

SL(5)596 – The Education (School Day and School Year) (Wales) (Amendment) (Coronavirus) Regulations 2020

Background and Purpose

The Regulations are made under the powers conferred on the Welsh Ministers by sections 551 and 569(4) and (5) of the Education Act 1996.

These Regulations amend the Education (School Day and School Year)(Wales) Regulations 2003 (“the 2003 Regulations”). The 2003 Regulations set out the minimum number of half-day sessions for which maintained schools must meet within a school year. The minimum number is 380 sessions (190 days).

These Regulations amend the 2003 Regulations in two ways:

- 1) To allow schools in Conwy, Pembrokeshire and Powys, which opened for an additional week at the end of the summer term of the 2019-2020 school year to hold at least 370 sessions during the 2020-2021 school year instead of at least 380 sessions.
- 2) To allow for up to 4 sessions to count as sessions on which the school met if they were devoted to the preparation of schools and planning required to enable schools to open to all learners following a reduction in operations as a result of the incidence and transmission of Coronavirus. These sessions would be held during the first two weeks of the 2020-2021 school year.

Procedure

Negative.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument.

1. Standing Order 21.3 (ii)– that it is of political or legal importance or gives rise to issue of public policy likely to be of interest to the Senedd.

The Explanatory Memorandum notes that the Welsh Government consulted with “*local authorities and the Welsh Local Government Association*”. Local authority directors were issued with a letter on 29 July 2020 setting out the intentions, and “*local authorities were invited [to] raise any concerns in response.*” The Explanatory Memorandum does not explain whether or not local authorities did respond with any concerns.

The Education (School Day and School Year) (Wales) (Amendment) Regulations 2019 (“the 2019 Regulations”) came into force on 1 September 2019, allowing schools one additional INSET day for each of the next three years. An eight week public consultation on the policy approach took place, and 899 responses were received. The Explanatory Memorandum issued by the Welsh Government in relation to the 2019 Regulations explained that a wide audience of key stakeholders were consulted, “*including*



Headteachers, schools, Regional Consortia, Teacher Unions, Local Authorities, and Estyn. The consultation was also publicised on social media."

Given the number of responses and the range of key stakeholders consulted in relation to the 2019 Regulations, clarification is sought as to why a wider range of stakeholders were not consulted in respect of these Regulations. It would be helpful to learn whether or not those consulted raised any concerns, in particular those local authorities where schools will be closed for an additional week, where families will need to ensure childcare arrangements for a week outside the usual school holidays period.

The Explanatory Memorandum further provides that an Equality Impact Assessment was undertaken which found that *"disadvantaged and vulnerable groups could be adversely affected by an extended half term break and by the two planning and preparation days at the start of term. Families who live in poverty or those whose income is reliant on actual hours worked may struggle with childcare for these extra days."*

What steps has the Welsh Government undertaken to comply with regulation 8(1)(d) of the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011 (2011/1064)? What steps has the Welsh Government taken to mitigate the impact on those groups and families identified in the Equality Impact Assessment as being adversely affected by an extended half term break?

Implications arising from exiting the European Union

No implications are identified for reporting under Standing Order 21.3 in respect of this instrument.

Government Response

Given the current circumstances regarding coronavirus, a Welsh Government response is required as soon as is reasonably practicable.

Legal Advisers

Legislation, Justice and Constitution Committee

18 August 2020



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

—
Welsh Parliament

Legislation, Justice and Constitution Committee