



Eich cyf/Your ref
Ein cyf/Our ref LF/LA/0181/12

David Melding AM
Chair
Constitutional and Legislative Affairs
Committee
National Assembly for Wales
Cardiff Bay
CF99 1NA

25 June 2012

Dear David,

CONSTITUTIONAL AND LEGISLATIVE AFFAIRS COMMITTEE - STAGE 1 SCRUTINY OF THE SCHOOL STANDARDS AND ORGANISATION (WALES) BILL

Thank you for your letter of 30 May following my appearance before the Constitutional and Legislative Affairs Committee on 28 May.

I agreed to provide the Committee with further information in order to clarify the following points:

1. The Draft of the School Organisation Code
I agreed to share the draft School Organisation code at Stage 2 subject to the Assembly's approval of the general principles of the Bill at Stage 1.
2. Details of where the powers contained in section 58, section 67, section 82 and para. 34(1)(b) of Schedule 5 are currently to be found and, specifically, whether, and if so when these powers have been used

The table below sets out the proposed power and the location of the existing legislative power.

Power contained in School Standards and Organisation Bill:	Existing Power can be found in :
Section 58	Section 34 of and paras 2 and 3 of Schedule 7 to the School Standards and Framework Act 1998
Section 67	Section 192 of the Education Act 2002

Section 82	Section 32 of the Schools Standards and Framework Act 1998
Para. 34(1)(b) of Schedule 5	Section 35 of the School Standards and Framework Act 1998 and Regulation 16 of and paragraph 19(3)(b) of Schedule 4 to The Change of Category of Maintained Schools (Wales) Regulations 2001

To date, none of the existing powers has ever been exercised.

3. A table of derivations for the Bill setting out the sources of the legislation proposed to be consolidated in the present Bill

Please refer to **Annex 1**.

4. Clarification of the possibility of compulsory purchase of land

The power contained in para. 34(1)(b) of Schedule 5 could not be used for the compulsory purchase of land; it could only be used in relation to the transfer of land when a school changes category. A school can only change category in accordance with the detailed provisions set out in the Bill. The process will require the making of a proposal, a statutory period of consultation, a notice period during which objections can be made and then the determination of the proposal. If a determination is made to approve the proposal, the implementation of the change of category must be done in accordance with Schedule 5 to the Bill. Paragraph 34(1)(b) of Schedule 5 is only relevant in the event that agreement cannot be reached between the transferor and the transferee on whether an area of land, already used for the purposes of a school, should be excluded from the transfer of land taking place between them. In those very specific circumstances, the purpose of this paragraph is to enable the Welsh Ministers to determine whether that piece of land should be excluded from the transfer. If the Welsh Ministers do *not* determine that the land should be excluded from the transfer, that land will be transferred in accordance with the provisions set out in the Schedule.

I trust that the information contained in the letter and attached annexes is helpful and responds to the Committee's specific questions.

Yours sincerely,



Leighton Andrews AC / AM
Y Gweinidog Addysg a Sgiliau
Minister for Education and Skills

SCHOOL STANDARDS AND ORGANISATION (WALES) BILL TABLE OF DERIVATION

1. This document is intended as an informal aid to debate on the Bill in the National Assembly for Wales. While care has been taken to ensure that the document is as accurate as reasonably practicable, it does not purport to be, and should not be relied on as, authoritative.
2. The attached table is intended to provide information on the derivation of the provisions of the School Standards and Organisation (Wales) Bill. The table does not provide definitive or exhaustive guidance, and should be read in conjunction with the Bill and with the explanatory notes on the Bill.

KEY TO ABBREVIATIONS

EA 1996 – Education Act 1996

EA 2002 – Education Act 2002

EA 2005 – Education Act 2005

LSA 2000 – Learning and Skills Act 2000

SSFA 1998 – School Standards and Framework Act 1998

SI 1999/1671 – The Education (School Organisation Proposals) (Wales) Regulations 1999

SI 1999/1780 – The Education (Maintained Special Schools) (Wales) Regulations 1999

SI 2001/2678 – The Change of Category of Maintained Schools (Wales) Regulations 2001

SI 2004/1576 – The School Organisation Proposals by the National Assembly for Wales Regulations 2004

S. – section

R. – regulation

P. – paragraph

Sch. - Schedule

TABLE OF DERIVATIONS

SECTION / PARAGRAPH	CORRESPONDING REFERENCE IN EXISTING LEGISLATION	SUBSTANTIVE CHANGE?
PART 1 : INTRODUCTION		
1	New	-
PART 2 : STANDARDS		
CHAPTER 1 – INTERVENTION IN CONDUCT OF MAINTAINED SCHOOLS		
2	Ground 1: S.15(2)(a)(i) SSFA 1998	No
	Ground 2: S.15(2)(a)(ii) SSFA 1998	No
	Ground 3: S.62 SSFA 1998	No
	Ground 4: S.15(2)(a)(iii) SSFA 1998	No
	Ground 5: new, but based partly on S.497 EA 1996 and S.15(2)(a)(iv) and (v) SSFA 1998	-
	Ground 6: new, but based partly on S.496 EA 1996 and S.15(2)(a)(iv) and (v) SSFA 1998	-
	Ground 7: S.15(4) SSFA 1998	No
	Ground 8: S.15 (6) SSFA 1998	No
3	S.15 SSFA 1998	No
4	S. 14 and S.15 SSFA 1998	Yes
5	New	-
6	S.16 SSFA 1998	No
7	S16A SSFA 1998	Yes
8	S.17 SSFA 1998	No
9	New	-
10	New	-
11	Partly S.18, S.18A, S.18B, S.19, S.19ZA and 19A SSFA 1998, partly new	Yes/-
12	New	-
13	S.18 SSFA 1998	No
14	S.18A SSFA 1998	No

15	S.18B SSFA 1998	No
16	S.19 SSFA 1998	No
17	S.496 EA 1996 and S.497 EA 1996	Yes
18	S.19A and Sch. 1A SSFA 1998	No
19	S.496 EA 1996 and S.497 EA 1996	Yes
20	New	-
CHAPTER 2		
21	S.496, 497 and 497A EA 1996	No
22	New	-
23	Partly S.496, 497 and 497A EA 1996, partly new	Yes/-
24	S.63 EA 2002	No
25	S.497A EA 1996	No
26	S.497A EA 1996	No
27	S.497A EA 1996	No
28	S.496, 497 and 497A EA 1996	Yes
29	S.496, 497 and 497A EA 1996	No
30	S.497AA EA 1996 and S.497B EA 1996	No
31	S.497A EA 1996 and S.497B EA 1996	No
CHAPTER 3		
32	New	-
33	New	-
34	New	-
35	New	-
36	New	-
37	New	-
PART 3 : SCHOOL ORGANISATION		
CHAPTER 1		
38	New	-
39	New	-
CHAPTER 2		
40	S.28(11) and S.33 SSFA 1998	No

41	S.28 SSFA 1998	No
42	S.28 SSFA 1998	Yes
43	S.29 SSFA 1998	No
44	S.31 SSFA 1998	No
45	S.35 and P.1 Sch 8 SSFA 1998	No
46	S.35 and P.3 Sch 8 SSFA 1998	No
47	S.35 and P.4 Sch 8 SSFA 1998 and R.5 SI 2001/2678	No
48	S.35 and P.6 Sch 8 SSFA 1998	No
49	New	-
50	Ss 28. 29. 31 and P.7 Sch 6 SSFA 1998	Yes
51	New	-
52	New	-
53	New	-
54	New	-
55	Ss 28. 29. 31 and P.9 Sch 6 SSFA 1998	Yes
56	Ss 28. 29. 31 and P.10 Sch 6 SSFA 1998	Yes
57	New	-
CHAPTER 3		
58	S. 34 and P.2 – P.3 Sch 7 SSFA 1998	No
59	S. 34 and P.4 Sch 7 SSFA 1998	No
60	S. 34 and P.5 Sch 7 SSFA 1998	No
61	S. 34 and P.12 Sch 7 SSFA 1998	No
62	S. 34 and P.13 Sch 7 SSFA 1998	No
63	S. 34 and P.14 Sch 7 SSFA 1998	No
64	S. 34 and P.15 Sch 7 SSFA 1998	No
CHAPTER 4		
65	S.191 EA 2002	No
66	S.191 EA 2002	No
67	S.192 EA 2002	No
68	Partly S.192 EA 2002, partly new	No/-
69	S.193 EA 2002	No

70	New	-
71	New	-
CHAPTER 5		
72	S.113A LSA 2000	Yes
73	S.113A LSA 2000 and R. 4 - R. 6 SI 2004/1576	Yes
74	S.113A LSA 2000, R.8A SI 2004/1576	Yes
75	S.113A and P.1 Sch 7A LSA 2000	No
76	S.113A and P.2 - P.4 Sch 7A LSA 2000	No
77	S.113A and P.5 - P.7 Sch 7A LSA 2000	No
78	S. 113 and P 1 – P6 Sch 7 LSA 2000 and part new	Yes/-
CHAPTER 6		
79	S 68 EA 2005	No
80	S 69 EA 2005	No
81	S.30 SSFA 1998	No
82	S.32 SSFA 1998	No
83	Ss 28. 29. 31 and P.22 Sch 6 SSFA 1998	No
84	New	-
PART 4 : WELSH IN EDUCATION STRATEGIC PLANS		
85	New	-
86	New	-
87	New	-
88	New	-
PART 5 : MISCELLANEOUS SCHOOLS FUNCTIONS		
89	New	-
90	New	-
91	New	-
92	New	-
93	New	-
94	New	-
95	New	-

96	New	-
97	New	-
PART 6 : GENERAL		
98	New	-
99	New	-
100	New	-
101	New	-
102	New	-
SCHEDULE 1 : GOVERNING BODIES CONSISTING OF INTERIM EXECUTIVE MEMBERS		
1	S.19A and P.1 Sch. 1A SSFA 1998	No
2	S.19A and P.2 Sch. 1A SSFA 1998	No
3	S.19A and P.3 Sch. 1A SSFA 1998	No
4	S.19A and P.4 Sch. 1A SSFA 1998	No
5	S.19A and P.5 Sch. 1A SSFA 1998	No
6	S.19A and P.6 Sch. 1A SSFA 1998	No
7	S.19A and P.7 Sch. 1A SSFA 1998	No
8	S.19A and P.8 Sch. 1A SSFA 1998	No
9	S.19A and P.9 Sch. 1A SSFA 1998	Yes
10	S.19A and P.10 Sch. 1A SSFA 1998	No
11	S.19A and P.11 Sch. 1A SSFA 1998	Yes
12	S.19A and P.12 Sch. 1A SSFA 1998	No
13	S.19A and P.13 & P.14 Sch. 1A SSFA 1998	Yes
14	S.19A and P.15 and P.16 Sch. 1A SSFA 1998	No
15	S.19A and P.17 Sch. 1A SSFA 1998	No
16	S.19A and P.18 Sch. 1A SSFA 1998	No
17	S.19A and P.19 Sch. 1A SSFA 1998	No
SCHEDULE 2 : REGULATED ALTERATIONS		
1	New	-
2	S 28 and 31 SSFA 1998 and R. 3, 3A and P.8 Sch 2 and P. 5 of Sch 2A SI 1999/1671 and R. 3 and P. 7 Sch 1 SI 1999/1780	Yes
3	S 28 and 31 SSFA 1998 and R. 3, 3A P.5 Sch	No

	2 and P.3 Sch 2A SI 1999/1671 and R. 3 and P.3 Sch 1 SI 1999/1780	
4	New	-
5	S 28 and 31SSFA 1998 and R. 3, P.2 Sch 2 SI 1999/1671 and R. 3 and P.2 Sch 1 SI 1999/1780	No
6	Based on S 28 and 31 SSFA 1998 and R. 3, P.2 Sch 2 SI 1999/1671 and R. 3 and P.2 Sch 1 SI 1999/1780 partly new	Yes/-
7	S 28 and 31 SSFA 1998 and R. 3, P.6 Sch 2 SI 1999/1671 and R. 3 and P.6 Sch 1 SI 1999/1780	Yes
8	S 28 and 31 SSFA 1998 and R. 3, P.6 Sch 2 SI 1999/1671 and R. 3 and P.6 Sch 1 SI 1999/1780	No
9	New	-
10	S 28 SSFA 1998 and R. 3, P.1 Sch 2 SI 1999/1671	No
11	S 28 SSFA 1998 and R. 3, P.1 Sch 2 SI 1999/1671	No
12	S 28 SSFA 1998 and R. 3, P.1 Sch 2 SI 1999/1671	No
13	New	-
14	S 28 SSFA 1998 and Rs. 2 and 3, P.1 Sch 2 SI 1999/1671	No
15	S 28 SSFA 1998 and R. 3, P.3 Sch 2 SI 1999/1671	No
16	S 28 SSFA 1998 and R. 3, P.4 Sch 2 SI 1999/1671	No
17	S 28 SSFA 1998 and R. 3, P.7 Sch 2 SI 1999/1671	No
18	New	-
19	S. 31 SSFA 1998 and R. 3 and P.1 Sch 1 SI 1999/1780	No
20	S. 31 SSFA 1998 and R. 3 and P.4 Sch 1 SI 1999/1780	No
21	S. 31 SSFA 1998 and R. 3 and P.5,Sch 1 SI 1999/1780	No
22	New	-

23	S.28 SSFA 1998 and R.3A and P.1 Sch 2A SI 1999/1671	No
24	S.28 SSFA 1998 and R.3A and P.2 Sch 2A SI 1999/1671	No
25	S.28 SSFA 1998 and R.3A and P.4 Sch 2A SI 1999/1671	No
26	Ss 28 and 31 SSFA 1998 / partly new	Yes/-

SCHEDULE 3 : LOCAL DETERMINATION PANELS

1	New	-
2	New	-
3	New	-
4	New	-
5	New	-
6	New	-
7	New	-
8	New	-
9	New	-
10	New	-
11	New	-
12	New	-
13	New	-
14	New	-

SCHEDULE 4 : IMPLEMENTATION OF STATUTORY PROPOSALS

1	New	-
2	Ss 28, 29 and 31 and P.12 Sch 6 SSFA 1998	No
3	Ss 28, 29 and 31 and P.13 Sch 6 SSFA 1998	No
4	Ss 28, 29 and 31 and P.14 Sch 6 SSFA 1998	No
5	Ss 28, 29 and 31 and P.15 Sch 6 SSFA 1998	No
6	New	-
7	Ss 28, 29 and 31 and P.16 Sch 6 SSFA 1998	No
8	Ss 28, 29 and 31 and P.17 Sch 6, SSFA 1998	No
9	Ss 28, 29 and 31 and P.18 Sch 6 SSFA 1998	No
10	Ss 28, 29 and 31 and P.19 Sch 6 SSFA 1998	No

11	Ss 28, 29 and 31 and P.20 Sch 6 SSFA 1998	No
12	Ss 28, 29 and 31 and P.22 Sch 6 SSFA 1998	No
SCHEDULE 5 : IMPLEMENTATION OF PROPOSALS TO CHANGE CATEGORY OF SCHOOL		
1	New	-
2	S. 35 SSFA 1998 and R.8 SI 2001/2678	No
3	S. 35 SSFA 1998 and R.9 and P.1 – P.6 Sch 2 SI 2001/2678	No
4	S. 35 SSFA 1998 and R.9 and P.7 – P.12 Sch 2 SI 2001/2678	No
5	S. 35 SSFA 1998 and R.9 and P.13 Sch 2 SI 2001/2678	No
6	S. 35 SSFA 1998 and R.16 and P.1 Sch 4 SI 2001/2678	No
7	S. 35 SSFA 1998 and R.16 and P.1 Sch 4 SI 2001/2678	No
8	S. 35 SSFA 1998 and R.16 and P.1 Sch 4 SI 2001/2678	No
9	S. 35 SSFA 1998 and R.16 and P.2 Sch 4 SI 2001/2678	No
10	S. 35 SSFA 1998 and R.16 and P.4 Sch 4 SI 2001/2678	No
11	S. 35 SSFA 1998 and R.16 and P.4 Sch 4 SI 2001/2678	No
12	S. 35 SSFA 1998 and R.16 and P.5 Sch 4 SI 2001/2678	No
13	S. 35 SSFA 1998 and R.16 and P.5 Sch 4 SI 2001/2678	No
14	S. 35 SSFA 1998 and R.16 and P.6 Sch 4 SI 2001/2678	No
15	S. 35 SSFA 1998 and R.16 and P.6 Sch 4 SI 2001/2678	No
16	S. 35 SSFA 1998 and R.16 and P.7 Sch 4 SI 2001/2678	No
17	S. 35 SSFA 1998 and R.16 and P.8 Sch 4 SI 2001/2678	No
18	S. 35 SSFA 1998 and R.16 and P.8 Sch 4 SI 2001/2678	No
19	S. 35 SSFA 1998 and R.16 and P.9 Sch 4 SI 2001/2678	No

20	S. 35 SSFA 1998 and R.16 and P.9 Sch 4 SI 2001/2678	No
21	S. 35 SSFA 1998 and R.16 and P.11 Sch 4 SI 2001/2678	No
22	S. 35 SSFA 1998 and R.16 and P.11 Sch 4 SI 2001/2678	No
23	S. 35 SSFA 1998 and R.16 and P.16 Sch 4 SI 2001/2678	No
24	S. 35 SSFA 1998 and R.16 and P.12 Sch 4 SI 2001/2678	No
25	S. 35 SSFA 1998 and R.16 and P.12 Sch 4 SI 2001/2678	No
26	S. 35 SSFA 1998 and R.16 and P.14 Sch 4 SI 2001/2678	No
27	S. 35 SSFA 1998 and R.16 and P.15 Sch 4 SI 2001/2678	No
28	S. 35 SSFA 1998 and R.16 and P.17 Sch 4 SI 2001/2678	No
29	S. 35 SSFA 1998 and R.16 and P.18 Sch 4 SI 2001/2678	No
30	S. 35 SSFA 1998 and R.16 and P.18 Sch 4, SI 2001/2678	No
31	S. 35 SSFA 1998 and R.16 and P.18 Sch 4 SI 2001/2678	No
32	S. 35 SSFA 1998 and R.16 and P.19 Sch 4 SI 2001/2678	No
33	S. 35 SSFA 1998 and R.16 and P.19 Sch 4 SI 2001/2678	No
34	S. 35 SSFA 1998 and R.16 and P.19 Sch 4 SI 2001/2678	No
35	S. 35 SSFA 1998 and R.16 and P.19 Sch 4 SI 2001/2678	No
36	S. 35 SSFA 1998 and R.16 and P.19 Sch 4 SI 2001/2678	No
37	S. 35 SSFA 1998 and R.16 and P.20 Sch 4 SI 2001/2678	No
38	S. 35 SSFA 1998 and R.16 and P.21 Sch 4 SI 2001/2678	No
39	S. 35 SSFA 1998 and R.16 and P.22 Sch 4 SI 2001/2678	No

40	S. 35 SSFA 1998, Sch. 8, P. 5	No
41	S. 35 SSFA 1998 and R.17 – R.18 SI 2001/2678	No
SCHEDULE 6 : MINOR AND CONSEQUENTIAL AMENDMENTS		
Contains minor and consequential amendments		

