

Number: WG19370



Llywodraeth Cymru
Welsh Government

www.cymru.gov.uk

Welsh Government

Consultation Document

Notification of school term dates regulations

Proposals for Regulations to provide for informing the Welsh Government of the school term dates which have been set for all maintained schools in Wales

Date of issue: **9 September 2013**

Action required: Responses by **29 November 2013**

Notification of school term dates regulations

- Overview** These proposed regulations form part of the Welsh Government's plans to harmonise school term dates across Wales, as set out in the Education (Wales) Bill.
- The Welsh Government would like regulations to be made which provide for how, and within what time period, local authorities are to inform them of the term dates set for all maintained schools within their respective areas.
- This consultation document seeks your views on these proposals.
- How to respond** Response forms should be e-mailed/posted to the address below to arrive by **29 November 2013** at the latest.
- Further information and related documents** Large print, Braille and alternate language versions of this document are available on request.
- The consultation documents can be accessed from the Welsh Government's website at www.wales.gov.uk/consultations
- Contact details** For further information:
School Governance Branch
Schools Management and Effectiveness Division
Department for Education and Skills
Welsh Government
Cathays Park
Cardiff
CF10 3NQ
e-mail: SMED2@wales.gsi.gov.uk
Tel: 029 2082 5485
Fax: 029 2080 1044

Data protection

How the views and information you give us will be used

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

Contents

| | | |
|-----------|---|----------|
| 1. | Ministerial foreword | 1 |
| 2. | Introduction | 2 |
| 3. | Legislative background to the proposed regulations | 3 |
| 4. | What are our proposals for the regulations? | 4 |
| 5. | Consultation questions | 6 |
| | Annex | 7 |

1. Ministerial foreword

As the Minister for Education and Skills, I am aware of the difficulties faced by many hard working families across Wales as a result of variations in school term dates and therefore school holidays.

In order to address this issue legislative changes to the setting of school term dates have been included in the Education (Wales) Bill, which I introduced before the National Assembly for Wales on 1 July 2013.

Whilst the “Bill” is currently undergoing scrutiny by the National Assembly for Wales, subject to passing and receiving Royal Assent, the changes will benefit the people of Wales. The changes mean that local authorities will have to inform the Welsh Ministers of the term dates set for all maintained schools within their respective areas, and the Welsh Ministers will have a regulation-making power to allow them to provide for how and by when local authorities are to notify them of those dates.

The proposals for these regulations are published for consultation. I invite and welcome views from all key stakeholders on the ideas put forward in this consultation. Your contributions will help to ensure that we get the right set of regulations in place for Wales.

A handwritten signature in black ink, appearing to read 'Huw Lewis', is positioned above the printed name.

Huw Lewis AM
Minister for Education and Skills

2. Introduction

2.1 The Education (Wales) Bill (“the Bill”) was introduced before the National Assembly for Wales on the 1 July 2013.

2.2 The Bill, if it passes the scrutiny of the Assembly and in due course receives Royal Assent and becomes law, will make a number of important changes to the current legislative arrangements in respect of how school term dates are set for all maintained schools in Wales. A 12-week consultation was carried out on the school term dates proposals in the Bill, between 3 September 2012 and 26 November 2012, a summary of responses can be accessed at:

<http://wales.gov.uk/consultations/education/schooltermdates/?status=closed&lang=en>.

2.3 One of the legislative changes involves placing local authorities under a duty to inform the Welsh Government of the term dates for all maintained schools within their respective areas.

2.4 In addition, the Bill proposes that the Welsh Ministers are given a regulation-making power which will enable them to provide how and by when notification of term dates is to be given.

3. Legislative background to the proposed regulations

3.1 The Welsh Government's aim in introducing changes to the current legislative arrangements on term date setting is to ensure that school term dates are harmonised for all maintained schools across Wales, with variations in dates occurring very occasionally and only where they can be justified.

3.2 The proposed changes will mean that local authorities and the governing bodies of voluntary aided and foundation schools retain the duty to set school term dates, but have a new duty placed on them to co-operate and co-ordinate with each other when setting term dates, so that the dates set are the same or as similar as possible.

3.3 The Welsh Government hopes that this will lead to the harmonisation of term dates for all maintained schools across Wales. However, it is possible that, despite their best efforts, local authorities and school governing bodies are unable to agree on term dates. If this happens, or if the term dates which have been agreed need amending, the Bill proposes that the Welsh Ministers will have the power to intervene and tell local authorities and the governing bodies of voluntary aided and foundation schools what their term dates must be. This power of the Welsh Ministers is known as a power to "direct" the local authorities and school governing bodies.

3.4 In order for the Welsh Ministers to know whether they need to consider using their powers to direct, they must first know of the term dates which have been set for all maintained schools across Wales. Therefore, the Bill places a duty on local authorities to notify the Welsh Government of the term dates for all maintained schools within their respective areas. This includes the term dates set by the governing bodies of voluntary aided and foundation schools.

3.5 The Bill proposes that the Welsh Ministers are given a regulation-making power which will allow them to provide for:

- the content and form of the notices which local authorities use to notify the Welsh Government of term dates;
- the time period within which the notices are to be given; and
- the procedure which must be followed when notifying the Welsh Government of term dates.

4. What are our proposals for the regulations?

The content and form of the notice

4.1 The notice which is sent by a local authority to notify the Welsh Ministers of the term dates for all maintained schools in its area will need to contain certain essential information. This includes the names of all such schools, as well as the term dates for a particular school year which have been set for those schools by the local authority or – in the case of voluntary aided and foundation schools - by the school governing body.

4.2 In addition, the Welsh Government wants to ensure that governing bodies of all voluntary aided and foundation schools as well as the local authority itself are content that the term dates which they have set for their schools are accurately recorded on the notice which is sent by the local authority to the Welsh Government.

4.3 For this reason, we propose that the chair or vice chair of the governing body as well as the local authority's director of education will need to sign the notice to demonstrate that the dates for their schools are accurate.

4.4 A draft of the notice showing the proposed layout and content is attached as an Annex to this document.

The time period within which the notice is to be given

4.5 Some local authorities set term dates as far as 5 years in advance, while others choose to set term dates only a couple of years ahead. We propose that regulations provide for local authorities to send the notice (or all "partial" notices – please see paragraphs 4.7 to 4.12 below) of term dates for all maintained schools within their respective areas to the Welsh Government by the final working day of August, two full years prior to the start of the school year in question.

4.6 As the Welsh Government proposes that the first year in which these new arrangements on term dates are to have affect will be the school year September 2016 to July 2017, all notices of term dates for this school year will need to be received by close of business on Friday 29 August 2014. This will allow sufficient time, if necessary, for the Welsh Ministers to consider using their powers of direction, consult upon the use of those powers and use their power to direct in order to effectively set term dates for the school year 2016-17 by the summer of 2015.

The procedure to be followed by local authorities when notifying the Welsh Government of term dates within their respective areas

4.7 The Welsh Government recognises that it may be difficult for a local authority to obtain the signatures of all chairs or vice-chairs of voluntary aided and foundation school governing bodies on one paper document. For this reason, we propose that it is possible for a “complete” notice for all of the schools within the local authority’s area to be made up from multiple “partial” notices, should the local authority wish to proceed in this way.

4.8 Partial notices may cover the term dates for only one school, or several schools. However, all notices should include information on how many notices will make up the complete notice, and where in the notice sequence a particular notice appears.

4.9 In practice, this will mean completing the wording “This notice is number {insert the notice sequence number of this notice} of {insert how many partial notices will make up the “complete” notice}” shown in the top right hand corner of the proposed form set out in the Annex to this document. For example, if a notice is the fourth in a sequence of 10 partial notices which will make up the “complete” notice, then this wording should read “This notice is number 4 of 10”.

4.10 If only 1 notice is submitted containing the term date details for all schools within a local authority’s area, then the wording should read “This notice is number 1 of 1”.

4.11 All notices may be in electronic or paper form, or a mixture of both. For example, a local authority may submit a partial paper notice for all of the schools for which it sets term dates, and then 3 further partial paper notices and 6 partial electronic notices to cover the term dates for voluntary aided and foundation schools. Together these 10 partial notices make up the complete notice.

4.12 Where partial notices are used it will be necessary for the local authority’s director of education to sign each notice, whether in paper or electronic copy. Of course, it also will be necessary for each partial notice to contain the signature of the chair or vice-chair of every voluntary aided and/or foundation school whose term dates are set out in that notice.

5. Consultation questions

In relation to these proposals for regulations regarding the notification of school term dates, the Welsh Government would welcome your views on the following questions. Please use the template provided in this consultation to record your answers.

Annex

This notice is number *{insert the sequence number of this notice}* of *{insert how many partial notices will make up the complete notice}*¹

{Insert here the name of the local authority}

Notice of term dates given in accordance with section 32A of the Education Act 2002²

{Insert here the name of the local authority} gives notice that the following school(s):

{insert here the name of the school or schools to which this notice applies}

will have the term dates below for the school year *{insert here the dates of the school year to which this notice applies e.g. 2016-2017}*

{Insert below the term dates which have been set}.

Start of Autumn Term:

Start of Autumn Half Term:

End of Autumn Half Term

End of Autumn Term:

Start of Spring Term:

Start of Spring Half Term:

End of Spring Half Term:

End of Spring Term:

Start of Summer Term:

Start of Summer Half Term:

¹ For example, "This notice is number 4 of 10".

² Section 32A of the Education Act 2002 was inserted by section 49 of the Education (Wales) Act 2014.

End of Summer Half Term:

End of Summer Term:

Signature (local authority director of education)

Print name

Date

³Signature (chair or vice chair of school governing body)

Print Name

Name of school

Date

³ This signature and information block must be completed by a signatory for every voluntary aided and foundation school to which this notice applies.