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Consultation – summary of responses

Notification of school term dates regulations

Proposals for Regulations to provide for informing the Welsh Government of the school term dates which have been set for all maintained schools in Wales

Date of issue: **February 2014**

Notification of school term dates regulations

Audience	Local authorities in Wales, including their respective directors of education; governing bodies of voluntary aided and foundation schools in Wales; diocesan authorities; teaching unions; Estyn; the WLGA/ADEW; the Children's Commissioner for Wales.
Overview	This document summarises the responses received to a consultation on the Welsh Government's proposals for Regulations to provide for informing the Welsh Government of the school term dates which have been set for all maintained schools in Wales.
Action required	None – for information only.
Further information	Enquiries about this document should be directed to: School Governance Branch Schools Management and Effectiveness Division Department for Education and Skills Welsh Government Cathays Park Cardiff CF10 3NQ Tel: 029 2082 6051 Fax: 029 2080 1044 e-mail: SMED2@wales.gsi.gov.uk
Additional copies	This document can be accessed from the Welsh Government's website at www.wales.gov.uk/consultations
Related documents	Education Act 2002 (English only) www.legislation.gov.uk/ukpga/2002/32/contents Education (Wales) Bill www.senedd.assemblywales.org/mgIssueHistoryHome.aspx?Ild=7186

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1. Background

Background to proposals for Regulations to provide for informing the Welsh Government of the school term dates which have been set for all maintained schools in Wales.

- 1.1 The Education (Wales) Bill (“the Bill”) was introduced before the National Assembly for Wales on the 1 July 2013.
- 1.2 The Bill, if it passes the scrutiny of the Assembly and in due course receives Royal Assent and becomes law, will make a number of important changes to the current legislative arrangements in respect of how school term dates are set for all maintained schools in Wales. A 12-week consultation was carried out on the school term dates proposals in the Bill, between 3 September 2012 and 26 November 2012, a summary of responses can be accessed at: <http://wales.gov.uk/consultations/education/schooltermdates/?status=closed&lang=en> .
- 1.3 One of the legislative changes involves placing local authorities under a duty to inform the Welsh Government of the term dates for all maintained schools within their respective areas.
- 1.4 In addition, the Bill proposes that the Welsh Ministers are given a regulation-making power which will enable them to provide how and by when notification of term dates is to be given.

The consultation proposals

- 1.5 The consultation set out 3 proposals regarding:
 - a) the content and form of the notices which local authorities use to notify the Welsh Government of term dates;
 - b) the time period within which the notices are to be given; and
 - c) the procedure which must be followed when notifying the Welsh Government of term dates.
- 1.6 Welsh Government officials, on behalf of the Welsh Ministers, undertook a 12-working week web-based consultation on these proposals to reform the way in which school term dates are set in Wales. The consultation ran from 9 September to 29 November 2013.
- 1.7 A copy of the consultation documents can be accessed at: <http://wales.gov.uk/consultations/education/term-dates-regulations/?status=closed&lang=en>

2. The consultation

The consultation process

- 2.1 The consultation document published by the Welsh Government on its website asked for feedback on the consultation proposals.
- 2.2 Respondents were invited to consider specific questions about the proposals, and were encouraged to make any other points relating to them that they considered necessary. They were also asked to consider the potential impact of the proposals on equality issues.
- 2.3 As well as the consultation document being published on the Welsh Government's website, the consultation exercise was promoted via direct electronic mailings to local authorities and diocesan authorities, governing bodies of foundation and voluntary aided schools, teaching unions and other interested parties such as the Welsh Local Government Association and Her Majesty's Inspectorate for Education and Training in Wales. The Children's Commissioner and various child-centred organisations such as SNAP Cymru were also contacted directly via electronic mail.

Responses received

- 2.4 In total, we received 20 responses to the consultation. One of the responses, from the Catholic Education Service, was from outside Wales and reflected the views of many of the governing bodies of voluntary aided schools and diocesan authorities within Wales who responded to the consultation.
- 2.5 The 20 responders may be categorised as follows:

Local Authorities	5
Diocesan Authorities	1
Unions	4
Schools	4
Representative and other bodies	5
Individuals/anonymous	1

Findings from consultation

- 2.6 An analysis of the responses to this consultation is set out in the following pages.
- 2.7 This report does not address any consultation responses which were outside the scope of this consultation. Where appropriate, these responses were passed on to the relevant branch within the Department for Education and Skills to be considered and taken forward.

3. Overview of consultation responses

- 3.1 The consultation document asked 3 specific questions on the proposals for regulations on how local authorities notify the Welsh Government of school term dates for all maintained schools within their areas, and 2 more general questions.
- 3.2 Unless stated otherwise, throughout this report percentages are expressed as a measure of all respondents. All such percentages have been rounded up or down to the nearest whole number.

Q1. Do you agree with our proposals for the content and layout of the notice? (See paragraphs 4.1 to 4.4 of section 4 and the Annex to the consultation document).

- 3.3 From 20 responses, 10 of those agreed with the proposal, whilst 5 did not agree, 3 neither agreed nor disagreed and 2 made no direct comment.
- 3.4 This means that 50% of responders agreed and only 25% disagreed with this proposal.
- 3.5 Within the responses to this question, 5 were from local authorities. Of these 2 responders agreed with the proposal and 3 disagreed. Concerns included the potential work involved in getting the signatures of the chair/vice chair of all governing bodies within their respective areas. This was a concern that was also raised by various responders who were not local authorities.
- 3.6 The Catholic Education Service also commented that the process of obtaining signatures from the chair or vice chair of all voluntary aided and foundation school governing bodies in a single document was likely to prove *“labour intensive and time consuming”*.
- 3.7 Some responders chose to comment on the principle of school term date harmonisation which was covered in the earlier consultation on proposals to bring forward legislative changes to term date setting. Details of this consultation may be found at:
<http://wales.gov.uk/consultations/education/schooltermdates/?status=closed&lang=en>

Response

- 3.8 Our proposal is to allow notices to be delivered in paper or electronic form, and for several “partial” notices to make up the “full” notice, so that the difficulty of getting a chair or vice chair from each voluntary aided or foundation school governing body to sign a single notice is removed. In practice, any administrative burden for local authorities of notifying us of term dates within their areas ought to be very small.

- 3.9 Emailing or sending a paper notice through to the relevant school governing bodies in each local authority area, asking them to complete their term dates and sign the notice (which can include electronic signatures), then sending these responses on to the Welsh Government should not take up much time. It is the co-ordination and co-operation between local authorities and relevant school governing bodies when setting term dates, which should be happening already and is outside the scope of this consultation that will take up most time.

Q2. Do you agree that the time period within which the notice is to be given should be by the final working day in August, two full years prior to the school year in question ?(See paragraphs 4.5 to 4.6 of section 4).

- 3.10 There was broad agreement with this proposal. 12 responders agreed with the proposal, 5 responders did not agree, 1 neither agreed nor disagreed and 2 made no direct comment. This means that 60% agreed with the proposal and only 25% disagreed.

- 3.11 Her Majesty's Inspectorate of Education and Training in Wales (ESTYN) was supportive of this proposal, commenting that it considered:

“the time period for notice to be given is appropriate within the context of this proposal”.

- 3.12 Some responders believed that the time frame was too tight to work, particularly if the Welsh Ministers needed to intervene in the term date-setting process. One response, which was generally supportive, mentioned that the timeframe may cause local difficulties, such as where there was a consultation on school admission arrangements and the related agreed “offer” fell within school holiday time.

- 3.13 A couple of responders commented that the date for notice should be in July, when schools were still working. Other suggestions included having a planned 5 year programme of proposed term dates.

Response

- 3.14 It is hoped that local authorities and the governing bodies of voluntary aided and foundation schools can agree on harmonised term dates, so that the Welsh Ministers do not have to consider using their powers.
- 3.15 If date harmonisation is not achieved and the Welsh Ministers need to “step in”, then the Welsh Government believes that there will be sufficient time to consult on their term date proposals. For example, as it is proposed that the first year in which these new arrangements on term dates are to have effect will be the school year September 2016 to July 2017, all notices of term dates for this school year will need to be received by close of business on Friday 29 August 2014. This will allow sufficient time, if necessary, for the Welsh Ministers to consider using their powers of direction, consult upon their

proposed term dates, and use their power to direct in order to effectively set term dates for the school year 2016-17 by the summer of 2015.

- 3.16 Appropriate consultation would be carried out before use of Welsh Ministers' powers to effectively set term dates, so any potential problems with the proposed dates should be identified well in advance.
- 3.17 If desired, local authorities and relevant school governing bodies could choose to notify the Welsh Government of the term dates they have set prior to the notice date, and set harmonised term dates 5 years in advance.

Q3. Do you agree with our proposals for the procedure to be followed by local authorities when notifying the Welsh Ministers of term dates within their areas? (See paragraphs 4.7 to 4.12 of section 4).

- 3.18 There was a mixed response to this proposal. 9 responders agreed with the proposal, 6 responders did not agree, 3 neither agreed nor disagreed and 2 made no direct comment.
- 3.19 This means that 45% agreed and 30% disagreed with this proposal.
- 3.20 Although there was more agreement than disagreement with this proposal, responses included the view that the Welsh Ministers should be setting term dates from the outset and raised further concerns about the possible administrative burden on local authorities.
- 3.21 One responder was concerned that the proposal showed no recognition of Diocesan Authorities, commenting that it was for them to collect signatures from their "faith" schools, not local authorities.

Response

- 3.22 The Welsh Government believes it is vitally important for voluntary aided "faith" and foundation schools - as well as local authorities - to retain their right to set term dates for their schools and remain central to the term date setting process. If Welsh Ministers were to assume the right to set term dates from the outset, this could be viewed by many as an unjustifiable centralisation of power.
- 3.23 While the governing bodies of voluntary aided "faith" schools may take direction from their Diocesan authority on the term dates they set, the current legal duty in section 32 of the Education Act 2002 is for the governing bodies of voluntary aided and foundation schools to set term dates; proposals in the Education (Wales) Bill are for this to continue.
- 3.24 The Welsh Government anticipate that they will review how school term date setting is operating, to ensure that the administrative burden on local authorities in carrying out the notifications is as discussed at paragraphs 8 and 9 above.

Q4. Equality Impact Assessment

We would welcome your views on the potential impact of all of our proposals on:

- a) disability**
- b) race**
- c) gender and gender reassignment**
- d) age**
- e) religion and belief and non-belief**
- f) sexual orientation**
- g) human rights**

- 3.25 Many responders either chose not to comment, or responded along the lines that either they did not see any equality issues, or did not feel that the proposals would have a “negative impact”. This was the case for 12 of the 20 total responses, which makes up 60% of all responses.
- 3.26 Where responders did see potential issues, it was usually due to the possible impact on faith schools and faith/religious beliefs including non-Christian faiths. This was raised by 7 of the 20 total responses, which makes up 35% of all responses.
- 3.27 The Children’s Commissioner questioned why a Child Rights Impact Assessment was not also included in the response form.
- 3.28 Concerns included the possible impact on voluntary aided “faith” schools, particularly around the festival of Easter. One responder commented that the proposals *“affects the schools’ own ethos, mission and school aims”*, while another mentioned their disappointment that there had been no plans to treat Easter as a bank holiday and fix the spring holiday to equalise term lengths.
- 3.29 Comments raising concerns for faiths/beliefs other than Christian included that there needed to be *“a clearer reference to, and acknowledgement of, the faith-specific days and holiday requirements of non-Christian pupils....”*

Response

- 3.30 A majority of responders to the consultation saw no potential equality issues with the proposals, or did not feel that the proposals would have a “negative impact”.
- 3.31 However, the Welsh Government notes the issues raised in relation to faith/religious beliefs, including non-Christian. In the main, these relate to concerns that the proposals to harmonise school term dates will impact upon the religious requirements of faith schools.
- 3.32 It is anticipated that local authorities and relevant school governing bodies will be able to consider the religious requirements of voluntary aided faith schools and faiths other than Christian when working towards agreeing term dates.

The Welsh Government is also alert to the need to pay due regard to these concerns.

- 3.33 Should the Welsh Ministers need to exercise their powers to direct, an appropriate consultation will then need to take place on their proposed term dates. Any concerns of faith schools or faiths other than Christian regarding those dates may be raised in response to that consultation.
- 3.34 The suggestion to treat Easter as a bank holiday and fix the spring holiday to equalise term lengths is welcomed. However, implementing such a suggestion could be viewed as altering the pattern of the school year, which is not being considered as part of these proposals but could be considered in the future.
- 3.35 In line with Welsh Ministers' duty to have due regard to the UNCRC, we believe that we have considered the impact of our proposals for term dates on children as part of the policy/legislation development process and we have carried out an assessment of the possible impact of our school term dates policy on children's rights as part of this work. This will be an ongoing analysis which will be revisited as appropriate as part of the legislative development process.

Q5. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

- 3.36 Out of the 20 responders, 11 (55%) took the opportunity to raise further issues.
- 3.37 Some of the issues raised were outside the scope of this consultation. Such issues are not commented upon here but have been passed, where appropriate, to the relevant branch with the Department for Education and Skills.
- 3.38 Some responders choose to comment on and/or voice their opposition to the principle of school term date harmonisation, which was covered in the earlier consultation on proposals to bring forward legislative changes to term date setting and is outside the scope of this consultation.
- 3.39 Five responders took the opportunity to say that they believed the Welsh Ministers should set term dates themselves, and not leave the primary duty to set dates with local authorities and relevant school governing bodies.
- 3.40 Other responders took the opportunity to again voice their concerns for faith schools within the proposed term date harmonisation process, while another requested more flexibility for term dates.
- 3.41 One responder suggested that the model adopted by some "free schools" in England should be considered, whereby there is an allocated "annual leave" for each child which could be built into their attendance/absence record.

Response

- 3.42 It can be seen from the strength of the response to the three consultation proposals underpinning plans for the harmonisation of school term dates (which are covered in Qs.1 -3 of the consultation responses) that there is more support than disagreement for these proposals on the term date notification process to be brought forward in Regulations.
- 3.43 The Welsh Government believes that it is vitally important for voluntary aided “faith” and foundation schools - as well as local authorities - to remain central to the term date setting process and retain the right to set term dates for their schools. If Welsh Ministers were to assume the duty to set term dates from the outset, it would be viewed by many as unreasonable.
- 3.44 As explained in relation to the Welsh Government’s response to the consultation on equality impact at paragraphs 31 to 33, the needs of “faith” schools and non-Christian faiths should be addressed as part of the term date harmonisation process.
- 3.45 The suggestion to consider the model adopted by some “free” schools is welcomed. However, implementing such a suggestion could be viewed as altering the pattern of the school year, which is not being considered as part of these proposals.
- 3.46 The Welsh Government expect to review how school term date setting is operating following school year 2016-17, and report in the autumn of 2018.

4. List of responders

- 4.1 Laugharne Primary School, Carmarthenshire
- 4.2 NUT Cymru
- 4.3 Estyn
- 4.4 Newport County Council
- 4.5 Association of Teachers and Lecturers (Cymru)
- 4.6 UCAC Cymru
- 4.7 Catholic Education Service
- 4.8 Governors Wales
- 4.9 Rhondda Cynon Taf Local Authority
- 4.10 Conwy Local Authority
- 4.11 Anglesey Local Authority
- 4.12 St. Patrick's RCVA Primary School, Newport
- 4.13 Gwynedd Local Authority
- 4.14 The Children's Commissioner for Wales
- 4.15 NAHT Cymru
- 4.16 Catholic Diocese of Wrexham Education Service
- 4.17 SNAP Cymru
- 4.18 Fitzalan High School, Cardiff

In addition to the above respondents there were 2 respondents who wished to remain anonymous.