

SL(6)688 – The School Organisation Code

Background and Purpose

The School Organisation Code is issued under sections 38 and 39 of the School Standards and Organisation (Wales) Act 2013 ("the Act"). It is the third edition of the Code and it will come into force on 9 February 2026 and supersede the second edition of the Code published in 2018.

Section 38 of the Act provides that the Welsh Ministers must issue a code on school organisation. The Code may impose requirements and may also include guidelines setting out aims, objectives and other matters.

The Welsh Ministers, local authorities, governing bodies of maintained schools, the Commission for Tertiary Education and Research and any other person proposing a school reorganisation must act in accordance with the requirements in the code and must have regard to the guidelines in the Code when exercising any functions under Part 3 of the Act.

Procedure

Draft negative

A draft of the code must be laid before the Senedd. If, within 40 days (excluding any time when the Senedd is dissolved or is in recess for more than 4 days) of the draft being laid, the Senedd resolves not to approve the draft code then the Welsh Ministers must not issue the code.

If no such resolution is made, the Welsh Ministers must issue the code (in the form of the draft) and the code comes into force on a day specified in an order made by the Welsh Ministers.

Scrutiny under Standing Order 21.7

The following points are identified for reporting under Standing Order 21.7 in respect of this code.

1. In the Welsh text of the Code, there is a varying between the use of "dyroddi" or "cyhoeddi" to express the meaning of "issue" where the context appears to be the same. On the front sheet of the document, "Date of Issue" is expressed as "Dyddiad cyhoeddi" but in the first paragraph under the heading "Summary of changes in the third edition of the Code" on page 5 "issue" is expressed using both "dyroddi" and "cyhoeddi" in the same context. In footnotes 1 and 2 on page 5, "issue" is expressed by using grammatical forms of both "dyroddi" and "cyhoeddi" when referring to the issue of notices by the Welsh Language Commissioner. Later in paragraph 8.2, the Welsh text also varies between "rhoi" and "dyroddi" when referring to the "issue" of a direction. In addition, in



paragraph 5.17, "issue" in relation to a decision is expressed by using a form of "cyhoeddi" but in paragraph 5.31 it is expressed by using a form of "cyflwyno" (which is more commonly used for "serve") in the same context. This problem occurs throughout the Welsh text of the Code.

2. On page 9, in paragraph 1, in the English text, after the reference to section 2, it notes the heading for that section "(changes which require proposals)". However, in the Welsh text, the words in parentheses differ slightly from the heading of section 2 as it notes "newidiadau sy'n gofyn am gynigion" rather than "newidiadau y mae angen cynigion ar eu cyfer".
3. In paragraph 1.42, there is a difference between the English and Welsh text. In the English text, it notes "the reason for proposing discontinuance of the school" but the meaning given by the Welsh text is "the reason for discontinuance of the school".
4. In paragraph 1.45, in the eighth bullet point, there is a difference between the English and Welsh text. In the English text, it notes "promote access to the availability of Welsh-medium courses" but the meaning given by the Welsh text is "promote access to Welsh-medium courses". In addition, there is another slight difference in that bullet point where it notes "the sustainability or enhancement of Welsh-medium provision" in the English text, but the meaning given by the Welsh text is "the sustainability and enhancement of Welsh-medium provision".
5. In paragraph 2.7, in the Welsh text, the choice of term for "premises" varies between the words "safle" and "premises" in the same context. At the beginning of that paragraph, in the first bullet point, "premises of a school" and "premises of the school" are expressed as "mangre ysgol" and "mangre'r ysgol". But later in paragraph 2.7, "school premises" and "school's premises" are both expressed as "safle ysgol". Therefore, the Welsh text is inconsistent when referring to "premises" in the same context. In addition, the reader will be unable to distinguish between "site" and "premises" in the Welsh text because "safle" is also used to express "site" elsewhere in the Code. "Mangre" is the standardised word for "premises" in the Glossary of the Welsh Government's Legislative Translation Unit.
6. In the second paragraph numbered 3.16, at the end of the second bullet point, it notes "the terms 'merger' or 'amalgamation' might be used" in the English text. However, in the Welsh text, a single word "uno" has been noted which is capable of expressing both of the words "merger" and "amalgamation". However, should it also note "cyfuno" in the Welsh text for "amalgamation", if there is any potential difference in meaning or emphasis in the choice of words in the English text?



7. In paragraph 3.22, there is an inconsistency in the choice of word to express “register” in the Welsh text. In the third bullet point, “registered” is expressed by using the more literal “cofrestru” but in the final bullet point “to register” is expressed by using “nodi”.
8. In paragraph 3.23, in the opening words before the bullet points, there is a difference between the English and Welsh text. In the English text, it notes “the following information for the new school **must** also be included” but the meaning given by the Welsh text is “the following information **must** also be included”.
9. In paragraph 3.36, there is a difference between the English and Welsh text. In the English text, it notes “children and young people’s participation standards for Wales” but the meaning given by the Welsh text is “children and young people’s participation **national** standards for Wales”.
10. In paragraph 4.3, there are a few differences between the English and Welsh text. In the English text, in the second bullet point, it notes “any existing school” but the meaning given by the Welsh text is “any school”. In addition, in the English text, in the fourth bullet point, it notes “and staff members” but the meaning given by the Welsh text is “and school staff”.
11. In paragraph 5.1, in the first bullet point, there is a difference between the English and Welsh text. In the English text, it notes “see paragraphs **5.24 to 5.27**” but the meaning given by the Welsh text is “see paragraphs **5.25 to 5.28**”.
12. Paragraph 5.17 relates to proposals that requires approval by a local authority. If a proposal is subject to the approval of a local authority, paragraph 5.17 provides that the local authority must issue its decision within 16 weeks beginning with the end of the objection period. This reflects section 51(8) of the 2013 Act. However paragraph 5.17 goes on to provide that a failure to comply with that time limit does not affect the validity of any decision reached and this appears to directly cut across section 51(8) of the 2013 Act, and across the will of the Senedd expressed therein. Whilst we note that under section 38(3) of the Act the Code may impose requirements, we do not consider that can extend to changing the effect of the primary legislation. In the event a local authority made a decision after the time period set out in section 51(8) has expired, what power do you consider they would they be exercising in making that decision?
13. In paragraph 5.28, in the final sentence, there is a difference between the English and Welsh text. In the English text, it notes “whether or not contested school organisation proposals” but the meaning given by the Welsh text is “whether or not school organisation proposals”.



14. In paragraph 6.9, there is a difference between the English and Welsh text. In the English text, it notes "by the substitution of a later date" but the meaning given by the Welsh text is "by the specification of a later date".
15. In paragraph 7.7, there is a difference between the English and Welsh text. In the English text, it notes "The possible closure of such schools" but the meaning given by the Welsh text is "The closure of such schools". In addition, it could be argued that "dyroddi" rather than "cyhoeddi" is the appropriate word to express the meaning of "issuing" in relation to statutory notice of closure in the Welsh text.
16. In paragraph 9.7, there is a reference to "section 63A(1) of the 2023 Act". Should this reference be to the School Standards and Organisation (Wales) Act 2013?
17. In Annex B, in the Examples of statutory notices, in the Welsh text, "insert" has generally been expressed by using "nodwch". However, in the first notice "mewnosodwch" is used on a single occasion and in the second notice "rhowch" has been used on a few occasions for "insert". Should a consistent approach be adopted in the choice of term for "insert" throughout the notices in the Welsh text?
18. In Annex B, in the Example of a statutory notice to establish a new community or voluntary school, in the paragraph beginning "In the case of proposals to establish a new voluntary school...", there is a difference between the English and Welsh text. In the English text, it notes "if the proposals are to be implemented by both" but the meaning given by the Welsh text is "if the proposals are to be implemented by both parties". However, later in the same paragraph it notes "the extent to which they are to be implemented by each such body" in both language texts. Therefore, in the Welsh text, it should note "both bodies" rather than "both parties" to be consistent if it is viewed necessary to provide an additional word to complete the meaning of the sentence. Otherwise, it should simply note "by both" as was done earlier in the Welsh text of paragraph 4.7 of the Code.
19. In Annex B, in the Example of a statutory notice to make a regulated alteration to a maintained community, foundation, voluntary or nursery school, there is a difference between the English and Welsh text. In the English text, in the first paragraph, the title is noted correctly of "the School Standards and Organisation (Wales) Act 2013". However, in the Welsh text, the title is noted incorrectly because "(Cymru)" is missing from the name of that Act.
20. In Annex C, there is a difference between the English and Welsh text. In the English text, in the penultimate bullet point under the heading "Welsh language impact assessment" it notes "and any specific language enhancement" but the meaning given by the Welsh text is "any language enhancement".



21. In Annex D, in the fifth paragraph, there is a difference between the English and Welsh text. At the beginning of that paragraph, in the English text, it notes "Where a school with a designated Church in Wales or Roman Catholic religious character..." but the meaning given by the Welsh text is "Where a school with a Church in Wales or Roman Catholic religious character". It is noted correctly later in the last sentence of that paragraph in the Welsh text where the meaning of "designated" is included for the phrase "a designated religious character".

Government response

A Welsh Government response is required to all reporting points.

Legal Advisers

Legislation, Justice and Constitution Committee

7 January 2026

