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Welsh Government
Consultation – summary of response

School Organisation Code

Consultation on the School Organisation Code

September 2025

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

Overview

This document provides a summary of the responses to the consultation on the School Organisation Code. The draft Code on which we consulted reflects changes to legislation and policy that have taken place since the 2018 edition of the Code came into force or reinforce requirements relating to legislation that was in place at that time.

Action required

This document is for information only.

Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

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Additional copies

This summary of response and copies of all the consultation documentation are published in electronic form only and can be accessed on the Welsh Government's website.

Link to the consultation documentation: [hyperlink](#)

Introduction

The School Organisation Code (“the Code”) is issued under sections 38 and 39 of the School Standards and Organisation (Wales) Act 2013 (“the 2013 Act”), which requires the Welsh Ministers to issue a Code on School Organisation. They may from time-to-time revise the Code following the procedure set out in section 39 the 2013 Act.

The second edition of the Code was issued in 2018. The Code has been reviewed after five years of operation and a number of amendments have been made; the majority of which reflect changes in legislation since the second edition of the Code came into force or clarify requirements relating to existing legislation in place at that time. These changes are set out below.

The Welsh Language Standards (No.1) Regulations 2015

The Welsh Language Standards (No. 1) Regulations 2015 (“the 2015 Regulations”) specify standards in relation to the conduct of certain bodies (the Welsh Ministers, county and county borough councils and National Park authorities). Standards include service delivery standards, policy making standards, operational standards, promotional standards, and record keeping standards.

Schedule 2 of the 2015 Regulations sets out policy making standards which require bodies to ensure that due consideration is given to the effects of policy decisions on opportunities to use the Welsh language and not to treat the Welsh language less favourably than English. Policy making standards 88-97 are relevant to school organisation proposals as the specified bodies **must** comply with them when making all policy decisions, including school organisation proposals. In relation to statutory proposals, the duty is not limited to proposals in respect of Welsh language schools, it applies to proposals relating to all maintained schools, regardless of their language category.

Under standards 91, 92 and 93, consultation documents **must** consider the impact of a policy decision on the Welsh language and also seek views on the impact of the policy decision on the Welsh language. These are separate requirements, which means that there has to be an impact assessment and then questions have to be asked about that assessment.

The Code has been updated to reflect the 2015 Regulations including the policy making standards. In doing so the Code requires a Welsh Language Impact Assessment to be undertaken for all statutory proposals. This **must** be included as part of the consultation document or published alongside it.

Cymraeg 2050

The Code has been amended to align with Cymraeg 2050, the Welsh Government’s strategy for a million Welsh-speakers, and the targets set within each local authority’s 10-year Welsh in Education Strategic Plan (WESP) which supports that ambition. Given the importance of the education sector as a whole in creating new Welsh speakers the Welsh Government expects that planning and development of school organisation proposals reflect our Cymraeg 2050 ambitions and support the targets within the local authority’s WESP.

The Additional Learning Needs and Education Tribunal (Wales) Act 2018

The Additional Learning Needs and Education Tribunal (Wales) Act 2018 ("the 2018 Act") establishes the statutory system in Wales for meeting the additional learning needs (ALN) of children and young people (the ALN system). It replaces the system for meeting the special educational needs (SEN) of children in schools and learning difficulties and/or disabilities (LDD) in further education.

The Curriculum and Assessment (Wales) Act 2021

The Code has been amended to align with the Curriculum and Assessment (Wales) Act 2021 ("the 2021 Act"), which provides for the introduction and development of the Curriculum for Wales for 3 to 16-year-olds in Wales.

The Tertiary Education and Research (Wales) Act 2022

The Tertiary Education and Research (Wales) Act 2022 ("the TER Act") established the Commission for Tertiary Education and Research (known as "Medr"). Medr is the regulatory body with responsibility for the funding, oversight and regulation of tertiary education and research in Wales encompassing post-16 education, including local authority-maintained school sixth forms. It has the function to secure and fund the provision of proper facilities for the further education and training of post-compulsory learners aged 16–19.

The Welsh Ministers' powers, under sections 71 to 76 of the 2013 Act, to re-structure sixth form education, are removed. A new Chapter 3A has been inserted into Part 3 of the 2013 Act to enable Medr to take a more strategic approach, offering a wider perspective to school sixth form provision and ensuring it can support learner choice and progression.

Local authorities and governing bodies of foundation and voluntary schools retain their current functions in relation to bringing forward proposals relating to the organisation of school sixth forms. Medr's functions do not result in any loss of existing protections in relation to the publication, consultation, and ability to object to proposals and other significant provisions in the 2013 Act remain in place.

The Code has been amended to reflect the changes made to the 2013 Act by the TER Act in respect of school organisation.

Summary of responses

The consultation ran from 8 November 2024 to 14 February 2025.

We received a total of 32 responses, the majority of which requested to remain anonymous. A list of respondents who did not request anonymity can be found at Annex A.

Most of the questions asked for an ‘agree’, ‘disagree’, or ‘neither agree nor disagree’ response, along with any supporting comments. Not all respondents answered every question. However, all responses that answered at least one question or provided comments on the proposals were considered. Percentages shown in each of the tables below are based on the number who responded to that particular question. This summary is not an exhaustive record of all the comments made, and the absence of a particular issue does not indicate that it has been ignored or is less important.

Analysis of consultation responses

In this summary we have grouped the analysis of consultation responses in the same way the questions appeared in the consultation document. Welsh Government responses to the comments made are provided where appropriate.

Consultation questions

Question 1

Does the draft Code clearly explain the relevant legislation that has come into force since the 2018 Code was issued and the impact this legislation has had on the requirements and guidance in the Code? (If not, please outline what further information would be helpful.)

| | | | | | |
|--------------|------------|-----------------|-----------|-----------------------------------|------------|
| Agree | 78% | Disagree | 3% | Neither agree nor disagree | 19% |
|--------------|------------|-----------------|-----------|-----------------------------------|------------|

Supporting comments

| |
|--|
| <p>In general respondents found that the draft Code explained the legislation that had come into force.</p> <p>Further clarification was requested in relation to the Welsh Language Standards and also in relation to the role of Medr.</p> |
|--|

Welsh Government response:

Some small amendments will be made to the sections relating to Medr and the Welsh language standards to clarify where possible.

Question 2

Do you agree that key documents such as the consultation document, consultation report, statutory notice, objection report and decision notification should be published on the local authority's website as well as the proposer's website (if they have one) to ensure maximum coverage?

| | | | | | |
|--------------|-------------|-----------------|--|-----------------------------------|--|
| Agree | 100% | Disagree | | Neither agree nor disagree | |
|--------------|-------------|-----------------|--|-----------------------------------|--|

Supporting comments

Respondents agreed that key documents should be published. Doing so would help to keep all parties informed.

Question 3

Do you agree that area inspections should be added to the list of evidence proposers consider when assessing the impact of proposals on quality and standards in education?

| | | | | | |
|--------------|------------|-----------------|-----------|-----------------------------------|------------|
| Agree | 65% | Disagree | 8% | Neither agree nor disagree | 27% |
|--------------|------------|-----------------|-----------|-----------------------------------|------------|

Supporting comments

Whilst some of the respondents commented that these should be available as they provide a full picture, several asked what an "area inspection" was. A few commented that Estyn had previously carried out such inspections but that was no longer the case.

Welsh Government response:

This section has been amended to state 'area inspections, where available' in recognition that Estyn is not currently resourced to carry out area inspections. Nevertheless, the TER Act enables area inspections to take place so they may in future.

Question 4

Do you agree that when proposing to end sixth form provision in a school proposers should be required to consider whether alternative provision has sufficient capacity and is of at least equivalent quality as they currently do for school closures?

| | | | | | |
|--------------|------------|-----------------|-----------|-----------------------------------|-----------|
| Agree | 92% | Disagree | 4% | Neither agree nor disagree | 4% |
|--------------|------------|-----------------|-----------|-----------------------------------|-----------|

Supporting comments

The majority of respondents agreed that this was a requirement when bringing forward sixth form proposals.

Some respondents did also suggest that it was difficult to judge when the only information available is via Estyn reports which in a lot of cases are 5 or more years old.

Question 5

Do you agree that proposers should have regard to Sustainable Communities for Learning Programme business case guidance and Welsh Government spatial standards when considering whether alternative school-based provision will have sufficient capacity and provide accommodation of at least equivalent quality?

| | | | | | |
|--------------|------------|-----------------|-----------|-----------------------------------|------------|
| Agree | 81% | Disagree | 4% | Neither agree nor disagree | 15% |
|--------------|------------|-----------------|-----------|-----------------------------------|------------|

Supporting comments

Respondents agree that proposers should have regard to the Sustainable Communities for Learning Programme business case guidance and Welsh Government spatial standards. It was noted such frameworks help to ensure decisions are made clearly, with a consistent focus on quality, sustainability and practicality. However, it was also noted that this can prove difficult where older buildings are involved.

Question 6

Do you agree that when considering additional factors to be taken into account in preparing, publishing, approving or determining proposals for the reorganisation of SEP or ALP, proposers should consider how the proposals will help the school secure ALP for pupils with SEN or ALN?

| | | | | | |
|--------------|------------|-----------------|--|-----------------------------------|------------|
| Agree | 84% | Disagree | | Neither agree nor disagree | 16% |
|--------------|------------|-----------------|--|-----------------------------------|------------|

Supporting comments

Respondents agreed that proposers should consider how the proposals will help the school secure ALP for pupils with SEN or ALN.

Question 7

Do you agree that where proposals involve establishing a new school a map should be included in the consultation document alongside the information relating to the location of the school?

| | | | | | |
|--------------|------------|-----------------|--|-----------------------------------|------------|
| Agree | 77% | Disagree | | Neither agree nor disagree | 23% |
|--------------|------------|-----------------|--|-----------------------------------|------------|

Supporting comments

The majority agreed a map should be included for transparency. It was suggested that this would allow consultees to see the exact location, especially if they are not familiar with an area. Some also commented that any map provided must be accessible to all readers and this may present an issue in some cases.

Question 8

Do you agree that where proposals involve the closure of a school the details of any transitional arrangements should be included in the consultation document?

| | | | | | |
|--------------|------------|-----------------|--|-----------------------------------|------------|
| Agree | 89% | Disagree | | Neither agree nor disagree | 11% |
|--------------|------------|-----------------|--|-----------------------------------|------------|

Supporting comments

The majority of respondents agreed that transitional arrangements should be included. However, some suggested that clarity around what those should include would be useful to ensure sufficient and consistent information is included.

One respondent commented that it may be helpful to future-proof by referring to the statutory Learner Engagement Code that will be developed by Medr.

Question 9

Do you agree that where the proposal concerns adding or removing sixth form provision the following information should be included in the consultation document:

- the name and location of the proposed alternative school or other education institutions learners may attend (including a map)?

| | | | | | |
|--------------|------------|-----------------|--|-----------------------------------|-----------|
| Agree | 93% | Disagree | | Neither agree nor disagree | 7% |
|--------------|------------|-----------------|--|-----------------------------------|-----------|

- a comparison of the quality and standard of education provided at the schools from which learners would be transferred and the proposed alternative schools or other education institutions and an outline of any steps necessary in order to ensure that any shortcomings in the latter are addressed?

| | | | | | |
|--------------|------------|-----------------|--|-----------------------------------|------------|
| Agree | 85% | Disagree | | Neither agree nor disagree | 15% |
|--------------|------------|-----------------|--|-----------------------------------|------------|

- admission arrangements at the proposed alternative schools or education institutions?

| | | | | | |
|--------------|------------|-----------------|-----------|-----------------------------------|-----------|
| Agree | 89% | Disagree | 4% | Neither agree nor disagree | 7% |
|--------------|------------|-----------------|-----------|-----------------------------------|-----------|

- the likely impact on staff of schools named in proposals?

| | | | | | |
|--------------|------------|-----------------|-----------|-----------------------------------|------------|
| Agree | 81% | Disagree | 4% | Neither agree nor disagree | 15% |
|--------------|------------|-----------------|-----------|-----------------------------------|------------|

- the impact on learners, staff and visitors' journeys to the alternative schools or education institutions and on school transport costs?

| | | | | | |
|--------------|------------|-----------------|------------|-----------------------------------|-----------|
| Agree | 81% | Disagree | 11% | Neither agree nor disagree | 7% |
|--------------|------------|-----------------|------------|-----------------------------------|-----------|

- information regarding available walking, wheeling and cycling routes and public transport to the alternative schools or other education institutions?

| | | | | | |
|--------------|------------|-----------------|-----------|-----------------------------------|------------|
| Agree | 81% | Disagree | 4% | Neither agree nor disagree | 15% |
|--------------|------------|-----------------|-----------|-----------------------------------|------------|

- the language medium at the proposed alternative schools or other education institutions?

| | | | | | |
|--------------|------------|-----------------|--|-----------------------------------|-----------|
| Agree | 96% | Disagree | | Neither agree nor disagree | 4% |
|--------------|------------|-----------------|--|-----------------------------------|-----------|

- any transitional arrangements?

| | | | | | |
|--------------|------------|-----------------|-----------|-----------------------------------|------------|
| Agree | 78% | Disagree | 4% | Neither agree nor disagree | 15% |
|--------------|------------|-----------------|-----------|-----------------------------------|------------|

Supporting comments

The majority of respondents agreed that the information listed should be provided as key pieces of information when proposals are related to sixth form provision. Some highlighted the importance of providing as much information as possible for consultees to form a view.

One respondent raised some concern that Medr doesn't have to obtain the consent of the Welsh Ministers before making a proposal to end sixth form provision in a community school and that the Code should be amended to instruct Medr to obtain Welsh Ministers consent before proceeding with a proposal.

Clarify was sought on the definition of quality and standard of education i.e. whether this was referring to the latest Estyn inspection.

Welsh Government response:

The role of Medr is set out in the TER Act and the Code has been updated to take account of those new legislative powers and requirements. Proposers should use information from the latest Estyn inspection when considering the quality and standards of education.

Question 10

Do you agree with the expanded list of information which must be included in the Welsh Language Impact Assessment, which is required for all statutory proposals? (If not, please set out which aspects of information you disagree with, or if you think there should be any additional requirements.)

| | | | | | |
|--------------|------------|-----------------|-----------|-----------------------------------|------------|
| Agree | 68% | Disagree | 4% | Neither agree nor disagree | 28% |
|--------------|------------|-----------------|-----------|-----------------------------------|------------|

Supporting comments

The majority of respondents were of the opinion that the expanded list of information must be included in the Welsh Language Impact Assessment, with some suggesting that the expanded list should help to ensure a thorough evaluation of how proposals affect the Welsh language.

Some requested ongoing support and guidance on such assessments as this has proven beneficial in the past.

Respondents who answered that they neither agreed or disagreed with the expanded list, suggested that it may in fact increase significantly the administrative burden involved with proposals and proposers, other than the local authority, may have difficulty complying with the expanded requirements.

A couple of respondents suggested a template for Welsh Language Impact Assessments would be useful.

Welsh Government response:

Whilst we recognise that having a template for impact assessments may be helpful in some cases, it is more important that proposers properly assess the impacts in their own local context. For this reason, the mandatory list makes the expectation clear without limiting the assessment.

Question 11

Do you agree that the following should be added to the list of individuals and organisations who must be advised of the availability of the consultation document, consultation report, objection report, statutory notice and decision notification and be advised that they can receive a paper copy on request?

| | Agree | Disagree | Neither agree nor disagree |
|---|-------|----------|----------------------------|
| For proposals affecting nursery, childcare and play work provision | | | |
| The local authority family information service | 100% | | |
| Mudiad Meithrin | 91% | 4% | 4% |
| NDNA Cymru | 90% | 5% | 5% |
| Clybiau Plant Cymru | 84% | 4% | 12% |
| Early Years Wales | 92% | 4% | 4% |
| Pacey Cymru | 88% | 8% | 4% |
| Play Wales | 88% | 4% | 8% |
| For proposals affecting school sixth forms | | | |
| The Commission | 92% | 4% | 4% |
| For proposals affecting the Welsh Language | | | |
| Mentrau Iaith Cymru | 91% | 4% | 4% |

If you have answered no to any of the above consultees please explain why and add any additional recipients you think should be included.

Supporting comments

Respondents commented that local authorities should ensure the objective input and contribution of a Department of Education Unit or language officer and a corporate Language Officer in order to ensure transparent and complete consideration of any new school organisation plans whether in Welsh, English or bilingual without distinction.

Respondents asked for the following to be added as consultees:
Governors Association, RHAG, Workforce, Workforce Unions, local further education institutions, Colegau Cymru and Medr.

Some suggested there needs to be clarity about Medr's role as a proposer and as a consultee.

There is nothing to stop proposers from sharing their consultation documents with a wider range of stakeholders and they should consider this on a case-by-case basis.

Question 12

Is section 10 of the draft Code clear regarding the requirements of the Commission for Tertiary Education and Research's functions in relation to sixth form education which derive from the 2022 Act?

| | | | | | |
|--------------|-------------|-----------------|--|-----------------------------------|--|
| Agree | 100% | Disagree | | Neither agree nor disagree | |
|--------------|-------------|-----------------|--|-----------------------------------|--|

Supporting comments

Whilst all respondents agree the information is clear, a few pointed out that reference to the requirements on the Commission's functions within the consultation question was made to Section 10 of the draft Code and should have referred to Section 9.

Some respondents noted proposals affecting Post 16 are complex and have suggested a session with a representative of Medr via the Association of Directors of Education in Wales Provision of School Places (ADEW POSP) group would assist in understanding the role and powers of the Medr.

Clarify was sought on whether or not the changes imposed by the Tertiary and Education and Research (Wales) Act 2022 in relation to section 63 of the 2013 Act by introducing new sections 63A, 63B, and 63C will be implemented when the revised Code comes into force.

Several concerns were raised around these changes, including the lack of consent required from the Welsh Ministers before the Commission brings forward a proposal to end sixth form provision. An amendment is suggested to the Code so as to include an instruction for the Commission to obtain such consent before proceeding with a proposal.

Paragraph 9.3 states the Commission must consider the factors contained in paragraph 1.45 of the Code which applies to proposals which affect sixth forms. Included within this paragraph are eleven bullet points, the last of which states: "how proposals align to the function of the Commission to secure and fund the proper facilities for further education and training for post-16 learners." As the Commission is responsible for funding, oversight and regulation of tertiary education in Wales, concern was raised about this particular point as it was felt there could be a conflict of interest if the Commission, based on a funding decision, would prefer to see a school sixth form close with provision moved to an Further Education (FE) provider. Some highlighted the importance of a mix of provision in the sector – ensuring both school sixth forms and the FE sector can provide education close to home for young people across Wales.

Respondents also noted the importance of the Commission remaining completely objective in decision making and in giving direction.

Welsh Government response:

The role of Medr is set out in the TER Act and the Code has been updated to take account of those new legislative powers and requirements. The commencement of Medr's powers in relation to school sixth form organisation came into force in April 2025. Some amendments have been made to the relevant sections of the Code to further clarify Medr's role in school sixth form organisation.

Officials from Medr will be invited to a future meeting of the ADEW POSP group.

Question 13

Is section 11 of the draft Code clear in respect of a governing body's notice to discontinue a foundation or voluntary school?

| | | | | | |
|--------------|------------|-----------------|--|-----------------------------------|------------|
| Agree | 78% | Disagree | | Neither agree nor disagree | 22% |
|--------------|------------|-----------------|--|-----------------------------------|------------|

Supporting comments

The majority of respondents agreed that the draft Code was clear in this regard.

A concern was raised following the amendment to the Code which now explains "there is no requirement to consult on proposals to discontinue a school which is a small school", with references being made to small and small rural schools procedures. One respondent explained these rules should apply to all schools and they expressed how any potential closure should be consulted upon.

Respondents suggested a link to any relevant legislation/guidelines regarding the role of the local authority in these procedures with the Governing Body would be beneficial.

Welsh Government response:

The treatment of "small schools" in relation to school organisation is set out in the 2013 Act and have not altered since the last edition of the Code.

Question 14

What, in your opinion, would be the likely effects of the draft Code on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

Do you think that there are opportunities to promote any positive effects?
Do you think that there are opportunities to mitigate any adverse effects?

Supporting comments

Some respondents noted that the draft Code is more comprehensive in this area and places greater requirements on local authorities to pay due regard to national guidance / legislation. However, one respondent suggested it would be necessary to

consider another reform as the Welsh and Education Bill is adopted as part of the Welsh legislative framework.

Several respondents noted that overall, the effects would be positive. It was acknowledged that amendments made to the Welsh language impact assessment are much broader and will help identify areas to strengthen the Welsh language in respect of any proposals made.

However, another commented that there is nothing to prevent a proposer from undertaking a superficial impact study that ignores stakeholders, nor from ignoring all known adverse effects.

One proposed pointed out that if a proposal is submitted by a body not subject to Welsh language standards, such as a governing body, they anticipate that the body will need additional and expert support to undertake a meaningful Welsh language impact assessment. It was also suggested that the expectations of the Code in relation to undertaking a community impact assessment should recognise the Welsh language in some way.

Some respondents commented that each opportunity should be looked at individually but in the spirit of Cymraeg 2050 and the relevant targets, the development of Welsh or bilingual schools should be favoured at the expense of English-medium schools. Claiming that unless this is done, the Welsh Government would not come close to achieving its targets by 2050 especially looking at the performance to date.

It was noted that ensuring that proposals are published in English and Welsh, can promote engagement with Welsh-speaking communities during the consultation process, and can identify potential adverse effects early, allowing for the development of effective mitigation.

In addition to the Welsh Language Impact assessment, it was noted that there will be a need to evidence mitigating actions to show how the proposal would expand or reduce Welsh language provision, ensuring that any actions are sufficient and should not have an adverse effect where the Welsh language is seen to be treated less favourably than English.

Welsh Government response:

Local authorities need to plan their school organisation to meet the needs of the learners in their area, whether this is Welsh medium, bilingually or English medium.

Question 15

In your opinion, could the draft Code be formulated or changed so as to:

- have positive effects or more positive effects on using the Welsh language and on not treating the Welsh language less favourably than English; or
- mitigate any negative effects on using the Welsh language and on not treating the Welsh language less favourably than English?

Supporting comments

A number of respondents commented that the draft Code was comprehensive and no further changes were required.

However, there were also some respondents who suggested that further clarification was required on the Welsh Government's requirements of the Code in relation to the Welsh language. They also suggested that the effects on the Welsh language was dependent upon the type of proposal.

It was also suggested that the Welsh Language Bill becomes law and that consideration needs to be given in this section around Welsh Language Continuum from English to Welsh.

Question 16

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:

Small rural schools

Several respondents commented upon the information contained in the Code in relation to small and rural schools. It has been suggested that the Welsh Government considers:

- Repealing the presumption against closing small/rural schools from the Code altogether.
- Make changes to the wording of the Code so as to provide a solid legal basis for it.
- Provide further detailed guidance to ensure full compliance in such proposals, providing standard templates for this.

One respondent suggested the Code does not clearly explain how to cover all factors of the proposer's consultation document and requirements of the presumption against rural schools.

One respondent sought clarity on whether a proposal to close a rural school and transfer the pupils to the nearest school of the same category, do proposers have to include all other schools within a reasonable distance in the consultation document

One respondent asked whether there was any intention to review the simplified procedure available for the closure of a small school - defined for the purposes of school organisation as a school with fewer than 10 registered learners - with the intention of amending this threshold.

School transport

A number of respondents raised issues surrounding school transport.

One respondent questioned the removal of the following paragraph in the draft Code that is in the existing Code: "In the case of proposed school closures local authorities should consider: the nature of journeys to alternative provision and resulting journey times for pupils including SEN pupils; in particular whether primary school pupils will have one-way

journeys in excess of 45 minutes or secondary school pupils one way journeys of over an hour.”

A respondent commented that there should be a requirement for an assessment of the socio-economic impact of making students potentially travel further from home, in line with the Socio-economic Duty.

One respondent suggested that local authorities would struggle to undertake transport impact assessments prior to proposals being taking forward, pointing to negative impacts on revenue budgets. Another suggested that additional requirements in the transport section will result in additional workload when considering a proposal and earlier/more thorough consultation will be required with highways/transport officers.

The Commission for Tertiary Education and Research

Some respondents suggested that the Code must contain provisions about the exercise of Medr’s functions by the Welsh Ministers; local authorities; governing bodies of maintained schools; and other relevant persons which would not include the Commission.

One respondent suggested the Code should be amended to ensure that the Commission obtains consent from Welsh Ministers before making any proposals in relation to sixth form provision in relation to maintained schools.

Some expressed concern that Welsh Ministers will lose their powers to initiate changes under the Code in relation to sixth forms as the Commission now gains these powers.

Estyn’s role

A few highlighted that the Code needs to be updated to reflect Estyn’s new inspection framework.

Pupil Referral Units

One respondent was concerned that the Code does not require proposers to consult when making changes that involve pupil referral units (PRUs), adding that Welsh Government needs to consider carefully the case for requiring consultation when changes involve PRUs to help protect and support those vulnerable pupils.

Accessibility

One respondent suggested it would be helpful to have national guidance on accessibility requirements when publishing documentation. More support/guidance is needed in relation to impact assessments. One respondent asked for an example of a statutory notice for a special school to be included in the appendices.

Publication of proposals

It was suggested that the Welsh Government should advise that consultations containing multiple proposals for multiple providers in one document are kept to a minimum, and only publish them when necessary and if there is clear rationale for doing so. For example, guidance could set out that proposers should separate each proposal into its own section with detailed explanations, specific impacts, and individual rationale. It should be clear that stakeholders can provide feedback on individual proposals rather than requiring them to respond to the consultation as a whole.

One respondent asked if timescales allow time for ‘call-in’ on decisions, for which 10 additional days is required.

General comments

One respondent suggested that Appendix A needs to be clearer.

Some schools should be removed from the list of rural schools as they have closed since the last edition of the Code was published.

One respondent asked if it is possible to rephrase “Objection Report” as the term objection is perceived as negative.

The Code refers to ‘alternative provision’ in different contexts. It is not always clear what ‘alternative provision’ means.

One respondent asked if an alternative to catchment areas can be used as not all local authorities define/operate catchment areas.

Clarity on the levels of engagement governing bodies have in relation to consultation and the pupil voice was sought.

One respondent asked if the Code should advise that references to any sources of data and dates for backlog maintenance reports are made known to consultees if and when they are used.

One respondent asked for more explicit references to the specific parts of relevant legislation throughout the Code.

It was suggested that Section 9 should contain links to the Additional Learning Needs Codes and Public Sector Equality Duty and that equality issues/equality impact assessments, including the Public Sector Equality Duty, should be given more emphasis throughout the Code.

There was a request for template documents to be provided for Welsh Impact Assessments and Community Impact Assessments, and for “community” to be defined for the community impact assessment, including distance.

One respondent asked if the Code should include guidance on federation/asymmetrical weeks.

One respondent commented that the information on approval by the local authority provided in the Code is unclear.

Welsh Government response:

Small rural schools: whilst we understand the pressures faced by local authorities and the difficulties that maintaining very small rural schools can present, there is no intention to amend or remove the procedural presumption against the closure of rural schools. The importance of consultation and full consideration of the alternatives to closure remain priority. The current list of rural schools provided for this purpose will be subject to review in due course and, should any changes be required, a full consultation on this will take place at that time.

School transport: the Code now refers to the requirements within the Learner Travel (Wales) Measure 2008 instead of replicating this information within the Code. This keeps the requirements up to date with current legislation.

The Commission for Tertiary Education and Research: Medr's role in school sixth form organisation is set out in the TER Act. Where respondents commented on the clarity of Medr's role as set out within the Code, we have addressed this with minor amendments. It is not possible to change the legislative requirements in this respect.

Estyn's role: the Code has been amended to reflect Estyn's new inspection framework.

Pupil referral units: there is no intention to bring PRUs within the scope of the Code, however this will be considered in the future.

Accessibility: information about accessibility standards can be found on the Welsh Government website: [Accessibility standards for GOV.WALES | GOV.WALES](#).

Publication of proposals: advice has been added to the Code on the publication of multiple proposals. 'Call-in' time is not explicitly included within the timescales within the Code and the 2013 Act, but they are deemed feasible for local authority decision-making.

General comments:

- The rural schools list has been updated to reflect any schools that have closed since the last edition.
- "Objection" is a term used in the 2013 Act and therefore can not be amended through the Code.
- A footnote has been added to clarify the meaning of alternative provision being the proposed alternative schools or other education institutions learners may attend.
- References to the Equality Act 2010 which introduced the Public Sector Equality Duty are provided in the Code.
- Templates for impact assessments will not be provided; instead minimum requirements are listed. This is to ensure that assessments are carefully considered for each proposal's local context.
- There is no intention to provide guidance or information on federation or asymmetric timetables in the Code.

We are grateful to all respondents for taking the time to consider and comment on the draft Code and answer our questions. Some minor clarifications have been made which do not alter the meaning of any of the legislation or requirements of the Code. The third edition of the School Organisation Code will be laid and published in due course.

Annex A - List of respondents

Responses were received from the following individuals and organisations who did not wish to remain anonymous:

Ffred Ffransis - Cymdeithas yr Iaith

Dylan Bryn Roberts - Dyfodol i'r Iaith

Geraint Davies, Head of Education - Denbighshire County Council

Owain Lloyd - Carmarthenshire County Council

Owen Evans - Estyn

Cynog Gwynedd (Adran Addysg) Gwynedd education department

Michelle Thomas - Swansea Council

Stuart Williams - NEU Cymru

Iona A. Davies - UCAC / NUT

Joanne Watts, Service Manager for Education Transformation and Business Change - Blaenau Gwent County Borough Council