

Explanatory Memorandum to the Education (School Development Plans) (Wales) Regulations 2014

This Explanatory Memorandum has been prepared by the Department for Education and Skills and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Education (School Development Plans) (Wales) Regulations 2014.

Huw Lewis

Minister for Education and Skills

1 October 2014

1. Description

The Education (School Development Plans) (Wales) Regulations 2014 (“the Regulations”) require governing bodies of maintained schools to prepare a school development plan (“SDP”) containing specified information. They address the shortcomings of the current system by mandating an essential tool for school improvement.

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

There are no matters of special interest to be brought to the Committee’s attention.

3. Legislative background

The Regulations are made by the Welsh Ministers in exercise of the powers in sections 19 and 54(3) and (4) of the Education Act 1997. The functions of the Secretary of State in sections 19 and 54 of the Education Act 1997 were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and then to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32). Under section 19 Welsh Ministers may by regulations make such provision for requiring the governing bodies of maintained schools to secure that annual targets are set in respect of the performance of pupils.

The Regulations are also made under sections 537 and 569(4) and (5) of, and paragraph 3 of Schedule 1 to, the Education Act 1996. The powers in the Education Act 1996 and the Education Act 2002 were conferred upon the National Assembly for Wales and transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006. Under section 537 Welsh Ministers have the power to require information from governing bodies.

The Regulations are also made under sections 21(3), 30(1) and (2), 131 and 210 of the Education Act 2002. Under section 21(3), regulations may define the respective roles and responsibilities of the governing body. Under section 30(1) and (2), regulations may impose requirements in respect of governors’ reports.

The Regulations are subject to the negative resolution procedure.

4. Purpose & intended effect of the legislation

Raising standards of education and improving learner outcomes is at the heart of educational reform in Wales. International evidence indicates that school improvement is supported by effective short- and long-term planning, which is linked to challenging targets.

Developing a culture of strategic planning, effective self-evaluation and target-setting is vital to identifying and reducing variations in school performance. This is reflected in Estyn's common inspection framework (introduced in 2010) that places self-evaluation at the centre of school improvement. Self-evaluation is the means by which schools interrogate data, reflect, identify targets and plan how they will meet them. Evidence from Estyn inspection reports, performance in PISA tests and performance data used in school banding, points to variations in the quality of self-evaluation, effective planning and target-setting and highlights the impact such variations have on school performance.

Across Wales there is variability in the scope, quality and effectiveness of school improvement planning. Estyn's annual report for 2012-13 concludes that self-evaluation and planning for improvement could be strengthened in just over a quarter of those schools in Wales inspected. While many schools already have a plan to improve educational standards that is routinely updated, it is not currently a legal requirement and, therefore, leaves an essential tool for school improvement as an option that not all schools use effectively.

The Regulations impose duties on governing bodies of all maintained schools, including pupil referral units and maintained nurseries to set out their strategic priorities for improving school performance and how they intend to address them in a single planning document; the SDP. Although the governing body holds overall responsibility for the SDP, in practice the head teacher will work with the staff and governing body in producing the SDP and will be responsible for implementing the necessary actions and strategies to bring about improvement.

The SDP is the school's strategic plan for improvement. It sets out the actions a school will take to improve learner outcomes. A SDP will be informed by the regular self-evaluation a school undertakes of its own performance along with wider contextual data and will contain the school's improvement priorities and short and longer-term targets. The school's priorities will include how the school is addressing the national priorities of:

- Raising the standards of education in relation to literacy.
- Raising the standards of education in relation to numeracy.
- Reducing the impact of poverty on educational attainment.

The SDP will set out how the school will achieve its targets, in relation to its priorities, and how it will use the resources it has available, including funding. It must also set out how the school intends to develop its staff (including those temporarily placed at the school) in order to meet the school's priorities and targets.

The SDP provides a means for streamlining schools' strategic planning processes and avoiding unnecessary duplication and additional bureaucracy. It should, therefore, not be necessary to have separate plans in place such as spending plans for grants – these should form an integral part of the SDP which will reflect the circumstances the school is in at any point in time.

The SDP will provide a focus for regional consortia engagement with schools. The establishment of challenge advisers in regional consortia as part of the National Model of Regional Working is a key element in meeting local authority and education consortia responsibilities to raise standards of school performance and share effective practice. Challenge advisers will challenge and support schools in identifying and implementing the actions which are necessary to bring about improvements.

For many schools the introduction of Regulations will represent little or no change to their existing practice, and we do not wish schools to unnecessarily change arrangements where they are already proven to be effective. However, introduction of the Regulations will set a minimum standard in relation to the preparation of SDPs, including the matters to be addressed in a SDP, the period the plan is to have effect for, the requirements for reviewing and updating the SDP and the arrangements for publishing the SDP. This will provide more consistency across Wales and help to reduce the variation of school improvement planning and lead to positive changes in learner outcomes.

5. Consultation

A public consultation took place between 28 April and 21 July 2014 on draft Regulations. A total of 24 responses were received from schools, teacher and support staff unions, local authorities, consortia and other bodies concerned with education in Wales.

Overall the responses were supportive of the proposals. All of the comments received were carefully considered and, as a result, the following two minor amendments were made to the Regulations:

- to clarify the expectation that schools must review and revise the school development plan at least once each year; and
- to clarify that the reference to the “current school year” means the first school year for which the plan is to have effect.

A summary of the responses received to the consultation can be found by accessing the following link:

<http://wales.gov.uk/consultations/education/the-education-school-development-plans-wales-regulations-2014/?status=closed&lang=en>

6. Regulatory Impact Assessment (RIA)

A regulatory impact assessment has not been prepared as the Regulations do not impose any additional costs on businesses, employers or third parties.

The Regulations have no impact on the statutory duties in sections 77-79 or statutory partners in sections 72-75 of the Government of Wales Act 2006.