this is that where schools have spare capacity that capacity can be removed without the need for a statutory proposal. However, where schools are full or near full, a proposal must be published to reduce the school's capacity.

- a change in the type of special educational needs for which a special school makes provision;
- the enlargement, or making permanent of a temporary enlargement, of the teaching space at a nursery school, by 50% or more;
- the addition or removal of provision (in a nursery school) which is recognised by the local authority as reserved for pupils with special educational needs;
- for a nursery school at which a group of pupils is taught wholly or mainly through the medium of Welsh, an alteration so that all the pupils are taught wholly or mainly through the medium of English;
- for a nursery school at which a group of pupils is taught wholly or mainly through the medium of English, an alteration so that all the pupils are taught wholly or mainly through the medium of Welsh.

2.3 Who can publish a proposal?

The following table sets out the powers to publish proposals under sections 41-45 of the 2013 Act:

Local Authority	Governors of Foundation or Voluntary Schools	Promoters of New Voluntary Schools (including local authorities)	Governors of Community schools
Proposals to discontinue a voluntary or foundation school.	Proposals to discontinue their school.		
Proposals to increase/decrease the capacity of a foundation or voluntary school without a religious character.	Proposals to make a significant alteration to their school.		
Proposals to establish, discontinue or make a significant alteration to community schools.		Proposals to establish a new voluntary school.	
Proposals to change the category of community schools.	Proposals to change the category of their school.		Proposals to change the category of their school.

Local authorities may also make proposals to add or remove school sixth forms at voluntary and foundation secondary schools, but only if they have first gained the consent of the Welsh Ministers to do so. Consent **must** be sought by means of a written application that clearly sets out the local authority's rationale for the proposal.

In addition, the 2013 Act provides the Welsh Ministers with the power to publish proposals to:

- a) remedy excessive or insufficient provision of school places (where they have already issued a direction to a local authority or governing body to that effect) (section 59);
- b) secure regional provision for special educational needs (where they have already issued a direction to a local authority/local authorities/governing bodies to that effect) (section 68); and
- c) add or remove school sixth forms (section 71) .

3. Consultation

3.1 Principles

Section 48 of the 2013 Act requires that before school organisation proposals are published under sections 41-45, they **must** first be subject to consultation. In addition, proposals published under section 68 by the Welsh Ministers to secure regional provision for special educational needs or published under section 71 to reorganise sixth forms **must** also be subject to prior consultation. The requirement to consult does not apply to proposals to discontinue a small school¹⁵ made under section 43.

Case law has established that the consultation process **should**:

- be undertaken when proposals are still at a formative stage;
- include sufficient reasons and information for particular proposals to enable intelligent consideration and response;
- provide adequate time for consideration and response; and;
- ensure that the product of consultation is conscientiously taken into account when the ultimate decision is taken.

The process and guidance which follow have been developed with due regard to the principles listed above. Those considering bringing forward proposals will need to be fully aware of this process and guidance. However, proposers **must** be mindful of the four underlying principles and take any necessary additional steps to ensure that those principles are fully upheld.

From time to time proposers will have conducted ‘informal’ consultation with particular stakeholders at an earlier stage in the development of proposals. Such consultation **must not** be seen as a substitute for any part of the formal consultation processes set out below.

3.2 Consultation document

Those bringing forward statutory proposals **must** publish a consultation document in hard copy and electronically on their website or that of the relevant local authority. Hard copies **must** be available on request. Consideration **should** be given to publishing in other formats where accessibility might otherwise be an issue.

The following **must** receive either a hard copy of the consultation document or be emailed a link to the relevant website (but see also the section on Consultation with Children and Young People):

¹⁵ The 2013 Act defines a small school as a school with fewer than 10 registered pupils on the third Tuesday in the January immediately preceding the date on which the proposals are made. This date is chosen as it is the date that all schools in Wales are required to submit the Pupil Level Annual Census to the Welsh Government; this includes the number of pupils on roll.

- the maintaining or proposed maintaining authority for any school likely to be affected by the proposals;
- any other local authority likely to be affected - including in the case of dedicated SEN provision any authority placing or likely to place statemented pupils in it;
- the Church in Wales and Roman Catholic Diocesan Authority for the area in which any school likely to be affected is located;
- any other appropriate religious body for any school likely to be affected by the proposals;
- the governing body any school which is the subject of the proposals and of other schools likely to be affected by the proposals, including those that might receive any displaced pupils;
- parents (and where possible prospective parents) carers and guardians, and staff members of those schools;
- the Welsh Ministers;
- Assembly Members (AMs) and Members of Parliament (MPs) representing the area served by/intended to be served by any school which is the subject of the proposals;
- Estyn;
- teaching and staff trade unions representing teachers and other staff at any school which is the subject of the proposals;
- the relevant Regional Education Consortium;
- the relevant Regional Transport Consortium;
- the Police and Crime Commissioner for the area served by/intended to be served by any school which is the subject of the proposals;
- any community or town council for the area served by/ intended to be served by any school which is the subject of the proposals;
- the local Communities First Partnership (in relevant areas);
- in the case of proposals affecting nursery provision, any independent providers who may be affected;
- in the case of proposals affecting nursery provision, the Children and Young People's Partnership and/or the Early Years Development and Childcare Partnerships where present;
- in the case of proposals affecting SEN provision, any relevant health or third sector bodies with an interest;
- in the case of proposals affecting secondary provision, any further education institutions serving the area of the school; and
- in the case of proposals affecting secondary provision, parents of pupils attending primary schools from which pupils normally transfer to that secondary school.

The consultation document **must** be issued during the term time of the schools affected and consultees **must** be given at least 42 days to respond to the document, with at least 20 of these being school days.

In the case of all proposals, the consultation document **must** contain the following information:

Description and Benefits

- a detailed description of the status quo setting out its strengths and weaknesses and the reasons why change is considered necessary;
- a detailed description of the proposal or proposals (a proposer may consult on more than one potential proposal), the projected timetable for statutory procedures and for implementation of the proposals and any proposed interim arrangements which might be necessary for their implementation. In describing the proposals, proposers **should** normally refer to them using the terms set out in this Code (e.g. school closure) but where two or more existing schools become one school operating on more than one site (e.g. where former infant and junior schools become a primary school) the terms 'merger' or 'amalgamation' might be used;
- the expected benefits of the proposals and disadvantages when compared with the status quo;
- any risks associated with the proposals and any measures required to manage these;
- a description of any alternatives considered and the reasons why these have been discounted;
- information on any changes to learner travel arrangements were the proposals to be implemented and the impact on accessibility of provision.

Details of affected schools

- the names, locations and categories (i.e. community, voluntary controlled, voluntary aided, foundation) of all existing schools likely to be affected by the proposals (for example, in the case of a proposal to close a school information **should** be provided about all the surrounding schools to which it might reasonably be considered that pupils may wish to transfer);
- the number of pupils on roll currently¹⁶ and the figures recorded for the previous four annual school censuses at all existing schools likely to be affected by the proposals;

¹⁶ For primary schools, the number of nursery pupils should be shown separately and excluded from forecasts.

- five year forecasts of pupil rolls at all existing schools likely to be affected by the proposals both currently (i.e. based on the existing configuration of schools) and if the proposals are implemented;
- the pupil places capacity¹⁷ of all existing schools likely to be affected by the proposals;
- the number of nursery places at any existing school likely to be affected by the proposals;
- information about the quality of accommodation at all existing schools likely to be affected by the proposals including reference to the condition category of the school as identified by the 21st Century Schools Survey;
- the language medium of all existing schools likely to be affected by the proposals (using the Welsh Government Circular 23/2007 “Defining schools according to Welsh medium provision”).

Quality and standards in education

- the likely impact of the proposals on the quality of the following (reference to relevant Estyn Key Questions are included in brackets):
 - a. outcomes (standards and wellbeing);
 - b. provision (learning experiences, teaching, care support and guidance, and learning environment);
 - c. leadership and management (leadership, improving quality, partnership working and resource management);

at the school or schools which are the subject of the proposals and at any other school or educational institution which is likely to be affected.

- information from the most recent Estyn reports for each school likely to be affected;
- the likely impact of the proposals on the ability of school or schools which are the subject of the proposals or any other school which is likely to be affected, to deliver the full curriculum at the foundation phase and each key stage of education.

Finance

- the financial costs of the proposal and any potential savings (including where appropriate the current costs per pupil and the projected costs upon completion) – capital and recurrent (including school transport and staff costs);
- the sources from which capital funding will be provided;
- how any capital receipts or recurrent costs savings will be deployed;

¹⁷ The Welsh Government Circular 21/2011 “Measuring the Capacity of Schools in Wales”.

Land and buildings

- details of any potential transfer or disposal of land or buildings that may need to occur as a result of the proposals.

Consultation details

- details of how people can make their views known including the address to which comments in writing can be made and the deadline for those comments;
- details of how people can ask further questions about the proposals;
- a statement to the effect that responses to consultation will not be counted as objections to the proposal and that objections can only be registered following publication of the notice;
- and explanation of the publication process, the making of objections and determination of published proposals;
- a pro-forma for comments, including an opportunity for consultees to suggest alternatives to the proposals and to register their wish to be notified of publication of the consultation report.

Where proposals involve establishing a new school the following information **must** also be included in the consultation document:

- the new school's:
 - a. proposed admission number and admission arrangements;
 - b. age range;
 - c. pupil places capacity and/or number of nursery places;
 - d. location;
 - e. category (i.e. Community, Voluntary Aided or Voluntary Controlled);
 - f. language category (as defined by Information document No. 023/2007);
 - g. details of the proposed accommodation to include a list of proposed facilities;
 - h. in the case of a special educational needs (SEN) resource base in a mainstream school or a special school, information on the special needs of the pupils proposed to be admitted;

- i. home to school transport arrangements (including any transitional arrangements) and the local authority's transport policy.¹⁸

Where proposals involve the closure of a school the following information **must** be included in the consultation document:

- details of any alternatives to closure that have been considered and the reasons why these have not been taken forward;
- the impact of proposals on the local community, particularly in rural areas and in areas designated for communities first programmes or successor programmes;
- the likely impact on staff of schools named in proposals;
- in the case of alternative provision:
 - a. the name and location of the proposed alternative provision;
 - b. a comparison of the quality and standard of education provided at the school from which pupils would be transferred and the proposed alternative school or schools and an outline of any steps necessary in order to ensure that any shortcomings in the latter are addressed;
 - c. admission arrangements at the proposed alternative school;
 - d. a comparison of the quality of accommodation at the school from which pupils would be transferred and at the proposed alternative and an outline of any steps necessary in order to ensure that any shortcomings in the latter are addressed;
 - e. information on any building works necessary to ensure that transferred children can be accommodated at the alternative provision;
 - f. the impact on pupils' journeys to school and on school transport costs; and
 - g. information regarding available walking routes to the alternative provision;
 - h. the language medium at the proposed alternative school.

Where proposals relate to a special school or involve specialist resource bases attached to mainstream schools the following information **must** be included in the consultation document:

- the impact on SEN provision;
- how proposals will contribute more generally to enhancing the quality of education and support for children with SEN.

¹⁸ Section 3 of the Learner Travel (Wales) Measure 2008 sets a threshold for entitlement for free home to school transport provision at 2 miles or further for primary education and 3 miles or further for compulsory aged secondary school education.

Where any school involved or affected provides teaching through the medium of Welsh the following information **must** be included in the consultation document:

- the impact of proposals on the Welsh language (see the Welsh language impact assessment at Annex D).

Where the proposal concerns a school with a designated religious character the following information **must** be included in the consultation document:

- the impact on availability and access to places at a school with the same designated religious character.

Where the proposal concerns a change of category the following information **must** be included in the consultation document:

- the effect of the change of category on governance arrangements and the governing body's powers over policies and arrangements in respect of admissions, employment and the curriculum; and
- any proposed changes to policies and arrangements in respect of admissions, employment and the curriculum.

In some circumstances, proposers may consider it appropriate to consult on a range of options rather than one specific proposal, but in such cases, all of the information set out above **must** be provided in relation to each of the identified options.

A recommended template consultation document is at Annex C. Proposers are not required to adhere to the suggested format, but **must** ensure that any alternative format they choose to adopt provides the required information.

3.3 Consultation with children and young people

Proposers **must** also make suitable arrangements to consult with pupils of any affected school (or part of a school in the case of provision reserved for children with SEN) and, where possible, with children and young people who are likely to attend those schools. As a minimum, this **must** include consultation with the school councils of the affected schools, but **should** also include consultation with individual learners where this is appropriate and practicable. Governing bodies **must** help facilitate this aspect of the consultation.

The information given to children and young people **must** be presented in such a way that it is relevant to their age and level of likely understanding and allows them to reach an informed opinion. The agreed children and young people's participation standards for Wales are available on the Welsh Government's website; proposers **should** refer to these and act in accordance with them.

If consulting with individual learners, proposers **should** produce and distribute a version or versions of the consultation document appropriate to the age/ages of the children and young people affected. The consultation document **should** also clearly

explain to children and young people the difference between the consultation and objection periods and how and when they can object to proposals. Where necessary, proposers **should** provide assistance to children and young people who wish to submit a consultation response.

3.4 Procedures

There is no requirement for proposers to hold consultation meetings although there will be circumstances where proposers will consider that meeting with certain groups of consultees will assist greatly in the dissemination of information and provide a suitable platform for the consultees to make their views known. Where meetings are arranged, proposers **should** ensure that they are arranged in such a way that consultees in any of the categories set out a paragraph 3.2 are treated fairly and equitably. A full written record **should** be made of the issues raised and the answers provided at any meetings which are held.

Proposers may use other ways to engage consultees as they think appropriate. For example, open days or 'drop-in' sessions might provide interested parties with a convenient way to access information, seek clarification and provide comments.

In the case of proposals to reorganise schools for which land and/or buildings are held on trust, or which have a designated religious character, the proposer **must** conduct consultation with the trustees and/or appropriate religious body before the consultation document is published. The proposer **must** allow 28 days for the receipt of comments and **must** have due regard to those comments before any decision is made to proceed to general consultation.

Where, in the course of consultation, a new option emerges which the proposers decide to pursue, they **must** consult afresh on this option before proceeding to publication.

3.5 Consultation reports

Within 13 weeks of the end of the period allowed for responses (and in any event prior to publication of the proposals), the proposer **must** publish a consultation report:

- summarising each of the issues raised by consultees;
- responding to these by means of clarification, amendment to the proposal or rejection of the concerns, with supporting reasons; and
- setting out Estyn's view (as provided in its consultation response) of the overall merits of the proposal.

The consultation report might also make recommendations – for example, to the local authority's executive or the governing body – about how to proceed i.e. to publish the proposals as consulted on with any appropriate modifications, to abandon the proposals and retain the status quo or to significantly recast the proposals and re-consult.

Proposers **must** ensure that any views expressed by children and young people affected by the proposals are highlighted in the consultation report and that it is accessible to them.

The consultation report **must** be published electronically, either on the proposer's website or if one is not available, on the relevant local authority's website. In addition, hard copies **must** be available on request. This **must** take place before any proposal is published.

The following **must** be advised of the availability of the consultation report:

- Pupils, parents (and where possible prospective parents) carers and guardians, and staff members of schools which are subject to the proposals;
- in the case of proposals affecting secondary provision, parents of pupils attending primary schools from which pupils normally transfer to that secondary school; and
- consultees who had requested notification.

The following **must** receive either a hard copy of the consultation report or be emailed a link to the relevant website:

- the maintaining or proposed maintaining authority for any school likely to be affected by the proposals;
- any other local authority likely to be affected – including in the case of dedicated SEN provision any authority placing or likely to place statement pupils in it;
- the Church in Wales and Roman Catholic Diocesan Authority for the area in which any school likely to be affected is located;
- any other appropriate religious body for any school likely to be affected by the proposals;
- the governing body of any school which is the subject of the proposals and of other schools likely to be affected by the proposals, including those that might receive any displaced pupils;
- the Welsh Ministers;
- Assembly Members (AMs) and Members of Parliament (MPs) representing the area served by/intended to be served by any school which is the subject of the proposals;
- Estyn;
- teaching and staff trade unions representing teachers and other staff at any school which is the subject of the proposals;
- the relevant Regional Education Consortium;

- the relevant Regional Transport Consortium;
- the Police and Crime Commissioner for the area served by/intended to be served by any school which is the subject of the proposals;
- any community or town council for the area served by/ intended to be served by any school which is the subject of the proposals;
- the local Communities First Partnership (in relevant areas);
- in the case of proposals affecting nursery provision, any independent providers who may be affected;
- in the case of proposals affecting nursery provision, the Children and Young People's Partnership and/or the Early Years Development and Childcare Partnerships where present;
- in the case of proposals affecting SEN provision, any relevant health or third sector bodies with an interest;
- in the case of proposals affecting secondary provision, any further education institutions serving the area of the school.

Unless proposers have applied for and been granted a time extension by the Welsh Ministers, proposals **must** be published within 26 weeks of the end of the period allowed for consultation responses, otherwise the proposals will lapse and a new consultation document **must** be issued to revive them.

Applications to the Welsh Ministers for a time extension **must** be made in writing before the 26 week period has elapsed and **must** set out the reasons why an extension is considered necessary. In deciding whether to approve an extension, the Welsh Ministers will take into account the reasons given for the application, the nature of the proposals and any other relevant factors. The Welsh Ministers would be unlikely to approve any application which would result in more than a year elapsing between the end of the period allowed for consultation responses and the publication of a statutory notice.

Statutory proposals are sometimes brought forward as a result of strategic reviews into school provision carried out by local authorities. Whilst it is good practice to consult on such reviews, such consultation **must not** take the place of the formal consultation necessary on individual proposals as required by the Code.

Where the prospective proposers are not a local authority they **should** discuss their intentions with the local authority which would maintain any proposed new or altered provision at an early stage, i.e. before formal consultation commences.

Proposers **should not** refer to the period allowed for objections as the consultation period. The term consultation only applies to the period before final decisions are made to proceed to publish a proposal.

Consultees can submit views either in favour of or against a proposal. Consultees **should** be advised that unfavourable comments made during the consultation period will not be treated as objections, and that if they wish to object, that they need to do so in writing during the statutory objection period. If consultees submit a request during the objection period that a response submitted at consultation stage should be treated as an objection, this **should** normally be accepted. Those responsible for publishing proposals **should** make every effort to ensure that those who have expressed opposition or concern during the consultation period are aware that statutory notices have been published.

4. Publication of statutory proposals

4.1 Manner of publication

Once the proposer decides to proceed with a proposal they **must** publish the proposal¹⁹ by way of statutory notice.

Proposals **must** be published on a school day and the objection period (see 4.2) **must** include 15 school days (in addition to the day on which it is published).

The proposals **must** be published:

- i. on the proposer's website (if it has one);
- ii. on the website of the existing/proposed maintaining local authority, where the local authority is not the proposer;
- iii. by being posted at or near the main entrance to any existing school which is the subject of the proposal, or, if there is more than one main entrance, all of them;
- iv. where a new school is being established, in a conspicuous place in the area to be served by the school;
- v. by providing any school which is the subject of proposals with copies of the notice to distribute to pupils, parents carers and guardians, and staff members (the schools may distribute the notice by email);
- vi. in the case of proposals affecting secondary provision, parents of pupils attending primary schools from which pupils normally transfer to that secondary school.

Furthermore, on the day that they are published, the following **must** receive either a hard copy of the proposals or be emailed a link to the relevant website:

- the maintaining or proposed maintaining authority for any school likely to be affected by the proposals;
- any other local authority likely to be affected - including in the case of dedicated SEN provision any authority placing or likely to place statemented pupils in it;
- the Church in Wales and Roman Catholic Diocesan Authority for the area in which any school likely to be affected is located;
- any other appropriate religious body for any school likely to be affected by the proposals;
- the governing body of any school which is the subject of the proposals and of other schools likely to be affected by the proposals, including those that might receive any displaced pupils;
- the Welsh Ministers;

¹⁹ Section 48 2013 Act.

- Assembly Members (AMs) and Members of Parliament (MPs) representing the area served by/intended to be served by any school which is the subject of the proposals;
- Estyn;
- teaching and staff trade unions representing teachers and other staff at any school which is the subject of the proposals;
- the relevant Regional Education Consortium;
- the relevant Regional Transport Consortium;
- the Police and Crime Commissioner for the area served by/intended to be served by any school which is the subject of the proposals;
- any community or town council for the area served by/ intended to be served by any school which is the subject of the proposals;
- the local Communities First Partnership (in relevant areas);
- in the case of proposals affecting nursery provision, any independent providers who may be affected;
- in the case of proposals affecting nursery provision, the Children and Young People’s Partnership and/or the Early Years Development and Childcare Partnerships where present;
- in the case of proposals affecting SEN provision, any relevant health or third sector bodies with an interest;
- in the case of proposals affecting secondary provision, any further education institutions serving the area of the school.

It is no longer a requirement to publish the proposal in a newspaper.

4.2 Length of objection period

The 2013 Act requires that anyone wishing to make objections to a school organisation proposal has the opportunity to do so. To be considered as statutory objections, objections **must** be made in writing or by email, and sent to the proposer within 28 days of the date on which the proposal was published (“the objection period”).

4.3 Content of published proposals

The published proposals **must** all contain the following information:

- the name of the persons or body publishing the proposal;
- the planned date of implementation (or dates if implementation is to be staged);

- details of how to obtain a copy of the consultation report;
- the date by which objections should be sent and the address to send them to, including the relevant email address.

Additionally

- proposals to establish a new school **must** state:
 - the proposed language category of the school as defined by Information Document No: 023/2007;
 - the name of the proposed maintaining local authority;
 - the location of the site of the school (and where appropriate the postal address);
 - whether the school will be single or mixed sex;
 - the age range of the school;
 - the category of the school - community, voluntary aided, voluntary controlled, community special;
 - whether the governing body or the local authority will be the admissions authority;
 - the proposed arrangements for transport of pupils;
 - the admission number for each relevant age group in the first year of implementation or at each stage of implementation - “admission number” is to be determined in accordance with the calculation set out from time to time by the Welsh Ministers (currently contained in the Welsh Government Circular No: 21/2011);
 - the proposed capacity of the school – “capacity” is to be determined in accordance with the formulae set out from time to time by the Welsh Ministers (currently Welsh Government Circular No: 21/2011);
 - for a special school, information on the type of SEN for which provision will be made;
 - whether the school will have a religious character, and if so the nature of that character and the proposed appropriate religious body;
 - whether the admission arrangements of the school will make any provision for selection by ability permitted by section 101 of the School Standards and Framework act 1998 (pupil banding);
 - in the case of a new voluntary school, whether the proposals are to be implemented by the local authority or the promoters and, if the proposals are to be implemented by both, the extent to which they are to be implemented by each such body.
- proposals to alter a school or change its category **must** state:
 - the name and address of the school subject to the proposal;

- the name of the maintaining local authority;
 - a description of the proposed alteration or change of category;
 - where the alteration involves enlargement, or a reduction in capacity, the current number of pupils, the capacity of the school and the proposed capacity – “capacity” is to be determined in accordance with the formulae set out from time to time by the Welsh Ministers (currently Welsh Government Circular No: 21/2011);
 - the number of pupils to be admitted in each relevant age group in the first year of implementation or at each stage of implementation;
 - in the case of a change in the type of SEN provision, the alternative provision for pupils and the impact on school transport; and
 - any implications the alteration might have on home to school transport provision.
- proposals to discontinue a school **must** state:
 - the name and address of school to be closed;
 - the name of the maintaining local authority;
 - the school’s religious character if it has one, and if so, the appropriate religious body;
 - details of the alternative school/s which pupils can attend, including any interim arrangements and the language category of the alternative school/s as defined by Information Document No: 023/2007;
 - details of any measures being taken to increase the number of places available in alternative schools; and
 - arrangements for transport of pupils to alternative schools.

Note: Sometimes a proposal will need to incorporate two separate elements, e.g. a school might transfer to a new site and also be enlarged. In this case two proposals, which can be incorporated into one statutory notice, may be necessary.

Annex B comprises several recommended statutory notice templates which proposers may find helpful in the construction of a statutory notice.

5. Determining proposals (other than proposals made by the Welsh Ministers)

5.1 Objection reports

Under section 49 of the 2013 Act proposers **must** publish a summary of the statutory objections and the proposer's response to those objections ("the Objection Report"). This **must** take place:

(a) in the case of a local authority that is required to determine its own proposals under section 53 of the Act (see 5.4 below), before the end of 7 days beginning with the day of its determination; and

(b) in all other cases, before the end of 28 days beginning with the end of the objection period.

The Objection Report **must** be published by being posted:

- i. on the proposer's website (if it has one);
- ii. on the website of the existing/proposed maintaining local authority, where this differs from i above.

In addition, hard copies **must** be made available on request.

The following **must** be advised of the availability of the Objection Report:

- Parents (and where possible prospective parents) careers and guardians, and staff members of schools which are the subject of the proposals; and
- in the case of proposals affecting secondary provision, parents of pupils attending primary schools from which pupils normally transfer to that secondary school.

The following **must** receive either a hard copy of the objection report or be emailed a link to the relevant website:

- the maintaining or proposed maintaining authority for any school likely to be affected by the proposals;
- any other local authority likely to be affected - including in the case of dedicated SEN provision any authority placing or likely to place statemented pupils in it;
- the Church in Wales and Roman Catholic Diocesan Authority for the area in which any school likely to be affected is located;
- any other appropriate religious body for any school likely to be affected by the proposals;

- the governing body of any school which is the subject of the proposals and of other schools likely to be affected by the proposals, including those that might receive any displaced pupils;
- the Welsh Ministers;
- Assembly Members (AMs) and Members of Parliament (MPs) representing the area served by/intended to be served by any school which is the subject of the proposals;
- Estyn;
- teaching and staff trade unions representing teachers and other staff at any school which is the subject of the proposal;
- the relevant Regional Education Consortium;
- the relevant Regional Transport Consortium;
- the Police and Crime Commissioner for the area served by/intended to be served by any school which is the subject of the proposals;
- any community or town council for the area served by/ intended to be served by any school which is the subject of the proposals;
- the local Communities First Partnership (in relevant areas);
- in the case of proposals affecting nursery provision, any independent providers who may be affected;
- in the case of proposals affecting nursery provision, the Children and Young People's Partnership and/or the Early Years Development and Childcare Partnerships where present;
- in the case of proposals affecting SEN provision, any relevant health or third sector bodies with an interest in the case of proposals affecting secondary provision, any further education institutions serving the area of the school;
- in the case of proposals affecting secondary provision, any further education institutions serving the area of the school.

5.2 Approval by the Welsh Ministers

Proposals require approval by the Welsh Ministers if:

- (a) the proposals affect sixth form education; or
- (b) the proposals have been made by a proposer other than the relevant local authority and an objection has been made by that authority and has not been withdrawn in writing before the end of 28 days beginning with the end of the objection period.

Proposals affect sixth form education if:

(a) they are proposals to establish or discontinue a school providing education suitable only to the requirements of persons above compulsory school age; or

(b) they are proposals to make a regulated alteration to a school, the effect of which would be that provision of education suitable to the requirements of persons above compulsory school age at the school increases or decreases.

Where a proposal requires determination by the Welsh Ministers, the proposers **must** notify the Welsh Ministers within 35 days of the end of the objection period and forward to them copies of the statutory objections in addition to the objection report set out at paragraph 5.1. The proposer **must** also send to the Welsh Ministers any proposals which it considers are related to the proposals requiring determination. The Welsh Ministers will then decide whether these other proposals require determination by them.

The Welsh Ministers may decide to approve, reject or approve the proposals with modifications.

Modifications would normally only include changes to matters such as the timing of implementation or admission numbers. The Welsh Ministers **must not** make modifications that would in effect substitute a new proposal for the proposal which was published. Before making any modification, the Welsh Ministers **must** first consult with the proposer and the relevant governing body/ies and local authority (where they are not the proposers), and obtain the proposer's agreement to the modification.

Approvals can be made conditional on a specified event occurring by a specified date.

5.3 Approval by the local authority

Proposals published under section 48 require approval under this section if:

- (a) they do not require approval by the Welsh Ministers;
- (b) they have been made by a proposer other than the relevant local authority; and
- (c) an objection to the proposals has been made and has not been withdrawn in writing before the end of 28 days beginning with the end of the objection period.

Procedures

Where proposals require approval by the local authority, the proposer **must** notify the local authority of a proposal requiring approval and forward to them the documents listed below within 35 days of the end of the objection period:

- a copy of the consultation document;

- a copy of the consultation report;
- a copy of the published notice;
- a copy of the objection report;
- copies of the statutory objections;
- copies of all of the above in relation to any proposals which are related to the proposals requiring approval.

Local authorities **must** decide whether any related proposals sent to them require their approval.

They **must** deal with all proposals which require approval without delay in so far as that is compatible with the proper consideration of the issues. In any event, the local authority **must** issue its decision, within 16 weeks (112 days) beginning with of the end of the objection period. However a failure to comply with that time limit does not affect the validity of any decision reached.

Local authorities **must** decide whether to approve, reject or approve with modifications, the proposals.

Modifications can only include changes to matters related to implementation such as changes to admission numbers or to the timing of implementation. The local authority **must not** make modifications that would, in effect, substitute a new proposal for the proposal which was published. Before making any modification, the local authority **must** first consult with the proposer and obtain their consent to the modification. They **must** also obtain the consent of the Welsh Ministers. If consent cannot be obtained, and the local authority believes that the proposals are not acceptable in their published state, they **must** reject the proposals. The local authority **must** also consult with the governing body of any school to which the proposals relate (where the governing body is not the proposer).

Approvals may be made conditional on a specified event occurring by a specified date.

5.4 Determination by proposers

Where proposals do not require approval under section 50 and 51 of the 2013 Act, they fall to be determined by the proposer.

Under section 53 of the 2013 Act, determination by the proposer **must** be made within 16 weeks (112 days) of the end of the objection period. Where the proposer fails to determine the proposal within the period of 16 weeks it is taken to have withdrawn the proposal and it is required to republish the proposals if it wishes to proceed.

Where a local authority's proposals have received objections, and require determination under section 53 of the 2013 Act, the local authority **must not** approach the determination of these proposals with a closed mind. Objections **must**

be conscientiously considered alongside the arguments in respect of the proposals and in the light of the factors set out in section 1.3 – 1.14 of this Code. In these cases the objection report **must** be published at the same time as the decision is issued rather than within 28 days beginning with the end of the objection period.

5.5 Local authority decision making

Where local authorities are required to approve or determine proposals which have received objections, a proposed amendment²⁰ to Schedule 2 to the Local Authority (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 (as amended) will permit the local authority's executive to exercise this function. Executives and/or Cabinets are already responsible for overseeing school organisation planning, including decisions to consult on and to publish school organisation proposals and will have a well developed understanding of school organisation issues. This understanding, combined with their more general experience of decision making and the fact that they are democratically accountable to the local electorate, makes executives well placed to decide whether or not contested school organisation proposals should be approved.

However, if they choose to do so, local authorities will not be prevented by Schedule 2 to the relevant regulations from adopting alternative, locally agreed processes for taking such decisions. These might include the formation of a local decision making committee, potentially in collaboration with other local authorities in their region.

Where local authorities choose to follow this route, they will need to consider carefully how they will ensure that such bodies deliver fair and robust decision making.

Annex E provides details of a possible model for a local decision making committee.

5.6 Decision notification

Decisions (in relation to proposals which require approval or determination) **must** be made and issued in writing and **must** set out clearly the reasons for the decision.

Decisions **must** be published electronically on the proposer's website (if it has one) and that of the relevant local authority (if different).

The following **must** be advised of the availability of the decision:

- Parents (and where possible prospective parents) careers and guardians, and staff members of schools which are the subject of the proposals;
- In the case of proposals affecting secondary provision, parents of pupils attending primary schools from which pupils normally transfer to that secondary school.

²⁰ Once Part 3 of the 2013 Act is commenced, the Welsh Ministers intend to lay amending regulations to the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 so that they come into force at the same time that Part 3 is operational.

The following **must** receive either a hard copy of the decision letter or be emailed a link to the relevant website:

- the maintaining or proposed maintaining authority for any school likely to be affected by the proposals;
- any other local authority likely to be affected - including in the case of dedicated SEN provision any authority placing or likely to place statemented pupils in it;
- the Church in Wales and Roman Catholic Diocesan Authority for the area in which any school likely to be affected is located;
- any other appropriate religious body for any school likely to be affected by the proposals;
- the governing body of any school which is the subject of the proposals and of other schools likely to be affected by the proposals, including those that might receive any displaced pupils;
- the Welsh Ministers;
- Assembly Members (AMs) and Members of Parliament (MPs) representing the area served by/intended to be served by any school which is the subject of the proposals;
- Estyn;
- teaching and staff trade unions representing teachers and other staff at any school which is the subject of the proposals;
- the relevant Regional Education Consortium;
- the relevant Regional Transport Consortium;
- the Police and Crime Commissioner for the area served by/intended to be served by any school which is the subject of the proposals;
- any community or town council for the area served by/ intended to be served by any school which is the subject of the proposals;
- the local Communities First Partnership (in relevant areas);
- in the case of proposals affecting nursery provision, any independent providers who may be affected;
- in the case of proposals affecting nursery provision, the Children and Young People's Partnership and/or the Early Years Development and Childcare Partnerships where present;
- in the case of proposals affecting SEN provision, any relevant health or third sector bodies with an interest;
- in the case of proposals affecting secondary provision, any further education institutions serving the area of the school.

5.7 Referral of local authority decisions to the Welsh Ministers

Under section 54 of the 2013 Act where proposals have been approved or rejected by a local authority the following bodies may within 28 days refer the proposals to the Welsh Ministers for consideration:

- i. Another local authority affected by the proposals;
- ii. The appropriate religious body for any school affected;
- iii. The governing body of a voluntary or foundation school subject to the proposals;
- iv. A trust holding property on behalf of a voluntary or foundation school subject to the proposals; and
- v. A further education institution affected by the proposals.

The bodies making the referral will need to set out why they believe that the decision reached by the local authority is wrong.

The Welsh Ministers will decide whether the bodies referred to in i, ii and iv are affected by the proposals and therefore require consideration.

Where a proposal requires consideration by the Welsh Ministers, the local authority **must** provide them, on request, with copies of the statutory objections and any other information considered necessary by the Welsh Ministers.

Where a proposal requires their consideration the Welsh Ministers may decide to approve, reject or approve the proposals with modifications.

Modifications would normally only include changes to matters such as the timing of implementation or admission numbers. The Welsh Ministers **must not** make modifications that would in effect substitute a new proposal for the proposal which was published. Before making any modification, the Welsh Ministers **must** first consult with the proposer and the relevant governing body/ies and local authority (where they are not the proposers), and obtain the proposer's agreement to the modification.

Approvals can be made conditional on a specified event occurring by a specified date.

Proposals to discontinue a small school may not be referred to the Welsh Ministers.

6. Implementing proposals

6.1 Implementation – general

Proposals **must** normally be implemented as determined or approved (with or without modifications).

However, if a proposer is satisfied, after consultation with any affected governing body, that a proposal would be unreasonably difficult to implement on the original implementation date, or that circumstances have so altered since the proposal was approved that its implementation on the original date was inappropriate, it may modify the proposal so that its implementation is delayed by up to three years.

If a proposer is satisfied, after consultation with any affected governing body, either that implementation of proposals would be unreasonably difficult or that circumstances have so altered since the proposals were approved that their implementation would be inappropriate altogether, it may determine that the proposals should be abandoned.

In the case of proposals to close a school, and after consultation with any affected governing body, a proposer may also determine to bring forward implementation by a period of up to 13 weeks. Implementation **must** only be brought forward where a school has no remaining pupils on roll or so few pupils that delivery of the curriculum is severely compromised.

Where proposals have received approval by the local authority or the Welsh Ministers, proposers **must** only make a determination to delay, bring forward or abandon a proposal with the agreement of the Welsh Ministers. Any such application for agreement **must** be made in writing with the proposer's reasons clearly set out.

Notification of any determination to delay, bring forward or abandon a proposal **must** be given to relevant parties including the Welsh Ministers, Estyn, the maintaining local authority, the relevant Regional Transport Consortia and the governing bodies, parents, pupils and staff of any affected school, as appropriate, within seven days of it being made. The notification **must** set out, briefly, the reasons for that determination.

If a proposal has been approved by the Welsh Ministers or by a local authority subject to a specified event occurring by a specified date, and that condition is not met by that date, the proposals **must** be considered as rejected unless the proposer has sought and received agreement from the Welsh Ministers or the local authority to have that condition varied by the substitution of a later date.

6.2 Implementation – change of category

Part 3 of Schedule 5 to the 2013 Act sets out full details relating to the transfer of land. Any transfers will take place on the implementation date. Where a community school becomes a voluntary aided or voluntary controlled school, any land other than

playing fields held by a local authority transfers automatically to the school's trustees.

Where a foundation, voluntary aided or voluntary controlled school without a religious character becomes a community school any publicly funded land transfers automatically to the local authority. Publicly funded land is defined in schedule 4 to the 2013 Act and includes land provided by the local authority or by means of a capital grant (within the meaning of Chapter 6 of Part 3 to the Education Act 1996). Any other land held by trustees or the governing body **must** be transferred to the local authority by means of a transfer agreement to be drawn up by the parties. Such a transfer may be subject to an agreed payment by the local authority. If the parties are unable to reach agreement in relation to a transfer, either party may apply Welsh Ministers to exclude the transfer of any area of land. The Welsh Ministers **must** then decide whether or not to direct its exclusion.

7. The closure of a school with fewer than 10 registered pupils

Where a school has fewer than 10 registered pupils (or there are no pupils remaining at a school) at the January census point the 2013 Act permits governing bodies/local authorities to undertake a streamlined procedure to bring about official closure.

This consists solely of the issue of the notice of closure – the requirement for general consultation being waived, provided sufficient equivalent school places have been identified which would be reasonably accessible to those pupils actually or potentially displaced. If objections are made, the proposal would be determined in all cases by the proposer. However, before bringing forward such proposals, proposers **must** seek the views of any trust with an interest in the school or the appropriate religious body and take these views into account before proceeding.

In the case of schools where some pupils remain, proposers **must** make sure that the closure notice is brought to the pupils' attention, that its meaning is made clear to them, and that appropriate steps are taken to enable these pupils to respond to the notice if they so wish. It is essential that pupils are provided with the opportunity to contribute to the decision making process and proposers **must** ensure that full account is taken of any views they express before a final decision is taken.

Proposers are encouraged to share information with parents and other schools and **should** ensure that they receive a copy of the notice. Any schools identified as those most likely to receive pupils **must** also be notified.

The existence of streamlined procedures in relation to the proposed closure of schools with fewer than 10 registered pupils does not mean that governing bodies or local authorities are required to bring forward closure proposals in relation to such schools. The possible closure of such schools **should** be considered in the light of the factors set out at section 1.

8. Proposals by the Welsh Ministers to rationalise school places

Where the Welsh Ministers have previously directed a local authority or governing body to bring forward proposals to remedy excessive or insufficient school places, they may publish their own proposals to the same effect.

The specific criteria upon which the Welsh Ministers might decide to issue a direction or subsequently publish a proposal, would vary depending on the circumstances pertaining to a particular area, but in general terms these are powers of last resort and would be used where a local authority has failed to ensure that:

- their area is served by schools which are sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education; or
- each child in their area has reasonable access to one of those schools; or
- funding for education is cost effective and resources are used to secure the best possible educational outcomes for children and young people.

The proposals **must** be published in accordance with the provisions included in Chapter 4 above.

Any person may object to the proposals within the 28 day objection period. If objections are received, the Welsh Ministers **must** cause a local inquiry to be held to consider the proposals. Any other school organisation proposals which have been published and not determined **must** be referred to the local inquiry if the Welsh Ministers believe they are related to the proposal which is the subject to objection (and unless the Welsh Ministers form the opinion that they should be implemented).

The local inquiry **must** be conducted by a person appointed for that purpose by the Welsh Ministers and in accordance with any procedures set out by them at the time of the local inquiry's establishment.

Where a local inquiry has been held, the Welsh Ministers **must** consider the report of the person conducting the local inquiry. They may then do one of the following:

1. adopt with or without modifications, or determine not to adopt any of the proposals made by the Welsh Ministers;
2. approve with or without modifications, or reject any other proposals which are referred to the local inquiry;
3. make further proposals to rationalise school places.

If the Welsh Ministers decide to make further proposals there is no requirement to cause a further local inquiry to be held.

Where these further proposals made by the Welsh Ministers have not been referred to a local inquiry the Welsh Ministers may after considering any objections:

1. adopt the proposal with or without modifications; and
2. determine not to adopt the proposal.

Modifications made by the Welsh Ministers **should** normally extend only to include changes to admission numbers or to the timing of implementation. The Welsh Ministers **must not** make modifications that would in effect substitute a new proposal for the proposal which was published.

Proposals can be approved or adopted subject to a specified event occurring by a specified date.

Proposals approved or adopted **must** be implemented in accordance with Chapter 6 above.

9. Proposals by the Welsh Ministers for regional provision for special educational needs

Where the Welsh Ministers have previously made an order directing a local authority or a governing body to bring forward school organisation proposals for the purpose of securing regional provision for children with special educational needs, they may publish their own proposals to the same effect.

The proposals **must** be consulted upon in accordance with Chapter 3 above and published in accordance with Chapter 4.

Any person may object to the proposals within the 28 day objection period.

The Welsh Ministers may, after considering any objections;

1. adopt the proposals with or without modification;
2. determine not to adopt the proposals.

Modifications made by the Welsh Ministers **should** normally extend only to include changes to admission numbers or to the timing of implementation. The Welsh Ministers **must not** make modifications that would in effect substitute a new proposal for the proposal which was published.

Proposals can be adopted subject to a specified event occurring by a specified date.

Proposals which are adopted **must** be implemented in accordance with Chapter 6 above.

10. Proposals by the Welsh Ministers to restructure sixth form education

Under section 71 of the 2013 Act, the Welsh Ministers may make proposals for:

1. the establishment by a local authority of a school or schools to provide secondary education suitable to the requirements of sixth formers only (a 'sixth form school');
2. the introduction or ending of sixth form provision at a school, or;
3. the discontinuance of a sixth form school.

The proposals **must** be consulted upon in accordance with Chapter 3 above and published in accordance with Chapter 4.

Any person may object to the proposals within the 28 day objection period.

The Welsh Ministers may, after considering any objections;

1. adopt the proposals with or without modification
2. determine not to adopt the proposals

Modifications made by the Welsh Ministers **should** normally extend only to include changes to admission numbers or to the timing of implementation. The Welsh Ministers **must not** make modifications that would in effect substitute a new proposal for the proposal which was published.

Proposals can be adopted subject to a specified event occurring by a specified date.

Proposals which are adopted **must** be implemented in accordance with Chapter 6 above.

11. Governing body notice to discontinue a foundation or voluntary school

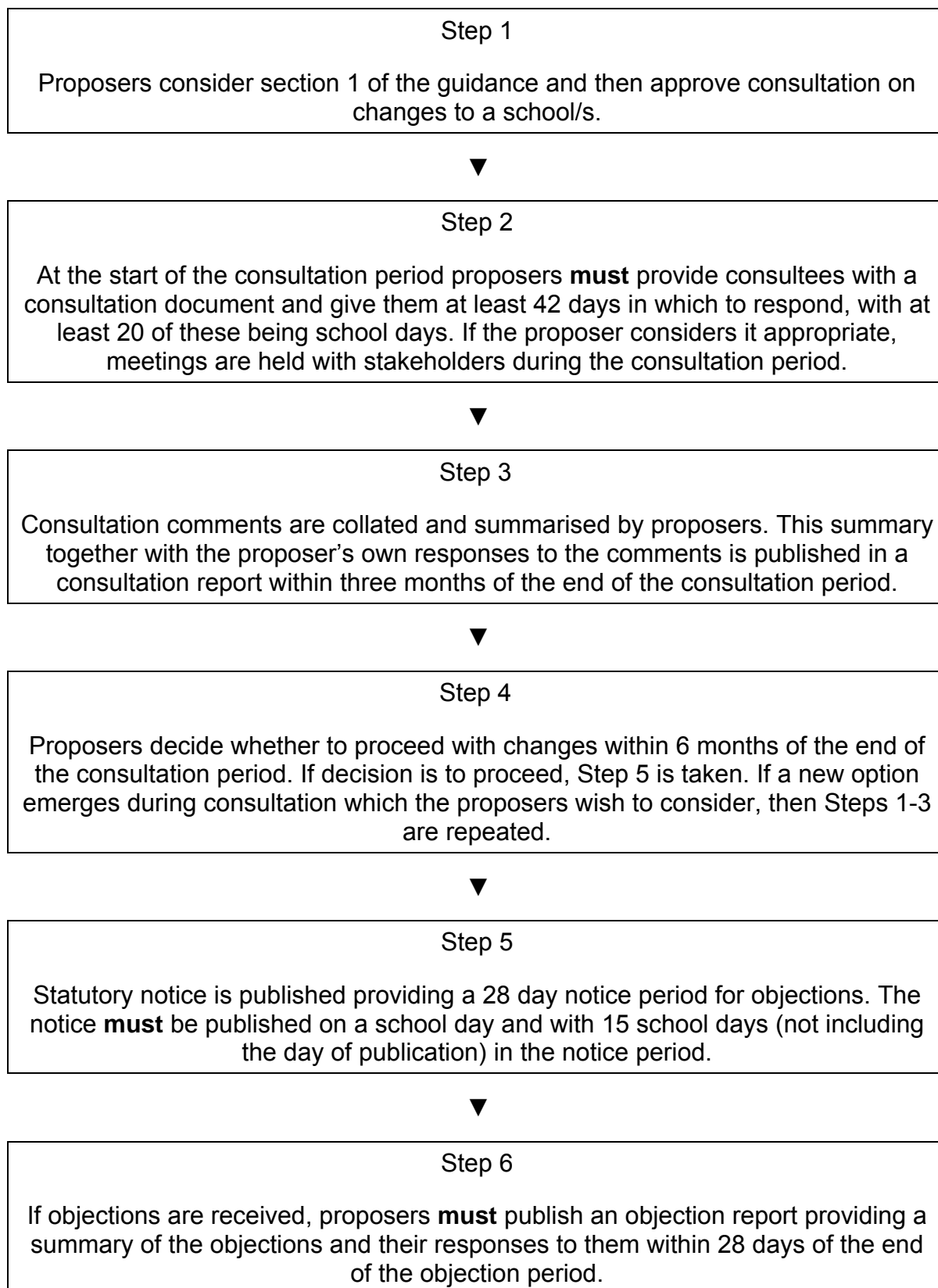
Section 80 of the 2013 Act permits the governing body of a foundation or voluntary school to discontinue the school by giving the Welsh Ministers and the local authority responsible for maintaining the school two years notice of its intention to do so.

Being given notice, the governing body **must**:

1. gain the consent of the Welsh Ministers if expenditure has been incurred on the school premises (otherwise than in connection with repairs) by the Welsh Ministers or local authority;
2. consult the Welsh Ministers if discontinuing the school would affect facilities for full time education suitable to requirements of persons over compulsory school age who have not attained the age of 19; and
3. consult the trustees for any land or buildings held on trust and/or the appropriate religious body where the school has a designated religious character and have regard to any comments which are received.

Where governing bodies require advice in relation to property held on charitable trust, they **should** contact the Charity Commission.

Annex A: Illustrative flow chart for statutory proposals



Step 7a	Step 7b	Step 7c
<p>If the proposal does not require approval by the Welsh Ministers or the local authority, it must receive final determination by proposers within 16 weeks of the end of the objection period.</p>	<p>If the proposal requires determination by the Welsh Ministers, the proposer must send to the Welsh Ministers within 35 days of the end of the objection period the objections and the objection report. The Welsh Ministers will normally determine proposals within 16 weeks of the end of objection period.</p>	<p>If the proposal requires determination by the local authority, the proposer must send to the local authority within 35 days of the end of the objection period the consultation document, the consultation report, the published notice, the objections and the objection report.</p> <p>The local authority must issue a decision within 16 weeks of the end of the objection period.</p> <p>Within 28 days of the local authority's determination proposals may be referred to the Welsh Ministers by the following:</p> <ul style="list-style-type: none"> i. Another local authority; ii. The appropriate religious body for any school affected (the diocesan authority); iii. The governing body of a voluntary or foundation school; subject to the proposals iv. A trust holding property on behalf of a voluntary or foundation school; subject to the proposals v. A further education institution affected by the proposals.



Step 8
<p>If proposals receive approval or the proposer determines to implement them, they should be implemented in accordance with the date given in the statutory notice, or any subsequent modified date.</p>

Annex B: Examples of statutory notices

Example of a statutory notice to establish a new community or voluntary school

[Insert name and address of those publishing the proposals].

Notice is given in accordance with section 41 of the School Standards and Organisation Act 2013 and the School Organisation Code that [*proposer's name*], having consulted such persons as required, propose to establish a new [*state language category*²¹] school to be maintained by [*state name of maintaining local authority*] at [*state location and, where appropriate, the postal address*] for [*boys*]/ [*girls*] / [*boys and girls*] aged [*insert age range*].

The [*insert name of proposer*] undertook a period of consultation before deciding to publish this proposal. A consultation report containing a summary of the issues raised by consultees, the proposer's responses and the views of Estyn is available on [*insert the proposer's website or if one is not available the relevant local authority's website*].

It is proposed to implement the proposal on [*insert date*]. [*Where implementation is planned in stages, the date on which each stage is planned to be implemented should be given*].

The proposed new school will be a [*insert community or voluntary aided or voluntary controlled*] school.

[*insert the governing body or the name of the local authority*] will be the admission authority.

The admission number for [*state the relevant age group or age groups*²²] at the new school in the first school year in which the proposals have been implemented is [*state number*] [*Where the proposals are to be implemented in stages, the admission number in the first school year in which each stage has been implemented must be given*]. [*If there is to be a separate admission number for the sixth form it should be included*].

The new school's pupil capacity will be [*insert capacity figure*²³]. [*It would also be useful to include the number of nursery places being provided if appropriate*].

[*For a special school, information on the special educational needs of pupils for which provision will be made*].

²¹ Proposers should refer to the Welsh Assembly Government information document 23/2007 Defining schools according to Welsh medium provision.

²² A "relevant age" group" is defined in section 142(1) of the 1998 Act as meaning "an age group in which pupils are normally admitted (or, as the case may be, will normally be admitted) to the school". There could, therefore, be more than one relevant age group, in which case the number to be admitted must be given in relation to each such relevant age group.

²³ Proposers should refer to the Welsh Government Circular 21/2011 Measuring the capacity of schools in Wales.

[Give information on whether it is proposed that the admission arrangements for the new school will make provision for pupil banding].

[In the case of a new voluntary school, give information about its religious character and proposed appropriate religious body if it is to have a religious character].

[Give information about the proposed arrangements for transport of pupils to the new school].

[In the case of proposals to establish a new voluntary school, state whether the proposals are to be implemented by the local education authority or the promoters, and, if the proposals are to be implemented by both, the extent to which they are to be implemented by each such body].

Within a period of 28 days after the date of publication of these proposals, that is to say by *[insert date]* any person may object to the proposals.

Objections should be sent to *[name and address of proposer]*.

Signed

For the *[local authority]*.

*[Date – **should** be the same as the date of publication]*.

EXPLANATORY NOTE

[It may be useful to include an Explanatory Note explaining the proposals in simple language and providing further information and background to the proposals].

Example of a statutory notice to discontinue a maintained community, foundation, voluntary or nursery school

[Insert name and address of those publishing the proposals].

Notice is given in accordance with section 43 of the School Standards and Organisation Act 2013 and the School Organisation Code that *[proposer's name]*, having consulted such persons as required, propose to discontinue *[name and address of school]*. The school is currently maintained by *[state name of maintaining local authority]* *[and if relevant, state school's religious character]*.

The *[insert name of proposer]* undertook a period of consultation before deciding to publish this proposal. A consultation report containing a summary of the issues raised by consultees, the proposer's responses and the views of Estyn is available on *[insert the proposer's website or if one is not available the relevant local authority's website]*.

It is proposed to implement the proposals on *[insert date]* (2).

[Insert details of the schools which pupils at the school to be discontinued may attend, including any interim arrangements and the language category of the alternatives as defined by Information Document No: 023/2007].

[Insert details of any other measures proposed to be taken to increase the number of school places available in consequence of the proposed discontinuance].

[Insert particulars of the proposed arrangement for transport of pupils to other schools].

Within a period of 28 days after the date of publication of these proposals, that is to say by *[insert date]* any person may object to the proposals.

Objections should be sent to *[name and address of the proposer]*.

Signed

For the *[local authority or governing body]*.

*[Date – **should** be the same as the date of publication].*

EXPLANATORY NOTE

[It may be useful to include an Explanatory Note explaining the proposals in simple language and providing further information and background to the proposals].

Example of a statutory notice to make a regulated alteration to a maintained community, foundation, voluntary or nursery school

Notice is given in accordance with section 42 of the School Standards and Organisation Act 2013 and the School Organisation Code that [*proposer's name*], having consulted such persons as required, proposes to alter [*name and address of school*] so that [*add description of proposed change/s*]. The school/s is/are currently maintained by [*state name of maintaining local authority*].

The [*insert name of proposer*] undertook a period of consultation before deciding to publish this proposal. A consultation report containing a summary of the issues raised by consultees, the proposer's responses and the views of Estyn is available on [*insert the proposer's website or if one is not available the relevant local authority's website*].

It is proposed to implement the proposal on [*insert date*]. [*Where implementation is planned in stages, the date on which each stage is planned to be implemented **should** be given*].

[*Where the alteration involves enlargement, or a reduction in capacity, insert*], The current number of pupils at the school is [*insert number*], the pupil capacity of the school is [*insert pupil places capacity²⁴*] and the proposed capacity once the proposal is implemented will be [*insert proposed capacity*].

[*Where the alteration involves enlargement, or a reduction in capacity insert*] The admission number for [*state the relevant age group or age groups²⁵*] at the school in the first school year in which the proposals have been implemented will be [*state number*] [*include a separate sixth form number if appropriate*] [*Where the proposals are to be implemented in stages, the admission number in the first school year in which each stage has been implemented **must** be given*]. [*where appropriate*] There will be xx nursery places.

[*Where the alteration involves a change in the type of SEN provision, provide information on the alternative provision for pupils and the impact on school transport*].

Within a period of one 28 days after the date of publication of these proposals, that is to say by [*insert date*] any person may object to the proposals.

Objections should be sent to [*name and address of the proposer*].

The [*insert name of proposer*] will publish a summary of any such objections made (and not withdrawn in writing) within the objection period, together with their

²⁴ Proposers should refer to the Welsh Government Circular 21/2011 Measuring the capacity of schools in Wales.

²⁵ A "relevant age group" is defined in section 142(1) of the 1998 Act as meaning "an age group in which pupils are normally admitted (or, as the case may be, will normally be admitted) to the school". There could, therefore, be more than one relevant age group, in which case the number to be admitted must be given in relation to each such relevant age group.

observations thereon, within the period of 28 days after the end of the objection period.

Signed

For the [*local authority or governing body*].

[*Date – **should** be the same as the date of publication*].

EXPLANATORY NOTE

[*It may be useful to include an Explanatory Note explaining the proposals in simple language and providing further information and background to the proposals*].

Annex C: Consultation document template

The following template sets out a suggested but not mandatory format for the information which is required to be included in a consultation document. This outline of the contents is not exhaustive and proposers would be expected to include additional elements depending on the nature and context of the proposals under consideration.

Introduction - Explanation of the consultation exercise

This section might set out that the proposers were considering the reorganisation of school places in a particular area and name the school/s affected. It might explain that before moving forward with its proposals, the proposers wished to seek the views of all those with a likely interest in the proposal/proposals so that their views can be taken into account before decisions are made.

This section might then set out the process by which consultation will be conducted, including:

- a list of all those being consulted (The interested parties with whom proposers **must** consult are set out at Section 3 of the Code. However, it is expected that proposers would also consult with interested parties who are not included in this list where that was appropriate in the context of a specific proposal);
- if meetings are to be held, the date, time, venue and audience of any such meetings (allowing sufficient notice for likely attendees);
- the name and address of the person to whom written comments on the proposal/s should be sent, and the deadline for the receipt of these comments;
- the arrangements made for children and young people to participate; and
- the details of any other consultation arrangements such as open days, exhibitions, etc.

Background to the proposal/s

This might set out the following details for all schools affected or likely to be affected by the proposals, including schools which might in future be expected to receive additional pupils, and special schools:

- the names, locations, categories and language categories of all existing schools likely to be affected by the proposal (for example in the case of a proposal to close a school information **should** be provided about all the surrounding schools which it may be reasonably considered that pupils may wish to transfer);
- the number of pupils on roll currently and the figures recorded for the previous four annual school censuses at all existing schools likely to be

- affected by the proposals (for primary schools, the number of nursery pupils **should** be shown separately and excluded from forecasts);
- five year forecasts of pupil rolls at all the existing schools likely to be affected by the proposal both currently (i.e. based on the existing configuration of schools) and if the proposal is implemented;
- the pupil places capacity (based on the Welsh Government Circular No 21/2011"Measuring the Capacity of Schools in Wales");
- the number of nursery places where applicable;
- the number of sixth form places where applicable; and
- the quality of accommodation with reference to categories of condition of the buildings of the schools as provided in any schools surveys.

Where the proposal is to establish a new school:

- the new school's:
 - proposed admission number and admission arrangements;
 - age range;
 - pupil places capacity and/or number of nursery places;
 - location and accessibility;
 - category;
 - language category (and an explanation of this); and;
 - details of the proposed accommodation to include a list of proposed facilities;
 - the home to school transport arrangements and policy of the local authority together with information of safe walking routes; and
 - In the case of a special educational needs (SEN) resource base in a mainstream school or a special school, information on the special needs of pupils.

Where the proposal is to close a school:

- details of any alternatives to closure that have been considered and the reasons why these have not been taken forward;
- the impact on any affected school or provider – particularly on alternative schools named in a closure proposal;
- the impact of the proposals on the local community, particularly in rural areas and in areas designated for Communities First programmes or successor programmes;
- the likely impact on staff of schools named in a proposal;
- in the case of the transfer of pupils to a different location:

- the name and location of the proposed alternative provision;
- a comparison between the quality and diversity of education provided at the school from which pupils would be transferred and the proposed alternative/s and an outline of any steps necessary in order to ensure that any shortcomings in the latter are addressed;
- admission arrangements at the proposed alternative school;
- a comparison between the quality of accommodation at the school from which pupils would be transferred and the proposed alternative and an outline of any steps necessary in order to ensure that any shortcomings in the latter are addressed;
- information on how the transferred children will be accommodated at the alternative school including projected class sizes following implementation;
- the impact on pupils' journeys to school;
- the availability of safe waking routes to alternative schools.

Where proposals relate to a special school or involve dedicated SEN provision in a mainstream school:

- the impact on SEN provision; and
- how the proposals will contribute more generally to enhancing the quality of education and support for children with SEN.

Where any school involved or affected provides teaching through the medium of Welsh:

- the impact of proposals on the Welsh language (see Welsh language impact assessment at Annex D).

Where the proposal concerns a school with a designated religious character:

- the impact on availability and access to schools of the same religious character.

Where the proposal concerns a change of category:

- the effect of the change of category on governance arrangements and the governing body's powers over policies and arrangements in respect of admissions, employment and the curriculum; and
- any proposed changes to policies and arrangements in respect of admissions, employment and the curriculum.

Where the proposal involves a potential disposal or transfer of land or buildings, details of the same.

This section might also explain why the current schools provision is considered inadequate or unsatisfactory by reference, as appropriate, to the factors set out in Section 1 of the Code.

The proposals - Description and rationale

This section might set out a detailed description of the status quo and the precise nature of the intended change/s, including the effect on all schools which are the subject of the statutory proposal/s involved in its implementation, and all others which are likely to be affected.

This section might also include the following information, as appropriate:

- The expected revisions to the local school data (as set out in the background section above) once the proposals are implemented;
- Implementation dates and details of any transition arrangements;
- Revenue savings/costs;
- Capital funding costs, including the source of any such funding;
- Description of any new accommodation;
- Proposed new admission arrangements;
- Proposed new transport arrangements and the accessibility of alternatives;
- Staffing issues;
- Community Impact Assessment;
- Welsh Language Impact Assessment;
- Equality Impact Assessment;
- Likely benefits to children and young people, in accordance with the seven core aims of the United Nations Convention on the Rights of the Child.

This section might also set out the rationale for change – the inadequacies of the status quo (as well as any strengths it may have) and the benefits that the changes will bring with reference to Section 1 of the Code. If appropriate, the disadvantages of the proposals might also be set out with an explanation of why these disadvantages are outweighed by the benefits. The paramount importance of educational standards **should** be emphasised, and there **should** be direct reference to how the proposal would benefit overall education provision in the locality and address other factors set out in Section 1 of the Code.

Consideration of alternatives, if appropriate, and reasons why these have not been pursued, might also be included in this section.

Explanation of the statutory process

This section might set out the statutory process by which the proposals will be published and approved/determined including the intended date of publication of the notice/s; an explanation of the objection period and the ways in which objections will be treated, and assurance that anyone can object to the proposal.

Response Pro-forma

A response pro-forma for comments, including an opportunity for consultees to register their wish to be notified of publication of the consultation report, **should** be attached to the consultation document.

Annex D: Community impact and Welsh-medium impact assessments

The Welsh Government takes the view that the requirement for assessments should not be overly burdensome and does not consider that it is necessary to commission such work from external consultants. Local authorities are already under a duty to carry out equality impact assessments which could provide the basis for the impact assessments specified in this guidance.

Community Impact

Impact assessments **should** ideally be included in consultation documents. Whilst these notes do not prescribe what should be included in a community impact assessment, proposers might include the following:

- information on the proportion of pupils from the catchment area that attend the school;
- information on the proportion of pupils from outside the catchment area that attend the school;
- information about any other facilities the school accommodates e.g. youth club/play group;
- information about any other facilities or services the school provides e.g. after school clubs, community library;
- if accommodation, facilities or services are provided by a school, where they would be provided in the event of closure;
- whether other facilities available in the immediate local or wider community will or could be enhanced in the event of a school closure (e.g. improvements to village halls, playgrounds, provision of holiday play schemes);
- information about the facilities and services provided at any alternative school;
- information about the distance and travelling time involved in attending an alternative school of the same language category;
- how parents' and pupils' engagement with the alternative school and any facilities it may offer could be supported (e.g. how pupils (and particularly any less advantaged pupils) will be helped to participate in after school activities);
- Information about any wider implications the changes would have on public transport provisions;
- Information on wider community safety issues.

Welsh language Impact

These notes are not prescriptive or exhaustive but the impact assessment in respect of the Welsh language might include the following:

- information on the language category of the school;
- information on the language category of any alternative school;
- information about standards in the Welsh language in the school and any alternative school;
- information about after school activities which provide additional opportunities to use Welsh in the school and any alternative school (e.g. Urdd clubs);
- information about whether the school provides facilities for members of the community to learn Welsh, or undertake activities through the medium of Welsh, and where any alternative facilities could be provided;
- whether it might be appropriate to provide additional after school facilities at any alternative school to further secure standards in the Welsh language;
- how parents' and pupils' engagement with any alternative school and any specific language enhancement it offers could be supported (e.g. how pupils will be helped to participate in Urdd clubs);
- information on how the proposal fits with the authority's Welsh in Education Strategic Plan and any future actions that will be needed in consequence of the change to continue to comply with the scheme or meet targets in the scheme.

Annex E: Local decision making committee

The model set out below represents one potential way of establishing a 'local decision making committee'.

The size of the committee would be significant in shaping its effectiveness. Too large and it would be unwieldy and difficult to establish a consensus. Too small and there might be too little debate and too narrow a perspective. A committee with five members might represent an ideal size.

The make up of the committee will also be important in determining how it is perceived. If the intention is to emphasise its separation from the local authority's executive, it might be necessary to 'disqualify' members of the executive and anyone who has a connection to the local authority, proposer (if different from the local authority) or the school to which the proposals relate, which might raise doubts over their ability to act impartially regarding the proposal.

Providing they are not 'disqualified', local authorities might decide to appoint committees made up of local authority members only, or of persons unconnected with the local authority (including members of another local authority), or of any combination of the two.

Where a school with a designated Church in Wales or Roman Catholic religious character (or which is intended to have such a religious character) is the subject of a proposal, the local authority might invite the Diocesan Board of Education for the relevant diocese of the Church in Wales or the Bishop of the relevant Roman Catholic Church diocese to nominate a representative to be one of the members of the committee. In the case of any other voluntary school with a designated religious character, the person or persons by whom the foundation governors are appointed might be invited to nominate a representative.

Local authorities might want to ensure that at least one member of the committee has direct experience of working in the education sector. An existing or former member of a school's senior management team or an experienced school governor might be suitable in this respect.

In the event that the committee is to be comprised of local authority members only, the local authority might want to consider making it politically balanced in the sense set out at sections 15 and 16 of the Local Government and Housing Act 1989.

The local authority may wish to recruit, train and retain a pool of eligible persons and appoint to a committee as and when required. This would provide a number of advantages including reducing the time needed to set up a committee when required and helping the local authority to ensure potential committee members have sufficient training.

Local authorities could also co-operate to develop shared regional pools. This would increase the potential number of eligible and suitably experienced candidates whilst at the same time providing more opportunities for committee members to gain experience and develop expertise in making school organisation decisions.

However, when appointing panels from any such regional pool, local authorities might want to ensure at least some members have specific local knowledge.

The local authority would want to ensure that all committee members receive appropriate training before considering proposals, and that experienced committee members are kept abreast of any amendments to guidance and are given the opportunity of undertaking refresher training. Training need not be extensive but might look to ensure that committee members are familiar with the guidance contained in the Code and are familiar with the relevant parts of the 2013 Act. Two or more local authorities could collaborate to deliver training which, in addition to possible financial savings, could provide benefits such as the wider sharing of good practice.

It would be advisable for the committee to have the services of a clerk provided by the local authority. Whilst the clerk would not be a member of the committee they might act as an independent source of advice. To enable this, clerks would need a good understanding of the Code and the relevant parts of the 2013 Act and would have received appropriate training. The local authority, where necessary, would need to provide the committee with appropriate legal advice. It would be advisable for the clerk not to have been involved at any stage in the proposal that the committee are considering or to have any interest in any decision reached by the committee members.

The key tasks of the clerk would be to:

- make the necessary administrative arrangements for the committee;
- be an independent source of advice on procedure, the Code and the relevant parts of the 2013 Act;
- record the proceedings, decision and the reasons for it; and
- ensure notification and publication of the decision in accordance with paragraph 5.13.

To enable a committee to reach an informed decision, the local authority would need to forward to the appointed clerk the documents set out paragraph 5.3 above, shortly after the end of the objection period. It would be advisable for the committee to reach its decision on the basis of this written evidence rather than seek or consider new information (unless they consider it will assist in the determination within the timescale), or consider oral representations.



School Standards and Organisation (Wales) Act 2013

2013 anaw 1

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School Standards and Organisation (Wales) Act 2013

An Act of the National Assembly for Wales to reform the powers of local authorities and the Welsh Ministers to intervene in the conduct of schools maintained by local authorities that are causing concern; to reform the powers of the Welsh Ministers to intervene in the exercise of education functions by local authorities; to provide for school improvement guidance; to reform the statutory arrangements for the organisation of maintained schools; to provide for Welsh in education strategic plans; to make miscellaneous provision in relation to maintained schools; and for connected purposes. [4 March 2013]

Having been passed by the National Assembly for Wales and having received the assent of Her Majesty, it is enacted as follows:

PART 1

INTRODUCTION

1 Overview of this Act

- (1) This Act has 6 Parts.
- (2) Part 2 is divided into 3 Chapters containing provisions concerned with maintaining and improving standards –
 - (a) in maintained schools, and
 - (b) in the exercise of education functions by local authorities.
- (3) Chapter 1 of Part 2 (including Schedule 1) –
 - (a) sets out the grounds for intervention by local authorities and the Welsh Ministers in the conduct of maintained schools that are causing concern, and
 - (b) provides a range of intervention powers to enable local authorities and the Welsh Ministers to deal with the causes of concern.

- (4) Chapter 2—
 - (a) sets out the grounds for intervention by the Welsh Ministers in the exercise of education functions by local authorities that are causing concern, and
 - (b) provides a range of intervention powers to enable the Welsh Ministers to deal with the causes of concern.
- (5) Chapter 3 makes provision for the Welsh Ministers to give guidance to the governing bodies of maintained schools, the head teachers of such schools and local authorities on how functions should be exercised with a view to improving the standard of education provided in maintained schools.
- (6) Part 3 is divided into 6 Chapters containing provision about the organisation of maintained schools.
- (7) Chapter 1 of Part 3 provides for a School Organisation Code about the exercise of functions under Part 3.
- (8) Chapter 2 (including Schedules 2 to 4) makes provision requiring the establishment, alteration and discontinuance of maintained schools in accordance with a specified process.
- (9) Chapter 3 provides for the rationalisation of school places if the Welsh Ministers are of the opinion that there is excessive or insufficient provision for primary or secondary education in maintained schools.
- (10) Chapter 4 provides for the making of regional provision for special educational needs.
- (11) Chapter 5 provides for powers for the Welsh Ministers to re-structure sixth form education.
- (12) Chapter 6 provides for miscellaneous and supplemental matters relating to school organisation.
- (13) Part 4 makes provision for Welsh in education strategic plans, which are to be—
 - (a) prepared by local authorities,
 - (b) approved by the Welsh Ministers, and
 - (c) published and implemented by local authorities (sections 84, 85 and 87).
- (14) Part 4 also provides a power exercisable by regulations for the Welsh Ministers to require local authorities to carry out an assessment of the demand among parents for Welsh medium education for their children (section 86).
- (15) Part 5 makes provision about miscellaneous functions relating to maintained schools, including provision—
 - (a) requiring local authorities to provide breakfasts for pupils at maintained primary schools at the request of the governing bodies of those schools (sections 88 to 90);
 - (b) amending the existing powers of local authorities and governing bodies to charge for school meals, so that—
 - (i) a related requirement to charge every person the same price for the same quantity of the same item is removed, and

- (ii) a new requirement that the price charged for an item does not exceed the cost of providing that item is imposed (section 91);
 - (c) requiring local authorities to secure reasonable provision for a service providing counselling in respect of health, emotional and social needs for specified school pupils and other children (section 92);
 - (d) requiring governing bodies of maintained schools to hold a meeting if requested to do so by parents in a petition (section 94) and repealing an existing duty to hold an annual parents' meeting (section 95);
 - (e) repealing the Welsh Ministers' duty to issue a code of practice for securing effective relationships between local authorities and maintained schools (section 96).
- (16) Part 6 –
- (a) introduces Schedule 5, which makes minor and consequential amendments to other legislation arising from the provisions of this Act;
 - (b) contains definitions that apply for the purposes of this Act generally and an index of definitions that apply to a number of provisions, but not the whole Act (section 98);
 - (c) contains other provisions which apply generally for the purposes of this Act.

PART 2

STANDARDS

CHAPTER 1

INTERVENTION IN CONDUCT OF MAINTAINED SCHOOLS

Grounds for intervention

2 Grounds for intervention

For the purposes of this Chapter, the grounds for intervention in the conduct of a maintained school are as follows –

GROUND 1 - The standards of performance of pupils at the school are unacceptably low.

For this purpose, the standards of performance of pupils are low if they are low by reference to any one or more of the following –

- (a) the standards that the pupils might in all the circumstances reasonably be expected to attain;
- (b) where relevant, the standards previously attained by them;
- (c) the standards attained by pupils at comparable schools.

GROUND 2 - There has been a breakdown in the way the school is managed or governed.

GROUND 3 - The behaviour of pupils at the school or any action taken by those pupils or their parents is severely prejudicing, or is likely to severely prejudice, the education of any pupils at the school.

GROUND 4 - The safety of pupils or staff of the school is threatened (whether by a breakdown of discipline or otherwise).

GROUND 5 - The governing body or head teacher has failed, or is likely to fail, to comply with a duty under the Education Acts.

GROUND 6 - The governing body or head teacher has acted, or is proposing to act, unreasonably in the exercise of any of its or his or her functions under the Education Acts.

GROUND 7 - Her Majesty's Chief Inspector of Education and Training in Wales ("the Chief Inspector") has given a notice under section 37(2) of the Education Act 2005 that the school requires significant improvement and that notice has not been superseded by –

- (a) the Chief Inspector giving notice under that section that special measures are required to be taken in relation to the school, or
- (b) a person making a subsequent inspection making a report stating that in his or her opinion the school no longer requires significant improvement.

GROUND 8 - Her Majesty's Chief Inspector of Education and Training in Wales has given a notice under section 37(2) of the Education Act 2005 that special measures are required to be taken in relation to the school and that notice has not been superseded by a person making a subsequent inspection making a report stating that in his or her opinion the school no longer requires special measures.

Intervention by a local authority

3 Warning notice

- (1) If a local authority is satisfied that one or more of grounds 1 to 6 exist in relation to one of its maintained schools, the authority may give a warning notice to the governing body of the school.
- (2) The local authority must specify each of the following in the warning notice –
 - (a) the grounds for intervention;
 - (b) the reasons why the authority is satisfied that the grounds exist;
 - (c) the action the authority requires the governing body to take in order to deal with the grounds for intervention;
 - (d) the period within which the action is to be taken by the governing body ("the compliance period");
 - (e) the action the authority is minded to take if the governing body fails to take the required action.

- (3) If the local authority gives a warning notice to the governing body of a school, it must at the same time give a copy of the warning notice to—
 - (a) the head teacher;
 - (b) if the school is a foundation or voluntary school—
 - (i) the person who appoints the foundation governors, and
 - (ii) if the school has a religious character, the appropriate religious body;
 - (c) the Welsh Ministers.

4 Power to intervene

- (1) A local authority has the power to intervene in the conduct of one of its maintained schools under this Chapter if subsection (2), (3) or (4) applies.
- (2) This subsection applies if—
 - (a) the local authority has given a warning notice under section 3 to the governing body of the school, and
 - (b) the governing body has failed to comply, or secure compliance, with the notice to the authority's satisfaction within the compliance period.
- (3) This subsection applies if the local authority is satisfied that one or more of grounds 1 to 6 exist in relation to the school and it has reason to believe that there is a related risk to the health or safety of any person that calls for urgent intervention under this Chapter.
- (4) This subsection applies if—
 - (a) ground 7 (school requiring significant improvement) or ground 8 (school requiring special measures) exists in relation to the school, and
 - (b) a period of not less than 10 days has elapsed since the date on which the Chief Inspector gave notice to the local authority under section 37(2) of the Education Act 2005, subject to subsection (5).
- (5) The Welsh Ministers may, in relation to a particular school, determine that subsection (4) (b) has effect as if the reference to 10 days were to a shorter period specified in the determination.
- (6) Where a local authority has the power to intervene, it must keep the circumstances giving rise to the power under review.
- (7) If the authority concludes that the grounds for intervention have been dealt with to its satisfaction or that exercise of its powers under this Chapter would not be appropriate for any other reason, it must notify the governing body of its conclusion in writing.
- (8) If a local authority gives notice under subsection (7), it must at the same time send a copy of the notice to—
 - (a) in the case of a foundation or voluntary school—
 - (i) the person who appoints the foundation governors, and

- (ii) if the school has a religious character, the appropriate religious body, and
 - (b) the Welsh Ministers.
- (9) A local authority's power to intervene continues in effect until one of the following events takes place—
 - (a) the authority gives notice under subsection (7);
 - (b) the Welsh Ministers determine that the power to intervene is no longer in effect and give notice in writing to the local authority and the governing body of their determination;
 - (c) the Welsh Ministers give a warning notice to the governing body of the school under section 10.
- (10) A local authority which has the power to intervene is not limited to taking the action it said it was minded to take in a warning notice.

5 Power to require governing body to secure advice or collaborate

- (1) This section applies if a local authority has the power to intervene in the conduct of one of its maintained schools.
- (2) The local authority may, with a view to improving the performance of the school, direct the governing body of the school to do either or both of the following—
 - (a) enter into a contract or other arrangement with a specified person (who may be the governing body of another school) for the provision to the governing body of specified services of an advisory nature;
 - (b) exercise such of the powers under section 5(2) of the Education (Wales) Measure 2011 (powers to collaborate) as are specified in the direction, subject to provision made in regulations under section 6 of that Measure.
- (3) Before giving a direction the local authority must consult—
 - (a) the governing body of the school, and
 - (b) in the case of a foundation or voluntary school—
 - (i) the person who appoints the foundation governors, and
 - (ii) if the school has a religious character, the appropriate religious body.
- (4) A direction under subsection (2)(a) may require the contract or other arrangement to contain specified terms and conditions.

6 Power to appoint additional governors

- (1) This section applies if a local authority has the power to intervene in the conduct of one of its maintained schools.
- (2) The local authority may appoint as many additional governors to the governing body of the school as it thinks fit; and the instrument of government for the school has effect as if it provided for such appointments (despite anything in regulations under section 19 of the Education Act 2002).

- (3) The local authority may nominate one of those governors to be the chair of the governing body in place of any person who has been elected as chair of that body.
- (4) Before making any such appointment or nomination in relation to a voluntary aided school, the local authority must consult—
 - (a) the person who appoints the foundation governors, and
 - (b) if the school has a religious character, the appropriate religious body.
- (5) A governor appointed under this section is to hold office for a period determined by the local authority.
- (6) A governor nominated by the local authority to be the chair of the governing body is to be the chair for a period determined by the local authority.
- (7) The local authority may pay remuneration and allowances to governors appointed under this section.

7 Power of local authority to constitute governing body of interim executive members

- (1) This section applies if a local authority has the power to intervene in the conduct of one of its maintained schools.
- (2) The local authority may give the governing body of the school a notice in writing stating that, as from a date specified in the notice, the governing body is to be constituted in accordance with Schedule 1 (governing bodies consisting of interim executive members).
- (3) Before giving a notice the local authority must—
 - (a) consult the governing body of the school,
 - (b) in the case of a foundation or voluntary school, consult—
 - (i) the person who appoints the foundation governors, and
 - (ii) if the school has a religious character, the appropriate religious body, and
 - (c) obtain the consent of the Welsh Ministers.

8 Power of local authority to suspend right to delegated budget

- (1) This section applies if—
 - (a) a local authority has the power to intervene in the conduct of a maintained school, and
 - (b) the school has a delegated budget within the meaning of Part 2 of the School Standards and Framework Act 1998.
- (2) The local authority may suspend the governing body's right to a delegated budget by giving the governing body notice of the suspension.
- (3) The suspension of the right to a delegated budget takes effect on receipt of the notice by the governing body.
- (4) If the local authority gives a notice suspending the right to a delegated budget, it must give a copy of the notice to the head teacher at the same time.

- (5) A suspension imposed under this section has effect for the purposes of Chapter 4 of Part 2 of the School Standards and Framework Act 1998 (financing of maintained schools) as if made under paragraph 1 of Schedule 15 to that Act (suspension of financial delegation).

9 General power to give directions and take steps

- (1) This section applies if the local authority has the power to intervene in the conduct of one of its maintained schools.
- (2) If the local authority thinks it is appropriate for the purposes of dealing with the grounds for intervention, the authority may –
- (a) give directions to the governing body or head teacher, or
 - (b) take any other steps.

Intervention by the Welsh Ministers

10 Warning notice

- (1) The Welsh Ministers may give a warning notice to the governing body of a maintained school if –
- (a) they are satisfied that one or more of grounds 1 to 6 exist in relation to the school, and
 - (b) the local authority that maintains the school either –
 - (i) has not given a warning notice to the governing body under section 3 on one or more of those grounds, or
 - (ii) has given a warning notice, but in terms that are inadequate in the opinion of the Welsh Ministers.
- (2) The Welsh Ministers must specify each of the following in the warning notice –
- (a) the grounds for intervention;
 - (b) the reasons why they are satisfied that the grounds exist;
 - (c) the action they require the governing body to take in order to deal with the grounds for intervention;
 - (d) the period within which the action is to be taken by the governing body (“the compliance period”);
 - (e) the action they are minded to take if the governing body fails to take the required action.
- (3) If the Welsh Ministers give a warning notice to the governing body of a school, they must at the same time as they give the warning notice to the governing body give a copy of the warning notice to –
- (a) the local authority;
 - (b) the head teacher;
 - (c) if the school is a foundation or voluntary school –
 - (i) the person who appoints the foundation governors, and

- (ii) if the school has a religious character, the appropriate religious body.

11 Power of the Welsh Ministers to intervene

- (1) The Welsh Ministers have the power to intervene in the conduct of a maintained school under this Chapter if subsection (2), (3), (4) or (5) applies.
- (2) This subsection applies if –
 - (a) the local authority has given a warning notice under section 3 to the governing body of the school,
 - (b) the governing body has failed to comply, or secure compliance, with the notice to the Welsh Ministers' satisfaction within the compliance period, and
 - (c) the Welsh Ministers are satisfied that the local authority has not taken, and is not likely to take, adequate action for the purposes of dealing with the grounds for intervention.
- (3) This subsection applies if –
 - (a) the Welsh Ministers have given a warning notice under section 10 to the governing body of the school, and
 - (b) the governing body has failed to comply, or secure compliance, with the notice to the Welsh Ministers' satisfaction within the compliance period.
- (4) This subsection applies if the Welsh Ministers are satisfied that one or more of grounds 1 to 6 exist in relation to the school and they have reason to believe that there is a related risk to the health or safety of any person that calls for urgent intervention under this Chapter.
- (5) This subsection applies if –
 - (a) ground 7 (school requiring significant improvement) or ground 8 (school requiring special measures) exists in relation to the school, and
 - (b) a period of not less than 10 days has elapsed since the date on which the Chief Inspector gave notice to the Welsh Ministers under section 37(2) of the Education Act 2005, subject to subsection (6).
- (6) The Welsh Ministers may, in relation to a particular school, determine that subsection (5) (b) has effect as if the reference to 10 days were to a shorter period specified in the determination.
- (7) Where the Welsh Ministers have the power to intervene, they must keep the circumstances giving rise to the power under review.
- (8) If the Welsh Ministers conclude that the grounds for intervention have been dealt with to their satisfaction or that exercise of their powers under this Chapter would not be appropriate for any other reason, they must notify the governing body and the local authority of their conclusion in writing.
- (9) If the Welsh Ministers give notice under subsection (8) in relation to a foundation or voluntary school, they must at the same time, send a copy of the notice to –

- (a) the person who appoints the foundation governors, and
 - (b) if the school has a religious character, the appropriate religious body.
- (10) The Welsh Ministers' power to intervene continues in effect until they give notice under subsection (8).
- (11) Where the Welsh Ministers have the power to intervene they are not limited to taking the action they said they were minded to take in a warning notice.

12 Power to require governing body to secure advice or collaborate

- (1) This section applies if the Welsh Ministers have the power to intervene in the conduct of a maintained school.
- (2) The Welsh Ministers may, with a view to improving the performance of the school, direct the governing body of the school to do either or both of the following –
- (a) enter into a contract or other arrangement with a specified person (who may be the governing body of another school) for the provision to the governing body of specified services of an advisory nature;
 - (b) exercise such of the powers under section 5(2) of the Education (Wales) Measure 2011 (powers to collaborate) as are specified in the direction, subject to provision made in regulations under section 6 of that Measure.
- (3) Before giving a direction the Welsh Ministers must consult –
- (a) the governing body of the school, and
 - (b) in the case of a foundation or voluntary school –
 - (i) the person who appoints the foundation governors, and
 - (ii) if the school has a religious character, the appropriate religious body.
- (4) A direction under subsection (2)(a) may require the contract or other arrangement to contain specified terms and conditions.

13 Power of Welsh Ministers to appoint additional governors

- (1) This section applies if the Welsh Ministers have the power to intervene in the conduct of a maintained school.
- (2) The Welsh Ministers may appoint as many additional governors to the governing body of the school as they think fit; and the instrument of government for the school has effect as if it provided for such appointments (despite anything in the regulations under section 19 of the Education Act 2002).
- (3) The Welsh Ministers may nominate one of those governors to be the chair of the governing body in place of any person who has been elected as chair of that body.
- (4) Before making any such appointment or nomination in relation to a voluntary aided school, the Welsh Ministers must consult –
- (a) the person who appoints the foundation governors, and
 - (b) if the school has a religious character, the appropriate religious body.

- (5) A governor appointed under this section is to hold office for a period determined by the Welsh Ministers.
- (6) A governor nominated by the Welsh Ministers to be the chair of the governing body is to be the chair for a period determined by the Welsh Ministers.
- (7) The Welsh Ministers may pay remuneration and allowances to governors appointed under this section.
- (8) Where the Welsh Ministers have exercised their power under this section in relation to any school—
 - (a) the local authority may not suspend the governing body's right to a delegated budget under paragraph 1 of Schedule 15 to the School Standards and Framework Act 1998, and
 - (b) if the local authority has already exercised that power or its power under section 8, the Welsh Ministers may revoke the suspension.
- (9) Where the Welsh Ministers have exercised their power under this section in relation to a voluntary aided school, nothing in regulations under section 19 of the Education Act 2002 is to be read as authorising the appointment of foundation governors for the purpose of outnumbering the other governors as augmented by those appointed by the Welsh Ministers under this section.
- (10) The revocation of a suspension under subsection (8)(b)—
 - (a) must be notified to the local authority in writing, and
 - (b) takes effect from the date specified in that notification.

14 Power of Welsh Ministers to constitute governing body of interim executive members

- (1) This section applies if the Welsh Ministers have the power to intervene in the conduct of a maintained school.
- (2) The Welsh Ministers may give the governing body of the school a notice in writing stating that, as from the date specified in the notice, the governing body is to be constituted in accordance with Schedule 1 (governing bodies consisting of interim executive members).
- (3) Before giving a notice the Welsh Ministers must consult—
 - (a) the local authority that maintains the school,
 - (b) the governing body of the school, and
 - (c) in the case of a foundation or voluntary school—
 - (i) the person who appoints the foundation governors, and
 - (ii) if the school has a religious character, the appropriate religious body.
- (4) The Welsh Ministers are not obliged to consult the persons mentioned in subsection (3)(b) and (c) if the local authority has consulted them about the constitution of a governing body under section 7 on the basis of a power to intervene brought to an end by effect of section 4(9)(b) or (c).

15 Power of Welsh Ministers to direct federation of schools

- (1) This section applies if the Welsh Ministers have the power to intervene in the conduct of a maintained school (“the school causing concern”).
- (2) The Welsh Ministers may direct any of the following persons to provide for one or more of the arrangements set out in subsection (3) –
 - (a) a local authority;
 - (b) a governing body of a maintained school;
 - (c) a governing body of a federation.
- (3) The arrangements are –
 - (a) the federation of the school causing concern and one or more maintained schools;
 - (b) the federation of the school causing concern and an existing federation;
 - (c) the federation of the school causing concern and an existing federation and one or more maintained schools;
 - (d) where the school causing concern is part of a federation, the federation of that federation and one or more maintained schools;
 - (e) where the school causing concern is part of a federation, the federation of that federation and another existing federation;
 - (f) where the school causing concern is part of a federation, the federation of that federation and an existing federation and one or more maintained schools;
 - (g) where the school causing concern is part of a federation, for the school to leave that federation.
- (4) Before giving a direction under subsection (2), the Welsh Ministers must consult –
 - (a) the local authority,
 - (b) the governing bodies concerned, and
 - (c) in the case of a foundation or voluntary school –
 - (i) the person who appoints the foundation governors, and
 - (ii) if the school has a religious character, the appropriate religious body.
- (5) In this section “federation” has the meaning given by section 21(1) of the Education (Wales) Measure 2011.

16 Power of Welsh Ministers to direct closure of school

- (1) This section applies if the Welsh Ministers have the power to intervene in the conduct of a maintained school on the basis of ground 8 (school requiring special measures).
- (2) The Welsh Ministers may give a direction to the local authority requiring the school to be discontinued on a date specified in the direction.
- (3) Before giving a direction under subsection (2), the Welsh Ministers must consult –
 - (a) the local authority that maintains the school,

- (b) the governing body of the school,
 - (c) in the case of a foundation or voluntary school –
 - (i) the person who appoints the foundation governors, and
 - (ii) if the school has a religious character, the appropriate religious body, and
 - (d) any other persons the Welsh Ministers consider appropriate.
- (4) On giving a direction to discontinue the school, the Welsh Ministers must also give notice in writing of the direction to the governing body of the school and its head teacher.
- (5) Where the local authority is given a direction under subsection (2), it must discontinue the school in question on the date specified in the direction; and nothing in Part 3 applies to the discontinuance of the school under this section.
- (6) In this section any reference to the discontinuance of a maintained school is to the local authority ceasing to maintain it.

17 General power to give directions and take steps

- (1) This section applies if the Welsh Ministers have the power to intervene in the conduct of a maintained school.
- (2) If the Welsh Ministers think it is appropriate for the purposes of dealing with the grounds for intervention, the Welsh Ministers may –
- (a) give directions to the governing body or head teacher, or
 - (b) take any other steps.

Supplementary

18 Governing bodies consisting of interim executive members

Schedule 1 (appointment of members of interim executive boards, the functions of boards, their procedures and related matters) has effect.

19 Directions

- (1) A governing body of a maintained school or a head teacher subject to a direction under this Chapter must comply with it.
- (2) This includes a direction to exercise a power or duty that is contingent upon the opinion of the governing body or head teacher.
- (3) A direction under this Chapter –
- (a) must be in writing;
 - (b) may be varied or revoked by a later direction;
 - (c) is enforceable by mandatory order on application by, or on behalf of, the person who gave the direction.

20 Guidance

In exercising its functions under this Chapter, a local authority must have regard to guidance given by the Welsh Ministers.

CHAPTER 2
INTERVENTION IN LOCAL AUTHORITIES

Grounds for intervention

21 Grounds for intervention

For the purposes of this Chapter, the grounds for intervention in the exercise by a local authority of its education functions are as follows –

GROUND 1 - The local authority has failed, or is likely to fail, to comply with a duty that is an education function.

GROUND 2 - The local authority has acted, or is proposing to act, unreasonably in the exercise of an education function.

GROUND 3 - The local authority is failing, or is likely to fail, to perform an education function to an adequate standard.

Warning notice

22 Warning notice

- (1) The Welsh Ministers may give a warning notice to a local authority if they are satisfied that one or more of grounds 1 to 3 exist in relation to the local authority.
- (2) The Welsh Ministers must specify each of the following in the warning notice –
 - (a) the grounds for intervention;
 - (b) the reasons why they are satisfied that the grounds exist;
 - (c) the action they require the local authority to take in order to deal with the grounds for intervention;
 - (d) the period within which the action is to be taken by the local authority (“the compliance period”);
 - (e) the action they are minded to take if the local authority fails to take the required action.

Powers of intervention

23 Power of Welsh Ministers to intervene

- (1) The Welsh Ministers have the power to intervene under this Chapter in the exercise of education functions by a local authority if subsection (2) or (3) applies.
- (2) This subsection applies if –
 - (a) the Welsh Ministers have given a warning notice, and
 - (b) the local authority has failed to comply, or secure compliance, with the notice to the Welsh Ministers’ satisfaction within the compliance period.
- (3) This subsection applies if the Welsh Ministers are satisfied that one or more of grounds 1 to 3 exist in relation to the local authority and they have reason to believe that –

- (a) there is a related risk to the health or safety of any person that calls for urgent intervention under this Chapter, or
 - (b) the local authority is unlikely to be able to comply, or secure compliance, with a warning notice.
- (4) Where the Welsh Ministers have the power to intervene, they must keep the circumstances giving rise to the power under review.
 - (5) If the Welsh Ministers conclude that the grounds for intervention have been dealt with to their satisfaction or that exercise of their powers under this Chapter would not be appropriate for any other reason, they must notify the local authority of their conclusion in writing.
 - (6) The Welsh Ministers' power to intervene continues in effect until they give notice under subsection (5).
 - (7) Where the Welsh Ministers have the power to intervene, they are not limited to taking the action they said they were minded to take in a warning notice.

24 Power to require local authority to obtain advisory services

- (1) This section applies if the Welsh Ministers have the power to intervene in the exercise of education functions by a local authority.
- (2) The Welsh Ministers may direct the local authority to enter into a contract or other arrangement with a specified person, or a person falling within a specified class for the provision to the authority or the governing body of a school maintained by it (or both), of specified services of an advisory nature.
- (3) The direction may require the contract or other arrangement to contain specified terms and conditions.
- (4) In this section "specified" means specified in a direction under this section.

25 Power to require performance of functions by other persons on behalf of authority

- (1) This section applies if the Welsh Ministers have the power to intervene in the exercise of education functions by a local authority.
- (2) The Welsh Ministers may give such directions to the local authority or any of its officers as they think are appropriate for securing that the functions to which the grounds for intervention relate are performed on behalf of the authority by a person specified in the direction.
- (3) A direction under subsection (2) may require that any contract or other arrangement made by the authority with the specified person contains terms and conditions specified in the direction.

26 Power to require performance of functions by Welsh Ministers or nominee

- (1) This section applies if the Welsh Ministers have the power to intervene in the exercise of education functions by a local authority.

- (2) The Welsh Ministers may direct that the functions to which the grounds for intervention relate are to be exercised by the Welsh Ministers or a person nominated by them.
- (3) If a direction is made under subsection (2), the local authority must comply with the instructions of the Welsh Ministers or their nominee in relation to the exercise of the functions.

27 Power to direct exercise of other education functions

- (1) If the Welsh Ministers think it is expedient, a direction under section 25 or 26 may relate to the performance of education functions in addition to the functions to which the grounds for intervention relate.
- (2) The Welsh Ministers may have regard (among other things) to financial considerations in deciding whether it is expedient that a direction should relate to education functions other than functions relating to the grounds for intervention.

28 General power to give directions and take steps

- (1) This section applies if the Welsh Ministers have the power to intervene in the exercise of education functions by a local authority.
- (2) If the Welsh Ministers think it is appropriate in order to deal with the grounds for intervention, the Welsh Ministers may –
 - (a) give directions to the local authority or any of its officers, or
 - (b) take any other steps.

Supplementary

29 Directions

- (1) A local authority, or an officer of an authority, subject to a direction or instruction under this Chapter must comply with it.
- (2) This includes a direction or an instruction to exercise a power or duty that is contingent upon the opinion of the local authority or an officer of the authority.
- (3) A direction under this Chapter –
 - (a) must be in writing;
 - (b) may be varied or revoked by a later direction;
 - (c) is enforceable by mandatory order on application by, or on behalf of, the Welsh Ministers.

30 Duty to co-operate

- (1) A local authority and the governing body of a maintained school must give the Welsh Ministers and any person specified in subsection (3) as much assistance in connection with the exercise of functions under or by virtue of this Chapter as they are reasonably able to give.
- (2) The governing body of a maintained school and the local authority that maintains the school must also secure, so far as reasonably practicable, that persons who work at the school do the same.

- (3) The specified persons are –
 - (a) any person authorised for the purposes of this section by the Welsh Ministers;
 - (b) any person acting under directions under this Chapter;
 - (c) any person assisting –
 - (i) the Welsh Ministers, or
 - (ii) a person mentioned in paragraph (a) or (b).

31 Powers of entry and inspection

- (1) A person falling within subsection (2) has at all reasonable times –
 - (a) a right of entry to the premises of the local authority in question and any school maintained by it;
 - (b) a right to inspect, and take copies of, any records or other documents kept by the authority or any school maintained by it, and any other documents containing information relating to the authority or any such school, which the person considers relevant to the exercise by the person of functions under or by virtue of this Chapter.
- (2) The following persons fall within this subsection –
 - (a) the person specified in a direction under section 24 or, where the direction specifies a class of persons, the person with whom the local authority enter into the contract or other arrangement required by the direction;
 - (b) the person specified in a direction under section 25;
 - (c) the Welsh Ministers in pursuance of a direction under section 26;
 - (d) the person nominated by direction under section 26.
- (3) In exercising the right under subsection (1)(b) to inspect records or other documents, a person (“P”) –
 - (a) is entitled to have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the records or other documents in question, and
 - (b) may require the following persons to provide any assistance P may reasonably require (including, among other things, the making of information available for inspection or copying in a legible form) –
 - (i) the person by whom or on whose behalf the computer is or has been so used;
 - (ii) any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material.
- (4) Any reference in this section to a person falling within subsection (2) includes a reference to any person assisting that person.

- (5) In this section “document” and “records” each include information recorded in any form.

CHAPTER 3

SCHOOL IMPROVEMENT GUIDANCE

32 Meaning of “school authority”

In this Chapter “school authority” means –

- (a) a local authority in the exercise of its education functions;
- (b) the governing body of a maintained school;
- (c) the head teacher of a maintained school.

33 Power to issue school improvement guidance

- (1) The Welsh Ministers may issue guidance to a school authority on how the authority should exercise its functions with a view to improving the standard of education provided by any maintained school in respect of which the authority exercises functions (“school improvement guidance”).
- (2) The Welsh Ministers –
 - (a) may issue school improvement guidance to school authorities generally or to one or more particular authorities;
 - (b) may issue different school improvement guidance to different school authorities;
 - (c) may revise or revoke school improvement guidance by further guidance;
 - (d) may revoke school improvement guidance by issuing a notice to the school authorities to which it is directed.
- (3) The Welsh Ministers must ensure that school improvement guidance, or a notice revoking such guidance, states –
 - (a) that it is issued under this section, and
 - (b) the date on which it is to take effect.
- (4) The Welsh Ministers must arrange for school improvement guidance, or a notice revoking such guidance, to be published.

34 Consultation and National Assembly for Wales procedures

- (1) Before issuing or revising school improvement guidance, the Welsh Ministers must consult the following persons on a draft of the guidance –
 - (a) school authorities likely to be affected by the guidance,
 - (b) Her Majesty's Chief Inspector of Education and Training in Wales, and
 - (c) any other person the Welsh Ministers consider appropriate.
- (2) If the Welsh Ministers wish to proceed with the draft (with or without modifications) they must lay a copy of the draft before the National Assembly for Wales.

- (3) If, before the end of the 40 day period, the National Assembly resolves not to approve the draft of the guidance, the Welsh Ministers must not issue it in the form of that draft.
- (4) If no such resolution is made before the end of that period, the Welsh Ministers must issue the guidance (or revised guidance) in the form of the draft.
- (5) The 40 day period –
 - (a) begins on the day on which the draft is laid before the National Assembly, and
 - (b) does not include any time during which the National Assembly is dissolved or is in recess for more than four days.
- (6) Subsection (3) does not prevent a new draft of proposed guidance or proposed revised guidance from being laid before the National Assembly.

35 Duty to follow school improvement guidance

- (1) A school authority must follow the course set out in school improvement guidance issued to it in accordance with this Chapter when exercising a power or duty (including a power or duty that is contingent upon the opinion of the school authority); but this is subject to the following provisions of this section.
- (2) A school authority that is a local authority is not subject to the duty under subsection (1) so far as –
 - (a) the authority thinks there is good reason for it not to follow the guidance in particular categories of case or at all,
 - (b) it decides on an alternative policy for the exercise of its functions in respect of the subject matter of the guidance, and
 - (c) a policy statement issued by the authority in accordance with section 36 is in effect.
- (3) A school authority that is the governing body of a maintained school or its head teacher is not subject to the duty under subsection (1) so far as –
 - (a) the governing body thinks there is good reason for it or the head teacher not to follow the guidance in particular categories of case or at all,
 - (b) the governing body decides on an alternative policy for the exercise of its, or the head teacher's, functions in respect of the subject matter of the guidance, and
 - (c) a policy statement issued by the governing body in accordance with section 36 is in effect.
- (4) Where subsection (2) or (3) applies in the case of a school authority, the authority –
 - (a) must follow the course set out in the policy statement, and
 - (b) is subject to the duty under subsection (1) only so far as the subject matter of the school improvement guidance is not displaced by the policy statement.

- (5) The duties in subsections (1) and (4) do not apply to a school authority so far as it would be unreasonable for the authority to follow the school improvement guidance or policy statement in a particular case or category of case.

36 Policy statements: requirements and ancillary powers

- (1) A policy statement issued under section 35(2) or (3) must set out –
- (a) how the local authority or governing body (as the case may be) proposes that functions should be exercised differently from the course set out in the school improvement guidance, and
 - (b) the authority's or the body's reasons for proposing that different course.
- (2) An authority or body that has issued a policy statement may –
- (a) issue a revised policy statement;
 - (b) give notice revoking a policy statement.
- (3) A policy statement (or revised statement) must state –
- (a) that it is issued under section 35(2) or (3) (as the case may be), and
 - (b) the date on which it is to take effect.
- (4) The authority or body that issues a policy statement (or revised statement), or gives a notice under subsection (2)(b), must –
- (a) arrange for a statement or notice to be published;
 - (b) send a copy of any statement or notice to the Welsh Ministers.

37 Directions

- (1) Subsection (2) applies if, in relation to a policy statement issued by a school authority, the Welsh Ministers consider that the authority's alternative policy for the exercise of functions (in whole or in part) is not likely to improve the standard of education provided at a school to which the policy statement relates.
- (2) The Welsh Ministers may direct the school authority to take any action which the Welsh Ministers consider appropriate for the purpose of securing the exercise of functions by the authority in accordance with the school improvement guidance issued to the authority in accordance with this Chapter.
- (3) A school authority subject to a direction under this section must comply with it.
- (4) This includes a direction to exercise a power or duty that is contingent upon the opinion of the school authority.
- (5) A direction under this section –
- (a) must be given in writing;
 - (b) may be varied or revoked by a later direction;
 - (c) is enforceable by mandatory order on application by, or on behalf of, the Welsh Ministers.

PART 3

SCHOOL ORGANISATION

CHAPTER 1

SCHOOL ORGANISATION CODE

38 School Organisation Code

- (1) The Welsh Ministers must issue, and may from time to time revise, a code on school organisation (“the Code”).
- (2) The Code is to contain provision about the exercise of the functions of the following persons under this Part –
 - (a) the Welsh Ministers;
 - (b) local authorities;
 - (c) governing bodies of maintained schools;
 - (d) other persons in connection with proposals made (or to be made) by them under this Part.
- (3) The Code may impose requirements, and may include guidelines setting out aims, objectives and other matters.
- (4) The persons referred to in subsection (2) must, when exercising functions under this Part –
 - (a) act in accordance with any relevant requirements contained in the Code, and
 - (b) have regard to any relevant guidelines contained in it.
- (5) The duty imposed by subsection (4) also applies to a person exercising a function for the purpose of the discharge of functions under this Part by –
 - (a) the Welsh Ministers,
 - (b) a local authority,
 - (c) the governing body of a maintained school, or
 - (d) other persons in connection with proposals made (or to be made) by them under this Part.
- (6) The Welsh Ministers must publish the Code for the time being in force on their website.
- (7) The Welsh Ministers may make separate provision (by means of separate codes) in relation to different functions under this Part of the persons mentioned in subsection (2).
- (8) References in this section to “the Code” or to functions under this Part have effect, in relation to a separate code, as references to that code or to functions under this Part to which it relates.

39 Making and approval of School Organisation Code

- (1) Before issuing or revising a code under section 38, the Welsh Ministers must consult the following persons on a draft of the code (or revised code) –

- (a) each local authority,
 - (b) the governing body of each maintained school,
 - (c) Her Majesty's Chief Inspector of Education and Training in Wales, and
 - (d) any other person the Welsh Ministers consider appropriate.
- (2) If the Welsh Ministers wish to proceed with the draft (with or without modifications) they must lay a copy of the draft before the National Assembly for Wales.
- (3) If, before the end of the 40 day period, the National Assembly resolves not to approve the draft of the code, the Welsh Ministers must not issue the proposed code in the form of that draft.
- (4) If no such resolution is made before the end of that period –
 - (a) the Welsh Ministers must issue the code (or revised code) in the form of the draft, and
 - (b) the code (or revised code) comes into force on the date appointed by order of the Welsh Ministers.
- (5) The 40 day period –
 - (a) begins on the day on which the draft is laid before the National Assembly for Wales, and
 - (b) does not include any time during which the National Assembly for Wales is dissolved or is in recess for more than four days.
- (6) Subsection (3) does not prevent a new draft of a proposed code from being laid before the National Assembly.
- (7) References in this section to a proposed code include a proposed revised code.
- (8) The requirement to consult imposed by subsection (1) may be satisfied by consultation undertaken before the coming into force of this Part even though the code issued under section 38(1) takes account (to any extent) of any provision made by this Part.

CHAPTER 2

SCHOOL ORGANISATION PROPOSALS

Establishment, alteration and discontinuance of maintained schools

40 Restriction on establishment, alteration and discontinuance of maintained schools

- (1) A new community school, voluntary school or community special school may be established in Wales only in accordance with this Part.
- (2) No new foundation school or foundation special school may be established in Wales.
- (3) A maintained school may be discontinued only in accordance with this Part.
- (4) An alteration which is a regulated alteration in relation to the type of school in question may be made to a maintained school only in accordance with this Part.

- (5) No alteration may be made to a maintained school that changes the religious character of the school or causes a school to acquire or lose a religious character.
- (6) Subsection (3) has effect subject to section 16(5) (power of Welsh Ministers to direct closure of school).
- (7) Schedule 2 (which describes regulated alterations) has effect.

41 Proposals to establish mainstream schools

- (1) A local authority may make proposals to establish—
 - (a) a new community school, or
 - (b) a new maintained nursery school.
- (2) Any person may make proposals to establish a new voluntary school.

42 Proposals to alter mainstream schools

- (1) A local authority may make proposals—
 - (a) to make a regulated alteration to a community school;
 - (b) with the consent of the Welsh Ministers, to make an alteration described in paragraph 6 of Schedule 2 (opening or closing a school's sixth form) to a voluntary or foundation school;
 - (c) to make an alteration described in paragraph 10, 11, 12 or 13 of Schedule 2 (increasing and reducing capacity) to a voluntary or foundation school if that school does not have a religious character;
 - (d) to make a regulated alteration to a maintained nursery school.
- (2) The governing body of a foundation or voluntary school may make proposals to make a regulated alteration to the school.

43 Proposals to discontinue mainstream schools

- (1) A local authority may make proposals to discontinue—
 - (a) a community, foundation or voluntary school, or
 - (b) a maintained nursery school.
- (2) The governing body of a foundation or voluntary school may make proposals to discontinue the school.

44 Proposals to establish, alter or discontinue community special schools

- A local authority may make proposals—
- (a) to establish a new community special school,
 - (b) to make a regulated alteration to such a school, or
 - (c) to discontinue such a school.

Changes of category

45 Proposals to change a school's category

- (1) The governing body of a community school may make proposals for the school to become a voluntary aided school or a voluntary controlled school.
- (2) The governing body of a voluntary aided school may make proposals for the school to become a community school or a voluntary controlled school (but see subsection (5)).
- (3) The governing body of a voluntary controlled school may make proposals for the school to become a community school or a voluntary aided school (but see subsection (5)).
- (4) The governing body of a foundation school may make proposals for the school to become a community school, a voluntary aided school or a voluntary controlled school (but see subsection (5)).
- (5) No proposals may be made for a foundation or voluntary school which has a religious character to become a community school.

46 Restrictions on changing category of school

- (1) A maintained school within one of the categories set out in section 20(1) of the School Standards and Framework Act 1998 may become a school within another of those categories (except a foundation school or foundation special school) only in accordance with this Part.
- (2) A school may not change category to become a voluntary aided school unless the governing body of the school satisfies the Welsh Ministers that it will be able to carry out its obligations under Schedule 3 to the School Standards and Framework Act 1998 (funding of voluntary aided schools) for a period of at least five years following the date on which it is proposed that the change of category is to take place.
- (3) A voluntary or foundation school may not become a community school unless any transfer agreement and transfer of rights and liabilities agreement required by Part 3 of Schedule 4 has been entered into.

47 Effect of change of category

- (1) A school's change of category in accordance with proposals made under section 45 is not to be taken as authorising or requiring any change in the character of the school (including, in particular, any religious character of the school).
- (2) A school's change of category in accordance with proposals made under section 45 is not to be taken as authorising a school to establish, join or leave a foundation body.

Publication, consultation and objections

48 Publication and consultation

- (1) A proposer must publish proposals made under this Chapter in accordance with the Code.
- (2) Before publishing proposals made under this Chapter, a proposer must consult on its proposals in accordance with the Code.

- (3) The requirement to consult does not apply to proposals to discontinue a school which is a small school (see section 56).
- (4) Before the end of 7 days beginning with the day on which they were published, the proposer must send copies of the published proposals to –
 - (a) the Welsh Ministers, and
 - (b) the local authority (if it is not the proposer) that maintains, or that it is proposed will maintain, the school to which the proposals relate.
- (5) The proposer must publish a report on the consultation it has carried out in accordance with the Code.

49 Objections

- (1) Any person may object to proposals published under section 48.
- (2) Objections must be sent in writing to the proposer before the end of 28 days beginning with the day on which the proposals were published (“the objection period”).
- (3) The proposer must publish a summary of all objections made in accordance with subsection (2) (and not withdrawn) and its response to those objections –
 - (a) in the case of a local authority that is required to determine its own proposals under section 53, before the end of 7 days beginning with the day of its determination under section 53(1), and
 - (b) in all other cases, before the end of 28 days beginning with the end of the objection period.

Approval and determination of proposals

50 Approval by Welsh Ministers

- (1) Proposals published under section 48 require approval under this section if –
 - (a) the proposals affect sixth form education, or
 - (b) the proposals have been made by a proposer other than the relevant local authority and an objection has been made by that authority in accordance with section 49(2) and has not been withdrawn in writing before the end of 28 days beginning with the end of the objection period.
- (2) Proposals affect sixth form education if –
 - (a) they are proposals to establish or discontinue a school providing education suitable only to the requirements of persons above compulsory school age, or
 - (b) they are proposals to make a regulated alteration to a school, the effect of which would be that provision of education suitable to the requirements of persons above compulsory school age at the school increases or decreases.
- (3) Where proposals require approval under this section, the proposer must send a copy of the documents listed in subsection (4) to the Welsh Ministers before the end of 35 days beginning with the end of the objection period.

- (4) The documents are –
 - (a) the report published under section 48(5),
 - (b) the published proposals,
 - (c) any objections made in accordance with section 49(2) (and not withdrawn), and
 - (d) where objections have been so made (and not withdrawn), the response published under section 49(3).
- (5) Where proposals require approval under this section, the Welsh Ministers may –
 - (a) reject the proposals,
 - (b) approve them without modification, or
 - (c) approve them with modifications –
 - (i) after obtaining the consent of the proposer to the modifications, and
 - (ii) (except where the governing body or local authority, as the case may be, is the proposer), after consulting the governing body (if any) of the school to which the proposals relate and the relevant local authority.
- (6) An approval may be expressed to take effect only if an event specified in the approval occurs by a date so specified.
- (7) The Welsh Ministers may, at the request of the proposer, specify a later date by which the event referred to in subsection (6) is to occur.
- (8) Subsection (1) does not prevent proposals from being withdrawn by notice in writing given by the proposer to the Welsh Ministers at any time before they are approved under this section.
- (9) No approval is required under this section for proposals made under section 43 or 44 to discontinue a school which is a small school (see section 56).
- (10) In this section “relevant local authority” means the local authority that maintains, or that it is proposed will maintain, the school to which the proposals relate.

51 Approval by local authority

- (1) Proposals published under section 48 require approval under this section if –
 - (a) they do not require approval under section 50,
 - (b) they have been made by a proposer other than the relevant local authority, and
 - (c) an objection to the proposals has been made in accordance with section 49(2) and has not been withdrawn in writing before the end of 28 days beginning with the end of the objection period.
- (2) Where proposals require approval under this section, the proposer must send a copy of the documents listed in subsection (3) to the relevant local authority before the end of 35 days beginning with the end of the objection period.
- (3) The documents are –

- (a) the report published under section 48(5),
 - (b) the published proposals,
 - (c) objections made in accordance with section 49(2) (and not withdrawn), and
 - (d) the response published under section 49(3).
- (4) Where proposals require approval under this section, the relevant local authority may –
- (a) reject the proposals,
 - (b) approve them without modification, or
 - (c) approve them with any of the modifications specified in subsection (5) –
 - (i) after obtaining the consent of the Welsh Ministers and the proposer to the modifications, and
 - (ii) (except where the governing body is the proposer) after consulting the governing body (if any) of the school to which the proposals relate.
- (5) The relevant local authority may modify –
- (a) the date or dates specified in the published proposals as the date or dates on which the proposals are planned to be implemented;
 - (b) the number of pupils specified in the published proposals as the number to be admitted to the school (in any age group and in any school year).
- (6) An approval may be expressed to take effect only if an event specified in the approval occurs by a date so specified.
- (7) The relevant local authority may, at the request of the proposer, specify a later date by which the event referred to in subsection (6) is to occur.
- (8) The relevant local authority must make a determination under subsection (4) whether to reject or approve the proposals before the end of 16 weeks beginning with the end of the objection period.
- (9) Subsection (1) does not prevent proposals from being withdrawn by notice in writing given by the proposer to the relevant local authority at any time before they are approved under this section.
- (10) No approval is required under this section for proposals made under section 43 or 44 to discontinue a school which is a small school (see section 56).
- (11) In this section “relevant local authority” means the local authority that maintains, or that it is proposed will maintain, the school to which the proposals relate.

52 Related proposals

- (1) A proposer must send to the Welsh Ministers proposals (“proposals B”) it has made if –
- (a) it considers that they are related to proposals requiring approval under section 50 (“proposals A”), and

- (b) the proposer has not determined whether to implement proposals B under section 53 before the Welsh Ministers approve or reject proposals A.
- (2) If the Welsh Ministers consider that proposals B are related to proposals A, proposals B are to be treated as requiring approval under section 50.
- (3) A proposer must send to a local authority proposals (“proposals D”) it has made if—
 - (a) it considers that they are related to proposals requiring the local authority's approval under section 51 (“proposals C”), and
 - (b) the proposer has not determined whether to implement proposals D under section 53 before the local authority approves or rejects proposals C.
- (4) If the local authority considers that proposals D are related to proposals C, proposals D are to be treated as requiring approval under section 51.
- (5) The Welsh Ministers may require any other proposals to be treated as requiring approval under section 50 if—
 - (a) they consider that they are related to proposals requiring their approval under section 50, and
 - (b) the proposer has not determined whether to implement them under section 53 before the Welsh Ministers approve or reject the proposals requiring approval.
- (6) A local authority may require any other proposals to be treated as requiring approval under section 51 if—
 - (a) it considers that they are related to proposals requiring its approval under section 51, and
 - (b) the proposer has not determined whether to implement them under section 53 before the local authority approves or rejects the proposals requiring approval.
- (7) This section does not apply to proposals referred to a local inquiry under section 61 (local inquiry into proposals for the rationalisation of school places).

53 Determination

- (1) Where any proposals published under section 48 do not require approval under section 50 or 51, the proposer must determine whether the proposals should be implemented.
- (2) If a determination under subsection (1) is not made before the end of 16 weeks beginning with the end of the objection period, the proposer is to be taken to have withdrawn the proposals.
- (3) Before the end of 7 days beginning with the day of its determination under subsection (1), the proposer must notify the following of the determination—
 - (a) the Welsh Ministers;
 - (b) (except where it is the proposer) the local authority that maintains, or that it is proposed will maintain, the school to which the proposals relate;

- (c) (except where it is the proposer) the governing body (if any) of the school to which the proposals relate.

54 Referral to the Welsh Ministers

- (1) This section applies if a local authority has –
 - (a) determined to approve or reject proposals under section 51(4), or
 - (b) determined under section 53(1) to implement proposals to which there was an objection made in accordance with section 49 (and which was not withdrawn in writing before the end of 28 days beginning with the end of the objection period).
- (2) Before the end of 28 days beginning with the day of the local authority's determination under section 51(4) or 53(1), the following may refer the proposals to the Welsh Minister –
 - (a) another local authority which is likely to be affected by the proposals;
 - (b) a local authority in England which is likely to be affected by the proposals ;
 - (c) the appropriate religious body for –
 - (i) the school to which the proposals relate if it is, or is intended to be, a school which has a religious character, or
 - (ii) any other school which has a religious character and which is likely to be affected by the proposals;
 - (d) if the school to which the proposals relate is a foundation or voluntary school, the governing body of the school;
 - (e) a trust holding property for the purpose of the school to which the proposals relate;
 - (f) an institution within the further education sector which is likely to be affected by the proposals.
- (3) Whether an authority, school or institution is likely to be affected by the proposals for the purpose of subsection (2) is a question to be determined by the Welsh Ministers.
- (4) The Welsh Ministers must consider proposals referred to them under this section afresh and subsections (5) to (8) of section 50 apply as if the proposals required their approval under that section.
- (5) Proposals made under section 43 or 44 to discontinue a school which is a small school (see section 56) may not be referred to the Welsh Ministers under this section.
- (6) Proposals which the Welsh Ministers are required to consider under this section are not to be treated for the purposes of section 55 or 61 as proposals approved under section 51 or as proposals that the proposer has determined to implement under section 53.
- (7) Proposals approved in accordance with this section are to be treated for the purposes of section 55 as proposals approved under section 50.
- (8) Proposals rejected in accordance with this section are to be treated for the purposes of paragraph 35(3)(e) of Schedule 4 as proposals rejected under section 50.

55 Implementation

- (1) This section applies to—
 - (a) proposals approved under section 50 or 51, or
 - (b) proposals which the proposer has determined under section 53 to implement.
- (2) The proposals must (subject to the following provisions of this section) be implemented in the form in which they were approved or determined to be implemented—
 - (a) in the case of proposals made under section 41, 42, 43 or 44 (establishment, alteration or discontinuance of schools), in accordance with Schedule 3;
 - (b) in the case of proposals made under section 45 (change of category), in accordance with Schedule 4.
- (3) The proposer may (subject to subsection (6)) determine to delay implementation for a period of up to three years from the date or dates specified in the proposals (as approved or determined) as the date or dates on which they are to be implemented, if it is satisfied—
 - (a) that implementation of the proposals on that date or those dates would be unreasonably difficult, or
 - (b) that circumstances have so altered since the proposals were approved under section 50 or 51 or determined under section 53, that implementation of the proposals on that date or those dates would be inappropriate.
- (4) In the case of proposals to discontinue a school made under section 43 or 44, the proposer may (subject to subsection (6)) determine to bring forward implementation by a period of up to 13 weeks from the date or dates specified in the proposals (as approved or determined) as the date or dates on which they are to be implemented.
- (5) The proposer may (subject to subsection (6)) determine that subsection (2) does not apply to proposals if it is satisfied—
 - (a) that implementation of the proposals would be unreasonably difficult, or
 - (b) that circumstances have so altered since the proposals were approved under section 50 or 51 or determined under section 53, that implementation of the proposals would be inappropriate.
- (6) In the case of proposals which have been approved under section 50 or 51, the proposer may only make a determination under subsection (3), (4) or (5) with the agreement of the Welsh Ministers.
- (7) Before the end of 7 days beginning with the day of the determination, the proposer must notify the following of any determination it makes under subsection (3), (4) or (5)—
 - (a) the Welsh Ministers;
 - (b) (except where it is the proposer) the local authority that maintains, or that it is proposed will maintain the school to which the proposals relate;

- (c) (except where it is the proposer) the governing body (if any) of the school to which the proposals relate.
- (8) Where, by virtue of subsection (5), subsection (2) ceases to apply to any proposals, those proposals are to be treated as if they had been rejected under section 50(5)(a) or 51(4)(a) or as if the proposer had determined under section 53 not to implement them.

56 Interpretation of Chapter 2

- (1) In this Chapter –
- “the Code” (“*y Cod*”) means the code on school organisation issued under section 38(1);
- “objection period” (“*cyfnod gwrthwynebu*”) has the meaning given by section 49(2);
- “proposer” (“*cynigydd*”), in relation to proposals made under section 41, 42, 43, 44 or 45, is the local authority, the governing body or other person who has made the proposals;
- “regulated alteration” (“*newid rheoleiddiedig*”) means an alteration described in Schedule 2;
- “small school” (“*ysgol fach*”) means a school with fewer than 10 registered pupils on the third Tuesday in the January immediately preceding the date on which the proposals are made.
- (2) The Welsh Ministers may by order amend the definition of “small school” in subsection (1) so as to substitute a reference to a different date for the reference to the date for the time being specified.

CHAPTER 3

RATIONALISATION OF SCHOOL PLACES

Directions to make proposals for rationalisation of school places

57 Directions to make proposals to remedy excessive or insufficient provision

- (1) This section applies where the Welsh Ministers are of the opinion that there is excessive provision, or that there is, or there is likely to be, insufficient provision, for primary or secondary education in maintained schools –
- (a) in the area of a local authority, or
- (b) in a part of such an area.
- (2) The Welsh Ministers may –
- (a) direct the local authority to exercise its powers to make proposals to establish, alter or discontinue schools, and
- (b) direct the governing body of a foundation or voluntary school maintained by the authority to exercise its powers to make proposals to alter its school.
- (3) A direction under subsection (2) must –
- (a) require the proposals to be published no later than the date specified in the direction,

- (b) require the proposals, in giving effect to the direction, to apply any principles specified in it, and
 - (c) where the Welsh Ministers are of the opinion that there is, or there is likely to be, insufficient provision, specify the additional number of pupils to be accommodated.
- (4) A direction under subsection (2)(a) may not require the proposals to relate to a named school.

58 Further provision about proposals made after a direction under section 57(2)

- (1) Proposals made in accordance with a direction under section 57(2) may not be withdrawn without the consent of the Welsh Ministers.
- (2) The Welsh Ministers may give consent for the purposes of subsection (1) subject to conditions.
- (3) The local authority must reimburse expenditure reasonably incurred by a governing body of a school maintained by it in making proposals in accordance with a direction under section 57(2).
- (4) Despite anything in Part 1 of Schedule 3 (responsibility for implementation of statutory proposals), the local authority must meet the cost of implementing proposals made by a governing body of a school maintained by the authority in accordance with a direction under section 57(2) which have been approved or determined to be implemented.

Proposals by Welsh Ministers to rationalise school places

59 Making and publication of proposals by Welsh Ministers

- (1) This section applies where –
 - (a) the Welsh Ministers have made a direction under section 57(2), and
 - (b) either –
 - (i) proposals have been published in accordance with the direction, or
 - (ii) the time allowed under the direction for the publication of the proposals has expired.
- (2) The Welsh Ministers may make any proposals that could have been made in accordance with the direction.
- (3) The proposals must be published in accordance with the code issued under section 38(1) for the time being in force.
- (4) The Welsh Ministers must send a copy of the proposals –
 - (a) to the local authority for the area, and
 - (b) to the governing body of each school to which the proposals relate.

Procedure for dealing with proposals under section 59

60 Objections

- (1) Any person may object to proposals published under section 59.
- (2) Objections must be sent in writing to the Welsh Ministers before the end of 28 days beginning with the day on which the proposals were published.

61 Local inquiry into proposals

- (1) This section applies where the Welsh Ministers have made proposals under section 59 (other than proposals made by virtue of section 62(1)) which they have not withdrawn.
- (2) If objections have been made in accordance with section 60(2), then, unless all objections so made have been withdrawn in writing within the 28 days referred to in that section, the Welsh Ministers must cause a local inquiry to be held.
- (3) The purpose of the local inquiry is to consider the Welsh Ministers' proposals, any other proposals the Welsh Ministers refer to the inquiry and the objections mentioned in subsection (2).
- (4) Proposals referred to a local inquiry under this section are to be determined under section 62, and sections 50, 51, 53, 54, 70 and 73 do not apply to them.
- (5) Where a local inquiry is required to be held, the Welsh Ministers must refer the proposals listed in subsection (6) to the inquiry if the proposals –
 - (a) have not been determined before the proceedings on the inquiry begin, and
 - (b) appear to the Welsh Ministers to be related to the proposals made under section 59 in respect of which the inquiry is to be held.
- (6) The proposals to be referred are –
 - (a) any other proposals published under section 59 in relation to the area of the local authority (and not withdrawn);
 - (b) any proposals made by that authority in the exercise of their powers to make proposals to establish, alter or discontinue schools (and not withdrawn);
 - (c) any proposals made by the governing body of a foundation or voluntary school in the area in the exercise of its powers to make proposals to alter its school (and not withdrawn);
 - (d) any proposals made under section 68 or 71 (and not withdrawn).
- (7) If, before the proceedings on the inquiry begin, the Welsh Ministers form the opinion that any proposals should be implemented, subsection (5) does not require them to refer those proposals to the inquiry unless they form a different opinion before –
 - (a) the proceedings on the inquiry are concluded, or
 - (b) (if earlier) the proposals are determined.

- (8) It is not open to the inquiry to question the principles specified in the direction under section 57(2).
- (9) References in this section to the determination of proposals are to—
 - (a) a determination whether or not to adopt or approve the proposals under section 50, 51, 62, 70 or 73;
 - (b) a determination whether or not to implement the proposals under section 53;
 - (c) a determination whether or not to approve proposals referred to the Welsh Ministers under section 54.

62 Adoption of proposals

- (1) Where a local inquiry has been held, the Welsh Ministers may, after considering the report of the person appointed to hold the inquiry, do one or more of the following—
 - (a) adopt, with or without modifications, or determine not to adopt any of the proposals made by the Welsh Ministers (including proposals made by them referred under section 61(5)) and considered by the inquiry;
 - (b) approve, with or without modifications, or reject any other proposals which were referred to the inquiry under section 61(5);
 - (c) make further proposals under section 59.
- (2) If the Welsh Ministers make further proposals under section 59 in accordance with subsection (1)(c), the requirement in section 61(2) to cause a local inquiry to be held does not apply.
- (3) Where the Welsh Ministers have published proposals under section 59 which are not required to be considered by a local inquiry, they may, after considering any objections made in accordance with section 60(2) (and not withdrawn)—
 - (a) adopt the proposals with or without modifications, or
 - (b) determine not to adopt the proposals.
- (4) The adoption or approval of proposals may be expressed to take effect only if an event specified in the adoption or approval occurs by a date so specified.

63 Implementation of proposals

- (1) Proposals adopted or approved by the Welsh Ministers under section 62 have effect as if they had been approved by the Welsh Ministers under section 50 after having been made—
 - (a) by the local authority under its powers to make proposals to establish, alter or discontinue schools, or
 - (b) in the case of proposals to alter a foundation or voluntary school, by the governing body under its powers to make proposals to alter its school.

- (2) Despite anything in Part 1 of Schedule 3 (responsibility for implementation of statutory proposals), the local authority that maintains the school in question must meet the cost of implementing proposals adopted or approved under section 62 which have effect as mentioned in subsection (1)(b).

CHAPTER 4

REGIONAL PROVISION FOR SPECIAL EDUCATIONAL NEEDS

64 Meaning of “regional provision” and “special education functions”

In this Chapter –

“regional provision” (*“darpariaeth ranbarthol”*) means –

- (a) provision of education for children belonging to the areas of different local authorities, at a school maintained by one of those authorities, or
- (b) provision made by two or more local authorities for goods or services to be supplied by one of the authorities –
 - (i) to the other or others, or
 - (ii) to one or more governing bodies of schools maintained by the other authority or authorities;

“special education functions” (*“swyddogaethau addysg arbennig”*) means functions under Part 4 of the Education Act 1996 (special educational needs).

65 Direction to consider making regional provision

- (1) The Welsh Ministers may direct local authorities to consider whether they (or any of them) would be able to carry out their special education functions, in respect of children with the special educational needs specified in the direction, more efficiently or effectively if regional provision were made.
- (2) The authorities to whom a direction is given must report their conclusions to the Welsh Ministers no later than the time specified in the direction.
- (3) A direction under this section may be given to local authorities generally or to one or more authorities specified in the direction.

66 Directions to make proposals to secure regional provision

- (1) This section applies where the Welsh Ministers are of the opinion that two or more local authorities would be able to carry out their special education functions, in respect of children falling within a particular description, more effectively or efficiently if regional provision were made in relation to the areas of those authorities.
- (2) The Welsh Ministers may give one or more of the directions specified in subsection (3) for the purpose of securing that regional provision is made in relation to the description of children from the areas specified in the direction.
- (3) The directions are –

- (a) that a local authority exercise its powers to make proposals to establish, alter or discontinue schools;
 - (b) that the governing body of a foundation or voluntary school exercise its powers to make proposals to alter its school;
 - (c) that two or more local authorities make arrangements under which—
 - (i) provision for education is made by one of the authorities in respect of persons from the area (or areas) of the other authority (or authorities), and
 - (ii) provision is made for determining the payments to be made under the arrangements in respect of the provision of that education;
 - (d) that two or more local authorities make arrangements that provide for one of those authorities to supply to the other (or others) goods or services to be specified in the arrangements on terms (including terms as to payment) to be so specified;
 - (e) that a local authority and the governing bodies of one or more foundation or voluntary schools make arrangements that provide for the authority to supply to the governing bodies goods or services to be specified in the arrangements, on terms (including terms as to payment) to be so specified.
- (4) Where the Welsh Ministers give a direction under subsection (3)(c) and a direction under subsection (3)(a) or (3)(b), the payments to which subsection (3)(c) refers may include an amount in respect of the costs connected with the establishment, alteration or discontinuance of the school in question.
- (5) A direction under subsection (3)(a) or (3)(b)—
- (a) must require the proposals in question to be published no later than the date specified in the direction, and
 - (b) must require the body making the proposals to send a copy of the published proposals, together with other information (of a kind specified in the direction) in connection with those proposals to the Welsh Ministers.

67 Further provision about proposals made after a direction under section 66

- (1) Proposals made in accordance with a direction under section 66 may not be withdrawn without the consent of the Welsh Ministers.
- (2) The Welsh Ministers may give consent for the purposes of subsection (1) subject to conditions.
- (3) The local authority must reimburse expenditure reasonably incurred by the governing body of a school maintained by it in making proposals in accordance with a direction under section 66.
- (4) Despite anything in Part 1 of Schedule 3 (responsibility for implementation of statutory proposals), the local authority must meet the cost of implementing proposals made by the governing body of a school maintained by the authority in accordance with a direction under section 66 which have been approved or determined to be implemented.

68 Proposals by Welsh Ministers

- (1) This section applies where –
 - (a) the Welsh Ministers have given a direction under section 66, and
 - (b) either –
 - (i) proposals have been published in accordance with the direction, or
 - (ii) the time allowed under the direction for the publication of the proposals has expired.
- (2) The Welsh Ministers may make any proposals that could have been made in accordance with the direction.
- (3) Before publishing proposals under this section, the Welsh Ministers must consult on the proposals in accordance with the code issued under section 38(1) for the time being in force.
- (4) The proposals must be published in accordance with the code issued under section 38(1) for the time being in force.
- (5) The Welsh Ministers must send a copy of the proposals to –
 - (a) local authorities whose areas are affected by the proposals, and
 - (b) the governing body of each school to which the proposals relate.

69 Objections

- (1) Any person may object to proposals published under section 68.
- (2) Objections must be sent in writing to the Welsh Ministers before the end of 28 days beginning with the day on which the proposals were published.

70 Adoption of proposals

- (1) The Welsh Ministers may, after considering any objections made in accordance with section 69 (and not withdrawn) –
 - (a) adopt the proposals with or without modifications, or
 - (b) determine not to adopt the proposals.
- (2) The adoption of proposals may be expressed to take effect only if an event specified in the adoption occurs by a date so specified.
- (3) Proposals adopted by the Welsh Ministers have effect as if they had been approved by the Welsh Ministers under section 50 after having been made –
 - (a) by the local authority under its powers to make proposals to establish, alter or discontinue schools, or
 - (b) in the case of proposals to alter a foundation or voluntary school, by the governing body under its powers to make proposals to alter its school.
- (4) Despite anything in Part 1 of Schedule 3 (responsibility for implementation of statutory proposals), the local authority that maintains the school in question must meet the cost of implementing proposals adopted under subsection (1) which have effect as mentioned in subsection (3)(b).

CHAPTER 5

PROPOSALS FOR RESTRUCTURING SIXTH FORM EDUCATION

Making and determining proposals

71 Welsh Ministers' powers to restructure sixth form education

- (1) The Welsh Ministers may make proposals under this section for –
 - (a) the establishment by a local authority of one or more new community or community special schools to provide secondary education suitable to the requirements of sixth formers (and no other secondary education);
 - (b) an alteration described in paragraph 6 of Schedule 2 to one or more maintained schools;
 - (c) the discontinuance of one or more maintained schools which provide secondary education suitable to the requirements of sixth formers (and no other secondary education).
- (2) A “sixth former” is a person who is above compulsory school age but below the age of 19.

72 Consultation, publication and objections

- (1) Before publishing proposals made under section 71, the Welsh Ministers must consult on the proposals in accordance with the code issued under section 38(1) for the time being in force.
- (2) The Welsh Ministers must publish proposals made under section 71 in accordance with the code issued under section 38(1) for the time being in force.
- (3) Any person may object to the proposals.
- (4) Objections must be sent in writing to the Welsh Ministers before the end of 28 days beginning with the day on which the proposals were published.

73 Determination by Welsh Ministers

- (1) After the end of the 28 days referred to in section 72(4), the Welsh Ministers must determine whether to –
 - (a) adopt the proposals, with or without modifications, or
 - (b) withdraw the proposals.
- (2) In making a determination under subsection (1), the Welsh Ministers must have regard to any objections made in accordance with section 72(4) and not withdrawn.
- (3) Before adopting proposals subject to modifications, the Welsh Ministers must consult such persons as they consider appropriate.
- (4) The adoption of proposals may be expressed to take effect only if an event specified in the adoption occurs by a date so specified.
- (5) If the event does not occur by the specified date the Welsh Ministers must reconsider their determination under subsection (1).

- (6) The Welsh Ministers may withdraw their proposals at any time before they make a determination under subsection (1).

Implementation of proposals for restructuring sixth form education

74 Form of implementation

- (1) This section applies to proposals which have been adopted by the Welsh Ministers under section 73.
- (2) The proposals must (subject to the following provisions of this section) be implemented in the form in which they were adopted.
- (3) At the request of a specified body, the Welsh Ministers –
 - (a) may modify proposals adopted under section 73 after consulting the specified bodies, and
 - (b) where the adoption of proposals was expressed to take effect subject to the occurrence of a specified event, may specify a later date by which that event must occur.
- (4) The Welsh Ministers may determine that subsection (2) does not apply to the proposals if they are satisfied, after consulting the specified bodies –
 - (a) that implementation of the proposals would be unreasonably difficult, or
 - (b) that circumstances have so altered since the proposals were adopted that implementation of the proposals would be inappropriate.
- (5) Each of the following is a “specified body” for the purposes of subsections (3) and (4) –
 - (a) the governing body of the school to which the proposals relate;
 - (b) in the case of a proposal to establish a new school, the temporary governing body constituted in accordance with arrangements made under section 34 of the Education Act 2002;
 - (c) the local authority that maintains, or that it is proposed will maintain, the school to which the proposals relate;
 - (d) where the school to which the proposals relate is a community special school each local authority which maintains a statement of special educational needs under Part 4 of the Education Act 1996 in respect of a registered pupil at the school.

75 Responsibility for implementation

- (1) Proposals to establish a school must be implemented by the local authority that it is proposed will maintain the school.
- (2) Proposals to make an alteration described in paragraph 6 of Schedule 2 must be implemented –
 - (a) in the case of proposals relating to a community school, by the local authority that maintains the school;
 - (b) in the case of proposals relating to a voluntary aided school –
 - (i) so far as relating to the provision of any relevant premises, by the local authority that maintains the school, and

- (ii) otherwise, by the local authority that maintains the school and the governing body of the school to the extent (if any) as the proposals provide for each of them to do so;
 - (c) in the case of proposals relating to any other school, by the local authority that maintains the school and the governing body of the school to the extent (if any) as the proposals provide for each of them to do so.
- (3) In subsection (2) “relevant premises” means –
 - (a) playing fields, or
 - (b) buildings which are to form part of the school premises but are not to be school buildings.
- (4) Proposals to discontinue a school must be implemented –
 - (a) in the case of proposals relating to a community or community special school, by the local authority that maintains the school, and
 - (b) in any other case, by the local authority that maintains the school and the governing body of the school.
- (5) If a school changes category from a community school after proposals have been published under section 72 but before they have been implemented, the proposals (to the extent that they have not been implemented) must be implemented by the local authority that maintains the school (despite subsections (2) and (4)).

76 Further provision as to implementation

- (1) Where a local authority is required by virtue of section 75 to provide a site for a foundation or voluntary controlled school, paragraph 7 of Schedule 3 (provision of site and buildings for foundation or voluntary controlled school) applies as it applies in the circumstances mentioned in sub-paragraph (1) of that paragraph.
- (2) Paragraph 8 of Schedule 3 (grants in respect of certain expenditure relating to voluntary aided schools) applies in relation to the obligation under section 75(2)(b)(ii) as it applies in relation to the obligations referred to in paragraph 8(1)(a) of that Schedule.
- (3) Paragraph 9 of Schedule 3 (assistance from local authority in respect of voluntary aided schools) applies in relation to obligations imposed on the governing body of a voluntary aided school under section 75(2)(b)(ii) as it applies in relation to the obligations referred to in that paragraph 9, and paragraph 11 of that Schedule (duty on local authority to transfer interest in premises provided under paragraph 9 or 10) applies accordingly.

Supplementary

77 Consequential amendments to inspection reports on sixth form education

After section 44 of the Education Act 2005 insert –

*“Sixth forms requiring significant improvement in Wales***44A Schools with sixth forms**

- (1) Sections 44B to 44D apply to a maintained school in Wales which—
 - (a) provides full-time education suitable to the requirements of pupils over compulsory school age, and
 - (b) provides full-time education suitable to the requirements of pupils of compulsory school age.
- (2) For the purposes of those sections a school requires significant improvement in relation to its sixth form if—
 - (a) the school is failing to give its pupils over compulsory school age an acceptable standard of education, or
 - (b) in relation to its provision for pupils over compulsory school age, the school is performing significantly less well than it might in all the circumstances reasonably be expected to perform.

44B Inspection reports on schools with sixth forms requiring significant improvement

- (1) Where a person inspecting a school under Chapter 3 is of the opinion that the school requires significant improvement in relation to its sixth form, the provisions specified in subsection (2) apply (with the necessary modifications) as they apply where the person is of the opinion that special measures are required to be taken in relation to the school.
- (2) Those provisions are section 34(1) to (6) (registered inspectors) or, as the case requires, section 35(1) of that Act (members of the Inspectorate).

44C Report after area inspection on schools with sixth forms requiring significant improvement

- (1) This section applies if in the course of an area inspection under section 83 of the Learning and Skills Act 2000 the Chief Inspector forms the opinion that a school requires significant improvement in relation to its sixth form.
- (2) The Chief Inspector must make a report about the school stating that opinion.
- (3) The report is to be treated for the purposes of this Part as if it were a report of an inspection of the school under section 28.

44D Copies of report and action plan

- (1) This section applies to a report of an inspection under Chapter 3 which—

- (a) states an opinion that a school requires significant improvement in relation to its sixth form, and
 - (b) is made by a member of the Inspectorate or states that the Chief Inspector agrees with the opinion.
- (2) The person making the report must send a copy (together with a copy of the summary, if there is one) –
- (a) to the Welsh Ministers, and
 - (b) if the person making the report is a member of the Inspectorate, to the appropriate authority for the school.
- (3) The following provisions apply (with the necessary modifications) in relation to a report to which this paragraph applies –
- (a) section 38(2) (additional copies),
 - (b) section 38(4) (publication by appropriate authority),
 - (c) section 39 (action plan by appropriate authority), and
 - (d) where the local authority receives a copy of a report about a school the governing body of which have a delegated budget, section 40(2) and (3) (measures by local authority).
- (4) In the application of those provisions –
- (a) a reference to a report and summary is to be taken as a reference to a report and, if there is one, its summary, and
 - (b) a reference to a summary alone is to be taken, in a case where there is no summary, as a reference to the report.

44E Report on sixth form schools causing concern after area inspection

- (1) This section applies if in the course of an area inspection under section 83 of the Learning and Skills Act 2000 the Chief Inspector forms the opinion that –
- (a) special measures are required to be taken in relation to a sixth form school, or
 - (b) that a sixth form school requires significant improvement.
- (2) The Chief Inspector must make a report about the school stating that opinion.
- (3) The report is to be treated for the purpose of this Part as if it were a report of an inspection of the school under section 28.
- (4) A “sixth form school” is a maintained school which –
- (a) provides full-time education suitable to the requirements of pupils over compulsory school age, and
 - (b) does not provide full-time education suitable to the requirements of pupils of compulsory school age.

44F Interpretation of sections 44A to 44E

In sections 44A to 44E—

“the appropriate authority”, in relation to a maintained school, means the school’s governing body or, if the school does not have a delegated budget, the local authority;

“the Chief Inspector” means Her Majesty’s Chief Inspector of Education and Training in Wales;

“maintained school” means a community, foundation or voluntary school or a community special school;

“member of the Inspectorate” means the Chief Inspector, any of Her Majesty’s Inspectors of Education and Training in Wales and any additional inspector appointed under paragraph 2 of Schedule 2.”

CHAPTER 6

MISCELLANEOUS AND SUPPLEMENTAL

78 Federated schools

Proposals made under this Part to establish a new school may relate to the establishment of the school as a federated school (within the meaning given by section 21(1) of the Education (Wales) Measure 2011).

79 Prohibition on local authorities establishing schools in England

No proposals may be made for the establishment of a school in England which is proposed to be maintained by a local authority in Wales.

80 Notice by governing body to discontinue foundation or voluntary school

- (1) The governing body of a foundation or voluntary school may discontinue the school by giving the Welsh Ministers and the local authority that maintains the school two years’ notice of its intention to do so.
- (2) The Welsh Ministers’ consent is required before giving a notice under this section if expenditure has been incurred on the school premises (otherwise than in connection with repairs)—
 - (a) by the Welsh Ministers, or
 - (b) by any local authority.
- (3) The governing body must consult the Welsh Ministers before giving a notice under this section if discontinuing the school would affect the facilities for full-time education suitable to the requirements of persons over compulsory school age who have not attained the age of 19.
- (4) If, while a notice under this section is in force, the governing body informs the local authority that it is unable or unwilling to carry on the school until the notice expires, the authority—

- (a) may conduct the school for all or part of the unexpired period of the notice as if it were a community school, and
 - (b) is entitled to use the school premises free of charge for that purpose.
- (5) While the school is being so conducted –
 - (a) the authority must keep the school premises in good repair, and
 - (b) any interest in the premises which is held for the purposes of the school is to be treated, for all purposes relating to the condition, occupation or use of the premises, or the making of alterations to them, as vested in the authority.
- (6) Despite subsection (5) the governing body may use the premises, or any part of them, when not required for the purposes of the school to the same extent as if it had continued to carry on the school during the unexpired period of the notice.
- (7) A notice under subsection (1) may not be withdrawn without the consent of the local authority.
- (8) If a foundation or voluntary school is discontinued under this section, the duty of the local authority to maintain the school as a foundation or voluntary school ceases.
- (9) Nothing in section 43 applies in relation to the discontinuance of a foundation or voluntary school under this section.
- (10) Subsection (11) applies where –
 - (a) land occupied by the school is held by any trustees for the purposes of the school,
 - (b) the trustees (being entitled to do so) intend to give notice to the governing body of the school to terminate the school's occupation of that land, and
 - (c) the termination of the school's occupation of that land would have the result that it was not reasonably practicable for the school to continue to be conducted at its existing site.
- (11) The notice given by the trustees to the governing body to terminate the school's occupation of the land must be at least two years; but if, during the first twelve months of that notice period, the governing body gives notice under subsection (1), the trustees' notice does not have the effect of terminating the school's occupation of the land until the expiry of the governing body's notice.
- (12) A copy of the trustees' notice must also be given to the Welsh Ministers and the local authority at the time when the notice is given to the governing body.
- (13) Where trustees give, at the same (or substantially the same) time, notices purporting to terminate a foundation or voluntary school's occupation of two or more pieces of land held by the trustees for the purposes of the school, then for the purpose of determining whether subsection (10)(c) applies in relation to any of those pieces of land, regard may be had to the combined effect of terminating the school's occupation of both or all of them.

- (14) If a question arises as to whether the termination of a school's occupation of any land would have the result mentioned in subsection (10)(c) (including a question as to whether subsection (13) applies in any particular circumstances), it is to be determined by the Welsh Ministers.

81 Direction requiring discontinuance of community special school

- (1) The Welsh Ministers may direct a local authority to discontinue a community special school maintained by it on a specified date, if they consider it expedient to do so in the interests of the health, safety or welfare of pupils at the school.
- (2) A direction under subsection (1) may require the local authority to notify specified persons or a specified class of persons.
- (3) Before giving a direction under subsection (1), the Welsh Ministers must consult –
 - (a) the local authority,
 - (b) any other local authority that would in their opinion be affected by the discontinuance of the school, and
 - (c) any other persons the Welsh Ministers consider appropriate.
- (4) On giving a direction under subsection (1), the Welsh Ministers must give notice in writing of the direction to the governing body of the school and its head teacher.
- (5) A local authority to which a direction is given under subsection (1) must discontinue the school in question on the date specified in the direction.
- (6) Nothing in section 44 applies to the discontinuance of a school under this section.

82 Transitional exemption orders for purposes of Equality Act 2010

- (1) This section applies to proposals for a school to cease to be a single-sex school.
- (2) The making of such proposals under section 59, 68 or 71 is to be treated as an application by the responsible body to the Welsh Ministers for a transitional exemption order under the 2010 Act, and the Welsh Ministers may make such an order accordingly.
- (3) In this section –
 - “the 2010 Act” (*“Deddf 2010”*) means the Equality Act 2010;
 - “make” (*“gwneud”*), in relation to a transitional exemption order, includes vary or revoke;
 - “the responsible body” (*“y corff sy'n gyfrifol”*) has the same meaning as in section 85 of the 2010 Act;
 - “single-sex school” (*“ysgol un rhyw”*) has the same meaning as in paragraph 1 of Schedule 11 to the 2010 Act;
 - “transitional exemption order” (*“gorchymyn esemptio trosiannol”*) has the same meaning as in paragraph 3 of Schedule 11 to the 2010 Act.

83 Interpretation of Part 3

- (1) In this Part –

“powers to make proposals to establish, alter or discontinue schools” (*“pŵerau i wneud cynigion i sefydlu, newid neu derfynu ysgolion”*) means all or any of the powers of a local authority to make proposals under section 41, 42, 43 or 44;

“powers to make proposals to alter its school” (*“pŵerau i wneud cynigion i newid ei ysgol”*), in relation to the governing body of a foundation or voluntary school, means its powers to make proposals under section 42(2).

- (2) A reference in this Part to a school’s category means one of the categories set out in section 20(1) of the School Standards and Framework Act 1998 (and references to a change of category are to be read accordingly).
- (3) A reference in this Part to the discontinuance of a maintained school is a reference to the local authority ceasing to maintain it.

PART 4

WELSH IN EDUCATION STRATEGIC PLANS

84 Preparation of Welsh in education strategic plans

- (1) A Welsh in education strategic plan is a plan which contains –
 - (a) a local authority’s proposals on how it will carry out its education functions to –
 - (i) improve the planning of the provision of education through the medium of Welsh (“Welsh medium education”) in its area;
 - (ii) improve the standards of Welsh medium education and of the teaching of Welsh in its area;
 - (b) the local authority’s targets for improving the planning of the provision of Welsh medium education in its area and for improving the standards of that education and of the teaching of Welsh in its area;
 - (c) a report on the progress made to meet the targets contained in the previous plan or previous revised plan.
- (2) A local authority must prepare a Welsh in education strategic plan for its area.
- (3) A local authority must keep its plan under review, and if necessary, revise it.
- (4) In preparing a Welsh in education strategic plan or revised plan, a local authority must consult –
 - (a) its neighbouring local authorities;
 - (b) the head teacher of each school maintained by it;
 - (c) the governing body of each school maintained by it;
 - (d) each institution within the further education sector in its area;
 - (e) in relation to any foundation or voluntary school in its area –
 - (i) the person who appoints the foundation governors, and
 - (ii) if the school has a religious character, the appropriate religious body;

(f) other prescribed persons.

- (5) If a local authority carries out an assessment of the demand for Welsh medium education in accordance with regulations under section 86, it must take the results of that assessment into account when it next prepares or revises its Welsh in education strategic plan.

85 Approval, publication and implementation of Welsh in education strategic plans

- (1) A local authority which has prepared a Welsh in education strategic plan must submit it to the Welsh Ministers for their approval.
- (2) The Welsh Ministers may –
- (a) approve the plan as submitted,
 - (b) approve the plan with modifications, or
 - (c) reject the plan and prepare another plan which is to be treated as the authority's approved plan.
- (3) If a local authority wishes to amend its plan, it must submit a revised plan to the Welsh Ministers.
- (4) The Welsh Ministers may approve the revised plan, with or without modifications.
- (5) The Welsh Ministers must consult a local authority before –
- (a) they modify its plan under subsection (2)(b),
 - (b) they prepare another plan to replace the authority's plan under subsection (2)(c), or
 - (c) they modify its revised plan under subsection (4).
- (6) A local authority must publish its approved Welsh in education strategic plan (or revised plan).
- (7) A local authority must take all reasonable steps to implement its approved Welsh in education strategic plan (or revised plan).

86 Assessing demand for Welsh medium education

- (1) The Welsh Ministers may require a local authority, in accordance with regulations, to carry out an assessment of the demand among parents in its area for Welsh medium education for their children.
- (2) Regulations under subsection (1) may (among other things) make provision about when and how to make an assessment.

87 Regulations and guidance

- (1) The Welsh Ministers may make regulations about Welsh in education strategic plans.
- (2) The regulations may make further provision about the following matters (among other things) –
- (a) the form and content of a plan;
 - (b) the timing and duration of a plan;
 - (c) keeping a plan under review and its revision;

- (d) consultation during the preparation and revision of a plan;
 - (e) the submission of a plan for approval;
 - (f) when and how to publish a plan.
- (3) The regulations may make provision enabling the preparation of a joint plan by two or more local authorities, and any such regulations may modify any provision of this Part in its application to joint plans.
- (4) A local authority must, in the exercise of its functions under this Part, have regard to any guidance issued by the Welsh Ministers.

PART 5

MISCELLANEOUS SCHOOLS FUNCTIONS

Free breakfasts in primary schools

88 Duty to provide free breakfasts for pupils in primary schools

- (1) A local authority must provide breakfasts on each school day for pupils at a primary school maintained by the authority, if –
- (a) the governing body of the school has asked the authority in writing for breakfasts to be provided, and
 - (b) 90 days have passed, beginning with the day following the day on which the request was received.
- (2) The duty in subsection (1) does not apply (or ceases to apply) in relation to a request from a governing body if either of the following paragraphs applies –
- (a) the governing body has asked the authority in writing to stop providing breakfasts;
 - (b) it would be unreasonable to provide the breakfasts and the local authority has notified the governing body in writing that as a result –
 - (i) it is not going to provide breakfasts, or
 - (ii) it is going to stop providing breakfasts.
- (3) If the duty under subsection (1) applies, the local authority must provide breakfast for each pupil who asks the authority for it; for this purpose, the request may be made by or on behalf of the pupil.
- (4) Breakfasts provided by a local authority under this section –
- (a) may take any form the authority thinks fit, subject to any regulations made under section 4 of the Healthy Eating in Schools (Wales) Measure 2009 (requirements for food and drink provided on school premises);
 - (b) must be provided free of charge;
 - (c) must be available on the school's premises;

- (d) must be available before the start of each school day, except in the case of a community special school where breakfasts may be made available before or at the start of each school day.
- (5) In exercising its functions, a local authority or a governing body of a primary school maintained by a local authority must have regard to any guidance given by the Welsh Ministers about providing breakfasts for pupils.

89 Transitional provision

- (1) Where a local authority that maintains a primary school, or its governing body, is already providing breakfast for pupils of the school at the time section 88 comes into force, that section applies in relation to the school as if –
 - (a) a request had been made under that section for provision of breakfasts by the governing body,
 - (b) 90 days have passed, beginning with the day following the day on which the request was received, and
 - (c) each pupil for whom breakfast is already being provided has made a request to the authority.
- (2) Subsection (3) applies where, before the coming into force of section 88, a request in writing for the provision of breakfasts for pupils has been made by the governing body of the primary school to the local authority that maintains the school, but neither the local authority nor the governing body has been providing breakfast for pupils of the school.
- (3) The request made before the coming into force of section 88 has effect as a request under that section made on the day that the section came into force.

90 Interpretation of sections 88 and 89

In sections 88 and 89 –

“primary school” (*“ysgol gynradd”*) means a school that provides primary education (whether or not it also provides other kinds of education);

“provide” (*“darparu”*) includes arranging provision;

“pupil” (*“disgybl”*) means a child receiving primary education at the school (whether or not the child is a registered pupil).

Power to charge for meals

91 Amendment to power to charge for school meals etc

- (1) Part 9 of the Education Act 1996 (ancillary functions) is amended as set out in subsections (2) and (3).
- (2) In section 512ZA (power to charge for meals etc) –
 - (a) in subsection (1A), omit “in England”;
 - (b) omit subsection (2).
- (3) In section 533 (functions of governing bodies of maintained schools with respect to provision of school meals etc) –

- (a) in subsection (3A), omit “in England”;
- (b) omit subsection (4).

School-based counselling

92 Independent counselling services for school pupils and other children

- (1) A local authority must secure reasonable provision for a service providing counselling in respect of health, emotional and social needs (an “independent counselling service”) for—
 - (a) registered pupils receiving secondary education at—
 - (i) schools maintained by the authority, and
 - (ii) other schools in its area;
 - (b) other persons belonging to the authority’s area who have attained the age of 11 but not the age of 19;
 - (c) registered pupils undertaking their final academic year of primary education at—
 - (i) schools maintained by the authority, and
 - (ii) other schools in its area;
 - (d) such other persons receiving primary education as the Welsh Ministers may specify in regulations.
- (2) In securing provision of an independent counselling service under this section, a local authority must have regard—
 - (a) to the principle that the service is to be independent of—
 - (i) the governing body or other proprietor of a school at which a person to whom the service is provided is receiving education, and
 - (ii) the management of a school at which a person to whom the service is provided is receiving education;
 - (b) to guidance given by the Welsh Ministers.
- (3) A local authority must secure that an independent counselling service is provided on the site of each school maintained by the authority that provides secondary education (whether or not it also provides other kinds of education).
- (4) A local authority may secure the provision of an independent counselling service at other locations.
- (5) The Welsh Ministers may by regulations require the provision of an independent counselling service at other locations.

93 Information about independent counselling services

- (1) A local authority must comply with a direction given by the Welsh Ministers to the authority—
 - (a) to compile information about the independent counselling service it secures under section 92;

- (b) to provide information about that service to the Welsh Ministers.
- (2) A direction under subsection (1) may include instructions to compile or provide information in a way, and at a time, specified in the direction.
- (3) A direction under subsection (1) may not require a local authority –
 - (a) to provide information about an identified individual;
 - (b) to provide information in a way that, either by itself or in combination with any other information, identifies any individual to whom it relates or enables that individual to be identified.
- (4) If the person providing an independent counselling service is not the local authority –
 - (a) the local authority must give the person providing the service a copy of any direction given to the authority under subsection (1), and
 - (b) the person providing the service must compile the information necessary for compliance with the direction, and provide it to the local authority, in a way that does not identify the individuals to whom it relates, or enable them to be identified (either by itself or in combination with other information).
- (5) A direction under this section –
 - (a) must be in writing;
 - (b) may be varied or revoked by a later direction;
 - (c) is enforceable by mandatory order on application by, or on behalf of, the Welsh Ministers.

Parents' meetings

94 Duty of governing body of maintained schools to hold meetings following petition by parents

- (1) The governing body of a maintained school must hold a meeting (“the meeting”) if it receives a petition from parents of registered pupils at the school requesting a meeting and it is satisfied that each of the following four conditions is satisfied.
- (2) The first condition is that the petition contains the signatures of the required minimum number of parents of registered pupils at the school.
- (3) The required minimum number of parents is the lower of the following –
 - (a) the parents of 10% of registered pupils, or
 - (b) the parents of 30 registered pupils.
- (4) For the purpose of subsection (3), the number of registered pupils is to be calculated by reference to the number of registered pupils on the day the petition is received.
- (5) The second condition is that the meeting requested is for the purpose of discussing a matter relating to the school.
- (6) The third condition is that, should a meeting be held, there would be no more than three meetings held under this section during the school year in which the petition is received.

- (7) The fourth condition is that there are enough school days left in the school year for the requirement in subsection (8) to be complied with.
- (8) The meeting must be held before the end of a 25 day period.
- (9) For the purpose of subsection (8), the 25 day period –
 - (a) begins on the first day after the day on which the petition is received (subject to subsection (10)), and
 - (b) does not include any day which is not a school day.
- (10) If another meeting required to be held under this section as a result of a different petition (“the other meeting”) is held on a day during the 25 day period in subsection (9), but before the day on which the meeting is held, the 25 day period begins on the first day after the day on which the other meeting is held.
- (11) The meeting is to be open to –
 - (a) all parents of registered pupils at the school,
 - (b) the head teacher, and
 - (c) other persons invited by the governing body.
- (12) The governing body must, as soon as it reasonably can after receiving a petition that requires a meeting to be held, notify the parents of all registered pupils at the school in writing of the date of the meeting and the matter to be discussed.
- (13) In exercising its functions under this section, the governing body of a maintained school must have regard to guidance given by the Welsh Ministers.

95 Repeal of duty to hold annual parents’ meeting

Section 33 of the Education Act 2002 is repealed.

Code of practice on local authority school relations

96 Repeal of provision for code of practice for local authority school relations

Section 127 of the School Standards and Framework Act 1998 (code of practice for securing effective relationships between local authorities and maintained schools in Wales) is repealed.

PART 6

GENERAL

97 Orders and regulations

- (1) A power of the Welsh Ministers to make an order or regulations under this Act is to be exercised by statutory instrument.
- (2) A power of the Welsh Ministers to make an order or regulations under this Act includes power –

- (a) to make different provision for different cases or classes of case, different areas or different purposes;
 - (b) to make different provision generally or subject to specified exemptions or exceptions or only in relation to specific cases or classes of case;
 - (c) to make such incidental, supplementary, consequential, transitory, transitional or saving provision as the Welsh Ministers think fit.
- (3) A statutory instrument containing regulations made under this Act or an order under section 56(2) is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (4) A statutory instrument containing an order under paragraph 26(1) of Schedule 2 must not be made unless a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales.

98 General interpretation and index of defined expressions

- (1) The provisions of this Act and those of the Education Act 1996 are to be read as if they were all contained in the Education Act 1996.
- (2) But where an expression is given for the purposes of any provision of this Act a meaning different from that given to it for the purposes of the Education Act 1996, the meaning given for the purposes of that provision is to apply instead of the one given for the purposes of the Education Act 1996.
- (3) In this Act –
- “appropriate diocesan authority” (“*awdurdod esgobaethol priodol*”) has the same meaning as in section 142(1) of the School Standards and Framework Act 1998;
 - “appropriate religious body” (“*corff crefyddol priodol*”) means –
 - (a) in the case of a Church in Wales school or a Roman Catholic Church school, or proposed such school, the appropriate diocesan authority, and
 - (b) in the case of other schools or proposed schools, the body representing the religion or religious denomination stated, or that it is intended to be stated, in relation to the school in an order under section 69(3) of the School Standards and Framework Act 1998;
 - “Church in Wales school” (“*un o ysgolion yr Eglwys yng Nghymru*”) has the same meaning as in section 142(1) of the School Standards and Framework Act 1998;
 - “the Code” (“*y Cod*”) in Chapter 2 of Part 3 means the code on school organisation issued under section 38(1);
 - “foundation body” (“*corff sefydledig*”) has the same meaning as in section 21(4)(a) of the School Standards and Framework Act 1998;
 - “foundation governor” (“*llywodraethwr sefydledig*”), in relation to a foundation school or a voluntary school, means a person appointed as a foundation governor in accordance with regulations under section 19 of the Education Act 2002;
 - “local authority” (“*awdurdod lleol*”) (except in section 54(2)(b)) means a county or county borough council in Wales;

“maintained school” (*“ysgol a gynhelir”*) means a school in Wales which is a community, foundation or voluntary school, a community special school or a maintained nursery school;

“objection period” (*“cyfnod gwrthwynebu”*) is defined in section 49(2) for the purposes of Chapter 2 of Part 3;

“powers to make proposals to alter its school” (*“pŵerau i wneud cynigion i newid ei ysgol”*) is defined in section 83 for the purposes of Part 3;

“powers to make proposals to establish, alter or discontinue schools” (*“pŵerau i wneud cynigion i sefydlu, newid neu derfynu ysgolion”*) is defined in section 83 for the purposes of Part 3;

“prescribed” (*“rhagnodedig”*) means prescribed by regulations;

“primary school” (*“ysgol gynradd”*) is defined in section 90 for the purposes of sections 88 and 89;

“proposer” (*“cynigydd”*) is defined in section 56 for the purposes of Chapter 2 of Part 3;

“provide” (*“darparu”*) is defined in section 90 for the purposes of sections 88 and 89;

“pupil” (*“disgybl”*) is defined in section 90 for the purposes of sections 88 and 89;

“regional provision” (*“darpariaeth ranbarthol”*) is defined in section 64 for the purposes of Chapter 4 of Part 3;

“regulated alteration” (*“newid rheoleiddiedig”*) in Chapter 2 of Part 3 means an alteration described in Schedule 2;

“regulations” (*“rheoliadau”*) means regulations made by the Welsh Ministers;

“Roman Catholic Church school” (*“un o ysgolion yr Eglwys Gatholig Rufeinig”*) has the same meaning as in section 142(1) of the School Standards and Framework Act 1998;

“school authority” (*“awdurdod ysgol”*) is defined in section 32 for the purposes of Chapter 3 of Part 2;

“small school” (*“ysgol fach”*) is defined in section 56 for the purposes of Chapter 2 of Part 3;

“special education functions” (*“swyddogaethau addysg arbennig”*) is defined in section 64 for the purposes of Chapter 4 of Part 3.

- (4) For references in Part 3 to—
- (a) the discontinuance of a maintained school, see section 83;
 - (b) a school’s category, see section 83.
- (5) A reference in this Act to a school which has a religious character is to a school which is designated as having such a character by an order under section 69(3) of the School Standards and Framework Act 1998.

99 Minor and consequential amendments

Schedule 5 contains minor and consequential amendments.

100 Commencement

- (1) The following provisions come into force on the day after the day on which this Act receives Royal Assent –
 - section 1;
 - this section;
 - section 101.
- (2) The following provisions come into force on 1 April 2013 –
 - sections 88 to 90;
 - sections 92 and 93.
- (3) The following provisions come into force at the end of the period of two months beginning on the day on which this Act receives Royal Assent –
 - Chapter 3 of Part 2;
 - section 91;
 - sections 94 and 95;
 - paragraphs 31, 33, 34(1) and (3), 35 and 36 of Part 3 of Schedule 5 (and section 99 in so far as relating to those paragraphs).
- (4) The remaining provisions of this Act are to come into force on a day appointed by the Welsh Ministers in an order.

101 Short title and inclusion as one of the Education Acts

- (1) The short title of this Act is the School Standards and Organisation (Wales) Act 2013.
- (2) This Act is to be included in the list of Education Acts set out in section 578 of the Education Act 1996.

SCHEDULE 1
(introduced by section 18)

GOVERNING BODIES CONSISTING OF INTERIM EXECUTIVE MEMBERS

Interpretation of Schedule

1 (1) In this Schedule –

“the appropriate authority” (“*yr awdurdod priodol*”) means –

- (a) where this Schedule applies by virtue of a notice under section 7, the local authority that gave the notice, and
- (b) where this Schedule applies by virtue of a notice under section 14, the Welsh Ministers;

“existing governors” (“*llywodraethwyr presennol*”), in relation to a school in respect of which a notice under section 7 or 14 has been given, means the governors who hold office immediately before the governing body becomes constituted in accordance with this Schedule;

“the interim period” (“*y cyfnod interim*”), in relation to a school in respect of which a notice under section 7 or 14 has been given, means the period during which the governing body is constituted in accordance with this Schedule;

“a normally constituted governing body” (“*corff llywodraethu a gyfansoddwyd yn normal*”) means a governing body constituted in accordance with regulations made by virtue of section 19 of the Education Act 2002 (governing bodies).

(2) In this Schedule any reference to the discontinuance of a maintained school is a reference to the local authority ceasing to maintain it.

Governing body to consist of members appointed by appropriate authority

2 (1) The governing body of the school is to consist of members appointed by the appropriate authority, instead of being constituted in accordance with regulations made by virtue of section 19 of the Education Act 2002.

(2) In the following provisions of this Schedule –

- (a) the governing body as constituted in accordance with this Schedule is referred to as “the interim executive board”, and
- (b) the members of the governing body as so constituted are referred to as “interim executive members”.

Effect of notice under section 7 or 14

3 (1) On the date specified in the notice under section 7 or 14, the existing governors vacate office.

(2) Sub-paragraph (1) does not prevent the appointment of an existing governor as an interim executive member.

- (3) During the interim period, any reference in any provision contained in, or made under, the Education Acts to a governor or foundation governor of a school has effect, in relation to the school, as a reference to an interim executive member.
- (4) During the interim period, section 83 of the School Standards and Framework Act 1998 (modification of provisions making governors of foundation or voluntary school ex officio trustees) has effect in relation to the school with the substitution for paragraphs (a) to (c) of a reference to the interim executive members.

Number of interim executive members

- 4 (1) The number of interim executive members must not be less than two.
- (2) The initial appointment of interim executive members must be made so as to take effect on the date specified in the notice under section 7 or 14.
- (3) The appropriate authority may appoint further interim executive members at any time during the interim period.

Terms of appointment of interim executive members

- 5 (1) Every appointment of an interim executive member must be made by an instrument in writing setting out the terms of the appointment.
- (2) An interim executive member –
 - (a) holds office in accordance with the terms of the appointment and subject to paragraph 16, and
 - (b) may at any time be removed from office by the appropriate authority for incapacity or misbehaviour.
- (3) The terms of appointment of an interim executive member may provide for the appointment to be terminable by the appropriate authority by notice.

Duty of appropriate authority to inform other persons

- 6 (1) The appropriate authority must give a copy of the notice under section 7 or 14 and of every instrument of appointment of an interim executive member –
 - (a) to every interim executive member,
 - (b) to every existing governor of the school,
 - (c) where the local authority is the appropriate authority, to the Welsh Ministers,
 - (d) where the Welsh Ministers are the appropriate authority, to the local authority, and
 - (e) in the case of a foundation or voluntary school –
 - (i) to the person who appoints the foundation governors, and
 - (ii) if the school has a religious character, to the appropriate religious body.
- (2) A failure to comply with sub-paragraph (1) does not invalidate the notice or appointment.

Power to specify duration of interim period

- 7 The appropriate authority may specify the duration of the interim period in the notice under section 7 or 14.

Chair

- 8 The appropriate authority may nominate one of the interim executive members to be chair of the interim executive board.

Remuneration and allowances

- 9 The appropriate authority may pay to any interim executive member such remuneration and allowances as the appropriate authority may determine, subject to any regulations made under paragraph 13(2).

Duty of interim executive board

- 10 (1) During the interim period, the interim executive board must conduct the school so as to secure, so far as is practicable to do so, the provision of a sound basis for future improvement in the conduct of the school.
- (2) Sub-paragraph (1) does not affect the other duties of the interim executive board as governing body.

Proceedings of interim executive board

- 11 (1) The interim executive board may determine its own procedure.
- (2) The interim executive board may make such arrangements as it thinks fit for the discharge of its functions by any other person.
- (3) This paragraph is subject to regulations made under paragraph 13(2).

Effect on suspension of delegated budget

- 12 (1) If immediately before the date specified in a notice under section 7 or 14 the school does not have a delegated budget, the suspension of the governing body's right to a delegated budget is by virtue of this sub-paragraph revoked with effect from that date.
- (2) If a notice under paragraph 1 of Schedule 15 to the School Standards and Framework Act 1998 (suspension of delegated budget for mismanagement etc) has been given to the governing body before the date specified in a notice under section 7 or 14 but has not yet taken effect, the notice ceases to have effect on that date.
- (3) During the interim period, the local authority may not exercise the power conferred by section 8 (power to suspend right to delegated budget).
- (4) Sub-paragraph (1) is to be construed in accordance with section 49(7) of the School Standards and Framework Act 1998.

Exclusion of certain statutory provisions

- 13 (1) Regulations made under section 19(2) or (3) of the Education Act 2002 (governing bodies) do not apply in relation to the interim executive board.
- (2) But regulations made under section 19(3)(f), (g), (i), (j), (k) or (l) of the Education Act 2002 (other than regulations under section 19(3)(l) relating to the constitution of governing bodies) may be applied in relation to the board (with or without modifications) by regulations.
- (3) The instrument of government of the school does not have effect in relation to the interim executive board in so far as it relates to the constitution of the governing body.
- (4) During the interim period –
- (a) the local authority may not exercise any power conferred by section 6 (power to appoint additional governors), and
 - (b) the Welsh Ministers may not exercise any power conferred by section 13 (power to appoint additional governors).

Closure of school

- 14 (1) At any time during the interim period, the interim executive board may, if it thinks fit, make a report to the local authority and the Welsh Ministers recommending that the school be discontinued, and stating the reasons for that recommendation.
- (2) The interim executive board may not –
- (a) publish under section 43 proposals to discontinue the school, or
 - (b) serve notice under section 80.
- (3) Sub-paragraph (4) applies if during the interim period –
- (a) the Welsh Ministers give a direction under section 16 or 81 in relation to the school, or
 - (b) the local authority determine to discontinue the school.
- (4) The interim period is to continue until the discontinuance date, even where it would otherwise end before that date.
- (5) In this paragraph “the discontinuance date” means one of the following (as the case may be) –
- (a) the date on which proposals for discontinuing the school are implemented under Part 1 of Schedule 3;
 - (b) the date on which the school is discontinued under section 80;
 - (c) the date specified in the direction under section 16 or 81(1).

Notice of resumption of government by normally constituted governing body

- 15 (1) The following sub-paragraph applies if –
- (a) the notice under section 7 or 14 does not specify the duration of the interim period, and
 - (b) paragraph 14(4) does not apply.

- (2) The appropriate authority may give notice to the persons mentioned in sub-paragraph (3) specifying a date on which the governing body are to become a normally constituted governing body.
- (3) Those persons are—
 - (a) every interim executive member,
 - (b) where the local authority is the appropriate authority, the Welsh Ministers,
 - (c) where the Welsh Ministers are the appropriate authority, the local authority, and
 - (d) in the case of a foundation or voluntary school—
 - (i) the person who appoints the foundation governors, and
 - (ii) if the school has a religious character, the appropriate religious body.

Time when interim executive members cease to hold office

- 16 (1) The interim executive members are to vacate office—
- (a) in a case where sub-paragraph (4) of paragraph 14 applies, on the discontinuance date within the meaning of that paragraph,
 - (b) in a case where that sub-paragraph does not apply and the notice under section 7 or 14 specified the duration of the interim period, at the end of the specified period, and
 - (c) in any other case, on the date specified under paragraph 15(2).
- (2) Sub-paragraph (1) does not prevent the termination of the appointment of an interim executive member at any earlier time under paragraph 5(2)(b) or in accordance with the terms of the appointment.

Establishment of normally constituted governing body

- 17 (1) Where interim executive members are to vacate office on the date referred to in paragraph 16(1)(b) or (c), the local authority must make arrangements providing for the constitution of the governing body on and after that date.
- (2) The Welsh Ministers may by regulations make provision with respect to the transition from an interim executive board to a normally constituted governing body, and may in connection with that transition—
- (a) modify any provision made under any of sections 19, 20 and 23 of the Education Act 2002 or by Schedule 1 to that Act,
 - (b) apply any such provision with or without modifications, and
 - (c) make provision corresponding to or similar to any such provision.
- (3) The provision that may be made by virtue of sub-paragraph (2) includes, among other things, provision enabling governors to be elected or appointed, and to exercise functions, before the end of the interim period.

SCHEDULE 2
(Introduced by section 40)

REGULATED ALTERATIONS

PART 1

ALL MAINTAINED SCHOOLS

- 1 Paragraphs 2 and 3 describe regulated alterations in relation to community, foundation, voluntary schools, community special schools, and maintained nursery schools.

Site transfers

- 2 The transfer of a school to a new site or sites unless a main entrance of the school on its new site or sites would be within 1.609344 kilometres (one mile) of a main entrance of the school on its current site or sites.

Mixed sex and single-sex schools

- 3 (1) An alteration to a school so that—
(a) a school which admitted pupils of one sex only admits pupils of both sexes, or
(b) a school which admitted pupils of both sexes admits pupils of one sex only.
(2) For the purposes of this paragraph a school is to be treated as admitting pupils of one sex only if the admission of pupils of the other sex—
(a) is limited to pupils over compulsory school age; and
(b) does not exceed 25% of the number of pupils in the age group in question normally at the school.

PART 2

ALL MAINTAINED SCHOOLS OTHER THAN MAINTAINED NURSERY SCHOOLS

- 4 Paragraphs 5 to 8 describe regulated alterations in relation to community, foundation and voluntary schools, and community special schools.

Age range

- 5 (1) The alteration by a year or more of the lowest age of pupils for whom education is normally provided at the school.
(2) The alteration by a year or more of the highest age of pupils for whom education is normally provided at a school where the school, both before and after the alteration, provides education suitable to the requirements of pupils of compulsory school age and does not provide full time education suitable to the requirements of pupils over compulsory school age.

Sixth form provision

- 6 (1) The introduction of the provision of full-time education suitable to the requirements of pupils over compulsory school age at a school which provides full time education suitable to the requirements of pupils of compulsory school age.
- (2) The ending of the provision of full time education suitable to the requirements of pupils over compulsory school age at a school which is to continue to provide full time education suitable to the requirements of pupils of compulsory school age.

Language medium – primary education

- 7 (1) This paragraph applies to—
 - (a) primary schools,
 - (b) special schools but only in relation to the provision of primary education to pupils at the schools, and
 - (c) middle schools but only in relation to the provision of primary education to pupils at the schools.
- (2) An alteration comes within this paragraph if the teaching of a class of pupils in an age group (or groups) at a school falls within a description in an entry in column 1 of table 1 below, and it is proposed to alter the teaching of the corresponding class of pupils in that age group (or those age groups) so that it falls within the description in the corresponding entry in column 2.
- (3) In this paragraph—
 - (a) “age group” means—
 - (i) a year group of the foundation phase (within the meaning given by section 102 of the Education Act 2002), or
 - (ii) a year group of the second key stage (within the meaning given by section 103 of the Education Act 2002);
 - (b) a reference to the teaching of a class of pupils does not include a school assembly or other school activities usually conducted with large groups of pupils.

TABLE 1

1	2
At least 20% but no more than 80% of the teaching is conducted through the medium of English	An increase or a decrease of more than 20% in the teaching which is conducted through the medium of Welsh
At least 20% but no more than 80% of the teaching is conducted through the medium of Welsh	An increase or a decrease of more than 20% in the teaching which is conducted through the medium of English
More than 80% of the teaching is conducted through the medium of English, and some teaching is conducted through the medium of Welsh	An increase of more than 10% in the teaching which is conducted through the medium of Welsh
More than 80% of the teaching is conducted through the medium of Welsh, and some teaching is conducted through the medium of English	An increase of more than 10% in the teaching which is conducted through the medium of English
No teaching is conducted through the medium of Welsh	More than 10% of teaching is conducted through the medium of Welsh
No teaching is conducted through the medium of English	More than 10% of teaching is conducted through the medium of English
Some teaching is conducted through the medium of English	No teaching is conducted through the medium of English
Some teaching is conducted through the medium of Welsh	No teaching is conducted through the medium of Welsh

Language medium - secondary education

- 8 (1) This paragraph applies to—
- (a) secondary schools,
 - (b) special schools but only in relation to the provision of secondary education to pupils at the schools, and
 - (c) middle schools but only in relation to the provision of secondary education to pupils at the schools.
- (2) An alteration comes within this paragraph if the teaching of pupils in a year group at a school falls within a description in an entry in column 1 of table 2 below, and it is proposed to alter the teaching of pupils in that year group so that it falls within the description in the corresponding entry in column 2.
- (3) In this paragraph a “relevant subject” is any subject other than English and Welsh which is taught at the school to pupils in the year group concerned.

TABLE 2

1	2
Five or more relevant subjects are taught (wholly or mainly) through the medium of Welsh to any pupils	A decrease by four or more of the relevant subjects taught (wholly or mainly) through the medium of Welsh to any pupils
Five or more relevant subjects are taught (wholly or mainly) through the medium of English to any pupils	A decrease by four or more of the relevant subjects taught (wholly or mainly) through the medium of English to any pupils
Every relevant subject is taught (wholly or mainly) through the medium of Welsh to all pupils	Three or more relevant subjects are taught (wholly or mainly) through the medium of English to any pupils
Every relevant subject is taught (wholly or mainly) through the medium of English to all pupils	Three or more relevant subjects are taught (wholly or mainly) through the medium of Welsh to any pupils
One or more relevant subject is taught (wholly or mainly) through the medium of Welsh to any pupils	No relevant subject is taught (wholly or mainly) through the medium of Welsh to any pupils
One or more relevant subject is taught (wholly or mainly) through the medium of English to any pupils	No relevant subject is taught (wholly or mainly) through the medium of English to any pupils

PART 3

COMMUNITY, FOUNDATION AND VOLUNTARY SCHOOLS

- 9 Paragraphs 10 to 17 describe regulated alterations in relation to community, foundation and voluntary schools.

Alterations to premises

- 10 (1) An enlargement of the premises of the school which would increase the capacity of the school by at least 25% or 200 pupils as compared with the school's capacity on the appropriate date.
- (2) In determining an increase in capacity for the purpose of sub-paragraph (1), all enlargements that have taken place since the appropriate date are to be taken into account together with the proposed enlargement.
- (3) The "appropriate date" is the latest of—
- (a) the date falling five years before the date on which it is planned to implement the proposals to make the enlargement;
 - (b) the date when the school first admitted pupils;

- (c) the date (or latest date) of implementation of proposals to make an alteration to the school consisting of an enlargement of its premises which proposals were published under –
 - (i) section 48, 59, 68 or 72, or
 - (ii) section 28 of the School Standards and Framework Act 1998 or paragraph 5 of Schedule 7 to that Act.
- (4) References in this paragraph to an enlargement do not include a temporary enlargement.
- 11 (1) An enlargement of the premises of the school which would increase the capacity of the school if the date on which it is planned to implement the proposals to make the enlargement falls within the period described in sub-paragraph (2).
- (2) The period is five years beginning with the date (or latest date) of implementation of proposals falling within paragraph 13 (reducing a school’s capacity).
- (3) “Enlargement” does not include a temporary enlargement.
- 12 The making permanent of a temporary enlargement which at the time of its making would have fallen within paragraph 10 (but for the fact that it was temporary).
- 13 An alteration of the premises of the school which would reduce the capacity of the school, where the proposed capacity would be lower than the highest number of registered pupils at the school at any time during the two years before the date on which the proposer formed the intention to make the proposed alteration.
- 14 For the purposes of paragraphs 10 to 13 –
 - (a) references to the capacity of a school are to the number of pupils the school can accommodate as determined in accordance with guidance given by the Welsh Ministers, and
 - (b) a “temporary enlargement” is an enlargement of a school’s premises which it is anticipated, at the time of its making, will be in place for fewer than three years.

Special educational needs

- 15 (1) The establishment or discontinuance of provision which is recognised by the local authority as reserved for children with special educational needs.
- (2) Where there is provision which is recognised by the local authority as reserved for children with special educational needs, a change in the type of such provision.

Admission arrangements

- 16 The introduction of admission arrangements to which section 101(1) of the School Standards and Framework Act 1998 (pupil banding) applies.

Boarding provision

- 17 (1) The introduction or ending of provision for boarding accommodation.

- (2) The alteration of provision for boarding accommodation so that the number of pupils for whom such provision is made is increased or decreased by 50 pupils or more or by 50% or more.

PART 4

SPECIAL SCHOOLS

- 18 Paragraphs 19 to 21 describe regulated alterations in relation to community special schools.

Increase in pupils

- 19 (1) Except where the school is established in a hospital, an increase in the number of pupils for whom the school makes provision which, when taken with all previous increases since the appropriate date, would increase the number of pupils at least by 10% or by the relevant number as compared with the number of pupils on the appropriate date.
- (2) In this paragraph—
- the “appropriate date” (“*dyddiad priodol*”) is the latest of—
 - (a) 19 January 2012;
 - (b) the date when the school first admitted pupils;
 - (c) the date (or latest date) of implementation of proposals to make an alteration to the school to increase the number of pupils for whom the school makes provision which proposals were published under—
 - (i) section 48, 59, 68 or 72, or
 - (ii) section 31 of the School Standards and Framework Act 1998 or paragraph 5 of Schedule 7 to that Act; and
- “relevant number” (“*y nifer perthnasol*”) in relation to the number of pupils at a school, is—
- (a) where the school provides boarding accommodation only, 5, and
 - (b) in any other case, 20.

Boarding provision

- 20 The alteration of the provision of boarding accommodation so that the number of pupils for whom such provision is made is increased or decreased by 5 pupils or more.

Special educational needs provision

- 21 A change in the type of special educational needs for which the school is organised to make provision.

PART 5

MAINTAINED NURSERY SCHOOLS

- 22 Paragraphs 23 to 25 describe regulated alterations in relation to maintained nursery schools.

Teaching space

- 23 (1) An enlargement of the teaching space, other than a temporary enlargement, by 50% or more.
- (2) The making permanent of a temporary enlargement of the teaching space by 50% or more.
- (3) In this paragraph—
- “teaching space” (*“man addysgu”*) means any area used wholly or mainly for the provision of nursery education excluding—
- any area used wholly or mainly for the education of pupils whose educational needs are being assessed under section 323 of the Education Act 1996 and pupils with statements of special educational needs maintained under section 324 of that Act;
 - any area constructed, adapted or equipped so as to be unsuitable for general teaching purposes;
 - any area constructed, adapted or equipped primarily for the storage of apparatus, equipment or materials used in teaching;
 - any part of an area which is required for the movement of pupils through that area and which is used wholly or mainly for that purpose;
- a “temporary enlargement” (*“ehangu dros dro”*) is an enlargement of the teaching space which it is anticipated, at the time of its making, will be in place for fewer than three years.

Special educational needs

- 24 (1) The establishment or discontinuance of provision which is recognised by the local authority as reserved for children with special educational needs.
- (2) Where there is provision which is recognised by the local authority as reserved for children with special educational needs, a change in the type of such provision.

Language medium

- 25 (1) In the case of a school at which a group of pupils is taught wholly or mainly through the medium of Welsh, an alteration to the school so that all pupils would be taught wholly or mainly through the medium of English.
- (2) In the case of a school at which a group of pupils is taught wholly or mainly through the medium of English, an alteration to the school so that all pupils would be taught wholly or mainly through the medium of Welsh.

PART 6

SUPPLEMENTARY

Power to amend

- 26 (1) The Welsh Ministers may by order amend any provision of this Schedule.

- (2) An order under sub-paragraph (1) may make consequential amendments to any provision of Part 3 of this Act.

SCHEDULE 3
(Introduced by section 55)

IMPLEMENTATION OF STATUTORY PROPOSALS

PART 1

RESPONSIBILITY FOR IMPLEMENTATION

Interpretation

1 In this Part of this Schedule –

- (a) “proposals” means proposals falling to be implemented under section 55;
- (b) a reference to a local authority in relation to a school or proposed school is a reference to the local authority that maintains, or that will maintain, that school.

Proposals relating to community or maintained nursery schools

- 2 (1) This paragraph applies to proposals relating to a community or maintained nursery school or a proposed community or maintained nursery school.
- (2) Proposals made by a local authority under section 41, 42 or 43 must be implemented by the local authority.

Proposals relating to foundation or voluntary controlled schools

- 3 (1) This paragraph applies to proposals relating to a foundation or voluntary controlled school or a proposed voluntary controlled school.
- (2) Proposals made by a local authority under section 41(2) or 43(1)(a) must be implemented by the authority.
- (3) Proposals made by a local authority under section 42(1)(b) or (c) must be implemented by both the authority and governing body to the extent (if any) that the proposals provide for each of them to do so.
- (4) Proposals made under section 41(2) (other than by a local authority) must be implemented by the local authority and by the person who made the proposals to the extent (if any) that the proposals provide for each of them to do so.
- (5) Proposals made by a governing body under section 42(2) must be implemented by the local authority and by the governing body to the extent (if any) that the proposals provide for each of them to do so.
- (6) Proposals made by a governing body under section 43(2) must be implemented by both the governing body and the local authority.

Proposals relating to voluntary aided schools

- 4 (1) This paragraph applies to proposals relating to a voluntary aided school or a proposed voluntary aided school.

- (2) Proposals made by a local authority under section 42(1)(b) or (c) must be implemented –
 - (a) so far as relating to the provision of relevant premises for the school, by the local authority, and
 - (b) otherwise by both the authority and the governing body to the extent (if any) that the proposals provide for each of them to do so.
- (3) Proposals made under section 41(2) must be implemented –
 - (a) where the local authority is the proposer, by the local authority, and
 - (b) where the local authority is not the proposer –
 - (i) so far as relating to the provision of relevant premises for the school, by the local authority, and
 - (ii) otherwise by the person who made the proposals.
- (4) Nothing in sub-paragraph (3)(b) requires a local authority to provide relevant premises where –
 - (a) the new voluntary aided school is to be established in place of one or more existing independent, foundation or voluntary schools falling to be discontinued on or before the date of implementation of the proposals, and
 - (b) those premises were part of the premises of any of the existing schools but were not provided by the authority.
- (5) Proposals made by a governing body under section 42(2) must be implemented –
 - (a) so far as relating to the provision of relevant premises for the school, by the local authority, and
 - (b) otherwise by the governing body.
- (6) “Relevant premises” means –
 - (a) playing fields, or
 - (b) buildings which are to form part of the school premises but are not to be school buildings.
- (7) Proposals made by a local authority under section 43(1) must be implemented by the authority.
- (8) Proposals made by the governing body under section 43(2) must be implemented by both the governing body and the local authority.

Proposals relating to community special schools

- 5 (1) This paragraph applies to proposals relating to a community special school or a proposed community special school.
- (2) Proposals made by a local authority under section 44 must be implemented by the authority.

Change of category

- 6 If a school changes category from a community school after proposals have been published under section 48 but before they have been implemented, the proposals (to the extent that they have not been implemented) must be implemented by the local authority (despite paragraphs 3 and 4).

PART 2

PROVISION OF PREMISES AND OTHER ASSISTANCE

Provision of site and buildings for foundation or voluntary controlled school

- 7 (1) This paragraph applies where a local authority is required by virtue of paragraph 3(2), (3), (4) or (5) to provide a site for a foundation or voluntary controlled school or a proposed voluntary controlled school.
- (2) The authority must transfer its interest in the site and in any buildings on the site which are to form part of the school premises –
- (a) to the school's trustees, to be held by them on trust for the purposes of the school, or
 - (b) if the school has no trustees, to the school's foundation body or (in the absence of such a body) to the governing body, to be held by that body for the relevant purposes.
- (3) If any doubt or dispute arises as to the persons to whom the authority is required to make the transfer, it must be made to such persons as the Welsh Ministers think proper.
- (4) The authority must pay to the persons to whom the transfer is made their reasonable costs in connection with the transfer.
- (5) Sub-paragraph (6) applies where –
- (a) a transfer is made under this paragraph, and
 - (b) the transfer is made to persons ("the transferees") who possess, or are or may become entitled to, any sum representing proceeds of the sale of other premises which have been used for the purposes of the school.
- (6) The transferees must notify the local authority that sub-paragraph (5)(b) applies to them and they or their successors must pay to the local authority so much of that sum as, having regard to the value of the interest transferred, may be determined to be just, either by agreement between them and the authority or, in default of agreement, by the Welsh Ministers.
- (7) In sub-paragraph (5)(b) the reference to proceeds of the sale of other premises includes a reference to –
- (a) consideration for the creation or disposition of any kind of interest in other premises, including rent, and
 - (b) interest which has accrued in respect of any such consideration.

- (8) Any sum paid under sub-paragraph (6) is to be treated for the purposes of section 14 of the Schools Sites Act 1841 (which relates to the sale or exchange of land held on trust for the purposes of a school) as a sum applied in the purchase of a site for the school.
- (9) A determination may be made under sub-paragraph (6) in respect of any property subject to a trust which has arisen under section 1 of the Reverter of Sites Act 1987 (right of reverter replaced by trust for sale) if (and only if) –
 - (a) the determination is made by the Welsh Ministers, and
 - (b) they are satisfied that steps have been taken to protect the interests of the beneficiaries under the trust.
- (10) Sub-paragraph (6) applies for the purpose of compensating the authority notified under that sub-paragraph only in relation to such part of the sum mentioned in sub-paragraph (5)(b) (if any) as remains after the application of paragraphs 1 to 3 of Schedule 22 to the School Standards and Framework Act 1998 (disposals of land - foundation, voluntary and foundation special schools) to that sum.
- (11) In this paragraph –
 - “the relevant purposes” (*“y dibenion perthnasol”*) means –
 - (a) in relation to a transfer to a school’s foundation body, the purposes of the schools comprising the group for which that body acts, or
 - (b) in relation to a transfer to a school’s governing body, the purposes of the school;
 - “site” (*“safle”*) does not include playing fields but otherwise includes any site which is to form part of the premises of the school in question.

Grants in respect of certain expenditure relating to existing or proposed voluntary aided school

- 8 (1) This paragraph applies where –
- (a) the governing body of a voluntary aided school is required by virtue of paragraph 4(5) to implement proposals to make a regulated alteration to the school, or
 - (b) a person is required by virtue of paragraph 4(3)(b) to implement proposals to establish a new voluntary aided school.
- (2) Paragraph 5 of Schedule 3 to the School Standards and Framework Act 1998 (grants to voluntary aided schools in respect of expenditure on premises or equipment) –
- (a) applies in relation to the school mentioned in sub-paragraph (1)(a), and
 - (b) applies in relation to the new school mentioned in sub-paragraph (1)(b) as it applies in relation to an existing voluntary aided school.
- (3) In the application of that paragraph in relation to a new voluntary aided school –

- (a) the references to the governing body, in relation to any time before the governing body is constituted, are to the person who made the proposals under section 41(2), and
- (b) where requirements are imposed in relation to grant paid by virtue of this paragraph to the person who made the proposals, the requirements must be complied with by the governing body, when it is constituted, as well as by that person.

Assistance in respect of maintenance and other obligations relating to voluntary aided school

- 9 A local authority may give to the governing body of a voluntary aided school such assistance as the authority thinks fit in relation to the carrying out by the governing body of any obligation arising by virtue of paragraph 4(5) in relation to proposals made by it under section 42(2).

Assistance in respect of new voluntary aided school

- 10 A local authority may give to persons required by virtue of paragraph 4(3)(b) to implement proposals to establish a voluntary aided school such assistance as it thinks fit in relation to the carrying out by those persons of any obligation arising by virtue of that paragraph.

Duty to transfer interest in premises provided under paragraph 9 or 10

- 11 (1) Where assistance under paragraph 9 or 10 consists of the provision of any premises for use for the purposes of a school, the local authority must transfer its interest in the premises –
- (a) to the trustees of the school to be held on trust for the purposes of the school, or
 - (b) if the school has no trustees, to the school's foundation body, to be held by that body for the purposes of the schools comprising the group for which that body acts.
- (2) If any doubt or dispute arises as to the persons to whom the authority is required to make the transfer it must be made to such persons as the Welsh Ministers think proper.
- (3) The authority must pay to the persons to whom the transfer is made their reasonable costs in connection with the transfer.

PART 3

TRANSITIONAL EXEMPTION ORDERS FOR PURPOSES OF THE EQUALITY ACT 2010

Single-sex schools

- 12 (1) This paragraph applies to proposals to make a regulated alteration described in paragraph 3(1)(a) of Schedule 2 (school to cease to be one which admits pupils of one sex only).

- (2) Sub-paragraph (3) applies where such proposals are made under section 42 or 44 and, in accordance with section 48(4), the proposer sends a copy of the published proposals to the Welsh Ministers.
- (3) The sending of the published proposals to the Welsh Ministers is to be treated as an application by the proposer for a transitional exemption order under the Equality Act 2010, and the Welsh Ministers may make such an order accordingly.
- (4) In this paragraph—
 - “make” (*“gwneud”*), in relation to a transitional exemption order, includes vary or revoke;
 - “transitional exemption order” (*“gorchymyn esemptio trosiannol”*) has the same meaning as in paragraph 3 of Schedule 11 to the Equality Act 2010.

SCHEDULE 4
(Introduced by section 55)

IMPLEMENTATION OF PROPOSALS TO CHANGE CATEGORY OF SCHOOL

PART 1

INTRODUCTORY

Interpretation

1 In this Schedule—

“group” (*“grŵp”*) has the meaning given by section 21(4)(b) of the School Standards and Framework Act 1998;

“the implementation date” (*“y dyddiad gweithredu”*) means the date on which it is proposed that the change of category is to take place;

“publicly funded land” (*“tir wedi ei gyllido’n gyhoeddus”*) means land which was acquired—

- (a) from a local authority under a transfer under section 201(1)(a) of the Education Act 1996,
- (b) wholly by means of any maintenance, special purpose or capital grant (within the meaning of Chapter 6 of Part 3 of the Education Act 1996),
- (c) wholly by means of a grant made under regulations made under paragraph 4 of Schedule 32 to the School Standards and Framework Act 1998,
- (d) wholly by means of expenditure incurred for the purposes of the school and treated by the local authority as expenditure of a capital nature,
- (e) under a transfer under regulations made under paragraph 5 of Schedule 8 to the School Standards and Framework Act 1998,
- (f) wholly by means of financial assistance given under section 14 of the Education Act 2002,
- (g) under a transfer under this Schedule, or
- (h) wholly with the proceeds of disposal of any land acquired as mentioned in any of paragraphs (a) to (g);

“transfer agreement” (*“cytundeb trosglwyddo”*), in relation to a school, means an agreement—

- (a) made between the local authority and the trustees or the foundation body or the governing body of the school, and
- (b) providing for land to be transferred to, and vest in, the local authority on the implementation date (whether or not in consideration of payment by the authority).

Implementation

- 2 On the implementation date the school is to change category in accordance with the proposals.

PART 2

TRANSFER OF STAFF

Change to voluntary aided school

- 3 (1) This paragraph applies where a community or voluntary controlled school changes category to become a voluntary aided school.
- (2) The contract of employment between P and the local authority has effect from the implementation date as if originally made between P and the governing body.
- (3) All the local authority's rights, powers, duties and liabilities under or in connection with the contract of employment are transferred to the governing body on the implementation date.
- (4) Anything done before that date by or in relation to the local authority in connection with that contract or P is to be treated from that date as having been done by or in relation to the governing body.
- (5) In this paragraph, "P" is a person who –
- (a) immediately before the implementation date is employed by the local authority to work solely at the school in question, or
 - (b) before the implementation date, is appointed by the local authority to work at the school as from the implementation date or a later date.
- (6) But a reference to "P" does not include –
- (a) a person whose contract of employment terminates on the day immediately preceding the implementation date, or
 - (b) a person employed by the local authority to work at the school solely in connection with the provision of meals.
- (7) This paragraph does not affect any right of an employee to terminate the contract if (apart from the change of employer) a substantial change is made to the employee's detriment in the employee's working conditions.

Change to community or voluntary controlled school

- 4 (1) This paragraph applies where a foundation or voluntary aided school changes category to become a community or voluntary controlled school.
- (2) The contract of employment between P and the governing body has effect from the implementation date as if originally made between P and the local authority.
- (3) All the governing body's rights, powers, duties and liabilities under or in connection with the contract of employment are transferred to the local authority on the implementation date.

- (4) Anything done before that date by or in relation to the governing body in connection with that contract or P is to be treated from that date as having been done by or in relation to the local authority.
- (5) In this paragraph, “P” is a person who—
 - (a) immediately before the implementation date is employed by the governing body to work at the school in question, or
 - (b) before the implementation date, is appointed by the governing body to work at the school as from the implementation date or a later date.
- (6) But “P” does not include a person whose contract of employment terminates on the day immediately preceding the implementation date.
- (7) This paragraph does not affect any right of an employee to terminate the contract if (apart from the change of employer) a substantial change is made to the employee’s detriment in the employee’s working conditions.

Change to voluntary aided school with a religious character

- 5 (1) This paragraph applies where a voluntary controlled school or a foundation school with a religious character changes category to become a voluntary aided school with a religious character.
- (2) Sub-paragraph (3) applies if, immediately before the implementation date, a teacher at the voluntary controlled school or foundation school enjoys rights conferred by section 59(2) to (4) of the School Standards and Framework Act 1998 by virtue of section 60(2) of that Act.
- (3) That teacher is to continue to enjoy those rights while employed as a teacher at the voluntary aided school.

PART 3

TRANSFER OF LAND

Effect of transfers

- 6 (1) Sub-paragraph (2) applies where—
 - (a) land is transferred to and vests in a body in accordance with this Schedule, and
 - (b) the transferor enjoys or incurs any rights or liabilities immediately before the implementation date in connection with that land.
 - (2) Those rights or liabilities are also transferred to, and by virtue of this Schedule, vest in, that body.
- 7 Any reference in this Part of this Schedule, in relation to a school, to land being transferred to, and vesting in, a foundation body is a reference to its being transferred to, and vesting in, that body for the purposes of the schools comprising the group for which that body acts.

- 8 Transfers of land under this Schedule do not affect the rights of the governing body in relation to the land under Schedule 13 to the School Standards and Framework Act 1998.
- 9 In its application to transfers under this Schedule, Schedule 10 to the Education Reform Act 1988 has effect as if references in it to the transfer date were references to the implementation date.

Change from community school to voluntary aided school

- 10 (1) Sub-paragraph (2) applies where—
- (a) proposals for a community school to become a voluntary aided school are required to be implemented under section 55(2), and
 - (b) as from the implementation date the school will not be a member of the group for which a foundation body acts.
- (2) Any land other than playing fields which, immediately before the implementation date, was held or used by a local authority for the purposes of the community school is, on that date, to be transferred to, and vest in, the trustees of the school, to be held by them on trust for the purposes of the school.
- 11 (1) Sub-paragraph (2) applies where—
- (a) proposals for a community school to become a voluntary aided school are required to be implemented under section 55(2), and
 - (b) as from the implementation date the school will be a member of the group for which a foundation body acts.
- (2) Any land other than playing fields or land held on trust which, immediately before the implementation date, was held or used by a local authority for the purposes of the community school is, on that date, to be transferred to, and vest in, the foundation body.

Change from community school to voluntary controlled school

- 12 (1) Sub-paragraph (2) applies where—
- (a) proposals for a community school to become a voluntary controlled school are required to be implemented under section 55(2), and
 - (b) as from the implementation date the school will not be a member of the group for which a foundation body acts.
- (2) Any land other than playing fields which, immediately before the implementation date, was held or used by a local authority for the purposes of the community school is, on that date, to be transferred to, and vest in, the trustees of the school, to be held by them on trust for the purposes of the school.
- 13 (1) Sub-paragraph (2) applies where—
- (a) proposals for a community school to become a voluntary controlled school are required to be implemented under section 55(2), and
 - (b) as from the implementation date the school will be a member of the group for which a foundation body acts.

- (2) Any land other than playing fields or land held on trust which, immediately before the implementation date, was held or used by a local authority for the purposes of the community school is, on that date, to be transferred to, and vest in, the foundation body.

Change from foundation school to community school

- 14 (1) Sub-paragraphs (2) and (3) apply where proposals for a foundation school which is not a member of the group for which a foundation body acts to become a community school are required to be implemented under section 55(2).
- (2) Any publicly funded land which, immediately before the implementation date, was held by the trustees of the school or the governing body for the purposes of the school is, on that date, to be transferred to, and vest in, the local authority.
- (3) Any other land which, immediately before that date, was held by the trustees of the school or the governing body for the purposes of the school is to be transferred to, and vest in, the local authority in accordance with a transfer agreement.
- 15 (1) Sub-paragraphs (2) and (3) apply where proposals for a foundation school which is a member of the group for which a foundation body acts to become a community school are required to be implemented under section 55(2).
- (2) Any publicly funded land which, immediately before the implementation date, was held by the foundation body for the purposes of the schools in the group and used for the purposes of the foundation school is, on that date, to be transferred to, and vest in, the local authority.
- (3) Any other land which, immediately before that date, was held by the foundation body for the purposes of the schools in the group and used for the purposes of the foundation school is to be transferred to, and vest in, the local authority in accordance with a transfer agreement.

Change from foundation school to voluntary aided or voluntary controlled school

- 16 (1) Sub-paragraph (2) applies where –
 - (a) proposals for a foundation school which is not a member of the group for which a foundation body acts to become a voluntary aided or voluntary controlled school are required to be implemented under section 55(2), and
 - (b) as from the implementation date the school will not be a member of the group.
- (2) Any land, other than land held on trust, which, immediately before the implementation date, was held by the governing body for the purposes of the foundation school is, on that date, to be transferred to, and vest in, the trustees of the school, to be held by them on trust for the purposes of the school.
- 17 (1) Sub-paragraph (2) applies where –
 - (a) proposals for a foundation school which is not a member of the group for which a foundation body acts to become a voluntary aided or voluntary controlled school are required to be implemented under section 55(2), and
 - (b) as from the implementation date the school will be a member of the group.

- (2) Any land, other than land held on trust, which, immediately before the implementation date, was held by the governing body for the purposes of the foundation school is, on that date, to be transferred to, and vest in, the foundation body.

18 (1) Sub-paragraph (2) applies where –

- (a) proposals for a foundation school which is a member of the group for which a foundation body acts to become a voluntary aided or voluntary controlled school are required to be implemented under section 55(2), and
- (b) as from the implementation date the school will not be a member of the group.

- (2) Any land which, immediately before the implementation date, was held by the foundation body for the purposes of the schools in the group and used for the purposes of the foundation school is, on that date, to be transferred to, and vest in, the trustees of the school, to be held by them on trust for the purposes of the school.

Change from voluntary aided school to community school

19 (1) Sub-paragraphs (2) and (3) apply where proposals for a voluntary aided school which is not a member of the group for which a foundation body acts to become a community school are required to be implemented under section 55(2).

- (2) Any publicly funded land which, immediately before the implementation date, was held by the trustees of the school or the governing body for the purposes of the school is, on that date, to be transferred to, and vest in, the local authority.

- (3) Any other land which, immediately before that date, was held by the trustees of the school or the governing body for the purposes of the school is to be transferred to, and vest in, the local authority in accordance with a transfer agreement.

20 (1) Sub-paragraphs (2) and (3) apply where proposals for a voluntary aided school which is a member of the group for which a foundation body acts to become a community school are required to be implemented under section 55(2).

- (2) Any publicly funded land which, immediately before the implementation date, was held by the foundation body for the purposes of the schools in the group and used for the purposes of the voluntary aided school is, on that date, to be transferred to, and vest in, the local authority.

- (3) Any other land which, immediately before that date, was held by the foundation body for the purposes of the schools in the group and used for the purposes of the voluntary aided school is to be transferred to, and vest in, the local authority in accordance with a transfer agreement.

Change from voluntary aided or voluntary controlled school to voluntary controlled or voluntary aided school

21 (1) Sub-paragraph (2) applies where –

- (a) proposals for a voluntary aided school or a voluntary controlled school which is not a member of the group for which a foundation body acts to become a voluntary controlled school or a voluntary aided school are required to be implemented under section 55(2), and
 - (b) as from the implementation date the school will be a member of such a group.
 - (2) Any land, other than land held on trust, which, immediately before the implementation date, was held by the governing body for the purposes of the school is, on that date, to be transferred to, and vest in, the foundation body.
- 22 (1) Sub-paragraph (2) applies where –
- (a) proposals for a voluntary aided school or a voluntary controlled school which is a member of the group for which a foundation body acts to become a voluntary controlled school or a voluntary aided school are required to be implemented under section 55(2), and
 - (b) as from the implementation date the school will not be a member of the group.
- (2) Any land which, immediately before the implementation date, was held by the foundation body for the purposes of the schools in the group and used for the purposes of the school is, on that date, to be transferred to, and vest in, the trustees of the school to be held by them on trust for the purposes of the school.

Change from foundation, voluntary aided or voluntary controlled school to voluntary controlled or voluntary aided school

- 23 (1) Sub-paragraph (2) applies where –
- (a) proposals for a foundation, voluntary aided or voluntary controlled school which is a member of the group for which a foundation body acts to become a voluntary controlled or voluntary aided school are required to be implemented under section 55(2), and
 - (b) as from the implementation date the school will be a member of the group for which another foundation body acts.
- (2) Any land which, immediately before the implementation date, was held by the foundation body mentioned in sub-paragraph (1)(a) for the purposes of the schools in the group and used for the purposes of the school is, on that date, to be transferred to, and vest in, the foundation body mentioned in sub-paragraph (1)(b).

Change from voluntary controlled school to community school

- 24 (1) Sub-paragraphs (2) and (3) apply where proposals for a voluntary controlled school which is not a member of the group for which a foundation body acts to become a community school are required to be implemented under section 55(2).
- (2) Any publicly funded land which, immediately before the implementation date, was held by the trustees of the school or the governing body for the purposes of the school is, on that date, to be transferred to, and vest in, the local authority.

- (3) Any other land which, immediately before that date, was held by the trustees of the school or the governing body for the purposes of the school is to be transferred to, and vest in, the local authority in accordance with a transfer agreement.
- 25
- (1) Sub-paragraphs (2) and (3) apply where proposals for a voluntary controlled school which is a member of the group for which a foundation body acts to become a community school are required to be implemented under section 55(2).
 - (2) Any publicly funded land which, immediately before the implementation date, was held by the foundation body for the purposes of the schools in the group and used for the purposes of the voluntary controlled school is, on that date, to be transferred to, and vest in, the local authority.
 - (3) Any other land which, immediately before that date, was held by the foundation body for the purposes of the schools in the group and used for the purposes of the voluntary controlled school is to be transferred to, and vest in, the local authority in accordance with a transfer agreement.

Outstanding transfers

- 26
- (1) Sub-paragraph (2) applies where immediately before the implementation date in relation to any change of category occurring in respect of a school—
 - (a) any land vested in a local authority is by virtue of any statutory provision required to be transferred to the governing body or any trustees of the school, but
 - (b) the land has not yet been so transferred.
 - (2) Paragraphs 10 to 25 of this Schedule apply to the school as if the land had been so transferred by that time.

Transfer of right to use land

- 27
- (1) Sub-paragraph (2) applies if—
 - (a) paragraph 10, 11, 12 or 13 applies to a school,
 - (b) any land held by a person or body other than a local authority was, immediately before the implementation date, used for the purposes of the school, and
 - (c) the local authority enjoyed or incurred any rights or liabilities immediately before the implementation date in connection with the use of the land.
 - (2) Those rights and liabilities are, on the implementation date, to be transferred to, and vest in, the trustees of the school or, if there are no trustees, the governing body.
- 28
- (1) Sub-paragraph (2) applies if—
 - (a) paragraph 14, 15, 19, 20, 24 or 25 applies to a school,
 - (b) any land held by a person or body other than the governing body of the school was, immediately before the implementation date, used for the purposes of the school, and

- (c) the governing body enjoyed or incurred any rights and liabilities immediately before the implementation date in connection with the use of the land.
 - (2) Those rights and liabilities are, on the implementation date, to be transferred to, and vest in, the local authority.
- 29 (1) Sub-paragraph (2) applies if –
- (a) paragraph 14, 15, 19, 20, 24 or 25 applies to a school,
 - (b) any land held by a person or body other than any trustees or foundation body who hold any land for the purposes of the school was, immediately before the implementation date, used for the purposes of the school, and
 - (c) the trustees or foundation body enjoyed or incurred any rights or liabilities immediately before the implementation date in connection with the use of the land.
- (2) Those rights and liabilities are, on the implementation date, to be transferred to, and vest in, the local authority in accordance with a transfer of rights and liabilities agreement.
- (3) A “transfer of rights and liabilities agreement” means an agreement –
- (a) made for the purposes of sub-paragraph (2) between the local authority and the trustees or foundation body, and
 - (b) providing for the rights or liabilities in question to be transferred to, and vest in, the authority on the implementation date, whether or not in consideration of the payment by the authority of such amount as may be agreed between the parties.

Exclusions from transfer

- 30 Nothing in paragraphs 10 to 25 has the effect of transferring to, or vesting in, any body –
- (a) any land, rights or liabilities excluded under paragraph 31 or 32,
 - (b) any rights or liabilities under a contract of employment,
 - (c) any liability of a local authority, governing body or trustees in respect of the principal of, or any interest on, any loan, or
 - (d) any liability in tort.
- 31 (1) Sub-paragraph (2) applies if before the implementation date in relation to any change of category –
- (a) the prospective transferee and transferor have agreed in writing that any land should be excluded from the operation of paragraphs 10 to 25, and
 - (b) the Welsh Ministers have given their written approval of the agreement.
- (2) The land (and any rights or liabilities relating to it) is to be so excluded.
- 32 (1) Sub-paragraph (2) applies if in the absence of agreement under paragraph 31 –

- (a) the prospective transferee or transferor has applied to the Welsh Ministers to exclude any land from the operation of paragraphs 10 to 25, and
 - (b) the Welsh Ministers have directed its exclusion.
- (2) The land (and any rights or liabilities relating to it) is to be excluded.
- 33 (1) An agreement under paragraph 31 may provide for the land to be used or held for the purposes of the school on such terms as may be specified in or determined in accordance with the agreement.
- (2) Directions under paragraph 32 –
- (a) may confer any rights or impose any liabilities that could have been conferred or imposed by an agreement under paragraph 31, and
 - (b) have effect as if contained in such an agreement.
- 34 In paragraphs 31 and 32 –
- “the prospective transferee” (*“y trosglwyddai arfaethedig”*), in relation to any land, means the body to which (apart from paragraphs 31 and 32) the land would fall to be transferred under paragraphs 10 to 25, and
- “the prospective transferor” (*“y trosglwyddwr arfaethedig”*) is to be construed accordingly.

Restrictions on disposal or use of land

- 35 (1) For the purposes of paragraphs 36 and 37 the procedure for becoming a school of another category is pending in relation to a school when it has been started by the governing body in relation to the school and not terminated.
- (2) That procedure is to be regarded as started in relation to a school on receipt by the local authority of notice of a meeting of the governing body at which a motion for a resolution to consult about proposals to change category is to be considered.
- (3) That procedure is to be regarded as terminated –
- (a) if the meeting is not held,
 - (b) if the meeting is held but the motion is not moved or, though the motion is moved, the resolution is not passed,
 - (c) if consultation is not carried out in accordance with section 48,
 - (d) if the proposals in respect of which consultation was carried out are not published in accordance with section 48,
 - (e) if the proposals are rejected by the Welsh Ministers under section 50 or by a local authority under section 51 or are withdrawn or if the governing body has determined not to implement them under section 53, or
 - (f) on the date of implementation of the proposals.
- 36 (1) While the procedure for becoming a school of another category is pending in relation to a school, a local authority may not, without the consent of the Welsh Ministers –
- (a) dispose of any land used wholly or partly for the purposes of the school, or
 - (b) enter into a contract to dispose of such land.

- (2) Sub-paragraph (1) does not apply in relation to a disposal which is made in accordance with a contract entered into, or an option granted, before the procedure for becoming a school of another category was started in relation to the school.
 - (3) Sub-paragraph (4) applies if—
 - (a) proposals for becoming a school of another category are approved or the governing body has determined to implement them, and
 - (b) agreement is required to be reached under paragraph 2(1) of Schedule 10 to the Education Reform Act 1988 (identification of property, etc.) on any matter relating to any land to be transferred.
 - (4) The procedure for becoming a school of another category is not to be treated as terminated for the purposes of this paragraph in relation to that land until the date on which that matter is finally determined.
 - (5) A disposal or contract is not invalid or void by reason only that it has been made or entered into in breach of this paragraph and a person acquiring land, or entering into a contract to acquire land, from a local authority is not to be concerned to enquire whether any consent required by this paragraph has been given.
 - (6) This paragraph has effect despite anything in section 123 of the Local Government Act 1972 (general power to dispose of land) or in any other enactment; and the consent required by this paragraph is in addition to any consent required by subsection (2) of that section or by any other enactment.
 - (7) In this paragraph—
 - (a) references to disposing of land include granting or disposing of any interest in land, and
 - (b) references to entering into a contract to dispose of land include granting an option to acquire land or such an interest.
- 37
- (1) While the procedure for becoming a school of another category is pending in relation to a school, a local authority may not, without the consent of the Welsh Ministers, take any action in relation to any land of the authority used or held for the purposes of the school by which the land ceases to any extent to be so used or held.
 - (2) Sub-paragraph (3) applies if in the case of any school—
 - (a) proposals that a school become a school of another category are approved or the governing body have determined to implement them, and
 - (b) a local authority has, in relation to any land, taken action in breach of sub-paragraph (1).
 - (3) The transfer of property provisions have effect as if, immediately before the implementation date, the property were used or held by the authority for the purposes for which it was used or held when the procedure for becoming a school of another category was started.
 - (4) In this paragraph—

- (a) “the transfer of property provisions” means this Schedule and section 198 of, and Schedule 10 to, the Education Reform Act 1988, and
- (b) the references to taking action include appropriating property for any purpose.

PART 4

SUPPLEMENTAL

School government

- 38 (1) The Welsh Ministers may by regulations make provision in connection with the implementation of proposals to change a school’s category with respect to the government of the school.
- (2) Those regulations may (amongst other things) make provision—
- (a) about the revision and replacement of the school’s instrument of government,
 - (b) about the reconstitution of its governing body,
 - (c) applying, with or without modifications, provision made by or under Chapter 1 of Part 3 of the Education Act 2002 (government of maintained schools), and
 - (d) about transitional matters.

Transitional provisions - admissions

- 39 (1) Where a community or voluntary controlled school becomes a voluntary aided school anything done before the implementation date by the local authority as admission authority under any provision in Chapter 1 of Part 3 of the School Standards and Framework Act 1998 (admission arrangements) has effect, from the implementation date, as if done by the governing body.
- (2) Where a foundation or voluntary aided school becomes a community or voluntary controlled school anything done before the implementation date by the governing body as admission authority under any provision in Chapter 1 of Part 3 of the School Standards and Framework Act 1998 has effect, from the implementation date, as if done by the local authority.

SCHEDULE 5
(Introduced by section 99)

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

AMENDMENTS RELATING TO PART 2 (STANDARDS)

Education Reform Act 1988

- 1 (1) Section 219 of the Education Reform Act 1988 (powers of Welsh Ministers and Secretary of State in relation to certain educational institutions) is amended as follows.
- (2) In subsection (3) after “institution” insert “in England”.
- (3) After subsection (3) insert –
- “(3A) Chapter 1 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (“the 2013 Act”) (intervention in conduct of maintained schools) has effect in relation to an institution in Wales to which this section applies as if –
- (a) a reference to the governing body of a maintained school included a reference to the governing body of an institution to which this section applies;
- (b) the only relevant grounds for intervention were grounds 5 and 6 in section 2 of the 2013 Act; and
- (c) sections 3 to 9 and 12 to 16 of the 2013 Act did not apply.”

Education Act 1996

- 2 (1) The Education Act 1996 is amended as follows.
- (2) In section 409(4) (complaints and enforcement: maintained schools in Wales) for the words from “section 496” to “duties)” substitute “Chapter 1 or 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in conduct of maintained schools and local authorities)”.
- (3) In section 484(7) (education standards grants) for “sections 495 to 497” substitute “section 495 or in Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013”.
- (4) In section 496(2) (power to prevent unreasonable exercise of functions) –
- (a) in paragraph (a), after “local authority” insert “in England”;
- (b) in paragraph (b), after “school” in each place it appears insert “in England”.
- (5) In section 497(2) (general default powers for failure to discharge duty) –
- (a) in paragraph (a), after “local authority” insert “in England”;
- (b) in paragraph (b), after “school” in each place it appears insert “in England”.

- (6) In section 497A(1) (power to secure proper performance of functions) for “a local authority’s education functions” substitute “the education functions of a local authority in England”.
- (7) In section 560(6) (work experience in last year of compulsory schooling) after “or 496” insert “or Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013”.
- (8) In paragraph 6(4) of Schedule 1 (pupil referral units) for the words from “section 496” to “powers)” substitute “Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in local authorities)”.

Teaching and Higher Education Act 1998

- 3 In section 19 of the Teaching and Higher Education Act 1998 (requirement to serve induction period) for subsection (12) substitute –
 - “(12) Chapter 1 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (“the 2013 Act”) (intervention in conduct of maintained schools) has effect in relation to duties imposed and powers conferred by virtue of this section as if –
 - (a) references to functions under the Education Acts included duties imposed and powers conferred by virtue of this section;
 - (b) references to the governing body of a maintained school included –
 - (i) the governing body of a special school not maintained by a local authority,
 - (ii) the governing body (within the meaning given by section 90(1) of the Further and Higher Education Act 1992) of a further education institution, and
 - (iii) an appropriate body for the purposes of subsection (2);
 - (c) the only relevant grounds for intervention were grounds 5 and 6 in section 2 of the 2013 Act; and
 - (d) sections 3 to 9 and 12 to 16 of that Act did not apply.
 - (13) Chapter 2 of Part 2 of the 2013 Act (intervention in local authorities) has effect in relation to duties imposed and powers conferred by virtue of this section as if references to education functions included duties imposed and powers conferred on a local authority by virtue of this section.”

School Standards and Framework Act 1998

- 4 (1) The School Standards and Framework Act 1998 is amended as follows.
 - (2) Chapter 4 of Part 1 (intervention in schools in Wales causing concern) is repealed.
 - (3) In section 51A (expenditure incurred for community purposes) –
 - (a) omit “section 17 or”;

- (b) after “15” insert “or section 8 of the School Standards and Organisation (Wales) Act 2013”.
- (4) In section 62 (reserve power to prevent breakdown of discipline)—
 - (a) in subsection (1)—
 - (i) after “local authority” insert “in England”;
 - (ii) omit “or (3)”;
 - (b) omit subsection (3).
- (5) In section 89C(2) (further provision about schemes for co-ordinating admission arrangements) for “, sections 496” to the end substitute—
 - “(a) Chapter 1 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (“the 2013 Act”) (intervention in conduct of maintained schools) is to apply as if any obligations imposed on a governing body under the scheme were duties imposed by the Education Acts.
 - (b) Chapter 2 of Part 2 of the 2013 Act (intervention in local authorities) is to apply as if any obligation imposed on a local authority were an education function.”
- (6) In section 142(4)(b) (general interpretation) omit “of section 16(6) or (8)”.
- (7) In section 143 (index) in the entry for “maintained school”, omit the entry beginning “(in Chapter 4 of Part 1)”.
- (8) Omit Schedule 1A (governing bodies consisting of interim executive members).
- (9) In Schedule 22 (disposal of land), in paragraph 5(1)(b)(i) for “section 19(1)” substitute “section 16 of the School Standards and Organisation (Wales) Act 2013”.

Local Government Act 2000

- 5 (1) Schedule 1 to the Local Government Act 2000 (executive arrangements in Wales) is amended as follows.
- (2) For paragraph 10 substitute—
 - “10 Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in local authorities) applies to the performance of any duty imposed on a local authority by virtue of paragraph 8 or 9 as it applies to the performance by a local authority of a duty that is an education function but as if—
 - (a) the only relevant grounds for intervention were grounds 1 and 2 in section 21 of that Act; and
 - (b) sections 24 to 27 of that Act did not apply.”
- (3) In paragraph 11A for “9” substitute “10”.

Education Act 2002

- 6 (1) The Education Act 2002 is amended as follows.

- (2) In section 34(7) (arrangements for government of new schools) after “State)” insert “and Chapter 1 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in conduct of maintained schools in Wales)”.
- (3) In section 35(7) (staffing of community, voluntary controlled, community special and maintained nursery schools) –
 - (a) omit “section 17 of, or”;
 - (b) after “2006” insert “, or section 8 of the School Standards and Organisation (Wales) Act 2013”.
- (4) In section 36(7) (staffing of foundation, voluntary aided and foundation special schools) –
 - (a) omit “section 17 of, or”;
 - (b) after “2006” insert “, or section 8 of the School Standards and Organisation (Wales) Act 2013”.
- (5) In section 37(11) (payments in respect of dismissal, etc) –
 - (a) omit “section 17 of, or”;
 - (b) after “1998 (c 31)” insert “or section 8 of the School Standards and Organisation (Wales) Act 2013”.
- (6) Omit sections 55 to 59 and section 63 (powers of intervention).
- (7) In section 64 (provisions supplementary to powers to require local authorities to obtain advisory services) –
 - (a) in subsection (1) –
 - (i) omit “or 63”,
 - (ii) omit “or the National Assembly for Wales”,
 - (iii) omit “or it”,
 - (iv) omit “or the Assembly” (in both places);
 - (b) in subsection (2) omit “or 63”;
 - (c) in subsection (7) omit “or 63” and “or 63(2)”.
- (8) Omit Schedules 5 and 6 (amendments relating to schools causing concern and governing bodies consisting of interim executive members).
- (9) In Schedule 21 (minor and consequential amendments) omit paragraphs 92 to 94 and 103.
- (10) See also the amendment made by paragraph 21(11) of this Schedule to paragraph 5(2)(b) (iii) of Schedule 1 (which is in part consequential on Part 2 of this Act).

Children Act 2004

- 7 (1) The Children Act 2004 is amended as follows.
- (2) In section 50 (intervention) –
 - (a) in subsection (1) after “local authority” insert “in England”;

- (b) in subsection (2)(c) omit “or under sections 25, 26 and 29 above (in the case of a local authority in Wales)”;
 - (c) in the heading after “Intervention” insert “- England”.
- (3) After section 50 insert –

“50A Intervention – Wales

- (1) Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in local authorities) applies in relation to the functions of a local authority in Wales which are specified in subsection (2) as it applies in relation to a local authority’s education functions but as if the only relevant ground for intervention were ground 3 in section 21 of that Act.
- (2) The functions of a local authority are –
 - (a) functions conferred on or exercisable by the authority which are social services functions, so far as those functions relate to children;
 - (b) the functions conferred on the authority under sections 23C to 24D of the Children Act 1989 (so far as not falling within paragraph (a)); and
 - (c) the functions conferred on the authority under sections 25, 26 and 29 above.
- (3) In the application of Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 by virtue of this section, section 27 of that Act (power to direct exercise of other education functions) has effect as if the reference to education functions included (for all purposes) the functions of the local authority which are specified in subsection (2).
- (4) In this section –
 - “education functions” has the meaning given by section 579(1) of the Education Act 1996;
 - “social services functions” has the same meaning as in the Local Authority Social Services Act 1970.”

Education Act 2005

- 8
- (1) The Education Act 2005 is amended as follows.
 - (2) Omit section 45 (power to direct closure of school).
 - (3) In section 114(8) (supply of information about school workforce) –
 - (a) omit “and” at the end of paragraph (a);
 - (b) in paragraph (b) at the beginning insert “in relation to England,”;
 - (c) after paragraph (b) insert –
 - “and

- (c) in relation to Wales, provide that Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in local authorities) is to have effect as if—
 - (i) references to a local authority included a reference to a prescribed person,
 - (ii) duties imposed by virtue of this section were education functions,
 - (iii) the only relevant ground for intervention were ground 1 in section 21, and
 - (iv) sections 24 to 27 did not apply.”
- (4) In Schedule 9 (amendments relating to school inspection) omit paragraphs 14 to 20.
- (5) See also the amendment made by paragraph 22(2)(b) of this Schedule to section 28(4)(c) of the Education Act 2005 (which is in part consequential on Part 2 of this Act).

Education and Inspections Act 2006

- 9 (1) The Education and Inspections Act 2006 is amended as follows.
- (2) In Schedule 7 (amendments relating to schools causing concern) omit paragraphs 3 to 14, 16, 17, 18, 19(b) and 21.
- (3) In Schedule 17 (miscellaneous amendments) omit paragraphs 1, 2 and 6.

Childcare Act 2006

- 10 For section 29 of the Childcare Act 2006 (powers of Welsh Ministers to secure proper performance etc) substitute—

“29 Powers of intervention of Welsh Ministers

- (1) Chapter 2 of Part 2 the School Standards and Organisation (Wales) Act 2013 (intervention in local authorities) applies in relation to a Welsh local authority and the powers conferred or the duties imposed on it by, under or for the purposes of this Part as it applies in relation to the education functions (as defined by section 579(1) of the Education Act 1996) of such an authority.
- (2) In the application of Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 by virtue of this section, section 27 of that Act (power to direct exercise of other education functions) has effect as if the reference to education functions included (for all purposes) functions of a Welsh local authority under this Part.”

Equality Act 2010

- 11 (1) Section 87 of the Equality Act 2010 (application of certain powers under Education Act 1996) is amended as follows.
- (2) At the beginning insert—

“(A1) Subsections (1) and (2) do not apply in the case of a school in Wales.”

(3) After subsection (2) insert—

“(3) In the case of a school in Wales—

(a) Chapter 1 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (“the 2013 Act”) (intervention in conduct of maintained schools) applies to the performance of a duty under section 85, but as if—

(i) the only relevant grounds for intervention were grounds 5 and 6 in section 2 of that Act, and

(ii) sections 3 to 9 and 12 to 16 of that Act did not apply;

(b) Chapter 2 of Part 2 of the 2013 Act (intervention in local authorities) applies to the performance of a duty under section 85, but as if—

(i) the only relevant grounds for intervention were grounds 1 and 2 in section 21 of that Act, and

(ii) sections 24 to 27 of that Act did not apply.

(4) But neither of Chapters 1 and 2 of Part 2 of the 2013 Act applies to the performance of a duty under section 85 by the proprietor of an independent educational institution (other than a special school).”

Apprenticeships, Skills, Children and Learning Act 2009

12 In the Apprenticeships, Skills, Children and Learning Act 2009 omit section 205 and Schedule 14 (powers in relation to schools causing concern).

Education (Wales) Measure 2011

13 (1) The Education (Wales) Measure 2011 is amended as follows.

(2) Omit section 16 (federation of schools causing concern by direction of the Welsh Ministers).

(3) In section 18(1) (federations: supplementary provisions)—

(a) for paragraph (a) substitute—

“(a) Chapter 1 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in conduct of maintained schools), or”;

(b) in paragraph (b) for “that Act” substitute “the School Standards and Framework Act 1998”.

PART 2

AMENDMENTS RELATING TO PART 3 (SCHOOL ORGANISATION)

Education Reform Act 1988

- 14 (1) The Education Reform Act 1988 is amended as follows.
- (2) In section 198(1) (transfers under Parts 1 and 2) after paragraph (c) insert –
- “or
- (d) Part 3 of Schedule 4 to the School Standards and Organisation (Wales) Act 2013;”.

Diocesan Boards of Education Measure 1991

- 15 (1) The Diocesan Boards of Education Measure 1991 is amended as follows.
- (2) In section 3 (transactions for which advice or consent of the Board is required) –
- (a) omit subsection (1)(a)(ii), (b)(ii) and (d);
- (b) in subsection (1)(c) for “1998 Act” substitute “School Standards and Framework Act 1998 (“the 1998 Act”)”.
- (3) In section 7 (powers of Board to give directions to governing bodies of voluntary aided church schools) –
- (a) in subsection (1) –
- (i) omit paragraphs (a)(ii), (b)(ii) and (c);
- (ii) in paragraph (b)(i) for “1998 Act” substitute “School Standards and Framework Act 1998”;
- (b) in subsection (1A) omit “or paragraph 2 or 3 of Schedule 8 to the 1998 Act”;
- (c) in subsection (3) –
- (i) in paragraph (a) omit “or section 28(2)(b) of the 1998 Act”;
- (ii) omit paragraph (b);
- (iii) in the words after paragraph (b) omit “the 1998 Act and”.

Further and Higher Education Act 1992

- 16 (1) The Further and Higher Education Act 1992 is amended as follows.
- (2) In section 58 (reorganisation of schools involving establishment of further education corporation) –
- (a) in subsection (3), for paragraph (b) substitute –
- “(b) a relevant alteration has been made to the school;”;
- (b) omit subsection (4);
- (c) at the end insert –
- “(5) In subsection (3)(b) “relevant alteration” means –

- (a) in the case of a school in England, a prescribed alteration within the meaning of section 18 of the Education and Inspections Act 2006, and
- (b) in the case of a school in Wales, a regulated alteration within the meaning of Chapter 2 of Part 3 of the School Standards and Organisation (Wales) Act 2013.”

Education Act 1996

- 17 (1) The Education Act 1996 is amended as follows.
- (2) In section 5(3A)(b) (primary schools, secondary schools and middle schools) –
 - (a) the words after “Wales,” become sub-paragraph (i);
 - (b) after “1998” insert –
 - “, and
 - (ii) section 48, 59 or 68 of the School Standards and Organisation (Wales) Act 2013”.
 - (3) In section 394 (determination of cases in which requirement for Christian collective worship is not to apply), omit subsection (9)(b).
 - (4) In section 409(2) (complaints and enforcement: maintained schools in Wales), omit “or foundation special”.
 - (5) In section 529(2) (power to accept gifts on trust for educational purposes) –
 - (a) for “28 and 31 of the School Standards and Framework Act 1998” substitute “41 and 44 of the School Standards and Organisation (Wales) Act 2013”;
 - (b) for the words from “(so that” to “in Wales” substitute “and sections 48 to 55 of, and Schedule 3 to, that Act (school organisation proposals”.
 - (6) In section 530(3)(b) (compulsory purchase of land) for the words from “paragraph 18” to the end substitute “paragraph 9 of Schedule 3 to the School Standards and Organisation (Wales) Act 2013 (assistance in respect of maintenance and other obligations relating to voluntary aided schools) (including that paragraph as applied by section 76(3) of that Act)”.

Education Act 1997

- 18 (1) The Education Act 1997 is amended as follows.
- (2) In section 29 (functions of the Welsh Ministers in relation to curriculum and assessment) –
 - (a) in subsection (5) in the definition of “maintained school”, omit “or foundation”;
 - (b) in subsection (6) omit “or foundation”.
 - (3) In section 43(2)(c) (provision of careers education in schools in Wales), omit “or foundation”.

School Standards and Framework Act 1998

- 19 (1) The School Standards and Framework Act 1998 is amended as follows.

- (2) In section 20(2A)(b) (new categories of maintained schools) after “this Act” insert “or sections 45 to 55 of, and Schedule 4 to, the School Standards and Organisation (Wales) Act 2013”.
- (3) In section 21(6) (kinds of foundation and voluntary schools and types of foundations)—
 - (a) in paragraph (a)—
 - (i) omit “in accordance with Schedule 8 or”, and
 - (ii) after “Act 2006” insert “or in accordance with proposals made under section 45 of the School Standards and Organisation (Wales) Act 2013”;
 - (b) in paragraph (f)—
 - (i) in sub-paragraph (i), omit “under paragraph 2 of Schedule 8 or” and after “Act 2006” insert “or under section 48 of the School Standards and Organisation (Wales) Act 2013”,
 - (ii) in sub-paragraph (ii), for “that paragraph or that section” substitute “either of those sections”,
 - (iii) omit sub-paragraph (iii).
- (4) Omit sections 28 and 29 (proposals for establishment, alteration and discontinuance of mainstream schools).
- (5) In section 30 (notice by governing body to discontinue foundation or voluntary school)—
 - (a) in subsection (1) after “voluntary school” insert “in England”;
 - (b) in subsection (3) omit paragraph (b);
 - (c) in subsection (9) omit paragraph (a);
 - (d) in the heading after “voluntary school” insert “in England”.
- (6) Omit sections 31 to 35 (provisions relating to special schools, rationalisation of school places and change of category of schools).
- (7) In section 49(6) (maintained schools to have delegated budgets)—
 - (a) omit “paragraph 14(2) of Schedule 6, paragraph 3(3) of Schedule 7A to the Learning and Skills Act 2000”,
 - (b) after “2002” insert “section 75(2)(b) of, or paragraph 4 of Schedule 3 to, the School Standards and Organisation (Wales) Act 2013”.
- (8) In section 82(1) (modification of trust deeds) for “or the Academies Act 2010” substitute “, the Academies Act 2010 or the School Standards and Organisation (Wales) Act 2013”.
- (9) Omit section 101(3) (permitted selection: pupil banding).
- (10) In section 103(2)(b) (permitted selection: introduction, variation or abandonment of provision for such selection) for “prescribed alteration for the purposes of section 28” substitute “regulated alteration within the meaning of Chapter 2 of Part 3 of the School Standards and Organisation (Wales) Act 2013”.

- (11) In section 143 (index) –
- (a) omit the entry beginning “alteration”;
 - (b) omit the entry beginning “area”;
 - (c) omit the entry beginning “discontinuing”;
 - (d) omit the entry beginning “promoters”;
 - (e) omit the entry beginning “school opening date”.
- (12) In Schedule 3 (funding of foundation, voluntary and foundation special schools) –
- (a) in paragraph 2(2)(a)(ii), for the words from “or promoters” to “proposals)” substitute “or the person by whom proposals were made is required to provide by virtue of Part 2 of Schedule 3 to the School Standards and Organisation (Wales) Act 2013 (provision of premises and other assistance)”;
 - (b) in paragraph 7 –
 - (i) in sub-paragraph (3)(a) after “28,” insert –
 - “(ia) the implementation of proposals made under section 42 of the School Standards and Organisation (Wales) Act 2013 to make a regulated alteration to a school,”;
 - (ii) in sub-paragraph (5) for “to the promoters” substitute –
 - “(a) in relation to England, to the promoters, and
 - (b) in relation to Wales, to the person who made the proposals under section 41(2) of the School Standards and Organisation (Wales) Act 2013”.
- (13) Omit Schedules 6 to 8 (provisions about procedure and implementation of statutory proposals, rationalisation of school places and changes of category of schools).
- (14) In Schedule 22 (disposals of land) –
- (a) in paragraph 1, –
 - (i) in sub-paragraph (1) for “, voluntary or foundation special” substitute “or voluntary”;
 - (ii) after sub-paragraph (1)(a) insert –
 - “(aa) any land acquired under paragraph 7 of Schedule 3 to the School Standards and Organisation (Wales) Act 2013, under that paragraph as applied by section 76(1) of that Act or under Part 3 of Schedule 4 to that Act;”;
 - (b) in paragraph 2, after sub-paragraph (1)(a) insert –
 - “(aa) any land acquired under paragraph 7 or 11 of Schedule 3 to the School Standards and Organisation (Wales) Act 2013, under either of those paragraphs as applied by section 76(1) or (3) of that Act or under Part 3 of Schedule 4 to that Act;”;
 - (c) in paragraph 2A –
 - (i) in sub-paragraph (1) omit “or foundation special”;

- (ii) after sub-paragraph (1)(a) insert –
 - “(aa) any land acquired under paragraph 7 of Schedule 3 to the School Standards and Organisation (Wales) Act 2013, under that paragraph as applied by section 76(1) of that Act or under Part 3 of Schedule 4 to that Act;”;
 - (iii) in sub-paragraph (1)(b) after “(a)” insert “or (aa)”;
 - (iv) in sub-paragraph (1)(c) omit “or foundation special”;
 - (v) in sub-paragraph (2)(a)(ii) after “(a)” insert “or (aa)”;
 - (vi) in sub-paragraph (2)(b) after “(a)” insert “or (aa)”;
 - (vii) in sub-paragraph (6) omit “or foundation special”;
 - (viii) in the heading omit “or foundation special school”;
- (d) in paragraph 3 –
- (i) in sub-paragraph (1) for “, voluntary or foundation special” substitute “or voluntary”;
 - (ii) after sub-paragraph (1)(a) insert –
 - “(aa) any land acquired under paragraph 7 or 11 of Schedule 3 to the School Standards and Organisation (Wales) Act 2013, under those paragraphs as applied by section 76(1) or (3) of that Act or under Part 3 of Schedule 4 to that Act;”;
 - (iii) in sub-paragraph (3) after “(a),” insert “(aa),”;
 - (iv) in sub-paragraph (4)(c)(ii) after “this Act” insert “or under paragraph 7(6) of Schedule 3 to the School Standards and Organisation (Wales) Act 2013”;
 - (v) in sub-paragraph (8)(b)(i) for “, voluntary or foundation special” substitute “or voluntary”;
 - (vi) in sub-paragraph (8)(b)(ii) for “foundation, voluntary or foundation special” substitute “voluntary”;
 - (vii) in sub-paragraph (12) for “, voluntary or foundation special” substitute “or voluntary”;
 - (viii) in the heading for “, voluntary or foundation special” substitute “or voluntary”;
- (e) in paragraph 4(1)(a)(i) for “, voluntary or foundation special” substitute “or voluntary”;
- (f) in paragraph 5 –
- (i) in sub-paragraph (1)(b)(i) for “, voluntary or foundation special” substitute “or voluntary”;
 - (ii) omit sub-paragraph (1)(b)(ii);
 - (iii) in sub-paragraph (4)(c) after “alteration” insert “or regulated alteration”;

- (iv) in sub-paragraph (4A) omit “or foundation special” and after “(a),” insert “(aa),”;
- (v) in sub-paragraph (4B)(b)(ii) omit “or foundation special”;
- (vi) in sub-paragraph (4B)(d) after “alteration” insert “or regulated alteration”;
- (vii) in sub-paragraph (6)(a) after “2A(1)(a),” insert “(aa),”;
- (g) in paragraph 6 –
 - (i) in sub-paragraph (1) after “section 30(1)” insert “or section 80 of the School Standards and Organisation (Wales) Act 2013”;
 - (ii) in sub-paragraph (2)(a) after “section 30(2)” insert “or section 80(2) of the School Standards and Organisation (Wales) Act 2013”;
- (h) in paragraph 8 –
 - (i) in sub-paragraph (1) after “section 30(10)” insert “or section 80(11) of the School Standards and Organisation (Wales) Act 2013”;
 - (ii) in sub-paragraph (2) after “section 30(2)(a) to (d)” insert “or section 80(2) of the School Standards and Organisation (Wales) Act 2013”;
- (i) in paragraph 10 after sub-paragraph (1)(e) insert –
 - “(f) “regulated alteration” has the same meaning as in Chapter 2 of Part 3 of the School Standards and Organisation (Wales) Act 2013.”

Learning and Skills Act 2000

- 20 (1) The Learning and Skills Act 2000 is amended as follows.
- (2) In section 33P(3)(b)(i) (application of local curriculum provisions to students who are registered pupils of special schools or who have learning difficulties) omit “or foundation”.
 - (3) After section 83(9) (area inspections) insert –
 - “(9A) For provision on reporting on sixth forms found to be causing concern in an area inspection, see sections 44C and 44E of the Education Act 2005.”
 - (4) Omit sections 113 and 113A.
 - (5) In section 126(3)(b) (educational institutions: information and access) omit “or foundation”.
 - (6) Omit the following provisions –
 - (a) Schedules 7 and 7A;
 - (b) paragraphs 84, 89 and 90 of Schedule 9.

Education Act 2002

- 21 (1) The Education Act 2002 is amended as follows.
- (2) In section 19(2)(e) (governing bodies) omit “, a foundation special school”.

- (3) Omit section 72 (restructuring sixth form education).
- (4) In section 97 (interpretation of Part 7) –
 - (a) in paragraph (b) in the definition of “maintained school” omit “or foundation”;
 - (b) in the definition of “maintained secondary school” omit “or foundation”.
- (5) In section 111(4) (development work and experiments) for “, voluntary aided or foundation special” substitute “or voluntary aided”.
- (6) In section 116N(3)(b) (application of local curriculum provisions to children who are registered pupils of special schools) omit “or foundation”.
- (7) In section 129(6)(b) (transfer of employment) after “1998” insert “or Part 3 of the School Standards and Organisation (Wales) Act 2013”.
- (8) In section 153(4) (powers of local authority in respect of funded nursery education) in the definition of “maintained school” omit “or foundation”.
- (9) Omit section 154 (establishment or alteration of maintained nursery schools).
- (10) Omit sections 191 to 193 (regional provision for special educational needs).
- (11) In paragraph 5(2)(b) of Schedule 1 (incorporation and powers of governing body) for paragraphs (i) to (iii) substitute –
 - “(i) the date on which proposals for discontinuing the school are implemented under Part 3 of the School Standards and Organisation (Wales) Act 2013,
 - (ii) the date on which the school is discontinued under section 80 of the School Standards and Organisation (Wales) Act 2013, or
 - (iii) the date specified in a direction given under section 16(2) or 81(1) of the School Standards and Organisation (Wales) Act 2013”.
- (12) Omit Schedules 9 and 10 (proposals relating to sixth forms and establishment of schools).
- (13) In Schedule 21 (minor and consequential amendments) omit paragraphs 98, 115, 116 and 126.

Education Act 2005

- 22 (1) The Education Act 2005 is amended as follows.
- (2) In section 28 (duty to arrange regular inspections of certain schools) –
 - (a) in subsection (2)(b) omit “and foundation”;
 - (b) in subsection (4) –
 - (i) in paragraph (a) omit “or foundation”;
 - (ii) in paragraph (b) for “section 30 of the School Standards and Framework Act 1998 (c31)” substitute “section 80 of the School Standards and Organisation (Wales) Act 2013”;

- (iii) in paragraph (c) omit “or foundation” and for “section 19 or 32 of that Act” substitute “ section 16(2) or 81(1) of the School Standards and Organisation (Wales) Act 2013”;
 - (iv) in paragraph (d) omit “or foundation”.
- (3) In section 31(1) (interpretation of Chapter 3) in the definition of “maintained school” omit “or foundation”.
 - (4) In section 41(3) (destination of reports: non-maintained schools) omit “or foundation”.
 - (5) In section 42(4) (statement to be prepared by proprietor of school) omit “or foundation”.
 - (6) In section 43 (interpretation of Chapter 4) in the definition of “maintained school” omit “or foundation”.
 - (7) Omit the following provisions –
 - (a) section 46 (sixth forms requiring significant improvement);
 - (b) sections 68, 69, 70, 71 (school organisation).
 - (8) In paragraph 1 of Schedule 4 (school inspections in Wales under section 28) in the definition of “appropriate authority” omit “or foundation”.
 - (9) Omit the following provisions –
 - (a) Schedule 5 (sixth forms requiring significant improvement);
 - (b) paragraphs 7, 8, 13 and 14 of Schedule 12 (amendments relating to school organisation).

Education and Inspections Act 2006

- 23 (1) The Education and Inspections Act 2006 is amended as follows.
 - (2) Omit section 54(1)(e) (pupil banding).
 - (3) In Schedule 3 (amendments relating to school organisation) omit paragraphs 14(b)(ii), 18, 20, 22 to 26, 33 to 36, 46 and 50.
 - (4) In Schedule 14 (minor and consequential amendments) omit paragraphs 61 and 66.

National Health Service (Wales) Act 2006

- 24 (1) The National Health Service (Wales) Act 2006 is amended as follows.
 - (2) In paragraph 5(1)(a) and (b) of Schedule 1 (further provision about the Welsh Ministers and services under this Act) for “, voluntary or foundation special” substitute “or voluntary”.

Learner Travel (Wales) Measure 2008

- 25 (1) The Learner Travel (Wales) Measure 2008 is amended as follows.
 - (2) In section 24(1) (general interpretation) in the definition of “maintained school” omit “or foundation”.

Learning and Skills (Wales) Measure 2009

- 26 (1) The Learning and Skills (Wales) Measure 2009 is amended as follows.
- (2) In section 44 (learning pathways: interpretation) in the definition of “maintained school” omit “or foundation”.

Healthy Eating in Schools (Wales) Measure 2009

- 27 (1) The Healthy Eating in Schools (Wales) Measure 2009 is amended as follows.
- (2) In section 11 (interpretation) in the definition of “maintained school” omit “or foundation”.

Equality Act 2010

- 28 (1) The Equality Act 2010 is amended as follows.
- (2) In paragraph 4 of Schedule 11 (single-sex schools turning co-educational) –
- (a) in sub-paragraph (2) for the words from “paragraph 22” to “1998” substitute “section 82 of, or Part 3 of Schedule 3 to, the School Standards and Organisation (Wales) Act 2013”;
- (b) omit sub-paragraph (5).

Education (Wales) Measure 2011

- 29 (1) The Education (Wales) Measure 2011 is amended as follows.
- (2) In section 8 (interpretation of Part 1) in the definition of “maintained school” omit “or foundation”.
- (3) In section 13(b) (single governing body for federations) for the words from “Chapter 2” to the end substitute “Part 3 of the School Standards and Organisation (Wales) Act 2013 (school organisation) or in Part 3 of the School Standards and Framework Act 1998 (school admissions)”.
- (4) Omit section 20 (minor and consequential amendments to the Education Act 2005).
- (5) In section 21(1) (interpretation of Chapter 1) in the definition of “maintained school” omit “or foundation”.
- (6) Omit sections 26 to 30 (foundation schools).

Welsh Language (Wales) Measure 2011

- 30 (1) The Welsh Language (Wales) Measure 2011 is amended as follows.
- (2) In paragraph 2 of Schedule 6 in the definition of “governing body of a school” omit “or foundation”.

PART 3

AMENDMENTS RELATING TO PART 5 (MISCELLANEOUS SCHOOLS DUTIES)

Education Act 1996 and orders made under it

- 31 (1) In section 512A(6) of the Education Act 1996 (transfer of functions under section 512 to governing bodies), omit from “and such” to the end.
- (2) In the Education (Transfer of Functions Concerning School Lunches) (Wales) Order 1999 (SI 1999/610), omit article 4.
- (3) In the Education (Transfer of Functions Concerning School Lunches) (Wales) (No. 2) Order 1999 (SI 1999/1779), omit article 4.

Education Act 2002

- 32 In Schedule 21 to the Education Act 2002 (minor and consequential amendments) omit paragraph 110.

Education Act 2005

- 33 In section 103 of the Education Act 2005 (annual parents’ meetings) omit subsection (2) and (3)(a)(ii).

Education and Inspections Act 2006

- 34 (1) The Education and Inspections Act 2006 is amended as follows.
- (2) Omit section 58 (code of practice as to relationships between local authorities and maintained schools).
- (3) In section 87 (power to charge for provision of meals) –
- (a) in subsection (1), omit paragraph (b);
- (b) in subsection (2), omit paragraph (b).

Healthy Eating in Schools (Wales) Measure 2009

- 35 In section 8(2)(b) of the Healthy Eating in Schools (Wales) Measure 2009 (which provides for a new subsection (4A) to be inserted into section 512 of the Education Act 1996), for “7(5)” substitute “4”.

Education Act 2011

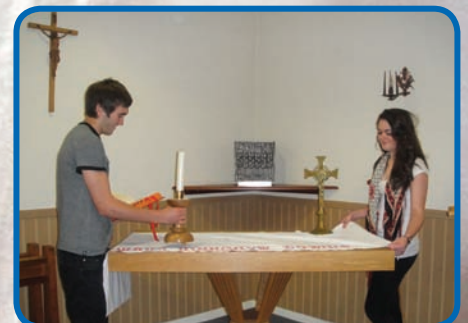
- 36 In section 35 of the Education Act 2011 (duties in relation to school meals) –
- (a) in subsection (2) omit paragraph (b);
- (b) in subsection (3) omit paragraph (b).



Llywodraeth Cymru
Welsh Government

www.cymru.gov.uk

Faith in education



Faith in education

Audience	Faith communities; headteachers; senior management; teachers; governing bodies; colleges; training providers; local authorities; SACREs; church diocesan authorities; teachers' unions; national bodies in Wales with an interest in religious education; individuals with an interest in the role of faith in the education system.
Overview	This document provides an overview of the organisation and role of faith in the education system, including the role of schools of a religious character in the context of the wider schools system.
Action required	None.
Further information	Enquiries about this guidance should be directed to: Curriculum Division Department for Education and Skills Welsh Government Cathays Park Cardiff CF10 3NQ Tel: 029 2082 1750 e-mail: curriculumdivision@wales.gsi.gov.uk
Additional copies	Can be obtained by visiting the Welsh Government's website at www.wales.gov.uk/educationandskills
Related documents	<i>Faith in the system</i> (Department for Children, Schools and Families, September 2007)

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Foreword by the Minister for Education and Skills

The Welsh Government believes strongly in celebrating the different and diverse cultures within Wales. Schools with a religious character are one aspect of the diversity within our communities, and the Welsh Government acknowledges the significant part faith has played in the development of the education system in Wales. Today, schools with a religious character continue to fulfil a valuable role in Welsh society.

The Welsh Government has produced this document jointly with representatives of providers of publicly funded schools with a religious character in Wales; these are the Church in Wales and the Catholic Education Service of England and Wales and I would like to thank both organisations for their commitment to the development of this document.

The aim of this document is to outline the nature of schools with a religious character in Wales at the present time, to delineate the ethos and character of these schools, to challenge preconceptions, and to emphasise and celebrate diversity.

In outlining the current structure of the sector, it is important to note that the nature of faith-based publicly funded education in Wales is predominantly of Christian denomination, and by necessity the descriptive information in this document has been drawn from a Christian perspective. However, this document has also been carefully designed to be a useful document for other denominations and faiths.

Faith in education portrays the dynamic, progressive nature of education with a religious character in Wales, and celebrates the unique character of faith schools in our culture.



Leighton Andrews
Minister for Education and Skills

Introduction

The Welsh Government and providers of schools with a religious character (commonly known as faith schools) set out in this document our shared understanding of the very positive contribution such schools make to the publicly funded system of education in Wales. This document reflects on, celebrates and communicates our shared enterprise in order to both sustain and develop further our mutual understanding and ways of working.

The Welsh Government acknowledges as reasonable the aspiration of parents and carers to educate their children in the context of a faith worldview. Our purpose here is to highlight the ways in which such schools are distinctive, but not exclusive, in how they approach education, promote community cohesion and help learners flourish and reach their potential. We hope to dispel some of the common myths and unhelpful presuppositions that commentators can sometimes express with regard to the place of such schools within the system. We aim, thereby, to promote respectful and intelligent dialogue and affirm our mutual understanding of the appreciable and constructive contribution schools with a religious character make to our common life as a nation.



Learners from Bishop of Llandaff Church in Wales High School at worship in Llandaff Cathedral.

While the document is primarily concerned with publicly funded schools which, in the present Welsh context, are all Christian, much of what is set out here is applicable to schools of other faiths, both within the existing independent sector and in any future maintained school established by a different religious tradition. Indeed, our shared aim is to foster greater partnership and cohesion among all the providers of education in Wales, wishing to acknowledge the contribution that all schools make – whether they are religious in character or not – to improving our society by educating the whole person and enabling learner well-being.

Each of the schools in the faith sector approach the shared vision, set out here, inspired by the life, words and actions of its faith-founder, expressing a genuine openness and desire to nurture the spiritual dimension of the lives of young people. As significant partners in education within Wales, we wish to convey our genuine commitment as integral and accountable partners in public life, consciously seeking to promote, through education, a more humane, just and inclusive society.

What is the historical basis for a faith dimension within education?

Faith organisations have an exceptionally long and pioneering tradition of providing education in Wales, dating back to medieval times but essentially consolidated through provisions made in the Victorian era. The church schools founded in the nineteenth century aimed to offer basic education to the poor at a time when the state made no such provision. The early providers were motivated by the firm Christian conviction that each child was made in God's image and that free access to education would help them realise their potential, flourish as human beings and thus escape poverty and degradation. As the state and faith communities are now partners in the provision of education, the role of the faith providers in education has evolved. The present purpose is not simply to provide the basic education needed for human dignity and a fair society, but to offer young people the explicit opportunity to explore a spiritual dimension to their lives while in education. Moreover, with a proven historical commitment towards inclusion, schools with a religious character are proactive in the provision they make for those with additional learning needs, helping them to achieve their full potential while in education. Both the Welsh Government and schools with a religious character believe that such historical goals remain valid today and make a significant case for offering parents/carers and children an additional choice when it comes to high-quality school provision.

Schools with a religious character now play an invaluable role as first-class providers within the system, providing an approach to education that helps to make an increasingly diverse Wales, a more tolerant nation characterised by justice and prosperity. As a family of schools, schools with a religious character share many common values and hold a mutual interest and respect for one another's ethos and spirituality. The schools are full partners with the Welsh Government in public life and together we wish to draw attention to our shared priorities, common purpose and overlapping values. We do this as the basis for greater mutual understanding and respect between us, while remaining true to the diversity of faith perspectives among the providers and respecting the dignity of all faith positions in Wales.

CASE STUDY

Meeting the needs of those with additional learning needs

In 2009, Cardiff local authority (LA) approached the Bishop of Llandaff Church in Wales High School with a proposal to open an extension to the school to provide education for learners with an Autism Spectrum Condition (ASC). The learners would include some who were unlikely to be able to be integrated into the mainstream school as well as others who might be able to share some of the regular classes. The school was chosen from Cardiff schools as a result of the success that it had developed with inclusion and especially with learners with special educational needs. Following staff and governor consultation, the LA made a bid to the Welsh Government for a capital grant and was successful in being granted over £4 million. The LA were able to add to this to allow a £5.2 million budget for the development. Temporary buildings for learners opened in September 2009 and two classes of six children are currently at the school. Each class has its own teacher and two classroom assistants.

The Marion Centre, as it is named, develops its own curriculum and tries to mirror the Key Stage 3 curriculum wherever possible. Integration of the learners is enabled through personalised learning so that some learners can join mainstream classes where it is appropriate to do so. The Marion Centre learners can also access some of the specialist facilities in the school such as music rooms and food technology rooms. All opportunities for integration are developed from coming to the dining hall to collect lunch to joining in whole school Eucharist and the annual Eisteddfod.

Significantly, the Marion Centre has been a focus for other learners in the school who wish to learn more about children with an autism spectrum condition. Lunchtime clubs and social events allow integration of all learners. Staff development has also enabled a growing awareness of learners with additional learning needs and this has been a clear focus for the whole school.

Inclusive education is integral to the mission at Bishop: a school that aims to include learners from all parts of society. This exciting development is a good example of the creative partnership between the Bishop of Llandaff High School, Cardiff LA and the Welsh Government.

What is the National Purpose for Schools in Wales?

The Welsh Government wholeheartedly supports parents'/carers' aspiration to educate their children within a faith context and expresses this support in a variety of ways, up to and including maintained denominational schools, where reasonable and appropriate to do so. Local authorities maintain a range of different types of school. While each type of school is different in its characteristics, their common purpose is expressed in the National Purpose for Schools in Wales¹, which envisages that all schools:

- enable all children and young people to develop their full potential by acquiring skills, knowledge, understanding and attitudes, including personal, social and emotional skills, to enable them to become economically, socially and personally active citizens and lifelong learners
- promote a culture of social inclusion and respect for diversity, particularly through developing the well-being of learners and personalising their learning
- establish strong professional learning communities in schools where practitioners can develop and share their professional knowledge in learning and teaching
- offer children and young people a curriculum that engages and motivates them to learn and to achieve their potential
- provide a learning community for all those engaged in school life, with children and young people and their families at the centre, and including governors, teachers, other school staff and adults training to work in schools
- be a key player with other schools and partner service providers in planning and delivering integrated services for children and young people to improve their well-being
- provide or facilitate education so that schools contribute to meeting the needs of the community and engage the community as partners to ensure that all schools are community focussed.

¹ www.sefwales.co.uk/sef-p2-home/sef-p2-about-sef/sef-p2-about-sef-sef-and-schools/sef-p2-sef-national-purpose-for-schools/sef-p2-sef-national-purpose-for-schools-2.htm

What are the main school types and their associated religious characteristics?

In delivering this common purpose for all learners, local authorities maintain four different types of school each with their distinct duty of governance and approach to issues of ethos. Schools with a religious character sit comfortably within a typology that is characterised by the four types of provision described and set out below.

Community schools are maintained by the local authority, which is the admissions authority for that school. While these schools meet the legislative requirements for a daily act of worship and the delivery of statutory religious education (RE), they may not in themselves have a distinctive religious character. By contrast, **voluntary controlled schools**, although maintained by the local authority (which, again, is the school's admissions authority), nevertheless may well have a religious character, receive input from the relevant diocesan authority and even opt into a denominational syllabus for the delivery of statutory RE. Schools of the third category, **voluntary aided schools**, are once again maintained by the local authority but are their own admissions authority. They may have a religious character and are the employer of the staff and owner of the land and premises. Schools in this category have considerable diocesan input, with the school and/or faith community contributing to their capital requirements in the case, that is, of schools with a religious character. **Foundation schools** are also maintained by the local authority and are their own admissions authority, and may have a religious character, as well as acting as the employer of the staff and owning the school's land and premises.

School typology and religious characteristics

	Voluntary aided school with religious character	Voluntary controlled school	Foundation school (without foundation)	Foundation school (with foundation)	Community school – may not have a religious character
Staff employer	Governing body	Local authority	Governing body	Governing body	Local authority
Owner/holder of school's site and buildings	Charitable foundation	Charitable foundation	Governing body	Charitable foundation	Local authority
Owner/holder of playing fields	Local authority (usually)	Local authority (usually)	Governing body (usually)	Charitable foundation (usually)	Local authority
Admissions authority	Governing body	Local authority	Governing body	Governing body	Local authority
Religious education	Denominational body	Standing Advisory Councils on Religious Education ('SACRE') (denominational if parents/carers request it)	SACRE	SACRE	SACRE

What statutory provision exists in relation to the faith dimension in education?

The system outlined on the previous page, consisting of voluntary schools supported by faith organisations and those schools without a religious character, is at the heart of the state school system in Wales. The Welsh Government continues to support the benefits to society that this system brings, both for parental choice and in the interests of raising standards through encouraging constructive diversity. The duality of the system offers learners the opportunity to be educated within or outside of a faith-based setting in accordance with the wishes of their parents/carers. This accords with the duty under Article 2 of Protocol 1 of the European Convention on Human Rights (ECHR): 'to respect the right of parents to ensure education and teaching in conformity with their own religious and philosophical convictions'. Accordingly, the Welsh Government welcomes the contribution schools with a religious character make to the school system – both as a result of their historical role and as present day partners in contributing to a more diverse school system with greater opportunities for parental choice and learner engagement.

Within the maintained system, the Welsh Government provides statutory support to education that recognises a religious dimension. This support is governed by way of statutory provision, regulations, guidance and the provision of funding and includes:

- continuing statutory provision for the existence of state-supported denominational schools, maintained by local authorities and funded by the Welsh Government through the Revenue Support Grant to local authorities
- support for denominational post-16 provision via direct funding from the Welsh Government
- continuing statutory provision for the right of voluntary aided schools to follow their own denominational RE curriculum, to give preference to members of the faith when appointing teachers, and to apply admissions requirements which prioritise applications from children of the faith of the school where such schools are oversubscribed
- comparable statutory provision in the case of other schools with a religious character to appoint a proportion of teachers adhering to the faith of the school to appropriate reserved positions
- provision for all schools with a religious character to appoint governors to the governing body expressly to safeguard that character

- a statutory requirement for an act of collective worship of a broadly Christian character in all state schools, whether a school has a religious character or not
- provision for statutory RE in the curriculum in all schools
- support for locally-determined agreed RE syllabuses through SACRE.



Children from around Wales take part in displays of traditional dancing at the Senedd, during the Year of Catholic Education celebration.

What is the distinctive ethos of schools with a religious character and how does it make a positive contribution to wider society?

As with all maintained schools, the providers of schools with a religious character in Wales share the common purpose outlined on the previous pages. They have wide-ranging commitments centred on the well-being and education of the young people in their care. Schools with a religious character fulfil this common purpose by intentionally predicating their approach to education on a vision of what it means to flourish as a human being, a vision made explicit by:

- cherishing the dignity of the human person within each individual – including both learners and staff
- promoting a strong sense of well-being and facilitating the welfare of all learners
- offering high standards of education in line with the National Purpose and encouraging young people to achieve their full potential
- striving to meet the personalised needs of all learners in the context of their individual faith journey and offering them opportunities to explore the spiritual dimension to life
- promoting community cohesion and social well-being by combating excessive individualism and encouraging young people to engage with others to discover and understand what they hold in common
- fostering a positive attitude to the diversity of faith and all other strands of equality that make up the common good
- working in a spirit of partnership with the Welsh Government, Estyn, local authorities and regional consortia.

Governors and staff of schools with a religious character are guided by these commitments in a way that enables them not only to meet the National Purpose and fulfil their legal requirements, but also to promote a positive attitude to diversity and operate as full and creative partners in public life. The distinctive ethos of schools in this sector enables learners to make a positive contribution to society precisely because they inspire learners to grapple successfully with questions of meaning and significance, ensuring young people develop into healthy and balanced individuals, mindful of their civic duties and capable of putting their faith at the disposal of society's well-being. This premise is an important component of education

within this sector: young people are encouraged to explore how their faith can support the common good and to listen to each other's beliefs in the cause of building a just and harmonious society. Schools with a religious character thus inculcate an ethos that offers an intentional approach to education, encouraging learners to draw on the value of faith as social capital to promote their own well-being alongside honouring the well-being of others.

CASE STUDY

Ethos Ambassadors

St Joseph's Catholic School and Sixth Form Centre in Port Talbot takes as its ethos statement: 'Becoming fully human in Christ'. Like other schools in the sector, the school aims to develop all aspects of humanity among learners, taking as its inspiration the words of Jesus found in St John's Gospel: 'I have come that they may have life and have it to the full' John 10:10.

In order to safeguard and promote its ethos, St Joseph's elects two students from the sixth form to act as Ethos Ambassadors, in addition to the traditional roles of Head Boy and Head Girl. The Ambassadors work with the School Chaplain and play a full and active



Ethos Ambassadors dressing the altar ready for mass.

role in the spiritual and liturgical life of the school. The Ambassadors are trained to assist and support learners lower down the school, encouraging them to actively participate in worship, helping them to prepare prayers and readings appropriate for the liturgy.

The Ethos Ambassadors are also involved in the internal retreat programmes and reconciliation/restorative services and work alongside the staff and learners to encourage the participation and involvement of students. They are heavily involved in Christian-based charity work and help raise money for CAFOD, distributing Christmas hampers to the elderly and needy, sponsoring children in The Good Hope School in Uganda and assisting Father Giovanni Cefai in his missionary work in Peru, and learning from the process. Along with several other sixth form students, the Ethos Ambassadors attend the Welsh Annual Pilgrimage to Lourdes where they assist with the care for the sick.

The Ambassadors are currently looking to set up a 'liturgy group' in school with a view to further developing the spirituality of learners and offering opportunities for learner-initiated prayer. They are an important means of sustaining and promoting the ethos of the school.

How do staffing arrangements in the faith sector help ensure this religious ethos?

One of the ways in which schools with a religious character ensure that they sustain a clear religious ethos is through the recruitment of members of staff who fully support and contribute to the distinctiveness of the school. In all maintained schools – including those without a religious character – the governing body plays a key role in the governance and staffing structure of the school and in schools with a religious character, statutory provision exists to enable the governing bodies to safeguard and develop their faith-based ethos. In the case of voluntary aided schools with a religious character, the governing body has the statutory right to give preference to members of the faith when appointing all teachers. In voluntary controlled and foundation schools, the governing body may give preference to members of the faith when appointing up to one-fifth of teachers to ‘reserved posts’. These teachers are selected for their appropriateness to give RE in line with the expectations of the faith organisation.

The Catholic Bishops of England and Wales summarised the importance of recruitment in their Memorandum on Appointment of Teachers to Catholic Schools:

The preservation and development of the quality and distinctive nature of Catholic schools depends on the faith, practice and commitment of the teachers in the schools, working with their Governing Bodies.²

The posts of headteacher, deputy headteacher and head or coordinator of RE are to be filled with baptised and practising Catholics. Similarly, the National Society for the Promotion of Christian Education encourages schools to balance the need to secure a religious ethos with that of ensuring a diverse staff community when it states:

Schools may choose to employ practising Christians in some key posts. These usually include the Headteacher and, where appropriate, the Head of RE and Chaplain. Staff members generally come from a wide variety of social, cultural and religious backgrounds and this adds to the rich tapestry of the schools.³

² www.cesew.org.uk/standard.asp?id=267

³ www.churchofengland.org/education/national-society/staffing-governance.aspx

Careful staffing arrangements within schools in the sector enable them to create and develop a distinctive ethos with a faith-inspired, varied and hospitable culture of learning.

Those schools with a religious character currently working within the system in Wales are all from Christian faith organisations and approach issues of school leadership with a clear understanding of the nature of Christian authority and of the priority for leadership to serve its learners. They should take as their model the servant leadership of Christ, combining a desire to face difficult issues with courage and deep sensitivity to the needs and feelings of those most affected. In the future there may be maintained schools of other faith traditions and the Welsh Government would welcome and expect that they too would adopt a staffing structure and leadership approach that seeks to serve the best interest of learners.

What are the arrangements for admission?

All schools with a religious character are part of the learning community in their locality but, due to their special character, draw from a wider geographical area than a comparable school without a religious character. Indeed, those of a voluntary aided status will act as their own admissions authorities. This means that such schools are able to determine their own admissions policies, within the framework of the School Admissions Code. In supporting this, the Welsh Government has high expectations as to how the governing body will discharge this authority, ensuring due regard to learners in the wider area the school serves and the impact on other schools and education providers. Both the Welsh Government and faith providers are committed to fair admission arrangements which are easy for parents/carers to understand and contribute to fair access by all families, sometimes admitting learners not of the faith where circumstances allow and where the needs of the learner are best met from within a faith-based context. While mindful of the distinctive needs of its own sector, schools with a religious character act with sensitivity to the wider interest by collaborating with other providers and are committed to partnership working, as encouraged by Welsh Government initiatives.

CASE STUDY

Diversity in admission and culture

Admissions at Ysgol Gynradd Gatholig Ein Harglwyddes, Bangor help to create anything but a monochrome culture. This Catholic school has 120 children on the roll for whom 57 per cent English is an additional language. This school serves a diverse community such that the countries/languages represented in the school in 2011 were as follows: India – Malayalam, Hindi, Tamil; Philippines – Filipino, Tagalog; Sri Lanka – Sri Lankan; China – Cantonese, Mandarin; Iraq – Arabic; Iran – Arabic, Farsi; Kurdistan – Kurdish; Ghana – Ghanaian; Zimbabwe; Tanzania – Swahili; Rwanda – Rwandan; Zambia – Bemba; Malawi – Chichewa; South Korea – Korean; Poland – Polish; Portugal – Portuguese; France – French; Spain – Spanish; England – English; Ireland – Irish Gaelic; Wales – Welsh.

How does the sector ensure diversity when meeting the needs of learners?

There are 253 schools in Wales with a religious character representing 14 per cent of all maintained schools in Wales and educating a significant proportion of Wales' learners. In common with all other maintained schools, these schools are expected to provide an environment which offers good-quality pastoral care and ensures inclusion of all children, including those looked after, those from minority ethnic backgrounds and those with additional learning needs. This is important, as contemporary Wales presents a significant diversity of faith, language, culture and geography. There is a misconception that schools with a religious character serve a sectarian interest, are monochrome in their intake and outlook and bring together a socially narrow learner population. Evidence shows that schools in the sector draw learners both from their local neighbourhood and the wider community, often providing an environment of rich social diversity and one that can be less easy for schools serving a single focused community to achieve. In Catholic schools in Wales, for example, a third of all learners do not belong to the faith community and in many other schools with a religious character, a significant number of open places are offered to those of another faith (or indeed without particular religious affiliation). Growing collaboration across the faith consortia is also helping to develop constructive links between schools in different parts of Wales, with opportunities for partnership with learners in areas with a differing social or geographical make-up. There is scope to develop this further and we support the recommendations of the *Respect and resilience*⁴ document that schools should build active links between and across communities, and signal our willingness to look for opportunities to share good practice among schools and thereby enrich the learning experiences of learners. Professional Learning Communities also offer further opportunities for teachers within and beyond the faith sector, with many excellent partnerships in local school clusters, irrespective of whether they have a religious character or not.

What are the arrangements for inspection?

As discussed earlier, there exists a wide range of legislation and guidance governing the delivery of learning and in the management of relationships with their learners. This legislation applies equally to all maintained faith schools. Faith schools are subject to regular inspection by Estyn and in addition, the faith organisations undertake their own inspection of the religious life of their schools (known in

⁴ www.wales.gov.uk/docs/dcells/publications/110209respecten.pdf

schools as the Section 50 Inspection)⁵. This dual system of inspection has provided a very constructive opportunity for the faith community to work in partnership with Estyn, thereby avoiding narrow insularity and ensuring public accountability and compliance with statutory procedures. This strong partnership has led to the development of a protocol for Estyn and Section 50 inspectors alike, and a fruitful dialogue that encourages diocesan teams to support the improvement of standards within their schools. The recent Estyn agenda has placed a particular focus on considering issues of 'well-being' and schools with a religious character bring a particular perspective to this priority in a way that can develop and enhance a judgement. The aspiration to raise standards across Wales and to identify and share excellent practice, is a key concern of the Section 50 inspection and, alongside Estyn's agenda, helps to support schools in not only developing religious literacy but in delivering high-quality learning for all its learners.

How does the ethos of schools in the sector actively promote inclusion and community cohesion?

With learner diversity an important feature of the sector, schools with a religious character seek to create learning communities with a strong commitment to inclusion. Schools in the sector aim to demonstrate this by the way in which we welcome and teach learners with different needs and from different backgrounds. Guiding this vision is the belief that each child is fundamentally equal and is a unique gift of God. Respecting the dignity of all is driven by the concept of loving God through loving your neighbour, a belief lived out in school communities by welcoming and celebrating differences, and viewing them as positive contributions to life in the world. As such, schools in the sector are committed to enabling each person to reach his or her potential and be mindful of that entitlement in others. We believe that the quality of life within a community can be measured by its commitment to the care of the weakest and the vulnerable and by respect for their dignity. The ethos of schools in the sector holds that every individual has huge potential which faith inspired education seeks to harness, enabling each individual to flourish and make a unique contribution to the school and wider community.

⁵ The Education Act 2005 Section 50 states that in schools with a religious character, the governing body is responsible for ensuring that collective worship and denominational education is inspected.

Like all maintained schools, faith schools also promote inclusion through improving attendance and behaviour. Evidence shows that when learners are treated with respect and receive high-quality learning and teaching experiences, they are more likely to attend on a regular basis and less likely to face sanctions (and exclusions) for poor behaviour.

Alongside the commitment to inclusion stands a duty to promote community cohesion. Many of the schools are rich in ethnic diversity and prioritise the respectful teaching of other faiths alongside the exploration of our own. We are helped in this commitment by the work of the National Society⁶ and the Catholic Education Service⁷ of England and Wales who together, define community cohesion as embracing:

- a common vision and sense of belonging by all communities
- equality of opportunities and striving for excellence, which ensures all children and young people are able to access appropriate education and welfare support, helping them to achieve their full potential
- similar life opportunities available to all
- strong and positive relationships in the workplace, in schools and in the wider community.

This approach to cohesion is one that mirrors the understanding shared recently in the Welsh Government document *Respect and resilience*⁸. This document states that cohesion focuses on how people live alongside each other with mutual understanding and respect, where every person has the equal chance to participate and has equal access to services. Schools with a religious character bring to this concern the constructive contribution of their faith perspective, where cohesion is valued as a means of integration, differences are valued, and shared values are celebrated as a means of holding people together. As one learner quoted in the *Respect and resilience* document: "I like my school community because it's like a jigsaw puzzle. Without one piece it's never complete". This duty to promote cohesion builds on the existing good practice of schools in this sector and is one to which we wholeheartedly re-affirm our commitment.

⁶ www.churchofengland.org/education/national-society/staffing-governance/community-cohesion.aspx

⁷ www.bit.ly/communitycohesion

⁸ www.wales.gov.uk/docs/dcells/publications/110209respecten.pdf

CASE STUDY

Inclusion and cohesion

St Mary the Virgin Church in Wales Primary in Butetown is a school in the heart of Cardiff's historic Tiger Bay and reflects the community's traditional multiculturalism, with approximately 70 per cent of the learners coming from Muslim homes. The school ethos is one of Christian inclusiveness where sensitivity to the spiritual, emotional and religious needs of all members of the school community is viewed as fundamental. This cultural sensitivity enables St Mary's to create an ethos where barriers that can often divide the society are embraced and celebrated within the life of the school as a source of community celebration.

Learners bring with them a wide range of religious and cultural experiences, providing a focus for sharing values, beliefs and commitments. These principles are demonstrated on a day-to-day basis within the school timetable. In addition to daily collective worship, on a Wednesday, the Christian and non-Muslim learners attend a full Eucharist service at the Parish Church, while the Muslim learners take part in an assembly supported by Muslim members of staff and occasionally the Imam of the local mosque. Prayers are said at the end of each day and before lunch. On a Friday, when a whole school achievers assembly is held, all children say the school prayer and Muslim children lead an Islamic prayer.

Welsh language lessons are used in the classroom as a way of bringing children together. Many learners join the school without a wide vocabulary in English, and so the Welsh lessons are viewed as a fantastic opportunity for the children who are fluent in English to learn a subject together, from the same starting point as their classmates. The school takes every opportunity to allow children to celebrate their own particular cultural background and has created a prize-winning Islamic community garden, as well as regularly hosting storytellers and poets from a variety of cultural backgrounds.

What is the shape of the curriculum?

Like all maintained schools, faith-based providers are committed in line with legislation and guidance to ensuring 'a balanced and broadly based curriculum' offering personalised learning and equality of opportunity for all learners. Achieving a broad and balanced curriculum requires schools with a religious character to follow the same curriculum standards as all other maintained schools in Wales, but with an approach that also reflects the schools' values and beliefs. This includes the contribution that the school curriculum makes to learners' spiritual, moral, social and cultural development, RE, collective worship, sex and relationship education and education about careers and the world of work.

The school curriculum for Wales expressly secures for all learners, irrespective of social background, age, disability, gender and gender reassignment, sexual orientation, race and religion or belief/non-belief, access to the relevant skills, knowledge and understanding necessary for life. The national curriculum applies to learners of compulsory school age in all maintained schools, regardless of the religious character of the school. For each national curriculum subject, programmes of study set out what learners should be taught. Attainment targets and level descriptions set out the expected standards of learners' performance.

While all aspects of the national curriculum are important in helping learners develop a range of skills, knowledge and understanding, literacy skills, particularly in Welsh and English, are especially important for schools with a religious character. Not only are such skills important in themselves but they take on an additional significance in the faith context as learners are helped to explore, understand and interpret religious texts in order that they can make balanced decisions and implement religious teachings in their lives. Learners are also encouraged to make use of a range of up-to-date sources to help them explore and discuss important issues and reach balanced judgements when challenging traditional and contemporary human, religious and ultimate questions that might impact on their own beliefs and values. Advances in science, for example, and a genuine appreciation of the critical scientific method, are taught responsibly. Science lessons are approached with a view to their contributing to the wider task of helping learners develop their understanding of meaning and significance in life by providing opportunities for critical exploration. Along with mathematics, schools in the sector recognise that science can help learners explore the complexity and order that can be found in the natural world and in doing so, provide them with an inspiration for awe and wonder.



Learners at Ysgol Gynradd Gatholig Ein Harglwyddes, Bangor learning about electricity.

CASE STUDY

Art and cultural exploration

Magor Church in Wales Voluntary Aided Primary School and Nursery Unit serves the community of Magor and Undy as well as a number of rural Monmouthshire villages. Culturally, the school has hardly any children from an ethnic minority background or those who use English as an additional language. The school is therefore mindful of the need to raise the children's awareness of cultural differences in order to develop within them an understanding and respect for the influence of culture on the way people dress and appear.

Using art, the school has developed a project that aims to promote cultural literacy in its learners. The project builds on the fact that Christianity is a world religion but then goes on to explore how Christ is portrayed in various art forms from around the world. Through exploring a number of images the children engage with the fact that different cultures 'see' Jesus from within their own cultural frames of reference. The children display an amazing depth of knowledge and understanding of the project and often respond in a profound way by producing their own insightful and often beautiful artwork.

What is the provision for RE in all maintained schools?

All maintained schools – whether they have a religious character or not – are required to teach RE from Foundation Phase to age 19. While RE is part of the basic curriculum, it is not part of the national curriculum and is therefore not subject to statutorily prescribed attainment targets, programmes of study or assessment arrangements. Schools without a religious character, voluntary controlled and foundation faith schools, make use of the locally agreed RE syllabus, taking advice from the SACREs to help ensure that each RE syllabus reflects the religious make-up of the local area. In this regard, Wales enjoys a great deal of partnership and collaboration between the SACREs and the Welsh Government such that each agreed syllabus is now based on the *National exemplar framework for religious education for 3 to 19-year-olds in Wales* (Welsh Assembly Government, 2008). The Framework provides a skills-based approach to programmes of study and level descriptions for each age range.

The Framework identifies three interrelated and equally important core skills for RE in providing opportunities for learners (from all faiths or none) to, firstly, engage with fundamental questions, secondly, explore religious beliefs, teachings and practices and, finally, to enable learners to express a personal response. The Framework stresses the importance that RE makes towards developing, in learners, respect for and sensitivity to the views of others through open, reflective, analytical debate and questioning. The Framework is itself an excellent example of the Welsh Government working collaboratively with local SACREs (and their faith representatives) in ensuring high-quality provision for RE in schools across the system.

What is the nature of RE in schools with a religious character?

For all children and young people in schools with a religious character, RE is a proper subject in its own right within the school's curriculum. RE is a rigorous academic discipline and must be taught as such, developed and resourced with the same commitment as any other subject. In schools with a religious character RE is regarded as being at the heart of the curriculum, bringing together and informing the whole curriculum and life of the school. It aims to deepen learners' understanding of their faith, not in a way that indoctrinates, but rather to promote knowledge and understanding

of the particular faith upon which it focuses. More widely, RE in the sector helps students explore their response of faith to the ultimate questions of human life, its origin and purpose. It is also concerned with teaching the skills required to engage in critical examination of and reflection upon a variety of religious beliefs and practices. When taught well, RE will also foster appropriate attitudes: for example, respect for the truth, respect for the views of others, awareness of the spiritual, of moral responsibility, of the demands of religious commitment in everyday life and especially of the challenges and rewards of living in a multicultural, multi-faith society and world.

Depending on the type of school, the nature of the trust deed and the preference of parents/carers, schools with a religious character will therefore view RE as a core subject and will either follow the locally agreed syllabus as mentioned or an appropriate denominational/religious syllabus. Every denominational/religious syllabus is distinctive in that it focuses on specific core religious beliefs, the way the religious teachings, as expressed through the Holy Book(s) and other religious writings convey the essentials of the faith and the main ethical traditions and practices that guide believers' lives. In addition to focusing on the religious tradition of the school, schools in the sector will also study a range of other religions/beliefs. It is recognised that an awareness of the tenets of other faiths not only includes all learners but it promotes understanding and respect and equips learners with the skills, knowledge and understanding needed to prepare them for life in the twenty-first century, as well as helping them become responsible 'global' citizens.

In all schools with a religious character learners will be required to undertake appropriate external qualifications in religious studies in order to embed the skills, knowledge and understanding of the religious tradition of the school. While this is likely to be the main focus of study, schools might also encourage learners to explore other religious traditions or undertake a more philosophical/ethically focused course. Where schools are involved with the Welsh Baccalaureate, schools welcome the opportunity to explore religious content/issues/values as an integral part of the course.

CASE STUDY

Religious extremism: the Getting on Together (GOT) project

The Bishop of Llandaff Church in Wales High School has been working with two other high schools in Cardiff (not of the sector) to pilot a project aimed at examining religious extremism, and particularly the perversion of the non-violent message of the Islamic faith. The project works with learners to help counter prejudice, discrimination, intolerance and radicalisation in both black and white young people. As a corollary, the project also aims to heighten tolerance and respect for all and to create a more cohesive community. The 2008 pilot was funded by the Welsh Government and developed by five University professors, the South Wales Police, the Church in Wales, the Muslim Council of Wales, the South Wales Jewry, the Catholic Archbishop of Wales and the Cardiff Hindu Community. GOT has received wide acclaim and among the expert evaluations of the project is that of Professor Vincent Biondo, Assistant Professor, California State University, who states:

The GOT Program is the pinnacle accomplishment of the successful interfaith efforts in Cardiff . . . That the Welsh Assembly and Church in Wales are working with the Muslim Council of Wales on the GOT Program demonstrates forward thinking in itself.

How are skills and issues of learning across the curriculum met and interpreted?

Some of the common requirements of the curriculum are embraced as opportunities to directly support learner cultural literacy and the place that faith has played in shaping the values of nationhood. In particular the Curriculum Cymreig will inevitably cover the spread of faith in Wales, Europe and the World and will explore how religious values and beliefs are expressed both locally and globally. In all schools with a religious character learners will be encouraged to foster an awareness of a range of cultures and religious traditions so as to gain understanding of their shared mutual values and beliefs.

CASE STUDY

Curriculum Cymreig

Penboyr Church in Wales Primary School in Carmarthenshire is proud of its clear and positive engagement with its local Welsh-speaking community. Penboyr's Christian character is founded on a strong relationship with the local church, and the school cherishes and promotes its language and culture as a Welsh-medium provision. This is reflected through the curriculum where Welsh is the language of the classroom. The school values the importance of Welsh as the first language of most local families. This is an important part of the school's vision to help its learners take the early steps of their learning in preparation for life, understanding the value of their cultural and linguistic heritage and setting this in the context of the challenges and opportunities of contemporary Wales. Penboyr School is therefore confident to describe itself as 'a family where we learn together', affirming a shared commitment to 'develop a sense of moral values and an awareness of the spiritual dimensions of life in a Christian environment, enabling each child to grow to participate fully in a society where both English and Welsh are used as a means of communication'.

All maintained schools in Wales are required to teach Education for Sustainable Development and Global Citizenship (ESDGC) across the curriculum. We believe that ESDGC has an important part to play in helping young people develop a full understanding of their roles as citizens in a modern, diverse society. In our schools, ESDGC is explored within a range of subject areas, but with a particular emphasis on the values and beliefs promoted by the faith tradition. For example, a Church in Wales or Catholic school believes that ESDGC will be enriched by focusing on the foundational concept of God's relationship with humanity – and each living creature – as Creator of the natural world. The school will ensure learners reflect on the responsibility that this relationship places on Christians as stewards.

CASE STUDY

Sponsoring The Good Hope School in Uganda

Awareness, service and, of course, gratitude are all themes in classrooms throughout schools in Wales. In any school, learners are encouraged to become involved in activities that allow them to reach out to the wider community and to those less fortunate than themselves. Recently, Pope Benedict XVI said: 'It is the desire of the Church to transform the world with the proclamation of the Gospel of love, and to bring the light of God into this world.' The Pope encouraged Catholics to 'reach out to the ends of the earth' through means of prayer for, and financial support to those disadvantaged. In answering this call, St Joseph's Catholic School and Sixth Form Centre in Port Talbot reached out to form a link with The Good Hope School in Uganda in 2007. They initially sponsored 17 children, paying for the children's school uniform, their education and two substantial meals a day for a year. Since then, through an active fundraising campaign, learners have been able to increase the number of individual student sponsorships and are now responsible for the education of all of the children in the scholarship class at the Good Hope School. Learners have also purchased sewing machines, musical instruments, books and art equipment for the school as well as several bicycles for use by the learners who have to travel a long distance every day to school. The letters received from the learners of Good Hope are heart-warming and express gratitude for the significant difference this sponsorship is making in their lives. Learners at St Joseph's are equally appreciative of the learning they have received from their ongoing engagement with Good Hope School and the enrichment it has brought to their understanding of issues of aid and development.

Where learners engage with work-based learning in our schools they focus on developing the whole person rather than predominantly on skills that prepare them for prospective careers. The emphasis is on vocation, with each learner encouraged to develop and use their talents with enterprise, and as a means to serve God and contribute meaningfully to society.

How is personal and social education (PSE) delivered?

In schools with a religious character PSE broadly follows the PSE framework but with the additional and discernable quality that emphasises the development of the whole person and the importance of faithfulness in relationships. A school with a religious character will stress the importance of developing mutual respect and tolerance together with an aspiration to inspire learners with a desire to help create and persevere a world of peace, justice and equality. PSE is embedded in every aspect of the curriculum and encompasses self-respect, self-esteem and confidence. It stresses that there is zero tolerance on all forms of bullying (including racist, sexist and homophobic bullying). A school with a religious character is likely to want to mirror the activities of the local/global faith community, encouraging learners to seek active and charitable involvement within society. Learners will also be encouraged to consider involvement in the school council to help them become responsible citizens, and many will undertake peer mentoring to support their fellow learners, helping them to deal with general pastoral issues and matters of faith.

In the delivery of the PSE programme, schools in the sector emphasise the important role that the family and faith community plays in conveying values and responsible attitudes towards relationships and especially the integrity of sexual relations. Where sex education is provided, it will reflect the sexual ethics of the faith community to which the school belongs and will uphold the values and beliefs of the faith community and the role of the family as the primary educator. This is helped by the responsibility vested in the governing body for the school's sex and relationships education policy and the important role played by foundation governors in its development.

How are learners encouraged to develop their spirituality?

In the interests of providing a broad and balanced curriculum for all learners, schools with a religious character also place significant emphasis on the spiritual development of learners. Through every aspect of school life, including the curriculum, learners are given opportunities to explain and explore their relationship with God and practice their faith through stillness, worship and reflection. As part of their spiritual development, learners are encouraged to develop self-esteem, respect for others and awe and responsibility for the natural world. They are also encouraged to grapple with challenging religious, human and ultimate questions.

CASE STUDY

Developing spirituality in nursery children

At Magor Church in Wales Primary, spirituality is approached relationally as a means of developing a child's relationship with God, others and self. Self-esteem is therefore viewed as an important aspect of spirituality; if a child knows that they are of ultimate worth to God then the child will be able to value themselves and show respect to others. Moreover, a child who knows that they are loved by God, will ultimately learn respect and care for the world that God has made. In light of this, in delivering spirituality, the use of the outside as a learning environment takes on special importance.

In the photographs the nursery children can be seen experiencing the power of the wind turning the windmill; they learn to appreciate that plants need water, light, warmth and soil to grow. Observing seeds germinating and growing, as well as watching the recently planted willow tunnel bursting into leaf, creates a tangible sense of awe and wonder among the children. In this way, children in a Church in Wales nursery setting learn about God's creation and the biblical story of Creation thereby comes alive for them. They develop a spiritual awareness that if the plants are not cared for, they will soon wither and die and thereby learn the importance of caring for God's creation. Spirituality becomes earthed in the urgent expression of care for the environment and in a call for the stewardship of all that God has given.



What is the role of collective worship?

Collective worship for all learners in school has been a statutory feature of state education since the 1944 Education Act (and maintained in the School Standards and Framework Act 1988). The Welsh Office Circular 10/94 describes collective worship in schools as offering:

. . . the opportunity for pupils to worship God, to consider the spiritual and moral issues and explore their own beliefs; to encourage participation and response, whether through active involvement in the presentation of worship or through listening to, watching and joining in the worship offered; and to develop community spirit, promote common ethos and shared values, and reinforce positive attitudes.



Collective worship at Ysgol Gynradd Gatholig Ein Harglwyddes, Bangor.

In schools without a religious character, acts of worship must be 'wholly or mainly of a broad Christian character' but in schools with a religious character, collective worship is offered in accordance with the practices of the school's particular religious designation. We believe that when embedded throughout the life of the school, collective worship helps promote its ethos: it sets the tone of each day, establishes the school as a community and builds up its distinctive religious character. As such, collective worship in schools with a religious character helps to

promote the spiritual development of all members of the school community and as explicit community acts, overcomes excessive individualism. Worship celebrates the shared values that join staff and learners together. It offers a constructive opportunity to explore a faith worldview, critically grapple with questions of meaning and significance, practice stillness and explore the spiritual dimension of life in a way that contributes to the development of healthy, balanced and reflective personhood.

In partnership with the Welsh Government, schools with a religious character are mindful that a school's policy on collective worship must take account of the varied backgrounds of the learners (and staff) as well as of their ages and aptitudes. In this spirit, the schools respect the right of parents/carers to withdraw their children from

collective worship if they so wish, and acknowledge the change in the law that now allows sixth form learners, if they desire, to be able to withdraw from collective worship. Where this is the case, some schools in the sector may arrange alternative activities that pursue similar objectives and nurture students' spiritual, moral, social and cultural development.

CASE STUDY

Leavers' worship at Blessed Edward Jones Catholic High School, Rhyl

The photo below was taken at the Year 11 Celebration Mass and Presentation of Progress Files at Blessed Edward Jones Catholic School, Rhyl. The mass marked a moment of transition in the learners' lives and was a very special event. The students really rose to the occasion and were proficient in taking part in the mass, playing the music and singing solos. The Head Boy and Head Girl also gave a welcome presentation. The worship engendered a wonderful sense of community. Gifts were presented to all teaching staff as an expression of appreciation by the learners. The local church was packed out with students, school staff, parents, family and friends and proved to be a very special evening with prayers offered for the students preparing for their GCSE examinations.



What do the faith communities in Wales have to offer other schools and colleges not in the sector?

Firmly rooted in their local community, the faith communities in Wales value the daily contact they have with schools in their area and especially the welcome they receive from those schools that are not of a religious character. Faith organisations are in a position, and are willing, to offer practical input of a kind that can impact on the life, work and witness of schools with whom we are in creative partnership. Thus, the faith communities are keen to support schools in the provision of collective worship not only by facilitating them but also by providing resources and ideas or making connections with the broader faith community and thereby ensuring a broad and balanced programme for assemblies. Local faith communities also support the religious education syllabus, offering expertise, resources and field visits in order to enrich and develop the subject. Furthermore, given that faith communities are themselves founded on clearly articulated attitudes and values, they are often in a prime position to help schools to develop core values and set a clear ethos for a cohesive community, and are keen to do so.

As we look to the future, and work toward even greater partnership within the system, the faith providers are keen to explore more ways in which the resources and expertise it holds can be shared with all schools in Wales. One promising area for development lies in the area of pastoral care. Here the faith community has a particular expertise that has the potential to be used more widely in schools. Essential skills around counselling, chaplaincy and pastoral care could (and are being) supported by appropriate personnel within the faith community and can often prove to be very effective where the counsellor or pastoral carer is a person recognised and yet separate from the school community. More generally, the faith community is keen to support the whole vocation to teach. Research shows that many teachers express a strong sense of vocation when talking about their work, and also that a significant number of teachers are members of faith communities. Engagement within that community at local level can provide support and encouragement that expressly recognises the worth and value of the teaching profession. We will continue to work together to take forward these important opportunities, eager to demonstrate our commitment to all learners in Wales regardless of their religious affiliation.

CASE STUDY

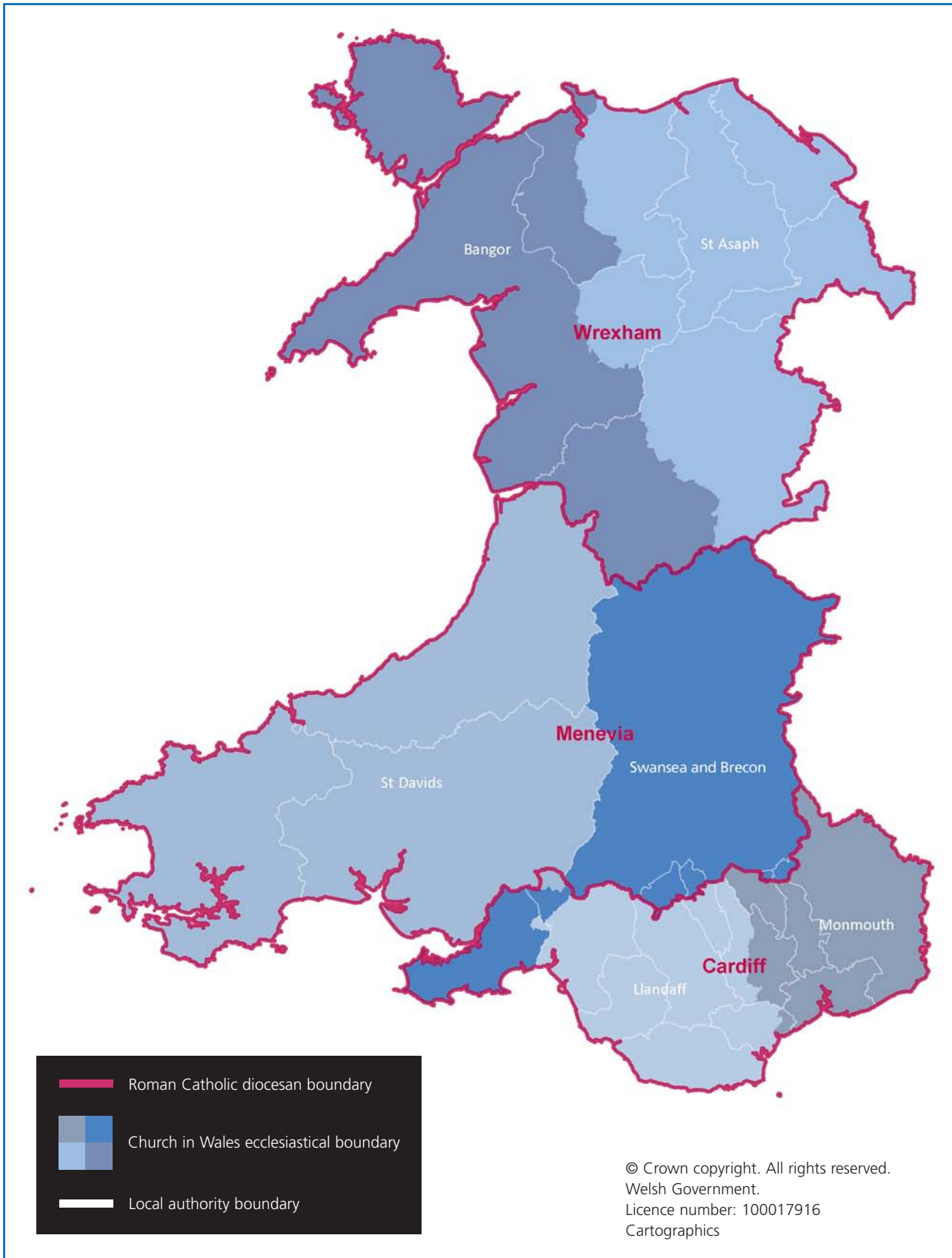
Faith communities and local community schools

On the outskirts of Bridgend, Canon Edward Evans has developed a new focus for his ministry supporting the work of the local community schools in his parish. Nearby Laleston Primary School and Bryntirion Comprehensive School have valued the engagement and support of Canon Evans and strong relationships, built over time, have developed trust, friendship and support. Initially, the relationship with the schools was practical, with the local cleric involved with collective worship and available to offer practical help on religious matters. In return, the schools were able to offer a venue for local community events. As relationships strengthened, pastoral support began to be offered, with Canon Evans providing a pastoral presence in the school for learners and staff. From this, a spiritual dimension has emerged, with both schools able to express a broad and inclusive set of values that underpin their life, modelled on an open, inclusive relationship with their local church community.

Conclusion

In this document, the Welsh Government and the faith communities have set out our shared vision of the integral and positive part that schools with a religious character play in the publicly funded school system and in wider society. We offer our combined statement as a positive contribution to an informed debate as to how all schools in the maintained sector can continue to work with each other and help create a system of education founded on integrated, cohesive and sustainable communities. This document confirms our commitment both to build bridges towards greater mutual trust and understanding within and beyond the system and to re-affirm our pledge to nurture learners in their faith and foster within them a motivation towards the common good in the promotion of a just and inclusive society. We value the partnerships that exist between us and wish to use the resources offered by our distinctiveness as schools that contribute positively to the system, rather than a means of ensuring exclusivity. For we share the view that faith in education provides much positive social capital in supporting and enriching the system, contributing exciting and fruitful perspectives on the goals of public education.

Appendix: Wales – Diocesan boundaries



1. OUR VISION

“Provide education of the best possible quality that will provide the county’s children with the experiences, skills and confidence to develop into bilingual, successful and well-rounded citizens.”

2. OUR AIMS

To achieve the vision, the Working Group has agreed on the following aims:

- Provide the County’s children with the best possible experiences and opportunities by ensuring **classes of appropriate size** and **high quality school leadership**;
- Aim to **promote and strengthen the Welsh language** – as an educational and social medium - by presenting new proposals for primary education within the County;
- Respond **pro-actively and creatively** to the needs and opportunities provided by the current education system through fostering a collaborative, sustainable and practical **long-term plan** ;
- Ensure that children gain the greatest positive from education spending within the county by **fully utilising all available resources** – whether human, technological or financial;
- Improve resources and buildings to **create a learning environment of the best possible quality**.
- Develop our schools into **establishments that are central to community activity**.

3. OUR STRATEGY

3.1. The Working Group has already decided that **“change is imperative in some areas for several reasons”**. Implementing this change requires a clear and practical strategy.

3.2. The Working Group has also decided that the detailed planning work should be developed within secondary school catchment-areas. *Appendix 1* contains a list of these catchment-areas.

3.3. The Vision and Aims realisation strategy will be based on the principles that:

- The change will be planned on a catchment-area basis, prioritising those catchment-areas where the need for the change is most clearly apparent;
- The scale, nature and timetable of change will vary from one catchment-area to the next;
- The change must be planned with local representatives – in some catchment areas there will be scope to discuss several options and there will be an opportunity to consider new ideas which arise from the discussion locally;
- A clear and fair review framework is put in place for catchment-areas and individual schools - the framework will serve as an important context within which the scale, nature and time table for the change in specific catchment-areas will emerge;
- Any proposal to alter the local primary education provision maintains and improves the use of Welsh as an educational and community language amongst children.
- The Council undertakes to keep any savings which result from school reorganisation within the schools system.



4. CONSIDERATIONS FOR THE REVIEW FRAMEWORK

The purpose of the Review Framework is to support the process of identifying and prioritising catchment-areas where the need for change is most clearly apparent. The following considerations will be used in prioritising catchment-areas for review. In addition, they will be used to support the work of determining the scale and nature of the change required in the various catchment-areas.

4.1. Class Sizes

4.1.1. Our expectation is that there will be appropriately-sized classes in Gwynedd primary schools so that children within the county acquire the best possible experiences and opportunities.

4.1.2. At present, class sizes vary significantly throughout the County, affecting the educational experiences of children. Classes in some catchment-areas are large and can contain more than 30 pupils. The Council believes that very large classes have a negative impact on children's educational experiences, a view supported by recent research (Blatchford et al, Institute of Education, 2008). On the other hand, many of the County's schools have very small classes. In a report to Gwynedd Council (2004) the former Chief Inspector of Education for Wales Roy James noted that "...*(a) small number of pupils in year groups in the smallest schools lead to less academic competition and stimulation, and fewer opportunities to take advantage of a diverse range of curricular and extra-curricular experiences*". The Council will endeavour to reduce larger classes and strengthen the county's smaller classes to ensure that all pupils receive the full range of appropriate experiences and attention.

4.1.3. In light of the above, it is our objective to develop schemes which achieve the following in terms of class sizes:

- that pupil numbers of the same age-group in a Key Stage 2 class do not exceed 30;
- that we will aim, over a period of years, to ensure that there is a maximum of 25 pupils of the same age-group in a primary school class;
- Ensure that there are on average no more than 20 pupils or fewer than 12 pupils in any mixed age class.

4.1.4. *"Class size" will therefore be a key indicator when prioritising catchment-areas for review.*

4.2. Pupil Population and Numbers

4.2.1. Our expectation is that planning for the future of education in different catchment-areas needs to reflect trends in terms of population and primary pupil numbers.

4.2.2. Research conducted by Gwynedd Schools Service shows that there has been a reduction of 21% in pupil numbers across the County since 1975. A minimum reduction of 11% has occurred in every catchment-area. The reduction has varied from area to area, with a 15% reduction in Arfon, 27% in Dwyfor and 28% in Meirionnydd. There are currently over 2,000 fewer children in the County's schools (5-10 years of age) than in 1975.

4.2.3. The substantial reduction in pupil numbers means that the County has high levels of surplus places in its Primary schools. In January 2008, 55% of primary schools in Gwynedd operated with a surplus capacity in excess of 25%. The reduction in numbers has also led of course to an increase in the number of primary schools within the county with 39 pupils or fewer (schools within the "safety net"). There are currently 30 schools within this category.

4.2.4. It is however equally true that pupil numbers have grown in some communities since 1975. Some schools within these communities face substantial difficulties in trying to cope with the local growth in child population, and experience difficulties in keeping class sizes under 30.

- 4.2.5. Future population projections must be considered although this is not an exact science. The County's schools present three year projections to the LEA every September. Based on figures for individual schools in September 2008, there will be a further reduction of approximately 4% over the next 3 years. If this is realised, there will have been a reduction of almost 10% in the number of primary school pupils attending the county's primary schools between 2006-2011.
- 4.2.6. Projections up to 2016 vary, depending on the methodology used. In Appendix 2, the Council's Research Unit presents a paper that provides information on population projections for Gwynedd.
- 4.2.7. In terms of the Review Framework, *the scale of the reduction in pupil numbers since 1975 within the catchment-area is a key indicator when prioritizing catchments for further consideration.. This ensures that any substantial reduction in numbers is taken into account in future planning of primary education in various catchment-areas.*

4.3. The Child's Learning Environment

- 4.3.1. Our expectation is that the "learning environment" for the County's children and teachers – in other words the condition of the school, the classroom, staffroom, play provision – meet 21st century teaching and learning requirements.
- 4.3.2. There is real concern about the condition and suitability of the County's primary schools. The buildings require substantial investment so as to address health and safety matters and achieve appropriate standards. A number of schools are in poor condition. The Council's Assets Management Plan estimates Gwynedd school maintenance accumulated costs of £12.6million. In addition, there is concern about the condition of temporary buildings in schools which may mean expenditure requirements of approximately £11million. The cost of upgrading and adapting the county schools buildings to meet new curriculum requirements and expected standards are even more substantial.
- 4.3.3. According to the 2007 Estyn report (Evaluation of schools performance prior to and after moving into new buildings or substantially renovated property) *"old school buildings which are in poor condition cannot meet modern teaching and learning requirements. Inadequate buildings make it more challenging to make improvements in standards of achievement... Improvements in quality of buildings have a very beneficial impact on quality of teaching and staff morale that has a positive impact on pupils' performance"*.
- 4.3.4. In light of the above, we aim to ensure that our plans achieve the following with regard to the child's learning environment:
- To consider the findings and implications of the Council's Assets Management Plan and the cost of repairing, renovating and adapting school buildings;
 - The opportunities to attract capital from various sources to build new schools or substantially renovate some current schools;
 - To aim to provide quality primary education buildings within the County through structured planning, providing headteachers and teachers with appropriate rooms and access to playing fields and an appropriate hall for children. Buildings will also need to comply with Foundation Phase and Curriculum 2008 requirements.
- 4.3.5. *In terms of the Review Framework, information on the condition and suitability of primary schools will be a key consideration when prioritizing catchment-areas for review.*

4.4. Leadership

- 4.4.1. Our expectation is that headteachers will have a fair opportunity to provide professional leadership and management for their schools.

- 4.4.2. There is no doubt that the Headteacher's excellent leadership qualities are a key factor in creating a successful school. Enabling the County's headteachers to place an emphasis on the following factors – identified by the Welsh Assembly Government's Revised National Standards for Headteachers in Wales guidance document - would be a major contributor towards achieving our educational aims:
- The ability to create a strategy direction;
 - Provide leadership on Learning and Teaching;
 - Develop and Work With Others;
 - Manage the School;
 - Ensure Accountability;
 - Strengthen the Community based Focus.
- 4.4.3. However, one of the main threats that we face are the difficulties in recruiting new Headteachers. The Schools Service has a record of these difficulties. There is clear evidence that several schools have to re-advertise posts and consequently, several of our primary schools have an acting headteacher.
- 4.4.4. In addition, over 50% of current headteachers are or will be eligible to retire over the next 5 years. There is therefore a possibility that the situation will seriously deteriorate.
- 4.4.5. The Working Group is very concerned about this situation, mainly due to the possible impact on quality of school leadership. This matter therefore requires continued prioritisation, and steps are required to ensure an increase in the number of candidates in Gwynedd who apply for the NPQH course to prepare teachers for headteacher posts.
- 4.4.6. In terms of the Review Framework, *if difficulties in appointing headteachers have or are about to impact schools within the catchment-area, this will be a key indicator in the prioritisation of a catchment-area where the need lies for the most apparent and clear change.*

4.5. The Community

- 4.5.1. Our expectation is that the County's Primary Schools serve as a focal point for community-based activities, enriching pupils' experiences and opportunities.
- 4.5.2. As a Working Group, we would like to see the community making full use of the school, mostly after school hours, in compliance with the Assembly's programme to develop "community focused schools". There is no doubt that schools have opportunities to provide additional services or activities, e.g. play groups, sports clubs and voluntary establishments, which will in turn involve parents, members of the community and local groups.
- 4.5.3. The LEA has information on the community use of the County's schools, e.g.:
- Area regeneration officers have held a review of community facilities and there is evidence of the use made of educational establishments as well as other establishments within the community;
 - The Schools' Service held a review of the use of schools by the community in 2007 in an attempt to gauge the suitability of school buildings to host community-based activities.
- 4.5.4. We also wish to further foster and develop the links between schools and the local community, so that pupils appreciate the history, culture and development of these communities.
- 4.5.5. However, a key factor in achieving this is that the school represents and serves its community. The Working Group's concern is that over 20% of primary school pupils currently attend schools outside the catchment-area. Whilst parents have a legal right to select their child's school, the significant percentage that opts for schools from outside the catchment-area is an increasing concern in terms of strategic planning and the aim of developing community schools.

4.5.6. The Working Group is of the view that information should be gathered on the number of schools who have a substantial number of pupils from outside the catchment-area or who lose pupils to other schools/catchment-areas.

4.5.7. We wish to consider such movements within our Review Framework. The Working Group feel that *the situation should be reviewed if schools within the catchment area gain or lose more than 20% of its pupils due to the impact on the neighbouring community and the catchment-area. This will therefore be a key indicator when prioritizing catchment-areas for review.*

4.6. Financial Resources

4.6.1. Our expectation is that Gwynedd will make the best possible use of all financial resources available for the County's primary education.

4.6.2. Gwynedd already stands among the highest quartile on expenditure on education in Wales, and on devolving funding to schools. According to Estyn (2007), the Council had allocated net teaching budget per pupils (including funding which isn't devolved to schools such e.g. integration budget) for 2006-07 of £4,322 compared to an average of £4,094 for the whole of Wales (composite budgets). However, a substantial percentage of this budget goes on maintaining poor buildings, a high number of school sites across the County and on surplus places.

4.6.3. In addition, the schools service – as all other services across the Council – faces regular cuts over the next five years. Any reorganisation proposals must therefore take full account of this context and respond appropriately. However, the Council will endeavour, where appropriate, to keep any savings which result from the reorganisation of schools within the schools system.

4.6.4. There is a significant difference between expenditure per pupil in one catchment area compared with another, as well as between schools within the same catchment-area.

4.6.5. In addition, a large number of the county's schools were designed to cater for many more pupils than have attended the school for several years. Although the cost of empty places should not drive any new proposals, the impact and implications of substantial expenditure on schools which have a high percentage of empty places has to be taken into account – especially the impact and implications on the budget and on other schools.

4.6.6. At present 30 schools which have 39 pupils or fewer receive additional revenue worth £477,000 between them through the "safety net" which enables them to employ a Headteacher and a teacher. Although circumstances in these schools can vary significantly, this factor must be considered when focussing on use of resources.

4.6.7. *The Working Group has identified the following as key indicators when prioritizing catchment-areas for review:*

- *Surplus places across the catchment-area;*
- *Per capita expenditure per school greater than 10% above or below the county average*

4.7. Specific request for consideration or an exceptional situation

4.7.1. Whilst there is a desire to review school organization strategically and at a catchment-area level, individual schools have written to the Council asking the authority to review specific situations. The Council must be willing to consider and respond positively to such requests.

4.7.2. Relevant professional information should also be considered so as to draw attention to urgent situations within the County that directly impact quality of pupils' education and experiences. (e.g. very low pupil numbers within a school, very poor condition of a school building, difficulties in headteacher recruitment).

- 4.7.3. *Situations of serious and immediate concern as evidenced by relevant professional specialist information and including specific requests from individual schools will be a key consideration when prioritizing catchment-areas for review.*

4.8 The Welsh language

- 4.8.1 Our expectation is that all the county's pupils will have developed age-relevant bilingual skills which allows them to become fully participating members of the bilingual society in which they live.
- 4.8.2 A language impact study was completed on the possible language impact of the October 2007 draft plan (available on the council's website), and this information is a basis for considering educational developments in the use of Welsh outside the classroom.
- 4.8.3 Any new proposals to change the organisation of local schools must take full consideration of the possible language impact.
- 4.8.4 Supporting and improving the use of Welsh as an educational and social language among children will therefore be a key consideration in drafting proposals within individual catchment areas.

4.9. Geographical Factors

- 4.9.1. Our expectation is that every child will be entitled to have access to quality education within reasonable distance of home.
- 4.9.2. There is recognition that Gwynedd is a very rural county with considerable travelling distance between some communities. When presenting any specific proposals in a county such as Gwynedd, the distance between sites and travel time for the child will be key.
- 4.9.3. A national policy notes that up to 45 minutes of one way travel is appropriate. It is the Working Group's view that the aim should be to limit home-school travel to a maximum one-way journey of 30 minutes.
- 4.9.4. *The above will therefore be a key consideration when preparing proposals within individual catchment-areas.*

5. THE MATRIX

- 5.1. A Matrix is presented in *Appendix 3* which draws together the various considerations.
- 5.2. Those catchment-areas which score highest against the key indicators will be prioritized for review. To all intents and purposes, these indicators serve as "trigger points" for review.
- 5.3. Data packs for each catchment-area will be prepared and published. We will invite comments on these packs. This is the information that will be used to complete the matrix.
- 5.4. On the basis of the assessment carried out using the Review Framework, 3 catchment areas have been identified as areas which will be subject to the initial round of the review, namely the Tywyn, Berwyn and Gader catchment areas.
- 5.5. The Review Framework will be reviewed in January 2010 as the work programme for 2010-11 is developed.

6. THE COUNTY CONSULTATIVE PANEL

- 6.1. County Consultative Panel will be established by the Schools' Portfolio Leader to support her in developing proposals for each catchment in turn. In addition, the County Consultative Panel will maintain a county-wide overview.

- 6.2. The Consultative Panel's membership will include the present members of the Primary Schools Reorganisation Improvement Working Group and will meet as required and at the invitation of the Schools' Portfolio Leader.

7. THE CATCHMENT-AREA REVIEW PROCESS

- 7.1. Following the completion of the catchment-area prioritization process, careful consideration will need to be given to the current provision and various options in catchment-areas of greatest concern.

- 7.2. To achieve this in an inclusive and open manner, we aim to establish a Catchment-area Review Panel. The Panel will be able to co-opt a limited number of people to support its work. While there is concern that groups which are too large could limit open discussion, it is accepted that schools will have an interest in being represented on the Panel. It is therefore proposed that the membership should be limited to a size which allows for constructive communication side by side with fair representation, but that this will be dependent on the agreement of school representatives at the first meeting within the catchment area. It is anticipated that the Catchment Area Review Panel's membership will include:

- all local elected Members;
- the Schools Portfolio Leader (or her representative);
- representation from among Working Group members;
- The headteacher of the local secondary school;
- At least one headteacher and one chair of governors drawn from the catchment area's primary schools, or the headteacher and the chair of governors (or another governor representative) of each school if that is the wish expressed locally ;
- Denominational representative where relevant;
- Any further members the Catchment Area Review Panel wishes to invite;
- The work will be supported by the appropriate Council officers.

- 7.3. In essence, the role and scope of the Panel will be to collect local evidence (on a catchment area basis) and to present various ideas and options to the Schools' Portfolio Leader.

- 7.4. In establishing the Catchment Area Review Panel, a meeting will be held for the Headteachers and Chairs of Governors of each schools along with Catchment Area representatives outlines in 7.2 above. The meeting will:

- share information and check data, providing an opportunity to discuss and to challenge the evidence presented. The Panel will not move ahead to develop alternative models until any reasonable doubts on the veracity of the data has been assuaged:
- explain the process;
- nominate the optional members of the Catchment Area Review Panel;
- seek comments/ideas to be discussed at the first official meeting of the Catchment Area Review Panel.

- 7.5. It is envisaged that the Catchment Area Review Panel will meet on 3/4 occasions over a 3 month period. The Panel Members will play a key role supporting the Portfolio Leader in developing proposals for each catchment area.

- 7.6. The first meeting of the Catchment Area Review Panel will agree Terms of Reference. This will include an outline of the following:

- A detailed and clear project plan including firm milestones:
- Communication and dissemination strategies for the purpose of sharing information with relevant individuals and groups.

Particular attention will be paid during the first meeting of the Catchment Area Review Panel to situations facing individual schools – and the results of the Review Framework will provide a context for these considerations. There will also be an opportunity to collect preliminary ideas put forward by members of the Catchment Area Review Panel on the basis of the discussions at the meeting noted in 7.2 above.

- 7.7. The second meeting will provide an opportunity to respond to any ideas presented and to seek consensus. This will involve the discussion of any models developed during the communication process within the catchment area in addition to the Council's preliminary ideas.
- 7.8. The County Consultative Panel will be given an opportunity to discuss and consider any proposals which have been put to the Catchment Area Review Panel.
- 7.9. The third meeting of the Catchment Area Review Panel will provide an opportunity to present the Schools' Portfolio Leader/County Consultative Panel's comments on the basis of the discussion and the factual information considered and to present final draft options
- 7.10. There will be an opportunity to examine creative models, including the development of area schools. In addition, models which engender formal co-operation will need to be considered within the catchment-area, whether co-operation between local primary schools, between the primary and secondary sectors, or with other agencies and establishments. A thorough understanding of the schools within the catchment area is key, and there will be scope to arrange visits to schools within the catchment area at the request of the Catchment Area Review Panel.
- 7.11. In presenting options, the Catchment Area Review Panel will collect the views of children and young people, parents and other local residents, local community councils and other local authorities, and local schools and nursery groups.
- 7.12. Following the contribution of the Catchment Area Review Panel and the County Consultative Panel, the Portfolio Leader will present proposals to the relevant Council committees before moving to a formal consultation. The Catchment Area Review Panel is seen as a vital link between the Portfolio Leader and community representatives.
- 7.13. The aim will be to complete the task of putting proposals in place in 3 catchment-areas between April 2009 and April 2010. We will endeavor to complete proposals for three catchment areas annually from that point on. It is essential that adequate resources are provided to the Schools Service to administer the plans.

8. WELSH ASSEMBLY GOVERNMENT REQUIREMENTS

- 8.1. Any proposals which emerge from the catchment area discussions must give full and proper consideration to the requirements of the Welsh Assembly Government. The key considerations outlined in *School Organisation Proposals (Circular 23/02)* are listed below:
- the effect on the standard of education to be provided in the area;
 - the cost-effectiveness of proposals and whether adequate financial resources are available to implement them;
 - the effect on accessibility to schools, particularly in rural areas and on journey times to school;
 - the views of those most directly affected, such as parents and other schools or providers in the area;

- the need for the particular type of provision that is proposed, for example the level of parental demand for Welsh medium education;
- any effect on the proportion of places in faith schools in the area;
- the need for LEAs to comply with their duties under the Sex Discrimination Act 1975, including those provisions relating to single-sex schools;
- the extent to which proposals would foster collaborative arrangements between providers for students aged 16+;
- any new requirements included in the revision to Circular 23/02 following a recent consultation exercise, specifically any further emphasis on ensuring that new proposals contribute to the aims of *Iaith Pawb*, *the Foundation Stage*, *Curriculum 2008*, *14-19 Learning Pathways* and any other new requirements.

9. COMMUNICATION ARRANGEMENTS

- 9.1. In developing this Strategy, the Working Group has given consideration to means of communicating. Naturally, the Council is keen to listen to local opinion, to seek agreement on the way ahead with the aim that change arises from cooperation with the local community. Put simply, the intention is that all parties work collaboratively through the changes in those catchment areas which will require attention.
- 9.2. The Improvement Working Group believes that communication is required on two levels – county and catchment area. The messages – on a county and catchment area basis – must be clear and consistent, and the process must be open.
- 9.3. In terms of county-wide communication, our intention during the first part of the process will be to disseminate information among elected members and others in order to explain WHY change is needed including a synopsis of all evidence presented to the working group.
- 9.4. A conference will be held for all Council members, headteachers and governing body chairs or their representatives in order to present this information.
- 9.5. The Working Group will also ensure that Council members, headteachers, teachers, school governors, pupils, non-teaching members of staff and the public receive regular information briefings. A bespoke section of the Council website will be developed which will summarise all evidence presented to the Working Group and other relevant information.
- 9.6. In terms of communication on a catchment area basis, the Review Panel (see paragraph 6) will have a key role in facilitating mature and responsible discussions on the way ahead in each locality. Clear and consistent message will be presented on a catchment basis to explain WHY change is needed, alongside a discussion on HOW the reorganisation will happen. .
- 9.7. **After completing the above process, clear proposals will be drafted for the catchment area under review, doing so in line with the Vision, Aims and Principles presented in this Strategy.**

ADOLYGU DARPARIAETH ADDYSG
BANGOR
EDUCATION PROVISION REVIEW



Ciplun o Sefyllfa Ardal Bangor
2017/18
Snapshot of the Situation in the Bangor Area



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1. Lleoliad Ysgolion Bangor / Location of Bangor Schools

Ysgol Tryfan – Statws/Status US	
Capasiti/Capacity (Bl.7-13)	628
Disgyblion/Pupils (Bl.7-13) Ionawr 2018	435
Llefydd Gwag/Surplus Places	193
Cyllideb yr ysgol fesul disgybl/ School budget per pupil 2018-19	£5,138

Ysgol Hirael – Statws/Status CS	
Capasiti/Capacity (D-BI6)	186
Disgyblion/Pupils (D-BI 6) Ionawr 2018	158
Llefydd Gwag/Surplus Places	28
Cyllideb yr ysgol fesul disgybl/ School budget per pupil 2018-19	£3,445

Ysgol Glancegin – Statws/Status CS	
Capasiti/Capacity (D-BI6)	210
Disgyblion/Pupils (D-BI 6) Ionawr 2018	208
Llefydd Gwag/Surplus Places	2
Cyllideb yr ysgol fesul disgybl/ School budget per pupil 2018-19	£3,928

Ysgol Cae Top – Statws/Status CWR(E)	
Capasiti/Capacity (D-BI6)	210
Disgyblion/Pupils (D-BI 6) Ionawr 2018	212
Llefydd Gwag/Surplus Places	-2
Cyllideb yr ysgol fesul disgybl/ School budget per pupil 2018-19	£3,509

Ysgol Llandygai – Statws/Status CWR(E)	
Capasiti/Capacity (D-BI6)	157
Disgyblion/Pupils (D-BI 6) Ionawr 2018	134
Llefydd Gwag/Surplus Places	23
Cyllideb yr ysgol fesul disgybl/ School budget per pupil 2018-19	£3,721

Ysgol Friars – Statws/Status US	
Capasiti/Capacity (Bl.7-13)	1,328
Disgyblion/Pupils (Bl.7-13) Ionawr 2018	1,219
Llefydd Gwag/Surplus Places	109
Cyllideb yr ysgol fesul disgybl/ School budget per pupil 2018-19	£4,323

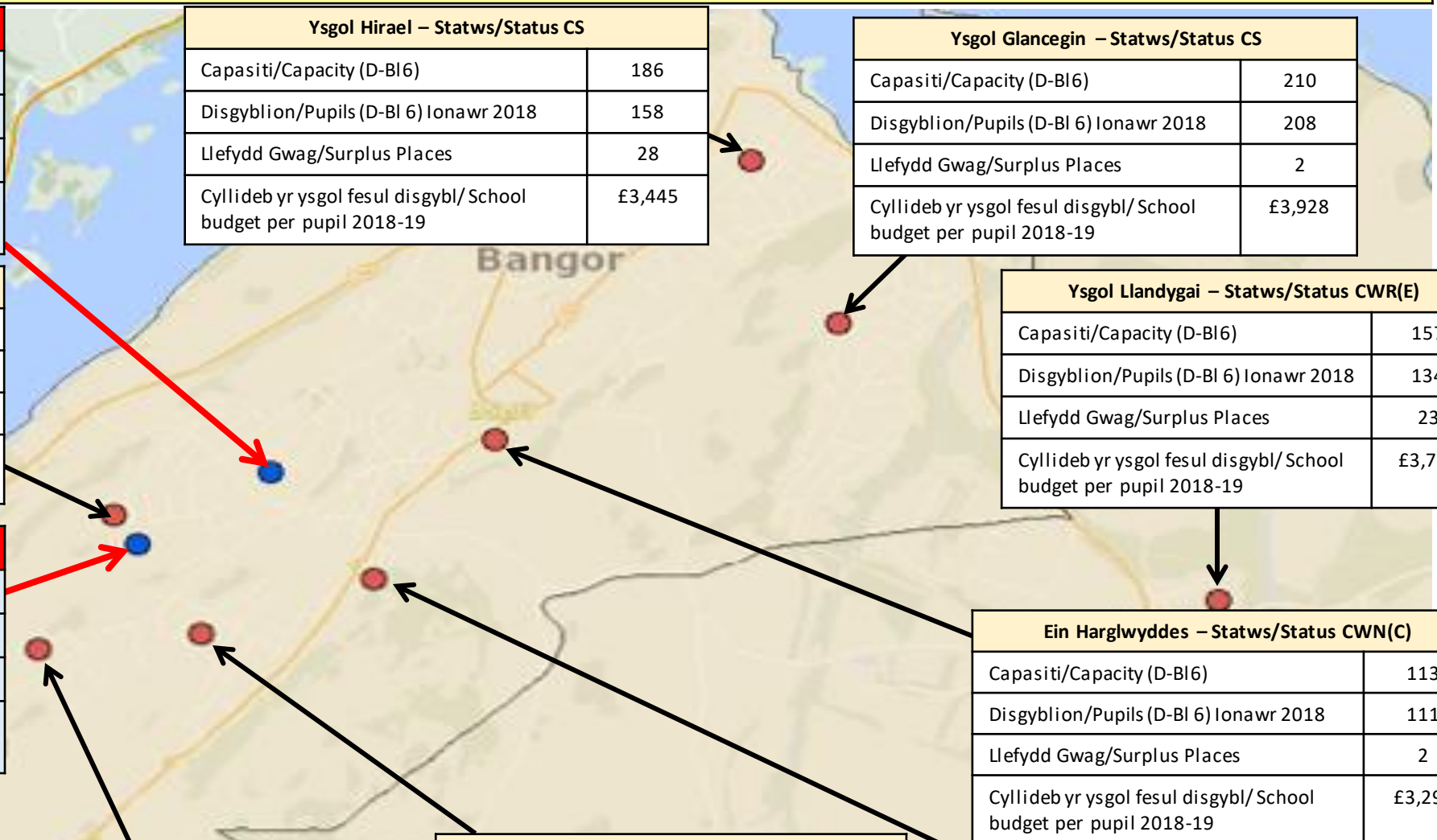
Ein Harglwyddes – Statws/Status CWN(C)	
Capasiti/Capacity (D-BI6)	113
Disgyblion/Pupils (D-BI 6) Ionawr 2018	111
Llefydd Gwag/Surplus Places	2
Cyllideb yr ysgol fesul disgybl/ School budget per pupil 2018-19	£3,299

Ysgol y Faenol – Statws/Status CWR(E)	
Capasiti/Capacity (D-BI6)	186
Disgyblion/Pupils (D-BI 6) Ionawr 2018	203
Llefydd Gwag/Surplus Places	-17
Cyllideb yr ysgol fesul disgybl/ School budget per pupil 2018-19	£3,191

Ysgol y Garnedd – Statws/Status CS	
Capasiti/Capacity (D-BI6)	210
Disgyblion/Pupils (D-BI 6) Ionawr 2018	306
Llefydd Gwag/Surplus Places	-96
Cyllideb yr ysgol fesul disgybl/ School budget per pupil 2018-19	£3,126

Ysgol Babanod Coedmawr – Statws/Status CS(B)	
Capasiti/Capacity (D-BI6)	56
Disgyblion/Pupils (D-BI 6) Ionawr 2018	23
Llefydd Gwag/Surplus Places	33
Cyllideb yr ysgol fesul disgybl/ School budget per pupil 2018-19	£6,485

Ysgol Glanadda – Statws/Status CS(I)	
Capasiti/Capacity (BI3-BI6)	71
Disgyblion/Pupils (D-BI 6) Ionawr 2018	43
Llefydd Gwag/Surplus Places	28
Cyllideb yr ysgol fesul disgybl/ School budget per pupil 2018-19	£5,451



2. Capasiti a Llefydd Gweigion Ionawr 2018 / Capacity and Surplus Places January 2018

Ysgol School	Capasiti (D – B16) Capacity (R – Yr6)	Nifer o Lefydd Gwag Number of Surplus Places (D - B16) (R – Yr6)	% o Lefydd Gwag % of Surplus Places
Glanadda	71	28	39%
Coed Mawr	56	33	59%
Y Garnedd	210	0	0
Hirael	186	28	15%
Y Faenol	186	0	0
Llandygai	157	23	15%
Cae Top	210	0	0
Ein Harglwyddes	113	2	2%
Glancegin	210	2	1%
Friars	1328	109	8%
Tryfan	628	193	31%
CYFANSWM TOTAL	3,355	418	12%

Ffynhonnell: Data Medi 2017 sydd wedi ei gyflwyno i'r Adran Addysg yn flynyddol gan yr ysgolion
 Source: Data September 2017 as presented to the Education Department by the schools annually

Strategaeth Addysg Gynradd o'r Ansawdd Gorau i Blant Gwynedd:

"4.6.1 Ein disgwyliadau yw bod Gwynedd yn gwneud y defnydd gorau posibl o'r adnoddau ariannol sydd ar gael ar gyfer addysg gynradd y Sir"

Excellent Primary Education For Children in Gwynedd Strategy:

"4.6.1 Our expectation is that Gwynedd will make the best possible use of all financial resources available for the County's primary education"

3. Niferoedd yn Ysgolion Cynradd Bangor yn Ôl Dalgylch Ysgolion / Bangor Primary School Pupil Numbers by School Catchment Area

		Dalgylch Cartref / Home Catchment							Cyf / Total
		Cae Top	Hirael	Babanod Coed Mawr + Glanadda	Y Faenol	Glancegin	Llandygai	Arall/ Other	
Ysgol / School	Y Garnedd	46	28	78	69	23	20	74	338
	Cae Top	90	13	59	18	7	3	49	239
	Hirael	11	105	17	5	36	4	29	207
	Babanod Coed Mawr + Glanadda	5	2	51	4	2	2	4	70
	Y Faenol	12	1	34	111	3	3	55	219
	Ein Harglwyddes	8	20	43	11	12	1	28	123
	Llandygai	1	8	4	1	28	45	63	150
	Glancegin	3	5	5	0	235	0	3	251
	Arall / Other	3	1	0	6	6	19		
	Cyfanswm / Total	179	183	291	225	352	349		

*Efallai na fydd data a gymerir o SIMS ysgol ar ddiwrnod y cyfrifiad yn cyfateb yn union â'r ffurflen cyfrifiad ysgolion

*Data taken from school SIMS on census day may not exactly match the schools census return

**4(a) Niferoedd Disgyblion Ysgolion Cynradd Bangor 1980 - 2017 /
Bangor Primary School Pupil Numbers 1980 - 2017**

Niferoedd [Meithrin – Bl.6 (Oed 3-11)] Number [Nursery - Yr.6 (Age 3-11)]											
Ysgol School	1980	1985	1990	1995	2000	2005	2010	2015	2017	1980-2017	1980-2017
										twf / growth	% twf / growth
Glanadda	128	83	87	89	61	63	45	42	41	-87	-68%
Coed Mawr	73	67	48	90	54	49	57	40	28	-45	-62%
Y Garnedd	218	185	191	268	271	312	325	346	338	120	55%
Hirael	189	167	168	221	223	252	201	168	195	6	3%
Y Faenol	141	108	110	147	244	243	244	253	219	78	55%
Llandygai	128	128	135	150	176	169	181	143	149	21	16%
Cae Top	243	170	207	195	212	216	251	242	240	-3	-1%
Ein Harglwyddes	135	149	113	151	123	113	115	126	123	-12	-9%
Glancegin	309	235	326	328	264	226	207	229	251	-58	-19%
Ardal / Area	1564	1292	1385	1639	1628	1643	1626	1589	1584		

Pryd Oedd Niferoedd yr Ysgolion ar ei Uchaf/Lleiaf? / *When Were the Schools at Their Highest/Lowest Numbers?*

Ysgol / School	Uchaf / Highest	Lleiaf / Fewest
Glanadda	128 (1980)	40 (2011)
Coed Mawr	90 (1995)	28 (2017)
Y Garnedd	357 (2016)	179 (1988)
Hirael	252 (2005)	159 (2016)
Y Faenol	262 (2009)	107 (1983)
Llandygai	182 (2004)	124 (1982)
Cae Top	251 (2010)	170 (1985)
Ein Harglwyddes	164 (1994)	98 (2001)
Glancegin	363 (1994)	191 (2008)

Strategaeth Addysg Gynradd o'r Ansawdd Gorau i Blant Gwynedd :

"4.2.1 Ein disgwyliadau yw bod angen adlewyrchu tueddiadau o ran poblogaeth a niferoedd disgyblion cynradd wrth gynllunio ar gyfer dyfodol addysg mewn dalgylchoedd gwahanol"

Excellent Primary Education For Children in Gwynedd Strategy :

"4.2.1 *Our expectation is that planning for the future of education in different catchment areas needs to reflect trends in terms of population and primary pupil numbers"*

4(b) Rhagamcanion Disgyblion / Pupil Projections

RHAGAMCAN MEDI 2018 SEPTEMBER PROJECTION									
Ysgol / School	Blwyddyn Ysgol / School Year								Cyfanswm Total
	M / N	0	1	2	3	4	5	6	
Glanadda	-	-	-	-	6	4	17	9	36
Coed mawr	7	3	7	11	-	-	-	-	28
Y Garnedd	31	33	43	47	41	49	40	50	334
Hirael	24	24	24	21	24	24	28	22	191
Y Faenol	13	13	30	30	30	30	30	30	206
Llandygai	17	14	26	13	18	18	19	13	138
Cae Top	30	30	30	30	30	30	30	30	240
Ein Harglwyddes	10	10	13	15	22	19	14	18	121
Glancegin	36	38	28	39	30	37	24	32	264

Ysgol / School	7	8	9	10	11	12	13	Cyfanswm/ Total
Friars	210	212	214	220	200	120	96	1272
Tryfan	70	71	66	69	80	35	39	430

RHAGAMCAN MEDI 2019 SEPTEMBER PROJECTION									
Ysgol / School	Blwyddyn Ysgol / School Year								Cyfanswm Total
	M / N	0	1	2	3	4	5	6	
Glanadda	-	-	-	-	11	6	4	17	38
Coed mawr	8	7	6	7	-	-	-	-	28
Y Garnedd	45	35	33	43	47	41	49	40	333
Hirael	23	24	24	24	21	24	29	28	197
Y Faenol	30	13	13	30	30	30	30	30	206
Llandygai	19	17	14	26	13	18	18	19	144
Cae Top	30	30	30	30	30	30	30	30	240
Ein Harglwyddes	10	10	13	13	15	22	19	14	116
Glancegin	30	36	38	28	39	30	37	24	262

Ysgol / School	7	8	9	10	11	12	13	Cyfanswm/ Total
Friars	210	212	214	216	210	118	100	1280
Tryfan	75	70	71	66	69	52	33	436

RHAGAMCAN MEDI 2020 SEPTEMBER PROJECTION

Ysgol / School	Blwyddyn Ysgol / School Year								Cyfanswm Total
	M / N	0	1	2	3	4	5	6	
Glanadda	-	-	-	-	7	11	6	4	28
Coed mawr	7	8	8	3	-	-	-	-	26
Y Garnedd	45	44	35	33	43	47	41	49	337
Hirael	24	23	24	24	24	21	24	24	188
Y Faenol	30	30	13	13	30	30	30	30	206
Llandygai	16	19	17	14	26	13	18	18	141
Cae Top	30	30	30	30	30	30	30	30	240
Ein Harglwyddes	10	10	13	13	13	15	22	19	115
Glancegin	30	30	36	38	28	39	30	37	268

Ysgol / School	7	8	9	10	11	12	13	Cyfanswm/ Total
Friars	210	212	214	216	209	120	99	1280
Tryfan	75	75	70	71	66	40	50	447

Ffynhonnell: Data Diweddaraf Cyfrifiad Medi 2017
 Source: Updated September 2017 School Census

5. Maint dosbarthiadau 2017-18 / Class sizes 2017-18

Ysgol <i>School</i>	Meithrin <i>Nursery</i>		Derbyn <i>Reception</i>	BI 1 <i>Yr 1</i>	BI2 <i>Yr 2</i>	BI 3 <i>Yr 3</i>	BI 4 <i>Yr 4</i>	BI 5 <i>Yr 5</i>	BI 6 <i>Yr 6</i>	Cyfanswm <i>Total</i>	Nifer y dosbar- thiadau <i>No. of Classes</i>	Dosbarth mwyaf <i>Largest Class</i>	Dosbarth lleiaf <i>Smallest Class</i>	Maint dosbarth ar gyfartaledd <i>Average Class Size</i>
	AM	PM												
Ysgol y Garnedd	7	5	15	15	14	16	14	17	13	338	12	30	24	28.1
	8	3	13	16	13	17	13	17	12					
	6	4	15	16	14	15	13	16	11					
Ysgol y Faenol	13		30	30	30	30	29	30	27	219	8	30	27	27.3
Ysgol Cae Top	27		29	31	31	31	30	30	30	239	8	31	29	29.8
Ysgol Coed Mawr	4		7	11	6	-				28	2	17	11	14
Ysgol Glanadda	-					4	17	9	11	41	2	21	20	20.5
Ysgol Hirael	24		24	21	6	11	20		28	195	7	31	24	27.8
					18	13	8	22						
Ysgol Llandygai	14		26	13	18	18	6	13	28	149	6	31	24	24.8
							13							
Ysgol Ein Harglwyddes	9		11	15	22	19	13	18	16	123	4	34	22	30.7
Ysgol Glancegin	19	19	10	28	30	31		32	23	251	8	32	23	31.3
			18	11		6	24							

6. Disgyblion gyda Anghenion Dysgu Ychwanegol / *Pupils with Additional Learning Needs*

Ysgol	AY	AY+	CDU Awdurdod	CDU Fforwm	CDU Ymddygiad	Datganiad	Cyfanswm
Glanadda	8	5	2	1	2	0	18
Coed Mawr	4	3	2	1	1	0	11
Y Garnedd	13	8	5	0	0	1	27
Hirael	21	15	6	0	1	2	45
Y Faenol	0	15	0	0	2	3	20
Llandygai	12	14	1	5	3	3	38
Cae Top	1	20	2	0	0	3	26
Ein Harglwyddes	7	15	0	0	0	0	22
Glancegin	16	17	6	1	7	1	48

Ffynhonnell: Cyfrifiad Ysgolion Medi 2017
 Source: *September 2017 School Census*

7. Arweinyddiaeth a rheolaeth / *Leadership and management*

Ysgol School	Gofal Dosbarth Teaching Time	Sylwadau Comments
Glanadda a Coed Mawr	0%	Pennaeth Mewn Gofal Dros Dro
Y Garnedd	0%	
Hirael	20%	
Y Faenol	0%	
Llandygai	30%	
Cae Top	10%	
Ein Harglwyddes	40%	
Glancegin	10%	

8. Aseidiadau Estyn a Llywodraeth Cymru / Estyn and Welsh Government Assessments

		Estyn				Llywodraeth Cymru Welsh Government	
Ysgol School	Blwyddyn yr archwiliad Year of Inspection	Pa mor dda yw'r deilliannau? How good are outcomes?	Pa mor dda yw'r ddarpariaeth? How good is provision?	Pa mor dda yw'r arweinyddiaeth a'r rheolaeth? How good are leadership and management?	Lefel y Dilyniant (os yn briodol) Level of Follow-Up (if necessary)		Categori Cefnogaeth Llywodraeth Cymru 2017 Welsh Government Support Category 2017
Glanadda	2013	Digonol/Adequate	Digonol/Adequate	Anfoddhaol/Unsatisfactory	2014	Gwelliant Sylweddol / Significant Improvement	Ambr / Amber
Coed Mawr	2015	Digonol/Adequate	Digonol/Adequate	Digonol/Adequate	2016	Cynnydd da/ Good Progress	Melyn / Yellow
Y Garnedd	2012	Da/Good	Da/Good	Rhagorol/Excellent	-	-	Gwyrdd / Green
Hirael	2015	Digonol/Adequate	Digonol/Adequate	Digonol/Adequate	2016	Cynnydd da/ Good Progress	Melyn / Yellow
Y Faenol	2010	Da/Good	Da/Good	Da/Good	-	-	Gwyrdd / Green
Llandygai	2012	Da/Good	Da/Good	Da/Good	-	-	Gwyrdd / Green
Cae Top	2016	Rhagorol/Excellent	Rhagorol/Excellent	Rhagorol/Excellent	-	-	Gwyrdd / Green
Glacegin	2013	Digonol/Adequate	Da/Good	Da/Good	-	-	Melyn / Yellow
Tryfan	2013	Da/Good	Da/Good	Da/Good	-	-	Melyn / Yellow

* Yn Dilyn y drefn newydd o arolygu 2017 / Following the new procedure of inspection 2017

Ysgol School	Blwyddyn yr archwiliad Year of Inspection	Safonau Standards	Lles ac agweddau at ddysgu Wellbeing and attitude towards learning	Addysgu a phrofiadau dysgu Education and learning experiences	Gofal, cymorth ac arweiniad Support, Care and guidance	Arweinyddiaeth a rheolaeth Leadership and management	Lefel y Dilyniant (os yn briodol) Level of Follow-Up (if necessary)	Categori Cefnogaeth Llywodraeth Cymru 2017 Welsh Government Support Category 2017
Friars	2017	Da Good	Da Good	Da Good	Da Good	Da Good	-	Gwyrdd / Green
Ein Harglwyddes	2018	Da Good	Da Good	Da Good	Da Good	Da Good	-	Ambr / Amber

Categori Cefnogaeth Llywodraeth Cymru

Caiff y dyfarniadau yng ngham un a cham dau eu cyfuno i bennu categori cymorth ar gyfer yr ysgol. Categori llw fydd hwn, a fydd yn dynodi'r gefnogaeth sydd ei hangen ar yr ysgol – naill ai gwyrdd, melyn, oren neu goch.

Dyma lefel y gefnogaeth sydd ar gael ar gyfer pob categori:-

- Categori cefnogaeth gwyrdd - Bydd ysgol yn y categori hwn yn derbyn hyd at 4 diwrnod o amser cynghorydd her.
- Categori cefnogaeth melyn - Bydd ysgol yn y categori hwn yn derbyn hyd at 10 diwrnod o amser cynghorydd her.
- Categori cefnogaeth oren - Bydd ysgol yn y categori hwn yn derbyn hyd at 15 diwrnod o amser cynghorydd her.
- Categori cefnogaeth coch - Bydd ysgol yn y categori hwn yn derbyn hyd at 25 diwrnod o amser cynghorydd her.

Bydd pob cynghorydd her yn pennu natur y pecyn cymorth penodol a gaiff ei ddarparu i bob ysgol, yn unol â'r angen.

Welsh Government Support Category

The outcomes in step one and step two are combined to decide on the school's support category. The final categorisation is a colour code that shows the level of support a school needs – green, yellow, amber or red.

The level of support available for each category is as follows:-

- Green support category - A school in this category will receive up to 4 days of challenge adviser time.
- Yellow support category - A school in this category will receive up to 10 days of challenge adviser time.
- Amber support category - A school in this category will receive up to 15 days of challenge adviser time.
- Red support category - A school in this category will receive up to 25 days of challenge adviser time.

Each challenge adviser will determine the nature of the bespoke support package to be provided to each school according to need.

9. Dyranriad Ysgolion 2018-19 / Schools Allocation 2018-19

	Glanadda	Coed Mawr	Y Garnedd	Hirael	Y Faenol	Llandygai	Cae Top	Ein Harglwyddes	Glancegin	Friars	Tryfan
Dyranriad Cyllidol 2018-19 2018-19 Financial Allocation	£223,511	£167,048	£998,713	£625,551	£675,595	£525,318	£788,998	£389,092	£902,301	£5,456,406	£2,218,817
Cost y disgybl 2018-19 Cost per pupil 2018-19	£5,541	£6,485	£3,126	£3,445	£3,191	£3,721	£3,509	£3,299	£3,928	£4,323	£5,138
Gwybodaeth Ychwanegol/ Additional Information	£7,612 *Gwarchodaeth Lleiafswm Staffio/ Minimum Staffing Protection	£32,520 *Gwarchodaeth Lleiafswm Staffio/ Minimum Staffing Protection									

*Mae'r polisi gwarchodaeth yn sicrhau o leiaf pennaeth ac athro/athrawes ym mhob ysgol gyda mwy na 15 disgybl, a pennaeth a cymhorthydd dosbarth mewn ysgolion gyda llai na 15 disgybl.

*The minimum staffing protection policy ensures a minimum of headteacher and teacher at every school which has more than 15 pupils, and a headteacher and a classroom assistant in a school with fewer than 15 pupils.

Strategaeth Addysg Gynradd o'r Ansawdd Gorau i Blant Gwynedd :

"4.6.1 Ein disgwiliadau yw bod Gwynedd yn gwneud y defnydd gorau posibl o'r a dnoddau a riannol sydd ar gael ar gyfer addysg gynradd y Sir"

Excellent Primary Education For Children in Gwynedd Strategy :

"4.6.1 Our expectation is that Gwynedd will make the best possible use of all financial resources available for the County's primary education"

10. Cyflwr Adeiladau Ysgolion / Condition of School Buildings

Ysgol School	Categori Cyflwr/ Conditions Category	Diffygion Addasrwydd a Chyflwr / Shortcomings of Suitability and Condition	Cost y Cynnal a Chadw sydd ei Angen / Cost of Maintenance Required	
Ysgol y Garnedd	C	<ul style="list-style-type: none"> Addasrwydd – Nifer y dysgwyr yn yr Ysgol yn fwy na chapasati swyddogol yr Ysgol. Nifer o ddysgwyr yn cael eu haddysg mewn gofod anaddas. Maint y dosbarthiadau yn rhy fach. Cyflwr – <ul style="list-style-type: none"> Mae angen gwaith ar bron bob elfen o'r adeiladwaith erbyn hyn. Mae rhannau helaeth o'r adeiladwaith o wneuthuriad coed ac mae parhau i'w gynnal yn anodd. Yn y dyfodol byddai angen adnewyddu rhannau sylweddol o'r adeilad a hyd yn oed wedyn byddai'n parhau i fod yn anaddas i bwrpas. 	<ul style="list-style-type: none"> Suitability - The number of learners in the School more than the official capacity of the School. Number of learners being educated in an unsuitable space. Class sizes too small. Condition - <ul style="list-style-type: none"> Almost all elements of the structure now need work. Extensive parts of the structure are made of wood and thus maintenance can be difficult. In the future, extensive parts of the building would require renewal and even then it would remain unsuitable for purpose. 	-
Ysgol Glanadda	B	<ul style="list-style-type: none"> Addasrwydd - Cynllun yr Ysgol yn anhyblyg. Maint yr ystafelloedd dosbarth ddim i safonau presennol. Cyflwr – <ul style="list-style-type: none"> Angen adnewyddu'r ffenestri Angen uwchraddio sistem awyru'r gegin Angen adnewyddu fargoed y to Angen paentio'r tu allan 	<ul style="list-style-type: none"> Suitability - The School's Plan is rigid. Size of classrooms not to current standards Condition – <ul style="list-style-type: none"> Need to refresh windows Need to upgrade the kitchen ventilation system Need to renovate the barge board of the roof Need to paint outside 	£85,000
Ysgol Babanod Coedmawr	B	<ul style="list-style-type: none"> Addasrwydd – Cynllun yr Ysgol yn anhyblyg. Dosbarthiadau yn rhy fach. Safle yn gyfyngedig a dim modd ei ehangu. Cyflwr – <ul style="list-style-type: none"> Angen adnewyddu'r sistem drydanol. Gwaith i'r iard chwarae Angen adnewyddu'r ffenestri Angen adnewyddu rhannau o'r gegin gan gynnwys gwella'r awyriant. Angen adnewyddu'r toeau fflat 	<ul style="list-style-type: none"> Suitability - The School's Plan is rigid. Classes too small. Site is limited and can't be expanded. Condition – <ul style="list-style-type: none"> Need to renew the electrical system. Work for playground Need windows refreshment Need to refurbish parts of the kitchen including improving the ventilation. Need to renovate flat roofs 	£245,000
Ysgol y Faenol	A	<ul style="list-style-type: none"> Addasrwydd – Dosbarthiadau yn rhy fach. Nifer o'r dysgwyr mewn dosbarthiadau dros dro (mobiles). Problemau parcio y tu allan i'r Ysgol. Cyflwr – <ul style="list-style-type: none"> Angen adnewyddu rhai ffenestri metal Angen gwaith paentio y tu allan Angen adnewyddu nenfwd allanol i du blaen yr Ysgol. 	<ul style="list-style-type: none"> Suitability - Classes too small. Number of learners in temporary classes (mobiles). Parking problems outside the School. Condition – <ul style="list-style-type: none"> Need to renew some metal windows Need painting work outside Need to refurbish an external ceiling to the front of the School 	£75,000

** Gwariant sydd yn gyfrifoldeb ar y Cyngor yn unig. Strwythur allanol yr adeilad yn gyfrifoldeb ar yr Eglwys / Expenditure which is the responsibility of the Council alone. External structure of the building is the responsibility of the Church.

Ffynhonnell: Adran Eiddo Gwynedd

Source: Gwynedd Property Department

11. Proffil Ieithyddol / Language Profile

Ysgol School	Siarad Cymraeg yn rhugl gartref	Ddim yn siarad Cymraeg gartref ond yn rhugl	Siarad Cymraeg gartref ond nid yn rhugl	Ddim yn siarad Cymraeg gartref a nid yn rhugl	Ddim yn gallu siarad Cymraeg o gwbl	Cyfanswm Total
	Speak Welsh fluently at home	Do not speak Welsh at home but are fluent	Speak Welsh at home but not fluent	Do not speak Welsh at home and are not fluent	Do not speak Welsh at all	M-BI6 N-Yr6
Glanadda	9	4	2	17	10	42
Coed Mawr	5	0	2	9	11	27
Y Garnedd	175	10	53	68	28	334
Hirael	10	4	15	56	92	177
Y Faenol	11	7	26	90	83	217
Llandygai	11	1	32	57	40	141
Cae Top	5	4	34	110	83	236
Ein Harglwyddes	1	1	3	15	100	120
Glancegin	22	8	38	106	52	226
	Cymraeg Rhugl Fluent Welsh		Ychydig o Gymraeg Some Welsh		Dim Cymraeg No Welsh	

Ffynhonnell: PLASC Ionawr 2018

Source: PLASC January 2018

Strategaeth Addysg Gynradd o'r Ansawdd Gorau i Blant Gwynedd :

"4.8.1 Ein disgwyliadau yw bod holl ddisgyblion y Sir yn meddu ar ddwyieithrwydd cytbwys oed-berthnasol er mwyn eu galluogi i fod yn a elodau cyflawn o'r gymdeithas ddwyieithog y maent yn rhan ohonni"

Excellent Primary Education For Children in Gwynedd Strategy :

"4.8.1 Our expectation is that all the County's pupils will have developed age-relevant bilingual skills which allows them to become fully participating members of the bilingual society in which they live"

12. Crynodeb o Ysgolion Bangor / Summary of Bangor Schools

		Ysgol / School										
		Glancegin	Garnedd	Glanadda	Ein Harglwyddes	Y Faenol	Llandygai	Cae Top	Babanod Coedmawr	Hirael	Tryfan	Friars
Lleoliad yr Ysgol / Location of the School		LL57 4ST	LL57 2LX	LL57 4SG	LL57 2UT	LL57 2NN	LL57 4HU	LL57 2GZ	LL57 4TL	LL57 1BA	LL57 2TY	LL57 2LN
Ystod Oedran / Age range		3-11	3-11	7-11	3-11	3-11	3-11	3-11	3-7	3-11	11-18	11-18
Categori'r Ysgol / School's category <i>Ysgol Gymuned [CS] Community School</i> <i>Gwirfoddol dan Gymorth [VA] Voluntary Aided</i> <i>Gwirfoddol dan Reolaeth [VC] Voluntary Controlled</i> <i>Ysgol Uwchradd Sirol [US] County Secondary School</i>		CS	CS	CS (I)	VA (C)	VC (E)	VC (E)	VC (E)	CS (B)	CS	US	US
Categori Cyfrwng Iaith / Language Medium Category		Cyfrwng Cymraeg / Welsh Medium	Cyfrwng Cymraeg / Welsh Medium	Cyfrwng Cymraeg / Welsh Medium	Cyfrwng Cymraeg / Welsh Medium	Cyfrwng Cymraeg / Welsh Medium	Cyfrwng Cymraeg / Welsh Medium	Cyfrwng Cymraeg / Welsh Medium	Cyfrwng Cymraeg / Welsh Medium	Cyfrwng Cymraeg / Welsh Medium	Cyfrwng Cymraeg / Welsh Medium	Dwy Ieithog / Bilingual
Niferoedd o ddisgyblion ar y gofrestr – Ionawr 2018 / Number of pupils on the register – Ionawr 2018	Meithrin / Nursery	37	33	-	11	14	14	25	5	28	Bl. / Yr. 7-11	Bl. / Yr. 7-11
	Derbyn – Bl.6 / Reception – Yr.6	208	306	43	111	203	134	212	23	158	353	1,013
	Cyfanswm / Total	245	339	43	122	217	148	237	28	186	Bl. / Yr. 12-13	Bl. / Yr.12-13
											82	206
Nifer o ddisgyblion ar y gofrestr am y pedair blynedd flaenorol / Number of pupils on the register for the previous four years	Medi / September 2016	235	357	50	128	236	151	240	34	159	465	1,213
	Medi / September 2015	229	346	42	126	253	143	242	40	168	484	1,226
	Medi / September 2014	218	335	43	124	259	156	236	39	164	518	1,253
	Medi / September 2013	218	333	45	123	261	158	240	53	181	526	1,269
	Medi / September 2012	205	344	41	114	237	154	245	65	195	542	1,277
Capasiti / Capacity	Meithrin / Nursery	30	30	-	16	26	23	40	15	22	-	-
	Derbyn – Bl.6 / Reception – Yr. 6	210	210	71	113	186	157	210	56	186	628	1,328
Llefydd Gweigion Medi 2017 Derbyn – Bl.6 / Surplus places September 2017 Reception – Yr.6		2 (1%)	0 (0%)	28 (39%)	2 (2%)	0 (0%)	23 (11%)	0 (0%)	33 (59%)	28 (15%)	193 (31%)	109 (8%)
Rhagamcanion Disgyblion / Pupil Projections	Medi / September 2018	264	344	36	121	206	138	240	28	191	430	1,272
	Medi / September 2019	262	333	38	116	206	144	240	28	197	436	1,280
	Medi / September 2020	268	337	28	115	206	141	240	26	188	447	1,280
	Medi / September 2021	261	328	32	106	200	140	240	30	188	447	1,279
	Medi / September 2022	261	326	34	94	192	140	240	29	188	454	1,274
Data perfformiad Ysgolion (Estyn) / School performance data (Estyn)		1xDigonol/Adequate 2xDa/Good (2013)	2xDa/Good 1xRhagorol/Excellent (2012)	2xDigonol/Adequate 1xAnfodddhaol/ Unsatisfactory (2013) Monitro/Monitoring 2014	* 5xDa/Good (2018)	3xDa/Good (2010)	3xDa/Good (2012)	3xRhagorol/Excellent (2016)	3xDigonol/Adequate (2015) Monitro/Monitoring 2016	3xDigonol/Adequate (2015) Monitro/Monitoring 2016	3xDa/Good (2013)	*5xDa/Good (2017)
Categori Cyflwr Adeiladau (Criteria'r Cyngor) / Category condition of buildings (Council's Criteria)		A	C	B	B	A	B	A	B	B	B	A
Dyranriad Cyllidol 2018/19 Financial Allocation		£902,301	£998,713	£223,511	£389,092	£675,595	£525,318	£788,998	£167,048	£625,551	£2,218,817	£5,456,406
Cost y disgybl 2018/19 Cost per pupil		£3,928	£3,126	£5,451	£3,299	£3,191	£3,721	£3,509	£6,485	£3,445	£5,138	£4,323

13. Defnydd Arall o'r Ysgolion / Other Use of the Schools

	Clwb Brecwast <i>Breakfast Club</i>	Clwb ar ôl Ysgol <i>After school club</i>	Clwb Gwyliau <i>Holiday Club</i>	Cylch Meithrin <i>Cylch Meithrin</i>	Wrap-Around	Defnydd Cymunedol Community use
Y Garnedd	✓	✓	✓	✓	✓	Ymarfer côr Aelwyd (Uwchradd) yr Urdd Urdd Choir Practice (Secondary)
Hirael	✓			✓	✓	
Y Faenol	✓	✓	✓			Côr Dinas Bangor Bangor City Choir
Llandygai	✓	✓		✓		
Cae Top	✓	✓	✓	✓	✓	Kids camp Dreigiau Cae Top Stiwio ddawns - Dancing studio Hyfforddiant Peldroed - Football Training Corau – Choirs
Glanadda	✓					Clwb Yoga Yoga Club
Coed Mawr	✓			✓		
Ein Harglwyddes	✓	✓				
Glancegin	✓	✓		✓	✓	

Ffynhonnell: Arolwg o ysgolion ar sail gwybodaeth a roddwyd gan bennaeth pob ysgol Mai 2017

Source: Survey of schools based on information provided by the headteacher of each school May 2017

Strategaeth Addysg Gynradd o'r Ansawdd Gorau i Blant Gwynedd :

"4.8.1 Ein disgwyliadau yw bod holl ddisgyblion y Sir yn meddu ar ddwyieithrwydd cytbwys oed-berthnasol er mwyn eu galluogi i fod yn aelodau cyflawn o'r gymdeithas ddwyieithog y maent yn rhan ohonni"

Excellent Primary Education For Children in Gwynedd Strategy :

"4.8.1 Our expectation is that all the County's pupils will have developed age-relevant bilingual skills which allows them to become fully participating members of the bilingual society in which they live"

Review of Education Provision in Bangor

Language impact and community impact assessments

Date of Presentation: 2018-09-01

Authors: Gwynedd Council

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Map 1: Location of Bangor schools



1. Introduction

Supporting and developing the ability of Gwynedd children to learn and use their language skills is key to the County's education strategies. The Council is reorganising schools in Bangor, and it is required, in accordance with the School Organisation Code (006/2013), to carry out a language impact assessment. This document outlines the situation regarding the main language considerations relating to the effects of the options in question in Bangor.

1.1 Gwynedd's Situation

The 2011 Census indicates that 77,000 (65.4%) of the Gwynedd population over the age of three can speak Welsh, which is a decrease from the previous Census. The 2011 Census figures also indicate that 65,900 (56%) people over the age of three can speak, read, and write in Welsh.

In Gwynedd, as with many other Local Authorities in Wales, there is a significant difference in the percentage of Welsh speakers within different wards. The 2011 Census demonstrates that the percentage of Welsh speakers across the county varies, with the highest percentage in Llanrug (87.8%) and Peblig (87.4%) wards in Caernarfon. The percentage towards Bangor falls to 36.4%, and in coastal areas in Meirionnydd such as Aberdyfi 35.5%. Even so, the proportion of Welsh speakers represents at least 30% of the permanent population in all wards other than two, namely Menai ward (18.6%) and Deiniol ward (22.8%) in Bangor.

1.2 Language policy

Primary

The aim of the Language Policy is the same across all the County's primary schools, namely to develop the ability of each pupil to be confident in both languages by the end of KS2. Welsh is the official language of assessment at the school at the end of the Foundation Phase. In KS2, there is continuous development of pupils' grasp of Welsh, paying attention to their skills in both languages.

Secondary

In secondary schools, all pupils who have reached the required level, 3+ at the end of KS2, are expected to follow Welsh First Language in KS3 to ensure appropriate continuity and progression. The aim is to enable these pupils to study English and Welsh as subjects up to the end of year 11.

Secondary schools build on the foundation established in the primary school to ensure that all pupils continue to develop skills in both Welsh and English. The County does not define secondary schools according to language categories as all have the same expectation in relation to the Language Policy, namely to give all pupils the opportunity to be confident bilingually.

1.3 Strategic Direction for Education in Gwynedd

The Council's "Excellent Primary Education for Children in Gwynedd" strategy was adopted in April 2009 and revised in December 2010. The Council also developed and supported a major strategy "Towards 2025" in October 2010. The document provides a strategic direction for education and training developments in Gwynedd for the next 15 years. The programme was introduced in the context of the forthcoming national and local policies and plans to transform services provided for children, young people and their families.

2. Language Profile of the Bangor Catchment Area

Some of the proposed changes would have an impact on the number of schools across Bangor. Using data from the 2011 Census, we are able to examine the language profile of Bangor and Pentir wards. The table shows that 7,190 (39.3%) of the area's residents are able to speak Welsh.

Ward	Deiniol	Dewi	Garth	Glyder	Hendre	Hirael	Marchog	Menai	Pentir
All Residents 3+	1,795	1,764	983	1,726	1,449	1,656	2,448	4,107	2,366
Able to Speak Welsh	410 (22.8%)	927 (52.6%)	299 (30.4%)	893 (51.7%)	656 (45.3%)	625 (37.7%)	1,229 (50.2%)	762 (18.6%)	1,389 (58.7%)
Ability to speak Welsh but cannot read or write Welsh	46 (2.6%)	140 (7.9%)	53 (5.4%)	107 (6.2%)	114 (7.9%)	98 (5.9%)	218 (8.9%)	66 (1.6%)	157 (6.6%)
Ability to speak and read Welsh but cannot write Welsh	44 (2.5%)	89 (5%)	17 (1.7%)	67 (3.9%)	69 (4.8%)	57 (3.4%)	109 (4.5%)	31 (0.8%)	116 (4.9%)
Ability to speak, read and write Welsh	320 (17.8%)	691 (39.2%)	229 (23.3%)	717 (41.5%)	468 (32.3%)	469 (28.3%)	900 (36.8%)	661 (16.1%)	1,111 (47.0%)
Another combination of Welsh language skills	46 (2.6%)	45 (2.6%)	25 (2.5%)	48 (2.8%)	47 (3.2%)	36 (2.2%)	79 (3.2%)	70 (1.7%)	52 (2.2%)
Ability to understand spoken Welsh only	101 (5.6%)	294 (16.7%)	74 (7.5%)	206 (11.9%)	179 (12.4%)	175 (10.6%)	447 (18.3%)	156 (3.8%)	265 (11.2%)
No Welsh Language Skills	1,238 (69%)	505 (28.6%)	585 (59.5%)	581 (33.7%)	572 (39.5%)	821 (49.6%)	695 (28.4%)	3,123 (76%)	665 (28.1%)

Estimates from the middle of 2016 for Bangor and Pentir wards indicate a population of 19,313 with 2,665 aged 0-15 years old. This is an increase of 2.69% and 3.86% on the 2011 Census figures. Recently there have been a number of housing developments in Bangor and we expect that the trend of increase in the population will continue.

3. Schools

3.1 Capacity of Schools

There are 9 primary schools in the Bangor area. The table below indicates the capacity of the schools based on the number of pupils attending in September 2017. It is anticipated that the number of pupils will increase in the next few years.

Table 2: Capacity of schools

School	Capacity	Number of pupils	Status
Ysgol Cae Top	210	240	RCE
Ysgol Ein Harglwyddes	113	123	CCP
Ysgol Glanadda	81	41	IS
Ysgol Babanod Coed Mawr	56	28	BS
Ysgol Glancegin	210	251	CS
Ysgol Hirael	186	195	CS
Ysgol Y Faenol	186	219	RCE
Ysgol Y Garnedd	210	338	CS
Ysgol Llandygai	157	149	RCE

RCE – Voluntary Controlled School – Church in Wales

CCP – Voluntary Aided School – Roman Catholic Church

IS – Community Junior School

BS- Community Infants School

CS – Community School

3.2 Academic Performance

The following tables show the results of Foundation Phase and KS2 for Bangor schools:

Table 12: Percentage of pupils who have reached the expected level - Welsh (first language)– Foundation Phase

School	Foundation Phase (Achieved Outcome 5+)					
	2012	2013	2014	2015	2016	2017
Cae Top	86.2	86.7	92.9	100.0	96.4	100.0
Ein Harglwyddes	-	-	-	-	-	-
Glanadda	-	-	-	-	-	-
Coed Mawr	57.1	80.0	75.0	87.5	93.3	87.5
Glancegin	63.6	82.6	80.0	82.9	84.6	83.8
Hirael	77.8	79.2	57.1	76.5	66.7	63.2
Y Faenol	94.7	96.6	93.1	100.0	96.0	87.1
Y Garnedd	96.9	94.6	93.9	95.9	95.0	100.0
Llandygai	83.3	87.0	88.9	90.9	89.5	94.7

Table 13: Percentage of pupils who have reached the expected level - Welsh (first language) - KS2

School	KS2 (Achieved Outcome 5+)					
	2012	2013	2014	2015	2016	2017
Cae Top	70.0	78.6	85.7	100.0	84.6	86.7
Ein Harglwyddes	0.0	76.9	*	75.0	*	*
Glanadda	40.0	77.8	77.8	*	75.0	83.3
Coed Mawr	-	-	-	-	-	-
Glancegin	50.0	70.6	76.9	80.0	60.0	73.7
Hirael	62.5	77.8	77.3	76.0	61.5	73.7
Y Faenol	91.3	88.0	100.0	92.3	92.9	84.6
Y Garnedd	95.2	97.9	97.4	90.5	100.0	100.0
Llandygai	85.7	85.0	92.3	95.0	81.8	88.0

- Not applicable

* Data is not available (Ein Harglwyddes does not follow Welsh (first language))

Source: National Data Collection (NDC) via (<http://mylocalschool.gov.wales/?lang=cy>)

We are able to see that all schools succeed when it comes to academic achievement. Over 70% of pupils in each school have reached the expected level in Welsh (first language) in 2017. We note that even in the schools where the culture of speaking Welsh is not so strong, pupils continue to succeed academically in Welsh and that the schools give them a solid education in the language.

As part of the implementation of the Language Charter, all KS2 pupils in every primary school in Gwynedd (apart from Ysgol Ein Harglwyddes) complete an online language questionnaire relating to the use of Welsh in the school twice a year. Below are the results from October 2017 demonstrating how pupils use Welsh with their teachers. (There is no data for Ysgol Babanod Coedmawr as there are no pupils from 3-6 years at the school).

Table 4: Percentage of children who speak Welsh with their teachers (excluding English lessons)

Speak Welsh with the teachers (excluding English lessons)	Always	Often	Sometimes	Rarely	Never
Ysgol Y Faenol	16%	36.8%	34%	6.6%	6.6%
Ysgol Y Garnedd	96.9%	0.6%	1.9%	0.6%	0%
Ysgol Glanadda	71.4%	11.9%	9.5%	7.1%	0%
Ysgol Cae Top	6%	42.9%	35.7%	11.9%	3.6%
Ysgol Glancegin	57.5%	28.3%	11.3%	1.9%	0.9%
Ysgol Hirael	45.1%	19.5%	23.2%	8.5%	3.7%
Ysgol Llandygai	52.2%	18.8%	13%	5.8%	10.1%

Table 5: Percentage of children who speak Welsh with the Classroom Assistants.(excluding English lessons)

Speak Welsh with the Classroom Assistants (excluding English lessons)	Always	Often	Sometimes	Rarely	Never
Ysgol Y Faenol	8.5%	25.5%	39.6%	16%	10.4%
Ysgol Y Garnedd	96.3%	1.3%	1.3%	0.6%	0.6%
Ysgol Glanadda	69%	14.3%	9.5%	7.1%	0%
Ysgol Cae Top	3.6%	29.8%	44%	13.1%	9.5%
Ysgol Glancegin	51.9%	31.1%	13.2%	1.9%	1.9%
Ysgol Hiracl	36.6%	19.5%	25.6%	11%	7.3%
Ysgol Llandygai	42.0%	17.4%	20.3%	8.7%	11.6%

Tabl 6: Percentage of children who speak Welsh with the rest of the school staff

Speak Welsh with the rest of the school staff	Always	Often	Sometimes	Rarely	Never
Ysgol Y Faenol	7.5%	24.5%	34.9%	17.9%	15.1%
Ysgol Y Garnedd	97.5%	1.3%	1.3%	0%	0%
Ysgol Glanadda	28.6%	40.5%	19%	11.9%	0%
Ysgol Cae Top	3.6%	23.8%	48.8%	13.1%	10.7%
Ysgol Glancegin	48.1%	31.1%	11.3%	5.7%	3.8%
Ysgol Hiracl	31.7%	15.9%	30.5%	9.8%	12.2%
Ysgol Llandygai	34.8%	20.3%	23.2%	7.3%	14.5%

3.3 Informal use of the Welsh Language

Table 3: Percentage of children who speak Welsh with children in the classroom

Speak Welsh with pupils in the classroom	Always	Often	Sometimes	Rarely	Never
Ysgol y Faenol	2.8%	8.5%	57.5%	17%	14.2%
Ysgol y Garnedd	88.8%	6.9%	3.1%	0%	1.3%
Ysgol Glanadda	4.8%	21.4%	66.6%	7.1%	0%
Ysgol Cae Top	2.4%	8.3%	56%	22.6%	10.7%
Ysgol Glancegin	26.4%	25.5%	40.6%	2.8%	4.7%
Ysgol Hiracl	4.9%	15.9%	48.8%	22%	8.5%
Ysgol Llandygai	5.8%	5.8%	31.9%	23.2%	33.3%

Table 7: Percentage of children who speak Welsh with the children on the corridor and in the lunch hall

Speak Welsh with pupils in the corridor and lunch hall	Always	Often	Sometimes	Rarely	Never
Ysgol y Faenol	2.8%	8.5%	24.5%	36.8%	27.4%
Ysgol y Garnedd	83.8%	12.5%	3.1%	0.6%	0%
Ysgol Glanadda	4.8%	21.4%	50%	19%	4.8%
Ysgol Cae Top	1.2%	3.6%	34.5%	35.7%	25%
Ysgol Glancegin	11.3%	20.8%	36.8%	14.2%	17%
Ysgol Hiracl	1.2%	12.2%	32.9%	25.6%	28%
Ysgol Llandygai	7.3%	5.8%	37.7%	15.5%	33.3%

Table 8: Percentage of children who speak Welsh on the school yard

Speak Welsh on the school yard	Always	Often	Sometimes	Rarely	Never
Ysgol y Faenol	2.8%	8.5%	22.6%	30.2%	35.8%
Ysgol y Garnedd	79.4%	16.3%	4.4%	0%	0%
Ysgol Glanadda	0%	19%	57.1%	19%	4.8%
Ysgol Cae Top	0%	5.6%	31%	39.3%	23.8%
Ysgol Glancegin	5.6%	25.5%	42.5%	16%	10.4%
Ysgol Hiracl	4.9%	7.3%	30.5%	29.3%	28%
Ysgol Llandygai	1.4%	7.2%	31.9%	17.4%	42.0%

Table 10: Percentage of children confident in speaking Welsh

I'm confident speaking Welsh	Very Confident	Confident	Fairly Confident	Not Confident	Not at all Confident
Ysgol y Faenol	42.5%	26.4%	19.8%	5.7%	5.7%
Ysgol y Garnedd	78.8%	11.9%	6.3%	1.9%	1.3%
Ysgol Glanadda	59.5%	21.4%	7.1%	9.5%	2.4%
Ysgol Cae Top	15.5%	33.3%	33.3%	8.3%	9.5%
Ysgol Glancegin	60.4%	29.2%	8.5%	0.9%	0.9%
Ysgol Hiracl	46.3%	18.3%	17.1%	12.2%	6.1%
Ysgol Llandygai	44.3%	24.6%	11.6%	2.9%	15.9%

Table 11: Percentage of pupils who think it's important to speak Welsh

I believe that it is important to speak Welsh	Very Important	Important	Fairly Important	Not Important	Not at all Important
Ysgol y Faenol	76.4%	14.2%	5.6%	0.9%	2.8%
Ysgol y Garnedd	84.4%	11.9%	3.8%	0%	0%
Ysgol Glanadda	95.2%	4.8%	0%	0%	0%
Ysgol Cae Top	33.3%	35.7%	20.2%	3.6%	7.1%
Ysgol Glancegin	74.5%	20.8%	1.9%	2.8%	0%

Ysgol Hirael	63.4%	19.5%	13.4%	2.4%	1.2%
Ysgol Llandygai	71.0%	11.6%	8.7%	0.0%	8.7%

Number of responses :

Y Faenol – 106

Y Garnedd – 160

Glanadda – 42

Cae Top – 84

Glancegin – 106

Hirael – 82

Llandygai - 69

It is clear that there are significant differences in the use of the Welsh language by pupils in Bangor schools. We see that Ysgol Y Garnedd is the only school where the majority of pupils “always” speak Welsh on the school yard as well as with teachers and school staff.

The use of the Welsh language remains fairly high at Ysgol Glancegin and Ysgol Glanadda and Babanod Coedmawr with a clear effort from pupils to use the language with school staff and a likelihood to use the language on the school yard “often” “sometimes” or “little”.

There is less use of the Welsh language at Ysgol Hirael, the majority of pupils only “sometimes” speak Welsh with each other in the classroom with a number doing so “very little” or “never” on the yard. However, 65% of pupils “always” or “often” speak Welsh with their teachers.

At Ysgol Y Faenol and Ysgol Cae Top we see that pupils do not use Welsh naturally, with less than 3% speaking Welsh with each other "always" in the classroom. The majority of pupils speak Welsh with their teachers in the school. At Ysgol Y Faenol 35.8%, say that they "Never" speak Welsh in the school yard with 30.2% saying that they were speaking "very little". None of Ysgol Cae Top pupils “always” speak Welsh in the school yard. 39.3% spoke "very little" Welsh and 23.8% "Never" did.

No data is available for the use of the Welsh language in Ysgol Ein Harglwyddes. The Estyn inspection notes that the school needs to make greater use of the Welsh language in lessons. The percentage of pupils meeting the expected standard in Welsh at the end of KS2 is close to the results in Ysgol Hirael and Ysgol Glancegin, which shows good ability in Welsh from the majority of the pupils when leaving the school.

3.4 Children’s language background

At the beginning of their time at school, parents of pupils complete a form which asks questions about the pupils' language background. The tables below show the percentage of pupils who spoke Welsh at home when they started school and the percentage of pupils who spoke a different language to English or Welsh at home.

School	Speaks Welsh at home (%)
Ysgol Y Faenol	17.05%
Ysgol Y Garnedd	67.26%
Ysgol Glanadda	22.58%
Ysgol Babanod Coed Mawr	25%
Ysgol Cae Top	16.46%

Ysgol Glancegin	24.19%
Ysgol Hiracl	13.37%
Ysgol Ein Harglwyddes	3.28%
Ysgol Llandygai	29.1%

School	Speaks another language other than Welsh or English at home
Ysgol Y Faenol	22.12%
Ysgol Y Garnedd	0.29%
Ysgol Glanadda	11.63%
Ysgol Babanod Coed Mawr	32.14%
Ysgol Cae Top	16.46%
Ysgol Glancegin	1.61%
Ysgol Hiracl	22.99%
Ysgol Ein Harglwyddes	47.54%
Ysgol Llandygai	0%

There is a great variation in the linguistic backgrounds of pupils in different schools. The majority of pupils who only speak Welsh at home is Ysgol Y Garnedd, with as little as 3.28% doing so at Ysgol Ein Harglwyddes and 13.37% at Ysgol Hiracl. This is partly due to the demography of Bangor but, also, many Welsh-speaking homes choose for their children to attend Ysgol Y Garnedd as it's locally known as a 'Welsh School'.

4. Additional Evidence

Estyn reports contain a little commentary on the use of Welsh in Primary schools. In addition, some schools comment on their use of the language on their websites.

Cae Top

Estyn's 2016 report states

"About 25% of pupils come from ethnic minority or mixed backgrounds and speak 16 different languages. About 24% of pupils are learning English as an additional language. Welsh is used as the medium of teaching in the Foundation Phase. In key stage 2, teachers are taught through both the medium of Welsh and English." and recommends the school to "continue to raise standards in Welsh"

(<https://www.estyn.gov.wales/sites/default/files/documents/Ysgol%20Gynradd%20Cae%20Top%20en.pdf>)

On the school website they say

"We have ... additional teachers who provides extra Welsh Lessons for specific individuals." "About 27% of our pupils come from overseas, over twenty different languages are spoken in the homes and we are very proud of the multi-cultural ethos found in the school."

Ein Harglwyddes

Estyn's 2011 report states

"Approximately half the pupils are of Asian, Eastern European or other ethnic origin and speak English as an additional language. No pupils use Welsh as a first language." and recommends the school to *"make more consistent use of incidental Welsh during lessons."*

"Pupils of all ages make good progress in Welsh language development. Many respond positively to greetings and instructions with the more confident using simple learned phrases and sentences purposefully to express their ideas."

(https://www.estyn.gov.wales/sites/default/files/documents/Inspection%20Report%20Ysgol%20Ein%20Harglwyddes%20ENG%202011_0.pdf.pdf.pdf.pdf.pdf)

Glanadda

Estyn's 2013 report states

"Twelve per cent of pupils come from homes where Welsh is spoken." And it needs to *"Raise standards in Welsh."*

"They contribute confidently and sensibly to group discussions in English. However, many pupils' Welsh oral skills do not develop sufficiently by the end of key stage 2 and they do not have confidence to contribute effectively to discussions in Welsh."

(https://www.estyn.gov.wales/sites/default/files/documents/Inspection%20report%20Ysgol%20Glanadda%202013_0.pdf.pdf.pdf.pdf.pdf)

Ysgol Glanadda and Coed Mawr are part of a federation called Bro Ddewi and share a website. The website identifies one of the aims of the school as being to:

"Enable all pupils to become fluent in Welsh and English to enable them to become fully involved in the social and cultural life of our bilingual society."

Babanod Coed Mawr

Estyn's 2015 report states

"About 8% of the pupils are from Welsh-speaking homes." "Able pupils read fluently and intelligently in Welsh"

(<https://www.estyn.gov.wales/sites/default/files/documents/Inspection%20report%20%20Ysgol%20Babanod%20Coed%20Mawr%202015.pdf.pdf>)

Ysgol Glanadda and Coed Mawr are part of a federation and share a website.

Glancegin

The Estyn's 2013 report recommends that the school needs to

"Ensure further improvements in Welsh across the school"

And observethat school pupils

“they do not speak Welsh with each other when they are not being supervised directly by an adult.”

“The school takes advantage of every opportunity to add the Welsh dimension in schemes of work and in displays A report on Ysgol Glancegin February 2013 throughout the school. The content is made as relevant as possible to pupils, and about events to which they can relate, for example the bombing of Maesgeirchen during the Second World War. The school provides a number of after-school clubs in order to extend pupils’ experience of using the Welsh language.”

“Teachers’ expectations in terms of the use and standard of the Welsh language are not consistent enough“

https://www.estyn.gov.wales/sites/default/files/documents/Inspection%20Report%20Ysgol%20Glancegin%202013_0.pdf.pdf.pdf.pdf.pdf.pdf.pdf.pdf.pdf.pdf.pdf.pdf.pdf.pdf.pdf.pdf

Hirael

In the Estyn Report 2015, it says

“A few pupils come from Welsh-speaking homes.”

“Many pupils’ Welsh language skills are not developing adequately across the school”

https://www.estyn.gov.wales/sites/default/files/documents/Ysgol%20Gynradd%20Hirael%20en_2.pdf

On the school's website he says

“We follow Gwynedd's Education Department's language policy by providing Welsh-medium education for all children in the Infants Department” and “Staff should always try to use Welsh regularly with every pupil. Welsh should be a consistent feature of displays in every classroom and corridor as every opportunity should be taken to highlight aspects of the Cwricwlwm Cymreig in the general life and work of the school.”

Y Garnedd

The Estyn 2012 report says

“Sixty-seven per cent of pupils come from homes where Welsh is spoken, and about 95% of pupils speak Welsh as a first language or to an equivalent standard. Five pupils come from an ethnic background.”

https://www.estyn.gov.wales/sites/default/files/documents/Inspection%20report%20Ysgol%20y%20Garnedd%20October%202012_0.pdf.pdf.pdf.pdf.pdf.pdf.pdf.pdf.pdf.pdf

Y Faenol

The school prospectus identifies one of their objectives as:

“To enable each pupil to become fluent in both Welsh and English so that he may fully participate in both the social and cultural life of the bilingual community to which he belongs.”

<http://www.faenol.gwynedd.sch.uk/Faenol-Prospectws.pdf>

Estyn's report 2010 recommends that the school needs to:

“improve the standard of pupils' written work in Welsh, especially in key stage 2;”

And said

“Considering their Language backgrounds, most pupils make good progress in Welsh. They show positive attitudes towards learning the language and by the end of key stage 2, they succeed in attaining a good level of bilingualism. Standards in Welsh have improved since the previous inspection.

https://www.estyn.gov.wales/sites/default/files/documents/Inspection%20Report_Ysgol%20Y%20Faenol_ENG_2010_0.pdf.pdf.pdf.pdf.pdf.pdf.pdf.pdf.pdf.pdf.pdf

Llandygai

Estyn's 2012 report states

“About 20% of pupils speak Welsh at home.”

https://www.estyn.gov.wales/sites/default/files/documents/Inspection%20report%20Ysgol%20Llandygai%20Eng%202012_0.pdf.pdf.pdf.pdf.pdf.pdf.pdf.pdf.pdf.pdf.pdf

On the school's website they say

"The school's vision is to encourage use of Welsh in a social context to nurture confident bilingual pupils."

5. Potential Options

Continue with current procedures

Option 3

Extend the Faenol increasing capacity from 186 to 315. New school to Garnedd increasing capacity from 210 to 420. Close Ysgol Coed Mawr and Glanadda. Increase the capacity of Glancegin to receive additional foundation phase pupils. Improvements to the parts of Ysgol Hirael. Consideration given to Secondary provision to include the condition of existing buildings and a new build for Ein Harglwyddes

Option 10

Increase Y Faenol capacity to (270). Garnedd to move to a new site and capacity increased to (330). Modify the Glanadda site to accept Coed Mawr pupils (90). Increase the capacity of Ysgol Glancegin to receive additional foundation phase pupils. Improvements to parts of Ysgol Hirael. Consideration given to Secondary provision to include the condition of existing buildings and a new build for Ein Harglwyddes.

*Following further discussions, based on comments set out in the 4th CRP meeting, Option 3 contains a revised capacity of 315 rather than 270 for Y Faenol. This proposed element will allow annual access arrangements for a class and a half yearly.

6. Conclusion

It is difficult to anticipate what impact any plan will have on the Welsh language. Ysgol y Faenol is known as a multicultural school in the Bangor area with a number of pupils from backgrounds often multi-lingual, with 22.12% of them speaking a language other than Welsh or English at home. There are fewer families who attend Ysgol y Faenol where Welsh is the language within the household with 17.05% currently speaking Welsh at home, however the school achieves in terms of Welsh language provision and standards. Children are encouraged to use the Welsh language in social situations with the help of the Language Charter that is currently in effect in all primary schools in Gwynedd. By increasing the capacity of the school, it is not anticipated that it would change the culture nor the provision at Ysgol y Faenol.

The Language Policy is the same for all Gwynedd primary schools. Considering the evidence above, and in accordance with the Language Policy, the medium of curriculum provision is expected to be the same across primary schools, and all Bangor primary schools (apart from Ein Harglwyddes School) are successful in a significant percentage of pupils achieving the expected level of Welsh (first language) in Foundation Phase and KS2. Gwynedd Council have formed a [Language Policy](#) in order to ensure that the Council and Council Staff continue to promote the Welsh language. The language policy outlines how the Council intends to comply with the [Language Standards](#) and how the Council will seek to take advantage of every opportunity to promote the use of Welsh services amongst Gwynedd residents.

In the Bangor area, Menter Iaith Bangor promotes and expands the Welsh language within the community across the city. They say that they wish to “*see the language becoming a natural feature of everyday life here, on the streets, in the shops, and indeed everywhere, with all residents sharing the responsibility for its future and ensure that it thrives.*” Further information on Menter Iaith Bangor is available on their [website](#).

However, it is recognised that the extent of Welsh culture in primary schools in Bangor and across the County varies, mainly based on the children's language background. This diversity is reflected in the use of Welsh by the children in informal and social contexts. As a response to this, the Council's Charter was developed as a specific scheme which operates in every primary school in Gwynedd to encourage the social use of Welsh by children and to promote awareness of the schools' Welsh language culture.

7. Community Impact

As part of the statutory consultation process, a community impact assessment is required to comply with the Schools Organisation Code 006/2013. This assessment is derived from Welsh Government national guidelines for schools re-organisation, including considerations regarding the unique requirements of rural areas.

“In some areas, the school can also be a focal point for a community activity, and closing implications may be more than a matter of education provision. This can be a typical feature in rural areas if school buildings are used to provide services for the local community”.

“The case prepared by those submitting proposals indicate that an assessment has been held on the impact of school closure on the community, and how the community facilities currently provided by the school, could be held. If there is a proposal to close a school, Local Authorities should consider what action needs to be taken to maintain or improve engagement with education process and with other facilities provided by schools as before and after school activities that could assist to address child poverty.”

Source: Circular 006 /2013

Discussions are being held in the Bangor catchment area regarding primary schools re-organisation. Within the catchment area, there are 9 primary schools and 2 secondary schools. Map 1 (page 3) provides the locations of the schools. Considering that the schools are within close proximity in an urban area, we can state that the school communities have access to the same general resources (e.g. surgery, shopping, church etc.). The community utilises the buildings and resources of some of the schools currently, any change to the buildings, especially the closure of any sites, will impact on the communities.

The following table notes which community activities, outside normal school work, which take place in school buildings. Many of these activities are aimed at school pupils but other community groups, such as choirs, bands and sports teams also make use of the school buildings. .

Table 14: Community Use of school facilities

	Cae Top	Ein Harglwyddes	Glanadda	Coedmawr	Glancegin	Hirael	Y Faenol	Llandygai	Y Garnedd
Yr Urdd	✓				✓		✓		✓
Sports	✓		✓				✓		✓
Choir Practice							✓		✓
Music Practice			✓						✓
After School Club	✓						✓	✓	✓
Breakfast Club			✓				✓	✓	✓
Charity Events	✓		✓		✓		✓		
Educational Clubs	✓	✓					✓		
Community Services							✓		
Nurse Group (Cylch Meithrin)	✓							✓	✓
School Holidays Club	✓						✓		✓
Catholic Church Confirmation Classes		✓							

There is no reason to conclude that any of the options would have a negative impact on the community, the proposal would improve resources.



Modernisation Education Programme
Education Department

Equality Impact Assessment Report

Bangor Catchment

January 2018

Introduction

It has become apparent that a number of issues need to be addressed in Bangor schools, for example:

- overcapacity in some schools (Garnedd and Faenol)
- high number of surplus places in some schools (Coedmawr and Glanadda)
- leadership and recruitment issues – especially headteacher posts
- unsuitable teaching spaces which restrict the ability to provide a full curriculum
- poor building conditions in some cases
- a lack of facilities
- inconsistent per head pupil cost between schools
- ensuring schools are viable in the future, with a detailed consideration of any further housing developments in the Goetre Uchaf area (Penrhosgarnedd)

Gwynedd Council, through its 21st Century Schools Funding Programme, will seek to address the issues above by developing suitable educational models which are viable for the future. Some elements will be implemented through the current Band A Funding Programme (2013-18) and other elements during future funding programmes.

Initial discussions have been held by the Catchment Review Panel (CRP) forum. The CRP consists of Headteachers, Chair of Governors, Parent Governor representatives from all schools in the catchment, Local Councillors, Church (Catholic and Anglican) representatives, and representatives from Group Llandrillo Menai. Following discussion by the CRP, a list of 12 options were identified. It is anticipated that certain elements will be implemented in a phased approach.

Short List of Options :

1. **Status Quo** – current situation unchanged.
2. **(Option 3)** Extend the Faenol to increase capacity from 186 to 315. New school to Garnedd increasing capacity from 210 to 420. Close Ysgol Coed Mawr and Glanadda. New building for Our Lady. Increase the capacity of Glancegin to receive additional foundation phase children. Improvements to the parts of Ysgol Hiracl's building . Consideration of Secondary provision including the condition of existing buildings.

N.B It is anticipated that other elements will be implemented under the Band B funding programme, including, improvements to parts of Ysgol Hiracl, consideration given to Secondary provision (particularly the condition of buildings) and the identification of a more suitable site for Our Ladies school (the majority of which will be financed by the Church (85%) with a 15% contribution from the Council through the 21st Century Schools Programme).

3. **(Option 8)** Close Ysgol Glanadda and Coed Mawr. Extension to Ysgol Faenol (315). A new build for Garnedd (380-420 children). A new Building for Our Lady (120) (Church funding). Creating sports community facilities to be shared by Garnedd, Friars, Cae Top (such as Parc Eirias). Increase the capacity of Glancegin to receive additional foundation phase children. Improvements to the parts of Ysgol Hiracl's building. Consideration of Secondary provision including the condition of existing buildings.

N.B It is anticipated that other elements will be implemented under the Band B funding programme, including, improvements to parts of Ysgol Hiracl, consideration given to Secondary provision (particularly the condition of buildings) and the identification of a more suitable site for Our Ladies

school (the majority of which will be financed by the Church (85%) with a 15% contribution from the Council through the 21st Century Schools Programme).

4. **(Option 10)** Increase the capacity of Ysgol y Faenol (315). Ysgol y Garnedd to new site and increase capacity (330). Modify Ysgol Glanadda's site to accept Coed Mawr children (90). New building for Our Lady. Increase the capacity of Ysgol Glancegin to receive additional foundation phase children. Improvements to the parts of Ysgol Hiraël's building. Consideration of Secondary provision including the condition of existing buildings.

N.B It is anticipated that other elements will be implemented under the Band B funding programme, including, improvements to parts of Ysgol Hiraël, consideration given to Secondary provision (particularly the condition of buildings) and the identification of a more suitable site for Our Ladies school (the majority of which will be financed by the Church (85%) with a 15% contribution from the Council through the 21st Century Schools Programme).

I. Relevant Legislation

The Equality Act 2014 (“the Act”) combines previous anti-discrimination acts into one Act to replace them. It simplifies and strengthens the legislation, and does away with inconsistencies, making it easier for people to understand the legislation and to comply with it. Most requirements of the Act came into force on 1 October 2010. The Act contains new duties for the public sector regarding equality (the ‘general duty’) which replace the individual responsibilities regarding equality in terms of race, disability and gender. This duty came into force on 5 April 2011.

The aim of the general duty is to ensure that public authorities and those undertaking responsibilities consider how they can contribute positively towards a fairer society by improving equality and good relations from day to day. The duty ensures that attention to equality is incorporated into the way that policies are planned and the way that services are provided and ensures that policies and services are continually reviewed. This ensures better results for everyone i.e. the abolition of illegal discrimination, harassment and persecution; the promotion of equal opportunities and the generation of good relationships. These duties are legally binding. Authorities which fail to achieve the duties may face legal challenge.

The Equality Act 2010 protects people on the basis of a series of protected features: Race, Gender, Disability, Sexual Orientation, Gender Re-assignment, Religion, Creed and Age-group. Where relevant, it also protects on the basis of marriage and civil partnership, pregnancy and maternity. It should also be noted that the Act provides protection on the grounds of a ‘connection’ with the protected features, and would therefore protect parents or guardians of disabled children on the basis of their connection with the child. The Act requires that that the duty to give ‘due attention’ is prominent during the decision making process. It is also important to note that public authorities who are bound by the obligations are also likely to be bound by the obligations relevant to the Human Rights Act. Therefore, as part of the same process, it would be prudent to also consider the possible impact that decisions could have on human rights.

2. Implementation

Gwynedd Council Education Department is responsible for this assessment. It was undertaken between January and February 2018. The information is based on data from PLASC September 2017, along with Estyn reports and other sources. Processes are in place to ensure that all relevant schools have an opportunity to input into the equality assessment. School responses will be incorporated into the statutory consultation process. Pupils will also have an opportunity to input their views during the statutory consultation period.

3. Identifying the Impact

What impact will any implemented changes have on people who have equality aspects?

Equality Features	Impact																	
Race (including nationality)	All Gwynedd schools have relevant policies in place to protect individuals from any discrimination based on race, such as Equality, Inclusion and Anti Bullying Policies. The Anti-Bullying Policy provided by Gwynedd Council notes anti-bullying guidelines and procedures based on factors such as race at the school.																	
	<i>The table below identifies pupils from the relevant schools according to ethnicity (PLASC January 2017):</i>																	
	School	White British	White other/mixed	Irish	Romanian	Polish	Turkish/ Cypriot	African	Asian	Bangladeshi	Middle East	Chinese	Pakistan	Arabic	Spanish/Portuguese	Indian	Mixed	Other
Y Garnedd	259	1	1													1	1	3
Coedmawr (Babanod)	13	1											1					
Glanadda	41	1						3	1				2	1				1
Y Faenol	118	9		1	5			4	2	2	8	2	8		4	2	3	2
Hirael	86	9		1			4	2	3	10	1		8			2	3	2
Glancegin	155	1			1	2				1								7
<i>The table below identifies pupils from the relevant schools according to National Identity (PLASC January 2017):</i>																		
School	Welsh	White British	Other	Don't know or haven't said														
Y Garnedd	229	30	0	7														
Coedmawr (Babanod)	7	5	2	1														
Glanadda	29	13	6	2														
Y Faenol	72	74	22	5														
Hirael	43	49	31	8														
Glancegin	99	55	2	11														

The Welsh Language	<p>The Council's Welsh Education Plan sets the same requirements on every school, and therefore in terms of implementing the policy, there will be no changes, irrespective of which model is adopted.</p> <p><i>[A separate assessment will be undertaken to assess any potential effect on the Welsh Language]</i></p>
Disability	<p>As part of the 21st Century Schools Programme, jointly funded by the Welsh Government and Gwynedd Council, there will be an opportunity to ensure that all buildings will meet the requirements and standards of access for the disabled (the DDA). From a construction perspective, any plans implemented will meet Building Regulations Wales 2010 - Part M (Access to and use of buildings). These Regulations comply with the requirements of the Equality Act 2010.</p> <p>The Council's policy requires schools to provide an Anti-bullying Policy, and consequently, all schools will be expected to protect against bullying on the basis of disability, and on any other basis. In addition, Gwynedd schools have a Transport Code of Practice. All the proposed models will also provide opportunities to improve the provision of Additional Learning Needs.</p>
Age	<p>The three short listed options, Models 3, 8 and 10 would include a change to the age cohort for some pupils. Ysgol Coedmawr is currently an infants' school (ages 3 to 7) and Ysgol Glanadda is a junior school (ages 7 to 11). The proposed changes in all 3 options would result in children from Coedmawr and Glanadda being educated in a school with an age range of 3 to 11 on one site. However it is not envisaged that this would have a negative impact as the age range in the majority of Gwynedd schools is for ages 3-11.</p>
Gender	<p>The proposed plans will have little impact on gender as every affected school is a mixed gender primary school.</p>
Religion or Beliefs (or lack of beliefs)	<p>There are a number of schools in the catchment which are of a religious denomination. Ysgol y Faenol is a Church in Wales Voluntary Controlled primary school (CWR(E)) and Our Ladies is a Voluntary Controlled Catholic primary school (CWR(C)). None of the proposals suggest changing the current categories.</p> <p>All schools have an Inclusion Policy which would address any instances which might arise associated with religion or beliefs.</p>

4. Equality Duties

Does the Policy or Service meet these General Obligations?

Equality Act General Obligations	Is the duty met?	In what way?
Removal of illegal discrimination, harassment and persecution	Yes	None of the proposed options will change the statutory duty of the affected schools to protect pupils from any discrimination, harassment or victimisation. The aim is to give pupils the opportunity to voice their opinions in a way that is suitable and appropriate in view of any factors that affect them. They will continue to use the School Council, PSE lessons, anti-bullying

		policies and other methods to ensure that the school abolishes illegal discrimination, harassment and persecution.
Promote equal opportunities	Yes	<p>All of the three options will aim to improve opportunities for each child within the catchment.</p> <p>An Estyn report (January 2007) ‘An evaluation of performance of schools before and after moving into new buildings or significantly refurbished premises’ states that “children who receive their education in new or significantly refurbished buildings perform better, attainment and achievement levels are improved along with attendance and behaviour. Leadership and management also improves, along with quality of teaching. The improvements also mean more choice for pupils because of more space and better facilities. The provision the school makes for before-school and after-school activities also significantly improves”.</p> <p>Every school will continue to promote equal opportunities.</p>
Adopt good relations	Yes	<p>All three options will aim to build upon the good relationship between the schools and their communities, and also encourage schools to share good practise. Option 8 includes opportunities to share community sports facilities.</p> <p>During any school capital development project, the Council will examine all opportunities to improve the relationship between a school and its community and to promote the school for community use.</p>

5. Conclusions

It is not anticipated that any of the three models would have an impact on the substance on any of the equality characteristics included in this assessment. If, following the consultation, some are highlighted; the Council will consider the required course of action. There will be no change to any school policy within the relevant schools as regards equality issues.

6. Monitoring and Mitigation

No negative effects are anticipated. If any are highlighted following the consultation, the Council will seek ways to mitigate them, specifically looking at any suggestions offered in the responses.

MEETING	Gwynedd Council Cabinet
DATE	17 January 2017
CABINET MEMBER	Cllr Gareth Thomas
OFFICER	Arwyn Thomas
ITEM	Review of Bangor catchment area primary education provision

DECISION SOUGHT

The purpose of this report is to request permission to commence discussions at a local level as outlined in the report on reviewing primary education provision in Bangor.

View of the Local Members:

Member's comments to follow.

1. INTRODUCTION

- 1.1 Gwynedd Council has received approval for 6 projects within Band A of the 21st Century Schools Programme. It is expected that all will be completed on time. The Government has also notified Local Authorities regarding their capacity to complete additional projects within Band A (i.e. before the end of March 2019).
- 1.2 The Education Department has identified Bangor as a catchment-area that requires urgent attention due to several factors relating to concerns about primary education that have been identified over several years.
- 1.3 In December 2014, a letter was received from the Welsh Government seeking brief (outline) details and the cost of strategic projects in our area that required completion within Band B time-table for 21st Century Schools Programme. The Band B period will run between 2019-24. The Bangor catchment-area was identified as a catchment-area that would be considered if the Authority prepared future applications.
- 1.4 A recent change has occurred at Bangor schools, especially the primary schools in the Penrhosgarnedd and Coed Mawr areas, that has raised concerns locally and in the Education Department.
- 1.5 2 primary schools in the Penrhosgarnedd area are over capacity. In September 2016, Ysgol Y Faenol exceeded capacity by 20 and Ysgol Y Garnedd exceeded capacity by 106.
- 1.6 The development of new houses at Goetre Uchaf, Penrhosgarnedd will lead to the construction of 245 dwellings and it is estimated that over 90 primary school age and 70 secondary school age pupils will reside in them.

- 1.7 As a result of the challenges listed above, the Education Department is of the opinion that there is a need to start discussions on the future of primary education provision in Bangor without delay, the Band B phase (2019-24) could lead to a crisis in some of the schools within the catchment.

2 REASONS FOR CONSIDERING THE DECISION

2.1 Increase in pupil population and present school numbers

- 2.1.1 A new housing development at Goetre Uchaf, Penrhosgarnedd means that 245 dwellings will be built and it is estimated that over 90 primary and 70 secondary school pupils will reside in them.
- 2.1.2 The two nearest primary schools to Goetre Uchaf are Ysgol Y Faenol and Ysgol Y Garnedd. As it is estimated that the housing development will lead to over 90 additional primary age pupils in the area, there will be a greater demand on the capacity of the 2 local schools to admit pupils. The two schools are already significantly over capacity, with Ysgol Y Faenol 20 and Ysgol Y Garnedd 106 over capacity.
- 2.1.3 There is adequate capacity at the 2 secondary schools for any additional pupils who will reside in the new houses.
- 2.1.4 The developer has committed to a contribution of £1,115,387 towards developing additional primary provision in the area in response to the increase in the demand for places due to the additional houses. Any new primary provision will need to address the demand for these additional places.
- 2.1.5 There are two primary schools with low numbers of pupils, namely Ysgol Coed Mawr (25) and Ysgol Glanadda (50).
- 2.1.6 There are concerns that a capacity of 210 (excluding nursery) will be inadequate for Ysgol Glancegin.
- 2.1.7 The table below shows the capacity for all primary schools and pupil numbers in September 2016.

	Numbers September 2016	Capacity	% surplus places
Ysgol y Garnedd	316	210	0%
Ysgol y Faenol	206	186	0%
Ysgol Cae Top	210	210	0%
Ysgol Babanod Coed Mawr	25	56	55%
Ysgol Glanadda	50	81	38%
Ysgol Hiracl	138	186	26%
Ysgol Llandygai	133	157	15%
Our Lady's	120	113	0%
Ysgol Glancegin	204	210*	3%

*capacity from September 2017

2.2 Pupil numbers and surplus places in secondary schools

- 2.2.1 As the following table indicates, 1,213 pupils attended Ysgol Friars and 465 attended Ysgol Tryfan in September 2016.

	Numbers September 2016	Capacity	% surplus places
Ysgol Friars	1,213	1,328	9%
Ysgol Tryfan	465	628	26%

2.2.2 Over the last 5 years, on average, 63% of pupils from all Bangor primary schools have transferred to Ysgol Friars with 34% transferring to Ysgol Tryfan.

2.2.3 In addition over the last 5 years, on average, over 80% of pupils at Glanadda, Y Faenol, Cae Top, and Our Lady's schools transferred to Ysgol Friars whilst over 80% of pupils at Ysgol Y Garnedd transferred to Ysgol Tryfan. Of the other 3 schools, between 54-66% transferred to Ysgol Friars.

2.3 Condition

On the whole, the condition of schools in the Bangor area is reasonable and categorised as A or B. However, a recent condition and suitability survey on Ysgol Y Garnedd carried out by 'Faithful and Gould' on behalf of the Welsh Government, concluded that there is a need for significant work in order to improve that school's condition from C- to B.

2.4 Educational standards

2.4.1 Recruiting for the post of Head of Coed Mawr and Glanadda schools has proven very challenging and this has created leadership instability over many years. At present there is a part-time, temporary arrangement in place until the end of this academic year.

2.4.2 Ysgol Coed Mawr has been categorised as amber and Ysgol Glanadda as red in the Welsh Government performance categorisation in 2015. In addition, Ysgol Glanadda was graded as 'unsatisfactory' for its school improvement projections following an Estyn inspection in 2013. Following a follow-up inspection in 2014, it was adjudged that:

'Ysgol Glanadda has made adequate progress in addressing the recommendations following the core inspection held in February 2013. Consequently, Her Majesty's Chief Inspector for Education and Training in Wales is withdrawing Ysgol Glanadda from the list of schools requiring significant improvement.'

2.4.3 Ysgol Babanod Coed Mawr was graded as 'adequate' in its 2015 Estyn inspection. Following Estyn follow-up monitoring visits in 2016 it was noted that:

'Ysgol Babanod Coed Mawr has made good progress in key matters for action following Estyn visit in June 2016. The school will now be withdrawn from the list of schools requiring Estyn monitoring. There will be no more Estyn monitoring visits as regards this inspection.'

2.4.4 All other schools in Bangor have received 'good' or 'adequate' following their latest Estyn inspections. Any new primary development will aim to raise educational standards in the area.

2.5 Additional Learning Needs

- 2.5.1 The Gwynedd and Ynys Môn Additional Learning Needs and Inclusion Strategic Review notes the need for centres to improve resources for pupils who have speech, language and communication difficulties and those who have social communication difficulties.
- 2.5.2 Language Disorder Centres offer provision that focuses on specific language disorders, where aspects of the pupil's understanding, expression, speech and a short term memory continues to develop problematically despite appropriate non-verbal ability.
- 2.5.3 Social Communication Centres focus on disorders with social use of language, interaction and communication skills, behavioural needs that stem from social communication difficulties and understanding of social situations. The resource is appropriate for children who have such requirements (i.e. not necessarily a diagnosis of Autism Spectrum Disorder).

3. RELEVANT CONSIDERATIONS

3.1 Application for Welsh Government funding

- 3.1.1 As part of the Band A 21st Century Schools Programme, the Council has already secured a contribution of £2,555,000 from the Welsh Government towards building a new school to accommodate 240 (including 30 nursery places) in Maesgeirchen, to replace the current Ysgol Glancegin. It is envisaged that the construction work will need to be completed by the Autumn 2017 term.
- 3.1.2 An application for £12,730,000 was submitted in September asking for a contribution of £6,365,000 from the Government. This application was approved in principal in October 2016. Gwynedd Council's contribution will be met through a contribution of £1,115,387 from Redrow (Goetre Uchaf development), £4,500,000 of Assets Management Plan funds, and any receipts from the sale of sites up to £749,613.
- 3.1.3 A successful Business Case (5 case *business model*) will need to be presented to secure the contribution from the Welsh Government.

3.2 Timetable for spending the Welsh Government contribution

We know that there are numerous possible options for the future of children's education in Bangor and that the favoured option will become apparent during the consultation process. However, we also know that the Government's 21st Century School Programme grant contribution must be spent by March 2019. This means that £6,365,000 must be spent in a little over 2 years which is a very challenging timetable. If we are to reach this target, there is no alternative but to start the work immediately, in parallel with discussions on educational options.

We know with certainty that we cannot continue to teach children in the present Ysgol Y Garnedd in the medium term because it is not large enough to cope with the present number of children, not to mention housing any additional children that come to live in the city as a result of the proposed housing developments.

We also know that substantial work is needed to deal with some sub-standard classrooms on the Ysgol Y Faenol site as well as the need to improve the present entrance to the site.

The discussion on educational options are unlikely to affect these two requirements and therefore we can begin the design work immediately without prejudicing the outcome of the local discussions. Whatever the model or options that are identified, they are very likely to include constructing a school for the children who are presently on the Ysgol Y Garnedd and the Ysgol Y Faenol sites and therefore, in order to lower the risk of losing the grant funding, it is necessary to commence the design work without delay at the two sites.

3.3 Education Strategies

Gwynedd Council has prepared 2 strategic documents in recent years outlining the strategic direction for education in the county. These strategies will be used as well as those matters identified at a local level as a basis for our discussions.

3.3.1 The strategy '*Excellent Primary Education for Children in Gwynedd*' outlines the vision, objectives and clear principles for the task of reviewing schools organization in the county.

The principal aims of the strategy are to:

- Provide the County's children with the best possible experiences and opportunities by ensuring classes of appropriate size and high quality school leadership;
- Aim to promote and strengthen the Welsh language – as an educational and social medium - by presenting new proposals for primary education within the County;
- Respond pro-actively and creatively to the needs and opportunities provided by the current education system through fostering a collaborative, sustainable and practical longterm plan ;
- Ensure that children gain the greatest positive from education spending within the county by fully utilising all available resources – whether human, technological or financial;
- Improve resources and buildings to create a learning environment of the best possible quality.
- Develop our schools into establishments that are central to community activity.

3.1.2 '*Strategy Programme - Towards 2025*' that lays a strategic foundation to set a direction for education and training developments in Gwynedd. The main aims of this strategy is to:

- Provide the best possible learning experiences - for all learners within the County, ensuring an exciting and broad curriculum, as well as the extra-curricular curriculum, that motivates them to learn and comprehend, which leads to improved standards, making the best possible use of Information Technology;
- Promote and support the physical health and emotional well-being of children and young people - ensuring that the principal education and training establishments in the County are key players when planning and introducing integrated services for children, young people and their families;
- Prepare young people for the workplace - ensuring that they are equipped with the correct kind of skills for employment, especially within the local economy;
- Create an excellent learning environment for children, young people and teachers within the County - principally through improving facilities and buildings, and ensuring that schools are structured to respond to the change in contemporary teaching and learning process practices, especially when using Information Technology;
- Develop educational establishments of the correct type (primary and secondary) so that they provide a focal point for public and community - based services where appropriate - and enrich experiences for children and young people as they become involved with establishments that provide services for the wider community;

- Strengthen the Welsh Language - as an educational and social medium – and to enable children and young people to gain access to bilingual education and training.

3.4 Future Developments

- 3.4.1 Since planning the application at Pen y Ffridd, Bangor was rejected by Gwynedd Council’s Planning Committee, the developer has appealed against the decision and the Welsh Government are considering the appeal. If this decision is overturned, additional places will need to be found for around 146 primary and 113 secondary pupils.
- 3.4.2 There is enough room at the 2 secondary schools to accommodate additional pupils but there will be a need to find places for any primary pupils in schools close to the development. In order to do this, the matter will need to be considered when discussing the area’s needs in the future.
- 3.4.3 The developer has committed to a contribution of £907,018 towards developing additional primary provision in the area if the development goes ahead.

4. NEXT STEPS AND TIMETABLE

- 4.1 If the Cabinet allows the Cabinet Member to proceed to commence local discussions on reviewing primary education provision in Bangor, the next step will be to establish a Catchment Review Committee (CRC) to identify and discuss options, agreeing on a preferred option that will address the area’s future educational needs.
- 4.2 As a result of the local discussions, there will be a need to create and present the first stage of the business case (SOC) to the Welsh Government for their approval for the strategic case for change and the preferred option that we would recommend for consultation. If approved, this will allow us to proceed to the next step of drawing up a final business case, following consultation, to secure a contribution of £6,365,000 from the Welsh Government.
- 4.3 Following local discussions, return to the Cabinet to ask permission to move forward including permission to hold any statutory processes, in accordance with Schools Organization Code guidelines 006/2013, according to the need.

Work Programme

Date	Work
February – May 2017	Hold a series of Catchment Review Panel meetings. The purpose of these meetings will be to agree on a remit, strategy and aims, schools information, process, communication, discuss options, appraise options, impact assessment, agree on a preferred option.
March - May 2017	Prepare and present a SOC application (strategic outline case)
July 2017	Cabinet - Report back to the Cabinet, following local feedback, to request permission to move forward including permission to hold any statutory processes, in accordance with the Schools Organization Code 006/2013 guidelines, according to the need.

5. VIEW OF THE STATUTORY OFFICERS

The Chief Executive:

The case for reviewing the provision is very clear with issues such as present and future numbers and educational standards meriting the main attention. Of course, this is only the start of a process, and there is a long way to go before anything can be realized, but it is important to begin local discussions as soon as possible.

Monitoring Officer:

It is noted that this is the start of local discussions and therefore there is no specific view from a propriety perspective. However we should note that there is a statutory process to follow as the process develops.

Head of Finance:

I welcome the effort to plan ahead to strengthen the education provision in Bangor, and foreseeing developments in the future.

GWYNEDD CABINET DECISION NOTICE

Date of Cabinet Meeting: 17/01/2017

The Decision will come into force and implemented, unless the decision is called in, in accordance with section 7.25.1 of the Gwynedd Council Constitution.

01/02/2017

SUBJECT

Item : REVIEW OF BANGOR CATCHMENT AREA PRIMARY EDUCATION PROVISION

DECISION

Commence discussions at a local level as outlined in the report on reviewing primary school education provision in Bangor.

REASONS FOR THE DECISION

The increase in the pupil population and attendance numbers at schools in the Bangor area as well as the increase in the number of houses there means that the provision in the city needs to be considered for the future. Due to an underspend in Welsh Government's Band A 21st Century Schools Programme, an opportunity has arisen for us to obtain resources to achieve any structural improvements, and in order to take advantage of it, there is a need to establish what we wish to see in Bangor.

In order to establish that, discussions need to be commenced on a local level.

DECLARATIONS OF PERSONAL INTEREST AND ANY RELEVANT DISPENSATIONS APPROVED BY THE STANDARDS COMMITTEE

The following Councillors declared an interest:

Mair Rowlands - Member of the Governing Body of Ysgol Gynradd Cae Top, Bangor
Dafydd Meurig - Member of the Governing Body of Ysgol Gynradd Cae Top, Bangor
Lesley Day - (Local Member) Member of the Governing Body of Ysgol Hiraef, Bangor

It was not a prejudicial interest therefore there was no need to leave the meeting.

ANY CONSULTATIONS UNDERTAKEN PRIOR TO MAKING THE DECISION

Local Members were consulted.

The Statutory Officers were consulted to seek their views, which have been included in the report submitted to the meeting.
