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Consultation Document

School term dates: Proposals for reforming how school term dates are set for all maintained schools in Wales

Date of issue: **3 September 2012**

Action required: Responses by **26 November 2012**

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School term dates: Proposals for reforming how school term dates are set for all maintained schools in Wales

Overview

The Welsh Government wants to change the way in which school term dates are set for all maintained schools in Wales, so that school holidays across Wales may be harmonised.

This consultation document seeks your views on these proposals.

How to respond

Response forms should be e-mailed or posted to the address below to arrive by **26 November 2012**.

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

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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 If someone has asked for their name and address not to be published, that is an important fact we would take into account.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.

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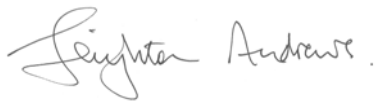
1. Ministerial foreword

The Welsh Government wants to find ways to help those families who experience problems as a result of variations in school term dates throughout Wales, and therefore school holidays. These variations in term dates can happen between different local authorities, as well as between different types of school within a single local authority area.

Our intention is to harmonise school term dates for all maintained schools in Wales, with variations occurring very occasionally and only where they can be fully justified.

This can be done through the organisations which currently have responsibility for setting term dates for all maintained schools in Wales working together, so that they agree school term dates on a Wales-wide basis. Where this does not happen, or where there is good reason to think that the school term dates which have been agreed need to be altered, the Government intends to bring forward legislation to enable Welsh Ministers to step in to make sure that appropriate term dates are set.

These proposals 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 framework in place in Wales.



Leighton Andrews AM
Minister for Education and Skills

2. What is the current position?

2.1 The current position is that local authorities set term dates for community, community special, voluntary controlled and nursery schools, while governing bodies do the same for voluntary aided and foundation schools. This is due to the provisions of section 32 of the Education Act 2002.

2.2 There is no legal responsibility placed on either local authorities or the governing bodies of voluntary aided and foundation schools to work together to harmonise term dates across Wales.

2.3 In addition, the current law does not allow the Welsh Ministers to exercise control over or intervene in the setting of school term dates and school holidays.

2.4 Currently, local authorities plan school term dates as far as five years in advance and then forward those dates to Estyn (Her Majesty's Inspectorate for Education and Training in Wales). These school term dates do not include dates for voluntary aided or foundation schools, although often the term dates set by these schools' governing bodies are the same as the term dates set by local authorities.

3. Why are we proposing changes?

3.1 The Welsh Government has had a recent marked increase in correspondence, mainly from parents of pupils, relating to the different term dates set by local authorities and the problems this can cause for some families. These problems include difficulties with finding childcare, as well as meeting additional childcare costs. For example, a parent/carer who teaches at a school maintained by one local authority, but whose children are pupils at a school maintained by another local authority, may have had different school holidays for the Easter 2012 break. This in turn could have meant that the family needed extra childcare, and had to fund these additional costs from the family budget.

3.2 Also, there is sometimes an issue with term dates set by the governing bodies of voluntary aided and foundation schools, which can differ from the term dates set by the local authority within whose area the voluntary aided or foundation school is situated. For example, faith schools will usually be open during Holy Week and will take Good Friday and the following two weeks as Easter holidays. Some local authorities will set the same term dates as these for their community and voluntary controlled schools so that parents/carers do not face childcare difficulties. However, other local authorities will choose to have all of Holy Week and the following week off for the Easter holidays.

3.3 If parents/carers work in community or voluntary controlled schools in these local authority areas, but their children go to a voluntary aided or foundation school (or vice versa), then the Easter holiday dates may cause childcare difficulties for these families even though the children's school is within the same local authority area as where the parents/carers work. Similarly, if a family has a younger child who goes to a voluntary controlled junior school and an older child who goes to a voluntary aided high school, this also could cause childcare difficulties where the older child of high school age is young enough to still need childcare.

3.4 The Welsh Government has had discussions with the Welsh Local Government Association (WLGA) on the issue of differences between local authorities on the setting of school term dates. As the overarching body representing local authorities in Wales, the WLGA is aware of the problems related to variations in school term dates between local authorities and has tried to get agreement between the 22 local authorities in Wales, so far without success. As a result, variations in term dates between local authority areas are likely to continue.

3.5 It is hoped that the move to local authorities working in four regional 'consortia' may help to ease the problem of variations in school term dates. However, there are no guarantees that this will happen, and as term and holiday dates are set up to five years in advance there may not be immediate agreement on harmonisation of dates. Also, while consortia working may promote harmonisation of term dates within local authority consortia areas, there is no guarantee that term dates between the different consortia areas will be harmonised.

3.6 Even if harmonisation of term dates between local authorities is agreed, the governing bodies of voluntary aided and foundation schools could still choose to set term dates that did not match with those of the local authorities. This would mean

that complete harmonisation of school dates within Wales would not happen, and some families with children at voluntary aided or foundation schools might still face childcare difficulties.

4. What changes do we propose to make?

Changes to the current law – a summary

4.1 The current law does not:

- Place responsibility on local authorities or the governing bodies of voluntary aided and foundation schools to work together to harmonise term dates across Wales.
- Allow the Welsh Ministers to exercise control over, or intervene in, the setting of term dates.

The Government propose that the current law is amended to make both of these changes. These amendments will be made in a future Bill, subject to the views expressed in response to this consultation.

The Government has five proposals for change:

4.2 Our preference is for local authorities and the relevant governing bodies to discuss term date setting with each other and agree harmonised term dates amongst themselves. So, our **first proposal** is that a responsibility is placed on all local authorities and the governing bodies of voluntary aided and foundation schools in Wales to work together to take all reasonable steps to reach agreement regarding term dates. This means that local authorities and the relevant governing bodies always would have to work together in this way, to achieve harmonisation of school term dates for each school year.

4.3 Our **second proposal**, building on the first, is that the Welsh Ministers are given the discretion to – in effect – set school term dates for all schools in Wales, should they believe that it is necessary to do so. We think that the best way to do this is by giving the Welsh Ministers a discretionary power to allow them to tell local authorities and the governing bodies of voluntary aided and foundation schools what their school term dates must be. This is known as a “power to direct” local authorities and governing bodies, and it would be used by the Welsh Ministers only if they believed it to be necessary.

4.4 In practice, we believe that our **first and second proposal** will work by:

- Placing a responsibility on each local authority to take all reasonable steps to reach agreement on term dates with all other local authorities in Wales.
- Placing a responsibility on each local authority and the governing bodies of all foundation and voluntary aided schools situated within that local authority area to take all reasonable steps to reach agreement on term dates.

4.5 Our **third proposal** is that we would like local authorities and governing bodies to have to demonstrate that they have agreed term dates. The way in which we think that this could work is set out at paragraphs 4.6– 4.9 below.

4.6 Once term dates have been agreed between:

- All local authorities.
- Each local authority and all governing bodies (in the case of voluntary aided and foundation schools) within that local authority's area.

Each local authority will prepare a letter which sets out in writing the term dates which have been agreed. The letter is to be signed by a representative of the local authority and each of the governing bodies of voluntary aided and foundation schools within that local authority's area, and then forwarded to the Welsh Government.

4.7 The term dates which are notified to the Welsh Government in these letters will be binding, unless either all parties to a letter and the Welsh Ministers agree otherwise or the Welsh Ministers decide to use their powers to direct local authorities and governing bodies on the setting of term dates.

4.8 As local authorities currently set their term dates as far as five years in advance, we think that it is reasonable for there to be a requirement that the letters which set out the agreed term dates are forwarded to the Welsh Government at least three years before the start of the school year to which they relate. For example, if a letter contains information on agreed term dates for the school year 2019-2020, and that school year begins on 5 September 2019, then we will need to receive that letter by 4 September 2016.

4.9 Should letters not be received from each of the 22 local authorities in Wales at least three years before the start of a school year, and/or the term dates in those letters do not agree, then the Welsh Ministers may consider using their powers to direct local authorities and governing bodies, so that harmonisation of term dates is achieved.

4.10 However, we would not want to limit the Welsh Ministers' power to direct only to cases where harmonisation of dates is not agreed. We think that it is important for the Welsh Ministers to have the power to intervene in the setting of term dates, even where harmonisation of dates has been achieved. This is because the Welsh Ministers may believe that the dates agreed by all local authorities and governing bodies need amending, perhaps to make sure that school terms are as equal in length as possible. For example, a particularly early Easter may mean that the Welsh Ministers prefer the Easter break to be for the two weeks following Good Friday, so that a very long summer term can be avoided. Even if all local authorities and relevant governing bodies have agreed that the Easter break should be for Holy Week and the following week, the Welsh Ministers may decide to use their powers to direct that the Easter break is to be for the two weeks following Good Friday instead.

4.11 We think that it is necessary also for the Welsh Ministers to be able to use their powers to direct that varying term dates are set for different types of school or local authority areas (or parts of local authority areas). This is because occasionally there may be good reason for such variation of term dates in a particular year. For

example, an event such as the Ryder Cup could mean that different school holidays are a sensible way forward for schools in a specific area.

4.12 Therefore, our **fourth proposal** is that the Welsh Ministers' power to direct local authorities and relevant governing bodies on the setting of term dates is:

- Not limited to cases where local authorities and governing bodies do not agree on term dates.
- Allows Welsh Ministers to be able to use their powers to direct that different term dates are set for different types of school or different local authority areas (or parts of local authority areas).

4.13 We believe that it is important for meaningful consultation to take place before the Welsh Ministers decide to exercise their powers in relation to the setting of school term dates. This should give the opportunity for the views of all interested groups to be taken into account before the Welsh Ministers make a decision on the use of their powers. Building on the need for meaningful consultation, our **fifth proposal** is that the Welsh Ministers are given a regulation-making power to allow them to prescribe the detail of how a consultation on the use of their powers relating to term dates is to be carried out. Should the proposals in this consultation document be well-received and the proposed changes be made to the current law, then the policy behind these proposed Regulations will be consulted upon.

5. What outcomes do we anticipate as a result of these changes?

5.1 The Government believes that the changes to the current law will mean that harmonisation of school term dates can be achieved for all maintained schools in Wales. This should mean that the child care problems currently experienced by many families in Wales as a result of school term dates not being harmonised are no longer an issue.

5.2 We anticipate that the responsibility on local authorities and governing bodies of voluntary aided and foundation schools to work together to reach agreement on term dates will be a strong incentive for harmonisation of dates to be achieved. This is very different to the current situation, where there is no statutory responsibility on local authorities and governing bodies to work together to achieve harmonisation of term dates.

5.3 Should there not be agreement between local authorities and governing bodies on term dates, then the Welsh Ministers will be able to consider using their powers to ensure that harmonisation of term dates is achieved on a Wales-wide basis. Again, this is very different to the current situation where the Welsh Ministers are unable to exercise control over or intervene in the setting of school term dates.

5.4 If there are good reasons why the term dates agreed between local authorities and governing bodies need to be altered, or for term dates in certain areas or for certain types of school to differ from those of the rest of Wales, then the Welsh Ministers will be able to exercise their powers to allow these reasons to be taken into account. Currently, the Welsh Ministers are unable to intervene in the setting of term dates even when there is good reason for term dates to be altered or to differ.

5.5 Whenever the Welsh Ministers are considering using their powers in relation to school term dates, there will be the assurance of knowing that they will need to carry out an appropriate consultation beforehand. This should give the opportunity for the views of all interested groups to be taken into account before term dates are set. Under current arrangements for term date setting, this may not always be the case.