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Consultation – summary of responses

Harmonising school term dates for 2016/17

Term dates proposals for all maintained schools
in Wales for school year 2016/17

Date of issue: June 2015

Harmonising school term dates for 2016/17

Audience	Local authorities in Wales, including their respective directors of education; governing bodies of voluntary aided and foundation schools in Wales; diocesan authorities; teaching unions; ESTYN; the Welsh Local Government Association (WLGA); Association of Directors of Education in Wales (ADEW); the Children's Commissioner for Wales.
Overview	This document summarises the responses received to a consultation on the Welsh Government's proposals for regulations to provide for informing the Welsh Government of the school term dates which have been set for all maintained schools in Wales.
Action required	None – for information only.
Further information	Enquiries about this document should be directed to: School Governance and Organisation Branch Schools Management and Effectiveness Division Department for Education and Skills Welsh Government Cathays Park Cardiff CF10 3NQ Tel: 029 2082 6051 Fax: 029 2080 1044 e-mail: SMED2@wales.gsi.gov.uk
Additional copies	Both this document and the consultation documents can be accessed from the Welsh Government's website at www.gov.wales/consultations
Related documents	Education Act 2002 (English only) www.legislation.gov.uk/ukpga/2002/32/contents Education (Wales) Act 2014 www.senedd.assemblywales.org/mglIssueHistoryHome.aspx?lId=7186 <i>School term dates: Proposals for reforming how school term dates are set for all maintained schools in Wales</i> (2012) Consultation document on the Welsh Government's proposals for term date harmonisation www.gov.wales/consultations/education/schooltermdates/%3bjsessionid=F02%20D1B4BFDE587FB4AAFBECA33F5498?status=closed&lang=en

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1. Background

1.1 The Education (Wales) Act 2014 changed arrangements for term date setting in Wales. As a result while local authorities and governing bodies of voluntary aided and foundation schools retain the right to set term dates for their schools, they must also now work together to ensure those dates are the same or as similar as possible. If, despite best efforts, consensus is not achieved Welsh Ministers have the power to direct local authorities and relevant governing bodies on what their term dates must be, so that term dates are harmonised across Wales.

1.2 All but one of the 22 local authorities submitted notifications advising Welsh Ministers of their proposed term dates for 2016/17 for all community, voluntary controlled community special and maintained nursery schools (“regular schools”) within their areas. Notifications were also received from 70 (42%) of the 167 voluntary aided and foundation schools across Wales.

1.3 Although local authorities in South and North Wales chose dates which achieved harmonisation between regular schools within their areas, the dates for South Wales did not always agree with those for North Wales. Similarly, whilst some harmonisation was achieved between Mid and West Wales those dates differed from those set in North and South Wales. However, all 21 local authorities that returned notifications set the Easter break to allow schools to break up on Friday 7 April 2017 meaning that schools would not be open during Holy Week.

1.4 Of the 70 notifications received from voluntary aided and foundation schools 61 or (87%) were content to agree to the dates set by their local authority. 37 of the 70 notifications were from Roman Catholic voluntary aided schools, of which there are 86 in Wales. 9 of the 37 schools were not content to have the same Easter Break as their local authority, instead preferring to continue in school during Holy Week up to and including Maundy Thursday (13 April 2017). Nevertheless this meant that 28 or (76%) of the Roman Catholic schools that responded were content to align their term dates with their local authority and break up for Easter before the start of Holy Week

1.5 Taking into account unverified information received from Catholic schools in the form of unsigned notifications and provisional information from local authorities or schools themselves it was apparent that an overall majority of Catholic schools were content to align their Easter break with that of their local authority. This was because 7 out of the 11 instances of unverified information indicated that the school was content to align their term dates with their local authority, while 4 were not. If we were to include this information with the signed notifications received it would indicate that information was received for some 48 of the 86 Catholic schools, of which 35 or (73%) were content to align their term dates with the local authority and not remain in school during the Holy Week. All Church in Wales’ schools that submitted notifications, or for which unverified information was received were also content to align their school term dates with the local authority.

1.6 Consequently, despite best efforts, harmonisation of school term dates had not been achieved leading the Welsh Ministers to consider using their powers to direct the term dates which would be set to ensure term dates are harmonised

across Wales for 2016/17. In determining which term dates to set Welsh Ministers carefully considered all signed notifications and unverified information received, and decided to propose a set of dates which took into account some aspects of term dates proposed by each main region in Wales. In doing so they considered that the proposed dates reflected the opinions of the majority of voluntary aided and foundation schools around the Easter break. As a result of the analysis of term date notifications the Welsh Government considered it reasonable to propose term dates for 2016/17 which would see schools breaking up before the start of Holy Week.

2. The consultation proposals

2.1 Before using their powers of direction Welsh Ministers are under a duty to carry out an appropriate consultation. A three month consultation ran from 10 November 2014 to 2 February 2015 seeking views on the harmonised term dates for the school year 2016/17 that Welsh Ministers proposed to apply to all maintained schools in Wales and the related draft direction. In addition a child friendly version was issued and six consultation sessions held across Wales for children and young people. The proposed dates for 2016/17 on which Welsh Ministers consulted were:

First day of the school year	Thursday 1 September 2016
Autumn half term holiday	Monday 24 October 2016 to Friday 28 October 2016
Christmas Holiday	Monday 19 December 2016 to Monday 2 January 2017 (i.e. return to school on Tuesday 3 January 2017)
Spring half term	Monday 20 February 2017 to Friday 24 February 2017
Easter Holiday	Monday 10 April 2017 to Friday 21 April 2017
Summer half term	Monday 29 May 2017 to Friday 2 June 2017
Final day in school	Friday 21 July 2017

3. Summary of responses received

3.1 A total of 48 responses were received to the consultation which can be categorised as follows:

Local Authorities	16 ¹
Diocesan Authorities	1
Unions	4
Schools 7 – from Roman Catholic VA Schools 1 – from Church in Wales VA school 3 – from community schools	11
Representative and other bodies	8
Individuals/anonymous	8

3.2 Although there were no responses to the youth friendly version of the consultation document some of the views expressed at the consultation sessions are reflected in this document.

¹ Including a composite response from the six North Wales authorities.

4. Overview of consultation responses

4.1 Unless otherwise stated throughout this report percentages are expressed as a measure of respondents to each question. All such percentages have been rounded up or down to the nearest whole number.

4.2 The consultation document posed one specific question on the proposed term dates for school year 2016/17 and the proposed draft direction.

Question 1 – Do you agree with our proposals for term dates for the school year 2016/17 set out in the table at point 4.1, and the proposed draft direction in the Annex as discussed in point 4.2?

4.3 All 48 respondents responded to this question. 22 (46%) agreed with the proposals whilst 21 (44%) disagreed and 5 (10%) neither agreed nor disagreed.

4.4 **The 22 respondents who agreed with the proposed dates included:**

- 15 local authorities (including one composite response from all six North Wales Authorities) agreed, with 2 of the South Wales authorities commenting that the dates differ only slightly to those contained in notifications previously submitted to the Welsh Government. Powys local authority agreed on the basis that the dates do not impact on the Royal Welsh Show (RWS).
- 4 respondents in addition to Powys LA agreed on the basis that the dates do not impact on the Royal Welsh Show (RWS). This included St Michael's Church in Wales School who commented that it is important that any finishing dates in the summer term take account of the RWS.
- 1 community primary school
- The Children's Commissioner for Wales who agreed commenting that harmonised term dates compliment anti poverty strategies and that "*changes outlined in the document will mean that some families in Wales will not have additional childcare costs during schools holidays and this is to be welcomed*".
- Estyn also agreed with the dates commenting that "*The harmonisation of school term dates would be very helpful for Estyn in planning its inspection programme.*"

4.5 **The 21 respondents who disagreed with the proposed term dates included:**

- One local Authority that disagreed and commented that "*Keeping in time with calendared dates for Easter does not support teaching and learning. In particular, where Easter falls late this means that there is a long spring term and a very short lead in time after the holiday to effectively support and prepare students for their external examinations*". However, this response also acknowledged that RC schools preferred to work in the week leading up to Easter which involves these schools usually having a shorter lead in time to prepare for examinations than other mainstream schools.

- 8 schools which included 7 Roman Catholic schools who disagreed on the basis of the importance of the Easter period and the various events and celebrations of the Catholic faith and the headteacher of a Wrexham community school who disagreed on the basis of unequal terms length in that equidistant term dates are more beneficial to learners.
- The Catholic Diocese of Wrexham who commented that: *“the proposal to treat all schools the same, whilst rightly seeking the fairest option for parents, cannot override the educational aims of Catholic schools and cannot be judged as more important”. “I do not accept the assumptions that some schools are happy to accept the dates given because they have not replied....I think that schools simply fall in line with LAs and rarely contest them”.*
- 7 responses relating to 3 Roman Catholic schools, (e.g. parents, governors or parishioners connected to Catholic schools) disagreed with the proposed dates on a similar basis to the 7 Roman Catholic schools.
- NASUWT which disagreed and commented *“there is no acknowledgement or recognition in the draft Direction of the need to ensure that members of the workforce, who have made arrangements and financial commitments based on the dates published previously by schools and local authorities, will be allowed to take paid leave of absence”.*
- 3 respondents including two who disagreed on the incorrect assumption that the dates clashed with the Royal Welsh Show (RWS) and one who although he had no issue with the proposed dates for 2016/17 disagreed on the basis of being unclear how future Royal Welsh Shows might be impacted.

Welsh Government Response

4.6 With regards to creating terms of equal length, the policy objective behind the changes is to achieve harmonisation of school term dates across Wales. LAs and Voluntary aided and foundation schools retain the right to set term dates, but where harmonisation is not achieved Welsh Ministers will direct what those dates must be to achieve harmonisation. In doing so Welsh Ministers will be mindful of notifications received from local authorities and relevant issues including the length of term dates to ensure that they are as equal as possible, but this is not the overriding objective and it will not always be possible to achieve term dates of equal length.

4.7 We appreciate concerns raised about impacting the events and festivals of Roman Catholic schools, which is why these proposals have been the subject of extensive consultation. Local authorities and voluntary aided and foundation schools were given forward notice of the proposed changes and have had an opportunity to respond to several consultations on this issue. Local authorities and voluntary aided schools retain the right to set term dates and were requested to submit notifications of term dates in August 2014. The majority of those voluntary aided and foundation schools that took the opportunity to return notifications and respond to the consultation, including some Roman Catholic schools, agreed to align with their local

authority and not to stay open during Holy Week whilst a minority of notifications chose to stay open during Holy Week and so not align their dates for Easter with those of their local authority. This was a factor in helping us to decide on the proposals for school term dates for 2016/17.

4.8 Welsh Ministers expect Local Authorities to liaise with the voluntary aided (VA) and foundation schools in their area as well as neighbouring local authorities with the aim of achieving harmonisation of term dates. We do not accept that various VA/foundation schools would have been forced to comply with their LA when they have a right to opt to select their favoured term dates as some schools in South Wales chose to do

4.9 We do not accept that the consultation fails to address issues of members of the schools workforce being paid leave of absence because of dates term dates previously published by their Local Authorities. All Local Authorities in Wales were informed by the Minister for Education and Skills of the new legislative arrangements in Wales back in July 2013 and so would have been aware that if they published term dates for 2016/17 these could be subject to change.

4.10 A number of respondents responded on an incorrect assumption that the proposed dates affect the RWS in 2017. The proposed dates do not affect the RWS in 2017 which is scheduled to start on 24 July 2017, the week after the proposed final Friday of the school year.

4.11 The 5 respondents who neither agreed nor disagreed included:

- The Catholic Education Service, which whilst agreeing with the principle of harmonised term dates, particularly because of the problems variations cause for other maintained schools that share services with Catholic schools and for 14-19 year old learners on collaborative courses, suggested that where there is agreement locally, and the impact on learners and families minimal, some clusters of Catholic schools would appreciate the opportunity to remain open in the week before Easter.
- The Welsh Local Government Association (WLGA) in partnership with the Association of Directors of Education in Wales (ADEW) who commented that they *"would prefer that work towards a permanent solution take place rather than annual consultation on direction of dates"*.
- Three respondents who neither agreed nor disagreed on the basis that some of the dates proposed were fine but others were not and could not understand why the proposed dates were chosen. One mentioned that the Christmas break started too early and another neither agreed nor disagreed on the basis that many of the dates do not meet those proposed by the majority of local authorities. One response from a school council did not specifically indicate agreement or disagreement, only to be mindful of potential clashes with the Royal Welsh Show for future term dates.

Welsh Government response

4.12 To allow a minority of schools to set dates which do not concord with other schools in Wales would go against the whole principle of school harmonisation which lies at the heart of the legislative changes. It would not solve the issues relating to the high costs of childcare for parents who have more than one child attending schools with differing dates, or those who work in one school that has different dates than the school their child attends. Neither would it address the issue of schools that share services or run collaborative courses with other schools and colleges.

4.13 To override the right of local authorities and voluntary aided and foundations schools to initially set term dates could be viewed as an abuse of power by Welsh Ministers. As such the legislation has been drafted on the basis that local authorities and voluntary aided and foundation schools retain the right to set term dates for their schools but are also under a duty to coordinate with each other to ensure that those dates are the same or as similar as possible. Welsh Ministers will only intervene and direct what term dates must be if harmonisation is not achieved. The expectation is that in determining what dates to set Welsh Ministers would take into account dates previously notified to them. Before issuing a direction Welsh Ministers are under a duty to consult.

4.14 We do not believe that it is practical to try to reach a “permanent solution” for term dates given that events and circumstances change year on year and may not be known a number of years in advance; for example, a major sporting event. For this reason there will continue to be consultation on school term dates each year so changes in circumstances or special events in Wales can be appropriately considered.

4.15 Despite the best efforts of local authorities and voluntary aided and foundation schools harmonisation of school term dates was not achieved. Consequently, Welsh Ministers have decided to use their powers of direction and in doing so have considered all signed notifications and unverified information very carefully and have decided to propose a set of dates that they believe takes into account some aspects of term dates from each main region in Wales.

Children and Young People consultation events

4.16 Although they did not submit a formal consultation response 99 (55%) of the 179 children and young people who attended consultation sessions agreed that the proposed term dates were a good idea. 37 (21%) disagreed and 43 (24%) either didn't know or didn't respond. One commented *“I think it is a good idea because everybody can see their families in different parts of Wales”*. Another commented *“The dates in general are fine but they should be reviewed regularly because things change like the climate or culture of a country as we now have more religions, cultures and groups living here”* - group in South Wales.

Campaign letters received outside the formal consultation

4.17 In addition to the formal consultation responses 185 standard template campaign letters were sent to the Welsh Government by parents, governors or staff

of Catholic schools or priests and parishioners of churches. Analysis of the letters suggests that the senders were predominantly associated with three of the 86 RC schools in Wales located within two local authority areas in South Wales

4.18 While some of the letters raised concerns about proposed dates impacting the various teachings, events and festivals in their Catholic school's calendar, in the main the letters expressed opposition to the whole principle of harmonised term dates with some commenting that they considered the process had "*been rushed through with little or no consultation*" and that they had not seen an equality impact study carried out of the proposed changes. As these letters did not address the consultation question of whether they agreed with the proposed term dates for 2016/17 and/or addressed issues that had been consulted on previously they were considered outside the scope of the consultation and as such were not treated as consultation responses.

4.19 Where consultation timescales allowed those who submitted such letters were offered an opportunity to submit a formal consultation response to ensure their views on the proposed dates were taken into account before the consultation period ended. At least 7 of those who submitted a campaign letter chose to respond to the consultation and their responses are reflected in the consultation summary above

Welsh Government's Response

4.20 There has been extensive consultation on harmonised term dates since 2012 including four separate consultations. A thorough Equality Impact Assessment and Childs Rights Impact Assessment was also prepared and published during the passage of the Bill. Further details are set out in paragraphs 4.22 and 4.23 below.

Q2. Equality Impact Assessment

We would welcome your views on the potential impact of all of our proposals on:

- a) disability**
- b) race**
- c) gender and gender reassignment**
- d) age**
- e) religion and belief and non-belief**
- f) sexual orientation**
- g) human rights**

4.21 Of the thirty (63%) of the 48 respondents who chose to respond to this question:

- 23 (77%) considered that the proposals may impact on faith schools. A few of these respondents added that the legislation to harmonise term dates in Wales had been "*rushed through*" and there did not appear to be an equality impact consideration prior to these proposals being formulated.

- 1 respondent believed that there was an erosion of the rights of governing bodies in VA schools to determine term dates.
- ATL Cymru considered that the proposals would affect disability issues in that they would highlight the difficulty faced by families with siblings who may have different school term dates, if they have a disabled child who has been placed out of the local authority area into England.
- Some other teachers unions also responded to the consultation, including NUT Cymru who stated that restructuring the system for setting term dates to create greater harmonisation will be of benefit to pupils, teachers and parents in Wales for a variety of reasons and that the impact will largely be the same irrespective of the individual issues of race/disability/gender/age, however acknowledged that there could be some opposition to the dates proposed by Catholic schools.

Response

4.22 There has been extensive consultation on the proposed harmonisation of term dates since September 2012, including four separate consultations. The first consultation sought views on the principle of harmonised term dates, the second and third consultations concerned the regulations to bring about these changes and the fourth consultation sought views on the Welsh Government's proposal to set school term dates to ensure harmonisation across Wales and on the draft direction. All previous consultations received generally positive feedback and were in favour of the harmonised term dates across Wales. Links to these consultations can be found below:

<http://wales.gov.uk/consultations/education/schooltermdates/?jsessionid=F025D1B4BFDE587FB4AAFBECA33F5498?status=closed&lang=en>

<http://wales.gov.uk/consultations/education/term-dates-regulations/?lang=en>

<http://wales.gov.uk/consultations/education/school-term-dates-regulations/?lang=en>

<http://gov.wales/consultations/education/harmonising-school-term-dates/?lang=en>

4.23 There was also a thorough Equality Impact Assessment (EIA) performed for the whole of the Education Wales Act 2014 which contains both an EIA and a Children's Rights Impact Assessment (CRIA) on proposals to legislate on school term dates harmonisation. This takes into account the values of faith based schools.

<http://wales.gov.uk/legislation/programme/assemblybills/education-act/?lang=en>

4.24 Governing bodies of Voluntary Aided and Foundation schools retain the right to set school term dates as do local authorities (in respect of 'regular schools' but they also now have a duty to work together to ensure those dates are the same or as similar as possible. Where local authorities and VA/Foundation schools have failed to reach agreement on term dates, Welsh Minister have the power under the Education Act 2002 to direct what the term dates must be to ensure harmonisation of term dates for all maintained schools across Wales. All 163 VA and Foundation

schools in Wales were provided with an opportunity to notify their LAs of their proposed dates (including the 86 Roman Catholic schools) and 70 chose to do so.

4.25 All schools in England are responsible for setting their own term dates. As such it would be difficult to take into account term dates of schools in England which may vary greatly when setting term dates in Wales.

Q3. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

4.26 29 (60%) of respondents chose to respond to this question and offered a number of suggestions on how term dates should be organised in future:

- Cyfarthfa Park Primary school suggested that to assist with raising attendance rates it may be worth considering have term dates which differ slightly to schools in England. This would enable parents in Wales to access cheaper holidays during school holiday time. By altering the holidays slightly away from those set in England it could provide Welsh families with cheaper holiday options and then they would not need to take their children out of school for a holiday during term time.
- It was also suggested that it may be more efficient to propose term dates for consultation on a 3 yearly basis, thereby removing the requirement for LAs to conduct their own consultation first. Caerphilly Local Authority said that the work involved in getting to this stage has already been significant. Directors across the consortia region support a recommendation that future responsibility for determining and setting school term dates should lie with Welsh Government.
- One respondent suggested standardising INSET days which is outside the scope of this consultation.
- In terms of the children's and young people's consultation sessions, the following comments were received: *"Non-Christian religious holidays are not taken into account"*. - secondary school child aged 15 and *"I do think that term dates should be the same for all schools across Wales. No leniency should be given to religious schools, and they should not choose their own term dates simply on the grounds that they want to fit in with religious festivals"* - secondary school child aged 16.
- One respondent considered we should move from a three term model as the long holiday period in the summer can affect the momentum in pupils' learning and is often problematic for parents working in a very different environment from the "agrarian calendar" on which the current organisation of the school year is based.
- Monmouthshire LA proposed that the length of the spring term is made regular, and where Easter is late, this is taken as a long weekend mid-term, adjusting the length of the summer term if necessary to allow students' attendance on 190

days. They believed that this would help to support preparation for GCSE and A Level exams and would support the raising of student outcomes.

Welsh Government's Response

4.27 Schools in England are responsible for setting their own term dates which could result in a wide variety of dates being set; we know that a few English schools have chosen to radically alter the "pattern" of the school year by having 5 shorter terms and shortened summer break instead of the traditional 3 longer terms and a 6-7 week summer break. Even if most English schools do not choose to alter their term dates so radically, it is quite unlikely that we would have a set "pattern" of English term dates to consider when exploring term dates for Wales.

4.28 It is not possible to set term dates many years in advance as it would not be possible to anticipate significant events and circumstances that might occur. However, Welsh Ministers could alter the dates at a later stage to take account of these circumstances when they come to light. The new arrangements in legislation are that local authorities and appropriate school governing bodies remain responsible for setting school term dates and under section 32B(1) of the Education Act 2002, Welsh Ministers can consider using their powers to direct local authorities and relevant governing bodies on what their term dates must be. The policy on term dates will be subject to review in 2017/18.

4.29 The power to provide for who may determine INSET days currently rests with the Secretary of State in Whitehall. Therefore it was not possible to explore allowing the Welsh Ministers to intervene in the setting of INSET days when changes to term-date setting were made in the recently introduced Education (Wales) 2014 Act. Currently the organisation and timing of INSET days is for local authorities, governing bodies and headteachers to determine.

4.30 The suggestions to consider moving away from the 3 term model or altering the lengths of current holidays (e.g. shortening the summer term and having longer half terms) are welcomed. However, implementing such suggestions could be viewed as altering the pattern of the school year, which is not being considered as part of these proposals.

5. Way forward

5.1 The Welsh Government would like to take this opportunity to thank everyone who took the time to respond to this consultation. The Minister will consider the summary of responses report and its findings when making a decision on the permanent direction for school term dates for 2016/17, which is expected to be in the summer of 2015.

6. List of respondents

Cyfarthfa Park Primary School
Caerphilly County Borough Council
Ysgol Penycae, Wrexham
Tim and Claire Jones, Bridgend
Welsh Local Government Association
Conwy County Borough Council
Denbighshire County Council
Flintshire County Council
Gwynedd Council
Isle of Anglesey County Council
Wrexham County Borough Council
Lee Gerrard, Cardiff
Torfaen County Borough Council
St Peter's RC Primary (Michael Flynn)
Newport City Council
Swansea County Council
Estyn
NUT Cymru
St Patrick's RCVA Primary
St Michael's Church in Wales School
Catholic Education Service
Neath Port Talbot County Borough Council
Telesgop
Wales YFC
Pembrokeshire County Council
Powys County Council
Ceredigion County Council
St Helen's RC School (Martyn Western)
Nicholas Trodd, Caerphilly
Monmouthshire County Council
St Helen's RC School (Robert L Thomas)
St Helen's RC School (Jeremy Markall)
St Helen's RC Church
UCAC
Catholic Diocese of Wrexham
ATL Cymru
Cardiff Council
Children's Commissioner for Wales
NASUWT
Royal Welsh Agricultural Society
Builth Wells High School
Anwen Orrells, Powys

In addition to the above respondents there were 6 respondents who wished to remain anonymous.