



Children’s Rights Impact Assessment (CRIA) Template

Title / Piece of work:	Reform of School Governance: proposals to revise and consolidate the school governance regulatory framework.
Related SF / LF number (if applicable)	MA-L- KW - 5308/16
Name of Official:	Tracey Jones
Department:	Department for Education & Public Services
Date:	[To be completed]
Signature:	

Please complete the CRIA and retain it for your records on iShare. You may be asked to provide this document at a later stage to evidence that you have complied with the duty to have due regard to children’s rights e.g. Freedom of Information access requests, monitoring purposes or to inform reporting to the NafW.

Upon completion you should also forward a copy of the CRIA to the Measure Implementation Team for monitoring purposes using the dedicated mailbox CRIA@wales.gsi.gov.uk

If officials are not sure about whether to complete a CRIA, they should err on the side of caution and seek advice from the Measure Implementation Team by forwarding any questions to our mailbox CRIA@wales.gsi.gov.uk

You may wish to cross-reference with other impact assessments undertaken.

NB. All CRIAs undertaken on legislation must be published alongside the relevant piece of work on the WG website. All other CRIAs must be listed in the WG CRIA newsletter and must be made available upon request. Ministers are however, encouraged to publish all completed CRIAs.

Six Steps to Due Regard



Step 1. What's the piece of work and its objective(s)?

A brief description of the piece of work

Governing bodies have a vital and demanding role to play in the success of our schools. This is because they set the strategic direction for their school, and hold the head teacher to account for the school's educational and financial performance.

We believe that skills must be a fundamental consideration when all categories of governor are being appointed, and that governing bodies need to have the full range of skills required to enable successful governance as well as the flexibility to adapt to the particular needs of their schools.

In his report on the *Future Delivery of Education Services in Wales*¹ Robert Hill described the quality and skills of governing bodies as variable. This was consistent with the Welsh Government's Schools Challenge Cymru initiative which also raised concerns about the quality of school governors.

Successive annual Estyn reports have also found school governance to be variable, although the latest reports show some general improvement in the level of challenge offered by governing bodies. However, this may be due to the recent introduction of mandatory training for school governors.

In its report "*Step Change – A new approach for schools in Wales*"² the CBI stressed that "*the focus for composition of governing bodies must be skills - ensuring the right people with the*

¹ <http://gov.wales/docs/dcells/consultation/130621-delivery-of-education-report-en.pdf>

² <http://www.cbi.org.uk/cbi-prod/assets/File/pdf/step-change-a-new-approach-to-schools-in-wales.pdf>

right skills are in place is the key to effectiveness". The Report concluded "More freedom should be given to governing bodies to determine composition based on skills, rather than representative roles such as parent governor, LA governor or staff governor".

The CBI recommended therefore that the restrictions on representation on governing bodies should be relaxed and action should be taken to ensure more volunteers from the business community can serve as governors.

The Task and Finish Group on school governance, which was established by a former Minister for Education & Skills to consider the fitness for purpose of the school governance framework in Wales, concluded that governing bodies need to be more skilled in their governance role, and also need to be able to recruit more widely so that the very best individuals participate in governing schools.

The Group also recommended a shift from the current stakeholder model to a "Stakeholder Plus" approach to school governance. This approach would retain the valuable contribution made by the variety of stakeholders in the current school governance model, but the 'Plus' aspect would allow governing bodies the flexibility and freedom to recruit additional governors on the basis of skills need.

In its response to the Hill report the Group concluded that there needed to be, amongst other matters, more of an emphasis on the skills governors need to discharge their duties rather than who they represent as well as greater clarity about the role and accountability of governing bodies.

We are seeking to revise the legislative framework within which school governance operates to provide school governing bodies with the flexibility they require to be effective, and to constitute themselves to meet the particular needs of their schools. There will be a focus on appointing suitably skilled school governors.

Governance requirements relating to school staffing and disciplinary matters also need to be updated so that, for example, governing bodies may draw on the expertise of suitably skilled individuals when making decisions on matters of importance such as the appointment of head teachers.

The purpose of making these changes is to enable better governance and more successful schools, which in turn leads to improved outcomes in terms of educational attainment and well-being for their pupils.

In order to reform school governance in Wales we need to revise and consolidate the existing sets of Regulations which currently underpin the school governance framework, many of which are more than ten years old. The "Existing Regulations" are:

- The School Government (Terms of Reference) (Wales) Regulations 2000
- The New Maintained Schools (Wales) Regulations 2005
- The Government of Maintained Schools (Wales) Regulations 2005

- The Governor Allowances (Wales) Regulations 2005
- The Staffing of Maintained Schools (Wales) Regulations 2006
- The Changing of School Session Times (Wales) Regulations 2009
- The Federation of Maintained Schools (Wales) Regulations 2014.

What is the time frame for achieving this?

This CRIA has been prepared as part of a suite of consultation documentation on our proposals for the reform of school governance in Wales. The 14 working weeks web-based public consultation is taking place from 11 November 2016. The consultation period is longer than usual to take account of the school Christmas break and will allow affected and interested parties to provide feedback on our proposals, including the new draft Regulations which will revise and consolidate the existing Regulations.

Following the production of a summary report for the consultation, and factoring responses into the final version of the reform of school governance, it is anticipated that the new Regulations will be made and laid by the 1ST June 2017 and come into force on the 1st December 2017. It is expected that all governing bodies in Wales will be operating in accordance with the new Regulations by 1st December 2018.

Who are the intended beneficiaries?

Intended beneficiaries include:

- * School pupils and their parents
- * The governing bodies of maintained schools
- * Local authorities.

Is it likely that the piece of work will specifically affect children?

Yes. The Welsh Government is bringing forward these proposals to benefit the education and well-being of all children who attend maintained schools in Wales; the duty of implementing the proposals will be on local authorities and school governing bodies.

Will the piece of work have an effect on a particular group of children, if so, describe the group affected?

Our proposals apply to all maintained schools in Wales and so to all children who attend those schools. No particular group of children is affected more than another.

Step 2. Analysing the impact

We do not envisage a negative impact on children, young people or their families as a result of our school governance proposals; indeed, any impact is expected to be positive.

In the case of “faith” schools we have, where necessary, adapted our proposals to try to ensure that the religious character of such schools is upheld and that the impact on such schools is negligible.

For example, in the case of voluntary aided “faith” schools we propose that the Diocesan Officer should have a right to vote as well as attend any head or deputy head teacher appointment panel to “balance” that we intend – for all maintained schools - to also give the right to vote as well as attend to the local authority’s Chief Education Officer.

Suitably skilled and flexible governing bodies will be more able to respond to the specific needs of their schools and secure improved outcomes for their pupils in terms of well-being and educational attainment. Governing bodies of schools with groups of pupils who achieve relatively poor levels of educational attainment will have the flexibility to appoint a co-opted governor with the experience to recognise the reasons for attainment gaps and how best to improve them. This should lead to better career prospects for all the children and young people who have attended these schools.

Disadvantaged communities may benefit particularly; stronger and more “tailored” school governance which secures improved outcomes and better career prospects for its pupils will also raise pupils’ motivation and aspirations. A well educated and motivated potential work force may attract more businesses to invest in a local area, leading to “quality” job opportunities and a more prosperous community. In turn, this may lead to a reduction in child poverty.

Informal engagement on our proposals for reforming the school governance regulatory framework has already taken place with the Association of Directors of Education in Wales (ADEW), the School Practitioners’ Panel and representatives from the Education Workforce Unions. There was broad support of the need to reform school governance with our proposals to have better skilled, more flexible governing bodies being particularly well received.

A 14 working weeks web-based public consultation on our proposals is taking place from 11 November 2016. This is to take account of the school Christmas break.

In addition to being publically available on the Welsh Government internet site, links to the consultation have also been provided to key stakeholders such as Estyn, local and diocesan authorities, a 10% sample of school governing bodies (including various faith and non-faith schools), the Equality and Human Rights Commission, the Children’s Commissioner for Wales and education Consortia.

A children’s version of the consultation has not been prepared. While the purpose of our proposals is ultimately to benefit children by enabling schools to achieve better outcomes for their pupils, we are seeking to bring this about by reforming the school governance structure.

Our proposals do not change the obligation on governing bodies for all junior and secondary schools (i.e. year 3 onwards) to have school councils which enable pupils to discuss matters relating to their school. However, it is only secondary school councils who may elect up to 2 pupils

from years 11 to 13 from its membership to be pupil governors. Pupil governors will continue to be able to participate in certain committees of the governing body where most of the day-to-day work of the governing body takes place; if the governing body agrees, they may also have a vote. However, pupil governors will continue not to be able to participate in committees dealing with such matters as staffing issues or pupil discipline.

Parents will also retain the right to participate in school governance; our proposals are for there to be at least one elected and one appointed parent governor on all school governing bodies.

Step 3. How does your piece of work support and promote children's rights?

The reason for bringing forward our proposals to reform school governance is to make school governing bodies more effective, so that they secure better outcomes in terms of educational attainment and well-being for pupils who attend maintained schools in Wales. This will be measured by analysis of the data submitted by schools about their pupils; this data covers such matters as the number of pupils who have free school meals and their levels of educational attainment. Estyn inspections will also report against the quality of school governance.

Children's educational lives will therefore be affected, and it is expected that longer term pupils' career prospects will improve. There may also be further longer term benefits in the form of increased prosperity for local communities.

We believe that these proposals will maximise outcomes within the UNCRC articles discussed below.

Article 3

All organisations concerned with children should work towards what is best for each child.

The reason for making the proposed changes to school governance is to have appropriately skilled and flexible governing bodies which are better able to serve the specific needs of their schools. In turn, this will lead to better outcomes for individual pupils in terms of educational attainment and well-being.

For example, it may be that a group of pupils in a school have low levels of educational attainment. Governing bodies will be more able to seek specialist advice to identify why this is happening and so address the underlying causes. This could include identifying poor pupil well-being due to lack of opportunities for exercise, and introducing specific measures to address this such as after school clubs.

Article 27

Children have a right to a standard of living that is good enough to meet their physical and mental needs. The Government should help families who cannot afford to provide this.

In the long term, securing better outcomes for pupils in the form of enhanced educational attainment should lead to better career prospects for children, young people and their families.

Disadvantaged communities may benefit particularly; stronger and more "tailored" school

governance which secures improved outcomes and better career prospects for its pupils will also raise pupils' motivation and aspirations. A well educated and motivated potential work force may attract more businesses to invest in a local area, leading to "quality" job opportunities and a more prosperous community. In turn, this may lead to a reduction in child poverty.

Article 28

Children have a right to an education. Primary education must be free and different forms of secondary education must be available to every child. Discipline in schools must respect children's dignity and their rights. Richer countries must help poorer countries achieve this.

Our proposals will enhance the education of all pupils in maintained schools. This is because strengthened and improved school governance framework will secure better outcomes for pupils, particularly in terms of educational attainment and pupil well-being.

Article 29

Education should develop each child's talents and personality to the full. It should teach children to respect their parents, and their own and other cultures.

Governing bodies which have the appropriate skills and flexibility are more able to adapt to the needs of their specific schools and pupils. In turn, this will lead to schools being better able to develop each individual pupil's talents and personality.

For example, proposals to ensure that the best candidates are selected as head teachers will lead to improved school leadership which helps to nurture children's individual talents.

Step 4. Advising the Minister and Ministerial decision

The advice to the Minister for Education & Skills confirms that this CRIA has been completed. No conflict with UNCRC articles has been identified.

Step 5. Recording and communicating the outcome

This CRIA will be published simultaneously with the consultation document on the Welsh Government website.

Step 6. Revisiting the piece of work as and when needed

This impact assessment will be reviewed following the close of the consultation period.

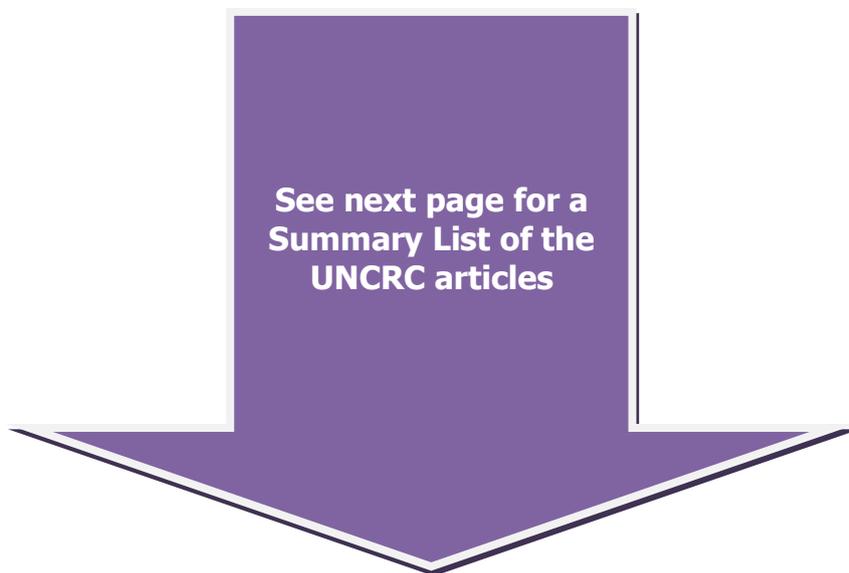
Budgets

<p>Does the piece of work have any associated allocation of budget?</p> <p>It is important that where any changes are made to spending plans, including where additional allocations or savings have been made, that this has been assessed and evidenced as part of the CRIA process.</p>	<p>NO</p>
<p>Please give any details:</p> <p>The funding for the consultation on revision of the school governance regulatory framework was met from within the BEL 5120 within the Education and Public Services MEG during 2015/16 and 2016/17.</p>	

Monitoring & Review

<p>Do we need to monitor / review the proposal?</p>	<p>Yes</p>
<p>If applicable: set the review date</p>	<p>Month / Year</p> <p>Post consultation review on these proposals is expected by the spring of 2017.</p> <p>We expect that a review of the impact of the revision and consolidation of the school governance framework will be undertaken following the first year in which the new framework has effect.</p>

Please forward a copy of this CRIA to CRIA@wales.gsi.gov.uk for monitoring purposes



THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD

www.uncrcletsgetitright.co.uk

The United Nations Convention on the Rights of the Child is an international agreement that protects the human rights of the children under the age of 18. On 16 December 1991, the United Kingdom of Great Britain and Northern Ireland formally agreed to make sure that every child in the UK has all the rights as listed in the convention. The Welsh Government has shown its commitment to the convention by adopting it as the basis for policy making for children in Wales.

Altogether there are 54 articles in the convention. Articles 43-54 are about how adults and governments should work together to make sure all children are entitled to their rights. The information contained here is about articles 1-42 which set out how children should be treated.



**Llywodraeth Cymru
Welsh Government**

www.cymru.gov.uk

Article 1

Everyone under 18 years of age has all the rights in this Convention.

Article 2

The Convention applies to everyone whatever their race, religion, abilities, whatever they think or say and whatever type of family they come from.

Article 3

All organisations concerned with children should work towards what is best for each child.

Article 4

Governments should make these rights available to children.

Article 5

Governments should respect the rights and responsibilities of families to direct and guide their children so that, as they grow, they learn to use their rights properly.

Article 6

All children have the right to life. Governments should ensure that children survive and develop healthily.

Article 7

All children have the right to a legally registered name, the right to a nationality and the right to know and, as far as possible, to be cared for by their parents.

Article 8

Governments should respect children's right to a name, a nationality and family ties.

Article 9

Children should not be separated from their parents unless it is for their own good, for example if a parent is mistreating or neglecting a child. Children whose parents have separated have the right to stay in contact with both parents, unless this might hurt the child.

Article 10

Families who live in different countries should be allowed to move between those countries so that parents and children can stay in contact or get back together as a family.

Article 11

Governments should take steps to stop children being taken out of their own country illegally.

Article 12

Children have the right to say what they think should happen, when adults are making

decisions that affect them, and to have their opinions taken into account.

Article 13

Children have the right to get and to share information as long as the information is not damaging to them or to others.

Article 14

Children have the right to think and believe what they want and to practise their religion, as long as they are not stopping other people from enjoying their rights. Parents should guide their children on these matters.

Article 15

Children have the right to meet together and to join groups and organisations, as long as this does not stop other people from enjoying their rights.

Article 16

Children have a right to privacy. The law should protect them from attacks against their way of life, their good name, their families and their homes.

Article 17

Children have the right to reliable information from the mass media. Television, radio and newspapers should provide information that children can understand, and should not promote materials that could harm children.

Article 18

Both parents share responsibility for bringing up their children, and should always consider what is best for each child. Governments should help parents by providing services to support them, especially if both parents work.

Article 19

Governments should ensure that children are properly cared for, and protect them from violence, abuse and neglect by their parents or anyone else who looks after them.

Article 20

Children who cannot be looked after by their own family must be looked after properly, by people who respect their religion, culture and language.

Article 21

When children are adopted the first concern must be what is best for them. The same rules should apply whether the children are adopted in the country where they were born or taken to live in another country.

Article 22

Children who come into a country as refugees should have the same rights as children born in that country.

Article 23

Children who have any kind of disability should have special care and support so that they can lead full and independent lives.

Article 24

Children have the right to good quality health care and to clean water, nutritious food and a clean environment so that they will stay healthy. Rich countries should help poorer countries achieve this.

Article 25

Children who are looked after by their local authority rather than their parents should have their situation reviewed regularly.

Article 26

The Government should provide extra money for the children of families in need.

Article 27

Children have a right to a standard of living that is good enough to meet their physical and mental needs. The Government should help families who cannot afford to provide this.

Article 28

Children have a right to an education. Discipline in schools should respect children's human dignity. Primary education should be free. Wealthy countries should help poorer countries achieve this.

Article 29

Education should develop each child's personality and talents to the full. It should encourage children to respect their parents, and their own and other cultures.

Article 30

Children have a right to learn and use the language and customs of their families, whether these are shared by the majority of people in the country or not.

Article 31

All children have a right to relax and play, and to join in a wide range of activities.

Article 32

The Government should protect children from work that is dangerous or might harm their health or their education.

Article 33

The Government should provide ways of protecting children from dangerous drugs.

Article 34

The Government should protect children from sexual abuse.

Article 35

The Government should make sure that children are not abducted or sold.

Article 36

Children should be protected from any activities that could harm their development.

Article 37

Children who break the law should not be treated cruelly. They should not be put in prison with adults and should be able to keep in contact with their families.

Article 38

Governments should not allow children under 15 to join the army. Children in war zones should receive special protection.

Article 39

Children who have been neglected or abused should receive special help to restore their self respect.

Article 40

Children who are accused of breaking the law should receive legal help. Prison sentences for children should only be used for the most serious offences.

Article 41

If the laws of a particular country protect children better than the articles of the Convention, then those laws should stay.

Article 42

The Government should make the Convention known to all parents and children.

For further information on the United Nations Convention on the Rights of the Child please visit: The Welsh Government's UNCRC Website: www.uncrcletsgetitright.co.uk/

Cic - The National Information and Advice Service for Young People www.ciconline.co.uk/news/

