

2021 (WG21-20)

CORONAVIRUS ACT 2020

**Modification of School
Organisation Code (Wales) Notice
(No. 3) 2021**

The Welsh Ministers, in exercise of the powers conferred by section 38(1) of, and paragraph 7 of Schedule 17 to, the Coronavirus Act 2020(1), issue the following notice.

Specified period

1. In this notice “specified period” means the period of 31 days beginning with 1 March 2021.

Modification of School Organisation Code

2.—(1) This paragraph applies for the specified period.

(2) The School Organisation Code(2) made by the Welsh Ministers under section 38 of the School Standards and Organisation (Wales) Act 2013 (“the Code”) is modified as follows.

(3) Paragraph 3.4 (consultation document) has effect as if the references to “school day” include a day on which there would have been a school session but for any restriction on the attendance of pupils at the school in connection with the prevalence of coronavirus.

(4) The duties imposed on a person by paragraph 3.5 (consultation with children and young people) are to be treated as discharged if the person has used reasonable endeavours to discharge the duty.

(5) Paragraph 4.1 (manner of publication) has effect as if the references to “school day” include a day on which there would have been a school session but for any restriction on the attendance of pupils at the school in connection with the prevalence of coronavirus.

(1) 2020 c. 7.

(2) Statutory Code Document Number 011/18.

Reasons for issuing the notice

3.—(1) The Welsh Ministers consider that the issuing of this notice is an appropriate and proportionate action in all the circumstances relating to the incidence or transmission of coronavirus for the following reasons.

(2) Since 5 January 2021, premises of maintained schools are closed to most pupils by virtue of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020⁽¹⁾.

(3) The number of learners in schools will be limited and it is possible that in some schools there will not be sessions for any pupils on some days.

(4) The Code imposes a requirement on persons making organisation proposals for maintained schools to publish consultation documents on a school day and requirements as to the length of consultation periods by reference to school days. A school day is defined in section 579 of the Education Act 1996 as any day on which at that school there is a school session. A school session can be a morning session or an afternoon session, so a school day is any day when the school meets for all or part of the day.

(5) Unless the definition of “school day” in the relevant provisions of the Code is modified, the current arrangements for the operation of schools may have the effect of disrupting the progress of some school organisation proposals.

(6) The Code also imposes requirements about consultation with children and young people, including a minimum requirement of consultation with school councils. It may be difficult to convene school councils so the duties in respect of consultation with children and young people should be treated as discharged if reasonable endeavours are made to discharge the duties.

(7) Local authorities and other proposers will still be required to notify statutory consultees including local authorities, schools and parents of the commencement of consultation, objection periods and other relevant matters and to make arrangements to consult with children and young people as best they can.

Kirsty Williams
Minister for Education, one of the Welsh Ministers
25 February 2021

(1) S.I. 2020/1609 (W. 335) relevant amendments were made by regulation 2(11) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) Regulations 2021(S.I. 2021/57 (W. 13)), and regulation 2(6), (7) and (8) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.3) Regulations 2021(S.I. 2021/172 (W.40)).