

REGULATORY APPRAISAL

EDUCATION, WALES

THE SINGLE EDUCATION PLAN (WALES) REGULATIONS 2006

Purpose and intended effect of the measure

1. Section 29 of the Education Act 1996 requires a Local Education Authority to provide information to the National Assembly for Wales. Section 26 of the Children Act 2004 enables the Assembly to make Regulations requiring a children's services authority in Wales to prepare and publish a plan setting out the Authority's strategy for discharging their functions in relation to children and young people.
2. The Regulations require Local Authorities to produce a Single Education Plan with effect from 1 September 2006 to 31 August 2008. The Single Education Plan will replace a number of current Education Plans. This will reduce the overall education services planning requirements on local authorities, in line with the Welsh Assembly Government's commitment to streamline planning requirements on Local Authorities and move to a more coherent planning framework.
3. The Regulations provide that:
 - the following Regulations will be revoked and replaced by The Single Education Plan (Wales) Regulations 2006:
 - The Local Education Authority (Behaviour Support Plans) Regulations 1998;
 - The Local Education Authority (Behaviour Support Plans) (Amendment) (Wales) Regulations 2001;
 - The Education Development Plans (Wales) Regulations 2002;
 - The Education (School Organisation Plans) (Wales) Regulations 2003;
 - The Education (Nursery Education and Early Years Development and Childcare Plans) (Wales) Regulations 2003, regulations 5 to 7 and the Schedule;
 - The Education Development Plans (Amendment) (Wales) Regulations 2005.
 - any plan made in connection with the above Regulations, which is in force before the coming into force of these Regulations on 1 April 2006, is to continue in force until 1 September 2006 despite the revocation of the above Regulations to the extent outlined above;

- Local Authorities are required to prepare and publish a Single Education Plan, in accordance with prescribed requirements, which will have effect from 1 September 2006 to 31 August 2008;
- the Single Education Plan must include:
 - the Authority's strategies for:
 - raising the standards of education for children and young people being educated in their authority;
 - improving the performance of schools maintained by the authority;
 - the planning of school and nursery places to meet the needs of the authority's population; and
 - the education of pupils who by reason of illness, exclusion or otherwise are not attending school;
 - targets for improved pupil attainment and attendance, and for reducing the number of pupils excluded from school.
- prescribed national and local public bodies must be consulted on the draft plan; and
- targets and supporting information must be reviewed, revised and published on or before the 31 July 2007.

Risk Assessment

4. These Regulations form part of the wider commitment made by the Assembly Government in its 2002 local government policy statement '*Freedom and Responsibility*' to move to a more coherent policy and planning framework for local authorities, with plan requirements limited to strategic and cross-sectoral plans. The commitment was reiterated in the Assembly Government's policy statement on public services, '*Making the Connections*' published in 2004. By replacing a number of current Education Plans with a Single Education Plan, it is expected that local education planning will be rationalised and reduced. If the Regulations are not made there is the potential for criticism that the Welsh Assembly Government does not take seriously its commitment to reducing the planning burden on Local Authorities and providing more coherent planning requirements for them.

Options

Option 1: Do Nothing

5. If these Regulations are not made there is the potential for criticism from Local authorities that the commitment to streamlining the planning requirements on Local Authorities, in this instance in the area of education services is not being delivered.

Option 2: Make the Legislation

6. By making these Regulations, planning requirements for Local Authorities in relation to education services will be rationalised into a Single Education Plan, and the current requirement for Local Authorities to produce a number of education plans will be revoked.

Benefits

7. The purpose of these Regulations is to introduce the requirement for Local Authorities to produce a Single Education Plan, which will replace a number of current Education Plans. This forms part of the Assembly Government's wider commitment to move to a more coherent policy and planning framework for local authorities. The Regulations will reduce the planning burden on local authorities in the area of education services.

Costs

8. There are no new financial burdens for Local Authorities or the Assembly arising from these regulations and the production of a single education plan. The streamlining of education service planning requirements will reduce the bureaucratic burdens on Local Authorities and should result in savings for them.
9. There are no cost implications to any other organisations.

Consultation

With Stakeholders

10. Initial consultation on the proposed content of the regulations took place between 17 June and 12 August 2005 with County and County Borough Councils, Diocesan Authorities, WLGA, ELWa, Young People's Partnerships, Early Years Development and Childcare Partnerships, Children and Young People's Framework Partnerships. The consultation document was also sent for information to a 10% sample of maintained schools and national and local education bodies. Twenty-four responses were received which supported the proposal to have a Single Education Plan in place of the existing four Education Plans. Detailed comments on the information to be included in the Single Education Plan were received and these were taken account of and reflected in the draft Regulations. A copy of the responses is attached at Annex A.
11. A second consultation on the draft Regulations themselves took place between 24 October and 16 December 2005 with the same organisations as the first consultation and a different 10% sample of maintained schools. A further twenty-four responses were received, the majority of which supported the draft Regulations. Detailed comments on the information requirements included in the draft Regulations were made, these were taken account of with the Regulations reflecting comments made by respondents. A copy of the responses is attached at Annex B.

With Subject Committee

12. The Regulations were notified to the Education and Lifelong Learning Committee via the list of forthcoming legislation on 8 June 2005 (Paper ELL2-07-05 (p.2), Item No ELL-45-05) and have remained on the list ever since. The Regulations were not identified for detailed scrutiny.

Review

13. The Regulations will have effect for a period of two years following which there will be a move to the further streamlining of planning requirements on Local Authorities through the integration of Local Authority education and children's services into one integrated plan from September 2008.

Summary

14. There is no new cost to Local Authorities or the Assembly Government arising from these Regulations. The benefit of these Regulations is to enable Local Authorities to rationalise current education planning requirements into a Single Education Plan. Nevertheless the Single Education Plan will continue to require Local Authorities to set out their strategies for providing education to children and young people in their Authority with the aim of raising the standards of education for children and young people being educated in their authority and improving the performance of schools maintained by the Authority.
15. Without these Regulations, the commitment in the Assembly Government's '*Freedom and Responsibility*' statement (2002) and the policy statement on public services '*Making the Connections*' (2004) will not be progressed.