

## **Explanatory Memorandum to the Changing of School Session Times (Wales) Regulations 2009**

This Explanatory Memorandum has been prepared by the Department for Economy and Transport and is laid before the National Assembly for Wales in accordance with standing order 24.1

### **Description**

The Changing of School Session Times (Wales) Regulations 2009 (“the Regulations”) are made under Section 32 of the Education Act 2002 as amended by the Learner Travel (Wales) Measure (2008) (“the Measure”). Section 32 of the Education Act 2002 as amended enables local education authorities to change the start and finish times of school session times where they consider that this will promote the use of sustainable modes of transport or improve the efficiency or effectiveness of their travel arrangements. These Regulations set out the procedure that would need to be followed.

### **Matters of special interest to the Subordinate Legislation Committee**

None.

### **Legislative Background**

The Regulations are made under Section 32 of the Education Act 2002 as amended by Section 21 of the Measure and in accordance with Section 210(6A) of the Education Act 2002 as inserted by section 21(3) of the Measure and are subject to the negative resolution procedure.

### **Purpose and intended effect of the Legislation**

Section 32 of the Education Act 2002, as amended by the Learner Travel (Wales) Measure 2008, sets out who is responsible for determining the dates of school terms, school holidays and the times of school sessions. Where a local education authority consider that a change in a school’s session times is necessary or expedient to promote the use of sustainable modes of travel as defined in Section 11 of the Measure or to improve the efficiency or effectiveness of their travel arrangements, they can determine the time the school’s first session begins and its second session ends (or if there is only one session, its start and end).

Regulation 2 of the Regulations revoke the Changing of School Session Times (Wales) Regulations 2000. Regulation 3 sets out the procedures to be taken by the local education authority when they propose to change a school’s session times.

Regulation 4 re-enacts the provision made by the 2000 Regulations, requiring a governing body to consult with the local education authority and school staff and to hold a meeting with the parents of pupils at the school before making a change.

## **Implementation**

The Regulations will come into effect on the 1 April 2009. They apply only to Wales.

## **Regulatory Impact Assessment**

### **Options**

One of the aims of the Measure is to provide local authorities with greater powers to change school session times in order to promote the use of sustainable modes of travel. The Regulations set out the procedures to be followed before making these changes.

#### **Option 1 – Do Nothing**

The implications of doing nothing is that one of the main policy objectives of the Measure, which is to promote the use of sustainable modes of transport and improve the efficiency or effectiveness of local authority travel arrangements, will not be implemented effectively.

#### **Option 2 - Provide Guidance and Additional Resources**

The Welsh Assembly Government could issue statutory guidance on the procedures that local education authorities should follow before changing school session times using powers in Section 32(10) of the Education Act 2002 as amended by Section 21 of the Measure. Local authorities would be required to have regard to this guidance and they should in general follow it, unless they have sound reasons not to do so. However, due to the importance of ensuring that consultation is undertaken thoroughly on all occasions, it is important that the procedures to be followed are specified in regulations – this will ensure a consistent approach across Wales.

#### **Option 3 – Introduce Regulations**

This is the most effective option, which fully addresses the policy objectives. The regulations provide a statutory framework that ensures uniformity of approach by local authorities across Wales. In particular they provide:

- Local authorities with the regulatory framework to utilise the provisions set out by the Measure to make changes to promote the use of sustainable modes of travel within the meaning of Section 11 of the Measure;
- To improve the effectiveness or efficiency of travel arrangements made, or to be made, by the Local Authority under the Measure; and
- To establish clear procedures to consult staff, parents and local communities on proposed changes to school session times.

## **Costs and Benefits**

### **Option 1 – Do Nothing**

If the Regulations were not made there would be no costs incurred for either Welsh Assembly Government or local authorities. However, local authorities would not know what procedures they would have to follow before changing school session times and there is a risk that not all schools and parents would be consulted as widely and as thoroughly as is set out in the draft Regulations

### **Option 2 - Provide Guidance and Additional Resources**

Issuing statutory guidance periodically would entail minor administrative costs for the Assembly Government of under £5k. Local authorities would be required to have regard to guidance and they should in general follow it unless they have sound reasons not to do so. However, as detailed in Option 2 above, it would not provide the same force as a statutory framework and could be implemented inconsistently across Wales.

### **Option 3 – Introduce Regulations**

This is the most effective option, which fully addresses the policy objectives. There are no costs involved in publishing the Regulations. There are only limited financial burdens associated with the introduction of the Regulations on local authorities, which is to consult with parents, head teachers and Governors prior to any changes taking place. It is estimated that this cost could amount to approximately £500 - £1,000. The local authority could benefit from efficiencies with the new school session times where for example one bus company could do 2 school runs, as well as environmental benefits with school start and finish times being staggered in the area. In terms of the impact on parents and children there could be some inconvenience with regard to changing arrangements for before or after school care, however as part of the process of changing school session times, the parents would need to be fully consulted, and the local authorities would need to consider all representations received.

## **Competition Assessment**

The Regulations will have no effect on competition.

## **Consultation**

The draft Regulations went out to consultation from the 3 December 2008 – 30<sup>th</sup> January 2009. Twenty one responses were received and nine were generally supportive of the draft Regulations while 12 others raised various issues that will be addressed through amendments to the regulations and additional guidance where appropriate. A detailed analysis of the comments made by consultees and the action taken is available.

## **Post Implementation Review**

We will review the procedures for changing school session times by March 2012.

### **Summary**

The Regulations are necessary in order to implement provisions made in the Learner Travel (Wales Measure) 2008 allowing for the changing school session times to promote the use of sustainable modes of transport or improve the efficiency or effectiveness of their travel arrangements. There will be no costs to business while those on local authorities and the Welsh Assembly Government will be insignificant. The potential benefits of the Regulations could be significant.