

CABINET MEETING: 12 OCTOBER 2017

RESPONSE TO THE REPORT OF THE CHILDREN & YOUNG PEOPLE SCRUTINY COMMITTEE ON SCHOOL TERM TIMES

EDUCATION, EMPLOYMENT & SKILLS (COUNCILLOR SARAH MERRY)

AGENDA ITEM: 5

DIRECTOR OF EDUCATION AND LIFELONG LEARNING

Reason for this Report

1. This report seeks to provide Cabinet with a response to the recommendations made in the report to the March 2017 meeting of the Children & Young People Scrutiny Committee on Schools Term Times.

Background

2. The Council at its meeting on 28 July 2016 debated a motion on School Holidays. The Motion, as amended, was carried as follows:

The Council notes:

- *The disproportionately expensive cost of holidays during the traditional school holiday period, and the impact these costs have on families in our city;*
- *That families want to observe designated school holiday periods, but that the excessive cost of taking breaks during these periods can prove prohibitive – meaning families often have to choose between taking no holiday at all, or taking pupils out of school during term time;*
- *Moves by other councils in the UK to examine existing school term arrangements, with a view to shortening the summer break in order to create an additional week's holiday elsewhere during the school calendar when families can take holidays at a cheaper rate;*
- *The Council resolves to ask the Members of the Children & Young People Scrutiny Committee to consider, as part of their future work planning, whether they wish to undertake a detailed analysis of the issue.*

3. The Children & Young People Scrutiny Committee agreed at its meeting on 27 September 2016 to undertake an inquiry into amending school term times, in line with the request by Council on 28th July 2016. The first meeting of the task

group was held on 14th November 2016. Members of the Task Group agreed that prior to providing any report to the Cabinet, it would be prudent to seek the views of Headteachers, teachers, and school Governing Bodies, firstly on whether or not to investigate the possibility of amending school term dates and then to provide a robust evidence base on which to consider their decision.

4. 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 – 32c into the 2002 Act. As a result, Local Authorities retain the right to set term dates for community, voluntary controlled, and community special and maintained nursery schools. Also relevant governing bodies retain the right to set term dates for their schools. A Local Authority is under a duty to co-operate and co-ordinate with each relevant governing body in its area and every other Local Authority in Wales when setting term dates, so that those dates are the same or as similar as can be. Similarly a relevant governing body is under a duty to co-ordinate and co-operate with every other relevant governing body in its local authority area and the local authority in whose area it is situated when setting term dates so that those dates are the same or similar as can be.
5. If, despite best efforts, term dates are not agreed the section 32B(1) of the 2002 Act gives Welsh Ministers the power to direct Local Authorities and relevant governing bodies on what their term dates must be.
6. Local Authorities are required to inform the Welsh Minister of the term dates set for all maintained schools within their respective areas by the final working day of August.
7. All Local Authorities informed the Welsh Minister of their term dates for the 2019/2020 academic year by the 31st August 2017. Therefore the earliest any future change could happen would be for the 2020/2021 academic year, starting in September 2020.

The Children & Young People Scrutiny Committee Report on School Term Times

8. The final report to the Children and Young People Scrutiny Committee is attached as Appendix A. Following consideration of the report, the Committee made the following recommendation to Cabinet;

That Cabinet considers the overall results from the responses received from Cardiff's Schools and:

- *Decides whether it should undertake formal consultation with the view to seeking the Welsh Government's approval to change the School Term Dates for Cardiff's schools.*
 - *Inform Schools Governing Bodies that they may wish to amend their Inset days to link with Eid al- Adha and Diwali.*
10. The report to the Scrutiny Committee contained an evidence review, based upon the results of a survey of Cardiff Headteachers, teachers and school

Governing Body members to canvas their views on the potential for a change in the school term dates. An analysis of the responses to that survey is attached as Appendix B. It shows that responses were received from 58 primary schools, 14 secondary schools and 2 special schools and that a number of responses, particularly from secondary schools, highlighted the potential impact that a significant change to school term dates would have on the examination schedule for pupils.

11. Subsequent to the Scrutiny Task and Finish Group survey, secondary headteachers communicated their views on the matter in a letter dated 5 September 2017 (see Appendix C). In that letter they set out their concerns regarding any proposals to shorten the summer holiday period.

Consideration of Issues

12. As the Scrutiny report notes, there is considerable variation in the pattern of the school year across different countries, and within the UK. With the significant changes to school governance in England in recent years there has been some increase in the variety of term dates within the state sector. There are longstanding differences in term dates between the private and state sector throughout the UK.
13. One factor raised in the Scrutiny report is the affordability of holidays. Prices for holidays taking during term-time are currently markedly cheaper than outside of term time. However, any sustained change in term times for Cardiff schools may well affect future changes in holiday prices, as holiday companies react to increased demand during these periods.
14. Evidence as to the benefits and disadvantages of any particular arrangement is equivocal, and does not point to a clear rationale for change. A key consideration in any review of term dates is therefore the “co-ordination” of dates across Local Authority boundaries. It is important to note that the Scrutiny Report was also written before the statement from the Welsh Government Cabinet Secretary for Education in June 2017 (see Appendix D), which reinforced the message that Local Authorities needed to work together to ensure that term dates were the same, or as similar as possible, across Wales. The statement reminded Local Authorities that if consensus was not achieved that the Welsh Minister had powers under the Education Act 2002 to direct Local Authorities and relevant Governing Bodies on what their term dates must be so that dates are harmonised across Wales.
15. There are in excess of 7,000 staff employed in Cardiff schools. A significant number of these staff live outside the city boundary. Children of these parents will be attending schools in other local authorities. Any change in Cardiff term times, without harmonisation of term times with those local authorities, will have a disproportionate impact on the ability of these employees to facilitate family holidays. It may also have a disproportionate impact on the cost of childcare arrangements.

16. In addition, there is potential for any changes to term-times to have a negative impact on the schedule of GCSE and A Level examinations in Cardiff secondary schools. The dates of examinations are set centrally by the WJEC to take account of harmonised term times and dates in Wales. If Cardiff makes changes to the term times in isolation, the dates of some public examinations may fall during holiday periods. This would cause significant disruption to both schools and families.
17. Whilst the report to the Scrutiny committee contained comments from the National Union of Teachers, it did not give any reference to the impact that a change in term dates would have on the notice periods and start dates for teachers as set out in the Conditions of Service for Teachers in England and Wales (the Burgundy Book).

Reason for Recommendations

18. The reason for the recommendations is to enable the Cabinet to respond to the Report published by the Scrutiny Committee.

Financial Implications

19. There are no financial implications directly arising as a result of this report.

HR Implications

20. The HR implications of any proposals will need to be fully considered as such a change will in fact result in a change to a working pattern set around traditional term dates. Full consultation with the trade unions will be required. The options currently do not impinge on the notice periods and start dates as set out in the Conditions of Service for School Teachers in England and Wales (the Burgundy Book), however it is important that these are taken into account when considering this matter further.

Legal Implications

21. The Council's legal obligations and powers in relation to school term dates are set out fully in the report. The Council also has to satisfy its public sector duties under the Equality Act 2010 (including specific Welsh public sector duties). Pursuant to these legal duties Councils must in making decisions have due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of protected characteristics. Protected characteristics are: age, gender reassignment, sex, race – including ethnic or national origin, colour or nationality, disability, pregnancy and maternity, marriage and civil partnership, sexual orientation, religion or belief – including lack of belief
22. An Equality Impact Assessment has been undertaken to take into account the responses to the consultation. The purpose of the Equality Impact Assessment is to ensure that the Council has understood the potential impacts of the proposal in terms of equality so that it can ensure that it is making proportionate

and rational decisions having due regard to its public sector equality duty. The decision maker must have due regard to the Equality Impact Assessment in making its decision.

23. In accordance with the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards included within the Council's Compliance Notice issued by the Welsh Language Commissioner, the Council must also consider the consultation must also consider (a) opportunities for persons to use the Welsh language, and (b) treating the Welsh language no less favourably than the English language.

RECOMMENDATIONS

Cabinet is recommended to agree to the response to the recommendations, as outlined in Appendix E.

NICK BATCHELAR
Director of Education & Lifelong Learning
6 October 2017