

# **SCHOOL STANDARDS AND ORGANISATION (WALES) ACT 2013**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 2 - Standards**

##### ***Chapter 3 – School Improvement Guidance***

44. This Chapter provides for the Welsh Ministers to issue guidance to head teachers, governing bodies and local authorities about how to exercise their functions so as to improve standards of education.

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

45. This section defines the term “school authority” to mean a local authority, governing body or head teacher of a maintained school in Wales.

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

46. [Section 33](#) provides a power for the Welsh Ministers to issue guidance to school authorities setting out how they are to improve the standards of education in schools.

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

47. [Section 34](#) sets out the procedure the Welsh Ministers must follow before issuing school improvement guidance. Amongst other things it requires consultation and for the Welsh Ministers to lay a copy of the guidance before the National Assembly for Wales.

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

48. This section places a duty on school authorities to comply with guidance issued under section 33.
49. This section does allow for school authorities to depart from that guidance in certain circumstances in order to provide for a degree of flexibility and innovation. Where a school authority which is a local authority or a governing body wishes to depart from the guidance it must issue a policy statement detailing its alternative policy for exercising the education functions concerned. It must then follow that alternative policy. If there is a partial departure from the guidance (subsection (2) or (3) and section 36), school authorities will have to adhere to both the policy statement and (in so far as the policy statement does not deal with a matter) the guidance.
50. In addition the duty to follow the school improvement guidance or a policy statement will not apply to any school authority if to do so would be unreasonable.

*These notes refer to the School Standards and Organisation (Wales)  
Act 2013 (c.1) which received Royal Assent on 4 March 2013*

***Section 37 - Directions***

51. Where the Welsh Minister consider that the alternative course of action set out in a school authority's policy statement is not likely to improve educational standards they may issue a direction to the school authority requiring it to comply with the guidance. A direction must be issued in writing and may be enforced by a mandatory order.