

School Standards and Organisation (Wales) Bill: Summary of changes made at Stage 2

Introduction

This document sets out the main changes made to the **School Standards and Organisation (Wales) Bill** (‘the Bill’) during Stage 2 proceedings.

Background

The Bill was introduced by the Minister for Education and Skills, Leighton Andrews AM, on **23 April 2012** and subsequently referred by the Business Committee to the **Children and Young People Committee** (‘the Committee’) for Stage 1 scrutiny.

The Committee published its Stage 1 report in **October 2012**. The Constitutional and Legislative Affairs Committee published its **report** on the Bill’s subordinate legislation provisions in the same month. The Bill was approved unanimously at Stage 1 by the Assembly following a debate on its general principles in Plenary on **23 October 2012**.

Stage 2 commenced on 24 October. A total of 214 amendments were tabled (139 of which were tabled by the Welsh Government). The committee met to consider and dispose of the amendments on **14 November** and **28 November**.

Further information about the Bill (as introduced) is available in a **Bill Summary** prepared by the Research Service.

Amendments passed at Stage 2

A total of 141 amendments were agreed by the committee during Stage 2 proceedings. All but one (amendment 98 relating to local determination panels) of the Welsh Government amendments were agreed. Three non-government amendments were agreed. The most significant changes made to the Bill are summarised below:

Intervention in maintained schools

- Amendments 1 and 2 add a requirement to ensure that copies of warning notices or notices bringing an intervention to an end issued by a local authority in relation to a maintained school, are provided to Welsh Ministers.
- Amendments 5, 6, 7, 12, 13, 14, 15, 16, 35, 80, 87, 93 and 94 are all technical amendments which replace references to ‘the appropriate diocesan authority’ with ‘the appropriate religious body’.

Consultation by Welsh Ministers

- Amendments 17 and 18 add Her Majesty’s Chief Inspector of Education and Training in Wales (Estyn) as a statutory consultee prior to the making of any School Improvement Guidance and school organisation codes produced by the Welsh Ministers. These changes follow recommendations made by the committee in its Stage 1 report and by the Constitutional and Legislative Affairs Committee.

Local determination panels

- Amendments 99 and 100 ensures that teachers currently or formerly employed by a local authority are not excluded from being members of a local determination panel (‘LDPs’) by reason of that employment.
- Amendment 147, tabled by Aled Roberts AM, enshrines in the Bill the impartiality of local authorities in the function of LDPs.

School organisation proposals: changes of category

- Amendments 23 and 26 makes it clear that foundation or voluntary schools with a religious character cannot change category to become a community school.
- Amendment 28 removes section 46 and its requirement for the governing body of a voluntary aided school to make a proposal to change the school's category to voluntary controlled if it is unable to carry out its obligations in relation to capital investment repair. This is intended to mirror the existing provisions found in the *School Standards and Framework Act 1998*.

School organisation: power to make orders or to give directions

- Amendments 36, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 50, 52, 53, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 86 and 111 removes the word "by order" from certain sections to clarify that the powers contained in the sections referred to in the amendments are executive in nature. According to the Minister, getting rid of this term removes any room for possible confusion about the nature of the powers contained in the Bill.

School organisation: regional provision for special educational needs

- Amendment 67 places an additional requirement on Welsh Ministers to consult in accordance with the school organisation code before publishing proposals to secure regional special educational needs provision.

Categories of objectors

- Amendments 31 ensures that proposers are able to identify the category into which objectors might fall. In particular it clarifies that where objectors fail to identify the nature of their interest, their objections may be considered to fall outside of the listed categories.
- Amendment 32 extends the list of category 2 objectors to include charitable trusts holding land or buildings on behalf of a school in recognition of their interest in that school.
- Amendment 185, tabled by Angela Burns AM, takes out "in Wales" in section 51 to provide consistency so as to allow local authorities in England an opportunity to object to proposals that directly affect them.
- Amendment 186, tabled by Angela Burns AM, extends the list of category 3 objectors to include organisations who represent the interests of parents of children and young people who attend, or might attend in future, the school which is the subject of the school organisation proposal.

Foundation and foundation special schools

- Amendments 19 to 22, 27, 29, 30, 37, 49, 51, 54, 55, 68, 69, amendments 71 to 79, 88, 89, amendments 95 to 97, amendments 102 to 110, and amendments 112 to 139 prevents the establishment of new foundation special schools or the conversion of community special schools to foundation special schools to reflect the current legislative position in Wales in relation to mainstream foundation schools.

Free school breakfasts and school-based counselling

- Amendment 90 makes it clear on the face of the Bill that legislative provisions regarding free breakfasts and school-based counselling will come into force on 1 April 2013.

Parents' meetings

- Amendment 81 changes the way in which the number of parents required to successfully petition a meeting with the school governing body is calculated. In particular, the amendment changes thresholds so that all schools, regardless of size, would require whichever is the lower of the parents of a) 10 per cent of registered pupils or b) 30 registered pupils, to successfully petition for a meeting.
- Amendments 82, 83, 84 and 85 provide that, following a successful petition for a parents' meeting, the governing body will have a longer period of 25 days within which to hold the meeting.
- Amendments 91 and 92 amend the current commencement provisions in the Bill so that the duty on a school governing body to hold meetings with parents, following the presentation of a successful petition, is commenced two months after Royal Assent.

Commitments made by the Minister

During Stage 2 proceedings, the Minister made commitments to consider and discuss issues raised by the following amendments, ahead of the Stage 3 debate. Details of these amendments are included below:

Local determination panels

- Amendments 157 to 171 and 175 to 176, tabled by Simon Thomas AM, sought to remove LDPs as a means of determining school organisation proposals and replace them with a system that provides for local authorities to make decisions on proposals, having regard to any guidance issued by the Welsh Ministers.

Welsh in education strategic plans

- Amendment 205, tabled by Angela Burns AM, sought to add a requirement for local authorities to be consulted before the Welsh Ministers modified a Welsh in education strategic plan (WESP) or prepared an alternative WESP
- Amendments 150, tabled by Aled Roberts AM sought to ensure that WESPs contain proposals on how demand for Welsh medium education will be met following its assessment. Similarly, amendment 172, tabled by Simon Thomas AM, sought to ensure that the Bill provides for addressing the demand for Welsh education as well as assessing demand.

Next steps

An **amended version of the Bill** has been prepared by the Legislation Office.

Stage 3 began on 29 November 2012 (the day after Stage 2 proceedings were completed). Members have until 6pm on 8 January 2013 to table further amendments through the Legislation Office (legislationoffice@wales.gov.uk). Stage 3 proceedings will take place in plenary on 15 January 2013.

Further information

For further information on the Bill, please contact the Legislation Clerk, Liz Wilkinson (elizabeth.wilkinson@wales.gov.uk), extension 8025, or Sian Hughes (sian.hughes@wales.gov.uk), extension 8221.