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Consultation Document

Draft School Organisation Code

Date of issue: **24 October 2012**

Action required: Responses by **16 January 2013**

Draft School Organisation Code

Overview

The School Standards and Organisation (Wales) Bill proposes that the Welsh Ministers be required to issue a School Organisation Code.

The School Organisation Code will impose requirements in accordance with which relevant bodies (the Welsh Ministers, local authorities, governing bodies and other promoters) must act. It will also include 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.

This consultation asks for views on the draft School Organisation Code which can be found on the consultation web page along side this document.

How to respond

Response forms should be e-mailed/posted to the address below by **16 January 2013**.

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

David Weale
Schools Management and Effectiveness Division 3
Department for Education and Skills
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

e-mail: SchoolsManagementDivision3@Wales.gsi.gov.uk
Tel: 029 2082 6017

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.

Background

The School Standards and Framework Act 1998 (SSFA 1998) gives local authorities, governing bodies of voluntary and foundation schools and others powers to make proposals to establish, alter, change the category of, or close schools. The powers apply to mainstream and special schools funded by a local authority. Regulations made under the SSFA 1998 specify how the process of using these powers is to be carried out. There are also two guidance circulars – Circular 9/99 SSFA 1998 Organisation of School Places¹, which describes the procedures for publishing and deciding proposals; and Circular 21/09 School Organisation Proposals², which sets out the policy considerations that proposers need to take into account when developing a proposal and the criteria Welsh Ministers apply in deciding the proposals that they are required to determine.

In November 2010 the Welsh Government issued the consultation document *School Organisation – potential change to the process* setting out potential changes to the legal process relevant to school organisation. Responses to the consultation were collected and after careful consideration revised legislation has been drafted and included in the School Standards and Organisation Bill.

The Bill repeals the various elements of existing legislation on school organisation in Wales and replaces them with a single, comprehensive legislative framework. Much of the existing legislation has been restated, albeit in a modified form where this is considered appropriate for the purposes of clarity or simplicity. Furthermore, new arrangements are included which are designed to reflect the impact of school organisation proposals in an area by ensuring that decisions are taken at an appropriate level, in accordance with the level of concern expressed by those most involved in a locality. They will ensure that the vast majority of proposals are determined at the local level and in many instances the process should be swifter.

The Bill also makes provision for the introduction of a School Organisation Code. The purpose of the Code is to impose requirements in accordance with which the Welsh Ministers, local authorities, governing bodies of maintained schools, local determination panels, and the promoters of proposals to establish voluntary schools must act. It may also include guidance to which relevant bodies must have due regard.

The draft Code accompanying this consultation document is intended to:

- act as a guide to the legislation included in the Bill
- provide guidance on good practice
- set out in detail the mandatory requirements in relation to matters such as school organisation consultation
- set 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.

¹ National Assembly for Wales Circular 9/99 – School Standards and Framework act 1998: Organisation of School Places.

² Welsh Assembly Government Circular 021/2009 – School organisation proposals.

The Code would replace the existing guidance circulars and has been prepared in the light of the Welsh Government's duty to have regard to the United Nations Convention on the Rights of the Child when planning and developing new legislation or policy, or reviewing or changing existing legislation or policy. An assessment has been made of the Code's likely impact on rights of children and young people and its contents have been drafted with a view to promoting those rights, in particular in relation to rights to be consulted and to be provided with an education which is suitable to their needs (articles 12, 13, 28 and 29 of the Convention).

After taking into account the outcome of this consultation, it is anticipated that the draft code on school organisation will be laid before the National Assembly as soon as possible after the Bill is enacted. The provisions included in the Act, the requirements of the Code and the statutory guidance are expected to come in to force in autumn 2013 and will apply to any school organisation proposal published after that date.