

Explanatory Memorandum to the Education (School Inspection) (Wales) (Amendment) Regulations 2017

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

Cabinet Secretary's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Education (School Inspection) (Wales) (Amendment) Regulations 2017

Kirsty Williams AM
Cabinet Secretary for Education

30 June 2017

1. Description

The Regulations provide Estyn with some flexibility regarding the timing of the pre-inspection parents meeting. Rather than the meetings having to take place at the beginning of an inspection, inspectors have up to the end of the second day from the start of the inspection for the meeting to happen. Therefore, if an inspection commences on 1 September the meeting must be held by the end of 2 September. This allows the inspection team to tailor the process to meet the needs of individual schools and maximise the efficient use of the inspection team's time at the school.

These regulations amend the Education (School Inspection) (Wales) Regulations 2006

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

None.

3. Legislative background

The Welsh Ministers have the following relevant powers in relation to the following settings:

Maintained schools:

Paragraph 6 of Schedule 4 of the Education Act 2005 prescribes when Estyn must meet with parents as part of its school inspection.

The functions in the Education Act 2005 outlined above were conferred on the National Assembly for Wales but are now vested in the Welsh Ministers by virtue of paragraph 30 of Schedule 11 of the Government of Wales Act 2006.

The Regulations follow the Negative Procedure.

4. Purpose & intended effect of the legislation

The purpose and intended effect of the legislation is to provide Estyn with some flexibility within the inspection process to meet the needs of individual schools.

Background

Estyn will be implementing changes to the way it inspects education and training in schools and other providers from September 2017. Estyn has consulted on these changes and have piloted them with a number of schools across Wales. As part of its review of inspection arrangements, Estyn identified areas where some minimal changes to regulation and statutory guidance would enable the Inspectorate to be more supportive and better drive improvement through inspection work.

One of those areas was to amend the timing of schools' pre inspection meetings with parents. These meetings are considered a valuable part of the

inspection process and current regulations require that these meetings are held prior to an inspection taking place. Generally, parents' meetings are held at the end of the first day of the inspection period, before any substantive inspection activity takes place. As the parents' meeting is currently seen as the starting point for inspection, key inspection activity is unable to commence until the meeting has taken place.

Advantages of the change

Whilst the meeting should still be held early in the inspection process, by proposing that the meeting takes place within 2 days of the start of the inspection:

- Provides the inspection team with some flexibility to tailor the inspection process to meet the needs of individual schools if it wishes to do so.
- Continues to allow the feedback from the meetings to inform inspection activity.
- Allows the inspection team to commence some key inspection activity earlier in the process if it wishes to do so.
- Maximises the efficient use of the inspection team's time at a school.

Disadvantages of the change

There are no obvious disadvantages to making this change. The amendments to regulations simply allow Estyn some flexibility to tailor its inspection process to meet the specific needs of a school. It is likely that in most inspections, the meetings will continue to take place at the very beginning of the process as is currently the case, but should the need arise for the meeting to take place at a later time, within the first 2 days of inspection, the regulations will allow that flexibility.

5. Consultation

The Welsh Government carried out a 6 week public consultation on "Changing the Estyn inspection regime" between 1 March and 12 April 2017. The consultation sought views on this proposal, to reduce the timescale for preparation of a local authority written statement for a school in an Estyn statutory category and a refresh of the Welsh Government's statutory Schools Causing Concern Guidance

Nine respondents replied to the consultation. A summary of the consultation responses will be published here:

<https://consultations.gov.wales/consultations/changing-estyn-inspection-regime>

In response to the proposal to amend the timing of the schools' pre-inspection parents meeting, the majority of respondents (six out of nine) supported it and welcomed the flexibility it would bring to the inspection process.

There was little support for reducing the timescale for preparation of a local authority written statement for a school in an Estyn statutory category.

In relation to a refresh of the Welsh Government's statutory Schools Causing Concern Guidance, respondents approved wording to introduce greater flexibility into the process for monitoring schools causing concern and provided a number of suggestions to refresh in other areas.

6. Regulatory Impact Assessment (RIA)

A regulatory impact assessment has not been prepared in respect of these regulations as they are making a minor amendment to existing legislation and have no impact on the statutory duties (sections 77 -79 GOWA 06) or statutory partners (sections 72-75 GOWA 06) and do not impose any additional costs.