

Government Response: The Education (School Day and School Year) (Wales) (Amendment) (Coronavirus) Regulations 2020

Merit Scrutiny point:

The Minister for Education, when she announced “back to school plans” for September on 9 July, stated ‘there will be a period of flexibility in recognition that schools may want to focus on priority year groups, such as those new to secondary schools, those sitting exams next summer or those in reception classes. This will also allow time, up to a fortnight, for any planning and reorganisation’.

Planning and preparation days, without learners present in school, form part of these flexible arrangements.

The Association of Directors of Education in Wales (ADEW) group is engaged in regular dialogue with senior officials in the Education Directorate. It was from the discussions with this group that the issue of needing extra planning and preparation days at the beginning of the new autumn term arose. Local authorities were concerned that some schools would not have enough time to get ready to welcome back all learners from 1 September.

It was necessary to amend the Regulations in order to account for these extra days of planning and preparation, which are in addition to the allocated INSET days, otherwise many schools would be in breach of statutory legislation to provide a minimum number of sessions over the school year.

Three local authorities indicated, in response to letters from the Welsh Government, that two days’ planning and preparation would not be enough for their schools. An additional letter was issued to those authorities, reminding them of their statutory duties and urging them to reconsider their plans so as to keep any further missed schooling to an absolute minimum. No further concerns have been raised by local authorities regarding the arrangements.

As the changes applied to the new school year and it is not customary to consult with schools over the summer holidays, there was insufficient time to undertake a full consultation. Not making the amended 2020 Regulations was not a viable option as we recognised that some schools needed extra time in order to properly prepare for the safe return of children and young people to full-time education. This is one-off amendment to the Regulations in response to the effect of the coronavirus pandemic.

More generally, in line with the expectations set out in the Minister for Education’s decision framework, officials across the Directorate continue to work closely with a wide range of partners to help shape and inform policies and proposals relating to increasing operations in schools and settings. These include ADEW, the middle tier and headteachers’ group, the trades unions, as well as the Chief Scientific Advisor, Chief Medical Officer, Public Health Wales and the Technical Advisory Cell (TAC).

No issues have been raised with the Welsh Government in relation to the extended autumn half term break in those local authority areas where schools opened for an additional week at the end of the summer term.

The extended half term break was agreed with Welsh Ministers for those local authorities on 8 July. This followed the statutory procedure stipulated in the Education (Notification of School Term Dates) (Wales) Regulations 2014, whereby local authorities must gain the agreement to a change to notified term dates from all governing bodies of voluntary aided and foundation schools in their area and the Welsh Ministers.

The Minister for Education issued confirmation letters to those authorities immediately, asking them to update their published term dates and to ensure parents and families of the learners affected were made aware of the change.

Early notification to the change of term dates for these local authority areas has given parents the time to plan for any additional childcare needs for the extended half term break.

Under the Childcare Act 2006 local authorities in Wales are required to secure sufficient childcare to help parents to work or train. For these authorities, where half term will run for two weeks as opposed to the usual one week, discussion with childcare providers around extended holiday childcare schemes will need to take place.

The National Survey for 2018-19 reported that of the 48% of parents using childcare, 76% used informal childcare provided by family and friends. Single parent households and those with lower incomes are more likely to use informal childcare. This usage and reliance has been recognised in the Welsh Government's approach to supporting the formation of extended households.

Welsh Government has taken steps to comply with regulation 8(1)(d) of the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011 by conducting impact assessments and ensuring local authorities are aware of their statutory responsibilities, both in providing the required number of school sessions and in providing sufficient childcare. Impact assessments will be published in due course.