

# **SL(6)313 – The Education (School Day and School Year) (Wales) (Amendment) Regulations 2023**

## **Background and Purpose**

The Education (School Day and School Year) (Wales) Regulations 2003 (“the 2003 Regulations”) make provision about the length of the school day, which is ordinarily divided into two sessions, and for schools to meet for at least 380 sessions during any school year.

The Education (School Day and School Year) (Wales) (Amendment) Regulations 2023 (“the Regulations”) amend the 2003 Regulations. In particular the Regulations:

- Amend the definition of “school” to reflect that there are no longer any non-maintained special schools in Wales;
- Reduce the minimum number of school sessions which must be held during the school year 2022-2023 in order to take account of the additional bank holidays to mark the State Funeral of Her Majesty Queen Elizabeth II and the Coronation of His Majesty King Charles III; and
- Provide for an additional INSET day in each of the school years 2022-2023, 2023-2024 and 2024-2025.

The Regulations require that the additional INSET day be used for the purpose of professional learning in relation to one or more of the following:

- Reducing the impact of poverty on the progression and attainment of pupils at the school;
- The operation of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 for pupils at the school;
- The curriculum to be provided at the school under Part 2 of the Curriculum and Assessment (Wales) Act 2021.

## **Procedure**

Negative.

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

## **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 issues of public policy likely to be of interest to the Senedd.**

Paragraph 6.15 of the Regulatory Impact Assessment contained within the Explanatory Memorandum notes the potential impact of an additional INSET day on children and families:

*6.15 We believe the main impact will be upon children and families, particularly those on lower incomes. In considering the options, we have been conscious of the current economic context, with rising living costs and freezes to income tax thresholds expected to result in a fall in real household disposable income over the coming years. Our decision to limit the additional INSET days to one per academic year is partly as a result of conducting the equality impact assessment, as in this way we can mitigate some of the impact. The impact on children as a group will be short term as there will be a collective missed day of school for children and young people. However, in the long term this additional INSET day will enable the successful delivery of the new curriculum and other reforms, improving the standard and breadth of education they receive.*

Paragraphs 6.26 and 6.29 of the Regulatory Impact Assessment note that eligible children will be unable to access free school meals on the additional INSET day, and that primary school children may also miss out on free breakfast provision. Paragraph 6.30 concludes that:

*6.30 However, on balance, the impact of not being able to access food provision on 1 of 190 terms days (in addition to the existing 5 INSET days) is outweighed by the benefits to their education from introducing the additional INSET day.*

## Welsh Government response

A Welsh Government response is not required.

### **Legal Advisers**

**Legislation, Justice and Constitution Committee**

**1 February 2023**

