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School organisation: consultation with children and young people

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Guidance

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School organisation: consultation with children and young people

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| Audience | Local authorities; governing bodies of maintained schools; other proposers of school organisation. |
| Overview | The <i>School Organisation Code</i> Statutory Code document no: 006/2013 requires those bringing forward school organisation proposals to make suitable arrangements to consult with the pupils of any school which is affected and, where possible, children and young people who are likely to attend that school. This document provides proposers with brief practical guidance on how this consultation may be conducted. It describes some of the features of good practice in relation to such consultations and some of the practices which proposers should avoid. It also provides examples of past consultation exercises. |
| Action required | See above. |
| Further information | Enquiries about this document should be directed to: Schools Management and Effectiveness Division Department for Education and Skills Welsh Government Cathays Park Cardiff CF10 3NQ Tel: 029 2082 6017 e-mail: SchoolsManagementDivision3@wales.gsi.gov.uk |
| Additional copies | This document can be accessed from the Welsh Government's website at www.wales.gov.uk/educationandskills |
| Related documents | School Standards and Organisation (Wales) Act 2013 <i>School Organisation Code</i> Statutory Code document no: 006/2013 |

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Introduction

- 1.1 As of 1 October 2013, proposals to open, close or otherwise significantly alter schools must be consulted upon, published and determined in accordance with the provisions found in Part 3 of the School Standards and Organisation (Wales) Act 2013 and the School Organisation Code (No:006/2013) (*the Code*).
- 1.2 The Code requires that proposers (i.e. local authorities, governing bodies and the promoters of new voluntary schools) make suitable arrangements to consult with the pupils of any school which is affected by school organisation proposals and, where possible, children and young people who are likely to attend that school. The Code says that consultation must include consultation with the school councils of schools which are affected and should also include consultation with individual pupils where this is appropriate and practicable. The requirement has been set in respect of Article 12 of the United Nations Convention on the Rights of the Child (UNCRC) which states that children and young people have a right to have their views and opinions heard and listened to in decisions made by adults which affect their lives.
- 1.3 The Code states that proposers should place the interests of learners above all others. Ensuring that children and young people are properly engaged in the consultation process, and giving their comments and opinions proper consideration, will provide proposers with valuable feedback on the extent to which their proposals meet the needs of the learners. It may also help to secure the support of learners for proposed change.
- 1.4 This information document is intended to provide proposers with brief practical guidance on consultation with children and young people. It describes some of the features of good practice in relation to such consultations and some of the practices which proposers should avoid. It also provides examples of past consultation exercises.
- 1.5 This document is not intended as a comprehensive guide to consultation with children and young people or as a set of rigid requirements which must be met. Proposers will need to consider carefully the context of each individual proposal in order to determine what form and level of consultation is appropriate. There will be occasions when proposers will need to make substantial efforts to ensure that views of children and young people are obtained and taken into account. There will be other occasions when the nature of proposal is such that the appropriate level of consultation will be minimal. However, the emphasis should always be on doing the maximum possible to ensure the participation of children and young people in the process.

Principles and practice

Key principles

- 2.1 The Code the notes that 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.
- 2.2 These principles apply as much in relation to consultation with children and young people as to any other consultation.
- 2.3 In addition, the National Standards for Children and Young People's Participation in Wales provide an agreed consistent framework within which consultation with children should take place. Proposers should be aware of these standards and aim to meet them. They can be found via the link below:
- <http://goo.gl/UbkLQY>
- 2.4 Proposers will need to pay particular attention to ensuring that the method by which information is provided to children and young people, and the way in which that information is expressed, is appropriate to their age. Furthermore, proposers will need to consider carefully how children and young people are expected to make their views known, and ensure that the processes they adopt maximise the opportunity for children and young people to contribute. Above all proposers must respect and value, and provide evidence that the opinions of children and young people have been taken into account.

Good practice – methods of consultation

- 2.5 Consultation can be conducted in a variety of different ways. Proposers might choose to hold meetings, organise small group workshops or seek views by means of a questionnaire. Proposers should also consider using internet based forms of information provision and comment receipt, particularly where proposals potentially affect children and young people across a whole area rather than specific schools. However, consultation with a school council should normally take place at a face to face meeting. Whatever consultation method is chosen, the aim should be, in the context of the individual proposal, to maximise the participation of children and young people in the consultation process.
- 2.6 Proposers should be imaginative in the way that they consult, particularly when dealing with younger children – for example consultation might involve art or game based activities as well as group discussion.

- 2.7 Children and young people should be able to access help from an adult in order to understand the information or to submit their views on it. Proposers should seek to identify an adult who can perform this role.
- 2.8 Local authorities may wish to use individuals skilled in child engagement to undertake the consultation on a proposal and act as a conduit for responses. The use of play workers to organise and operate group activities may be useful in relation to consultation with the youngest children.
- 2.9 Proposers should be willing to undertake different forms of age appropriate consultation in relation to the same proposal – for example, in relation to a secondary reorganisation, separate consultation documents may be necessary for primary and secondary age pupils.
- 2.10 Where consultation meetings or workshops are held, proposers should also provide sufficient time and opportunity for written comments from children and young people or adults who have been asked to represent them.
- 2.11 Pupils may wish to submit comments anonymously. One potential way of enabling this would be through the use of a comments box located in the school. This approach can promote a more balanced view of the proposal.
- 2.12 Where necessary, proposers should make specific arrangements for engagement with vulnerable children and those with additional learning needs.
- 2.13 Whatever consultation method/s are chosen, proposers should ensure consistency in the way that they consult with different groups of children and young people where the characteristics of those groups are similar and the level of their interest in a proposal the same. So, for example, where several primary schools are proposed for closure and replacement by a single new primary school, the nature of the consultation conducted with pupils from each of the primary schools should be identical. However, where a primary school is proposed for closure and its pupils are to be dispersed to several other primary schools, the nature of the consultation conducted with the pupils of the receiving school need not be the same as that conducted with pupils of the school that is closing.

Good practice – content of consultation

- 2.14 The school organisation process and timetable should be set out in brief.
- 2.15 It should be clear to children and young people how comments and views are to be submitted and the means by which responses are to be made should be suitable for children and young people. The closing date for the submission of views should be made clear and should match that relating to the adult version of the consultation document.

- 2.16 Children and young people should be able to understand how their views will be taken into account and where they can access the consultation report. The Code requires proposers to ensure that the views expressed by children and young people are highlighted in the consultation report and proposers should respond to those views. The report must be made accessible to children and young people and, where appropriate, proposers will need to make special provision to feed back its content to them so that they can see how their views have been taken into account.
- 2.17 Children and young people should be made aware that whilst their views will be taken seriously, their opposition to a proposal does not in itself mean that the proposal will not proceed.
- 2.18 Consultation exercises might offer children and young people opportunities to suggest improvements to proposals.
- 2.19 In considering what information should be provided in consultation with children and young people, proposers should have regard to the list of matters for inclusion in the general consultation document, as set out at 3.2 of the School Organisation Code, presented in an accessible format according to the age of the audience.
- 2.20 Local authorities might consider using examples of relevant past proposals which have been successfully implemented to illustrate their proposal. Testimonials from children and young people affected by previous proposals may also be useful.
- 2.20 Often, the greatest concerns of children and young people affected by proposals focus on the transition from one situation to another, particularly where a change of schools is involved. Proposers should make a particular effort to explain in some detail what the practical effects will be in order to seek the views of pupils on proposed transition arrangements.

Practices which should be avoided

- 2.21 Where a local authority is the proposer, it should not leave the organisation and operation of the consultation exercise to the school staff/governing body.
- 2.22 Consultation should not be conducted in such a way that it focuses solely on the benefits of a proposal and prevents children and young people from commenting on its broader implications. Proposers should look to ensure that consultation is balanced by providing any disadvantages that they believe a proposal would have in addition to its benefits.
- 2.23 Where a local authority is the proposer, it must not fail to undertake proper consultation with pupils because the head or governing body of an affected school refuses to facilitate access to the pupils. The Code requires governing bodies to facilitate consultation with pupils.

2.24 Proposers should not restrict consultation solely to large group meetings where some children and young people may feel uncomfortable about expressing their opinions.

Examples

- 3.1 A local authority was seeking to establish a specialist teaching facility (STF) for pupils with autistic spectrum disorder (ASD) at a primary school.

A short consultation paper was sent out to the junior age pupils which explained, in simple terms, the purpose of STFs and the particular needs of children with ASD, and the reasons why the proposal was being brought forward. It also explained how the STF would be accommodated within the school, the number of pupils it would hold, that it would be separately funded, resourced and staffed, and that opportunities for the integration of its pupils with mainstream pupils would be sought wherever possible.

The consultation document informed pupils that they could make their views known by writing to or emailing the local authority. It also informed them that the local authority had arranged to meet and discuss the proposal with a group of pupils from the school.

Finally the document explained what would happen once the consultation period had ended, including the publication of notices, the opportunity for objections, and the subsequent decision making process.

Following the distribution of the consultation document, local authority officers met with a group of pupils drawn from years 5 and 6 at the school. Also present were the school's chair of governors and one member of staff. Introductions were made and the background to the proposal was set out. The pupils were then invited to ask any questions or raise any concerns that they might have. The questions asked by pupils and responses made by the local authority officers were fully recorded and fed into the subsequent consideration of the overall consultation responses.

- 3.2 A local authority proposing to establish a new Welsh medium secondary school sought the views of children and young people in the wider community. The local authority's youth forum coordinator organised separate workshops with members of the local junior and youth forums and a participation and inclusion project group to discuss the proposal.

Each group was given the same background information about the proposal and explanation of its rationale and the details of its proposed implementation. The groups were then asked whether they were for or against the proposal by holding up 'yes' or 'no' cards and the numbers were recorded. Those voting no were asked why they opposed the proposals and what changes or alternatives they would suggest. All participants were asked if they had any other comments they wished to make. All responses and comments made were recorded and participants were told that they would be passed to the local authority for consideration.

3.3 A local authority was proposing a series of linked changes to primary and nursery provision which involved the closure of two primary schools and the closure of a nursery school. The local authority's play service was asked to undertake consultation with the children affected. With the support of the teaching staff, workshops were organised to capture the pupils' views and opinions. Due to the age range of the pupils participating, a variety of methods were used, including art and games as well as group discussion.

Separate workshops were held with infant and junior age groups consisting of an open discussion with prompted topics, namely;

- The pupils' personal opinions of the school's possible closure and how they felt about it;
- Their feelings in relation to meeting new friends in a new school if their current one were to be closed;
- Their feelings about the possibility of being taught by new teachers;
- What steps might be taken to make it easier for them to integrate.

In the case of the nursery school children, care was taken to make the consultation as a basic and easy to understand as possible. Group games and some arts and crafts activities were undertaken prior to the consultation. Pupils were then asked three questions:

- What do you like about your nursery?
- How do you feel about going to a new school? Are you happy sad excited or worried?
- What are you looking forward to in your new school?

The comments and opinions expressed by the pupils were recorded and set out in a short report.