

**Children and Young People Committee  
School Standards and Organisation (Wales) Bill  
SSO27 – City and County of Swansea**

**School Standards and Organisation (Wales) Bill  
City & County of Swansea Response**

**Consultation Questions**

**General**

1. Is there a need for a Bill to make provision about school standards and school organisation? Please explain your answer.
2. Do you think the Bill, as drafted, delivers the stated objectives as set out in the Explanatory Memorandum? Please explain your answer.
3. What are your views on each of the main parts of the Bill—

Part 1 – Introduction (section 1)

Part 2 – Standards (sections 2-37) (see pages 9-17, 92-99 of the Explanatory Memorandum)

How do Local Authorities oversee / enforce the delivery of core statutory responsibilities by schools if the funding is delegated? This highlights again the need for a meaningful measure of 'delegation' against those areas of spending which can be delegated rather than including areas such as school transport etc. which clearly cannot as they are clear Local Authority functions under the regulations.

There also needs to be clarification on powers of intervention regarding premises related matters.

Part 3 - School Organisation (sections 38-84) (see pages 17-21, 99-106 of the Explanatory Memorandum)

There may be a desire to reduce the complexity for Welsh Government of statutory processes for school reorganisation but it is potentially creating a considerable problem for Local Authorities where the process can so easily become politicised with a local determination panel.

The logic for streamlining the process is clear and the desire admirable – in practice however, Welsh Government continue to place additional obstacles in the way of Local Authorities (for example Community Impact Assessments being given a greater emphasis on the face of it than the impact on standards, and the possible change from 2 miles to 1 mile if a school is relocated before a statutory notice is required).

It isn't clear why it is considered a simplification therefore to require a statutory process if more than 1 mile now – the White Paper reads as if this is current practice?

It sounds sensible to allow Local Authorities to propose reductions in the capacity of a school where pupil numbers support this although it could potentially weaken future bids for capital investment unless the larger 'potential capacity' of a school can be considered at that time as well as

the actual published capacity. It does nothing to assist Authorities to address pressures which are wholly due to the volume of preferred placements. It seems to be assumed that these should simply be supported and schools enlarged accordingly when in practice this is not always possible, nor desirable.

The proposal to effectively 'weight' objections so that a single objector cannot delay the whole process is very sensible.

The duty on Local Authorities to establish a decision making panel (or a joint panel with other Authorities) independent of the executive body of a politically balanced group of local members etc. has potentially significant resource implications for Authorities – particularly where the balance of power within a Council is finely balanced and issues can readily become political footballs. There are legal issues regarding how it would be set up as well and huge complexity if it were to be a joint Local Authority panel (although this needs serious consideration as it might operate more effectively in practice). Any panel would require officer support even with written evidence only and the responses to question after question in writing would take enormous amounts of officer time. What if a decision cannot be made within 4 months – is it the fault of the panel or officers who are unable to respond quickly enough to the endless questions? At least at present we know what issues are going to be challenged by Welsh Government officials – members could ask anything and things entirely irrelevant to the proposal even.

As such there is clearly a need for more clarity on the proposed make up of a local determination panel as this surely should not be a 'political' panel involving Councillors.

In short – there is a real risk that the desired outcomes will not result from the changes as a whole however well meant.

Part 4 – Welsh in Education Strategic Plans (sections 85-88) (see pages 21-25, 106-107 of the Explanatory Memorandum)

If WESPs are placed on a statutory basis will additional funding be provided to ensure they can be delivered? We already have 21<sup>st</sup> Century Schools Programme criteria which focus on removal of surplus places and not the creation of Welsh medium provision. It is perhaps not clear what it will mean in practice when WESPs are placed on a statutory basis and how different, if at all, this will be from the former Welsh Education Schemes.

Part 5 – Miscellaneous School Functions (sections 89 – 97) (see pages 25-31, 107-109 of the Explanatory Memorandum)

The current terms and conditions of grant state:

The purpose of the grant is to enable Local Authorities through Children & Young People's Partnerships to implement the National Strategy for School-based Counselling Services in Secondary Schools. A concentration of support for children and young people must be in Key Stages 3 and 4 but this can be concurrent with work undertaken in year 6

and 16-18 year olds specifically linked to individual children and young people.

Essentially, the Bill makes it a legal requirement to provide a service to all children in Year 6 as well as all young people aged 11-19 whether in school or not, whereas both these requirements were optional eligible uses of current grant funding.

The overall budget for Sept 2012 March 2013 has been reduced for Swansea from £198,266 to £191,518 as Welsh Government have taken out £250k from overall budget following end of pilot work in primary schools which they are not continuing – yet they will be requiring us to provide in primary schools from April 2013.

Welsh Government understands a 'reasonable provision' to be comparable to that which was able to be provided whilst grant funded – yet we will potentially have to reduce our service in secondary schools in order to meet requirement for Yr6 and 16-19s not in school. Given that currently we have a waiting list of 119 pupils in secondary schools this is not ideal as we need to increase capacity, not reduce it. Our service is very effective and outcome data proves this, hence it is held in high regard by children, parents and Headteachers alike.

Part 6 – General (sections 98-102) (see pages 109-110 of the Explanatory Memorandum)

The simplification of specific grants etc. is welcomed but where specific grant funding is transferred into the Revenue Support Grant it is vitally important that it is made quite clear that the funding has transferred in full – otherwise Chief Financial Officers will have no basis to ensure that such funding is passported through to Education provision. This is certainly the case re post-16 SEN funding.

Regarding the free breakfast initiative, it is also vital that sufficient funding is transferred to Authorities through the Revenue Support Grant to reflect the true cost of the scheme. An authority should not be financially penalised by being successful in providing a higher level of provision of breakfast clubs in schools than the average across Wales and there is a risk that this could be the case unless in some way the current receipt of grant funding is maintained on an authority by authority basis. There needs to be careful consideration / clarification regarding what circumstances might be considered 'reasonable' for withdrawing provision in individual schools. It is unclear why the Minister might wish to have the power to transfer the responsibility to provide free breakfasts to the governing body of a school nor what this would mean in terms of the funding being similarly transferred. Unless it is totally clear and transparent that Authorities have been provided with sufficient funding through RSG to meet the full costs it is difficult to see how they can be required to fund individual schools.

Similar concerns arise regarding the proposals for School Based Counselling services if these were to be transferred into RSG.

In terms of flexible charging for school meals, there needs to be clarity that all costs associated with the provision of school meals etc. can be covered

in determining the level of charges. It cannot be simply the food cost for obvious reasons. The service must be able to remain viable / sustainable by being able to cover all its costs including overheads. In practice it is unlikely that any Authority is making a 'profit' on the service but again there needs to be clarity regarding whether this includes the cost of provision of free school meals as well or simply the provision of paid meals in isolation. Does this proposal mean that a school choosing to self manage or let a contract with a private provider will have to adhere to this requirement and cannot make a 'profit' on the service through increasing prices? Does this mean that the private provider is unable to make a profit? Will this change require existing contracts with private providers to be retendered / revised or would it just affect any new contracts? There are a lot of unresolved issues here as far as I can see.

4. What are the potential barriers to implementing the provisions of the Bill (if any) and does the Bill take account of them?

### **Powers to make subordinate legislation**

5. What are your views on powers in the Bill for Welsh Ministers to make subordinate legislation (i.e. statutory instruments, including regulations, orders and directions)?

In answering this question, you may wish to consider Part 1, Section 5 of the Explanatory Memorandum, which contains a table summarising the powers delegated to Welsh Ministers in the Bill to make orders and regulations, etc.

### **Financial Implications**

6. What are your views on the financial implications of the Bill?

In answering this question you may wish to consider Part 2 of the Explanatory Memorandum (the Regulatory Impact Assessment), which estimates the costs and benefits of implementation of the Bill.

### **Other comments**

7. Are there any other comments you wish to make about specific sections of the Bill?