

SCHOOL STANDARDS AND ORGANISATION (WALES) ACT 2013

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 5 - Miscellaneous Schools Functions

Section 88 – Duty to provide free breakfasts for pupils in primary schools

97. **Section 88** requires a local authority to provide breakfasts free of charge on each school day for pupils at a primary school it maintains if the governing body of the school has made a written request to the local authority for breakfasts to be provided and 90 days have passed since the authority received the request.
98. The local authority's duty to provide breakfasts will not apply if the governing body has asked the local authority to stop providing breakfasts, or the local authority decides that it would be unreasonable to provide, or continue to provide, breakfasts at the school.
99. The section sets out the requirements that must be met by a local authority when making breakfast arrangements. It also provides the Welsh Ministers with a power to issue guidance to which local authorities and governing bodies must have regard.

Section 89 – Transitional provision

100. Subsection (1) of this section applies where a local authority that maintains a primary school, or its governing body, is providing breakfasts to pupils at the time the local authority's duty under section 88 comes into force. In such circumstances, the local authority's duty under section 88 will apply in relation to the school as if the requirements in section 89(1) have been met.
101. Subsections (2) and (3) apply if, before the local authority's duty under section 89 comes into force, the governing body of a maintained primary school makes a written request to the local authority to provide breakfasts at the school and neither the local authority or the governing body of the school has arranged for breakfasts to be provided to pupils at the school. In such circumstances the request made by a governing body is to be treated as though it was made on the day that the local authority's duty under section 88 came into force.

Section 91 – Amendment to power to charge for school meals etc

102. This section amends sections 512ZA (power to charge for meals etc) and 533 (functions of governing bodies of maintained schools with respect to provision of school meals etc) of the Education Act 1996.
103. Subsections (2)(b) and (3)(b) repeal the requirement that any charge made for the provision of milk, meals and other refreshments in a school must be the same for every person for the same quantity of the same item. The repeal of this requirement will give

local authorities and governing bodies the option to charge different prices for the same quantity of the same item.

104. Flexible charging will for example, enable local authorities and governing bodies to charge less for school meals provided to children of families on low incomes not eligible for free school meals in order to encourage them to take school meals. Use of flexible charging is optional and subject to local circumstances. This change will not affect the provision of free school meals (and free milk) to eligible pupils.
105. The effect of the amendments made by subsections (2)(a) and (3)(a) is that local authorities and governing bodies of maintained schools are prevented from charging more than the cost of providing milk, meals or other refreshments to pupils. Currently, there is no cap on how much a pupil can be charged. This will not affect the provision of free school meals (and free milk) to eligible pupils

Section 92 – Independent counselling services for school pupils and other children

106. **Section 92** requires a local authority to make reasonable provision for an independent counselling service in respect of health, emotional and social needs for specified categories of persons. This section sets out requirements that must be met by a local authority when making counselling arrangements.
107. It also provides the Welsh Ministers with a power to make regulations requiring local authorities to provide counselling services at locations specified in the regulations.

Section 93 – Information about independent counselling services

108. This section enables the Welsh Ministers to obtain information from a local authority about its independent counselling service. Subsections (1) and (2) require a local authority to comply with a direction of the Welsh Ministers by providing and compiling information about the counselling service. Subsection (3) prevents the disclosure of an individual's identity and subsection (4) sets out the position where the person providing the counselling service is not the local authority.

Section 94 – Duty of governing body of maintained schools to hold meetings following petition by parents

109. This section provides out that a governing body must hold a meeting if the following four conditions are met –
 - it receives a petition requesting a meeting from whichever is the lower of:
 - the parents of 10% of registered pupils, or;
 - the parents of 30 registered pupils.
 - the meeting is for the purpose of discussing a matter relating to the school;
 - that there will be no more than three such meetings in a school year; and
 - that there are enough school days left in the school year in which to hold the meeting.
110. Upon receipt of a request the governing body must inform parents of registered pupils at the school of the date and purpose of the meeting and must hold the meeting within 25 days (as calculated in accordance with subsection (9) and (10)) of receipt of the petition.
111. The governing body must have regard to guidance issued by the Welsh Ministers on how to discharge their duty in this section.

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

Section 95 – Repeal of duty to hold annual parents’ meeting

112. As a consequence of the provision on parents’ meetings in section 94, this section repeals section 33 of the Education Act 2002 which required governing bodies of maintained schools to hold an annual parents’ meeting (and consequently the Annual Parents’ Meeting (Exemption) (Wales) Regulations 2005 made under that power will lapse).