

Explanatory Memorandum to The Welshpool Church in Wales Primary School (Change to School Session Times) Order 2020

This Explanatory Memorandum has been prepared by the Education and Public Services Department and is laid before the Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The Welshpool Church in Wales Primary School (Change to School Session Times) Order 2020.

Kirsty Williams
Minister for Education

25 November 2020

1. Description

The Welshpool Church in Wales Primary School (Change to School Session Times) Order 2020 disapplies the requirements in regulation 4(2), (3) and (4) of the Changing of School Session Times (Wales) Regulations 2009 (“the Regulations”) to the governing body of Welshpool Church in Wales Primary School. This will allow the governing body to make alterations to when the school sessions start and end, including when the school day starts and ends at any time in the school year without having to wait for the start of a school term or academic year or give a minimum period of notice. Article 3 specifies that the Order shall have effect until 31 August 2021.

2. Matters of special interest to the Legislation, Justice and Constitution Committee

None.

3. Legislative background

This Order is made under section 2 of Chapter 1 of the Education Act 2002. Those powers were conferred on the Senedd Cymru and are vested in the Welsh Ministers by virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006. The purpose of Chapter 1 of that Act is to facilitate the implementation of innovative projects which may (in the opinion of the Welsh Ministers) contribute to the raising of educational standards. Specifically, section 2 gives the Welsh Ministers on the application of one or more qualifying bodies, powers to exempt that applicant from particular provisions of education legislation, or to relax the requirements of, or to make modifications to, such provisions in order to further such innovative projects. Orders under section 2 have effect for the period specified in the Order, which cannot initially exceed three years.

The Order suspends regulation 4(2), (3) and (4) of the Regulations. Regulation 4(2) provides that if the governing body determine to implement the proposed change, it must, not less than six weeks before any change in those times is to take effect:

- (a) inform the local authority of the change and of when it is to take effect; and
- (b) take such steps as are reasonable practicable to secure that the parents of all registered pupils at the school are so informed;

not less than three months before the change is to take effect.

Regulation 4(3) of the Regulations provides that where the change concerns:

- (a) the times at which the first school session is to begin or the second school session is to end or both, or
- (b) if there is only one school session, the time it is to begin or end (or both),

Regulation 4(4) of the Regulations provides that a change in the times of a school session must only be made so as to take effect –

- (a) where paragraph (3) applies, at the beginning of the school year; and
- (b) in all other cases, at the beginning of a school term.

The effect of the suspension of these provisions by the Order is therefore to exempt the governing body of Welshpool Church in Wales Primary School from having to wait until the start of a school term or beginning of the academic year to change school session times, including when the school day starts and ends, and to exempt the governing body from having to give minimum period of notice set out in regulation 4(2) and (3) or the Regulations.

The Order is subject to the negative procedure.

4. Purpose & intended effect of the legislation

The Power to innovate (“the Power”) provides the governing bodies of schools, local authorities or further education institutions and certain qualifying foundations with an opportunity to apply to the Welsh Ministers to lift regulatory requirements in education legislation for a time-limited period (by means of a Power to Innovate Order), so they can trial a specific innovative project that has the potential to raise educational standards. The Power is the result of concerns that innovative ideas can be unintentionally thwarted by detailed regulations and legislation. It is intended to facilitate the implementation of these ideas and to ensure that no opportunity is lost to trial innovative proposals that could raise standards.

Welshpool Church in Wales Primary School is moving to a new site in January 2021, bringing together all its pupils from three sites to one. The school wishes to bring the start of the school day forward by five minutes and to end classes for junior pupils 20 minutes earlier. The governing body has applied for exemption of regulation 4(2), (3) and (4) of the Regulations to allow the them to make alterations to the timing of school session times including the timing of the end of the school day, without having to give three months’ notice or to wait until the start of the academic year for the new arrangements to come into force.

The need to change session times is two-fold:

- a) to unify the session times for all pupils in both the Foundation Phase and Key Stage 2; and
- a) to avoid the start and finish of the high school day which is in close proximity to the new school building and which could cause health and safety issues for Welshpool Church in Wales Primary School pupils walking to school.

Given the urgency of the situation in terms of immediate health and safety concerns and the commensurate need to implement the changes in time for the new site opening in January 2021, the governing body does not consider that it can give three months notice of the changes and wait until the 1 September 2021 to implement them.

The school proposes to monitor the impact of the changes until the end of the academic year.

5. Consultation

Section 4(2) of the Education Act 2002 places a legal obligation on applicants for a Power to Innovate Order to consult with the local authority and with other appropriate persons on their proposal. Under the existing Changing of School Session Times (Wales) Regulations 2009 the governing body is required to consult with the local authority, parents of pupils at the school and school staff on the proposed changes to school session times. The Welsh Government would therefore expect these persons to be consulted as a minimum.

The governing body undertook a consultation with the local authority, the Diocese of St Asaph, parents of pupils at the school and school staff on the proposed changes. 67 responses were received to the consultation on the proposed new session times from parents and staff of both Welshpool Church in Wales Primary School and Welshpool High School.

59 (88%) of those who responded supported the proposals, and nine (12%) were opposed. The majority of respondents agreed that an alteration to session times was needed for health and safety and the avoidance of the nearby High School's start and end times.

In addition The Diocese of St Asaph, the local authority and the headteacher of Welshpool High School have confirmed they support this application to alter legislation.

The Welsh Government is therefore content that the appropriate persons have been consulted.

No further Welsh Government consultation was undertaken on this Order. The governing body has undertaken all of its statutory consultation requirements.

6. Regulatory Impact Assessment (RIA)

A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, local government, charities or voluntary bodies the Welsh language, equality of opportunity and sustainable development.