

22. The school year, session times and term dates

School year and session times

1. The Education (School Day and School Year) (Wales) Regulations 2003 (“the 2003 Regulations”) apply to schools maintained by LAs and to special schools (whether or not so maintained). They make provision for a school day which is ordinarily to be divided into two sessions with a break in the middle, and for schools (other than nursery schools) to meet for at least 380 sessions, which equates to 190 days, during any school year.
2. The standard terms and conditions for teachers provide for 195 working days, of which 190 are teaching days (one day of which in the school years up to 2021/2022 may be used for training on the new curriculum for Wales). The remaining five days requires them to be available for other duties, such as training.

Schools prevented from meeting

3. Where a school is prevented from meeting, for example due to extreme bad weather, health and safety concerns such as damage to school buildings, or a school being used as a polling station, it must make up lost sessions where that is reasonably practicable.
4. Loss of sessions resulting from planned closures of a school due to building work or relocation do not constitute a school being prevented from meeting. If such projects risk a lack of access to the school premises for learning purposes, then governing bodies should do their best to ensure that alternative arrangements are made for the school to meet elsewhere or at another time in agreement with staff, pupils and parents.

Setting the school day

5. Section 32C(1) of the [Education Act 2002](#) states that:
 - In the case of community, voluntary controlled or community special schools or maintained nursery schools subject to paragraph 8 below, the governing body determines the times of the school sessions.
 - In the case of foundation, voluntary aided or foundation special schools, subject to paragraph 5, the governing body determines the times of the school sessions.
6. Section 32C(2) of the [Education Act 2002](#) provides that, where a LA is satisfied that changing a school’s session time at the beginning or end of a school day would promote sustainable modes of travel or would improve the efficiency and effectiveness of travel arrangements, it can change those times.

Procedure for changing school session times by a local authority

7. The [Changing of School Session Times \(Wales\) Regulations 2009](#)¹ set out procedures to be followed by a LA, where it considers that a change in the session times for the start or end of a school day at any maintained school is necessary.
8. Regulation 3 provides that where a LA proposes to issue a notice to the governing body of a school to amend the school session times, it must:
 - a. consult the governing body, the head teacher and all the other staff of the school
 - b. prepare a statement:
 - i. indicating that it proposes to make a change in the school's session times
 - ii. specifying the proposed change and when it is proposed that it should take effect
 - iii. giving details of the date, time and place of the meeting and explaining that those unable to attend the meeting may submit written comments on the proposed change before the meeting takes place
 - c. produce that statement and any annex in such language or languages (in addition to Welsh or English), if any, as it considers appropriate
 - d. take such steps as are reasonably practicable to secure:
 - i. that the parents of all registered pupils at the school are given (free of charge) a copy of the statement not less than two weeks before the meeting
 - ii. that copies of the statement are available for inspection (at all reasonable times and free of charge) at the school during the two week period immediately preceding that meeting
 - e. provide an opportunity for discussion of the proposal at a meeting which is open to:
 - i. all parents of registered pupils at the school
 - ii. the head teacher and all the other staff of the school
 - iii. members of the governing body
 - iv. such other persons as the local authority may invite
 - f. consider (before determining whether any change in those times should be made):
 - any written comments submitted in accordance with

¹ These regulations were made under section 32 of the Education Act 2002 (which no longer applies in relation to Wales). However, by virtue of section 17 of the Interpretation Act 1978, these regulations continue to have effect in relation to Wales as if they were made under section 32C of the Education Act 2002.

paragraph (b)(iii)

- any comments made at the meeting on the proposal
 - whether the proposal should be implemented with or without any modification.
9. If the LA determines to implement the proposed change (with or without modification), it must, not less than three months before any change is to take effect:
- inform the governing body and head teacher of the change and of when it is to take effect
 - take such steps as are reasonably practicable to secure that the parents of all registered pupils at the school are so informed.
10. A change in the times of a school session must only be made so as to take effect at the beginning of a school year.
11. The proceedings of any meeting held under this part of the regulations are to be under the control of the local authority.
12. Whilst not required under the Regulations, it is always good practice for consultation to involve learners at the school, for example through the school council.

Procedure for changing school session times by a governing body

13. Regulation 4 of the Changing of School Session Times (Wales) Regulations 2009 prescribes the procedure to be followed by a governing body of a community, voluntary controlled or community special school or a maintained nursery school when it proposes to make any change in the times of school sessions (or, if there is only one, the school session). In such a case, the governing body must:
- a. consult the LA, the head teacher and all the other staff of the school
 - b. prepare a statement:
 - i. indicating that it proposes to make a change in the times
 - ii. specifying the proposed change and when it is proposed that it should take effect
 - iii. drawing attention to any comment on the proposal included as an annex to the statement by virtue of paragraph c. and including such response to the comment as it may consider appropriate
 - iv. giving details of the date, time and place of the meeting which it is required to hold and explaining that those unable to attend the meeting may submit written comments on the proposed change before the meeting takes place
 - c. if so required by the LA, include as an annex to that statement such written comment on the proposal as the authority may provide for that

- purpose
- d. produce the statement and any annex in such language or languages (in addition to Welsh or English), if any, as it considers appropriate or as the LA may direct
 - e. take such steps as are reasonably practicable to secure:
 - i. parents of all registered pupils at the school are given (free of charge) a copy of the statement and any annex, not less than two weeks before the meeting
 - ii. copies of the statement and any annex are available for inspection (at all reasonable times and free of charge) at the school during the two week period immediately preceding that meeting
 - f. provide an opportunity for discussion of the proposal at a meeting which is open to:
 - i. all parents of registered pupils at the school
 - ii. the head teacher and all the other staff of the school
 - iii. such other persons as the governing body may invite
 - g. consider (before determining whether any change in the times should be made):
 - any written comments submitted in accordance with paragraph (b)(iv)
 - any comments made at the meeting on the proposal
 - whether the proposal should be implemented with or without any modification.
14. If the governing body determines to implement the proposed change (with or without modification), it must, not less than six weeks before any change in those times is to take effect:
- inform the LA of the change and of when it is to take effect
 - take such steps as are reasonably practicable to secure that the parents of all registered pupils at the school are so informed.
15. Where the change concerns the start or end of the school day the six week period referred to in paragraph 12 must not be less than three months.
16. A change in the times of a school session must only be made so as to take effect:
- where it affects the start or end of the school day, at the beginning of a school year
 - in all other cases, at the beginning of a school term.
17. The proceedings of any meeting held under this part of the Regulations are to be under the control of the governing body.
18. Whilst not required under the Regulations, it is always good practice for consultation to involve learners at the school, for example through the school

council.

Length of school sessions

19. Sessions must allow sufficient lesson time to deliver a broad and balanced curriculum that includes the national curriculum and religious education. Schools are free to decide the length of each lesson.
20. Special schools may be more flexible as they will need to allocate time for activities particular to the requirements of their pupils, such as training in mobility, signing or the use of Braille and for any medical treatments required. They also need to take into account the length of time that pupils spend each day travelling to and from school. However, in general, special schools should provide a level of provision which is in the educational interests of the individual pupil. When determining hours of taught lessons, special schools should bear in mind the range and level of work being undertaken by pupils as well as their chronological age.
21. The head teacher must make information available to parents and others about the start and finish times of the school sessions.

Term dates

22. Section 42 of the Education (Wales) Act 2014 (“the 2014 Act”) made changes to term date setting for maintained schools in Wales by inserting new sections 32A to 32C into the Education Act 2002 (“the 2002 Act”).
23. The definition of term dates is the dates on which school terms and holidays are to begin and end. As a result, local authorities retain the right to set term dates for community, voluntary controlled, community special and maintained nursery schools. Also, the governing bodies of voluntary aided and foundation schools (relevant governing bodies) retain the right to set term dates for their schools. All LAs and relevant governing bodies are under a duty to work together to ensure that term dates are the same or as similar as possible.
24. Section 32A(5) of the 2002 Act provides that LAs must inform the Welsh Ministers of the term dates they have determined for all maintained schools within their respective areas. In accordance with the Education (Notification of School Term Dates) (Wales) Regulations 2014, LAs must notify the Welsh Ministers of all term dates which have been determined for the maintained schools in its area no later than the final working day in August in the year two years immediately preceding the beginning of the school year for which the term dates have been determined.
25. If, despite best efforts, term dates are not agreed then section 32B(1) of the 2002 Act gives the Welsh Ministers the power to direct LAs and relevant governing bodies on what their term dates must be. Where the Welsh Ministers are considering setting term dates a full consultation will be carried out with stakeholders on the proposed dates before a direction is issued.

The Law

[The Education Act 2002](#), Section 32A-C

[The Education \(School Day and School Year\) \(Wales\) Regulations 2003](#),

[The Changing of School Session Times \(Wales\) Regulations 2009](#)

[Education \(Wales\) Act 2014](#), section 42

[Education \(Notification of School Term Dates\) \(Wales\) Regulations 2014](#)