



# School Standards and Organisation (Wales) Act 2013

2013 anaw 1

## PART 2

### STANDARDS

#### CHAPTER 3

##### SCHOOL IMPROVEMENT GUIDANCE

#### **32 Meaning of “school authority”**

In this Chapter “school authority” means—

- (a) a local authority in the exercise of its education functions;
- (b) the governing body of a maintained school;
- (c) the head teacher of a maintained school.

#### **33 Power to issue school improvement guidance**

- (1) The Welsh Ministers may issue guidance to a school authority on how the authority should exercise its functions with a view to improving the standard of education provided by any maintained school in respect of which the authority exercises functions (“school improvement guidance”).
- (2) The Welsh Ministers—
  - (a) may issue school improvement guidance to school authorities generally or to one or more particular authorities;
  - (b) may issue different school improvement guidance to different school authorities;
  - (c) may revise or revoke school improvement guidance by further guidance;

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- (d) may revoke school improvement guidance by issuing a notice to the school authorities to which it is directed.
- (3) The Welsh Ministers must ensure that school improvement guidance, or a notice revoking such guidance, states—
  - (a) that it is issued under this section, and
  - (b) the date on which it is to take effect.
- (4) The Welsh Ministers must arrange for school improvement guidance, or a notice revoking such guidance, to be published.

### **34 Consultation and National Assembly for Wales procedures**

- (1) Before issuing or revising school improvement guidance, the Welsh Ministers must consult the following persons on a draft of the guidance—
  - (a) school authorities likely to be affected by the guidance,
  - (b) Her Majesty's Chief Inspector of Education and Training in Wales, and
  - (c) any other person the Welsh Ministers consider appropriate.
- (2) If the Welsh Ministers wish to proceed with the draft (with or without modifications) they must lay a copy of the draft before the National Assembly for Wales.
- (3) If, before the end of the 40 day period, the National Assembly resolves not to approve the draft of the guidance, the Welsh Ministers must not issue it in the form of that draft.
- (4) If no such resolution is made before the end of that period, the Welsh Ministers must issue the guidance (or revised guidance) in the form of the draft.
- (5) The 40 day period—
  - (a) begins on the day on which the draft is laid before the National Assembly, and
  - (b) does not include any time during which the National Assembly is dissolved or is in recess for more than four days.
- (6) Subsection (3) does not prevent a new draft of proposed guidance or proposed revised guidance from being laid before the National Assembly.

### **35 Duty to follow school improvement guidance**

- (1) A school authority must follow the course set out in school improvement guidance issued to it in accordance with this Chapter when exercising a power or duty (including a power or duty that is contingent upon the opinion of the school authority); but this is subject to the following provisions of this section.
- (2) A school authority that is a local authority is not subject to the duty under subsection (1) so far as—
  - (a) the authority thinks there is good reason for it not to follow the guidance in particular categories of case or at all,
  - (b) it decides on an alternative policy for the exercise of its functions in respect of the subject matter of the guidance, and
  - (c) a policy statement issued by the authority in accordance with section 36 is in effect.
- (3) A school authority that is the governing body of a maintained school or its head teacher is not subject to the duty under subsection (1) so far as—

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- (a) the governing body thinks there is good reason for it or the head teacher not to follow the guidance in particular categories of case or at all,
  - (b) the governing body decides on an alternative policy for the exercise of its, or the head teacher's, functions in respect of the subject matter of the guidance, and
  - (c) a policy statement issued by the governing body in accordance with section 36 is in effect.
- (4) Where subsection (2) or (3) applies in the case of a school authority, the authority—
- (a) must follow the course set out in the policy statement, and
  - (b) is subject to the duty under subsection (1) only so far as the subject matter of the school improvement guidance is not displaced by the policy statement.
- (5) The duties in subsections (1) and (4) do not apply to a school authority so far as it would be unreasonable for the authority to follow the school improvement guidance or policy statement in a particular case or category of case.

### **36 Policy statements: requirements and ancillary powers**

- (1) A policy statement issued under section 35(2) or (3) must set out—
- (a) how the local authority or governing body (as the case may be) proposes that functions should be exercised differently from the course set out in the school improvement guidance, and
  - (b) the authority's or the body's reasons for proposing that different course.
- (2) An authority or body that has issued a policy statement may—
- (a) issue a revised policy statement;
  - (b) give notice revoking a policy statement.
- (3) A policy statement (or revised statement) must state—
- (a) that it is issued under section 35(2) or (3) (as the case may be), and
  - (b) the date on which it is to take effect.
- (4) The authority or body that issues a policy statement (or revised statement), or gives a notice under subsection (2)(b), must—
- (a) arrange for a statement or notice to be published;
  - (b) send a copy of any statement or notice to the Welsh Ministers.

### **37 Directions**

- (1) Subsection (2) applies if, in relation to a policy statement issued by a school authority, the Welsh Ministers consider that the authority's alternative policy for the exercise of functions (in whole or in part) is not likely to improve the standard of education provided at a school to which the policy statement relates.
- (2) The Welsh Ministers may direct the school authority to take any action which the Welsh Ministers consider appropriate for the purpose of securing the exercise of functions by the authority in accordance with the school improvement guidance issued to the authority in accordance with this Chapter.
- (3) A school authority subject to a direction under this section must comply with it.

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- (4) This includes a direction to exercise a power or duty that is contingent upon the opinion of the school authority.
- (5) A direction under this section—
  - (a) must be given in writing;
  - (b) may be varied or revoked by a later direction;
  - (c) is enforceable by mandatory order on application by, or on behalf of, the Welsh Ministers.